



U. S. Department of Housing and Urban Development  
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OFFICE OF THE ASSISTANT SECRETARY  
FOR PUBLIC AND INDIAN HOUSING

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MEMORANDUM TO: Intergovernmental Task Force on Violence

FROM: Julie B. Fagan, Director, Drug-Free Neighborhoods  
Division, Subgroup Chair on Violence and Place

SUBJECT: Intergovernmental Subgroup Paper on Violence and Place

It is my pleasure to submit the paper on Violence and Place developed by the Intergovernmental Subgroup which I chaired. The development of this paper brought together individuals within and outside the government who have wanted an opportunity to both discuss the violence issue with each other, and to contribute to the federal government's discussion of the issue. This subgroup and paper gave us that opportunity.

The federal government members of the Violence and Place group included staff from the Department of Justice, Health and Human Services, Housing and Urban Development and National Science Foundation. To contribute to the discussion, the government members conferred with individuals from grass-roots organizations dealing with the violence issue on a daily basis. On many issues, the federal members and grass-roots groups agreed, while many other issues provoked useful debate and discussion.

In addition, the Place subgroup was fortunate to use the services of two distinguished members of the academic community, Mark Moore and David Kennedy, associated with the Kennedy School of Government at Harvard University. David was especially generous in assisting the subgroup in developing a concept paper to stimulate discussion with the grass-roots groups. Much of that paper, and the ensuing discussion, served as the basis for the attached paper.

If you have any questions regarding this paper, or the discussions of the group, please contact Elizabeth Cocke, Drug-Free Neighborhoods Division, (202) 708-1197.

## Executive Summary on Violence and Place

### Size and Scope of the Problem

Place can be seen as everywhere: where people live, work, worship, do business, and socialize.

Some places have particularly significant violence problems, and are places where society has a particularly high stake in preventing violence, including places that are importantly public.

Place is also a problem-solving frame of reference. Using "community" as a unit of analysis shifts attention from individual incidents, victims and perpetrators of crime to solutions.

From 1982 and 1992 while the overall level of violence increased, the places where the violence occurred did not shift significantly. The average annual rate of violent victimization was 92% higher among city residents than rural; 56% higher than among suburban residents; blacks had a higher rate of violent crime victimization than whites in cities, and the reverse was true in rural areas.

In the workplace, criminal acts, including homicide, are more likely to occur in certain types of employment, such as

retail and bank operations which involve the exchange of money and may require evening employment. Taxicab drivers are the most often victimized among all occupational groups, and women more often victimized in all occupational groups than men.

- o Violence is pervasive. Victimization occurs at home, at work, school, recreational and commercial sites.
- o Rates of victimization and other characteristics of crime differ significantly with regard to location of residence.

### Programs that work

#### Comprehensive Neighborhood Programs

Participants custom-designed strategic plans to fit local problems

Communities which themselves defined the problems and developed and carried out solutions

Efforts that are partnerships

Crime control pursued not only through law enforcement

Community Policing

Localized Problem-Solving Government

Public Health Approaches

Public Housing is addressed and included

Street Drug Markets are targeted

## Youth Programs

"Problem Solving" Prosecution

Community-Based Corrections

Crime Prevention Through Environmental Design

## National and Federal Recommendations

The Corporation for National and Community Service can place National Service Corps volunteers in violence-reduction positions in neighborhoods, public housing, and youth clubs.

The Department of Justice can provide technical assistance and support to police departments committed to community policing, and fund research into local drug and gun markets.

The Department of Health and Human Services can fund innovative public health violence-prevention programs.

The Department of Housing and Urban Development can pursue violence reduction in public housing.

The Departments of Labor and Education can improve employment and training opportunities.

Research and evaluation findings of all government funded work should be disseminated more widely, backed by technical

assistance, to provide maximum benefit to all efforts.

However, these--and other--steps will only be successful if they are implemented as part of a comprehensive violence prevention and reduction strategy necessarily organized at the neighborhood and community level, and based on community concerns, strengths, and opportunities.

### Federal Legislative Recommendations

Improve Sentencing

Fund Demonstration Programs

Address Public Housing Issues

Pool Resources from All Departments

Require Comprehensive Strategies

Enforce Public Housing Codes

Use National Service Corps

Develop Jobs for Public Housing Residents

Develop Youth Specific Programs

Fund Community Policing Training

Develop Financial support for local non-profits

Support private sector initiatives

### Reconfiguration of and Interdepartmental Cooperation Regarding Existing Programs and Policies

Support local initiatives

Allow and encourage initiatives that cut across federal  
agencies and funding sources

Develop up-to-date federal program inventory

Include violence prevention in related funding applications

Reduce application requirements for federal funding

Use financial institutions

Analyze problems and design responses

Pilot comprehensive responses

Help local government develop neighborhoods responses

Develop interagency "Violence Review Boards"

Examine the issue differently

Use out-dated military resources

### Leadership and Speech Ideas

Need to raise the urgency of the issue, get the message  
across and target the resources on the level of Somalia, flood  
victims, etc.

Use a crisis approach

Make the issue bigger than more police and jails

Support local efforts

Every community can and should be safe

Local solutions are working now

Local media can be partners

Don't stigmatize

Adopt Use Civil Rights language and history

Pro-peace speeches

Allow Government Leadership in Workplace Violence Prevention

### **Technical Assistance Activities To Assist Grass-Roots Initiatives**

Offer Planning Assistance

Work with Urban and Town Planners

Work with Probation Rules

Develop TA and Training for "Intervention Teams"

Support Local Public Housing Efforts

Disrupt Markets for Drugs and Guns

Redesign "Success" and Help Communities Measure It

Help Applicants Navigate Federal Agencies for Funding

Require All Federal Grantees to Make General and Generic  
Recommendations

### **Research**

Need for Systematic Monitoring and Reporting of Local  
Initiatives

Data Collection

Ecological Factors

Spike in Youth Violence

Redefine Program Evaluations

INTERDEPARTMENTAL WORKING GROUP ON

VIOLENCE AND PLACE

DECEMBER 1993

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## I. Size and Scope of the Problem

"Place" is a challenging frame within which to look at the national violence problem. All acts of violence, after all, happen at or in a "place"; without some focusing of the concept, "place" risks being so all-encompassing as to lose its analytic utility. The subgroup chose to focus on place in several ways.

First, to capture the social dimension of place by addressing the violence that occurs, and its impact, where people live, work, worship, do business, and socialize.

Second, to emphasize places with particularly significant violence problems, and places where society has a particularly high stake in preventing violence, including places that are importantly public. Such places include:

- o individual residences
- o shelters
- o schools and surrounding areas
- o public housing
- o public transportation and other points of public access
- o workplaces
- o troubled communities
- o street drug markets
- o "hot spots," like some neighborhood bars and clubs, and the boundaries of youth gang turf

Third, as a problem-solving frame of reference. Using "community" as a unit of analysis shifts attention from individual incidents of crime as such (the undifferentiated categories of murder, assault, drug trafficking, etc.), and generalized responses (law enforcement, gun control, drug interdiction, stiff sentences) to local dynamics, local impact, and local opportunities. It suggests that the fear caused by violence, is as much a problem as violence itself; that local responses can successfully fight the drivers of violence (street gun and drug markets). It emphasizes the power and potential of local resources, local alliances, and local experiments in violence prevention.

The problem-solving frame of reference also draws attention to particular place-specific approaches that have emerged, either focused on violence in particular places or focused on the violence-prevention opportunities presented by particular places. These include:

- o crime prevention through environmental design
- o pilot projects in public housing
- o approaches to shutting down street drug markets
- o community initiatives to reclaim troubled neighborhoods
- o policing strategies aimed at community disorder
- o pilot projects to address fear, disorder, and graffiti  
in public transit, or other points of public

#### access

- o crime prevention in the workplace

### Prevalence of Place Related-Violence

Just as place has proved to be a challenging frame within which to examine the national violence problem, it has also presented significant challenges in gathering and examining studies that link place and violent activity.

One important source of information on "place" locations of violent crime is derived from the Bureau of Justice Statistics Criminal Victimization Survey. According to survey results, 5,623 million crimes of violence were committed nationwide in 1992; almost one-quarter (24.3%) were committed on the street, not near home; 12% were committed at home; 14.4 % were committed near home or near the home of a friend or relative; 12.1% occurred in school or on school property; and 8.4% occurred in a garage or parking lot. From 1982 and 1992 while the overall level of violence increased, the places where the violence occurred did not shift significantly.

### Urban, Suburban and Rural

Bureau of Justice Statistics National Crime Victimization Survey data also provide information about the relationship

between violence and residence. The average annual rate of violent victimization (1987-1989) among city residents was 92% higher than among rural residents and 56% higher than among suburban residents. Cities and suburban areas each accounted for about 42% of violent victimization, rural areas accounted for about 16%.

In cities and suburbs, blacks had a higher rate of violent crime victimization than whites. In rural areas, however, the rate of victimization by violent crimes was greater for whites. Across all localities of residence, rates of crime victimization decreased as the age of victim or head of household increased. Rural victims of violence reported that their assailant had most often been a relative or acquaintance; city and suburban victims of violence were more likely to report that a stranger had been the assailant.

### Regional

Regional differences between victimization rates also exist. In 1991, the rate of crimes of violence in the Northeast was 25.5 per 1,000; the Midwest registered a rate of 30.9 per 1,000; the victimization rate in the South was 30.6 per 1,000; the West's rate for the same period was 39.4 per 1,000.

### Workplace

Statistical studies are now confirming anecdotal information that workplace violence -- assaults, armed robberies, threats of violence -- is a pervasive and growing problem for U.S. workers. Indications are that homicides are the second most frequent cause of workplace death; only transportation accidents take more lives of workers. In addition, violent incidents cause numerous injuries to workers. Criminal acts, including homicide, are more likely to occur in certain types of employment, such as retail operations which involve the exchange of money and may require evening employment. Banks, which are vulnerable to robberies, are a place of employment that include certain risks of criminal acts. Rates of violence and homicides among taxi drivers increased dramatically in the past ten years, and taxicab drivers are the most often victimized among all occupational groups.

### Risk Factors

An analysis of factors that can increase a person's "risk" for violent behavior, e.g. risk factors, shows several place-related indicators which can increase the risk of violent behavior. These include the concentration of poverty, illegal markets, and the absence of community organizations. These concentrations of activity or inactivity, also point to "places" at risk of violence.

While detailed data about place and violence is not readily

available, the information and tables furnished provide important information about the scope of the violence problem and its relationship to place:

- o Violence is pervasive. Victimization occurs at home, at work, at school, and at recreational and commercial sites.
- o Rates of victimization and other characteristics of crime differ significantly with regard to location of residence.

## II. Current Policies and Programs

The following are fifteen ways to explore and understand place-related violence and violence prevention programs. The initiatives cited here are not presented as models or "best" programs; rather, they are intended to illustrate the sorts of responses being made to violence, and in pursuit of violence prevention.

### **Comprehensive Neighborhood Programs**

There are several projects which represent the leading edge of local attempts to address comprehensively the problems of distressed communities. These include several of the "Weed and

Seed" communities funded and administered by the Department of Justice, many of HUD's public housing drug elimination program (PHDEP) communities, and other communities such as the Sandtown project in Baltimore and the Showcase Neighborhood project in Savannah.

The Department of Justice is coordination "Operation Weed and Seed" a multi-agency strategy that "weeds out" violent crime, gang activity, drug use, and drug trafficking in targeted high-crime neighborhoods and then "seeds" the target area by restoring these neighborhoods through social and economic revitalization. In Richmond, VA, the Weed and Seed effort has reduced crime, fear and violence in a public housing neighborhoods with one of the worst reputations in the city, and has fostered new local alliances and innovations. Many PHDEP grantees have also developed a comprehensive enforcement and prevention strategy with dramatic improvements in quality of life for public housing residents. These projects, initiated, planned, and managed at the local level, seem to share four main attributes.

- o First, rather than using one-size-fits-all solutions, participants custom-designed strategic plans to fit local problems, available resources, and local opportunities. In Sandtown, a turning point for the neighborhood turned out to be shutting down a troublesome liquor store.

- o Second, the communities themselves helped define problems and develop and carry out solutions.
- o Third, efforts were partnerships, with the police; community, private, and nonprofit organizations; and other parts of local, state, and the Federal government contributing key pieces necessary to carry out the strategy (in Sandtown, Federally-funded housing construction tailored to the strategic plan gave the neighborhood a lift, replaced unsecurable housing being used by drug dealers, and provided job training and jobs for Sandtown residents).
- o Fourth, crime control was pursued not only through law enforcement but also through various measures aimed at preventing crime, fighting fear, and improving the quality of community life.

The results of the projects to date have been promising. Crime, fear, and violence have been reduced. They have also given rise to local innovations (for planning, and organizing local government in ways conducive to neighborhood problem-solving) and to a set of challenges to the way the Federal government ordinarily does business.

#### Community Policing

The most promising and fastest-developing institutions capable of offering solutions to local violence and fear problems are community and problem-solving police departments. Traditional policing is reactive, incident-oriented, and tends to be isolated from the community. Community and problem-solving policing is preventive, sees problems rather than calls-for-service as the correct unit of analysis, and actively seeks community guidance and partnerships.

Important community policing ideas related to reducing place-related violence and fear include:

- o "Broken Windows" (the idea that disorder breeds crime and fear, and that disorder can be addressed by police and the community working together);
- o RECAP (analysis of call and other data to identify hot spots, which are then given special attention);
- o Fear-oriented policing (such as Baltimore County's COPE unit, which identifies community fear problems and works with residents to resolve them);
- o LAPD's "cul-de-sac" program (which has reduced drive-by and other gang violence--and, as a corollary, increased school attendance--by working with neighborhoods to

create new physical and other neighborhood-identifying boundaries);

- o The New Briarfield project in Newport News, Virginia, which used problem-solving policing to resolve crime, violence, and arson problems in a large low-income housing complex;
- o Work aimed at suppressing street drug markets (detailed separately below).

An important part of community policing is working out priorities with communities (in Tampa, for instance, consultation with neighborhoods revealed that they were concerned not with the drug trade as such, but with violence- and disorder-prone street markets) and new performance measures appropriate to particular tasks (in Tampa, performance was measured not by response time or arrest rates but by the absence of visible street dealing, and of community complaints about drug-related disorder).

#### **Localized Community-Based Interventions**

There are a number of initiatives aimed at both preventing and responding to violence by locating "bundles" of coordinated services in troubled communities. Howard University's Violence Prevention Project is a simultaneous research and

development/intervention project in Washington DC aimed at children aged 2-13. It offers after-school prevention and counseling; violence prevention training for teachers; community-building for children and families; parent organizing; and a preschool component. Services and research are aimed at children and families with direct experience of violence.

**Family Investment Centers, a HUD program:**

- o Offers space in public and Indian housing for the provision of education, training, and social services;
- o Mobilizes public and private resources to expand and improve the delivery of such services;
- o Provides matching funds for service provision;
- o Provides training for housing managers to assess training and service needs and facilitate their provision.

"Safe Havens", a pilot program launched under the Federal Government's Operation Weed and Seed provides all (and more) of the above services, with the addition of police and other security measures to ensure the Safe Haven itself, and as much as possible residents coming and going from the Safe Haven, will be

safe. Safe Havens are typically located in schools, Boys and Girls Clubs, and similar places. They stay open, insofar as possible, before and after school and on weekends. At the Safe Haven in the Challenger's Boys and Girls Club in Los Angeles, residents stood guard in front of the site and successfully protected it while the properties around it burned during the Los Angeles riot.

Smaller, resident-initiated responses are often the most successful. "Save Our Sons and Daughters" (SOSAD) in Detroit, works with parents family members and neighbors who have witnessed a violent act or homicide, assisting the witnesses in understanding and processing the event, and using it as a positive springboard for anti-violent behavior.

#### **Localized Problem-Solving Government**

A number of approaches have been developed to restructure local government, and/or access to local government, in ways that enhance contact between neighborhoods and government and focus government capacity in problem-solving ways.

- o Neighborhood Service Centers (promoted by the National Center on Community Policing at Michigan State University), are one-stop-shopping offices staffed by police and other municipal agency representatives,

located in troubled neighborhoods, and charged with resolving community problems.

- o The Office of Community Outreach in Baltimore County, Maryland was a special office of the county executive staffed with police, planners, and top agents of municipal agencies. The office held hearings in troubled neighborhoods, gathered information on local problems and priorities, and framed and managed plans to address them.
- o The city of Madison, Wisconsin is presently beginning an experiment in "neighborhoodizing" local government, with many of the same objectives.

### **Public Health Approaches**

The public health model brings a new set of highly developed analytic and preventive ideas to bear on violence. It relies heavily on the risk-factor approach that uses the medical model of "persons at risk", shifting the understanding of "at risk" from a threatening medical condition (e.g. heart disease), to "at risk" of a threatening lifestyle and environment (e.g. violence).

HHS has funded several promising pilot programs through its Maternal and Child Health Block Grants.

- o The Massachusetts Department of Public Health is implementing the Massachusetts Adolescent Violence Prevention Project in Boston and Lawrence to strengthen the capacity of communities to prevent adolescent interpersonal violence by providing technical assistance and training.
  
- o The Ohio Commission on Minority Health, Columbus, Ohio, through its "Positive Emotional Capacity Enhancement Training," is providing intensive violence prevention education and training; developing training materials; facilitating a statewide conference; and conducting workshops.

HHS's Centers for Disease Control and Injury Prevention is funding three community-based projects for: mentoring, conflict resolution training, and peer education, attempting to build the capacity of state and local agencies to successfully deliver youth violence interventions.

CDC also supports capacity-building through the State and Local Injury Prevention Grants program. Efforts pertaining to youth violence include, but are not limited to:

- o Conflict resolution curriculums;

- o Peer mediation programs;
- o Surveillance of gunshot wounds treated in hospitals emergency rooms;
- o Safe routes/safe havens for school students;
- o Positive parenting programs;
- o Mentoring programs.

CDC is evaluating interventions to prevent violence (social skills building, conflict resolution training, victim education and counseling and adult mentoring), is sponsoring eight university-based Injury Control Research Centers for violence research and programs in school and community settings and develops and distributes guidelines on violence prevention and intervention to local communities to help these communities develop their own violence prevention programs.

The Indian Health Service (IHS) in HHS sponsors a number of programs to prevent violence and to deal with the consequences of violence among American Indians and Alaskan Natives and to recognize and address dysfunctional behaviors in their communities, thereby preventing mental illness, emotional stress, and family violence. Other IHS programs provide prevention-

oriented assistance to troubled students and youth and assistance to communities to prevent and intervene in child abuse and domestic violence situations.

## **Public Housing**

Violence in public housing (and causal and related risk factors like drug abuse and trafficking, child and sexual abuse, domestic violence, and family breakdown) is one of the prime contributors to both the crisis in public housing and to the larger problem of troubled communities. Programs which address violence in public housing communities can be analyzed as relevant to somewhat separate issues: violent acts by residents (inside the unit, against family or acquaintances, as part of larger criminal activity within the development, outside the public housing community), and violent acts by non-residents within the public housing community (usually of a drug or criminal nature).

The most successful initiatives are comprehensive strategies using law enforcement and community policing, resident patrols and neighborhood watch, job training and placement, and youth programs. Almost all of these initiatives are the product of the Department of Housing and Urban Development (HUD) and its Public Housing Drug Elimination Program (PHDEP). The PHDEP funding and latitude for anti-drug approaches allows creative local

initiatives to address each of these issues, using approaches tailored to the specific needs of the local community. Housing authorities have invited and facilitated local police presence by allowing units to be used as police substations, allowing police officers to live in public housing units. Local law enforcement has developed innovative enforcement strategies including community policing, bicycle patrols, and vertical patrols within hallways and stairways of buildings. Law enforcement and residents have collaborated in training residents to perform I.D. monitoring and resident patrols.

Housing authorities and residents have developed tenant leadership and tenant management and ownership efforts to increase local resident control and accountability for buildings, conditions, and tenancy. One of the most successful resources for this is used in Alabama where public housing residents are recruited as ACTION volunteers to work in community organizing and anti-crime efforts with other residents. Family Investment Centers, a HUD program, offers space in public and Indian housing for education, training, and social services; mobilizes public and private resources to expand and improve the delivery of such services; provide matching funds for service provision; and provides training for housing managers to assess client needs and facilitate their provision.

Housing authorities have coordinated a variety of law

enforcement and social service providers to conduct "Sweeps" which implement structure-by-structure strategies to secure buildings; rid them of residents who are not on the lease, drug trafficking and guns; and provide the area with physical improvements and social services to bolster resistance to crime, violence, and fear.

### **Street Drug Markets**

There is an increasing feeling in many communities that the problem of drug trafficking and drug abuse needs to be broken down into more analytically useful and practically manageable components. One of these components is drug-related violence and disorder, the largest part of which comes from street drug markets. Tampa (the QUAD program), Houston (the Link Valley operation), and other cities have shown that disrupting street drug markets is possible. Disruption strategies are crafted around particular dealing sites (even when multiple sites are involved) and typically involve measures to make it difficult for dealers and drive-through buyers to connect, enhanced (and often anonymous) community intelligence, the use of multi-agency municipal teams to address disorder and physical blight, innovative measures to inhibit drug commerce (such as, simply, pervasive police presence at dealing sites), heavy enforcement, and community organizing.

Tampa's police made it difficult for buyers to find street dealers by:

- o Using heavy enforcement to keep the dealers moving around;
- o Making buyers feel vulnerable by publicizing "reverse stings" in which police posed as dealers and arrested buyers (and seized their cars);
- o Interfered with business by loitering around dealing sites;
- o Used community allies to locate and seize drug stashes;
- o Cooperated with city authorities to knock down abandoned houses, and shut down businesses, being used for dealing;
- o Used local ordinances to clear crowds from known trafficking sites.

Where two years of traditional enforcement had failed against the city's street trafficking, six months of the new approach virtually eliminated public dealing and brought considerable reductions in violence, disorder, and fear.

## Community Mobilization

Community groups all over the country have demonstrated capacity to act against the drug trade (and related disorder) that causes much of the violence in troubled communities. These groups are usually initiated by local residents afraid that their neighborhoods are falling apart and that if they don't do something, their community (or their kids, or their church, or the value of their property, or their freedom to use the streets or even their stoop) will be lost. Almost all effective community actions finally involve the police, if for no other reason than that groups must feel they will receive backup and protection if they need it. But the groups are equal, if not dominant, members of the partnership.

Based on case studies of eleven such efforts around the country, the stages of these groups are: taking responsibility, defining the problem as other than just "call the police;" developing a specific local response; facing the danger and fear of drug dealers; developing partnerships and gathering other resources; and taking a variety of innovative and often evolving actions. Lessons learned include:

- o Broad-based, long-standing community groups, while desirable, are not necessary for successful action and will not be present in most communities;

- o Police must understand that community people will almost invariably begin by being angry at them;
- o Non-traditional police leadership and responses are called for;
- o Many of these efforts reduce drug dealing and improve the quality of community life.

Examples range from Tacoma, Washington, to the Fairlawn section of Washington, DC. Typical tactics include:

- o Organizing masses of residents to picket crack houses;
- o Videotaping transactions;
- o Redirecting traffic;
- o Sending postcards to owners of cars observed plying dealing sites and areas of prostitution;
- o Organizing alliances with municipal code enforcement to attend to crack houses and force landlords to evict dealers;
- o Citizen patrols.

Initiatives focused specifically on violence and developing tools to prevent violence are beginning to emerge in troubled communities. MAD DADS, Inc., in Omaha is:

- o Painting over gang graffiti,
- o Walking street beats,
- o Organizing activities for youth,
- o Speaking at schools and other gatherings,
- o Organizing an anonymous tip-line for reporting gang and drug activity.

The Stockton Youth Gang and Drug Prevention Program in Stockton, California is operating a crisis intervention team, specially trained to respond to a community that has been affected by gang related violence, that provide conflict resolution, crisis counseling, parent support groups, rumor control, and links community residents with needed resources and services.

Many of the community mobilization initiatives are supported by Federal funds through HUD's drug elimination program HHS's TA and Training program at the Center for Substance Abuse

Prevention, and DOJ's Weed and Seed program.

## Public Transportation

Crime, disorder, and fear on public transit is a multiple insult. Ridership drops, which affects the financial health of the system and diminishes social control over misbehavior. Physical damage to equipment is a further financial burden and decreases system performance. Residents in poor communities either must ride in dangerous conditions, which increases community fear, or will refuse to, which often cuts them off from labor markets. A transit system that is out of control sends a signal to the entire city that the city is out of control. Analysis of transit-related crime and fear has suggested that disorder and minor crime--graffiti, the homeless, aggressive panhandlers, farebeating--is a more important driver of fear than is "serious" crime, which in most systems remains relatively low.

The New York City Transit Police and the Southeast Pennsylvania Transit Authority (SEPTA) have both mounted long-term, successful campaigns aimed at quelling disorder, with--at least in New York--documented lowering of riders' fear. New York's operation included:

- o Immediate removal of graffiti;

- o Problem-solving operations aimed at disorder and minor crime (farebeating, aggressive panhandling, and the like);
- o Increased transit police visibility;
- o An extensive program to define and enforce acceptable behavior by aggressive panhandlers.

## Youth

Many communities are reacting to the increase of violence by initiating youth programs to develop the skills and capacity of young people to prevent their becoming involved in neighborhood violence. Youth programs should take into account the uniqueness of the community, the needs of the youth living there, the developmental characteristics of targeted population, and the enlistment of youth in the development and implementation of the program design. Programs often involve the development of life skills, peer leadership, adult mentoring, learning capability, youth empowerment, youth entrepreneurship and conflict resolution. The following are examples of youth programs working in communities across the country.

- o Oakland Men's Project (OMP) is dedicated to eliminating violence by promoting gender and racial alliances. OMP

conducts workshops, trainings and community organizing for youth and adults, reaching adolescents, parents, social service professionals as well as religious, civic, governmental and correctional organizations.

- o Youth as Resources is a program that draws on the youth of the community to help them plan, implement, and manage community service projects. This program draws on the positive skills and willingness of young people to serve their communities.
- o Local Boys & Girls Clubs provide many opportunities for neighborhood youth to participate in tutoring programs, skills development, recreation and sports to help prevent youth involvement in neighborhood violence.
- o The Midnight Basketball program is working successfully in many high risk communities with young people who might otherwise be involved in crime and violence by channeling their energies into positive sports activities. Midnight Basketball is unique because it offers more than sports and provides contact with role models and opportunities for discipline and leadership development.

The Youth Gang Drug Prevention program, administered by the

Family and Youth Services Bureau of the Department of Health and Human Services, supports efforts to conduct community-based, comprehensive, and coordinated activities to reduce and prevent the involvement of youth in gangs that engage in illicit drug-related activities. Programs funded by the Youth Gang Drug Prevention Program do the following:

- o Provide outreach prevention and referral services for youth and families;
- o Organize neighborhood coalitions;
- o Target services to traditionally underserved groups such as adolescent females and new immigrant and refugee youth;
- o Develop strategies for working with intergenerational gang families and for gang-proofing young children;
- o Facilitate cooperation and collaboration among youth-serving agencies;
- o Conduct research about the nature, characteristics, and dynamics of youth gangs.

Programs provide culturally sensitive services, activities

to promote self-sufficiency, youth empowerment and leadership, educational outreach, parenting programs and activities, job training, community awareness and outreach, and home-based child and family services combined with school-based gang prevention services.

### Prosecution

Prosecutors are increasingly interested in using their limited capacity not just to win convictions--their traditional primary goal--but to address particular community problems. In this scheme, such things as low-level domestic violence and minor public order offenses--of little interest traditionally--gain significance if they are seen to be a threat to the community, or if suppressing them is part of a larger neighborhood revitalization strategy. Some prosecutors have begun to organize their offices along neighborhood principles rather than statutory ones, and to set priorities jointly with police and other groups, to facilitate this new outlook.

The State's Attorney in Montgomery County, Maryland, has implemented "Community Based Prosecution" to good effect. The intent is to link prosecution to community policing. The office is divided into five geographically focused teams (with ties to the five county police stations). Prosecutors are encouraged to get out of their offices and spend time in the field, learning

more about the concerns of local institutions (particularly, to date, the police, schools, and the business community). Police are encouraged to see and develop working relationships with prosecutors; and for the prosecutors to attend police roll calls. The office is working to adopt a problem-solving orientation, with some problems to be identified from within his office and others from outside.

### **Community-Based Corrections**

However one wants to address the issue of prisons and punishment for offenders, two truths stand out: 1) at least two out of three will not be incarcerated, and 2) those who are incarcerated generally return to their communities, often on probation. With the number of persons who are court-involved soaring to record levels in many cities, interest in "intermediate" or "community based" sanctions is on the rise. Research shows that the one most often noted, "boot camps," probably fails to live up to the claims often made for it. (Specifically, recidivism rates are as high as in the general prison population, though boot camps with more emphasis on drug treatment seem to do somewhat better; rule violations--resulting in return to prison--are high; selection bias--only some offenders are chosen for boot camps, and only some graduate from them--makes it difficult to evaluate programs' performance; and beneficial effects seem to wane with time.)

There are, however, clearly ways to hold offenders living in the community more accountable for their actions, and to deter them from behavior, especially drug use, likely to lead to further crime and violence. In Boston's Metropolitan Day Reporting Center, offenders are supervised intensively and at the same time assisted in making connections that will help move them into productive lives. Oregon's DROP program has traded stiff sentences for intensive supervision tied to swift, certain, but modest punishments for drug use. Probationary offenders are tested regularly for drug use: the first failed test gets them a few days' incarceration, the second a week, the third two weeks. Research has shown that drug use is down significantly. This kind of effort--which could be extended to include surveillance for weapons, domestic violence, and perhaps other destructive behavior--is within the capacity of many probation departments.

### **Crime Prevention Through Environmental Design**

The design of the public space through which we live and move can create an atmosphere of safety, support and self-regulation, or one of disorder, threat, and withdrawal. Environmental design can help eliminate fear-producing space. Crime prevention through environmental design (CPTED) has had some recent innovations in community and problem-solving policing. These include "cul-de-sacs," the LAPD's use of

physical barriers to identify neighborhood boundaries and inhibit easy access for drive-by shooters, to the observation that large window-mounted advertising posters encourage robberies of convenience stores by blocking the view from outside.

A current project in Sarasota has played a significant role in the revitalization of the North Trail area. The Ringling School of Art and Design, located in an area considered unsafe, used CPTED principles to create "a strong sense of place. Property has been treated with a new attitude and respect. There is little trash, sculptures placed in open view have not been defaced...and an overall pride is easily recognized."

### **Workplace**

Most programs addressing workplace violence are developed on a local level to address specific causes and problems. For instance, immediate threats from a co-worker require immediate and local police action. Long-standing threats due to lack of basic security measures might be addressed by the Occupational and Safety Health Administration (OSHA). Many employers use enforcement, cooperative development of guidelines, and employer-employee joint programs. In Iowa, workplace injuries among hospital employees have decreased due to workplace training on violence prevention and training on patient aggression. Washington State adopted standards for "Crime Prevention

Requirements for Late Night Retail Establishments." Covered businesses are to develop crime prevention educational programs, and provide appropriate signs for doors and windows. The state has also developed a training video for employees of late night retail stores.

### III. Recommendations

While the Working Group identified a series of recommendations for the Federal Government, it is the Group's strong sense that the foundation of a comprehensive approach to preventing and responding to violence must be local action: by cities, communities, citizen groups, and the like. The chief role of the Federal Government must be to support these local efforts. The Federal Government should encourage and foster local approaches. It should examine, and where necessary revise, its programs and practices to make them more responsive to local conditions and local needs. It should improve the way it provides technical assistance, and the kind of assistance it provides. It should examine its programmatic and funding practices to allow the maximum feasible flexibility; this includes decategorizing Federal funding streams and, where possible and appropriate, providing waivers for Federal programs.

There are specific steps particular Federal agencies can and should take to assist communities.

- o The Corporation for National and Community Service can place National Service Corps volunteers in violence-reduction positions in neighborhoods, public housing, and youth clubs.
- o The Department of Justice can provide technical assistance and support to police departments committed to community policing, and fund research into local drug and gun markets.
- o The Department of Health and Human Services can fund innovative public health violence-prevention programs.
- o The Department of Housing and Urban Development can pursue violence reduction in public housing.
- o The Departments of Labor and Education can improve employment and training opportunities.
- o Research and evaluation findings of all government funded work should be disseminated more widely, backed by technical assistance, to provide maximum benefit to all efforts.

However, these--and other--steps will only be successful if they are implemented as part of a comprehensive violence prevention and reduction strategy. Such strategies will necessarily be organized at the neighborhood and community level, and based on community concerns, strengths, and opportunities. The Federal Government's primary job is to foster and support those local initiatives.

#### A. Federal Legislative Recommendations

Sentencing - Review and amend Federal sentencing guidelines to focus correctional capacity on violent offenders.

Demonstration Programs - The Administration should develop a Community-Based Violence Prevention Initiative, allowing the Federal Government to provide financial and technical support to selected communities to initiate comprehensive violence prevention and community empowerment strategies. (This program could be created under new legislative authority or through an Executive Order.)

Communities would submit an application identifying the problems, the approaches, the necessary waivers and an evaluation. The Federal Government would provide start up funding, technical assistance, and flexibility in Federal programs through waivers and other mechanisms, current waiver

authority, legislative proposals to expand or create waiver authority where necessary.

The Federal Government could administer the program through several methods, using the existing model of Weed and Seed:

- o An interagency entity, could be established to administer the program; or,
- o One Federal agency could administer the program but would receive guidance, funding, and technical support from other Federal agencies through an interagency advisory board.

Financial support for local non-profits - Require banks and other financial institutions to recognize community service organizations as viable economic development agencies and provide such organizations low interest loans.

Support private sector initiatives - Adopt legislation which would support private sector initiatives to address violence. Such efforts include: company sponsored employee assistance programs which discuss violence related topics, such as conflict resolution, the prevention of domestic violence, and related themes; company policies outlining clear employee harassment and grievance procedures; and company support of community service

programs dealing with issues related to violence, job training and mentoring, and other services.

Community Policing Training - Build on the crime bill's 100,000 police officers by offering community policing training and implementation support to police departments. This should include assistance in developing new performance measures, and specific assistance in developing innovative violence prevention tactics.

#### Public Housing

The following legislative changes should be made to help public housing residents organize community-based responses to violence and to expand ongoing efforts.

Pool Resources - Allow individual public housing authorities to pool Federal, state, and local resources with other local housing authorities in order to promote comprehensive community-based programs.

Comprehensive Strategies - Require that a certain percentage of Federal money provided to public housing authorities be set-aside for job training for residents, resident-based community organizing efforts, and violence prevention initiatives.

Enforce Codes - Require public housing authorities to enforce existing housing codes and standards.

National Service Corps - Require participants in the newly created the National Service Corps to work for public housing authorities.

Jobs for Public Housing Residents - Increase job training, apprenticeship, summer jobs programs, and other programs for residents of public housing.

Youth Specific Programs - Use HUD's Public Housing Youth Sports Program as a model for a larger Federal program to support community programs which serve youth. Activities could include: mentoring, tutoring, recreation, job training, boys and girls clubs, volunteer service programs.

B. Reconfiguration of and Interdepartmental Cooperation Regarding Existing Programs and Policies

Support local initiatives - Listen carefully to what states and cities need and work with them to supply it. States and cities are tired of being told what to do and having to twist local priorities and activities to fit program requirements set in Washington. Recognize that even national problems have local faces and that framing one-size-fits-all national approaches is

often a mistake. Develop ways to support local initiatives.

Allow and encourage initiatives that cut across federal agencies and funding sources - Take action to make Federal resources more easily worked into Sandtown (Baltimore) and Savannah-style neighborhood revitalization plans. Washington funds and administers thousands of programs in housing, health, education, job training, social services, drug prevention and treatment, youth and family services, law enforcement, corrections, and many other areas. All of them are potential components in local strategic plans, but categorical funding, differing application and performance requirements and schedules, the bureaucratic dispersal of responsibility for different programs, et cetera make it extremely difficult for local executives to tie Federal resources to particular local needs and opportunities. The Federal government should explore: block-grant type funding, interagency "desks" to coordinate action on local plans, waivers.

Develop up-to-date federal program inventory - Inventory Federal programs of potential local strategic problem-solving utility, and present to state and local practitioners in an accessible form. We suggest topical groupings of programs; regular reviews and updates; computerization; and an 800 number.

Include violence prevention in related funding applications

- Ensure that violence and fear are important factors in deploying Federal enforcement and correctional capacity (FBI, DEA, ATF, Federal judiciary, Federal corrections). FBI, DEA, and ATF do not currently make violence, or the community impact of violence, a priority.

Reduce application requirements for federal funding -

Reconfigure government and government funding in such a way that organizations seeking funding to not have to apply to so many programs as often as they do. Actions that could facilitate this:

- o Publish an Executive order to encourage/allow interagency work and funding on violence;
- o Develop a single point application process for multi-agency funding;
- o Allow and encourage National Service Agency work with HUD and other existing agencies for violence prevention work;
- o Create interagency entity to award funds to localities to address needs the local community identifies;
- o Link up HUD/Education/Justice funds on local levels.

Use financial institutions - Develop funding mechanisms to prevent violence through short-term relief to starting organizations (tax relief); use the SBA & CRA models to allow/encourage non-profit funding; encourage businesses in PHA's- credit unions.

Analyze problems and design responses - Undertake analyses of local violence problems and design responses. Explore the possibility of redeploying existing resources from generalized responses (police patrol, job training) to carefully focused ones (police attention to "hot spots," apprenticeship programs in troubled neighborhoods).

Pilot comprehensive responses - Support pilot projects tying prosecution, judiciary, and corrections more tightly to neighborhood violence problems.

Help local government develop neighborhoods responses - Support projects to structure local government and local services in ways that focus attention on neighborhoods, neighborhood violence and fear problems, and solution to those problems. Possibilities would include: spread problem-solving orientation and operational capacity to neighborhoods and throughout local government; develop Family Resource Centers; one-stop shopping for coordinated social services; explore community antiviolence programs on public health model.

Develop interagency "Violence Review Boards" - Include medical examiner, police, corrections, emergency medical services, social service agencies, schools, and community representatives to examine all violent acts and design preventive agency/community responses.

Examine the issue differently - Design methods to gather information, and identify opportunities for prevention, from hospital emergency rooms and other parts of the health system; explore public health methods for identifying violence risk factors; examine resources applied to persistent hot spots like public housing, and ensure distribution is equitable and appropriate.

Use out-dated military resources - Work with the military to convert closed military bases to youth training camps, and use the military reserve units for training, TA in community clean-ups, environmental design, etc.

### C. Leadership and Speech Ideas

Need to raise the urgency of the issue, get the message across and target the resources on the level of Somalia, flood victims, etc. It is essential that the Administration elevate the problem of violence and crime in the attention of national, state, local policy makers. The President should lead this

effort through a series of public speeches and addresses. President Clinton must raise concern about the escalating incidence of violence and crime, but he must also provide a sense of hope that it is within our ability to successfully stop the violence, reduce community fears, restore community pride, and develop a real sense of hope among our youth and national citizenry.

Use a crisis approach - Suspend bureaucratic problems and barriers to allow a "crisis" approach as with humanitarian aid. Elevate violence to emergency status with emergency actions.

Make the issue bigger than more police and jails - Make it clear that violence prevention, and the Federal role in violence prevention, is about more than law enforcement and corrections; it is about re-creating whole communities, prevention of violence and re-allocation of resources.

Support local efforts - Emphasize that, since the fundamental responsibility and capacity for violence prevention is local, the Federal government is newly committed to acting in support of local needs and local initiatives.

Every community can and should be safe - Emphasize that the Federal commitment is to the health and protection of families and communities; every community in America should be safe place

to live, work, worship, socialize and shop.

Local solutions are working now - Make it clear that violence prevention is primarily a local matter, that it cannot wait for utopian national solutions, and that the time has come to get to work and support those efforts.

Local media can be partners - Work with local media to develop antiviolence campaigns and to promote the community solutions making a difference.

Don't stigmatize - Minorities are concerned that government will point fingers and blame the victim and see all places of violence as minority communities. Need to look at the causes.

Use Civil Rights language and history - Approach the issue as a civil rights issue and with the fervor and commitment of the civil rights work of the 1960s, with similar tactics, rhetoric and resources.

Pro-peace speeches - Need to set moral tone against violence but more importantly toward peace.

Government Leadership in Workplace Violence Prevention - Federal Government should be a leader in the corporate world to demonstrate how employers can promote pro-peace, anti-violence

behaviors. The Department of Education and the Department of Housing and Urban Development are examples of encouraging employee volunteer work in local schools. Each department should develop a volunteer action plan for anti-violence work.

The President can publish an Executive Order that would require all Federal agencies to examine the way they address workplace safety and violence prevention issues for their employees. This Executive Order could outline a series of steps agencies must take in order to make the Federal Government a model employer in the violence prevention and intervention area. This action plan could include:

- o Employee assistance programs focused on domestic violence,
- o Sexual harassment,
- o Alternative dispute resolution,
- o Educate employees about programs operating in their community that may address domestic violence and other problems;
- o Evaluation of current Federal personnel, sexual harassment, and other procedures to improve the way the

Federal Government operates and serves its employees.

Alternatively, since the best way to address workplace violence remains unclear, the President could commit Federal agencies to exploring and implementing model workplace violence prevention programs.

#### **D. Technical Assistance Activities To Assist Grass-Roots Initiatives**

Planning Assistance - Offer planning assistance to cities and communities interested in comprehensive, strategic approach to local violence prevention and neighborhood revitalization.

Work with Urban and Town Planners - Offer assistance to cities and communities interested in developing "24 hour communities." These communities are not abandoned by 9-5 workers during the day as in the suburbs, or by 9-5 workers as night as in the inner city. Need to work toward integrated, vital communities that provide housing, employment, and recreation.

Work with Probation Rules - Use Federal resources to help communities develop meaningful community-based sanctions, with close supervision and real penalties for probationers who act violently and who do drugs. Address the possibility of

forbidding alcohol use by probationers.

Develop TA and Training for "Intervention Teams" - HHS needs to provide TA and violence reduction response training for both professionals (police, emergency room staff, emergency medical staff) and community volunteers in developing teams that respond "on-the-spot" to crime scenes and emergency room situations to prevent further eruptions or acts of violence.

Support Local Public Housing Efforts - HUD needs to make violence prevention in public housing a top priority. Support the local capacity and authority necessary to make this happen.

Disrupt Markets for Drugs and Guns - Provide TA and training for cities and communities to develop better ways to disrupt street drug markets and black markets in guns.

Redesign "Success" and Help Communities Measure It - Develop and distribute guidelines to local governments as they develop new performance measures to reinforce and allow evaluation of problem-solving approaches.

Help Applicants Navigate Federal Agencies for Funding - Develop "navigational specialists" to assist organizations identifying and assisting with funding.

Require All Federal Grantees to Make General and Generic Recommendations - Re-write program reporting requirements to require that all reports and evaluations for specific communities include generic findings and recommendations for other communities.

Improve Clearinghouses and Toll Free Numbers - A number of federal agencies operate clearinghouses and toll-free numbers to provide information. Need to increase their effectiveness in providing technical assistance to local organizations and make broader use of these activities as a method of informing local organizations.

Increase Federal funding for Technical Assistance - Use HUD's anti-drug, anti-crime technical assistance activity, allow this program to provide legal assistance, and use HUD staff to facilitate discussion between service providers experiencing similar problems to enable these providers to learn from each others' experiences, allow more follow up.

Support networking among and technical assistance by front-line violence prevention practitioners. Fund leading-edge providers to train one another.

Support in-service training of local program staff through conferences, seminars, and workshops organized by Federal

regional offices; and

Support in-service training of Federal employees by sending Federal employees into the field to learn about successful programs.

Refocus Existing Law Enforcement Training to Successful Approaches - Use the ATF, DEA and FBI training academies and research organizations to promote community policing and the new TA and training initiatives on drug and gun markets.

Sponsor Violence Related Technical Assistance Initiatives  
Initiate a comprehensive technical assistance effort targeted solely to violence. This needs to be an all-out campaign to increase awareness of the general public, policy makers, and service providers at the local, state, and federal level about the issues related to violence.

Pursue legal actions - The Department of Justice and other agencies should aggressively pursue all legal remedies available to reduce crime and violence and assist state and local criminal justice systems to enable these systems to do the same, similar to the course of action pursued by the Justice Department during the civil rights campaign.

Summer Internships - The Department of Education, ACTION, or

some other appropriate Federal agency could sponsor summer internships for high school and college students in grass-root organizations providing anti-violence education and prevention programs.

Develop Community-based service agencies - The Small Business Administration (SBA), ACTION, or some other appropriate federal agency, could encourage the development of community-based service agencies which sponsor violence prevention activities--by providing start-up funds, tax relief, and technical assistance, similar to the type of assistance currently provided to small businesses;

Develop a Federal Media Strategy - Distribute free or low-cost videos and other materials about programs which have successfully reduced or prevented violence. (This would be one part of a media strategy to encourage the media to publish positive, rather than negative stories about violence prevention and intervention.)

### E. Other Actions

Have been recommended to the appropriate subgroups.

### F. Research

Limited Federal research or evaluation is dedicated to the local work outlined in this paper. Where attention is given, it tends to follow academic social-science imperatives (define, test, evaluate): the questions typically asked are, Is this the best example of the idea at issue? Can we prove that it had an impact? For many new ideas, like community policing and the public health approach, these questions are premature.

Need for Systematic Monitoring and Reporting of Local Initiatives - Other questions equally important to practitioners (how was this program implemented? what relationships were established among partners? what managerial lessons were learned?) tend not to get asked at all. Because nobody takes on the job of systematically monitoring and reporting on local initiatives, practitioners in many places struggle in isolation with the same problems; the lessons they learn--both positive and negative--do not get conveyed to the persons and organizations which need to know.

The Federal Government can act as a clearinghouse of

information about local initiatives; extract, rapidly and in a form useful to practitioners, lessons about performance, implementation, management, and possible next steps; circulate this information rapidly and widely.

Data Collection - Some kinds of data are already collected as part of the federal government's statistical surveys. The government should identify all of these collections and draw on them for the purpose of program design, as well as identify gaps in our basic information about violence and place.

Ecological Factors - Government needs to understand better the relationship between informal social control in localized areas and social disorganization in surrounding areas. We do not know well enough the combination of factors necessary in localities. Some inner-city communities have done so successfully, others have not. What is the difference and how can we encourage the one and not the other?

Spike in Youth Violence - Relatively little is known about the recent spike in youth violence in general. We need to know.

Redefine Program Evaluations - Need to redefine requirements for program evaluations so that outcome measurements are understood, are made as uniform as possible, and are begun when the program begins, not when it finishes.

**INTERDEPARTMENTAL WORKING GROUP ON SEXUAL ASSAULT**

**FINAL REPORT**

**DECEMBER 10, 1993**

U.S. Department of Justice

Washington, D.C. 20530

DEC 10 1993

MEMORANDUM TO: Philip B. Heymann  
Deputy Attorney General

Peter Edelman  
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FROM: Kevin V. Di Gregory *KVD*  
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Criminal Division

Carolyn A. Hightower *CAH*  
Acting Director  
Office for Victims of Crime

SUBJECT: Interdepartmental Working Group on Sexual Assault,  
Final Report

We are pleased to transmit the final report of the Interdepartmental Working Group on Sexual Assault. You will note that the report reflects a balanced approach to prevention discussing both enforcement and accountability as well as education, intervention and treatment. Further, we have attempted to highlight both Federal and state initiatives, and those which address both victims and perpetrators.

Many of the recommendations expand upon existing initiatives as well as focus on issues not previously addressed. It was very difficult to advance only 5 recommendations. Thus, we developed 4 criteria to assist us in our decision-making. They are: (1) Responsiveness to expressed public concerns; (2) Responsiveness to articulated Administration priorities; (3) Consideration of initiatives previously adopted but not funded; and (4) Initiatives upon which the Administration could take prompt action.

As we discussed the preparation of this report, we reached the consensus that the Interdepartmental Working Group on Violence should continue to function after the submission of its report. Since each component has made specific recommendations, it seems reasonable to utilize the group to follow-up on these recommendations and to continue the productive dialogue promoted by this cooperative concept. The various components could meet on a quarterly basis to monitor continuing developments in legislation, the criminal and juvenile justice systems, law enforcement, education, prevention, and treatment of both victims and perpetrators of violence in order to make future recommendations.

We would like to acknowledge the dedication and tireless support of all the members of the working group on sexual assault. Special recognition, however, must be accorded to Melanie Smith, Office for Victims of Crime, and William Wagner, Child Exploitation and Obscenity Section of the Criminal Division who were the principal authors of this report. We also appreciate the review of this final report by Gail Burns-Smith, Executive Director of the Connecticut Coalition Against Sexual Assault; Gail Abarbanal, Executive Director, Santa Monica Rape Treatment Center; John Stein, Deputy Director, National Organization for Victim Assistance; Anita Boles, Associate Director, National Victim Center; Jeralita Costa and Diane Alexander, also of the National Victim Center; and Connie Kirkland, Executive Director, Sexual Assault Center, George Mason University.

We trust that this report is responsive to your expectations.

cc: Jo Ann Harris  
Assistant Attorney General  
Criminal Division

Laurie Robinson  
Assistant Attorney General  
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INTERDEPARTMENTAL WORKING GROUP ON SEXUAL ASSAULT

EXECUTIVE SUMMARY

DRAFT  
SUBJECT  
TO CHANGE

RECOMMENDATIONS:

- (1) Federal and state governments should take steps to ensure truth in sentencing;
- (2) Changing individual attitudes is an ambitious goal, but it is clear that the eradication of erroneous beliefs about sexual assault, and about what constitutes acceptable behavior, in schools, for the general public, and for allied professional;
- (3) All child and adult victims of sex offenses deserve the same right to a speedy trial as an accused sexual offender;
- (4) States should require mandatory restitution of all sex offenders, regardless of their ability to pay; and
- (5) The Government should provide for research and evaluation of treatment for both adult and child sexual assault/abuse victims. Given the correlation between childhood sexual abuse, and both victimization and perpetration later in life, research must focus on effective means of interrupting this pattern.

Sexual assault is an outrageous crime of shocking proportions. It is also a crime blanketed with public denial. This denial -- virulent, and palpable -- is evident in the blaming and stigmatization of victims, and the "revolving door" of the criminal justice system, which continually turns convicted offenders back out into society. The effects of this denial are extensive. It silences victims. It thwarts the just punishment of perpetrators -- even violent and known recidivists. It perpetuates the destructive violation of many, many thousands of children, women and men. Its costs to our society are enormous.

Several decades of activism have wrought changed laws and, to some extent, attitudes. Many committed and decent professionals have worked diligently for years to address the plight of sexual assault victims. Deeply held myths about sexual assault nonetheless persist. Perhaps the most pervasive myth is that of "stranger danger" -- that rapists are masked strangers who jump from dark alleys or behind bushes to attack young, attractive women. Recent studies have debunked this myth with findings that rapists are most often known to their victims, and that the great majority of victims are sexually assaulted as children and adolescents.<sup>1</sup> A second powerful myth is the idea that struggle and force are necessary elements of a "real rape." In fact, victims are often gripped by the terror that they will be killed or severely injured

during the attack, or for resisting the attack.

There is no single, unanimously accepted statutory definition of sexual assault.<sup>2</sup> In statute, the crime is typically defined to include any or all of the following elements: the penetration of a bodily orifice (i.e., mouth, vagina, anus) with a penis, fingers, or an object, of a person who does not consent to the act unless the victim is a child, in which case, consent is irrelevant. Statutory language may also address the manipulation of genitalia, orally, anally, or with the offender's own genitals, and may or may not identify sexual gratification as the intent. (A few states continue to define victims as female<sup>3</sup> -- an outright denial that males are sexually assaulted.) The crime itself may be termed rape, sexual assault, or sexual battery; an act classified as rape in one state may not be rape in another.

There is no typical victim of sexual assault, but recent statistical data revealed some distinct findings (See Appendix 1 for additional statistical data): sexual assault victims are typically young; the risk of sexual assault appears to be highest for girls under the age of 17, many of whom will be victimized before they reach age 11;<sup>4</sup> sexual assault victims are not only female -- in 1991, approximately 20,000 males, age 12 and older, were victims of sexual assault;<sup>5</sup> sexual abuse of children is commonplace with both male and female children being vulnerable; a recent study asserts that fully 27 percent of women and 16 percent of men experienced sexual abuse as children. Four out of five female victims are assaulted by husbands or ex-husbands, fathers, stepfathers, boyfriends, or ex-boyfriends, relatives, acquaintances or neighbors;<sup>6</sup> and most rapes are unreported. A recent study found that 84 percent of female victims do not report the crime.<sup>7</sup> In addition, the stigma of male-on-male rape is widely believed to hamper reports of these crimes as well.

Most victims, for many reasons, do not report sexual assaults. The Bureau of Justice Statistics (BJS) asserts that about half of "completed rapes" (versus attempted) recorded by the National Crime Victimization Survey (NCVS) are reported to law enforcement officials; many of those reports are filed by someone other than the victim.<sup>8</sup> By contrast, a recent study, conducted by the National Victim Center in collaboration with the Crime Victim's Research and Treatment Center, found that only 16 percent of all forcible rapes are reported to law enforcement authorities.<sup>9</sup> It can be assumed with certainty that a significant number of perpetrators remain at large, unapprehended and unconvicted -- and hence, free to rape again.

The widespread reluctance of victims to report is a reaction to stigma, victim-blaming, and fear of insensitive treatment by the criminal justice system.<sup>10</sup> It may also stem from personal reasons, such as the victim's relationship to or fear of the perpetrator, or the victim's belief that her actions or lack

thereof may be viewed as contributory. Clearly, the encouragement of reporting is critical to successful apprehension of perpetrators.

Recommendations promoting the prevention of sexual assault must include effective enforcement. This begins with the cooperation of victims and witnesses in reporting sexual assault and ends with truth in sentencing. Because most sexual assaults go unreported, very few perpetrators are convicted and those found guilty often serve too little of their sentences.

Sex offenders typically serve a fraction of their sentences.<sup>11</sup> Juvenile offenders typically receive probationary sentences. Other sex offenders attain early parole due to good behavior during incarceration. Finally, several states have released incarcerated sex offenders, along with other convicted criminals, because they lack adequate prison space to hold them. As a result of these factors, most offenders ultimately return to the streets.

The effectiveness of the criminal justice system depends in part on laws and policies, and in part, on the discernment of its prosecutors, judges, and juries. Like the general public, members of the criminal justice system may harbor biases that impede successful prosecution of the crime while also re-traumatizing victims.

The criminal justice system itself must be one which recognizes the courage of victims of sexual assault by demanding swift resolution of the fate of accused, thereby limiting further trauma to the victim. Such sensitivity has been shown towards child victims and should be extended to adults. Accused sex offenders are entitled to speedy trials in all states and at the Federal level. Children in the Federal criminal justice system, and in some states as well, are also entitled to speedy trials -- a right not yet accorded to adult victims.

Severe life disruption exacts a tremendous toll from victims. But society at large pays a price as well. Compared to non-victims, sexual assault victims make more frequent visits to medical and mental health practitioners for victimization-related symptoms.<sup>12</sup> The financial burden to the health care system is immense. Other costs of the crime, though not easily quantified, are undoubtedly burdensome -- such as victims missed work and hindered productivity, or families and relationships torn apart in the aftermath of the crime. And certainly the arrest, adjudication, and incarceration of offenders poses a heavy cost to the criminal justice system and to the American taxpayers.

Recognizing this toll on both victims and society, the Federal government and the majority of states have passed legislation to ensure the fairer treatment of all crime victims. At least 42 states now have Victim Bills of Rights. At least 23 states have

enacted legislation mandating restitution be imposed unless a judge explains in writing reasons for not issuing such an order.

Perhaps the ultimate cost of sexual assault is a disabling loss of freedom that is generated by fear of the crime. This loss can never be fully recovered by either the victim through mandator restitution or society through fines or extended incarceration of offenders. Treatment of those who have already transgressed and been jailed in order to spare others from victimization is essential to any effort addressing sexual assault.

Most incarcerated sex offenders are eventually released. Many attain parole or early release because of good behavior. Unless these offenders are provided some form of treatment while in prison, incarceration is simply a "time-out" from committing sexual assault. Treatment during incarceration, however, is merely a half-measure: post-release supervision and monitoring of the offender is equally important.

Since 1982, the Vermont Treatment Program for Sexual Aggressors has focused its efforts on post-release supervision and monitoring of offenders with some degree of success. Of 473 offenders treated in a 10 year period, only 6 percent are said to have re-offended.<sup>13</sup>

If sexual assault is truly a "tragedy of youth,"<sup>14</sup> a compelling argument can be made for early preventive education, followed by equally early intervention that identifies and assists those youngsters who have been victimized.

At least three community-based preventive education programs appear to be enjoying extensive public support. The Oakland Men's Project (OMP) of Oakland, California is an education and support program that has developed local and national-scope training on the prevention of violence against girls and women. The programs success flows from its community-based structure and from its founding principle that boys and men must work as the "allies" of girls and women if sexual aggression is to cease. Furthermore, the OMP does not limit its training to children in school, but extends it to teachers, incarcerated offenders and university students.

In sum, a committed and viable approach to sexual assault must consist of a strong criminal justice response coupled with education, intervention, and treatment. Enhancing the enforcement of existing laws by promoting the rights of victims and through the swift and certain incapacitation of sex offenders is a necessary first strike in the battle against sexual assault. This blow alone will not be fatal. Because most incarcerated sex offenders are eventually released, treatment during incarceration and post-release supervision must follow. In the long term, eradication of erroneous beliefs about sexual assault and education of the very youngest among us on what constitutes acceptable behavior and responses is the only hope for total victory.

## INTERDEPARTMENTAL WORKING GROUP ON SEXUAL ASSAULT - FINAL REPORT

### ENDNOTES

1. Young, Marlene. Victim assistance: frontiers and fundamentals. Dubuque: Kendall/Hunt Publishing Company, 1993; p.72. National Victim Center, and the Crime Victims Research and Treatment Center. Rape in America: a report to the nation. Arlington, Virginia: The National Victim Center, 1992; p.3.
2. The term "sexual assault" rather than "rape" has been used throughout this paper. "Sexual assault" encompasses a range of unwanted sexual acts, which may or may not include penetration. "Rape" has been used here to specifically describe an act of penetration.
3. District of Columbia Code, section 22-2801. Other states include Alabama, Idaho, and Maryland.
4. Rape in America: a report to the nation, p.3.
5. Bureau of Justice Statistics. Criminal victimization in the United States, 1991. Washington, D.C.: Department of Justice, 1991.
6. Rape in America: a report to the nation, p. 4.
7. Rape in America: a report to the nation, p. 6.
8. Bureau of Justice Statistics. Report to the nation on crime and justice. Washington, D.C.: Department of Justice, 1988. Also the Federal Bureau of Investigation. Crime in the United States. Washington, D.C.: Department of Justice, 1990.
9. Rape in America: a report to the nation, p. 6.
10. Rape in America: a report to the nation, p. 6.
11. The expected sentence for rape is 60 days, according to the National Center for Policy Analysis. "Expected punishment is calculated by multiplying for probabilities -- of being arrested, of being convicted if prosecuted and of going to prison if convicted -- and then multiplying the product by the median time served for the offense." In other words, expected punishment consists of the total time actually spent in prison, divided by the total number of crimes committed. (National Center for Policy Analysis. 1992 update: why does crime pay: media backgrounder no. 123. Texas: December 8, 1992, p.2.)

According to the Bureau of Justice Statistics, convicted

rapists actually served about 39 percent of their sentences. The average state sentence for convicted rapists is 160 months (or about 13 1/3 years); however, the estimated time actually served in state prison is 62 months, or a little over five years. (Bureau of Justice Statistics. Felony sentences in state courts. 1990, p.4.)

12. Koss, M.P. Rape: scope, impact, interventions and public policy responses. American Psychologist, 1993; 48(10); p. 1062-1069.
13. Vermont Treatment Program for Sexual Aggressors: Program Evaluation. Waterbury: Vermont Center for Prevention and Treatment of Sexual Abuse, 1988.
14. Rape in America: report to the nation, p. 2.

## **Organization of Working Group Paper on Sexual Assault**

### **I. Size and Scope of the Current Problem**

- A. Introduction
- B. Definition of crime
- C. Statistics
- D. Cost to Victim and Society
- E. History and Consequences

### **II. Current Policies and Programs**

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### **III. Remedies**

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## Introduction

In 1973, Jerry McFadden was convicted of two rapes and sentenced to two 15-year sentences in the Texas Penitentiary. Paroled five years later, in December 1978, he kidnapped, raped and sodomized a Texas woman. He was once again sentenced to 15 years in 1981, only to be released on parole four years later in July 1985. On May 4, 1986, McFadden raped, beat, and strangled an 18-year-old honor student, Suzanne Harrison, and shot to death her two companions.<sup>1</sup>

Sexual assault is an outrageous crime of shocking proportions. It is also a crime blanketed with public denial. This denial -- virulent, and palpable -- is evident in the blaming and stigmatizing of victims, and the "revolving door" of the criminal justice system, which continually turns convicted offenders back out into society.

The effects of this denial are extensive. It silences victims. It thwarts the just punishment of perpetrators -- even violent and known recidivists. It perpetuates the destructive violation of many, many thousands of children, women, and men. Its costs to our society are enormous.

Several decades of activism have wrought changed laws and, to some extent, attitudes. Many committed and decent professionals have worked diligently for years to address the plight of sexual assault victims. Deeply held myths about sexual assault nonetheless persist. Perhaps the most pervasive myth is that of "stranger danger" -- that rapists are masked strangers who jump from dark alleys or behind bushes to attack young, attractive women. Recent studies have debunked this myth with findings that rapists are most often known to their victims, and that the great majority of victims are sexually assaulted as children and adolescents.<sup>2</sup> A second powerful myth is the idea that struggle and force are necessary elements of a "real rape." In fact, victims are often gripped by the terror that they will be killed or severely injured during the attack, or for resisting the attack.

These and other myths inflict far-reaching harm. When members of the criminal justice system -- law enforcement officers, judges, juries, and even prosecutors -- subscribe to these myths, victims are traumatized a second time by the very institution established to provide redress, and offenders escape accountability for their actions. When, in highly publicized rape trials, the media scrutinizes the victim's personal life or reveals the victim's identity, other victims get the message that reporting brings intrusive, negative publicity. When the entertainment industry glamorizes sexual violence, children and adolescents learn that sexual aggression is normal, acceptable behavior -- a powerful education for the offenders and the victims of tomorrow.

There are several clear results. Most victims do not report the crime.<sup>3</sup> Very few perpetrators are actually convicted, and those who are found guilty often serve lenient sentences.<sup>4</sup> The vast majority of offenders remain at large.

## Part I Size and Scope of the Problem

### • Definition

There is no single, unanimously accepted statutory definition of sexual assault.<sup>5</sup> In statute, the crime is typically defined to include any or all of the following elements: the penetration of a bodily orifice (i.e., mouth, vagina, anus) with a penis, fingers, or an object, of a person who does not consent to the act unless the victim is a child, in which case, consent is irrelevant. Statutory language may also address the manipulation of genitalia orally, anally, or with the offender's own genitals, and may or may not identify sexual gratification as the intent. (A few states continue to define victims as female<sup>6</sup> -- an outright denial that males are sexually assaulted.) The crime itself may be termed rape, sexual assault, sexual abuse, or sexual battery; an act classified as rape in one state may not be rape in another.

What statutory language cannot convey is the domination and humiliation inherent in the act, which robs victims of their ability to exercise choice or free will.

### • Incidence and Prevalence

There is no typical victim of sexual assault, but recent statistical data reveal some distinct findings (see Appendix 1 for additional statistical data):

- o Sexual assault victims are typically young. The risk of sexual assault appears to be highest for girls under the age of 17, many of whom will be victimized before they reach age 11.<sup>7</sup>
- o Sexual assault victims are not only female. In 1991, approximately 20,000 males, age 12 and older, were victims of sexual assault.<sup>8</sup>
- o Sexual abuse of children is commonplace. Both male and female children are vulnerable; a recent study asserts that fully 27 percent of women and 16 percent of men experienced sexual abuse as children. Further, a great many children will be sexually abused more than once.<sup>9</sup>
- o Pedophiles inflict destruction on many, many young lives. On average, non-incest pedophiles commit one or two acts against 150 male children per pedophile, compared to 20 female children per pedophile.<sup>10</sup>

- o Females are most at risk of sexual assault by someone they know. Four out of five female victims are assaulted by husbands or ex-husbands, fathers or stepfathers, boyfriends or ex-boyfriends, relatives, acquaintances or neighbors.<sup>11</sup>
- o Most rapes are unreported. A recent study found that 84 percent of female victims do not report the crime.<sup>12</sup> In addition, the stigma of male-on-male rape is widely believed to hamper reports of these crimes as well.

It also bears stating that sexual assault victims may be of any race or ethnic background; may be gay or lesbian; may be disabled, or very old. In short, anyone may become a victim of this crime.

#### • Cost to Victims and Society

The long-term physical and emotional effects of sexual assault are often life-shattering. Victims are likely to experience major depression, anxiety, and rape-related Post Traumatic Stress Disorder; they are at increased risk of engaging in self-injury, suicide, and alcohol or drug abuse.<sup>13</sup> Physical disorders may include abdominal pain, headaches, eating disorders, gynecological trauma, and sexually transmitted diseases.

This severe life-disruption exacts a tremendous toll from victims. But society at large pays a price as well. Compared to non-victims, sexual assault victims make more frequent visits to medical and mental health practitioners for victimization-related symptoms.<sup>14</sup> The financial burden to the health care system is immense. Other costs of the crime, though not easily quantified, are undoubtedly burdensome -- such as victims' missed work and hindered productivity, or families and relationships torn apart in the aftermath of the crime.

Certainly the arrest, adjudication, and incarceration of offenders poses a heavy cost to the criminal justice system and to the American taxpayers -- particularly when recidivists repeatedly enter and leave the system.

But perhaps the ultimate cost of sexual assault is a disabling loss of freedom that is generated by fear of the crime. According to the National Victim Center, women especially curtail their behavior, their freedom of movement and lifestyles, in order to avoid becoming the next victims.<sup>15</sup> Fear of the crime also hinders their ability to enter into and maintain meaningful relationships. In a sense, the result is the loss of basic human freedoms -- one that can never be quantified.

#### • History and Causes

Although sexual assault has always occurred, many believe it is escalating. There is debate, however, about whether the rise is

due to an actual increase in incidence, or merely the redefinition and enhanced reporting of the crime. Prior to the activism initiated by prosecutors, victim advocates, and the women's movement, prosecution of rape was very difficult; the victim's chastity and honesty were questioned, and many convictions were overturned on doubts about the victim's character.<sup>16</sup> The early 1970s witnessed a number of changes, including law reform, increased collection of statistics, and the start-up of services such as hotlines and rape crisis counseling for victims. The Federal government established a National Center for the Prevention and Control of Rape, which provided funding for local programs.

In 1982 the President's Task Force on Victims of Crime published its Final Report, a blueprint set of 68 recommendations designed to advance the fair and sensitive treatment of victims. As its primary illustration of a typical victim experience, the Report provided the compelling account of a sexual assault victim's journey through criminal justice proceedings, and the attendant "secondary victimization" she experienced. In the following decade, hard-won state and Federal legislation was enacted to secure many of the Task Forces' recommendations in the form of specified victims rights within the criminal justice system. At the Federal level, the Victims of Crime Act of 1984 (VOCA) established the Crime Victims Fund in the U.S. Treasury, a mechanism for providing funds for state victim compensation and assistance programs. (Services to victims of sexual assault are identified as a priority under the VOCA victim assistance program.) Other legislated measures, however, have yet to be carried out in practice.<sup>17</sup>

Explanations for the cause of sexual assault vary from those that scrutinize individual behavior to others that fault social factors.

Early in the century, sex offenders were regarded as "sexual psychopaths" who could, with proper therapeutic treatment, be cured. The failure of this approach has lead current experts to believe that sex offenders cannot be cured, only treated. Sex offenders typically begin offending as juveniles or adolescents, committing assaults with increasing frequency as they mature. Although victims may be selected opportunistically, the crime itself is carefully planned and replayed, well in advance, in the offender's mind. For those offenders perceived as amenable, current treatment programs frequently focus on developing behavior modification skills that are said to reduce the probability of subsequent offenses.<sup>18</sup>

Experts from disciplines such as sociology and law cite factors other than individual behavior that they believe foster the tolerance or even encouragement of sexual assault. These factors include institutional sexism, societal acceptance of violence (both actual and depicted), the erosion of family values, alcohol and drug abuse, and sexual permissiveness.

Throughout both behavioral and social theories runs a common thread. It is generally acknowledged that the exposure of young children to physical violence and abuse (including sexual abuse) sets the stage for a wide range of problems throughout life -- problems that may include a propensity toward sexual aggression, or an absence of self-worth that may increase an individual's vulnerability to future victimizations.<sup>19</sup> If sexual assault is truly a "tragedy of youth,"<sup>20</sup> a compelling argument can be made for early, preventive education, followed by equally early intervention that identifies those youngsters who have been victimized, and provides them assistance and support.

But focussing on preventive education and intervention alone is inadequate. A committed and viable approach to sexual assault must therefore consist of a strong criminal justice response to the crime, coupled with prevention, intervention, and treatment. The enforcement of existing laws and the swift incapacitation of active sex offenders is a necessary first step in stemming this public crisis.

## Part II Current Policies and Programs: Description and Assessment

### • Prevention, Education, Intervention

A 1989 survey of high school students found that 18 percent of females and 39 percent of males believe that it is acceptable for a boy to force sex from a girl if she is drunk or drugged.<sup>21</sup>

An assortment of Federal funding mechanisms exist for sexual assault prevention and education efforts at the state and local levels. (The Federal government also provides funds for programs that address related issues, such as domestic violence, substance abuse, adolescent mental health, at-risk youth, etc.) What appears to be absent is a single body or focal point for the coordination of state and Federal efforts that address sexual assault.

As part of its overall effort to combat violence, the Department of Health and Human Services (DHHS) supports a broad range of activities that seek to prevent sexual assault and provide services to the survivors of sexual assault. Several notable examples are listed below. (For a full description of DHHS programs, please see Appendix 2).

Several programs target children. For example, the National Center on Child Abuse and Neglect funds a formula grant program to improve state protective service systems and child abuse and neglect prevention grants. The Child Welfare Services Program supports the foster care program, which provides funds to states for out-of-home maintenance of children from abusive or neglectful families. The Indian Health Service (IHS) supports several violence efforts directed at preventing physical and sexual violence toward

children, including support for the National Indian Health Service/Bureau of Indian Affairs Oversight Committee on Child Abuse and Neglect, which monitors and coordinates child abuse (including sexual abuse) and neglect services in Indian communities. The IHS also provides physicians and other health care providers with training in handling child victims of sexual assault.

Other DHHS programs focus on adults or the community in general. The Center for Disease Control and Prevention (CDC) supports an array of violence programs, primarily targeted toward prevention or research. Through the Preventive Health and Health Services Block Grant Program, CDC provides funds to support State public health activities, including services to victims of sex offenses and sexual assault prevention activities. Counseling, hotlines, education programs for rape prevention, offender rehabilitation, training of law enforcement officials, and laboratory tests are among the activities supported by this program. In fiscal year 1994, CDC received over \$7 million to launch the Prevention of Violence against Women Initiative, a five-year campaign to identify effective measures for reducing sexual assault.

Like DHHS, the Department of Education (DOED) operates under a number of authorizations for sexual assault preventive education:

- o The Higher Education Act's Urban Community Service Program authorizes \$9.4 million in grants for campus and community crime prevention.
- o The Early Childhood Education and Violence Prevention Act authorizes \$5 million in grants to institutions of higher education to train students for careers involving violence prevention.
- o Grants for Sexual Offenses Education (Part D of the Higher Education Act) provide funds to institutions of higher education for education and prevention programs. To date, no funds have been appropriated for this program.

A related measure is the Student-Right-to-Know and Campus Security Act. Although it does not address direct reporting, the legislation does require that institutions of higher education receiving Federal student financial assistance funds collect and disclose information about campus security measures and statistics about serious crimes involving students, including both "forcible and non-forcible" sexual assaults that occur on or near campus. The Higher Education Amendments of 1992 added new provisions to the act that require colleges and universities to develop education programs to promote the awareness of rape, acquaintance rape, and other sex offenses. Prior to this act, information about campus crime was not available to prospective students.<sup>22</sup>

Unfortunately, much of the Federal legislation authorizing prevention efforts through the DOED is relatively new; some still lacks companion appropriations. An equally significant problem is the absence of resources to evaluate existing preventive education programs, which operate on the premise that violence is a learned behavior. Meaningful evaluation would entail the observation of an individual's long-term behavior after having participated in such a program. Such longitudinal evaluations are rare.

Another education-related issue is the role of teachers and school administrators. States do not require that schools have policies prohibiting sexual contact between school personnel and students. A Senate amendment to the Safe Schools Act of [date] addresses this issue by requiring an assurance that the local educational agency has a written policy prohibiting sexual contact between school personnel and a student.

At least two local preventive education programs appear to be enjoying extensive public support. The Oakland Men's Project (OMP) of Oakland, California, is an education and support program that has developed local and national-scope training on the prevention of violence against girls and women. The program's success flows from its community-based structure (it works in cooperation with other community entities, such as schools and victim advocacy groups) and from its founding principle that boys and men must work as the "allies" of girls and women, if sexual aggression is to cease. Furthermore, the OMP does not limit its training to children in school, but rather, to teachers, incarcerated offenders, and university students. (Appendix 3 provides participant feedback on the OMP's training.)

Several states have developed educational programs modeled after the prototype "Impact of Crime on Victims Class" developed and used in the California Youth Authority. The purpose of the class is to personalize crime. Offenders cannot avoid, ignore or dismiss the results of their behavior. It is felt that direct contact in an educational and controlled setting can facilitate that happening.

#### • Reporting

Although estimates of actual versus reported sexual assaults vary, it is clear that the majority of crimes go unreported. The Bureau of Justice Statistics (BJS) asserts that about half of "completed rapes" (versus attempted) recorded by the National Crime Victimization Survey (NCVS) are reported to law enforcement officials; many of those reports are filed by someone other than the victim.<sup>23</sup> By contrast, a recent study, conducted by the National Victim Center in collaboration with the Crime Victim's Research and Treatment Center, found that only 16 percent of all forcible rapes are ever reported to law enforcement authorities.<sup>24</sup>

It can be assumed with certainty that a significant number of perpetrators remain at large, unapprehended and unconvicted -- and hence, free to rape again.

Data collection methods for Federal statistics have come under fire for being flawed. For example, many women will admit that they have been forced to have sex, but will respond negatively when asked if they were raped, especially if the perpetrator is someone they know (the perception being that it is not rape if the perpetrator is known to the victim). Thus, survey questions that inquire whether a victim was "raped" may erroneously elicit a negative response.

The widespread reluctance of victims to report is a reaction to stigma, victim-blaming, and fear of insensitive treatment by the criminal justice system.<sup>25</sup> It may also stem from personal reasons, such as the victim's relationship to or fear of the perpetrator, or the victim's belief that her actions or lack thereof may be viewed as contributory. Clearly, the encouragement of reporting is critical to successful apprehension of perpetrators. Toward this end, state victim compensation programs require victims of sexual assault to report the crime and cooperate with law enforcement efforts as a condition of payment for medical forensic examinations, mental health counseling, lost wages, and other related expenses.

Clearly, more effective means to encourage reporting are necessary. The assurance of sensitive treatment is one element that may foster greater victim trust in the criminal justice system, and thus, a greater willingness to report.

- Criminal Justice System:  
Investigation, Prosecution, Adjudication

Historically, the physical welfare of its citizens has always been a state's responsibility, through the exercise of its policing powers. At the state level, local district attorneys offices prosecute sex offenses within their jurisdictions. Federal criminal law developed to encompass those activities which interfered with interstate relationships, Federal property, and Federal employees or officials in their official capacities. At the Federal level, the Department of Justice (DOJ), through the Child Exploitation and Obscenity Section and U.S. Attorney Offices across the country, investigates and prosecutes sexual assault crimes occurring within Federal jurisdiction.

Over the past decade Federal law and many state laws have evolved to include provisions that safeguard the rights of victims. In 1986, Congress enacted the Sexual Abuse Act,<sup>26</sup> which reformed and modernized Federal laws on rape, and extended the reach of Federal law to other sex offenses. The Act's reforms, which parallel many state reforms, follow:

- o Sexual crimes are defined in gender neutral terms and focus on the offender's acts.
- o Spousal immunity and resistance doctrines which had, in the past, caused the exclusion of relevant inculpatory evidence, have been abolished.
- o The government need not prove lack of consent as part of its case. Consent is relevant only as a defense in adult sexual assault cases and is completely irrelevant when the victim is a child.
- o Corroboration of the victim's testimony is not required to obtain a conviction. Where the victim of a sexual crime is under age 12, the improper and often abused "mistake of age" defense is not permitted.

The Federal government and most states also have laws generally referred to as "rape shield" statutes. These laws protect victims from improper and unduly intrusive cross-examination about irrelevant prior sexual behavior. Rule 412 of the Federal Rules of Evidence, for example, specifically excludes reputation or opinion evidence of the victim's past sexual behavior. The rule further excludes other evidence of a victim's prior sexual behavior, except under very narrow relevant and proper circumstances. If the defendant intends to offer evidence of specific instances of past sexual behavior under the exception to the rule, the defendant must file a written motion with an offer of proof not later than 15 days prior to the scheduled trial date.

Other new provisions in state criminal codes, as well as in the Federal Criminal Code, protect child victims or witnesses of sexual assault. Defendants in child sexual assault cases often, without foundation, improperly attack a child victim's competency, based solely upon the victim's age. Reformed Federal and state laws now presume a child -- even one of "tender years" -- competent to testify.<sup>27</sup> These reforms typically require that a competency hearing be convened only upon written motion that sets forth a compelling reason, supported by an offer of proof.

Accused sex offenders are entitled to speedy trials in all states and at the Federal level. Children in the Federal criminal justice system, and in some states as well, are also entitled to speedy trials -- a right not yet accorded to adult victims.

Another common statutory reform permits one or two-way, closed-circuit television examination and video-taped depositions of child victims.<sup>28</sup> These measures protect the child from intimidation while preserving the defendant's constitutional rights. Other accommodations for child witnesses include extended statutes of limitations, guardians ad litem, and restrictions on the disclosure of a child victim's identity.

Some states require convicted sex offenders to submit to DNA profiling. Once on file, the DNA "fingerprint" serves as important evidence for future sexual assault investigations, and eliminates the need for repeat tests of recidivist offenders.

The Federal government has undertaken other important efforts to uphold victim rights and strengthen prosecutions. In 1991, the Attorney General issued guidelines delineating the proper treatment of victims and witnesses. Each agency within DOJ must annually file a "best efforts" report documenting their compliance with the guidelines. These guidelines, along with Federal law, require the use of multidisciplinary teams (including pre-existing state teams) to investigate and prosecute child sexual abuse, where feasible. The use of teams not only mitigates the trauma to victims, it also enhances effective prosecution. Members of multidisciplinary teams provide relevant professional expertise and assistance, including medical evaluations of abuse or neglect; psychological and psychiatric diagnoses and evaluations for children or parents; emergency consultation; and expert medical or psychological testimony.

The Office for Victims of Crime in DOJ has funded national-scope training and technical assistance on the use of multidisciplinary teams in the investigation and prosecution of both adult and child sexual assault and abuse cases. A multidisciplinary approach that is victim-centered mitigates possible secondary trauma to the victim, by minimizing repetitive and intrusive interviews, upholding the victim's right to fair and sensitive treatment, and keeping the victim informed of key criminal justice proceedings. Furthermore, community-based multidisciplinary teams exemplify the efficient use of local resources.

Through the Children's Justice Act Program administered by the Department of Health and Human Services and OVC, states and Indian tribes are successfully employing a multidisciplinary approach to handling cases of child physical and sexual abuse. The DOJ also works with the National Children's Advocacy Center in Huntsville, Alabama, to provide specialized multidisciplinary training to the range of Federal officials who handle child sexual abuse cases. In-depth courses on interviewing children, prosecuting cases, and providing services to children and their families are offered.

Like the Federal government, every state has enacted reform legislation that is intended to encourage the reporting of sexual assaults, safeguard the rights of victims, and improve case processing and disposition. The extent of legislative reforms varies from state to state, an analysis of which extends well beyond the scope of this report. Although much progress has been made, a question persists as to whether provisions set forth in law are carried out in practice.

The effectiveness of the criminal justice system depends in part on laws and policies, and in part, on the discernment of its law enforcement officers, prosecutors, judges, and juries. Like the general public, members of the criminal justice system may harbor biases that impede successful prosecution of the crime while also re-traumatizing victims. For example, judges may not understand the long-term psychological harm of sexual assault to the victim; they may engage in victim blaming; or they may require more corroboration of the victim's testimony than in other serious felony cases.<sup>29</sup> Myths about rape pervade juror attitudes as well. "Juries appear to rely on social (as opposed to legal) definitions of rape and their own perceptions of the victim's assumption of risk...[They tend to be] extremely lenient with the defendant if there [is] any suggestion of 'contributory behavior' on the part of the victim...[e.g.,] hitchhiking, dating, and talking with men at parties."<sup>30</sup>

A number of Federal agencies have provided funding to train criminal justice professionals.

- o DOJ's Office for Victims of Crime (OVC) has funded training for judges through the National Judicial College, the nation's leading continuing education center for the training of state trial judges, in Reno, Nevada. Training topics included protecting victims of crime from harassment, victim-offender mediation programs as part of sentencing, videotaped testimony, and opportunities for the presentation of victim impact statements.
- o With funding from the State Justice Institute, the National Judicial Education Program to Promote Equality for Men and Women in the Courts (a component of the National Organization for Women, or NOW) developed a model curriculum to train judges about sexual violence. The curriculum, which has been pilot-tested and refined, tackles common myths about rape and delineates judicial practices that ensure fairer treatment of sexual assault victims in the courtroom. Feedback from training participants indicates the NOW's prior training has successfully changed attitudes (for more information about this program, see Appendix 4). SJI has also commissioned the National Organization for Victim Assistance (NOVA) to produce a manual for training judges on victim rights, along with two videotapes to support the training. These are available through state judicial educators and NOVA.

Through other national-scope projects, OVC has also furnished training for law enforcement, prosecutors, victim advocates, correctional officials, and medical professionals.

Judicial training programs in particular have met with mixed success. According to evaluations of OVC training, this may be the result of the concern of many judges about maintaining a balance

between the rights of the offender and those of the victim. Focused consideration of the victim's rights is often viewed as prejudicial or improper. Still, the work of state supreme court task forces on gender bias has documented significant deficiencies in the response of judges to certain cases of sexual assault.<sup>31</sup>

- Truth in Sentencing

Law enforcement prevents sexual victimization of the law-abiding public. Incarceration of sex offenders guarantees the cessation of their offenses, at least temporarily. Unfortunately, most criminals seldom serve full sentences<sup>32</sup>; sex offenders in particular typically serve a fraction of their sentences.<sup>33</sup> Juvenile offenders typically receive probationary sentences. First-time offenders who serve time are not insulated from the influence of repeat offenders. Other sex offenders attain early parole due to good behavior during incarceration. Finally, several states have released incarcerated sex offenders, along with other convicted criminals, because they lack adequate prison space to hold them. As a result of these factors, most offenders ultimately return to the streets.

At the Federal level, penalties for sex offenses range from misdemeanors for crimes such as abusive sexual contact, to life imprisonment for aggravated sexual abuse. The Federal Sentencing Guidelines allow consideration of the seriousness of the offense as well as aggravating or mitigating circumstances. Other Federal statutes make the failure of certain professionals to report child abuse a criminal offense that carries a penalty of up to six months in prison and/or a fine of five thousand dollars.<sup>34</sup> Finally, the Federal criminal justice system abolished parole in 1986.

- Victim Rights and Assistance

The issuance of the 1982 Final Report of the President's Task Force on Victims of Crime marked the onset of a decade of activism to restore balance to the administration of justice. In 1984, Congress enacted the Victims of Crime Act (VOCA), which established the Crime Victims Fund (Fund) in the U.S. Treasury and the Office for Victims of Crime (OVC) in the DOJ's Office of Justice Programs. The Fund annually receives millions of non-taxpayer dollars from the fines, forfeited bail bonds, penalty fees, and special assessments of convicted Federal criminals. The Fund enables OVC to make formula grants to eligible states for crime victim compensation and assistance programs. State victim compensation programs provide financial relief for the out-of-pocket losses arising from crime, such as lost wages, forensic examinations, and funeral expenses. State victim assistance programs support services such as shelters for battered women, rape crisis counseling, and hotlines. In 1991, more than one-fifth of the total VOCA victim assistance funding awarded (\$65.6 million) went

to programs for sexual assault victims, and more than one-third went to programs for victims of domestic violence.

The VOCA state compensation and assistance formula grant program exemplifies a Federal and state partnership that works. Without the services made possible by this program, the lives of many victims of sexual assault would remain irreparably damaged.

The ability of the Federal government to sustain this partnership depends, in large part, on the effective collection of criminal fines. In 1991, through the U.S. Attorneys Offices and the U.S. Clerks of Courts, the Federal government collected over \$221 million in criminal fines -- the largest annual amount ever.<sup>35</sup> Although deposits into the Fund have steadily increased over the years, continued vigorous collection efforts are necessary to the maintenance of essential victim services across the nation.

The 1990 Crime Control Act further advanced victim rights by enumerating the specific responsibilities of the Federal criminal justice system to victims.

Like the Federal government, the majority of states have passed legislation to ensure the fairer treatment of all crime victims. At least 42 states now have legislated Victim Bills of Rights. (Unless these bills amend state constitutions, however, they may be unenforceable.) Virtually all states now allow the submission of written victim impact statements at sentencing and at least 34 states permit victim allocution. Finally, at least 23 states have enacted legislation which mandates that restitution unless a judge explains, in writing, reasons for not issuing such an order.

States have also responded legislatively to the AIDS epidemic, the threat of which compounds the trauma and fear experienced by victims of sexual assault and abuse. Often state laws on the testing of criminal offenders require that the victim or the prosecuting attorney petition or request the court to order testing of the offender for the presence of HIV and disclose the results to the victim. Sixteen states specifically authorize the involuntary pre-conviction testing of accused offenders; two states allow voluntary pre-conviction testing; and 20 states authorize post-conviction testing of offenders.

Although the criminal justice system has undergone extensive reform, victims -- especially victims of sexual assault -- may remain subject to less than dignified treatment. They may be denied important rights -- the right to be notified, present, or heard -- at key points in the criminal justice process. Case delays may prolong victim suffering. Victims may be denied restitution, or, if it is ordered, there may be little or no effort by the courts to collect it.

The 1982 Final Report asserted that the victim's perspective should be considered at every phase of the criminal justice system. Eleven years later, this remains a legitimate and ongoing goal.

- Victim Treatment

Victims of crime suffer irreparable harm -- physical, mental, emotional, and spiritual. Sexual assault victims may need medical care, physical therapy, crisis counselling, ongoing therapy, and/or group support. Their mental health needs are often long-term. Children who have experienced sexual assault or abuse have unique treatment needs; they are particularly vulnerable to the possibility of secondary victimization at the hands of inexperienced medical or criminal justice practitioners. Adult survivors of child sexual abuse may have developed alcohol or other dependency problems, among others, in an attempt to cope with their trauma; in treatment, these victims must work through an entire lifetime of suffering.

Over the last twenty years, progress has been made in delivering timely, appropriate, and effective treatment services to victims of sexual assault and abuse. Most recently, as part of its 1991 campaign to educate medical practitioners about domestic violence and sexual abuse, the American Medical Association (AMA) formed the National Coalition of Physicians Against Family Violence. The AMA has since issued a series of booklets instructing medical practitioners on how best to detect and assist patients who are victims of physical and sexual abuse (including children), and refer them to the proper legal and social services.

Also in 1991, the American Psychological Association (APA's) Committee on Women in Psychology joined these efforts by establishing APA's first Task Force on Male Violence Against Women. The task force is one part of a larger violence initiative begun by APA's Public Interest Directorate in 1991. Its mandate is to review current research on the prevalence, causes, and impact of violence against women, to describe community-based and clinical interventions, and to recommend legal changes and policy initiative to address the problem. APA's Women's Programs Office plans to disseminate this information to researchers, educators, advocates, service providers, and policymakers through a variety of mechanisms at the local, state, and federal levels.<sup>36</sup>

The response of medical practitioners to victims in emergency room settings has also undergone improvement. Federal efforts have helped to bring about this change. In 1988, DOJ funded the development of a model sexual assault evidence collection protocol and kit; twelve states adopted the model and continue to refine it to this day.<sup>37</sup> At the local level, a few hospitals and medical care providers have developed Sexual Assault Nurse Examiner (SANE) programs, which employ specially trained nurse practitioners to conduct medical exams in facilities specifically designed to meet

the needs of victims. The use of nurse practitioners is an economical means of delivering quality, specialized care without subjecting victims to crowded, public emergency waiting rooms. Both Hillsborough County, Florida and the San Francisco Rape Treatment Center in California operate SANE programs.<sup>38</sup>

Like their medical colleagues, mental health practitioners have gained substantive knowledge about effective approaches to the treatment of sexual assault and abuse victims. The Crime Victims Research and Treatment Center (CVC) at the Medical University of South Carolina has pioneered extensive research on Post-Traumatic Stress Disorder (PTSD) in crime victims, as well as rape-related PTSD. CVC also conducts research on the treatment needs of child victims, and has, with DOJ funding, provided national-scope training to mental health practitioners on these topics. CVC has also been supported by the National Institute of Mental Health with research and training grants focusing on the treatment of child and adult sexual abuse, as well as other forms of traumatic stress.

Many patients who present to mental health practitioners do not identify themselves as victims of sexual assault or abuse; they may not even realize they are crime victims. Without proper training, mental health professionals may fail to recognize symptoms indicative of past or even recent sexual victimization (such as a substance abuse). Evaluations of CVC training events point to the ongoing need for training and information-sharing about these issues among mental health practitioners.

The aforementioned efforts represent promising progress in ensuring that quality treatment for victims of sexual assault. However, areas remain for renewed action. Assistance and treatment services may not reach or accommodate the needs of distinct victim populations, such as males, the elderly, and gay and lesbian victims. Furthermore, innovative local approaches are scattered<sup>39</sup>, and may not garner the resources necessary to provide quality or continuous services. Federal demonstration funds are limited; replication of successful efforts has therefore also been limited. Training for victim service providers, and medical and mental health professionals, is a continuing and important need.

The criminal justice system has much to gain by working closely with medical and mental health practitioners, who are often the first to respond to victims of sexual assault or abuse. In recognition of this fact, members of the respective disciplines have recently undertaken national efforts to share information and identify areas for collaboration. Such collaboration is clearly a necessity. At the policy formulation level, such collaboration would enrich national approaches to the problem. At the local level, such collaboration (reflected in multidisciplinary teams to respond to sexual assault) enables the efficient use of local resources; enhances law enforcement and prosecutorial practices; and minimizes additional trauma to victims.

• Assessment, Treatment and Supervision of Offenders

As a result of the increased awareness of and concern about the problem of sexual assault and abuse, sex offenders have become, overall, the most rapidly increasing category of incarcerated offenders. Concurrently, in an effort to further enhance community safety, there has been a dramatic growth in the number of treatment programs for sex offenders. This growth was especially marked for adult sex offenders in the first half of the 1980s, with the number of programs increasing from several dozen at that time to around 1,000 today. Moreover, as it became more widely known that juveniles account for a significant proportion of sexual offenses and that many chronic adult sex offenders began their careers of sexual offending as juveniles, programs for juvenile sex offenders, beginning the mid-1980s, have similarly showed a dramatic increase.

Treatment approaches of late focus on teaching offenders to recognize high risk situations and, in essence, to interrupt individual patterns of behavior, as a means of preventing future offenses. (The term "treatment" has been carefully selected; "rehabilitation" implies return to a former state of mental health, which is not true with most sex offenders.)

Most incarcerated sex offenders are eventually released. Many attain parole or early release because of good behavior while incarcerated. Unless these offenders are provided some form of treatment while in prison, incarceration is simply a "time out" from committing sexual assaults. Treatment during incarceration, however, is merely a half-measure; post-release supervision and monitoring of the offender is equally important. Effective supervision entails developing a network of contacts (e.g., the offender's employer, spouse, etc.) who assist probation officers in monitoring offender behavior; and interaction between probation and mental health professionals to periodically review and compare respective assessments of offender progress.<sup>40</sup> Where successful, treatment of offenders has truly been a community endeavor (see Appendix 5 for more information about state efforts).

Since 1982, the Vermont Treatment Program for Sexual Aggressors has employed the aforementioned treatment elements in its work with convicted sex offenders. Of 473 offenders treated in a ten-year period, only six percent are said to have re-offended.<sup>41</sup>

There are a number of problems with present treatment programs. First, the screening methods used by Federal and state prisons generally fail to identify an offender's need for and amenability to treatment. Second, treatment is a specialized field for which limited training or retraining opportunities exist; as a result, there are too few corrections personnel capable of successfully monitoring released offenders who have received treatment. Further, the absence of community or transitional programs for released offenders may undermine the effects of previous treatment.

Third, the failure to develop and implement a system-wide tracking, reporting and evaluation system in the treatment of sex offenders from adjudication through parole increases the risk of re-offense, and diminishes the credibility of existing treatment programs. Finally, the criminal justice system has failed to intervene appropriately through juvenile court, or to mandate long-term follow-up. As a result, juvenile offenses may escalate.

### Part III Remedies

#### • Criminal Justice System

The criminal justice system's goals are to protect and maintain order in society, and to deliver swift and sure punishment to those who break the law. Through the continued enactment of progressive measures to advance victim rights, dispensation of punishment that is commensurate with the seriousness of the crime, and a restorative justice approach that upholds the offender's accountability to the victim, these Federal and state governments can achieve meaningfully achieve those goals.

- o The Federal and state governments should take steps to uphold truth in sentencing. Violent recidivists should not be allowed to walk free because of good time credits or overcrowded prisons. Credits toward release should be tied to participation in treatment programs. Furthermore, toward more informed decision-making by parole boards, victim allocution at parole hearings should be encouraged. Where needed, legislatures should redefine violence and sexual criminal acts. Tailoring punishments to more closely fit the crime -- through the enumeration of graded offenses -- would assist in taking more sex offenders off the streets. In addition, first-time offenders should not receive probationary sentences, but should be sanctioned in a way that reflects the seriousness of the crime. They should, however, be insulated from the influence of repeat offenders through the use of first-time offender correctional facilities which offer specialized treatment programs.
- o Child victims of Federal sexual offenses are entitled to a speedy trial.<sup>42</sup> Defendants have a right to a speedy trial in all cases. Adult victims of Federal sex offenses should have this same right, and states should be encouraged to provide it.
- o The Federal government should also consider reforming the Federal Rules of Evidence in connection with sexual violence cases. Federal rape shield provisions limit admissibility of a victim's past sexual behavior to certain circumstances (e.g., where a defendant raises consent as a defense), but only in criminal cases. Victims in all Federal criminal and civil cases involving sexual violence should receive the

benefit of this prosecution. Federal and state criminal justice systems should also seriously consider adopting clear rules allowing admission of evidence involving a defendant's prior similar sexual offenses.<sup>43</sup> As noted, when the defendant raises consent as a defense, the victim's past sexual conduct sometimes becomes relevant and admissible at trial; so should, therefore, the defendant's past sexual conduct.<sup>44</sup>

- o The DOJ should encourage the use of multidisciplinary teams to investigate and prosecute sexual assault cases. By fostering victim trust in the criminal justice system, this approach may go far in encouraging victims to report the crime and in strengthening prosecution of sex offenses.
- o All charged and convicted state and Federal sex offenders should be subject to DNNA profiling.
- o Effective programs to educate judges about gender bias and issues related to sexual assault should receive additional funding to enable the expansion of these efforts. Training curricula should address the provision of appropriate instructions to jurors serving on sexual assault cases. The DOJ should explore the need for development and issuance of model instructions.
- o In 1982, the President's Task Force on Victims of Crime recommended that a study "be commissioned at the Federal level to evaluate the juvenile justice system from the perspective of the victim." They suggested that the focus of such a study include accountability to the victim; consequences of offender behavior to the victim and society as a whole; trying violent juvenile offenders as adults; and whether sealing juvenile records is sound policy. The Task Force's recommendation remains valid today; the Federal government should therefore revisit the idea of this study, and include relevant known information about juvenile offenders and the effectiveness of current measures to deal with them.
- o The DOJ should establish and lead an interdepartmental Task Force on Sexual Violence to serve as Federal focal point to efforts to address sex crimes. The responsibilities of the Task Force would include further exploration of the problem; coordination of Federal efforts; an identification of model state and local programs, as well as areas for renewed effort; facilitating communication between successful efforts, and areas in need; and the coordination of technical assistance efforts to replicate effective approaches to combatting sexual assault. The composition of the Task Force would reflect the same professional make-up of multidisciplinary teams, i.e., law enforcement, prosecutors, victim advocates, etc.

## • Victim Rights and Assistance

The goals of victim rights and assistance practices are threefold: to protect victim from secondary trauma; to help them navigate the criminal justice system; and to promote healing from the devastating effects of sexual assault and abuse.

- o A finding of probable cause should clear the way for mandatory HIV testing of the accused in a manner that preserves that individual's rights. Government entities should undertake steps to ensure that victim confidentiality is preserved in the disclosure of test results. Victims should also receive free testing, free counseling on test results and the possible need for future testing, and support services. It is important that counseling and testing for victims be provided even when the offender is not apprehended.
- o States should require mandatory restitution of all sex offenders, regardless of their ability to pay. Violent criminals owe a debt not only to society, but to the victim, whose life is irrevocably altered by the experience of victimization. Mandatory restitution not only sends a message that offenders will be held accountable for their actions; it also defrays the cost to government programs that provide services or compensation to victims of sexual assault. The Federal Bureau of Prison's Inmate Financial Responsibility Program, which has surpassed expected criminal fines collections goals, should serve as a model for the states.
- o The Attorney General should promote vigorous criminal fines collection efforts. These efforts are necessary to sustain the Crime Victims Fund and the state compensation and assistance formula grant programs that it supports. The Fund also supports training for thousands of committed victim service providers -- training that is critical to the quality and breadth of the services offered nationwide.
- o Children, women, and men have the right to live lives free from sexual violence. No one "asks" for sexual assault or abuse, regardless of character, behavior, dress, or lifestyle. Those unfortunate individuals who are victimized have the right to fair and sensitive treatment at every step of the criminal justice process.

The Attorney General's outspokenness on ending the cycle of domestic violence has initiated a healthy public discourse on the topic. Whenever possible -- particularly when addressing young people -- both the Attorney General and the President should articulate the aforementioned rights.

## • Victim Treatment

Victim treatment programs should work toward the goals of identifying and intervening on behalf of sexual assault victims, including males, the elderly, and gays and lesbians; and restoring them, as nearly as possible, to wholeness. As was stated above, the Attorney General should promote vigorous fines collection efforts to sustain the Crime Victims Fund and the state compensation and assistance formula grant programs that it supports -- many of which provide treatment for victims. Local programs depend heavily on Federal support; victims suffer when these programs are cut due to lack of funds.

- o The Federal government should provide increased training for victim service providers, mental health practitioners, and health care providers on effective responses to victims of sexual assault and abuse. Such training should build on the efforts in the medical field to respond to sexual assault by stressing the role of medical and mental health practitioners as victim advocates.
- o There should be a coordination point for Federally funded initiatives to address sexual assault, the purpose of which would be collaboration in designing and implementing programs, and sharing other relevant information.
- o The Federal government should fund forums and conferences, through the DOJ and DHHS, for interdisciplinary collaboration, dialogue, and joint efforts by members of the mental health, medical, and criminal justice fields.

## • Assessment, Treatment, and Supervision of Offenders

Correctional and treatment efforts should aim to protect society from known sex offenders, and to make every effort to ensure that released offenders do not re-offend.

- o The Federal government should take a lead role in developing, publishing and disseminating national minimum standards for treatment of sex offenders. These standards would enable the field to collectively strive for professionally acceptable goals and objectives.
- o Treatment programs should recognize the importance of offender accountability to the victim. Treatment professionals should work with correctional personnel to ensure that offenders meet restitution obligations as a condition of treatment and probation parole.
- o The Federal government should consider funding forums, training and technical assistance initiatives for corrections

personnel, and public education initiatives on effective treatment approaches for sex offenders.

#### • Prevention, Education, Intervention

Changing individual attitudes is an ambitious goal, but it is clear that the eradication of erroneous beliefs about sexual assault, and about what constitutes acceptable behavior, is critical -- at all levels of society.

##### Education in Schools

- o The Federal government should back Federal educational initiatives that presently lack funding authorizations by ensuring that adequate resources exist to implement them.
- o Primary schools should provide assistance services in schools for children who self-identify during educational violence prevention initiatives. A first step toward providing these services is the development of a curriculum to train educators to identify and intervene on behalf of children who are victims of violence, including sexual assault. Educators should also learn about the myths and realities of sexual assault and abuse, so that they can provide truthful information to students and encourage appropriate behavior.
- o Primary schools should be encouraged to develop policies and guidelines that clearly define sexual assault and set forth sanctions for inappropriate behavior, including inappropriate touching and sexual harassment.
- o Postsecondary institutions should continue to be a target for sexual assault awareness and education initiatives. Enhanced awareness that sexual assault is a crime is likely to increase victims' willingness to report sexual assaults to the police.
- o The Federal government should explore ways to foster the replication of successful educational programs -- from information sharing to the provision of funding for such replication. Replication efforts should entail the evaluation of reportedly "effective" programs as well.

##### Education of the General Public

- o The Federal government should use available opportunities, such as DOJ's observance of National Crime Victim's Rights Week, to draw attention to the myths and realities of sexual violence. Through OVC at DOJ, and other Federal agencies, the Federal government might develop collaborative efforts with media representatives to issue this message. Such efforts may be helpful in educating the public media themselves about issues such as the harm of disclosing a victim's identity;

reporting crimes in a manner that respects the victim's survivors; the impact of media depictions of violence on young people, etc.

#### Education of Allied Professionals

- o Like other law enforcement entities, campus security personnel should receive training on the sensitive and appropriate response to victims of sexual assault. University and campus security departments should be encouraged to develop procedures guiding their response to such crimes. Such training and policy development is a critical component in the success of campus sexual assault initiatives.
- o Expanded education of health care providers should build on and complement current efforts. Victims of sexual assault often seek only medical treatment during their initial period of recovery. During these critical periods of early intervention, physicians and other health professionals can be an important resource. Appropriate information should be included in health care curricula so that more sensitive victim care may take place in all health care settings.

#### IV. Research and Evaluation

A number of Federally funded research efforts are currently underway in both the National Institute of Justice (NIJ) and the National Institute of Mental Health (NIMH).

NIJ is the research and development agency of the DOJ. Specific Congressional mandates direct NIJ to sponsor research and development programs designed to improve and strengthen the criminal justice system, and reduce or prevent crime; to develop new methods prevention and reduction of crime and delinquency; and to recommend Federal, state and local actions to improve the administration of criminal justice. NIJ operates the world's largest criminal justice information clearinghouse, the National Criminal Justice Reference Service (NCJRS), a resource used by state and local officials across the nation.

Current research projects sponsored by NIJ include the following:

- o Sexual Violence: The Utility of Rapist Classification. This study will evaluate the generalizability of a proposed classification of rapists to correctional settings beyond the prison where it was developed (the Massachusetts Treatment Center in Bridgewater, Massachusetts). The study will also develop a simplified version of the classification scheme which could be used by law enforcement officers for profiling suspects to enhance identification and apprehension and by corrections personnel in designing treatment programs.

- o Treatment of Sex Offenders. This study will determine how probation and parole agencies are responding to the increased demand for supervision and management of sex offenders. The study will survey probation and parole agencies in all 56 states and territories, conduct on-site assessments of at least six model programs for sex offenders, and conduct a content analysis of state statutes that define sex offenses and sanctions. The study will provide solutions for implementation issues faced by agencies and will discuss effective, practical approaches for managing sex offenders in probation and parole settings.
- o The Criminal Justice and Community Response to Rape. This report examines current issues and practices in the criminal justice and community response to sexual assault. Issues covered include: innovations in victim assistance; statutory reform; acquaintance rape; education and prevention strategies; HIV antibody screening of accused sex offenders, DNA typing of accused sex offenders; and efforts to reduce victim reluctance to report. This report is based on a review of recent literature and relevant legislation, telephone interviews with leading experts, and site visits to four jurisdictions that have demonstrated a significant commitment to enhancing sexual assault prosecution efforts and victim services (St. Paul, Minnesota; King County, Seattle, Washington; Denver, Colorado; and Philadelphia County, Pennsylvania).

Research on sexual violence will be an area of emphasis in NNIIJ's 1994 Program Plan under the goals of reducing violent crime and reducing the consequences of violent crime.

The National Institute of Mental Health (NIMH) has been funding research on violence since the early 1950s, with an emphasis on building cumulative knowledge, with practical applications for daily life. The fiscal year 1993 research budget for violence, across NIMH, was \$45 million supporting 204 grants on this topic. The Violence and Traumatic Stress Research Branch supports research on studies of perpetrators of aggressive and violent behavior, victims of interpersonal violence, including rape, sexual assault, domestic violence, and child abuse, and other areas of traumatic stress. In fiscal year 1993, approximately \$15 million was spent on research on perpetrators and victims of violence. Treatment research, including research on the treatment of sexual assault and rape, continues to be a programmatic and funding priority for this program. For example:

- o NIMH research has shown that Post-Traumatic Stress Disorder (PTSD) can be one of the most debilitating and harmful effects of sexual assault. Although many forms of intervention exist for rape-related PTSD, only a few well-controlled studies have been conducted to systematically evaluate the treatment

response of women who have been the victims of sexual assault.<sup>45</sup> Current NIMH researchers are investigating the effectiveness of cognitive behavioral treatments with rape victims, conducted within community rape crisis centers, as well as the effectiveness of certain forms of medication in the alleviation of extreme symptoms.

- o Recent NIMH studies indicate that among college women, nearly thirteen percent were sexual assault victims during this first year of college. The single best predictor of first year college sexual assault was adolescent sexual assault, and the best predictor of adolescent victimization was childhood victimization. The data clearly indicate that waiting until college to begin "date rape" prevention programs is too late for significant numbers of young women. The problem of violence against women, including research on appropriate prevention and intervention programs, needs to be addressed early on.<sup>46</sup> These same NIMH researchers are also documenting long histories of anti-social and criminal behavior among those males committing rape while in college, a finding which has important implications for early intervention programs with perpetrators.

The primary problem encumbering research initiatives, particularly those that focus on effective treatment for victims and perpetrators, appears to be the limited availability of Federal funding specifically designated for research on sexual assault. For example, NIJ's funding for the aforementioned projects on sexual assault totaled less than \$600 thousand. In fiscal year 1993, NIMH funded 18 grants directly related to sexual assault and rape, for a total of about \$3 million (within a budget of \$18 million for 110 grants on violence or trauma related topics). Much of the NIMH research directly investigates the effectiveness of treatment or identifies the specific characteristics of the victim, perpetrator, or the experience that contribute to long term mental health problems or recovery. This funding level is clearly inadequate for this critical area of research. Any intervention program to treat the victim or the perpetrator of such crimes must be grounded in strong, credible scientifically sound approaches. Funding levels should be increased across all research areas.

The Federal agenda should include research on the following:

- Incidence and Prevalence:
  - o Studies of incidence and prevalence among historically understudied victims of sexual assault, such as child victims, culturally and ethnically diverse samples, and male victims. Research would focus on the differences and similarities within and across groups and the implications for intervention; and

- o Studies on sexual assault within relationships. Research should focus on lifetime prevalence of violence by relationship partners for single adult women, poor women, incarcerated women, and women from ethnically diverse backgrounds; the post-trauma effects on women of physical and sexual assaults in adult intimate relationships; contributing factors to the perpetration and maintenance of male violence against relational partners; and patterns of re-assault and threat for victims who leave their abusers or take other steps to end the aggression; protective factors to the reduction of partner violence by men and mechanisms for enhancing those factors in the lives of children and adolescents.
- Causes:
  - o Studies of the possible factors influencing the development of individual potentials for violent sexual behavior (e.g., genetic-environmental interactions, childhood sexual abuse, attitude formation, and chronic alcohol abuse).
  - o Sexual offender recidivism studies for the purpose of informing prosecutorial and judicial decision-making to achieve the best possible outcome for both offender and victim.
- Prevention:
  - o Evaluation of early education/intervention strategies as tools in the prevention of sexual violence to reduce victimization risk and risk of offending.
- Treatment:
  - o Research on and evaluation of treatment for both adult and child sexual assault and abuse victims. Given the correlation between childhood sexual abuse, and both victimization and perpetration in adolescence and adulthood, research needs to focus on effective means of interrupting this pattern. Without clear and convincing evidence of treatment effectiveness, the establishment of new programs has the potential for failure. Treatment Research, for both victims and perpetrators, must take a high priority in any broad-based effort to address sexual assault.
  - o Research on service delivery, including the investigation of treatment issues such as routine screening for histories of victimization; validation of the experience with the rape victim; consideration of psychological responses to trauma in diagnoses and treatment planning; safety planning with victims and survivors; accurate record keeping; expanded interventions for men who physically or sexually assault female partners;

and expanded interventions for children and adolescents who have witnessed violence between adult caretakers.

- o Evaluation of sex offender treatment programs, including behavioral therapies, that are operated both within prisons and in the community.

## Endnotes

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National Victim Center, and Crime Victims Research and Treatment Center. Rape in America: a report to the nation. Arlington: The National Victim Center, 1992; p. 3.

3. Rape in America: a report to the nation, p. 6.

Bureau of Justice Statistics (BJA). Report to the nation on crime and justice. Washington, D.C.: Department of Justice, 1988. BJA estimates that about half of completed rapes are actually reported to law enforcement authorities.

4. The Interagency Council on Sex Offender Treatment. A report to the Texas State Legislature, 1993. Austin: The Council, 1993; p. 2. Sex offenders in Texas are returned to society after a brief two to five year period of time in incarceration.

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Also, Felony sentences in state courts, 1990. According to BJS, the average yearly number of reported rapes between 1979 and 1987 was 167,000; in 1990 alone, however, there were only 18,024 convictions.

5. The term "sexual assault" rather than "rape" has been used throughout this paper. "Sexual assault" encompasses a range of unwanted sexual acts, which may or may not include penetration. "Rape" has been used here to specifically describe an act of penetration.

6. District of Columbia Code, section 22-2801. Other states include Alabama, Idaho, and Maryland.

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8. Bureau of Justice Statistics. Criminal victimization in the United States, 1991. Washington, D.C.: Department of Justice, 1991.

9. Whitcomb, Debra. When the victim is a child. Washington, D.C.: National Institute of Justice, 1992; p.2-3.

10. When the victim is a child, p. 3-4.

11. Rape in America: a report to the nation, p. 4.

12. Rape in America: a report to the nation, p.6.

13. Rape in America: a report to the nation, p.7.

Also, Lynn Hecht Schafran. Writing and reading about rape: a primer. St. John's Law Review, 1993; 66(4); p. 1021.

14. Koss, M.P. Rape: scope, impact, interventions, and public policy responses. American Psychologist, 1993; 48(10); p. 1062-1069.

15. National Victim Center. America speaks out: citizens' attitudes about victims' rights and violence. Executive summary. Fort Worth: The National Victim Center, 1991; p. 4.

16. Susan Estrich. Real rape. Cambridge: Harvard University Press, 1987; ch. 3.

17. The National Institute of Justice awarded a 1992 cooperative agreement to the National Victim Center for an in-depth study of victim-oriented practices in a small sample of states. The study will examine legislation supporting the victim's right to be notified, heard, and present, and the right to restitution, and practices that actually enforce these rights.

18. Pithers, William. Relapse prevention with sexual aggressors: a method for maintaining therapeutic gain and enhancing external supervision. Waterbury: Vermont Center for the Prevention and Treatment of Sexual Abuse, Vermont Department of Corrections, Waterbury, Vermont, 05676. Date not included.

19. The Vermont integrated action plan for the prevention of child abuse: transforming Vermont into the first abuse-free state. Waterbury: Department of Social and Rehabilitative Services, 1992.

20. Rape in America: a report to the nation, p. 2.

21. The National Committee for Injury Prevention and Control. Injury prevention: meeting the challenge. American Journal of Preventive Medicine, 1989.

22. Passage of the legislation was spurred in part by the activism of Howard and Connie Clery, whose daughter Jeanne Anne was raped and murdered at Lehigh University in 1986. Had the dorm to Jeanne Anne's dormitory been adequately secured, her killer would not have been able to gain access to her room.

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Also, Federal Bureau of Investigation. Crime in the United States. Washington, D.C.: Department of Justice, 1990.

24. Rape in America: a report to the nation, p. 6.

25. Rape in America: a report to the nation, page 6.

26. Title 18, United States Code, sections 2241 to 2245.

27. Title 18, United State Code, section 3509.

28. Title 18, United States Code, section 3509(b).

29. National Judicial Education Program to Promote Equality for Women and Men in the Courts, a project of the NOW Legal Defense and Education Fund in cooperation with the National Association of Women Judges. Understanding sexual violence: the judicial response to stranger and non-stranger rape and sexual assault: a pilot program of a model curriculum. Washington, D.C.: State Justice Institute, 1993; p. 1-8.

30. Epstein, Joel, Esq., and Stacia Langenbahn. The criminal justice and community response to rape. Washington, D.C.: National Institute of Justice, in press; p. 105.

31. Understanding sexual violence: the judicial response to stranger and non-stranger rape and sexual assault, p. 33.

32. Combating violent crime: 24 recommendations to strengthen criminal justice, pp. 7-9. Violent offenders receive an average sentence of 7 years and 11 months; however, they actually serve, on average, only two years and 11 months. Barr's report.

33. Felony sentences in state courts. 1990, p.4. According to the BJS, convicted rapists actually serve about 39 percent of their sentences. The average state sentence for convicted rapists is 160 months (or about 13 1/3 years); however, the estimated time actually served in state prison is 62 months, or a little over five years.

34. Title 18 United States Code, sections 1169 and 2258.

Also, Title 42, United States Code, section 13031.

35. Since 1985, nearly a billion dollars in criminal fines, forfeitures, and penalty assessments, has been collected and made available for victim services.

36. Goodman, L., Koss, M., Fitzgerald, L., Russo, N.F., & Keita, G.P. Male violence against women: current research and future directions. *American Psychologist*, 1993; 48(10); p. 1054-1058.

37. Goddard, Marti A. Sexual assault: a hospital/community protocol for forensic and medical examination. Chicago: Office of the Illinois Attorney General, 1986.

38. National Victim Center. Looking back, moving forward: a guidebook for communities responding to sexual assault. Arlington: The National Victim Center, 1993; Chapter 8.

39. In 1991, as part of an OVC grant, the National Victim Center conducted a nationwide survey to gather innovative protocol for professionals who deal with sexual assault victims. Survey results revealed that high quality protocol are rare.

40. Relapse prevention with sexual aggressors: a method for maintaining therapeutic gain and enhancing external supervision, p. 358.

41. Vermont Treatment Program for Sexual Aggressors: Program Evaluation. Waterbury: Vermont Center for Prevention and Treatment of Sexual Abuse, 1988.

42. Title 18, United States Code, section 3509.

43. Substantial judicial precedent supports a liberal approach to admission of "similar crimes" evidence in sexual violence cases and should therefor be explicitly codified in the rules of evidence. The Senate recently passed provisions embodying this principle and, if enacted, will provide an appropriate model for state reforms.

44. 139 Congressional Record S17095, S17119-20 (November 23, 1993).

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Final Draft  
Fri, Dec 10, 1993

Violence and the Media  
Subgroup of the Interdepartmental Working Group  
on Violence



Excerpt from the August 22, 1992 issue of "TV Guide" on a panel discussion involving Dick Wolf, producer of such series as "Miami Vice" and "Law & Order."

Wolf: I have an 8-year-old and a 5-year-old child. They've never seen any of the shows I've produced. They shouldn't be watching them. They're not allowed to watch Saturday morning cartoons.

Moderator: Why not?

Wolf: Why not? Because they're extremely violent.

**MEDIA VIOLENCE SUBGROUP  
MEMBERSHIP LIST**

**Co-Chairs:**

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|------------------|------------------------------------------------|
| Allan Rivlin     | OASPA, Department of Health and Human Services |
| Michele Cavataio | ODS, Department of Education                   |

**Members:**

|                  |                                                     |
|------------------|-----------------------------------------------------|
| Bill Barrett     | ACTION                                              |
| Bert Brandenburg | Office of Policy Development, Department of Justice |
| Jim Breiling     | NIMH, Department of Health and Human Services       |
| Carter Collins   | OERI, Department of Education                       |
| Robert Denniston | SAMHSA, Department of Health and Human Services     |
| Oliver Elders    | OIIA, Department of Education                       |
| Chuck Everett    | ACTION                                              |
| Mary Ann Fenley  | CDC, Department of Health and Human Services        |
| Jami Floyd       | OVP, White House                                    |
| Tony Fowler      | OIIA, Department of Education                       |
| Karl Kensinger   | Federal Communications Commission                   |
| Elisa Koff       | ASPE, Department of Health and Human Services       |
| Pat Lehrer       | DFND, Department of Housing and Urban Development   |
| Oliver Moles     | OERI, Department of Education                       |
| Corinna Nicolaou | CYP/ASPE, Department of Health and Human Services   |
| Cynthia Nila     | NTIA, Department of Commerce                        |

## **Executive Summary**

### **The Problem and Opportunity**

Americans consume an enormous quantity of media. A great deal of it includes violence, and heavy consumption of violent media can have harmful consequences.

According to a 1993 report by the American Psychological Association (APA) on Violence and the Media, 98% of American homes have at least one television, which is watched an average of 28 hours per week by children between 2 and 11 years old, and 24 hours per week by teenagers. The average American child watches 8,000 murders and 100,000 acts of violence on television before finishing elementary school.

This level of consumption can have powerful effects. Over the past two-and-a-half decades, a large body of research findings has indicated a significant correlation between viewing media violence and aggressive behavior. However, as in all behavioral research, it is difficult to prove cause and effect even where there is a strong correlation. In addition, there are research questions and gaps that remain to be addressed in order to formulate more specific policies and practices.

Research also demonstrates the positive potential of pro-social media messages to educate and alter norms and behaviors. In the past decade the media have worked effectively with government agencies to address drug abuse, drunk driving, teen pregnancy, and HIV/AIDS. A similar effort to address violence, already partially underway, could have a dramatic effect in changing people's understanding, norms, and behaviors.

The media is a complex and competitive sector of the economy that is changing and growing as fast as any other industry in the world.

Each of the media industries (newspapers, magazines, books, comic books, live and recorded music, radio, broadcast television, cable television, movies, video cassettes, video games, and computer software) raises a different set of challenges when it comes to descriptions or depictions of violence. And government's level of control over each industry faces different limitations. As new media forms proliferate, there will be increasing challenges to the government to manage its relationship to the media industries.

### **Recommendations**

If our overriding goal is to limit the harm of violence in society, then we have two goals when it comes to the media:

- 1) we seek to reduce any negative influence caused by the violent images presented in the media, and
- 2) we seek to enhance the positive influence the media can

exert through constructive efforts to address this national social crisis.

Each goal can be pursued by regulating behavior or by relying on the industry to find solutions. Our recommendation section is based on two assumptions: 1) that the Administration has a preference for less intrusive measures, but that 2) the Administration is willing to employ more intrusive measures if less intrusive measures fail to adequately address the problem.

In addition there are a number of options, such as media violence research, media literacy education, and alternative youth activities that are outside of the government-media relationship and would therefore encounter minimal resistance.

**BULLY-PULPIT OPTIONS: ENCOURAGE MEDIA RESPONSIBILITY**

If these actions succeed in propelling the media industry to act on its own, there would be less need for federal regulation or legislation.

**Recommendation: Foster Public Debate**

Simply bringing attention to the violence problem through speeches and other events is an important leadership step. The media should not be singled out for blame, but should be challenged to play an active role. Strong support for the first Amendment is an important part of the message. It is important to be specific in talking about the types of media violence that are identified as most troublesome, and in issuing challenges to media industries to modify their practices.

**Recommendation: Challenge the media industries to reduce the level of violence in their products and to accelerate development of programming practices and technologies that facilitate parental supervision and protection of children.**

There are a number of actions that could be taken voluntarily by the media industries that would give greater information and control to consumers and parents. The Administration can play a role in communicating the actions that it would view as meaningful by issuing specific challenges to industries.

The possible actions include: the creation of children's and family viewing hours, active marketing and explanation in the use of existing cable channel blocking technology, and consultations or "violence audits" by independent (possibly government sponsored) experts.

The Administration also could play a role in helping to develop the consumer demand for new television sets that offer parents the ability to screen out violent programming. This so-called "V-chip" technology will either require the cooperation of both television manufacturers and programmers, or it will require the mandates that are found in pending legislative proposals.

**Recommendation: Challenge the Media Industries to Make Long-term Commitments to Address the Problem of Violence in Society**

The Administration's offer to form a partnership with the media industries to address violence in our society is timely. The Administration should continue to challenge the television, film, and music industries to find creative ways to educate the public about the patterns of violence in America and alternatives to violence as a means for conflict resolution.

The Administration can also propose a government/private partnership to fund and guide applied research to identify the most effective messages for specific audiences to change norms and behaviors away from violent conflict. In addition, the Administration can establish a national Violence Information Center with a toll-free number to disseminate information about violence and potential strategies for addressing violence at the family, community, and national level.

The Administration, foundations or the media could sponsor awards to recognize advertisers who sponsor good children's programming and to recognize outstanding children's programming. Support more funding for public broadcasting for children that foster pro-social behaviors, with research to guide their production so that these shows are appealing to and effective for high-risk children in diverse cultural and ethnic groups.

**Federal Regulatory Options**

The following federal proposals would be introduced only if the challenges to the media industries failed to cause a measurable change in practices.

**Recommendation: Develop Legislative and Regulatory Options**

While challenging the media industries to implement plans to address violence in the media and in society, the Administration must continue to develop legislative and regulatory options and form opinions on Congressional proposals.

Many of the specific options mirror the challenges to the industry discussed above. They include, the legislated creation of violence free family viewing hours, violence content ratings, media violence health warnings, and mandated "V-chip" violence blocking technologies.

Great care must be taken in evaluating each option. In every case there are affected industries that would oppose any action, and for several options there is a murky judicial history. Nonetheless, the Administration could support some of the Congressional proposals, with modifications, and in so doing, send a clear signal that the Administration is willing to act on this issue.

## **Social Policy Options**

**Recommendation:** Strengthen alternatives to violent media consumption among the young

The young view inordinate amounts of media and those most at risk of violent behavior often view much more than average.

Television and video games are often alternatives to the lack of other constructive activities for young people. The federal government should support extracurricular activities for youth. The Administration can also encourage the media to highlight successful programs. The sports channel, ESPN, could for example, set aside an hour a day to highlight inner city youth basketball tournaments and other after school activities.

Children also need more alternative programming that is appealing, nonviolent and educational. The Administration can support this through more funding for public broadcasting that fosters pro-social behaviors. Research should guide the production so that these shows are appealing to and effective for high-risk children in diverse cultural and ethnic groups. In addition, by enforcing more stringently the Children's Television Act of 1990, government licensed stations will be required to produce more children's programming.

**Recommendation:** Promote media literacy at home, in schools and in communities.

With the proliferation of media in our culture, it is important to provide young people with the skills they need to view the media critically.

Media literacy can be incorporated into violence prevention programs as well as other core academic subjects. The federal agencies can support media literacy programs in schools with funds from the Crime Bill or the Safe School Act. An effective media literacy campaign involves reaching teachers as well as those responsible for what the media produces such as film school students. Research, which does not yet exist, must guide these programs.

Outside the classroom, Americorps and VISTA volunteers could provide activities in communities for parents and children. Federal agencies such as DOJ, ED and HHS can continue to provide teacher guides or parent guides to films. Also, the federal agencies can develop or adopt existing guides for critical TV viewing and distribute widely to the public, especially parents.

## **Research**

**Recommendation:** Increase federal support for research to fill the gaps in our knowledge and ensure that research is turned into effective practice.

Research is needed to clarify and specify what media depictions of behavior, in what context, for which types of viewers increases the likelihood of aggressive and violent behaviors. Research can help identify the factors that can protect against or neutralize the adverse effects of media violence. Research is needed to specify the critical components of effective programs, the training, consultation, and management required for their effective implementation, and for practical and cost-effective, on-going evaluation to assure that what should work does work. In addition, little research exists on the effects of violence in newer media forms such as video games and music videos.

The federal government should stimulate and support the research required to guide effective policies programs to reduce the effects of media violence and to send pro-social messages to those in diverse cultural and ethnic communities who are at high-risk for violence. Research can be effectively translated into practice through the violence information center described earlier.

## **Violence and the Media**

### **Introduction**

Several statements about the role of the media in America's violence problem are beyond controversy. First, Americans consume an enormous quantity of media. Our national culture is dominated by a popular culture that is delivered to us electronically. Most adults spend several hours each day watching television, and among most young children, pre-teens, and teens, consumption of cable TV, music videos, portable music, and video games fill nearly every waking hour except those spent in the classroom.

Second, there is little debate that there is a great amount of violence available in the offerings of the media. Based on counts of depictions of violence in the media one can calculate that on average there is an act of violence every seven or eight minutes on prime time network television, and every three minutes on MTV.<sup>1</sup> In some violent movies and video games the rate averages several acts of violence per minute.

Third, in recent congressional testimony, representatives of some major media industries seem to have abandoned their longstanding denial of the existence of a link between media violence and aggression. This change may represent a shift in public relations tactics, or it may be a surrender in the face of several authoritative reviews of the research.

Despite these major points of agreement, great care must be taken in formulating the Administration's policy in the area of violence in the media. Violence is as complex as any human behavior, and "the media" is as complicated as any other industry. Media violence is a highly visible part of the violence problem in America, but frequent viewing of violent media is just one of many factors that indicate that a person is at a greater risk of committing an act of violence, and most people who view violent movies and television never commit a violent crime.

### **Two Goals**

If our overriding goal is to limit the harm of violence in society, then we have two goals when it comes to the media:

- 1) we seek to reduce any negative influence caused by the violent images presented in the media, and
- 2) we seek to enhance the positive influence the media can exert through constructive efforts to address this national social crisis.

Both goals are important and interrelated. Care should be taken so that our pursuit of one of these goals does not inhibit our success in pursuit of the other. The Administration's policy would be, at best, a partial success if efforts to limit portrayals of violence in the media were so intrusive that they

resulted in an end to efforts on the part of the media to address the problem constructively. However, a full-scale anti-violence campaign by the major media will have little effect if it is overwhelmed by continual repetition of messages that present violence as a solution to life's problems, or as a means to financial or sexual reward. This Administration's pronouncements and policies must seek progress in reaching both goals.

Perhaps the most difficult challenge is to set the proper tone for the relationship between the government and the media industries. At the extremes the Administration can choose a tone of peace or of war. Stretching the analogy further, our recommendation would be a policy that could better be described by the words "constructive engagement."

Criticisms of objectionable programming on television that do not acknowledge the positive role that some in the media have attempted to play will be seen by some in the media industry as a signal that this Administration's approach will be purely adversarial. While this is likely to gain the attention of industry leaders, and some accommodation of the Administration's goals, it also tends to weaken the position of those in the media who have made efforts to limit portrayals of violence, help raise the issue, educate the public, and change normative behaviors.

#### Definitions

For the purposes of this report, "violence" and "the media" are each broadly defined. The definition of violence used in this section does not differ from that used throughout this report. (Violence is physical harm that is inflicted intentionally or recklessly by people on other people.) However, disagreements over definitions of violence frequently cloud discussions of violence in the media. Different definitions are used in research on the link between consumption of media violence and violent behavior. There is also a great deal of controversy about the definition of violence for the purposes of measuring the amount of violence contained in different television programs. Giving all forms of violence equal weight makes no distinction between a pie in the face and a stab with a knife, but other schemes are inherently subjective and therefore open to dispute.

Frequently, the word "gratuitous" is used to modify violence. Gratuitous violence in the media is generally defined as depictions of violence that are unnecessary to the telling of the story or the development of the characters. In practice however, the term "gratuitous violence" may have limited usefulness, in that film and video producers will argue that depictions of violence are necessary to tell violent stories and develop the violent characters. The standards and practices codes of American television networks already restrict gratuitous violence. The recently enacted Canadian Association of Broadcasters (CAB) code calls for a complete elimination of gratuitous violence. It will be interesting to see if this, in fact, leads to any real change in Canadian programming.

In this section the media can be understood to include all forms of mass communication. This includes newspapers, magazines, books, comic books, live and recorded music, radio, broadcast television, cable television, movies, video cassettes, video games, and computer software.

Usage patterns of media are changing rapidly, and the young and very young consumers of media, who arguably should be the focus of much of our concern, are generally at the cutting edge of change. Thus, our statements and policies about the media must keep up with, or stay ahead of, the wave of technological innovation, consumption trends, and artistic fashion among the young.

The various forms of print media and network broadcast television will continue to play an important role in our national culture, but adults, reflecting the technologies of their childhoods, may tend to overvalue the importance of these sources to the young, while undervaluing the importance of cable TV, music videos, video cassettes, video games, and computer software. Each new form of media seems to present new forms of violent images, and new challenges to those who would prefer that our children experience less violent stimulation.

Unless our policy is well informed of the differing degrees of violence presented by each type of media, we will not be able to communicate clearly to either the providers or the consumers of these images.

This paper will illuminate the problem of violence in the media by looking at the supporting research as well as the gaps in the research. Following that, we briefly describe the regulatory history and pending legislation. The paper concludes with recommendations for action.

### Research on Violence in the Media

The causes of violence are complex and multidimensional. While no specific social experience inevitably leads to violence, a number of factors have been identified that indicate a person is at greater risk of engaging in violent behavior. These factors include, but are not limited to, parental dysfunction, domestic and child abuse, educational underachievement, limited employment and educational opportunities, involvement with drugs or alcohol, and frequent exposure to violence in the media. Violence in the media should be viewed in context of the many societal factors that affect aggressive and violent behavior.

### Levels of Exposure to Media Violence

According to a 1993 report by the American Psychological Association (APA) on Violence and the Media, 98% of American homes have at least one television, which is watched an average of 28 hours per week by children between two and eleven years old and 24 hours per week by teenagers. The report then went on to present a statistic that bears repeating - the average American

child watches 8,000 murders and 100,000 acts of violence on television before finishing elementary school.

Children from low-income families are the heaviest viewers of television, and often the least supervised.<sup>2</sup> According to MEE Productions, a research, consulting and video production firm specializing in communicating with inner-city youth, urban youth spend more time involved in media-related activities than with their parents, in school, and reading combined. MEE Production's research shows that, on average, African-American teenagers consume three to four movies per month, buy two to three rap albums or CDs per month, and their households watch over 70 hours of TV per week. In addition, they found that 94% of the teens in their sample have a VCR in their home.<sup>3</sup>

According to the APA, the level of violence on commercial television has remained about the same over the past two decades. In prime time shows, there are currently five to six acts of violence per hour. Saturday morning children's programs contain an average of 20 to 25 acts of violence per hour. Using a different method to estimate the quantity of violence on television, the National Coalition on Television Violence (NCTV) reports that the three major networks (ABC, NBC, and CBS) have decreased the number of violent acts shown during prime time from 8.6 per hour in 1991 to 7.7 per hour in 1992. Since hitting a peak in 1985, NCTV reports that the networks have continued to decrease slightly the amount of violence shown during prime time.

While the three major networks may be decreasing the frequency of violent acts on their prime time shows, the growing availability of cable television and VCR rental films has increased the availability of violent programming for adults and unsupervised children. According to A.C. Neilson Co., the number of households subscribing to cable has increased from 9.2 million in 1975 to 57.2 million in 1992, and the number of households with VCRs has increased from 28.8 million (31% of households) in 1986 to 75.1 million (80.9%) in 1993.

While access to non-network television has increased, research on violence in cable television is limited. The few studies that have been done on violence in media other than broadcast television show that some cable programming may depict comparatively large numbers of violent acts. A major study in 1992 by the Center for Media and Public Affairs found more violence on MTV than the major networks combined. In 1992, NCTV calculated 20 acts of violence per hour on MTV. Many video games also include depictions of violent acts. According to a 1989 NCTV study looking at 176 Nintendo games, 80 percent contained what they termed "harmful violence".

The amount of media available will continue to expand as technology increases. Technological advances may make possible the provision of up to 500 channels of programming to the home. In addition, several new technologies may expand the range of choices available to consumers. Direct broadcast satellite

service and video dial tone service, provided by telephone companies, may soon be widely available. Many of these new technologies make possible a greater degree of choice by consumers as to the programming they receive, especially where the program is sold on a pay-per-channel or pay-per-view basis.

### **Reaching the Young**

For several reasons, it is appropriate to focus on the violent images consumed by the young. The media can have its most lasting and significant effect on young minds. This translates into a greater potential for harm posed by repeated violent images, as well as a greater opportunity to use the media to help parents and educators teach young people non-violent strategies for resolving conflicts. In addition, there is generally greater acceptance of public health-based government restrictions on the choices of minors, than on the choices of adults (see attached Newsweek article by Jonathan Alter).

Specifically, we should pay particular attention to the media's effect on three groups:

- 1) very young children, ages three to seven, who are especially susceptible to media influence as they form their understanding of normative behavior,
- 2) pre-teenager, ages eight to twelve, who are forming views on adult relationships and sexual norms, and
- 3) youth who are at risk for violent behavior, ages 0 to 18, who have one or more of the important risk factors for violence.

### **The Relationship Between Media Depictions of Violence and Real Life Violence**

The effects of violence in the media can be viewed along a continuum from direct to indirect. Direct effects include copycat violence that results from imitating violent acts that are viewed in the media. Intermediary effects cover other aggressive behavior resulting from watching violence in the media, and indirect effects include desensitization and the promotion of negative stereotypes. The degree to which children are affected by violence in the media depends largely on their cognitive development and other intervening factors, such as their attachment to their peers and the community and parental involvement in media viewing.

### **Media Violence and Copycat Behavior:**

There have been a number of incidents where people imitate acts of violence and recklessness that they see on television or in films. In two surveys commissioned by ABC of young male felons imprisoned for committing violent crimes, (e.g., homicide, rape and assault,) 22% to 34% reported having consciously imitated crime techniques learned from television programs, usually successfully.<sup>4</sup>

Recently, a number of children and teens have imitated reckless behavior that they saw on the screen.<sup>5</sup> In one of the most recently publicized destructive acts, a five-year-old boy copied MTV's animated "Beavis and Butthead", who used an aerosol can like a torch. The five-year-old burned his house to the ground.

Another series of incidents were inspired by the film The Program. A number of young people have imitated the young men in the movie who test their courage by lying down on a busy highway. Three boys have been killed. Although these last two examples represent a handful of copycat examples among millions of viewers, they are, however, troubling.

It is likely that perpetrators who learn techniques from television have a predisposition to commit violent acts, but often young children innocently repeat what they see without necessarily knowing whether the behavior should be imitated. Federal courts have held that broadcasters and advertisers are not liable under tort law for harm resulting from copycat rapes, suicides, or accidental injuries.

#### Media Violence and Aggressive Behavior:

The effects of media on behavior are widely acknowledged by advertisers, political candidates and others who spend billions of dollars each year to sell their products. Television's influence is evidenced by the number of children who learned to dial 911 from watching the popular television series of the same name, or the many children who learned the alphabet from Sesame Street. Most parents can attest to the pleas of children to buy a special brand of cereal or sneakers after seeing a commercial during the Saturday morning cartoons. Images on the screen are clearly a powerful communicator.

The APA reports that "[t]here is absolutely no doubt that higher levels of viewing violence on television are correlated with increased acceptance of aggressive attitudes and increased aggressive behavior." At least three major national studies and countless smaller studies provide a plethora of evidence to substantiate these findings, particularly among youth.<sup>6</sup>

The effects of portrayals of violence in the media on children are of particular interest. As the level of violence in American society has risen in recent decades, the age of perpetrators of violence has steadily declined. Children from every societal group are being convicted of violent crimes. Children are increasingly becoming perpetrators and victims of violent crimes at younger and younger ages. The number of homicides of youth ages 14 to 17 years old doubled in the decade from 1981 to 1991 (from 5.1 deaths per 100,000 to 10.5 deaths per 100,000). The number of homicides of African American males ages 14-17 went from 24.2 per 100,000 to 65.9 per 100,000. At the same time, juveniles were committing murders at a much greater rate. Youth ages 14-17 committed twice as many murders in 1991 as in 1981. African American males were eight times more likely to commit

acts of murder than white males ages 14-17. (Source: James Alan Fox, National Crime Analysis Program, Northeastern University).

In 1992, the American Psychological Association published Big World, Small Screen, a report of a committee of psychologists that provides a second substantial update of the literature on television effects. With the benefit of further research on the effects of violence, the APA report observed:

The accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior -- that is, heavy viewers behave more aggressively than light viewers. Children and adults who watch a large number of aggressive programs also tend to hold attitudes and values that favor the use of aggression to resolve conflicts. These correlations are solid. They remain even when many other potential influences on viewing and aggression are controlled, including education level, social class, aggressive attitudes, parental behavior, and sex-role identity.

Leonard Eron from the University of Michigan studied crime rates and personal characteristics of 875 boys and girls from age eight to 30 since 1960. He found that those who watched more violent television:

- were convicted of more serious crimes,
- were more aggressive under the influence of alcohol, and
- used violence more often to punish their own children, who in turn showed signs of aggressiveness.

In another study of boys, he found that their preferences for more violent shows at age 10 were predictive of aggressive behavior at age 18.

Other studies provide corroboration, as well as other conclusions about the adverse effects of viewing violence in the media. For example:

- there are few long-term effects on children whose first exposure to violent television is after the age of 12;
- people who continuously view media violence are more likely to resort to violence;

The television industry has also commissioned studies on the effects of violence. CBS sponsored a study by William Benson in 1978 controlling teenage boys for 100 variables. It found that teenage boys who had watched above-average quantities of television violence before adolescence were committing acts of serious violence (e.g. assault, rape, major vandalism) at a rate 49% higher than teenage boys who had watched below-average quantities of television violence.<sup>7</sup>

An often-cited and often-disputed NBC study of 2,400 school children in 1982 found the same correlations between exposure to violent television and aggressive behavior found in other studies. But after analyzing the statistical data further, the study concluded that television violence had no significant effect on the children's behavior.

#### Indirect Effects:

In focusing on the direct effects of media on the young, we should be careful not to ignore the important indirect effects of violent media on all viewers. Violent portrayals in the media are also charged with perpetuating racial stereotypes and lowering the expectations of teachers, social service providers and others toward the minority youth in their charge.

Psychological research also documents a "desensitization effect"; viewers of violent images are more willing to accept the violence around them as normal. Studies show that:

- people who continuously view media violence are more likely to become desensitized to violence;
- children who view violence in the media may feel an increased sense of vulnerability and insecurity;
- viewing violence against women increases acceptance of violence against women.

#### Unanswered Questions

Over the past two-and-a-half decades, a large body of research findings has indicated a correlation between viewing media violence and aggressive behavior. However, as in all behavioral research it is difficult to prove cause and effect even where there is a strong correlation. In addition, there are significant research questions and gaps that remain to be addressed in order to formulate more specific policies and practices. The recommendation section addresses this need for a renewed Federal research concern in this area as well as the need for an explicit focus on translating research findings into effective practice.

#### Research on the Use of Educational and Entertainment Media to Promote Pro-social Messages

The previous section outlines what we know about the impact of media on aggressive behavior. However, the media can also encourage pro-social behavior, and in some instances this positive impact has been demonstrated in psychological research. Pro-social messages in media are generally described as those depicting attitudes or behaviors considered as socially desirable by most members of society, or those attitudes and behaviors that depict a rational and responsible participation in society. The types of media that have particular relevance to pro-social messages are educational media, entertainment media, and news programs.

Educational television has long been the vehicle through which pro-social messages have been delivered to special audiences, including children. Television and other forms of visual media take people to places that they may never see or allow them to witness events far removed geographically or in time. Other programs, particularly those for children, can be designed and developed specifically with the educational and social development needs of the audience in mind. Evaluations of programs such as Sesame Street, Mister Roger's Neighborhood and others in this genre show the effectiveness of using television to educate children and deliver pro-social messages (Comstock and Paik, 1991<sup>4</sup>, Huston et al, 1992<sup>9</sup>).

For example, in 1972, researchers (Stein and Friedrich, 1972) reported on preschoolers' behavior in a nursery school setting before and after watching certain television programs. Those who watched pro-social programming generally showed more increases in self-control than those who watched aggressive or neutral programming.

In a study several years later (Friedrich and Stein, 1975), the same researchers investigated the effects of instruction and role-playing after watching episodes of Mister Roger's Neighborhood. They found that the children who watched pro-social programming in relation to those who watched neutral programming could correctly answer questions about pro-social behavior, could spontaneously verbalize pro-social messages, and were more likely to help another child.

One of the problems in evaluating educational television results from a limited audience, which is mainly composed of children from professional and upper managerial class parents (Libert, Sprafkin, Davidson, 1985<sup>10</sup>). However, because the entertainment media reaches a much broader audience, a number of people in the fields of communication and education are investigating ways to use entertainment media effectively in delivering pro-social messages.

The effectiveness of entertainment media in delivering pro-social messages is more difficult to determine. There have been many more studies on the anti-social effects of entertainment media (as described above). However, one survey conducted by CBS in 1974 (Libert, Sprafkin, Davidson, 1985) showed that 90% of the 700 children who watched specific episodes of Fat Albert and the Cosby Kids were able to verbalize at least one pro-social message. Messages often identified by these children concerned being kind to friends in trouble, being honest, and valuing property.

One report on lessons learned that resulted from a 1989 conference on entertainment-education for social change, sponsored by the Annenberg School of Communications at the University of Southern California in Los Angeles, included a recommendation that entertainment-education be used to increase knowledge of an issue rather than to change overt behavior

regarding the issue. This concept can be reinforced by evaluation of several recent efforts to educate the public through entertainment television in other public health campaigns. The use of designated drivers to reduce alcohol-related crashes and subsequent injuries has been promoted heavily in entertainment media by the Harvard Alcohol Project. This campaign has been successful in making Americans aware of the dangers of drinking and driving and represents one method of reducing injuries relating to this behavior." The positive effects of increasing knowledge about HIV infection and AIDS through entertainment television was recently demonstrated when the calls received by the CDC National AIDS Hotline increased 16.8 times (82,378 calls versus the normal 4,911 on a Saturday) after ABC broadcast a two-hour entertainment and AIDS outreach special, In a New Light. (CDC, 1993)

Although there is some controversy over the development of news programs for school use that also advertise products (Murray, 1991<sup>12</sup>; Pool, 1992<sup>13</sup>), news programs, especially those designed for children, also can be instrumental in developing an awareness of important issues (Burkart, Rockman, Ittelson, 1992<sup>14</sup>). However, issues of local versus national control and commercial/noncommercial sponsorship need to be addressed.

#### **Federal Regulation of the Media**

##### **Past**

The Federal Communications Commission has occasionally addressed the issue of television violence. In a 1976 report, the FCC concluded that "[r]egulatory action to limit violent and sexually-oriented programming which is neither obscene nor indecent is less desirable than effective self-regulation, since government-imposed limitations raise sensitive First Amendment problems." The networks and the National Association of Broadcasters (NAB), after prompting from FCC Chairman Wiley, developed guidelines for broadcasting during a so-called "Family Viewing Hour." These guidelines were incorporated in the NAB Code. The FCC's actions were challenged on First Amendment grounds, and the NAB's and network's actions on antitrust grounds. Under the pressure of this litigation, the NAB suspended the portions of the Code concerning violence. More recently, the NAB, at the urging of Chairman Sikes, adopted a statement of principles concerning television violence and other programming issues.

##### **Present**

The U.S. government, unlike some governments, does not directly license programmers, such as national broadcast networks (ABC, NBC, CBS, Fox), national cable networks (CNN, C-SPAN, TNT, USA, etc.), motion picture studios, or the sound recording industry. Instead, the FCC licenses individual radio and television stations to broadcast using the electromagnetic spectrum. Although the national broadcast networks and some motion picture studios are FCC licensees, this is because they own individual radio or television stations. The public may raise objections concerning a station's performance when the station seeks to

renew its license. Television licenses expire every five years, and radio licenses every seven years. In the event a station's renewal is challenged, that station's positive efforts to address issues of importance to the needs and interests of its listeners or viewers weigh in favor of renewal.

The law expressly prohibits censorship of licensees by the FCC. However, Congress has authorized the Commission to regulate programming in two areas in which the interests of parents and children are of particular concern. First, the law prohibits the broadcast of "indecent" material. Citing the "pervasiveness" of the broadcast medium, the Supreme Court has upheld this prohibition if it is applied to material broadcast at times when children are likely to be in the audience. Congress has also adopted limits on the amount of commercials aired in connection with children's programming on either broadcast stations or cable television systems, and has directed the FCC to review television station license renewal applications to determine whether the licensee has aired programs addressing the informational and educational needs of children.

While the FCC regulates some aspects of the cable industry, cable systems, unlike broadcast stations, are not licensed by the FCC. Instead, cable systems are franchised by state and local authorities, and these authorities share regulatory authority with the FCC. The courts are only beginning to address the extent of the government's authority to regulate cable programming. Some courts have indicated, however, that cable can be considered less "pervasive" than broadcast television, in that receiving cable requires the affirmative act of subscribing to cable, and because "lock boxes" provide a greater degree of parental control over what cable programming is available in the home.

#### **Pending Regulatory Proposals**

On March 25, 1993, the Foundation to Improve Television petitioned the Commission to develop rules to curb excessive amounts of dramatized TV violence in order to alleviate its harmful effects on children. The proposal included restrictions on such programming between the hours of 6 a.m. and 10 p.m. The FCC has not yet acted on the petition.

#### **Legislation**

##### **Past**

Congress has been holding hearings and expressing concern about the effects of television violence since the early 1950s, but has been hesitant to consider further action seriously until recently. The 1990 Television Violence Act gave the networks an anti-trust exemption permitting them to formulate a joint policy on television violence. The three year exemption expired on the first day of December, 1993.

The issue of media violence was the topic of hearings in several committees of both houses of Congress in 1993. Most of the inquiries focused on violence on broadcast and cable television.

However, violence in video games was the topic of hearings before Senator Lieberman's Government Operations Committee on December 9, 1993.

#### **Pending Legislative Proposals**

In the most recent Congress, several bills addressing television violence have been introduced. The bills cover a wide variety of approaches to the issue.

Senator Durenberger introduced a bill to require warnings before violent shows. Senators Hollings and Inouye presented a bill to designate certain hours as violence free.

Congressman Markey and seven other co-sponsors introduced a bill to require television manufacturers to include a feature, nicknamed a "V Chip" to allow parents to block any selected channel, program, time slot or to block all programs receiving a violence rating. Representatives Schumer and Roukema introduced a bill that would establish a Presidential Commission on TV Violence and Children chaired by the Surgeon General and the Attorney General. This commission would be in the tradition of the Surgeon General's Advisory Committee on Television on Behavior, which was formed in response to congressional requests and issued, in 1972, a major review of the then available research on the effects of television, and the review that the National Institute of Mental Health published in 1982 covering the subsequent decade of research that the Surgeon General's report helped stimulate.

A complete listing of the bills addressing violence in the media has been included as an Appendix to this report.

#### **The Canadian Example:**

The Canadian Association of Broadcasters (CAB) recently released a new code to cover broadcast programming originating in Canada. The code is interesting both for the process that created it and for the content of the guidelines. The process involved a proposal by the broadcasting industry association (the CAB), agreement from the constituent broadcasters, and formal acceptance by the Canadian Radio-television and Telecommunications Commission (CRTC). The process was initiated by the CAB largely, they admit, in fear of legislation. (The effort was spurred on by a 14-year-old citizen whose sister had been murdered. She delivered to Parliament 1.3 million signatures on a petition to reduce violence in the media.)

The CAB worked closely in negotiations with the CRTC throughout the drafting process. By analogy, this would be similar to the (U.S.) National Association of Broadcasters (NAB) working with the FCC to develop a code to cover broadcasts. Among other things, the code completely bans gratuitous violence, allows adult-oriented depictions of violence only after a "watershed" hour of 9pm, and puts limits on realistic depictions of violence in children's programming.

The code is administered by the Canadian Broadcast Standards Council, whose members are appointed by the CAB. The CBSC generally seeks to mediate disputes between citizens and stations. The CBSC may reprimand or expel members for violations of the Code, although prior practice indicates that such actions are extremely rare. If a broadcast station is in "good standing" with the CBSC, the CRTC does not separately review the station's programming performance as part of the license renewal process.

The CAB press release calls the provisions tough, and this is how it has been reported in the American press. However, the code is not a great deal stronger than the codes of conduct already in practice for Canadian Broadcasters (similar to the codes of conduct for the U.S. networks), and some clauses in the code may sound a bit more restrictive than they will be in practice.

One example of this is the outright ban on gratuitous violence, which eliminates something that may be unidentifiable. The code provides a definition of gratuitous violence, but examples of Canadian or even American broadcasts that fit this definition may be so infrequent as to make this provision meaningless.

Another example is the restriction on animated children's programming exempting all stylized forms of fantasy violence such as the Road Runner or Tom and Jerry cartoons. The code may restrict some realistic action animation but many forms of animation that are quite violent would be acceptable under the CAB code.

The CAB code also exempts the Prairie Provinces from the watershed hours if the programming originates in another region. This allows broadcasts containing violence to begin at 8pm rather than 9pm in the central time zones.

All in all, the CAB code will cause some changes to Canadian broadcasting, but it also serves as a challenge to the Canadian cable industry, which distributes American broadcast and cable programming.

### Recommendations

The government and the major media have played an important role in reducing the glamorization of many anti-social practices. A few decades ago, the stars of movies, television, and music were frequently seen with a cigarette in one hand and a martini in the other. The media, spurred on by federal legislation, played an important role in public education campaigns to address tobacco and alcohol over-consumption. A ban on cigarette advertisements went into effect in 1971, and alcohol advertisements face several restrictions including alcohol industry trade association codes. However, much of the shift in norms was voluntary on the part of the movie and television industries. Government's role was to sound the alarm to the health risks, make speeches requesting greater media responsibility, and offer consultation on means to alter portrayals of risky behavior.

Today, a similar effort offers enormous potential for government and the media to play a cooperative role in changing social norms and behaviors to lessen the harm of violence in America. In the past decade the media have worked effectively with government agencies to address drug abuse, drunk driving, teen pregnancy, and to spread the word about the danger presented by HIV/AIDS. These themes have been presented in public service announcements, woven into story-lines for drama and comedy programs, featured in movies, and presented in news features and news specials.

In recent months, representatives of media corporations have stated, partly in response to the attention Congress and this Administration have placed on the subject, that violence is now a major topic for their social issue messages. However, the media have made progress previously on reducing the number of violent acts they depict when the heat is turned up in Washington, only to reverse course when the attention subsides. Promises from the media industries should be considered substantial only to the degree that they are in the form of specific commitments against which success can be measured.

There are a number of options the Administration can pursue immediately:

- 1) Use the full public, agenda-setting capabilities of the Executive Branch to raise the issue of violence in society generally, and the issue of violence in the media.
- 2) Challenge the media industries to reduce the level of violence in their products and to accelerate development of programming practices and technologies that facilitate parental supervision and protection of children.
- 3) Continue to develop any legislative or regulatory options that may be necessary to facilitate parental supervision and protection of children.
- 4) Challenge the media industries to enter into a partnership with government in long-term efforts to address the problem of violence in society.
- 5) Increase federal support for research to fill the gaps in our knowledge. Greater research is needed to help identify the types of media violence that raise the greatest public health concerns, and the messages that can be most effective in reducing the harm of violence.
- 6) Work to strengthen alternatives to heavy media consumption among the young, including greater support for supervised activities such as community afterschool, evening, and weekend programs, and greater support for cultural activities and the arts.

- 7) Support efforts to develop media literacy curricula to give young people enough knowledge to view media in a broader context. Media literacy programs can be one part of a larger anti-violence curricula.

These recommendations (especially two and three) take as a starting point the Attorney General's statement to Congress that the Administration prefers voluntary action on the part of the entertainment industries, but leaves open the option of federal action if the industries fail to improve significantly upon an unacceptable status quo.

There are two challenges to the media that can be issued. The media should be challenged to reduce any harm their products cause by taking steps to ensure that children do not consume products that are inappropriate for them (recommendation two), and to increase efforts to reduce the harm of violence in American society through constructive messages in creative products and public education campaigns (recommendation four).

Further research to identify specific types of images and media that cause the greatest harm (recommendation five) can help government and the media make more effective and responsible decisions. In addition, greater research is needed to help identify the most effective ways to use the media to lessen violence in American society. Several networks and cable programmers have already taken steps to demonstrate their willingness to help teach alternatives to violent interaction, but there is not a great deal of research to help them target their efforts on using the most effective messages. A government/media partnership could be a useful vehicle to fill this gap in our knowledge.

At the same time, the Administration can take steps to limit any harm of media violence by supporting efforts to provide alternative activities (recommendation six) and by teaching critical viewing skills (recommendation seven). The activities detailed in the youth development and schools section of this report can be viewed in and of themselves as antidotes to high levels of consumption of media among the young.

#### Recommendation One: Foster a Public Debate

The one course of action that was supported by almost every expert contacted by members of our working group, including representatives of the media industries as well as their harshest critics, was the need to raise the urgency of the media violence issue. Perhaps the critics of the media hope this will be just the first step among many, while members of the media industries hope this will be the only step. Regardless, nearly all agree the issue of violence in the media needs to be raised as part of an overall anti-violence message.

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In doing so it is important to:

- 1) Strongly support the First Amendment and the principles of artistic and journalistic freedom, even as the Administration asserts that there are measures under consideration that are not problematic with respect to the First Amendment.
- 2) Reinforce the Administration's determination to take action in the face of an epidemic of violence, and call upon every sector of society to play its part - including the media.
- 3) Find the balance between public values that government should not play too great a role in limiting the choices of Americans when it comes to the media, but that sometimes the media just seems to go too far in depictions of violence that strike most people as an unhealthy contributor to the level of violence in society.
- 4) Address issues raised by all of the media industries, without undue emphasis on network TV. The examples and challenges should include feature films, broadcast TV, cable TV, music, music videos, and video games.
- 5) Encourage media action by acknowledging positive steps that have already been taken by the media industries to reduce the level of violence in some of their products. For example, a number of black-owned radio stations have taken offensive rap music off the air. Also praise the public service announcements (PSAs), special television programs, rap and rock music videos, and feature films with anti-violence themes.
- 6) Be as specific as possible about the types of media depictions of violence that scientific research suggests may be most harmful. The list can include realistic violence that is intended for young audiences, television violence that is intended for adult audiences but is aired or promoted during hours when unsupervised children are likely to be in the audience, close visual association of violence and sex, violence that is rewarded, violence shown without any consequences to the victim, or violence that is practiced by a protagonist or hero.
- 7) Be as specific as possible in communicating the challenges to the media that are outlined in recommendations two and three.

RECOMMENDATION TWO: CHALLENGE THE MEDIA INDUSTRIES TO REDUCE THE  
LEVEL OF VIOLENCE IN THEIR PRODUCTS AND TO ACCELERATE DEVELOPMENT  
OF PROGRAMMING PRACTICES AND TECHNOLOGIES THAT FACILITATE  
PARENTAL SUPERVISION AND PROTECTION OF CHILDREN

For decades, members of the Executive and Legislative branches of government have exhorted media industries to reduce the depiction of violence. To be most effective, the challenges from this Administration should be broad enough to include all forms of media. The challenges should communicate specifically what level of response would be reasonable for each of the media industries. To ensure sustained concern on the part of the media industries, the Administration should seek measurable commitments to reduce violence and to help assure that violent products that are intended for adult audiences are not consumed by inappropriately young audiences.

Ideally, the government's role would be to bring all of the parties to a literal or figurative table, and help to put a process in motion whereby each industry would commit to appropriate actions to address the problem. Communicating with the media industries en masse, or individually, both in public and in private, the Administration must make clear that there are a number of steps that could be taken that would be effective.

Potential Actions:

- Challenge the networks, local broadcasters, and cable channels to define children's and family viewing hours when parents can know children will not see unsuitable violent programming, advertisements, or promotions for upcoming news or entertainment programming.
- Challenge the networks, local broadcasters, cable channels, and the producers of children's programming to take a critical look at appropriate programming for very young children. Young children are frequently being entertained by violent cartoons that were originally intended for a much older audience.
- Challenge the motion picture industry to place far greater emphasis on the violent content of films in their rating system, and to create a system of ratings that acknowledges the important developmental differences between very young children and older pre-teen children.
- Challenge all individual video cassette sales and rental retailers to adopt and enforce the Video Software Dealers Association guidelines for using the MPAA film ratings to block sales and rentals of inappropriate material to minors.
- Challenge the managers of the media industries to consult with independent experts on media violence to identify the most potentially troublesome aspects of their offerings. More specifically, the Federal

government could work with foundations, professional groups, researchers, advocates, and the media to form an entity independent of government and of the media to conduct periodic research based "violence audits", similar to a financial audit, potentially available to the public. This entity might also function to relate questions from the media to researchers and to help translate research findings into media policies and practices.

- Challenge the cable companies and channels to provide parents with options to choose which channels their families will receive, and to educate them in how to use the technology. Parental choice is not just a technology. It must be marketed as intensively as the pay-per-view option is for it to be a reality.
- Challenge the manufacturers of television sets to offer parental control features that will give parents the ability to block out programming that is accompanied by a non-visible adult programming signal. At the same time, challenge broadcasters and all cable channels to voluntarily broadcast this signal for all PG-13, R, X, and NC-17 rated films and made-for-television programming for which they would voluntarily broadcast a viewer advisory.

#### Recommendation Three: Develop Legislative and Regulatory Options

While challenging the media industries to implement plans to address violence in the media and in society, the Administration must continue to develop legislative and regulatory options and form opinions on congressional proposals. There are a large number of potential options that have been discussed or should be considered, though many proposals have weaknesses, and others need refinement to be more credible. While none of the approaches can fully insulate children from exposure to depictions and descriptions of violence, (enterprising or unsupervised youths would still be able to obtain access to violent content) some measures would likely be effective with all but the most ingenious younger children.

This strategy is both the most direct and, in many respects, the most controversial. Efforts to restrict the supply of media depictions of violence for young people raise concerns about government censorship. Public opinion is not completely formed in this area. For example, a Times Mirror poll<sup>15</sup> found that 80% of the public believes TV violence is harmful, and a 1989 Los Angeles Times poll found that 72% favor the establishment of a television rating system, although in the same poll, a majority of the public opposed a government crackdown on media violence.<sup>16</sup> As noted below, judicial opinion is also still forming on these issues.

Many regulatory proposals have been developed by members of Congress. It might be tempting to permit Congress to play the most proactive role, since it would avert the need for the Administration to take the lead on such a controversial issue. However, the Administration has made important statements on this issue that have caused a strong reaction among consumers and the media industries. At a minimum, the Administration must maintain continuity with these statements or the course change will be noteworthy and potentially detrimental.

#### Recommendation Three. First Option: Content Restrictions During Certain Hours

One option is to limit violent programming during certain times of the day. Senators Hollings and Inouye have offered a bill to do this.

S.1383, the "Children's Protection for Violent Programmin Act" would limit violent video programming to hours when children "are not reasonably likely to comprise a substantial part of the audience." Premium and pay-per-view cable broadcasts would be exempt, as would news, documentaries, educational shows and sporting events. The FCC would define "violent video programming" and select the hours when it would be prohibited.

This approach, modeled in part on the FCC's enforcement of prohibitions on indecent programming, leaves some important concepts undefined, and charges the FCC with fleshing out the details of implementation. Several implementation details not present in the indecency context are likely to provoke contention, including the definition of violence (the definition of indecent material has been settled since 1968) and the scope of the exemptions for programming such as news and sports.

In addition, several controversies concerning indecency enforcement are likely to occur with respect to violence, including concerns as to the times during which children are in the audience, and to what age children should be protected. These issues have been a constant source of litigation, including a recent decision in which the D.C. Circuit Court invalidated a midnight to 6 AM period for the broadcast of indecent material as unduly intrusive on the rights of adults.

#### Potential Action:

- The Administration could work to develop more detailed definitions and recommendations on implementation issues in an effort to establish violence-free children's and family viewing hours.

violence<sup>17</sup>. Rather than being informed of the potential psychological and social harm of film violence on young children, the MPAA ratings are based on the judgements of a small number of non-expert parents. Dr. Wilson argues that the system should be redesigned to differentiate between young children ages three to seven and older children ages eight to 12, and that the system should place a greater emphasis on the violent content, and the context surrounding the violence.

In addition to the MPAA ratings system, there are several other ratings systems currently in use by a number of private organizations. These range from TV Guide's descriptions of the violent content of programming, issued in advance of a program's airing, to the National Coalition on Television Violence's ratings of all network programming, issued after the programs air. The NCTV ratings system derives summary classifications of content based on the number of violent acts, the intensity of those acts, and other factors.

Ratings systems require a number of judgements in their design. What age group differentiations are desirable? What types of content should be focused on? Should the measure of violence be quantitative and objective (simply a count of acts or scenes that fit a definition of violence) or qualitative and subjective (including evaluations of the context in which the violence occurs or giving greater weight to content considered more harmful)? Who should administer the system (the government, the industry, a private foundation, an advocacy group)? What input should experts have in the process? Is the rating a precondition of product distribution? Could the rating result in adverse government action, or is its purpose purely informational? Answers to these questions sometimes differ. Experts do not always agree, and internationally, different countries apply significantly different standards.

It should be noted that Senator Dorgan is sponsoring a pilot project designed to address some of these issues in the rating of television programs. The project, based at Concordia College in Minnesota, is expected to issue a report in January of 1994.

Proposals to extend the use of ratings systems to television programs are criticized based on the costs and the significant logistical difficulties they might impose on the industry. For example, while the MPAA rates approximately 600 films a year, the television industry broadcasts a substantially larger volume of material. Estimates as to the cost of new or enhanced ratings systems are difficult to derive, although it is likely that a system whereby programmers and manufacturers self-rate their products based upon standards developed and agreed to by private industry will impose significantly fewer costs than a system developed and administered by the government. In addition, government administered ratings systems that require rating as a precondition of distribution present significant problems under the "prior restraint" line of First Amendment cases.

#### Potential Actions:

- The Administration should challenge the domestic motion picture and video industry to continue its record of leadership in this sphere of commerce by using ratings systems based on the most recent and best scientific data, including data on the effects of violence.
- The Administration should either endorse S.973/H.R. 2519 or take steps to develop an alternative plan for a rating system that would cover all television and cable broadcasting. Researchers from NIH, CDC, the Department of Education and other Agencies and Departments should work together to develop guidelines for a rating system that reflects substantive research on the true harm of media violence.

Neither of these actions would have to be implemented if adequate steps are taken in response to the challenges to the media industries in the first recommendation.

#### Recommendation Three, Third Option: Violence Content Warnings

Another way to give parents more information is to precede violent programming with a warning or parental advisory. In addition to the record, tape, and CD music packagers who choose to put parental advisories on the outside covers, broadcasters and cable channels have begun to do this voluntarily. However, like the health warning on packages of cigarettes, violence labeling could be required to be far more specific. Senator Durenberger has introduced a bill to require such warnings.

S.943, the "Children's Television Violence Protection Act" would require broadcasters to air warnings to accompany program showing violence or "unsafe gun practices." Warnings would not be required between 10:00 p.m. and 6:00 a.m., and the FCC could exempt news broadcasts, sporting events, educational programming and documentaries. The bill defines violence as "any action that has as an element the use or threatened use of physical force against the person of another, or against one's self, with intent to cause bodily harm to such person or one's self."

#### Potential Action:

- The Administration should either endorse S.943 or develop an alternative. The first step would be to instruct the Public Health Service to develop language for a violence warning that could be used to instruct viewers that viewing excessively violent programming can be a public health threat.

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Recommendation Three, Fourth Option: Violence Blocking Technology

Technology presents options for greater parental control and individual choice. Television receivers are now available that can display ratings information transmitted with a program. Many cable systems are required to provide subscribers with "lock boxes" that can be programmed to block out particular channels at particular times. Some television sets are also now available with "lock boxes" for broadcast programs. In addition, television rationing devices are currently being marketed for parents who wish to limit the amount of television their children watch in a given time period, such as a day or week. Few households now use these devices.

Representative Markey has introduced a bill signed by 14 Congressional Representatives that would require television manufacturers to put some form of blocking technology in all new medium-sized to large sets.

H.R.2888, the "Television Violence Reduction Through Parental Empowerment Act" (Markey, Dingell, Fields, Margolies-Mezvinsky, Oxley, Slattery, Hastert, Cooper, Gillmor, Synar, Shepherd, Glickman, Schenk, Towns) would require that domestic and imported television sets be equipped with devices -- nicknamed "V Chips" -- which would permit viewers to block (1) any selected channel, program, time slot or (2) "all programs with a common rating."

Parental choice technology can be divided into two categories; active and passive. (H.R.2888 calls for a chip that can be used either way.) The most active options (1) would require parents to program their system to block out each individual time slot. In practice, this is probably not at all realistic in most American families.

The passive form of the technology (2) would improve on presently available technology in that it would provide parents with the option of automatically blocking the display of video rated as violent. A critical element of the V-Chip's operation, is, therefore, the existence of ratings information transmitted along with the program.

As noted above, such a rating system could be voluntary on the part of programmers, required of programmers, or done by a trade association, consumer association, or regulator. The least intrusive system simply would ask the programmers to send a V-chip signal along with motion pictures that carry a PG-13, R, or NC-17 rating and made-for-TV programs that the programmers decide to precede with a parental advisory.

The proposal is viewed by its critics as the first step in bringing futuristic "Big Brother" controls on artistic freedom into effect. Critics also point out that the bill imposes the cost of blocking technology on every home, even though only a few have young children, although the cost is not prohibitive. Cost

estimates for this technology range from five to ten dollars per set.

The industry has also voiced concerns that the spectrum space used to transmit ratings information may be put more productively to other uses, and that the details of implementation may render the technology difficult for parents to use effectively.

In addition to the V-Chip, other technological developments may enhance parental control. A number of cable programs are sold on a per-program or per-channel basis, and improving cable television technology may increase sales of channels or programs on an a la carte basis. Other new technologies may also enhance parental control and individual choice. Digital information technologies, such as computerized multi-media television, may present opportunities for providing more detailed ratings information as part of the menu of programming choices.

#### Potential Actions:

- In this area there is a good opportunity to provide greater choice to consumers without a mandate on any industry. The Administration can help create the demand for greater parental control by talking up the technology that is already in place. At the same time, the challenges in recommendation two to both the television manufacturers and the programmers can help convince them of the benefits of actively marketing the currently available technology.
- Concurrently, the Administration should continue to review H.R.2888 and analyze the potential effectiveness of video blocking technology requirements on television manufacturers or on broadcasters. Such a plan would only be necessary in the event that the challenges to the industries fail to stimulate new options for parents.

Recommendation Four: Challenge the Media Industries to Make Commitments to Address the Problem of Violence in Society  
The media industries have shown some willingness to promote pro-social and anti-violence messages. These include the "winners don't use drugs" messages on arcade video games, anti-violence rap videos, special editions of Nickelodeon's Nick News on violence, the "The More You Know" anti-violence public service announcements on NBC, and feature films and entertainment programs with anti-violence themes. The Administration must acknowledge, support, and encourage these activities. However, it is time to go beyond these isolated efforts toward a coordinated, multi-media anti-violence campaign.

The federal government should propose a public/private partnership to develop a national public education campaign on violence prevention. This partnership should include a lead federal agency, other federal agencies working in the area of

violence prevention, state and local agencies that deal with violence, voluntary organizations, advocacy groups, and representation from the media industries. The Centers for Disease Control and Prevention (CDC) has successfully led this type of campaign in a number of areas (e.g., immunization, HIV/AIDS, smoking cessation, and breast and cervical cancer).

Following the example of the national awareness campaign developed by the National Immunization Program at CDC, the violence prevention program could include such elements as demonstrations of coalition building to improve services and raise public awareness in major population areas, and could collaborate with private and public partners in violence prevention, such as medical groups and national local units of voluntary organizations, police groups, and social and mental health agencies.

Another example of a public awareness campaign that is specifically targeted toward crime and violence, and is a public/private partnership is the McGruff ("Take a Bite Out of Crime") campaign. This project is a joint effort by the Justice Department, the Advertising Council, and a number of national public interest groups. This campaign has been very successful in making Americans aware of self-help measures to prevent crime.

Public/private sponsorship of marketing research is important in a public awareness campaign developing the most effective themes for specific audiences, and the coordination of themes and messages that could be delivered across the media spectrum.

Public information campaigns are meant to generate interest in a subject, and it is essential that a mechanism, such as a clearinghouse, be created to respond to the demand. The government could establish a violence information center that would be reachable through a toll-free number. The telephone number would be promoted through the national anti-violence campaign. This clearinghouse would be a central repository and database of statistics and research findings, current anti-violence research and projects underway, materials (including the fugitive literature), experts available as spokespersons on violence-related topics, news and feature-story ideas, and much other material essential to establishing and ensuring credibility of the issue, perhaps making much of it available through on-line services such as the Internet. Clearinghouse information could be used by community groups that are developing violence prevention programs and could develop and enhance current prevention programs using research findings. Educators could use the findings in the design of effective media literacy or conflict resolution programs. The clearinghouse might be funded jointly by public and private sources.

A central clearinghouse/hotline on violence prevention could serve as a referral source for the other clearinghouses in existence that handle specific types of violence, such as child abuse or violence and drug abuse, while at the same time filling

in the gaps for information about many other aspects of violence not covered by an existing clearinghouse.

Potential Action:

- Challenge the television, film, and music industries to find creative ways to educate the public about the patterns of violence in America and alternatives to violence as a means for conflict resolution.
- Propose a government/private partnership to fund and guide applied research to identify the most effective messages for specific audiences to change norms and behaviors away from violent conflict.
- Establish a national Violence Information Center with a toll-free number to disseminate information about violence and potential strategies for addressing violence at the family, community, and national level.

Recommendation Five: Increase Federal Support for Research to Fill the Gaps in Our Knowledge and Ensure That Research Is Turned into Effective Practice

The Federal government has had a major role in supporting and in analyzing research on the effects of television violence from the late 60s through the early 80s. Of specific note is the Surgeon General's Scientific Advisory Committee on Television and Violence, which was formed in response to congressional requests. Its report, indicating concern about the effects of television violence and raising a number of questions, stimulated a decade of expanded research which produced some 3000 papers, chapters, books, and other publications. The National Institute of Mental Health, as the lead support agency for the Surgeon General's Committee and for research on media effects, published an analysis of that expansion of research in 1982. While the additional findings allowed a stronger statement about the adverse effects of television violence, many questions remain to be addressed. A renewal of government concern with research in this area is needed.

Research is needed to clarify and specify what media depictions of behavior, in what context, and for which categories of viewers increase the likelihood of aggressive and violent behaviors. Research can help identify the factors that can protect against or neutralize the adverse effects of media violence. The results of this research can be used by media developers and storytellers as they craft their products, and by educators as they develop programs for children. Research is needed to specify the critical components of effective programs, and the training, consultation, and management required for their effective implementation. Practical, cost-effective, and ongoing evaluation should be done to assure that what should work does in fact work. In addition, little research exists on the effects of violence in newer media forms such as video games and music videos. These newer media forms should be addressed.

Other communications research should be conducted to strengthen our knowledge of the pro-social impact of media. In addition, marketing research should be conducted to give us information about making pro-social programming more appealing to young people.

As important as research is, such findings will have little societal impact if dissemination is limited to research journals and books, and if the utilization of research findings is only to stimulate more research. A major effort will be required to foster the dissemination and utilization of important research findings in developing preventive policies and programs.

#### Potential Actions:

- Stimulate and support the research required to guide effective policies programs to reduce the effects of media violence. The federal government is not currently sponsoring any major research on this issue. CDC, NIH would be the most likely place to locate a research center on media violence.
- Stimulate and support the research on the effective use of the media to send pro-social messages to those in diverse cultural and ethnic communities who are at a high risk for violence.
- Ensure that research is effectively translated into practice. This could be accomplished through the violence information center described in recommendation four.

#### Recommendation Six: Strengthen Alternatives to Consumption of Violent Media by the Young

Studies show that one of the most harmful effects of excessive media entertainment on children is its tendency to replace more healthful activities. Therefore, in addition to working to reduce the amount of violence and increase the amount of pro-social programming in the media, it is important to support efforts to provide more alternative activities for children and youth.

Greater support for child-care centers, after-school programs, tutoring and mentoring initiatives, and a variety of recreational activities such as sports and the arts would benefit parents, many of whom lack sufficient time and resources for their families. They should be able to turn to their schools and other community organizations for help in providing their children with enjoyable and educational activities that raise their self-esteem and their sense of having a stake in their communities.

One such program is the "Fun Shop Reading Series," a collaboration between the Lexington, Kentucky Episcopal Learning Center and six VISTA volunteers. Three family reading sites were established in three public housing complexes. Recruiters approached thousands of parents, yielding almost three hundred children. As reported by ACTION: "Now parents and kids have

library cards and use the reading rooms when they might otherwise be watching the tube."

Another example of how federal support for a program can make a difference is the inclusion of funding in the Crime Bill for the Olympic Committee to develop after-school sports programs in at-risk areas.

It is also important that there be positive video programming alternatives for children to watch. The pioneering work in this field of the Corporation for Public Broadcasting, the Public Broadcasting Service and the Children's Television Workshop, producers of "Sesame Street," cannot go unremarked. The Corporation for Public Broadcasting continues to fund a wide range of children's programming. Furthermore, under the Children's Television Act of 1990,<sup>18</sup> Congress created the National Endowment for Children's Educational Television. Funds distributed through this endowment could provide critical "seed money" for the development of positive programming alternatives for children. A number of advocates have suggested that expanded funding for children's programming, including perhaps a government funded children's cable channel, would be a significant positive step.

It should also be noted that The Children's Television Act of 1990 included a provision requiring broadcast licensees to air some programming designed specifically to address the informational and educational needs of children. The FCC has a pending proceeding in which it sought and received public comment as to how it might improve administration of this provision of the act.

Many groups<sup>19</sup> have called for at least an hour of educational children's programming daily, and a stricter definition of and requirements for "educational and informational" programming. Peggy Charren, president of Action for Children's Television, an advocacy group with a long history of working on violence in the media, endorses these recommendations. She goes further, however, calling for a television channel devoted solely to children's programming, more funding for the Public Broadcasting Service (PBS), and reservation of future channel capacity for public uses.<sup>20</sup>

#### Potential Actions:

- Support the recommendations of the Youth Development group and the Schools group to promote extracurricular activities for youth.
- Encourage the media to highlight successful programs. The sports channel, ESPN, could, for example, set aside an hour a day to highlight inner city youth basketball tournaments and other after school activities.

- Support more funding for public broadcasting shows for children that foster pro-social behaviors, with research to guide their production so that these shows are appealing to and effective for high-risk children in diverse cultural and ethnic groups.
- The media or others should promote a council of excellence to reward advertisers who resist sponsoring violence in the media.
- The government could create an award to recognize those who produce good children's programming.

#### Recommendation Seven: Promote Media Literacy at Home, in Schools and in Communities

The proliferation of new technologies, as well as the increasing focus of marketers on children, ensures that youth will continue to be bombarded by the media. While schools feel compelled to devote most of their time to analyzing print media such as poetry and novels, most young people will have far more contact with the "visual" media throughout their lives. Media can help teach children literacy skills such as critical thinking, and is also very engaging for young people.

Media literacy is the ability to interpret the symbols and meanings of the thousands of messages we get every day through television, video, radio, newspapers, advertising and video games. It is the ability to choose and select, the ability to challenge and question, the ability to be conscious about what is going on around you.<sup>21</sup>

The U.S. trails other countries such as Australia, Canada, England and France in the development of media education programs in schools. One of the catalysts for media education abroad has been the importation of American films and television programs that are thought to threaten the cultural integrity of the host country.<sup>22</sup> The most developed program is probably in Ontario, which in 1987 adopted mandatory media literacy training in over 5,000 schools for students in grades seven through twelve.

There is little media education in the U.S., and most of it occurs in non-school settings such as youth centers or churches. Media literacy programs typically focus on developing critical thinking and analysis skills, learning creative production techniques, understanding the economic and political structures that influence mass media, and learning to take personal or public action to influence the use or challenge the abuse of media in society.

None of the states have formalized curriculum guidelines for media literacy, and only a few teacher training programs address the issues of how to integrate media education into traditional coursework. While media literacy materials are available for teachers and parents, little of the material addresses violence

specifically, and virtually none of the anti-violence material is thoroughly tested.

Schools are not the only place to teach children about the media. Parents have an enormous effect on how children perceive the media. While no parent can be 100% vigilant in monitoring what their children watch on television, children who watch with parents are often more critical viewers of the media, particularly if the parents and children discuss what they are viewing. A few organizations, including the Department of Education's ERIC Clearinghouse, have produced guides to television viewing for parents, but this information is not widely available. Nor are all parents aware of the harmful effects that violence in the media can have on their children.

Another audience ripe for education on the effects of media violence are film school students. Because writers, directors and producers significantly impact a storyline, it is useful for them to have access to the best available research on the effects of violent imagery. Some groups have begun working with the creative community to develop storylines that take into account the research on violence in the media.

#### Action steps:

- Support research on successful media literacy programs and support dissemination of information.
- Encourage more media literacy programs in schools, in conjunction with other violence prevention programs, such as conflict resolution programs. Money from the Safe Schools Act and the Crime Bill could be used for relevant programs.
- Encourage the incorporation of media literacy in teacher training programs and encourage in-service teacher institutes to help teachers learn to integrate media issues throughout their courses.
  - Last year, the Harvard Education School sponsored a one-week course for 500 teachers and school administrators on media literacy.
- Educate the future creative community in film schools about the effects of violence in the media on children and provide them with research-based alternative story lines.
- Use Americorps and VISTA volunteers to provide activities in communities for parents and children.
  - HHS has funded a pilot journalism project in two Boys and Girls Clubs that is intended to improve reading, writing and speaking skills as well as media literacy skills. Americorps volunteers could facilitate projects like these.

- Work with media to provide teacher guides or parent guides to films. DOJ and HHS have funded these types of projects in the past.
- Develop or adopt existing guides for critical TV viewing and distribute to the public, especially parents.
  - The Department of Education has a series of books called Helping Your Child Learn that are published on various subjects for parents. A book could be produced entitled Helping Your Child View Media Critically.
  - Condense the lessons of media literacy into a brochure and booklet for parents. Grocery stores, doctors' offices, social service agencies, schools, workplaces, sporting events and PSAs on television are the most likely targets for such a campaign.

## APPENDIX A

### WHO CONTROLS VIOLENCE IN THE MEDIA

The media industries are complex and competitive. The Administration is far more likely to be successful in efforts to limit the harm of violence in the media if statements are well informed of this complexity, and are specific in identifying the types of violent programming that are viewed to be most problematic.

The average young American child is exposed to media violence in many forms print (including comic books, magazines, newspapers and books), recording (music and music video), film, television (network, broadcast, basic cable, pay cable) and interactive video games.

#### Print Media:

Some of the earliest research on the effects of violent media on behavior centered on comic books. The juvenile delinquents of the 30's and 40's were found to be the heaviest consumers of comic books featuring the violent battles of the superheros and crime fighters. More recently, though, American comic books are rarely mentioned as great causes of concern. However, the medium can be extremely violent, and in other countries, most notably Japan, comic books are a major source of violent material.

Currently, there is some criticism of magazines that feature violent themes including "Soldier of Fortune", and gun magazines. Feminists such as Catharine MacKinnon<sup>23</sup>, Andrea Dworkin<sup>24</sup>, and Catherine Itzin<sup>25</sup>, draw particular attention to the violence in pornography in publications such as "Playboy", "Penthouse", "Hustler", and "Shackled".

Newspapers (like local news broadcasts) are occasionally criticized for sensational or graphic treatment of violent crimes. However, newspapers also occasionally are criticized for failing to cover urban crime, or more accurately, for devoting more attention to crimes involving white suburban victims than to crimes involving urban African American victims.

#### Music and Music Videos:

Music is another area of media that has been criticized for its violent messages. In a recent article in "Newsweek", Jonathan Alter stressed that some rap music is filled with "sociopathic lyrics" that are socially irresponsible because they encourage and glamorize violence and homicide. Myriam Miedzian, author of Boys will be Boys: Breaking the Link Between Masculinity and Violence, points out that rap music is not alone in its violent themes. She states that heavy metal rock music contains lyrics of violence, satanism, and suicide which have negative impacts on its young listeners.

In recognition of the impact that music with violent lyrics can have on its listeners, a Los Angeles radio station, KACE-FM, recently adopted a policy to stop playing all "socially irresponsible" music. Other flagship stations seem to be following this movement.

#### Video Games and Computer Software:

Video games quickly are becoming one of the largest and most profitable segments of the entertainment industries. Far from the Space Invaders laser blasts of the past, new technology is allowing a much more graphic level of violence. Further, the violence is interactive and it is rewarded. In the growing number of martial arts simulations, players score points for punches and kicks and win rounds by appearing to knock their opponent unconscious. In the controversial, recently introduced game "Mortal Kombat", players even have a choice of bloody deaths for their beaten opponent.

The video game industry is dominated by two manufacturers, SEGA and Nintendo. SEGA has introduced a voluntary rating system to designate some games, including "Mortal Combat" as inappropriate only for children under age 13. Nintendo is distributing Mortal Kombat with a few edits including the deletion of the "fatality" sequences.

#### Film and Video Production Studios:

In addition to producing most of the movies that are shown in American movie theaters, the major motion picture studios also produce most of the entertainment programs presented on network television, cable TV, and local television stations. The major motion picture studios (e.g. Paramount, Universal, Fox, Warner Brothers, Disney) each own television studios as well. There are also some 25 to 50 smaller independent production companies. The studios hire the writers, actors, directors, and crew and control the rights to air the programs.

#### Films and Videocassette:

The major studios and lower budget minor studios produce films for theatrical release which are then released for video sales and rentals some six months after the end of their theatrical run. These films include "The Little Mermaid" and "Aladdin"; they also include films by Steven Seagal, Sylvester Stallone, Jean-Claud Van Damme, and Arnold Schwarzenegger, who were judged to be the most violent actors by a survey of 3,000 children<sup>26</sup>. The studios also produce horror movies such as "Nightmare on Elm Street" and the "Friday the 13th" series that the networks view as too violent to broadcast.

American films are rated by the Motion Picture Association of America (MPAA), a private industry group headed by Jack Valenti, in the familiar G, PG, PG-13, R, and NC-17 (formerly X) system. The rating system is intended to keep children under 13 and minors, those 17 and under, from seeing material that is

inappropriate. The rating system has been criticized for placing too little emphasis on violence.<sup>27</sup>

Beyond this criticism, the motion picture rating system only works as well as it is enforced. Motion picture ratings are a voluntary code that is fairly well adhered to by most theaters.

For several reasons the problem may be more severe for films on video. Like motion picture theaters, the video software distributors have an industry association that recommends strict adherence to the MPAA guidelines. However, the industry is less mature and critiques say children or minors frequently buy or rent inappropriately rated movies. Further, the video is unsupervised once it leaves the store. An older sibling or friend can enable inappropriate viewing. Finally, it is possible, though illegal, to copy video cassettes, thereby creating additional dangers of inappropriate viewing.

#### Television:

Great care should be taken in using the words "television industry." In many ways, the television industry has become every bit as complex as the "health care industry" or the "transportation industry." In fact, the plural, "television industries" may be more descriptive.

This was not always the case. In the 1950's, '60, and 70's the three major networks produced most of the programs that reached American families through the local stations over which the networks exerted a great measure of control. However, even before the advent of cable TV, market forces and federal policy combined to create a far more competitive marketplace, and to greatly limit the dominance of the major networks.

While the networks still average a 60% share of the televisions in use during primetime (8:00pm to 11:00pm Monday through Saturday and 7:00pm to 11:00pm Sunday), at other important times of the day the local affiliated stations have complete control over the programs they broadcast. Network produced programs (excluding re-runs of old programs) cannot be found on any of the 30 to 120 cable channels. These trends are continuing and are gathering momentum. The days of network control over the American TV screen is rapidly going the way of the black and white television.

The networks themselves produce a smaller and smaller portion of the programs they themselves air, buying them instead from independent production studios and the major motion picture studios. The networks now compete for viewers attention with re-runs of their own previously broadcast programming, movies that were originally released through theaters, and cheaply produced talk shows, game shows, and news-like tabloid shows.

Efforts to effect the level of violence reaching American homes will have to be sensitive to the complexity of a competitive market-place in which a large number of independent actors make decisions over what is broadcast.

#### **Studio Production of Television Programs:**

The managers of the major television studios have a great deal of power in the industry in that they decide which program ideas move through the process of development. These decisions are based primarily on the marketplace of broadcasters. Studio heads make programs they believe they can sell to the networks, local stations through syndication, and to the cable stations.

In that the studios make almost everything we see, they are the source for both the best and the worst of television. The studios produce a great deal of programs that they claim teach positive values including family dramas, and recently, a large number of situation comedies. Shows like "Blossom", "Full House", and "Major Dad" are frequently touted for the pro-social themes they contain in their storylines.

The studios also produce a handful of network dramas that have been criticized for the inclusion of violence, such as "N.Y.P.D. Blue", and "The Commish", and "Picket Fences", as have several made for TV movies detailing the actions of real or imagined violent killers. Last year the studios competed with one another to produce several treatments of the Amy Fisher and Waco Texas stories.

#### **Syndicated Distributors:**

The studios sell a great deal of their programs through syndicators who sell directly to local broadcast stations and cable networks. The syndicators also sell a large volume of re-run series and game shows. Shows in syndication include "Oprah Winfrey", "Wheel of Fortune", and re-runs of "M\*A\*S\*H".

Many shows in syndication have been criticized for excessive violence including "professional wrestling,"<sup>28</sup> re-runs of former network action series such as "Hill Street Blues" and "Magnum P.I.", and new series such as "Silk Stockings," which mixes lingerie and lethal weapons in a manner that some find disturbing.

#### **The Networks:**

The three networks, CBS, NBC, ABC, have been joined recently by an additional "half network," Fox Television. (Two other major studios, Paramount and Time-Warner, are taking aggressive steps to form the fifth and sixth networks.) The networks produce news and sports programming, and produce some of their own entertainment programs. They buy the rest from the studios. The networks also broadcast a large number of movies that originally were produced for the theater.

Critics of Network television violence point to football and basketball games, a small number of prime-time police dramas such as "N.Y.P.D. Blue" and "Picket Fences", sensational made-for-TV crime movies, action movies like "James Bond" and "Rambo", and cartoons (weekdays on Fox and Saturday mornings on CBS and ABC. NBC currently does not presents cartoons.)

In recent seasons the networks have shifted away from police dramas toward an even greater number of situation comedies (such as "Roseanne" and "Seinfeld") and news shows (such as "48 Hours" and "20/20"). The Networks also claim to have scheduled fewer violent movies than in recent years. (ABC says in 1992-93 a third of their movies were violent compared to one fifth in 1993-94.) The networks may be feeling some heat from Washington, but their products are somewhat less violent than they have been in the past.

Twice a year, the networks prove their ability to draw an audience to justify their price levels. During these "sweeps weeks" the networks use violence, sex, and sensationalism get high ratings. The 1993 spring sweeps week was particularly embarrassing to the networks due to the particular emphasis on dramas based on violent criminals.

#### **The Affiliated Stations:**

In each market, there will usually be one local television station affiliated with each network. The affiliates have a great deal of control over what they present. Typically, they will buy the network's morning program, some of their daytime shows, the evening news, three hours of prime time, a hour or more of late night, as well as major sports broadcasts from the networks. They also buy game shows, talkshows, news tabloid shows, re-runs, and cartoons from the syndicated distributors, and they broadcast a lot of movies.

In addition to the violent programs the affiliates carry from the networks, the affiliates also carry violent programming they buy from the syndicators including wrestling, re-runs of action shows, movies, and tabloid news shows. Perhaps the most violent programming on local TV stations can be found on the evening newscast which in many cities and towns begins with a number of murder reports.

#### **The Unaffiliated Stations:**

Many local stations are independent of the networks. The unaffiliated stations are heavy buyers from the syndicated distributors, typically presenting a large number of movies, re-runs, cartoons, and some local sports. In that edited-for-television movies can be among the most violent programs on television, the unaffiliated stations can be as violent as any of the other channels. The unaffiliated stations also frequently have a significant share of the afternoon children's cartoon viewing.

**Basic Cable:**

The basic cable package purchased by 57 million American households includes almost all of the local affiliated and unaffiliated broadcast stations and up to 20 other "basic cable" stations.

Typically, the basic cable stations (also known as "free cable") will include several national cable networks (e.g. USA Network, Nickelodeon, the Turner Network Television (TNT), and the Cable News Network) several music video stations (e.g. MTV, VH1, and The Nashville Network); several ethnic stations (e.g. Black Entertainment Television (BET), and Univision in Spanish); the "super stations" (unaffiliated stations that are now available by satellite to most cable carriers); some home shopping stations; and a variety of public services such as C-SPAN, NASA, weather, and local government channels.

Many of the basic cable entertainment channels have been criticized for violent programming. MTV has drawn a fair amount of heat for the violence in their music videos, and in particular, for the frequent association of violence and sex. BET also has this problem. Both of these channels have done some amount of programming designed to address social problems including the problem of violence in society. MTV also airs the teen cartoons including "Beavis and Butthead" (moved to 10:00pm following one tragic fire and much public criticism).

Like MTV, Nickelodeon also is owned and operated by VIACOM international. Nickelodeon presents shows for kids all day and "vintage TV" at night. They, therefore, have the burdens of cartoons (including the new "Ren and Stimpy", a cartoon that is similar in some respects to "Beavis and Butthead", as well as the violence found in old series like the 1950's version of "Superman."

USA network was the third most violent channel in a TV Guide 24 hour violence audit<sup>29</sup>. USA can be viewed as particularly troublesome due to their target audience of teenagers, their drive-in theater tastes, primetime professional wrestling, and the constant repetition of the beautiful-woman-in-peril plot-lines. For example, USA recently broadcast "The Covergirl Murders" (the title says it all), and all day long on Halloween, any unsupervised child in America could have found the complete "Friday the 13th" cycle where Jason lives despite the hatchet buried in his head.

**Pay-Cable:**

Pay-cable and pay-per-view cable are among the most violent choices on the cable TV menu. Pay cable refers to subscription services such as Time-Warner's HBO (the second most violent in the TV Guide violence audit) and The Movie Channel, and Viacom's Showtime and Cinimax. Pay-per-view refers to first run movies and "adult entertainment" that is purchased for one-time viewing much like renting a video cassette.

The pay-cable channels produce some of their own programming which, in itself can be considerably more violent than most things on the networks. However, the most realistically violent television is the steady flow of 'R' rated action movies that come to pay-cable six to 12 months after the end of their theatrical run. These include such titles as "Die Hard", "Hard to Kill", "Rambo", and "Robocop". The offerings also include many less successful, lower budget movies that tease with sex and then deliver fearful violence. Some pay-cable channels such as HBO and Showtime have a policy that generally withholds 'R' rated movies prior to 8:00 pm, (7:00 pm central time) but others, such as The Movie Channel and Cinimax may air 'R' rated movies at any time of the day.

## Pending Legislative Proposals

**S.1383, the "Children's Protection for Violent Programming Act"** (Hollings and Inouye), would limit violent video programming to hours when children "are reasonably likely to comprise a substantial part of the audience." Premium and pay-per-view cable broadcasts would be exempt, as would news, documentaries, educational shows and sporting events. The FCC would define "violent video programming" and select the hours when it would be prohibited.

**S.943, the "Children's Television Violence Protection Act"** (Durenberger), would require broadcasters to air warnings to accompany programs showing violence or "unsafe gun practices." Warnings would not be required between 11:00 pm and 6:00 am, and the FCC could exempt news broadcasts, sporting events, educational programming and documentaries. The bill defines violence as "any action that has as an element the use or threatened use of physical force against the person of another, or against one's self, with intent to cause bodily harm to such person or one's self."

**S.973 and H.R. 2519, the "Television Violence Report Card Act"** (Senate -- Dorgan and Conrad, House -- Durbin), directs the FCC to evaluate and rate TV programs "with respect to the amount of violence contained in these programs" and publish these ratings.

**S.1556 (Levin)** would require stations to keep copies of commercials for 30 days and provide them to the public upon request. If a complaint were received, the commercial would be kept for a year. A log of complaints would have to be kept and made available to the public on request.

**H.R. 2837, the "Television and Radio Program Violence Reduction Act"** (Bryant), would require the FCC to prescribe standards requiring broadcasters to "reduce the broadcasting of all video and audio programming which contains violence." The FCC could exempt news broadcasts, sporting events, educational programming and documentaries. "Violence" would be defined as per S. 943.

**H.R. 2888, the "Television Violence Reduction Through Parental Empowerment Act"** (Markey, Dingell, Fields, Margolies-Mezvinsky, Oxley, Slattery, Hastert, Cooper, Gillmor, Synar, Shepherd, Glickman, Schenk, Towns), would require that domestic and imported television sets be equipped with devices -- nicknamed "V Chips" -- which would permit viewers to block (1) any selected channel, program, time slot or (2) "all programs with a common rating."

**H.R. 2756, the "Parents Television Empowerment Act of 1993"** (Kennedy), would require the FCC to establish a toll-free number for collecting public comments, suggestions and complaints concerning programs violent programming. The FCC would publish a quarterly summary of these complaints. In its annual report to

Congress, the FCC would have to evaluate whether the broadcasting industry had effectively responded to the complaints.

H.R. 2609, "The Presidential Commission on TV Violence and Children Act" (Schumer and Roukema), would establish a Presidential Commission on TV Violence and Children chaired by the Surgeon General and the Attorney General. The Commission's final report would be due one year after its formation.

Note: Attorney General Reno has testified that S.1383, S.943 and S.973 are all constitutionally sound.

The Media Industries's  
Voluntary Initiatives To Address Violence

What follows is a partial listing of voluntary actions taken by media corporations. The list was collected from representatives of media interests, but contacts to the media were not all-inclusive, and there may be many other examples that could have been included if a more systematic search had been undertaken. Possible rebuttals from critics of the media industries for some of these items are also not included here.

- Standards Codes: Each network, and most other broadcasters develop their own standards and practices that set internal ground rules for violence, language, sex, as well as other things such as treatments of sponsors' products and mentions of their competitors products. These standards reject "gratuitous violence" and other excessive portrayals of violence.
- In December 1992 ABC, CBS, and NBC announced joint principles that looked for a solution to the problem of excessive TV violence in the common ground between the three networks' individual policies.
- The networks have joined with 15 cable channels to commit to voluntary parental advisories preceding and during adult oriented violent programming for a period of two years.
- NBC has been broadcasting "The More You Know" public service announcements for several years. Violence was added to the list of topics in 1993. The spots feature NBC stars suggesting alternatives to violence as a means for conflict resolution.
- NBC has included non-violence and firearms education themes in storylines for "Blossom" and "The Fresh Prince of Bel Aire."
- In October 1993, ABC produced an hour-long news special for children on the subject of violence, titled "Kids in the Crossfire", which featured the Attorney General.
- ABC says its 1993-94 schedule has 40% fewer movies with violence than the previous year's schedule.
- On May 21, 1993 ABC aired an afterschool special titled "Making It; Learning Not to Hurt" to help young people deal with the aftermath of violence. The program featured Edward James Olmos and Deborah Prothrow-Stith.

- MTV responded to a case of imitation of "Beavis and Butthead" by shelving some episodes, editing others, and changing the broadcast time from 7:00pm and 10:00pm, to 10:00pm only.

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## **EXECUTIVE SUMMARY**

### **FAMILY VIOLENCE**

We live in the most violent industrialized nation in the world. And, it appears that violence, just like learning or charity, often begins at home. People of all ages, classes, or ethnic groups experience intimate violence.

Unfortunately, violence is often observed and experienced very early in life particularly at the early developmental stages of children ages zero to three. Violence takes many forms in families: physical abuse by hand, object, or weapon; threats of violence; sexual abuse including rape and incest; excessive domination and emotional control; severe neglect; and emotional abuse. Clearly, the concept of family violence refers to more than one phenomenon.

### **SIZE AND SCOPE OF THE PROBLEM**

Recent studies reveal appalling cases of abuse within the family setting. Perhaps even more appalling is the fact that researchers believe the current available information only touches the surface of the problem and much more needs to be done before the nature and extent of this problem is actually comprehended. While far more needs to be learned, current information demonstrates an urgent need for action:

- 2.7 million cases of child abuse and neglect were reported to public child welfare agencies in 1991, and about 860,000 children were found to be abused and neglected.
- 1300 children died from maltreatment in 1991.
- 1300-1400 women are murdered by a husband or boyfriend each year.
- 20-30 percent of emergency room visits by women result from domestic assaults.
- Over 3 million young children witness parental violence each year.
- An estimated 1.5 million elderly Americans may be the victim of domestic elder abuse each year.

The costs of family violence are staggering. For women, family violence accounts for more medical visits than rapes, muggings, and auto accidents combined and it contributes to a whole host of other problems including unwanted pregnancy, AIDS, and homelessness. For children, it leads to school failure, delinquency, and running away. For the elderly, it leads to injury and depression.

## **CURRENT POLICIES AND PROGRAMS**

There are many Federal, State and local programs attempting to alleviate these problems. While there have evolved different social service and other systems to deal with child abuse, spouse abuse and elder abuse, there remains considerable overlap in the causes and effects of these problems and in the perpetrators and victims.

Prevention: With the heavy social and economic costs of family violence, it is urgent that we address prevention as well as its consequences. This Administration has clearly recognized this void in the federal response. Initiatives such as Family Preservation and Support, the Community Empowerment Initiative, Welfare and Health Reform, among others, are some of the initial efforts that will help respond to the growing family violence crisis.

Along with critical public education and media campaigns, it is clear that communities, non-profit organizations, and States have developed a wide range of prevention activities, stimulated and supported in part by State Children's Trust Funds. Many of these are very promising, although evaluation results still are needed. Family support programs, for example, are being established for those families with children zero to three throughout the country. Avnace, which has six sites in impoverished Hispanic neighborhoods, is a promising model. Home visitation for pregnant women and children is also a growing phenomenon, with Hawaii's Healthy Start program being one of the most well known.

Examples of community coordination and innovation include the comprehensive interdisciplinary approaches to address domestic violence involving health, courts, law enforcement and social services such as those in San Diego, Denver and Duluth, Minnesota; and the education to prevent violence program that the Pittsburgh City Schools along with the Women's Center of Greater Pittsburgh established.

Interventions: Intervention strategies fall into two broad categories: those that attempt to protect, treat and support the victim and those that attempt to restrain or modify the behavior of the perpetrator. To break the cycle of violence, it is usually not sufficient to address only one party in an abusive relationship. The Departments of Justice Health and Human Services both have made efforts in this area through programs such as victims' compensation, juvenile justice, and child abuse, domestic violence, and elder abuse grants to states.

At the community level there are a number of key activities that illustrate promising strategies. The police and courts play a critical role in all these efforts. The TRIAD program in Louisiana helps support the elderly in their homes. The Court in Quincy, Massachusetts has taken the lead in developing protocols for interdisciplinary efforts to address family violence.

Community policing is another effort that appears to hold much promise. It is a major focus in the Crime Bill.

More traditional programs that are the first line response to family violence in the community are the shelters and the advocacy services, clearly a critical component of every community's service strategy. Another innovative intervention that is gaining attention are visitation centers which can be used as neutral places for parental visiting where the threat of violence is great. The centers also may provide a variety of additional services.

There are a range of programs that are attempting to work with men who are perpetrators of family violence. Many are court-ordered. The Drug Court in Dade County has initiated a six-month treatment program for batterers arrested on misdemeanor charges, while assuring the safety of the victims. Further demonstration and evaluation needs to be done in these areas.

Finally, a number of national professional associations and private organizations have developed protocols, standards and training materials for members to help them become more aware of child, spouse and elder abuse. The American Medical Association, for example, has initiated an extensive education program and is in the forefront in providing leadership to its members in the area of family violence.

#### **RECOMMENDATIONS**

We propose four broad recommendation which have grown out of our meetings and discussions with a number of national agencies and organizations, academics, researchers, advocates, service delivery administrators, and other experts.

**A. Increase efforts to strengthen and expand comprehensive community-based solutions to prevent family violence and assure safety for all victims.** While a Federal response is needed, lasting solutions must be found at the local level.

**B. Establish a national campaign, with all sectors of society, to promote public education on family violence.** The nature and scope of family violence, its unacceptability, and its consequences needs to be given high visibility.

**C. Place higher priority on family violence research.** Family violence research is in its infancy. We need to understand more about all aspects of this problem.

**D. Expand cross-disciplinary training and education for people working in the field.** Interdisciplinary training is essential to prevent family violence and ensure safety for all victims.

## **FAMILY VIOLENCE**

### **I. INTRODUCTION**

We live in the most violent industrialized nation in the world. And, it appears that violence, just like learning or charity, often begins at home. People of all ages, classes, or ethnic groups experience intimate violence. We know that infants, school-aged children, adolescents, adults, and the elderly may be abused. The perpetrators may be parents in the house or guardians, spouses or lovers, boyfriends, caretakers of the infirm, older children toward their siblings and parents, or teenagers and adults toward the elderly.

Violence takes many forms in families: physical abuse by hand, object, or weapon; threats of violence; sexual abuse including rape and incest; excessive domination and emotional control; severe neglect; and emotional abuse. Clearly, the concept of family violence refers to more than one phenomenon. It is, rather, a grouping of many actions grounded in different circumstances and causes.

Unfortunately, violence is often learned very early in life. Many infants and young children are threatened, abused, or neglected. Millions of children witness parental abuse each year. The number of children who witness violence in their neighborhoods is not known, though we do know the problem is pervasive. There are dual dangers for children: personal victimization and becoming accustomed to violence, perhaps leading to taking on the role of aggressor. We know that many violent offenders were victims or witnesses of abuse as children.

While there is no way to completely shield children from violence, there are ways to protect, nurture and instill hope and trust in children. Families can provide the attention, love and safety necessary for children to grow and develop. This is particularly important for families with children ages zero to three. We know many families will need help to do this. Similarly, while our country may seem close to being overwhelmed by the epidemic of violence, it is clear that Americans are also resourceful, energetic, and capable of enormous efforts for the public good. This paper discusses promising programs around the country and recommends four ways to address family violence.

### **II. SIZE AND SCOPE OF PROBLEM**

It is difficult to estimate the true extent of violence between intimates because much of it takes place behind closed doors. Estimates have been made; some are based on population surveys and others on cases known to professionals or government agencies. All approaches have limitations. Rather than for family violence as a whole, estimates usually are for particular population groups.

Information on the scope of the problem usually pushes us to view family violence in terms of the victims: children, spouses and the elderly. Yet we know that these divisions do not reflect the reality of the problem. For example, children in homes where the mother is abused are much more likely to be abused themselves. A controversial national household survey by Gelles and Straus found that fathers who abuse their wives are 4.5 times more likely to abuse their children than are fathers who are not abusive toward their wives. Another study estimated that as many as one third of all males who beat their spouses also abuse their children.

The relationship between spouse and child abuse is even more complicated. Mothers who are perpetrators of child abuse are themselves often the victims of violence. Mothers who are victims of physical abuse at the hands of their partners were found to be 2.6 times more likely to abuse their children compared to mothers who are not victims of abuse. There is also evidence that children in violent homes, even if they are not directly subject to violence, suffer many detrimental consequences. An estimated 3.3 million children witness parental abuse each year. (Jaffe, Wilson, & Wolfe)

Information on the relationship of spouse abuse and elder abuse also has its limitations. Pillemer and Finkelhor in their Boston study of elder abuse found that the majority of abuse was by a spouse. Dysfunctional marital relationships do not always end as people get older. Also, the stresses of old age may contribute to spouses hurting one another.

The following discussion of the scope of the problem follows the familiar categories of family violence.

#### A. Abuse of children

While the emphasis of this paper is on violence, we note that children are maltreated in many ways. According to the National Child Abuse and Neglect Data System, about 2.7 million children in 1991 were the subject of reports to public child welfare agencies for abuse or neglect. Neglect is the most frequent offense. About 44 percent of substantiated reports were for neglect, 24 percent for physical abuse, and 15 percent for sexual abuse. This represents 204,404 child victims of physical abuse and 129,697 child victims of sexual abuse. About 1300 children, most of whom were infants, died as a result of maltreatment, including severe neglect.

A more inclusive estimate of physical abuse against children comes from the Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988 (NIS 2). By asking professionals for cases of maltreatment known to them but not reported to the child welfare agencies, NIS estimates that, in the year of study,

1986, there were 675,000 children abused in this country. Of these, 365,000 were physically abused, 155,900 were sexually abused, and 211,100 were emotionally abused. (Children may fall in more than one category.) These estimates still represent only those children known to professionals.

While not a form of child abuse, the problem of children witnessing violence in their neighborhoods is becoming very serious. Community violence has reached epidemic proportions in many of our urban areas. One recent survey at Boston City Hospital found one of every 10 children under the age of six attending the pediatric clinic had witnessed a stabbing or shooting. (Groves, 1993) The distinction between family and neighborhood violence becomes blurred, because frequently child witnesses know and may be related to the victim or perpetrator. Children who witness violence frequently do not receive appropriate mental health services because they are believed to be too young to understand, are afraid of reprisals if they seek out authorities, or cannot access the necessary services. Even children who do not witness actual incidents can be very sensitive to their vulnerability and their caregivers' fear and anxiety about violence in the neighborhood. Children speak of planning their own funerals.

#### B. Abuse of spouses and other intimates

Federal Bureau of Investigation data indicates that approximately 1300 to 1400 murders a year (approximately 10 percent to 15 percent of all homicides) are murders of women by a current husband or boyfriend. Approximately 40 percent of homicides of women and 10 percent of men are committed by spouses or partners. Studies indicate that 20 percent to 30 percent of emergency room visits by women result from domestic violence.

It is estimated that every year there are acts of physical aggression in 1 of every 6 couples. Both men and women engage in physical aggression; however, women are the primary victims. Abuse by males is much more likely to result in serious injury. Between 2 and 4 million women will be seriously assaulted by their domestic partners each year. This represents between 3 percent and 6 percent of all adult women. One in four women will be assaulted by a domestic partner during of her adulthood. Recent research has indicated similarly high levels of physical aggression in adolescent dating relationships. These prevalence figures may significantly underestimate the extent of domestic violence since intrafamilial violence is substantially under-reported.

### C. Abuse of elderly adults

The elderly are cared for in many settings: their own homes, board and care facilities, and nursing homes. In each setting, they may be victims of abuse.

Domestic abuse - There is insufficient data on abuse in domestic settings. However, estimates appear to indicate that the incidence of elder abuse has risen steadily over the past decade. A study conducted by the National Aging Resource Center on Elder Abuse (NARCEA) estimated that the number of domestic incidents increased from 1.6 million in FY 1986 to 2 million in FY 1988. The former House Subcommittee on Health and Long Term Care estimates that about 1.5 million elderly Americans may be the victims of domestic elder abuse each year. Perhaps the most reliable household survey was conducted by Pillemer and Finkelhor in Boston. It estimates that between 2.5 and 3.9 percent of Boston area elderly has been maltreated. If a national sample were to find a similar rate, it would indicate between 701,000 and 1,095,560 abused elders in the nation as a whole. Nonetheless, many experts view these figures as conservative because of the gross under-reporting typically associated with domestic elder abuse.

Facility-based abuse - Recent studies by the HHS Office of Inspector General ("Resident Abuse in Nursing Homes") and the California Ombudsman program verify the frequent occurrence of abuse in institutional settings. Both studies cited physical and emotional neglect, and verbal or emotional abuse were the most prevalent manifestations of the problem.

Pillemer interviewed over 500 nurses and nurse aides regarding incidents of physical and psychological abuse they had witnessed or committed over the previous year. He found that eighty-one percent of respondents had observed one or more incidents of psychological abuse during the previous year. Forty percent of the respondents admitted committing such acts. Thirty-six percent of the respondents had observed at least one incident of physical abuse during the previous year.

### D. Causes and Risk Factors

Why are some people more violent than others? Explanations vary; emphasizing different understandings of the problem. In broad terms, family violence has been explained in terms of (1) family dynamics; (2) learned behavior; (3) individual pathology; (4) gender inequality; (5) social stress, such as poverty, unemployment; (6) community dysfunction; (7) cultural and social norms. The theory chosen influences the types of interventions one pursues. Early interventionists point out that prevention of socio-emotional problems and promotion of healthy stable

parenting relationships in the first years of life may be important steps towards reducing violent behavior later in life.

A large number of risk factors have been investigated for their relationship to child abuse. Risk factors vary with the type of abuse, e.g., poverty and drug use is strongly related to neglect, but only weakly related to physical and sexual abuse; similarly, having a step-father is a risk factor for sexual abuse of girls, but not for other forms of abuse. The probability of maltreatment increases with the co-occurrence of multiple risk factors. A categorization of a broad range of risk factors which have been found to be related to various forms of abuse and neglect follows:

- o Social and economic distress, including poverty, unemployment, homelessness, social isolation, and other negative stressful events or chronic social stress;
- o Family functioning problems, including various forms of inadequate parenting, physically or emotionally unavailable parents, immature adolescents unprepared to be parents, family use of violence to resolve conflicts, socially stressed single-parent families, and abusive child care or foster care providers;
- o Parental psychopathology, including parental mental illness, deviant sexual interests, cognitive and emotional dysfunction due to parental drug usage, parental childhood abuse and antisocial behavior, and rigid and demanding personality structure; and
- o Child characteristics, including difficult children and children with disabilities.

It is also useful to identify risk factors associated with family violence as targets for intervention. While existing research supports some associations, more knowledge is needed. Some of the more commonly identified risk factors associated with domestic violence are:

- o History of exposure to violence - Studies have indicated that exposure to violence in one's childhood, and experiencing or perpetrating violence in adolescence are risk factors (especially perpetration of violence by males and experiencing violence for females);
- o Belief systems - Studies have indicated that perpetrators and victims of domestic violence have often internalized beliefs about the legitimacy of the use of violence, about sexual roles, and about imbalances in power between intimate partners that support use of violence in intimate relationships; these belief systems are often supported by families

of origin, peer groups, subcultures, and also by society in general;

- o Social stressors - Studies have demonstrated that the incidence of spouse abuse increases with unemployment and economic hardship; one study found partially employed and unemployed men are 2 to 3 times more likely to use severe violence against their partner than fully employed men;
- o Communication/Relationship Skills - Studies have indicated that couples who engage in physical aggression have poor conflict resolution skills, do not communicate well, and tend to be more demanding than nonviolent couples;
- o Emotional Problems Associated with Intimate Relationships - Abusive men tend to be more dependent on their partner, more jealous, and more easily emotionally aroused by conflict in the relationship; both partners in abusive relationships tend to be less satisfied with their relationship; and
- o Drug/Alcohol Abuse - Men who have a pattern of alcohol abuse are more likely to also be abusive to their partners.

Studies of the abused elderly have found some common themes. Most of the studies have found that the victims tend to be female. Generally, abuse victims have been older people, aged 75 and over. Many studies have found that victims experience increased vulnerability due to illness or impairment.

Some investigators have identified factors associated with elder abuse that pertain also to other forms of family violence. There is some evidence that external stress in a family contributes to abuse. Social isolation also has been found to be associated with elder abuse. The presence of an active social network may be a particularly strong deterrent to elder abuse.

#### E. Consequences of abuse

There is a substantial and growing body of research evidence documenting the short- and long-term detrimental effects of child abuse. In addition to direct health care, investigation, intervention, and prosecution costs of child abuse and neglect, there are substantial indirect economic costs to society due to learning difficulties, decreased work productivity, and mental health problems. Abused and neglected children have been found to display a wide range of behavioral, emotional, interpersonal, cognitive, and learning problems compared to nonabused children.

Studies indicate that a high percentage of adults who have experienced different forms of childhood abuse exhibit serious behavioral dysfunction, such as substance abuse and addiction, sexual dysfunction and deviance, and histories of serious crime.

They also have significantly greater mental health problems. Another important consequence of maltreatment is a possible "cycle of abuse." Studies have indicated that spouse and child abusers are more likely to have been abused themselves as children and that adult victims of physical abuse and sexual assault are more likely to also have been victimized as children. Nonabusive mothers who inadequately protect their children from abuse are more likely to have been abused themselves in childhood.

Battered women have significantly greater physical health problems, directly and indirectly related to their abuse, and a higher health care utilization than nonabused women. In addition to physical trauma resulting from acts of physical abuse, battered women suffer a number of mental health consequences, including higher levels of depression, drug and alcohol abuse, suicide attempts, and low self-esteem. Many of the mental health consequences of spousal violence result from chronic intimidation and fear, which are often as significant as the actual acts of physical aggression.

Witnessing spousal violence contributes to the cycle of violence within families and to violence outside the home. Children in violent families may learn aggression as a means of solving interpersonal problems and as a response to stress and frustration. Both the batterer and the battered spouse can become role models for the children's later adult relationships. Studies of battered women indicate that more than half of battered women were abused as children. In addition, there is an increased likelihood of child abuse in homes where there has already been spouse abuse.

The literature on elder abuse is lacking in information on the outcomes of elder abuse on the victim. Pillemer and Frankel in a review state: "Little is known about the consequences of elder abuse. Some data do exist, however, physical manifestations or descriptions of physical injuries, such as bruises and sprains, abrasions, bone fractures, burns, and wounds. Anecdotal evidence suggests that victimization does produce negative psychological outcomes, although sound empirical findings are scarce." While depression is often associated with elder abuse, it is not clear whether the condition precedes or is a consequence of abuse.

### **III. CURRENT POLICIES AND PROGRAMS - PREVENTION AND INTERVENTION STRATEGIES**

Typically, discussions of family violence treat child abuse, spouse abuse and elder abuse approaches separately. We have different systems to deal with child abuse, spouse abuse, and elder abuse. There are different interventions, programs, experts and advocates. To some extent, that is appropriate; some circumstances of these age-based phenomena certainly differ.

Yet, there is considerable overlap in the causes and effects of these problems and the perpetrators and victims; our separate interventions often miss these interrelationships. We have chosen to integrate our discussion of these issues, in order to highlight similarities in types of strategies and to illustrate successful linkages.

Some approaches appear to be more promising than others based primarily on anecdotal evidence. Few approaches have been seriously evaluated. Caution, with some optimism, is perhaps a sensible attitude toward claims of effectiveness.

#### **A. Prevention**

With the heavy social and economic costs of family violence, we need to put additional effort into addressing its prevention as well as its consequences. It is much wiser social policy to help parents take better care of their children particularly children ages zero to three, to change the ways that men and women deal with each other, and for communities to help families face the stresses of their lives, than to try to control violence after it occurs. Yet we spend far more money late in the process than we do for prevention, even when there is evidence that prevention can be effective.

#### **Major Federal Efforts**

The Clinton Administration has significantly increased federal resources for prevention. The Family Preservation and Family Support Program, administered by HHS, provides \$1 billion over five years to States to fund new services. Family support programs, such as community-based family resource centers or home-visiting programs, work with families before a crisis occurs. These community-based programs promote the well-being of children and families by enhancing family functioning and early childhood development. The legislation also provides intensive family preservation services for intervening with families where the child is already experiencing maltreatment or other family crises.

Another major Clinton program is the Community Empowerment Initiative. Passed this year, it provides tax incentives and social service funding to 9 Empowerment Zones and 95 Empowerment Communities. The special Social Services Block Grant funding targeted to these communities is \$1 billion over a two year period. The funds are to be used for achieving or maintaining self-sufficiency and preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families.

A new Centers for Disease Control and Prevention (CDC) program, funded at \$7 million combats violence toward women. Violence

targeted by this program is broader than intimate violence. The program has several purposes related to prevention: describing and tracking the problem; demonstrating and evaluating the ways to prevent violence against women; conducting a national communications effort, including education, training, and public awareness; developing a nationwide network of organizations and coalitions to support State and local health department efforts; and increasing knowledge of modifiable factors associated with violence against women and, based on that knowledge, to develop new prevention strategies.

The Family Violence Prevention and Services Act programs, about \$20 million per year, provides grants to States and Indian Tribes that can be used in part for local prevention activities. The program also funds State coalitions for domestic violence whose purpose is to provide immediate shelter and related assistance to victims of family violence. Four national resource centers were recently funded. The Crime Bill under consideration in Congress proposes an increase for these programs.

The National Center for Child Abuse and Neglect (NCCAN) has several programs directed at prevention. The primary one, funded at \$5 million per year, makes grants to States for the prevention of child abuse and neglect. Administered usually by State Children's Trust Programs, the resources are used for public education, parenting education, family support and other activities. NCCAN also administers the Emergency Child Abuse Prevention Services Program, which addresses the linkages between substance abuse and child maltreatment. One part of the program is directed at public education and other prevention activities.

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) supports programs with specific relevance to families and violence prevention. The Pregnant Postpartum Women and Their Infants Program provides successful models for family development and violence prevention for ages zero to three. The National Perinatal Resource Center (NPRC) is a successful mechanism for gathering, analyzing and disseminating knowledge to the field regarding domestic violence. The NPRC Community Team Training Institutes assist community leaders work together to solve these problems. Finally, the Community Partnership programs are successfully addressing these very issues.

The Administration on Aging funds two national resource centers with important roles related to elder abuse: the National Center on Elder Abuse and the National Long Term Care Ombudsman Resource Center. FY 1994 funding includes \$4.6 million for the State elder abuse prevention program in Title VII of the Older Americans Act and \$4.3 million for the State long term care ombudsman program (advocates for residents in long term care facilities). The Health Care Financing Administration (HCFA)

influences the quality of care in nursing homes because it sets the minimum standards of care for all certified facilities.

The Department of Justice (DOJ) sponsors several initiatives related to elder abuse. They currently fund grants to develop a training curriculum for law enforcement policy makers and police officers on the most effective procedures for responding to family violence involving the elderly. DOJ also sponsors the TRIAD program which develops and implements crime prevention and education initiatives for the elderly. Activities focus on preventive and victim/witness assistance programs.

#### Public education and media campaigns

Most experts agree that progress in reducing violence depends on changing social norms that tolerate abusive behavior. Media campaigns, both in public service advertising spots and statements by prominent persons, are necessary.

One of the most successful and highly skilled campaigns on the national level has been the continuing program of the National Committee for the Prevention of Child Abuse (NCPCA). Working with an advertising agency and the National Ad Council, NCPCA placed highly professional ads in television spots during the broadcasting of popular sporting events. Campaigns have been run for a number of years, putting before the public different messages that encourage disciplining children without hitting or speaking hurtfully to them. The Family Violence Prevention Fund, based in San Francisco, is developing a campaign also in conjunction with the National Ad Council, directed at spouse abuse. Both groups are available to provide technical assistance to local groups wishing to develop local media campaigns.

The Illinois Department on Aging has directed its public education on the identification and reporting of elder abuse. A variety of posters and pamphlets have been distributed to provide guidelines to law enforcement, financial institutions, in-home workers, physicians and health care professionals, attorneys, and the general public. Similarly, Pennsylvania's Department on Aging has launched a state-wide program to educate its citizens on how to detect, report, and prevent the abuse of older persons. By including public television as a medium, the state hopes to improve the low rate (estimated 6 percent) of reporting of abuse.

#### Comprehensive community-based initiatives

A slogan for a child abuse prevention program in Maine is "When the community cares, the family thrives." Neighborhoods contain many forms of formal and informal support for its residents - by neighbors, churches, business, associations, health agencies, recreation programs and law enforcement. When these resources are mobilized, they can discourage family violence and set

standards that reflect a low tolerance for violence between family members. Also they can address common risk factors for family violence - social isolation, alcoholism, environmental stressors. Programs--even well coordinated programs--by themselves, however, are not sufficient. People need to live in and be supported by communities that are themselves healthy.

Many innovative community strategies are being developed to address the prevention of family violence. Not all have been evaluated so we do not know with certainty that they all work as conceived. Yet for each approach discussed there is support by many. We have referenced some particular programs in which many believe show promise.

One type of comprehensive community-based initiative is family support. A significant goal of these programs typically is helping parents to understand how to raise healthy children particularly those children ages zero to three. By strengthening families' ability to nurture their children physically, emotionally, and intellectually, family support programs increase the likelihood that children will grow up healthy, safe and successful. Such programs help parents respond early to their child's multiple needs, within the family, before healthy development is compromised. Family support programs have been developed around the country through State and local efforts, frequently with foundation support. This year's legislation marks a new federal role in family support.

Among the more common family support approaches are family centers, home visitation, and parenting programs.

- A. Family resource programs - A number of communities have begun collaborative efforts to address the needs of families and their children by establishing community-based, multi-service family centers. Although they typically do not state that violence prevention is their goal, as they help families deal with a variety of stressors they are likely to contribute to this end.

Some programs that address families with young children include:

- Avance Educational Program for Parents and Children, San Antonio, Texas, was one of the first programs in the growing field of family support. Through its six centers, all in impoverished Hispanic neighborhoods, Avance reaches out to create strong families by offering specialized training, social support services, and adult basic and higher education. Avance programs enhance parental knowledge, attitudes, and skills in the growth and development of children. This involves

parents in the prevention of problems such as learning delays, child abuse and neglect and academic failure.

- Child Development, Inc., Russellville, Arkansas, operates in 11 counties providing child care as 18 centers, parenting training as part of the Home Instruction Program for Preschool Youngsters (HIPPY), and linkages to a wide array of other services.
  - Lafayette Courts Family Development Center, Baltimore, Md. Provides a highly accessible, comprehensive array of services to residents of a public housing development. Case managers at Lafayette Courts work with families to develop short-term and long-term goals.
- B. Home visitation for pregnant women and new mothers - One of the most promising strategies for preventing child abuse is early home visitation. These programs also have the potential for assisting couples to address the problems of battering and violence.

Much attention for this approach was generated by research in Elmira, New York, showing positive effects of home visiting on a number of health and social outcomes. The visitors provide a well-designed intervention including: counseling, encouragement, information and training, referrals, and transportation. Findings indicate that rates of child abuse were significantly lower for the treatment group than for the control group.

Hawaii's Healthy Start program has shown similar promise, though they are only beginning a full-scale evaluation. The program states that they have prevented over 95 percent of predicted abuse. Parents are screened at the birth of their child to determine risk of maltreating their children. The program then assigns a home visitor who will work with high risk families for several years. The program works by building trusting relationships between the worker and mother and by helping to reduce the sources of family stress.

Building on what Healthy Start is doing, the National Committee for the Prevention of Child Abuse, with funding from the Ronald McDonald Foundation, is working with over 20 States to initiate home visitation programs modeled on the Hawaii program. Many groups, including the U.S. Advisory Board on Child Abuse and Neglect, have called for substantial new funding for home visitation programs. The newly enacted Family Preservation and Family Support Program will provide monies for such family support activities as home visitation.

- C. Parenting education - Parenting education is one of the most common child abuse prevention approach. Misunderstandings and lack of knowledge about child development and the capabilities of children are a large contributor to abuse. Many different curricula have been developed to teach new parents how to bond with their children and how to recognize cues from children appropriately, teaching healthy forms of discipline and what is age appropriate behavior. Many parents have never known nurturing parenting themselves and have to be taught what it means to parent.

A very important consideration is the number of children growing up out of contact with their fathers. Children miss out on their fathers' emotional and financial support. Child development theory has shown that father involvement is important in certain developmental processes, such as emotional and behavioral control. It is posited that the absence of the father figure contributes to acting out behavior and inadequate self-control and discipline of the child, which could be a precursor to violence.

The Philadelphia Children's Network Responsive Fathers Program is designed to help young men develop the skills and resources they need to become effective, responsible and self-sufficient parents. Group sessions are structured around a formal curriculum developed by Public/Private Ventures (PPV) covering areas such as: self-esteem, fatherhood, understanding children and a father's influence on his children. A case manager links participants to educational resources, employment opportunities and social services. For many of these young unwed fathers, unemployment and the accompanying inability to financially support their children creates a barrier to a strong and ongoing relationship. This project is helping these young men to find or train for work, and at the same time is training them to raise their children better. Several of these men grew up without much contact with their own fathers, did poorly in school, and/or have been involved in violent or illegal activities. With the help of the responsive fathers program, they can break this cycle and provide an important, nurturing role model for their own children.

### Education

The Pittsburgh City Schools have been teaching a curriculum that deals with violence in interpersonal and family relationships. It started in the junior high schools, expanded to the high schools, and now is included in elementary schools. While the primary focus is prevention, a number of children report instances of violence that have occurred to them or within their families. The program is run jointly with the Women's Center of Greater Pittsburgh.

EMERGE, a batterers' education program, and Transition House, a shelter, are collaborating with the Cambridge, Massachusetts public schools on a dating violence education and intervention project in the schools.

Another training effort, the Oakland Men's Project in Oakland, CA, is a community organizing and training center dedicated to stopping violence. Unlike most other prevention models, they emphasize the fact that almost all of the destructive violence in our society is perpetrated by men seeking to live up to rigid and pervasive cultural expectations of what it means to "act like a man." In addition to training, they have published a series of training manuals, workbooks, videos and audio tapes.

## **B. Service Interventions**

Funds for services for victims of family violence and for the restraint or treatment of perpetrators can be found in several federal programs. Federal programs also provide funds for research and evaluation. There are many intervention strategies being used in communities, many showing promise. We will briefly touch on some of them.

### **Major Federal Efforts**

The largest source of funds for victims' compensation programs is in the Department of Justice. It provides funds for a variety of services to victims of violence. Juvenile Justice programs, law enforcement training and judicial support programs also are funded by DOJ. The National Institute of Justice funds research.

In HHS, research in areas directly or indirectly related to violence comes out of the Administration for Children and Families, the National Institute of Mental Health, the National Institute of Alcohol Abuse and Alcoholism, the National Institute on Aging, the National Institute on Drug Abuse, and the Centers for Disease Control and Prevention. Service programs include the child abuse program of National Center on Child Abuse and Neglect, the Family Domestic Violence Program in the Administration for Children and Families, AOA programs, programs of the Health Resources Administration, mental health and substance abuse programs of the Substance Abuse and Mental Health Administration, and the Indian Health Service.

SAMHSA's Center for Substance Abuse Treatment funds treatment for underserved populations through State block and discretionary grants. Other programs include the Women and Children's Residential Treatment Program which provides a comprehensive continuum of services and addresses issues related to domestic violence, battering, sexual abuse and child abuse; and the Criminal Justice Treatment Program which integrates anger management, violence prevention and control, and pro-social

skills into the therapeutic process in prisons, jails, community treatment settings for probationers and parolees.

SAMHSA's Center for Mental Health Services supports programs which respond to the service needs of Americans with mental illness. It funds demonstration projects aimed at determining the most cost-effective services for different types of mentally ill individuals, including those whose behaviors have been violent toward themselves and/or others. The Center also has proposed funding for demonstration projects to provide mental health services to victims of violence, including battered and raped women, adults who were abused as children, and children who are victims of abuse or witnesses to extreme violence.

### Community policing

The Weed and Seed program of the DOJ is a focused, comprehensive effort to revitalize high crime, low-income neighborhoods. The strategy emphasizes coordination between law enforcement and neighborhood residents to "weed out" violent crime, drug use and gang activity and to prevent it from returning by "seeding in" a wide variety of public and private efforts to strengthen the community. Community policing, a major part of this strategy, combines elements of both weeding and seeding.

The Child Development and Community Policing Program in New Haven, Connecticut has altered the ways in which police and mental health professionals coordinate and deliver services to children and families exposed to violence. The program provides seminars for police officers on child development and human functioning, a 24-hour consultation service for children and families who have witnessed violence, and a weekly case conference for police and mental health professionals. In the first year of operation, 150 police officers were trained in child development. In the first 18 months, over 300 children have been referred to the consultation service. The program allows police officers to perform and to be perceived in the community as sources of benign authority, safety, and concern for the well-being of children and families affected by violence. The Dodd Amendment to the Crime Bill provides new funding for community policing partnerships to train police about appropriate ways to intervene with child victims and witnesses of violence.

### Comprehensive Community-Based Efforts

In several cities, multidisciplinary community-based collaborations have been developed to address issues of domestic violence. In Duluth, Minnesota, the Domestic Abuse Intervention Project brings together the courts, the police, advocates, and health and social service providers to develop comprehensive approaches to the problem. These coordinated programs not only assure services

that mesh from one system to the next but it has brought the issue of family violence to the public's attention.

#### Law enforcement and court system responses

The police are often in the front line of dealing with domestic violence and child abuse. Increasingly, they have been trained to become more effective in responding to family altercations and in deciding whether children are at risk.

The police can help support the elderly in their homes. In St. Martin's Parish, Louisiana, the TRIAD program coordinates the efforts of police chiefs, sheriffs and elder leaders to make sure the elder population is being served. One service is a morning phone call service through which elder persons can check in with the local police each morning for reassurance.

Courts play a critical role in addressing issues of family violence in a variety of ways. Violence is a crime and serious acts of violence have to be adjudicated. The role of prosecution and alternatives for sentencing need to be geared to the requirement of these types of cases. The Court in Quincy, Massachusetts is a model of how the courts can be effective in leading community efforts to develop a protocol for interdisciplinary efforts to address family violence and making clear that violence will not be tolerated. Judge Albert Kramer has pioneered procedures to give women the support they need in bringing charges without fear, in running a probationary program and in enforcing restraining orders.

Modeled after Dade County's (Miami) successful Drug Court, Dade County has initiated a Domestic Violence Court which involves a court-based approach that employs diversion and alternative sentencing strategies. The Court emphasizes a six-month treatment program for batterers arrested on misdemeanor charges, while assuring the safety of the victim. The treatment component includes a 26-week program of counseling and, if warranted, substance abuse treatment. Approximately 350 persons enter treatment through the Domestic Violence Court on a monthly basis. The National Institute of Justice is currently evaluating the effectiveness of the program.

Another example is in the Middlesex County, Massachusetts where the District Attorney has developed an action plan to combat crimes against the elderly, including priority prosecution and special handling of crimes of violence.

#### Shelters and other safe environments

Shelters are a key part of a community's service strategy in dealing with domestic violence. Shelters tend to provide a range of services and advocacy support to women who need a safe place

to stay. While there are many such programs, they are not in every community nor are there enough to meet the need. Some shelter programs have expanded services to meet other needs by providing transitional housing for women who will not return to their spouses.

Another type of intervention that is gaining attention is that of visitation centers. They have been developed to address problems that arise when a woman has to meet an abusive spouse in the exchange of children. In some cases, a father has visitation rights but is in danger of taking the children away in violation of the mother's custody of the children. Also, the time when a mother has to give her children to an abusing spouse for a visit can be dangerous for her. A visitation center is designed to be a place where he can visit with his children without taking them in violation of a court order or as a safe place in which parents can exchange their children without the mother having to meet the abusive father. The Visitation Center and Child Custody Project in Minnesota operates a center with the cooperation of the courts. Senator Wellstone has proposed a grant program as part of the Crime Bill to fund these types of services.

#### Batterer's programs for men

There are many programs that work with male perpetrators of family violence. Many are court-ordered, requiring participation in lieu of incarceration. They typically address issues of power and control by men over women.

The Pennsylvania Domestic Violence Coalition has developed standards for professionals and programs working with batterers. These standards address a number of the issues that are likely to arise and provide guidance on approaches. One issue is how to monitor whether violence continues. They suggest maintaining contact with the woman.

#### Child protective services

Often the point of entry into services for troubled families and abused children is the child protective system (CPS). This system, however, has been overwhelmed by the huge numbers of children who are reported each year. In 1991, over 2.7 million children were the subjects of reports to CPS. The result is that few families and children receive the services they need, and because of this, more children than necessary are placed in foster care.

Family preservation programs, now to be supported by the new Family Preservation and Support Program, are designed to address these problems by providing services to families in crisis. An early model of family preservation is the HomeBuilders Program in Tacoma, Washington, that provides intensive short-term interven-

tions with families. Many other examples exist. Much more evaluation in this area is needed, and there is a major commitment in the legislation for that purpose.

The problems of CPS, however, go beyond the need for family preservation services. Child protective services agencies need to improve their collaborations with other service systems--mental health, law enforcement, health--and become part of a comprehensive system. One CPS agency that is often cited as establishing some of those linkages is in Hennepin County, Minnesota.

With their focus on children, CPS agencies often fail to recognize violence toward mothers of these children. The child abuse and the domestic violence systems tend to work separately ignoring the common problems facing them. An exception is the Massachusetts Department of Social Services Domestic Violence Project, one of the first State child protection agencies in the country to include advocacy for battered mothers as part of child protective services. The State has trained workers Statewide about domestic violence.

Another program linking child abuse and domestic violence is the Coordinating Council for Children in Crisis, Family Violence Outreach Program in Connecticut. This is a domestic violence program in a child abuse prevention agency that makes home visits to help mothers talk to their children about the domestic violence the children have witnessed.

#### Adult protective services

All States have adult protective service units. They operate under a variety of statutes and purposes. Some are modeled on child protective service agencies with mandatory reporting of elder abuse and investigative requirements. Like child protective service systems, they are often understaffed and lacking in adequate resources to provide needed services.

#### Identification of abuse by professionals

A number of national professional associations have developed protocols, standards, and training materials for members to help them become more aware of child, spouse, and elder abuse. An exemplary training program is the Domestic Violence Training Project in New Haven, CT. It specializes in developing curricula and providing training, primarily to health professionals, in all aspects of domestic violence.

The American Medical Association (AMA) has developed an extensive program in this regard. They have published a number of reports on different forms of family violence, developed protocols, organized a task force of medical school deans to increase the

use of family violence curricula, and work with local medical societies to increase physician awareness. Local physicians are particularly interested in learning about other available community resources. An example of this work is the Michigan Medical Society's book, "Reach Out - Intervening in Family Violence." The AMA, along with the American Bar Association, is sponsoring a major interdisciplinary conference on family violence this spring.

Many local projects work with professionals to increase their sensitivity to these problems. The Ohio Department of Health works with the State Medical Association, physicians and hospitals. First year medical students accompany adult protection service workers on field trips and receive training in elder abuse and domestic violence. The State Medical Association, in cooperation with State family violence experts, developed a training handbook for physicians on family violence.

The Ohio Coalition for Adult Protective Services is an organization of professionals who have come together to address the needs of older adults in need of protective services. Their eighth annual State training conference attracted 300 attendees last year.

#### **IV. RECOMMENDATIONS**

- A. Increase efforts to strengthen and expand comprehensive community-based solutions to prevent family violence and ensure safety for all victims.**

As the first line of protection for victims, community-based shelters, currently run on shoe string budgets, should receive additional support from Federal, State, and private sources. The proposed increase in authorization levels in the Crime Bill for formula grants to States and local shelters and service programs will help address the considerable unmet need in this area.

Overall, family violence prevention requires an integrated response which combines health, criminal justice, advocacy and social services; public and private employers; public and professional education; and expanded opportunities for women.

At the community level, family violence must become a priority for the health, criminal justice, and social service systems. Procedures to identify, assess and prevent family violence should be introduced in settings dealing with health, mental health, substance abuse, AIDS, child abuse, physical disability, and homelessness.

Local initiatives, such as those in San Diego, Denver, Quincy, and Duluth have brought together these systems to develop a comprehensive family violence community protocol for addressing

family violence. These efforts need more visibility, and other communities need assistance in developing their own solutions.

In addition to the Administration's health and welfare reform, all Federally-funded, comprehensive, community-based initiatives and demonstrations should include a family violence component. Currently, the most significant Federal initiatives to be targeted could include (1) the Community Empowerment Initiative, (2) the Family Preservation and Support Program, (3) DOL's Youth Fair Chance, and (4) PHS's Healthy Start Program. Some of these programs are characterized in part by saturation of economic incentives and social services. They are prime candidates for strengthening comprehensive family violence efforts. The National Service program offers additional opportunities to strengthen and expand services and programs at the community level. A strong evaluation component is also recommended.

Placing emphasis on comprehensive programs to address community initiatives and revitalization will help us examine the links between family violence and other community problems, and help us look at comprehensive approaches to particular target groups such as children ages zero to three.

Finally, family violence can be prevented by employing a combination of empowerment for victims and sanctions, counseling, and public education for perpetrators. Empowering women by expanding their social, legal, and economic options will reduce family violence. Closing the gender gap in wages, support for single mothers, equal access to services, and respite care for caretakers should be high priorities.

**B. Establish a national campaign, with all sectors of society, to promote public education in family violence.**

There are several national efforts underway to increase public awareness of and education about family violence. These include the programs of the San Francisco Family Violence Prevention Fund and the four National family violence resources centers recently funded by HHS. In addition, the Administration should play a role in prevention efforts, particularly efforts directed at changing attitudes toward family violence.

The public does not understand the nature and scope of family violence, and that it involves coercive control as well as physical assault. Unlike stranger assault, family violence typically includes ongoing intimidation, mental abuse, isolation from friends and family, economic exploitation, and other forms of coercion. Perpetrators of family violence crimes are typically psychologically normal individuals who employ coercion to control a social partner or dependent.

Public education should also challenge the gender stereotypes that justify violence against vulnerable, dependent and minority groups. Societal norms and beliefs that blame or otherwise denigrate victims of family violence or which view violence as a legitimate response to jealousy, disagreements, or personal hardship should also be targeted.

Opinion leaders in this country need to send the following messages:

- Family violence is a crime.
- Victims of family violence must be safe and protected; we must have zero tolerance for such behavior.
- Family violence has severe consequences for women, children, the elderly, and the disabled.
- Family violence contributes to other forms of crime and street violence.
- There are model programs, approaches, and practices that work.
- Early prevention and intervention is preferable to trying to stop violence.

Leaders can play a major role in changing attitudes. By speaking out directly and by recruiting other opinion leaders in the media and entertainment fields, some violence can be discouraged and victims can be encouraged to seek help. Media campaigns that raised our awareness to the problems of drunk driving, smoking, and seat belt use should be developed here.

The strategy might include a number of elements:

- A major White House speech on the subject.
- Senior Administration officials addressing issues of family and intimate violence in speeches at meetings of influential leaders from many sectors of society, including business, churches and synagogues, and professional associations such as the AMA.
- A public affairs strategy for getting the Administration's message to the electronic and print media, including seeking cooperation and support from entertainment industry leaders and planned site visits to model programs.
- Governors, mayors, and other public officials could speak out on the issues of family and intimate violence and the link to other social ills.

- Private sector organizations - churches, civic organizations, business leaders - can develop public education campaigns and programs.
- Workplace education should be addressed. Family violence is emerging as a major issue in the workplace. Despite model employee assistance programs for battered women at Polaroid and other corporations, public and private employers remain unresponsive to family violence issues.

The proposed provisions in the Senate Crime Bill for a National Domestic Violence Hotline and programs to educate youth about domestic violence also address this recommendation.

### **C. Place higher priority on family violence research.**

Despite the fact that violence in families and between intimate partners is widespread and has such negative costs for society, it is striking that we know as little as we do. Many researchers and policy makers have called attention to the need for more and better research. Knowledge gaps exist regarding our basic understanding of these problems and how we can effectively prevent violence and intervene with victims and offenders. Such knowledge is necessary to inform public policy.

We need much better information on the prevalence and incidence of these problems, through special studies and from our major statistical information programs in the health, social service and criminal justice systems. We need more agreement by researchers on definitions of various forms of abuse. Also, we do not understand well the histories of perpetrators and victims of family violence compared to others.

We must know more about which approaches work. Programs around the country are trying new methods. We have cited a number of them but we must study how well they achieve their goals in order to make good investments in the future.

If we are to break the cycle of violence, mental health treatment is critical. One difficulty is that we do not know very well what mental health interventions work for particular problems and populations. Intervention research has often been a low priority. Also, problems associated with violence are complex and cut across a number of disciplines. These problems often do not fit into existing mental health categories used for treatment. Much more needs to be done evaluating promising treatment approaches.

Among the research issues are:

- Research into risk and protective factors - Research needs to be examined at different ecological levels from the

individual to the larger social level. Subtypes of offenders and forms of abuse need to be related to these factors. The role of alcohol and other substance use in family and intimate violence needs further study.

- Interventions - Studies of such interventions in the mental health, justice, health, and social services domains are needed. We need to understand particular intervention as well as combinations of interventions that combine multiple approaches. We need to understand what configurations of services are effective, whether it is in providing safe shelter for battered women, discouraging, restraining, and treating batterers, providing support to the elderly to resist and restrain abusive relationships and environments, or treating the effects of abuse in children. Specific approaches such as home visitation, family preservation, offender control programs in the courts, mandatory arrest programs also need evaluation.
- Cultural issues - Further research is needed on socio-cultural factors, including ethnicity, cultural identity, and community characteristics, and the ways that the dynamics of healthy communities support families and prevent violence.

A key part of a research strategy should include the new CDC \$7 million research prevention program directed at violence against women. The framework for this initiative is important for family violence in general.

The Federal Government should work with and build on the plans developed by research organizations, such as the National Academy of Sciences and other professional associations.

**D. Expand cross-disciplinary training and education for people working in the field.**

While the Federal Government and others fund training for people who need to know about family violence, there is a critical need to improve the knowledge and skills of people working in the field. Training and curricula development should be cross-disciplinary. Health, mental health, criminal justice, substance abuse treatment, and social services systems need to be included. The importance of prevention should be a critical piece of the effort, particularly focusing on children age zero to three.

Also, this training should help professionals understand the interrelationships between various forms of violence. Often, people with a focus on child abuse, for example, fail to inquire into and address spouse abuse in a family. Spouse abuse advocates often do not realize that many older persons are battered by spouses. People in law enforcement need an

understanding of child development, family dynamics, community resources, and law enforcement options for protecting the victim.

A problem in multi-disciplinary services, given the multi-faceted nature of the problems, is that human service professionals in different fields do not speak the same languages and resist developing collaborative models of treatment. Much more integrated and multi-dimensional models of treatment are needed. For example, given the strong relationship between abuse and substance abuse, particularly alcohol, treatment needs to be better linked to these fields.

Resources for training efforts should come from a variety of agencies in the Federal Government that administer programs affecting families. Communities could be targeted that have made a commitment to addressing this problem in a comprehensive and coordinated way. Models would be disseminated nationally ensuring other communities would learn from these efforts.