



Department of Justice

*Crime - Sexual
Releases*

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TWO-THIRDS OF SEX OFFENDERS IN STATE PRISONS HAD VICTIMIZED A CHILD

FAMILY MEMBERS OR ACQUAINTANCES COMMIT MOST CHILD MURDERS

WASHINGTON, D.C. -- Children younger than 18 were the victims in almost 20 percent of the violent crimes committed by state prisoners, according to a new Justice Department report released today. More than half of the child victims were 12 or younger.

Thirteen percent of the violent prisoners raped or sexually molested children. Of all prisoners convicted of rape or sexual assault, two-thirds victimized children. Three out of four child victims were female.

The study of a nationally representative sample of state prisoners serving time for violent crime in 1991 showed that offenders typically preyed on children they knew--not strangers. Eighty-eight percent had a prior relationship with their victims.

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In fact, almost one-third of the victims were the children or step-children of the assailant.

The findings are based on inmate interviews in 277 prisons in 45 states conducted during 1991. The Survey of State Prison Inmates, the largest ever undertaken, involved about 14,000 inmates who had been sent to prison during 1991 or earlier.

Among the estimated 61,000 offenders serving time in 1991 for violent crimes against victims younger than 18:

--Almost 10 percent had been convicted of the murder or manslaughter of a child.

--Fifteen percent had been convicted of forcible rape and 57 percent had been convicted of other types of sexual assault including statutory rape, lewd acts or forcible sodomy.

--Approximately 10 percent had beaten or threatened their young victims.

--About 30 percent reported they had attacked more than one child during the incident for which they were imprisoned.

Prisoners convicted of attacking children were mostly male (97 percent) and were more likely to be white (almost 70 percent) and married or divorced (64 percent) than prisoners who had

(MORE)

victimized those over 18. Child victimizers were, on average, five years older than those who had victimized adults. About 22 percent reported having been sexually abused themselves while growing up, compared to 6 percent of the violent offenders who preyed on adults.

Victimizers of adults were about four times as likely as victimizers of children to report having carried a firearm during the crime. Three out of four prisoners who victimized a child reported the crime took place in their own home or in the victim's home.

Prisoners who had victimized children had less extensive criminal histories than those inmates convicted of violent offenses against adults. Almost one-third of child victimizers were serving time following their first arrest, whereas less than 19 percent of those who victimized adults were first-time offenders. About one-fourth of the prisoners who victimized children had prior convictions for violent crimes, compared to about one-third of those who had victimized adults.

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Child Murders

The study also examined individual Federal Bureau of Investigation records from 405,000 murders in the United States between 1976 and 1994, in 37,000 of which the victims were younger than 18 years old. In 1994 children accounted for 11 percent of the nation's 23,000 murder victims.

The number of annual child murders nearly doubled between 1984 and 1993, from 1,463 to 2,841. There was a small decrease to 2,660 in 1994, but this was still higher than any other prior year. The increase in child murders occurred mostly among youths from 15 to 17 years old and was found among both white and African-American children.

The murder rate among youth ages 15 to 17 has been growing rapidly. In 1984 there were 3.4 murders per 100,000 white children and 15.5 per 100,000 black children. By 1994 this had risen to 6.3 and 49.3 respectively.

Most child murders in 1994 were at the hands of an acquaintance (38 percent), with family members accounting for 22 percent, strangers 7 percent and unknown offenders 30 percent.

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During 1994 almost one-half of all the murders of those under age 18 involved handguns. Ten years earlier, handguns were involved in one-quarter of such offenses. In 1994 about 70 percent of the murder victims aged 15 to 17 years old were killed with a handgun.

Since the early 1980s, the average age of offenders using a handgun to kill a child has dropped from about 26 to 20, and the age of those who murdered victims from 15 to 17 years old dropped from 24 to 20.

In those cases where the perpetrator of the murder was known to law enforcement, almost one-third of child murderers were under the age of 18.

Among the almost 37,000 children murdered between 1976 and 1994, 66 percent of the children less than 1 year old and 58 percent of those from 1 to 4 years old were killed by beating with fists or blunt objects or by kicking.

The data are contained in a report to the Congress prepared jointly by the Department's Office of Juvenile Justice and

(MORE)

Delinquency Prevention and Bureau of Justice Statistics (BJS) to respond to a requirement of the National Child Protection Act of 1993.

Single copies of the report, "Child Victimizers: Violent Offenders and their Victims" (NCJ-153258), which was written by BJS staff statistician Lawrence A. Greenfeld, may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-0179. The telephone number is 1-800/732-3277. Fax orders to 1-410/792-4358. To get a free fax copy of the report dial 301/251-5550.

BJS's home page address on the Internet is:

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Bureau of Justice Statistics Executive Summary

March 1996, NCJ-158625

Jointly Published with the Office of Juvenile Justice and Delinquency Prevention

Child Victimiziers: Violent Offenders and Their Victims

By Lawrence A. Greenfeld
BJS Statistician

Characteristics of offenses against children

► An estimated 18.6% of inmates serving time in State prisons in 1991 for violent crimes, or about 61,000 offenders nationwide, had been convicted of a crime against a victim under age 18.

► 1 in 5 violent offenders serving time in a State prison reported having victimized a child.

► More than half the violent crimes committed against children involved victims age 12 or younger.

► 7 in 10 offenders with child victims reported that they were imprisoned for a rape or sexual assault.

► Two-thirds of all prisoners convicted of rape or sexual assault had committed their crime against a child.

Characteristics of the offenders

► All but 3% of offenders who committed violent crimes against children were male.

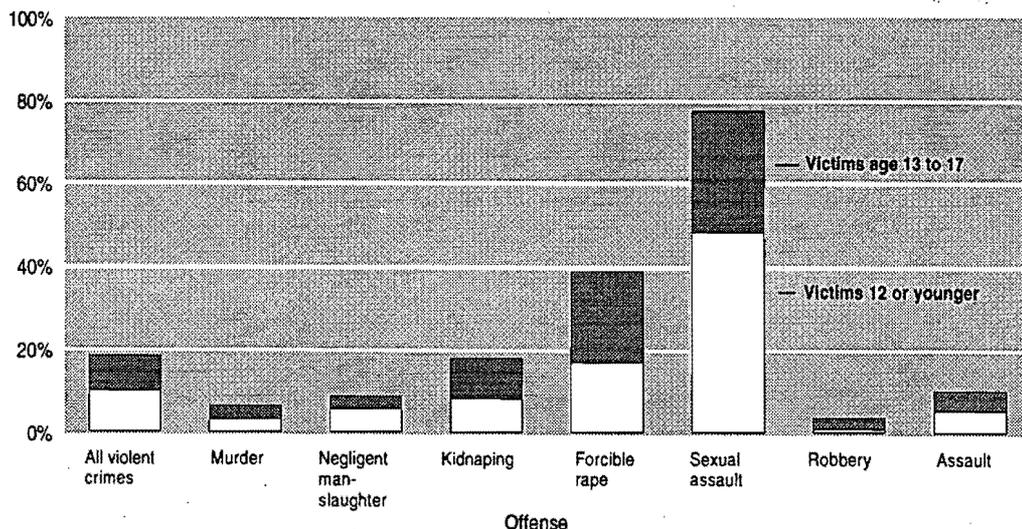
► Offenders who had victimized a child were on average 5 years older than the violent offenders who had committed their crimes against adults. Nearly 25% of child victimizers were age 40 or older, but about 10% of the inmates with adult victims fell in that age range.

► While nearly 70% of those serving time for violent crimes against children were white, whites accounted for 40% of those imprisoned for violent crimes against adults.

► Inmates who victimized children were less likely than other inmates to have a prior criminal record — nearly a third of child-victimizers had never been arrested prior to the current offense, compared to less than 20% of those who victimized adults.

19% of violent State prison inmates committed their crime against a child; 78% of those convicted of sexual assault had abused a child

Percent of violent State inmates with victims under age 18



▶ Violent child-victimizers were substantially more likely than those with adult victims to have been physically or sexually abused when they were children, though the majority of violent offenders, regardless of victim age, did not have a history of such abuse.

▶ About 14% of child victimizers carried a weapon during the violent crime, compared to nearly half of those who victimized adults.

▶ About 10% of violent offenders with child victims received life or death sentences and the average prison term was 11 years, somewhat shorter average sentences than received by those with adult victims.

Characteristics of the victims

▶ 3 in 10 child victimizers reported that they had committed their crimes against multiple victims; they were more likely than those who victimized adults to have had multiple victims.

▶ 3 in 4 child victims of violence were female.

▶ For the vast majority of child victimizers in State prison, the victim was someone they knew before the crime:

A third had committed their crime against their own child

About half had a relationship with the victim as a friend, acquaintance, or relative other than offspring

About 1 in 7 reported the victim to have been a stranger to them.

▶ Three-quarters of the violent victimizations of children took place in either the victim's home or the offender's home.

▶ 4 in 10 child victims of violence suffered either a forcible rape or another injury

Offense distribution of State prisoners and percent of those prisoners with child victims, 1991

Offense	State prison inmates, by offense				Percent of all prisoners serving time for crimes against children
	All prisoners		Child victimizers		
	Number	Percent	Number	Percent	
All offenses	711,643	100.0%	65,163	100.0%	9.2%
Violent offenses	327,958	46.1%	61,037	93.7%	18.6%
Homicide	87,479	12.3%	5,792	8.9%	6.6%
Murder	74,693	10.5	4,677	7.2	6.3
Negligent manslaughter	12,786	1.8	1,115	1.7	8.7
Kidnaping	8,369	1.2	1,508	2.3%	18.0%
Rape and sexual assault	66,482	9.3%	43,552	66.8%	65.5%
Forcible rape	22,797	3.2	8,908	13.7	39.1
Forcible sodomy	2,036	.3	1,741	2.7	85.5
Statutory rape	1,162	.2	1,102	1.7	94.8
Lewd acts with children	10,799	1.5	10,799	16.6	100.0
Other sexual assault	29,688	4.2	21,002	32.2	70.7
Robbery	104,136	14.6	3,772	5.8%	3.6%
Assault	59,275	8.3%	6,058	9.3%	10.2%
Aggravated assault	55,549	7.8	3,933	6.0	7.1
Child abuse	1,717	.2	1,717	2.6	100.0
Simple assault	2,009	.3	408	.6	20.3
Other violent	2,217	.3%	355	.5%	16.0%
Nonviolent offenses	383,685	53.9%	4,126	6.3%	1.1%

Note: Aggravated assault includes assault on a police officer. The victim-offender relationship was generally asked for those offenders serving time for violence. However, some offenders serving time for the public-order crimes involving offenses against morals and decency reported that their victims had been children. Detail may not add to totals because of rounding.

Source: BJS Survey of State Prison Inmates, 1991

Child murder victims

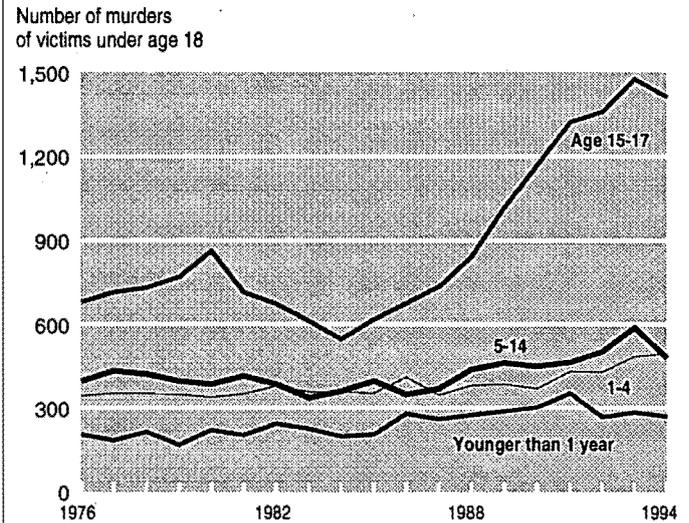
- ▶ Children under the age of 18 accounted for 11% of all murder victims in the United States in 1994. Nearly half of the 2,660 child victims were between ages 15 and 17. About 1 in 5 child victims were known to be killed by another child.
- ▶ Between 1976 and 1994 an estimated 37,000 children were murdered.
- ▶ Since the mid-1980's the increases in both the number and the rate of murder among 15- to 17-year-olds, and particularly among black youth in this age range, have outpaced changes in murder in all other age groups.
- ▶ The victim-offender relationship in child murder varies with the age of the victim: In most murders of a young child, a family member killed the child, while in most murders of an older child, age 15 to 17, the perpetrator was an acquaintance to the victim or was unknown to law enforcement authorities. About 1 in 5 child murders were committed by a family member.
- ▶ Data for the period from 1976 to 1994 indicate that in family murder of a child about 10% of victims were age 15 to 17, while in murders by strangers about 67% of victims were in this age category:

Age of child victim	Victim-offender relationship, 1976-94			
	Family	Acquaintance	Stranger	Unknown
Total	100.0%	100.0%	100.0%	100.0%
Less than 1 year	31.2	4.8	1.4	6.9
1-4	36.3	17.0	6.4	9.9
5-14	22.6	20.6	25.0	21.0
15-17	9.9	57.6	67.3	62.3
Total number	10,795	13,060	4,006	9,092

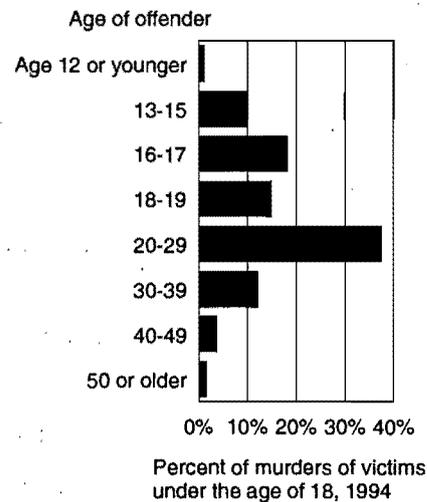
- ▶ Half of all child murders in 1994 were committed with a handgun; about 7 in 10 victims age 15 to 17 were killed with a handgun.

Source: FBI Supplementary Homicide Reports, 1976-94

Victims age 15 to 17, both white and black, accounted for almost all the increase in child murders, 1976-94



Children under age 18 were responsible for nearly 30% of murders of children in 1994



Note: Excludes 749 child murder cases in which the offender was unknown (from a total of 2,660 cases).

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Washington, DC 20531

Executive Summary



U. S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

~~Community Notification~~
Crime -
Sexual Predators

MEMORANDUM

TO: Abner J. Mikva
Counsel to the President

James Castello
Deputy Counsel to the President

FROM: John R. Schmidt

SUBJECT: New Jersey Supreme Court Decision in Doe v. Poritz (Megan's Law)

This morning, the New Jersey Supreme Court issued its decision in Doe v. Poritz upholding Megan's Law. The court ruled that registration and community notification are upheld as not violating ex post facto, cruel and unusual punishment, bill of attainder and double jeopardy. The court also ruled that there is no equal protection or constitutional privacy violation. On the due process issue, which was the part the state lost below, the court held that "subject to limited modification in respect of judicial review for community notification under tier two and tier three, the [New Jersey] Attorney General's Guidelines are valid and effective immediately." Attached is a syllabus of the opinion. We do not yet have the complete text.

JUL 25 '95 01:43PM

SUPREME COURT SYLLABUS

(This syllabus is not part of the opinion of the Court. It has been prepared by the Office of the Clerk for the convenience of the reader. It has been neither reviewed nor approved by the Supreme Court. Please note that, in the interests of brevity, portions of any opinion may not have been summarized.)

John Doe, Inc. v. Deborah Peltz, Attorney General, etc. (A-170/171-94)

Argued May 2, 1995 - Decided July 25, 1995

WILENTZ, C.J., writing for a majority of the Court.

On October 31, 1994, a group of bills generally referred to as "Megan's Law" became law. The constitutionality of two of those bills, the Registration and Community Notification Law, was challenged by "John Doe," a convicted sex offender. Under those statutes, certain convicted sex offenders are required to register with law enforcement officials. Further, depending on the level of risk that the offender is likely to commit another offense, the law provides for notification to elements of the community.

Doe's complaint was heard by the Superior Court, Law Division, which upheld the statutes subject to the addition of a judicial hearing on notification. Doe appealed, and the Supreme Court granted direct certification.

HOLD: The Registration and Community Notification Laws do not violate the *Ex Post Facto*, Double Jeopardy, Cruel and Unusual Punishment, or Bill of Attainder Clauses of the Federal Constitution or analogous state constitutional provisions. In addition, the acts do not deprive sex offenders of the right to equal protection under the law or to their constitutional right to privacy. Subject to limited modifications in respect of judicial review of Tier Two or Tier Three classifications, the Guidelines promulgated by the Attorney General pursuant to the legislation are valid and effective immediately.

1. The essence of the Court's decision is that the Constitution does not prevent society from attempting to protect itself from convicted sex offenders, no matter when convicted, so long as the means of protection are reasonably designed for that purpose and only for that purpose, and not designed to punish; that the community notification provided for in these laws is not constitutionally vulnerable because of its inevitable impact on offenders; that despite the possible severity of that impact, sex offenders' loss of anonymity is no constitutional bar to society's attempt at self-defense. The Legislature chose to risk unfairness to previously-convicted offenders rather than unfairness to the children and women who might suffer because of their ignorance of the offender's presence in the community, but attempted to restrict the damage that notification of the public might do to the lives of rehabilitated offenders by limiting the extent of notification based on the likelihood of reoffense. (pp. 3-5)

2. The Legislature's decision to make previously-convicted offenders subject to the Notification Law was unquestionably influenced by the fact that unless they were included, the protection that the laws were designed to afford would not begin to take place for a fair number of years as future offenders were convicted, incarcerated, and released. Then, and only then, would they be subject to the notification provisions, but in the interim, the children of today would receive no protection from the laws through notification concerning the presence of previously-convicted offenders. (pp. 5-6)

3. The Court has no right to assume that the public will be positive when the Legislature was not, and no right to assume that the media will not act responsibly. The Attorney General has strongly warned that vigilantism will not be tolerated; the Court has no reason to believe that the Governor and the Legislature will tolerate it. The Court assumes that the strongest message will be delivered, and repeated, by the Governor and other public officials at all levels, as well as by community and religious leaders and the media, that these are laws that must be used only to protect and not to punish, a message to be given at community meetings, schools, religious congregations, and everywhere throughout the state.

The Court does not believe that the determination in this case should be based on a prediction of destructive and punitive community reaction. The Court does not suggest any absolute rule that a court should

BC MEGANSLAW

To: Bruce

N.J. Supreme Court upholds 'Megan's Law'

TRENTON, N.J., July 25 (Reuter) - The New Jersey Supreme Court Tuesday upheld so-called 'Megan's Law,' which requires that communities be notified when a convicted sex offender moves in.

The law, named after 7-year-old Megan Kanka who was raped and murdered allegedly by a sex offender who lived in her neighbourhood, is constitutional, the state's highest court ruled.

'The essence of our decision is that the Constitution does not prevent society from attempting to protect itself from convicted sex offenders,' the majority opinion said.

One justice dissented, arguing that community notification makes the sex offender's punishment 'more burdensome' than the Constitution allows.

The law calling for convicted sex offenders to register with the police departments of their communities took effect Oct. 31, 1994, just two months after Megan's death.

Jesse Timmendquas, 33, a twice-convicted sex offender who lived across the street from the Kanka home, has been charged with the crime. His trial is still pending, although prosecutors say he has confessed.

Community notification under 'Megan's Law' was suspended in December when several state and federal lawsuits were filed. Tuesday's ruling settles the state cases but does not mean notification will resume since the federal lawsuits are still pending.

In neighbouring New York State, Gov. George Pataki was slated to sign a similar law into effect Tuesday afternoon.

REUTER

**** filed by:RB--(--) on 07/25/95 at 13:23EDT ****

**** printed by:WHPR(JGER) on 07/25/95 at 13:54EDT ****

Rahm thinks POTUS should
release a statement on this.
Any suggestions?