

MY TURN

Lessons of Pop Jordan's Death

JAMES WOOTTON

THE MURDER OF THE MAN MICHAEL JORDAN called "Pops" has put a human face on this nation's agony over violent crime. By all accounts, Mr. James Jordan was a warm, loving family man who gently shared the joy of his famous son's accomplishments. His murder is a visible tear in the fabric of society that has been unraveling for the past three decades.

Since 1960, violent crime has increased 500 percent. A 1987 Justice Department study found that eight out of 10 Americans will be victims of violent crime in their lifetimes. Six million violent crimes were measured by the Justice Department in 1990.

Based on what we know about the criminal histories of the two young men who allegedly killed Mr. Jordan, this crime should never have happened. We have a right to be outraged that they were not in jail or prison, instead of staking out a roadside spot in Robeson County, N.C., like modern-day highwaymen. According to county Sheriff Hubert Stone, "Mr. Jordan would be alive now if the [legal] system worked the way it should."

Both of these 18-year-olds already had extensive criminal histories at the time of the Jordan killing. Daniel Green was on parole after serving just two years of a six-year sentence for attempting to kill Robert Ellison by smashing him in the head with an ax and putting him in a coma for three months. Larry Demery was awaiting trial for bashing Mrs. Wilma Dial, a 61-year-old convenience-store clerk, in the head with a cinder block during a robbery, fracturing her skull and causing a brain hemorrhage.

There are lots of theories about which mix of family background and environmental conditions might influence a person to become a criminal. However, these theories always run headlong into the stubborn fact that most of the kids with similar backgrounds and similar environments do not become criminals themselves. What we do know is that year in and year out our society, for whatever reasons, does produce a new crop of hard-core criminals. The government's paramount obligation is to protect law-abiding citizens like Mr. Jordan from becoming their victims.

Criminologist Marvin Wolfgang compiled arrest records for every male born—and raised in Philadelphia—in 1945 and in 1958. Just 7 percent of each age group committed two thirds of all violent crime, including three fourths of the rapes and robberies, and virtually all of the murders. This 7 percent not only had five or more arrests by the age of 18, but, for every arrest made, got away with about a dozen crimes. In an article based on Wolfgang's studies, it has

been suggested that about 75,000 new, young, persistent criminal predators are added to our population every year.

When I was at the Justice Department in the early '80s, we funded projects in 20 cities where police, prosecutors, schools, and welfare and probation workers pooled information to focus on these "serious habitual offenders." As part of this program, Oxnard, Calif., worked to get the city's 30 active, serious habitual offenders behind bars. As a direct result, in 1987 violent crimes dropped 38 percent, more than double the drop in any other California city. By 1989, when all 30 active, serious habitual offenders were behind bars, murders declined by 60 percent, robberies by 41 percent and burglaries by 29 percent.

From a distance, the two young men accused of killing Mr. Jordan look an awful lot like part of Professor Wolfgang's 7 percent. So why were they on the streets of Robeson County and not in jail or prison?

The case of Daniel Green is particularly troubling. When questioned about Green's early release from prison, Robeson County Prosecutor Richard Townsend replied that most state prisoners serve an average of 20 percent of their sentences before parole, and that Green had served more than most.

That claim is consistent with recent findings that although violent offenders received an average sentence of seven years and 11 months, they actually

served an average of only two years and 11 months—37 percent of their imposed sentences. Overall, 51 percent of the violent offenders were, like Mr. Green, discharged from prison in two years or less.

Audiences are shocked when they are told that violent criminals serve only 5.5 years for murder, 3.0 years for rape, 2.25 years for robbery and 1.28 years for assault. We have to ask the question, is 5.5 years long enough to serve in prison for intentionally taking another human being's life?

Greatest impact: The debate about whether we are imprisoning the right people is currently heating up, but of inmates incarcerated in state prisons in 1986, almost 55 percent were serving time for a violent offense. Twenty-nine percent were nonviolent recidivists. In sum, 95 percent of all state inmates were either violent or repeat offenders.

The wanton murder of Mr. Jordan by two proven criminals who belonged in jail or prison should convince us that it is time to make some changes. The one change that would have the greatest impact is the passage by states of truth-in-sentencing laws, which require convicted violent criminals like Mr. Green to serve at least 85 percent of their sentences. The U.S. Congress enacted this kind of requirement for federal crimes in the mid-1980s, and Arizona passed similar legislation this year.

Ironically, the beneficiaries of this change will never be known. They are the young black men who live to adulthood, the women who are not raped, the store clerks who are not robbed, the children who are not molested. They are the nonvictims of crimes that did not happen because the violent criminal who might have attacked them was behind bars. We only wish Mr. James Jordan could have been among them.

WOOTTON is founder and president of the Safe Streets Alliance in Washington, D.C.



A study showed that 7 percent of those surveyed committed two thirds of all violent crime

SAFE STREETS

DATE :December 6, 1993

CONTACT: Kate Fiedler
Safe Streets Alliance
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PRESS RELEASE

FOR IMMEDIATE RELEASE

RE: POLLY KLAAS' MURDER

WASHINGTON, D.C.—Head of Safe Streets Alliance, James Wootton, asks "How many must die before nation adopts Truth-in-Sentencing?"

The news that Polly Klaas has been found dead near Petaluma, CA is sending waves of outrage across America. Polly was a happy, well-adjusted twelve-year old having a sleepover with two friends when it appears Richard Allen Davis broke into her home, bound and gagged her two friends, and took her, whimpering, into the night.

Davis had been sentenced to 16 years in prison and was released on June 27 after serving only 8 years of that sentence. If he had served his entire sentence, he would have been in prison at the time he abducted Polly. Wootton declared, "There is no doubt Polly would be alive today if California had a Truth-in-Sentencing law that required Davis to serve at least 85% of his sentence."

Wootton declares that the Klaas case should be all the evidence that Congress needs to pass recently introduced H.R. 3584, which would give \$10.5 billion to states over a 5 year period to help them implement Truth-in-Sentencing laws. The legislation sponsored by Congressmen Jim Chapman (D-Texas), Bill Brewster (D-Oklahoma), Pete Geren (D-Texas), Don Young (R-Alaska) and George Gekas (R-Pennsylvania) and is designed to encourage states to adopt the federal standard that violent criminals must serve 85% of their sentence.

The Safe Streets Alliance is asking all members of Congress to join as co-sponsors of this legislation and put an end to the tragedies like the needless death of Polly Klaas.

For more information contact Kate Fiedler.

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STREETS

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U.S. Representative

Jim Chapman

FIRST DISTRICT
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**PRESS
RELEASE**



Information: Bill Mashek
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December 6, 1993

Chapman Says California Girl's Death Could Have Been Prevented

WASHINGTON--Congressman Jim Chapman said today that the tragic death of twelve-year old Polly Klaas near Petaluma, California, illustrates the need for the passage of federal legislation to establish Truth in Sentencing in America's system of justice.

"This preventable tragedy represents the perfect example of why America needs Truth in Sentencing to keep violent criminals like the alleged perpetrator of this heinous crime behind bars," Chapman said.

According to news accounts, on October 1, Polly Klaas was abducted from her home and later killed, allegedly by Richard Allen Davis, a convicted kidnapper. Davis was released from prison on June 27 after having served only 8 years of a sixteen-year sentence for committing a similar crime.

Earlier this year, Chapman introduced H.R. 3584, the Chapman Truth in Sentencing Act of 1993 which provides Federal incentives to encourage states to adopt standards whereby violent criminals will be required to serve at least 85% of their prison sentences before becoming eligible for any parole or other early release possibilities. Chapman's bill also provides funding for new prison construction for states to incarcerate violent criminals for longer prison stays, funding the program through cuts in other federal spending.

"The outrage and revulsion that people all across the country feel about this little girl's death is compounded and intensified by the fact that the accused perpetrator was released from prison after having served only one-half of his sentence," continued Chapman.

(M O R E)

CHAPMAN

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December 6, 1993

Chapman joined James Wootton, the president of the anti-crime group Safe Streets Alliance, in calling for the passage of H.R. 3584. "How many must die before the nation adopts Truth in Sentencing?" asked Wootton. "There is no doubt Polly would be alive today if California had a Truth-in-Sentencing law that required Davis to serve at least 85% of his sentence."

"The American people desperately need the security of knowing that violent criminals will be held accountable for the violence they inflict upon innocent people. I call on the 103rd Congress to enact H.R. 3584 to assure the American people that any individual who commits a violent crime is going to serve serious time," Chapman concluded.

Truth in sentencing

The inability to keep convicted criminals behind bars is one of most confounding problems of the criminal justice system. D.C. council member Jim Nathanson has proposed restraining the early release of prisoners on the so-called "good-time" credits plan. His "Truth in Sentencing Amendment Act" of 1993 would require inmates to serve 85 percent of their minimum sentences. At present, one-third seems to be the practice.

The proposal is headed in the right direction, but does not go far enough. A more appropriate recommendation would call for an inmate to serve 100 percent, the full face value, of a sentence. The joke about sentencing is that it doesn't mean what it says. Lawbreakers don't have to shudder over the terms they are handed. They merely lean over to their lawyers and ask: What does that mean, for real?

To most of us, life in prison is a devastating thought. But there are many among the criminal classes whom the prospect doesn't faze a bit—because they know that "life in prison" does not mean what it says. In many cases, in practice, a life sentence is weekend furloughs with the family, holiday visits or daily release

to work a job. Time will tell what the new sentence of life without the possibility of parole really means.

According to officials, good-time credits are an important tool in keeping order in prison. The theory is that they act as a release valve for an overcrowded system and as an incentive for inmates to behave behind bars. Knowing that good behavior can get them out early helps keep inmates in check.

But many an innocent citizen has been maimed or killed by a "good-time" convict. The purpose of a prison sentence is as much to punish someone for his crimes as it is to assure the ordinary citizen that he too has rights that will be redressed if violated. And, of course, sentences mean that the public is safe from the deeds of particular criminals while they remain behind bars.

Today, sentencing practices erode confidence in the criminal justice system. It is hard to take the system seriously, and that is an attitude that eventually can prove dangerous. The only people showing resolve for their mission are the murderers who return to the streets prematurely, thanks to a reckless theory of good time credits.

JIM CHAPMAN
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Congress of the United States
House of Representatives
Washington, DC 20515-4301
December 7, 1993

COMMITTEE:
APPROPRIATIONS
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ENERGY AND WATER DEVELOPMENT
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AGENCIES
LEGISLATIVE

Help Prevent Another Tragedy Like the Klaas Case
Support Truth in Sentencing to Keep Criminals Locked Up

Dear Colleague:

The tragic death of twelve-year old Polly Klaas illustrates the need for federal legislation to establish Truth in Sentencing in America's system of justice. I urge you to cosponsor H.R. 3584 to help slam shut the revolving prison door for violent criminals.

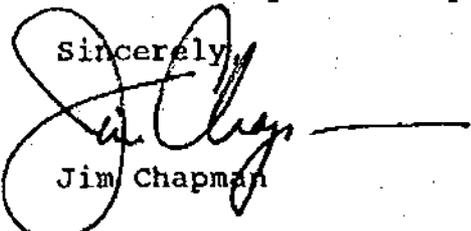
This preventable tragedy represents the perfect example of why America needs Truth in Sentencing to keep violent criminals like the alleged perpetrator of this heinous crime behind bars. As we have all sadly read in the newspapers and seen on television, Polly was abducted from her home on October 1 and later killed, allegedly by Richard Allen Davis, a convicted kidnapper. Davis was released from prison on parole on June 27 after having served only 8 years of a sixteen-year sentence for committing a similar crime.

H.R. 3584, the Truth in Sentencing Act of 1993, provides Federal incentives to encourage states to adopt standards whereby violent criminals will be required to serve at least 85% of their prison sentences before becoming eligible for any parole or other early release possibilities. This bill also provides funding for new prison construction for states to incarcerate violent criminals for longer prison stays, funding the program through cuts in other federal spending.

The outrage and revulsion that people all across the country feel about this little girl's death is compounded and intensified by the fact that the accused perpetrator was released from prison having served only one-half of his sentence. The American people desperately need the security of knowing that violent criminals will be held accountable for the pain and suffering they inflict upon innocent people.

I urge you to cosponsor my legislation to assure the American people that any individual who commits a violent crime is going to serve serious time. Please contact me or Pat Devlin of my staff at 5-3035 to cosponsor H.R. 3584 or if you have questions.

Sincerely,


Jim Chapman

BEN WATTENBERG

Voters order law and order

Wiser than the wisenheimers, more alarmed than their attorney general, more pugnacious than their peculiarly passive president — let's hear a loud cheer for American voters! On Election Day 1993, the voters did what voters are supposed to do: shape their destiny. They took an issue — crime — and made it central to our politics, which is just where it ought to be. The American crime wave is a self-inflicted political wound, and can only be self-healed through politics.

The voters spoke, locally. Candidates seen as too soft on crime (mostly liberal Democrats) lost. Referendums demanding firm actions were passed. Surveys showed great concern and a demand for tough solutions.

But will the national political establishment respond to local sentiment? The Senate already has. The House of Representatives purposefully has not. The Clinton White House is in its dither mode. We shall soon see how much arrogance is left in Washington.

Three days after the election, the Senate passed a set of amendments that represent the first serious federal crime bill in America, one that could actually cut violent crime.

According to the Senate legislation, a new system of regional federal prisons will be established for an estimated 80,000 state convicts. The states will get federal money, provided state penal codes cut down "revolving door justice" — by keeping thugs in prison for at least 85 percent of their sentence. In addition, federal monies will help fund 100,000 "community police."

Ben J. Wattenberg, a senior fellow at the American Enterprise Institute, is a nationally syndicated columnist.

The White House seems to endorse both House and Senate actions, sending out opposing signals, seeking to take credit for toughness on crime without biting the bullet.

Thus, the Senate amendments, approved 94-6, marry the best of Republican crime legislation (featuring "incapacitation of criminals") with the best of a Democratic crime bill (featuring "prevention of crime"). The Senate action changes the emphasis from the trivial ("Brady bill" gun control, and a new list of arcane crimes subject to the death penalty) to the serious (more cops and more prisons to keep more thugs locked up). It provides \$22 billion over five years, in a package that started out at \$5 billion.

Many senators — Democrats and Republicans — were instrumental in the Senate's effort. Phil Gramm figured out how to fund the marriage (by lifting the financial goodies from Vice President Al Gore's "re-inventing government" proposal); Bob Byrd took up Mr. Gramm's offer; Chairman of the Judiciary Committee Joseph Biden stitched it together; Connie Mack provided much of the conceptual framework for the Republican bill. Hooray for the Senate!

Meanwhile, in the House, Democrats played softball. Provisions necessary for a full-bodied Senate-style

crime package were sent off to languish in committees. As camouflage for cowardice, Democrats in the House pushed a few minor items, mostly dealing with drug rehabilitation, costing \$5 billion. In charge was Jack Brooks, seeking to avoid fights with liberals.

A scathing commentary by House Republicans explains what happened: "These bills may... make for good political rhetoric, but do not deal with the most serious problems facing the criminal justice system... [keeping] repeat violent offenders off the street... The amount of violent crime has increased 531 percent since 1960, yet violent criminals are serving shorter sentences. The average time served by violent offenders is only 37 percent of the sentence given."

Characteristically, the waffling White House seems to endorse both House and Senate actions, sending out opposing signals, seeking to take credit for toughness on crime without biting the bullet. White House hawks want to push a Senate-style bill. White House doves want the Gore money for other Clinton programs. Attorney General Janet Reno never saw a prison she couldn't depopulate.

Only strong White House pressure on House liberals is likely to bring about a serious Senate-style crime bill.

Mr. Clinton ran for office as a Democratic crime hawk, and was elected because he ran that way, eating the lunch of Republican law-and-order types. ("We believe in preventing crime and punishing criminals, not explaining away their behavior.")

Now Mr. Clinton has the opportunity to stand and deliver, to change the American criminal justice system as we know it, to heed the voice of angry voters, to stop the hemorrhaging of the self-inflicted wound, and start the self-healing.

GOP finds crime does pay: Get tough and get elected

By Ralph Z. Hallow
THE WASHINGTON TIMES

Republicans reinvented their own wheel in Tuesday's elections, discovering anew that voters want law and order more than they want gun control.

"Crime was the controlling factor in almost every campaign, from mayor's to governor's races," said Brian Lunde, a campaign consultant and former Democratic National Committee executive director.

NEWS ANALYSIS

"It bodes well for Republicans because, in general, Republicans are perceived as tougher on crime, and New Jersey in this sense was an aberration," said independent pollster Brad Coker, president of the Mason-Dixon Poll.

The mishandling of the crime issue throughout the campaign in the New Jersey gubernatorial race almost cost Republican Christine Todd Whitman her victory over Democratic Gov. James Florio, analysts said.

"Exit polls showed voters chose crime as second only to the economy in importance," Mr. Coker said. "I don't think Republican candidates would be smart to get to the left of any Democrat on crime. It almost sank Whitman. She almost lost a race nobody could lose."

"The biggest policy issues of the campaign, taxes and crime, both helped the Republican candidates," Republican National Chairman Haley Barbour said.

Earlier than most, Mr. Barbour had sniffed the resurgence of crime as the winning issue that it used to be for Republicans before they began retreating from it as too racially infused.

Voter frustration with runaway crime and the cultural deterioration many believe it represents was evident not only in mayoral and gubernatorial races, but also in a host of ballot initiatives Tuesday.

Texas voters approved a \$1 billion bond issue for more prisons. Washington state voters passed a "three strikes, you're out" measure that slaps three-time felons with no-parole life sentences.

Californians voted for an extra half-cent sales tax to help pay for more police and firefighters.

Nearly 3,000 miles to the east, Staten Island's mostly white, middle-class residents, resentful of having to share New York City's financial and social burdens, voted to press on with their drive to secede from what they see as the rotting Big Apple.

San Franciscans even sought to temper their world-class compassion with a new law-and-order measure to require welfare applicants to be fingerprinted and prove they have lived in the city for at least 15 days.

What's more, the "gun lobby," which considers itself the favorite whipping boy of the media and liberals, was able to crow about some Republican victories.

"The message in these elections from the voters was 'We are tired of turning the other cheek,'" said Wayne LaPierre, chief executive officer of the National Rifle Association.

"The only way voters buy gun control is if you don't offer them any alternatives, such as building more prisons, hiring more prosecutors, stopping early release and plea bargaining," Mr. LaPierre said. "Otherwise, voters will grab the gun-control lever in the voting booth, even though they don't believe gun control will work."

George F. Allen, the landslide

GOP victor in the Virginia gubernatorial contest, "gave them that alternative," he said.

A series of Fabrizio, McLaughlin & Associates polls released yesterday revealed the depth of voter preference in Virginia on the issue.

In a June survey, voters were asked what would reduce crime, and only 20 percent chose stricter gun-control laws. But 70 percent favored abolishing parole to keep violent criminals in prison for their full sentence.

In August, after former Virginia Attorney General Mary Sue Terry began her pro-gun-control ads as part of her gubernatorial campaign, a second poll showed that voters still preferred parole abolition to gun control, 68 percent to 26 percent.

GOP pollster John McLaughlin said Miss Terry was ahead of Mr. Allen in overall polling and on crime until Mr. Allen launched his anti-crime strategy.

In a May 4 survey, voters were asked: "If you knew that every violent criminal who was sentenced in Virginia to 10 years in jail is eligible for parole in only two years, which of the following would you favor the most: eliminating parole for violent criminals, even if it cost more tax money to build more prisons, or keeping the system the same?"

"Whites voted 80 percent to eliminate parole, and among African-Americans, it was 72 percent to eliminate parole," Mr. McLaughlin said.

Mr. Lunde, the Democratic consultant, also sees crime as "part of a larger, 'quality-of-life' issue."

"People feel politicians aren't tough enough across the board on crime, education, welfare, spending," he said. "It's the new discipline: People want government to be more disciplined with their money and on crime."

SAFE STREETS

DATE: October 22, 1993

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CANDIDATE QUESTIONNAIRE

On September 27, 1993, questionnaires were sent to all four gubernatorial candidates in New Jersey and Virginia asking whether they supported Truth-in-Sentencing laws which require violent criminals to serve at least 85% of their sentences. In 1994 Operation Safe Streets will send similar questionnaires to all candidates for State or Federal office. To date only George Allen, candidate for governor of Virginia, has responded.

In the comments section of the questionnaire, Allen states that he supports Truth-in-Sentencing because, "Violent crime rates are skyrocketing in Virginia, at a rate of 25% from 1987 to 1993. Three out of every four of these violent crimes are committed by repeat offenders."

According to Allen, "Virginia has among the most liberal parole laws in the nation, letting violent criminals out after serving as little as one-sixth of their sentence. The average time served for a second-degree murderer in Virginia is 5.4 years. On average, a rapist serves only 4 years."

James Wootton, President of Operation Safe Streets said, "We are disappointed that the other candidates for governor have not responded and hope they will, because the enactment of Truth-in-Sentencing laws which abolish parole and other early release programs for violent criminals is the shortest, surest route to safer streets, schools, and homes.

"Extensive research has documented that less than 7% of the population commits nearly two-thirds of the violent crime, three quarters of the rapes and robberies, and virtually all of the murders.

"Other studies have found that the criminals which the justice system tends to arrest and convict are these high rate offenders. The police, prosecutors, judges and juries are doing their job taking these habitual offenders off the streets only to have prison officials and parole boards release these predators prematurely to menace other innocent people and create more victims," continued Wootton.

"Efforts at rehabilitation should be made, but right now 60% of the violent criminals released from prison are rearrested within 3 years. Would we stand for the FAA allowing planes to fly that crashed 60% of the time?"

Wootton concluded, "Operation Safe Streets urges all Americans to support Truth-in-Sentencing laws and end the failed experiments with early parole for violent criminals. Operation Safe Streets is encouraged that George Allen is committed to Truth-in-Sentencing and hopes all candidates for public office will make similar commitments to a safer environment for all Americans.

Operation Safe Streets is a non-profit public education and advocacy organization created in response to the epidemic of violent crime in America.

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Big Crimes, Little Punishment

THE FRONT-PAGE Post story last Wednesday about the men allegedly involved in the city's latest outbreak of shootings and robberies made a telling point. They wouldn't have been on the District's streets at all had they been made to fully serve their sentences from previous convictions. That is a grim fact. But in truth, few criminals serve their full sentences in the District—or in most other jurisdictions. The seemingly premature release of unrehabilitated criminals into the community may be a problem. But it isn't the work of a lax parole board.

To start, D.C. felons rarely go to jail for their most serious crimes. Eighty-eight percent of local felony cases are settled by negotiated guilty pleas for reduced charges. That's essential, say plea-bargaining advocates, to avoid bringing the judicial system to a grinding halt with felony trials. It also means, however, that many of the city's worst crimes may be going unpunished. Compounding that problem—at least from the victim's and community's standpoints—is a sentencing structure that doesn't clearly tell the truth about the actual time a convicted criminal will spend behind bars.

For instance, a crime-drenched public reading that an armed rapist has drawn a jail sentence of 15 to 45 years might conclude that the offender will be off the streets for years to come. In reality, he's likely to get out in 10 years. A convicted burglar or robber, hit with a two- to six-year sentence, can count on returning to the

community in one year and seven months. A gunman convicted of second-degree murder and facing a 15 year to life sentence can look forward to resuming life in the city in about 10 years.

This shaving of time off minimum sentences isn't something the shooter, robber or rapist earns through self-improvement or academic achievement while in jail—though separate credits can be earned for taking advantage of educational opportunities. The time off referred to here—so-called “good time credit”—is, except in the case of mandatory minimum sentences, awarded automatically when the inmate arrives at jail. This credit was authorized by the D.C. Council in 1987 to relieve jail overcrowding. At the time, prosecutors and judges expressed fear that the council's measure would allow some criminals to return to the streets prematurely. The fact that parole revocations for *criminal* charges now run as high as 15 percent may bear out those concerns.

Part of the problem is a badly crowded prison system that doesn't rehabilitate, and an abnormally large caseload carried by parole officers. But the issue of concern to many citizens isn't strictly the length of the sentence. What is important for citizens is to have confidence that punishment will bear some reasonable relationship to the severity of the crime—and that when a judge assesses a convicted criminal's debt to society, citizens can be certain the obligation will be paid. They can't be sure of that now.

RENO AND THE 'MOMMY' PARTY

SOMEONE in prison is not going to shoot a 4-year-old girl in Washington. Or blast tourists in Florida. Someone in prison will not kill Michael Jordan's father in North Carolina. Or pistol-whip and gun down Asian-American merchants, also in Washington.

All those crimes, the ones that have horrified and scared America, were committed by thugs and predators who were already within the criminal justice system, and who should have been in prison, but slithered out, legally.

Will we do something about it, finally? Who will do it? Attorney General Janet Reno? President Clinton? The Republicans?

Don't count on Reno. Examining a bundle of her speeches and interviews explains why a recent caller on a C-Span talk show from her hometown of Miami called her "Root-Causes Reno."

While Americans are afraid to walk around the corner, the AG wants to chat endlessly about theories of child development and their link to our problems. She is fascinated that "50 percent of all learned human response is learned in the first year of life. But there are too many of those 1-year-olds that have no rights, no law, no structure, no fabric whatsoever." And that, "0 to 3 is the most formative range of life, because it's during that time that you develop a conscience."

Occasionally touching on crime, Reno puts forth an interesting view of prisons. Yes, she says, career criminals should spend more time locked up, because they only serve 20 percent to 30 percent of their sentences. But our prisons are overcrowded, and, too bad, there is no space for them. But, she says, we don't have to build more

Attorney General and the Democrats are taking an increasingly maternal approach to growing crime problem

prisons. Because so much prison space, 40 percent, is taken up by "non-violent drug offenders." Who, she says, should be offered release after serving 10 percent of their sentence, and then be treated, rehabilitated, detoxed, job-trained, job-placed, after-cared, followed-up, random drug-tested and put in "residential non-secure" places, where they will be watched over and certified by public officials who feel their pain. That would yield space for the really bad boys. (One remembers why columnist Chris Matthews calls Democrats "The Mommy Party.")

But most serious students of crime believe that "non-violent drug offender" is a world-class oxymoron. Non-violent folks who ply the drug trade are typically very dead very soon. And only 7 percent of prisoners in America are non-violent non-repeaters. Most of the rest are burglars and drug traffickers. People in prisons have done very bad things, repeatedly.

**BEN
WATTENBERG**



What about President Clinton? He seems to buy Reno's menu of an ounce of prevention, hold the punishment. Listen to his speeches. He makes the case that gun control is a big deal. I'm for it — but it isn't. We already have 200 million firearms in America, and a five-day waiting period for new ones won't change that. Clinton also likes "community policing," and "boot camps," which are good, but limited, ideas.

But he remains mute regarding more prisons, those secure non-residential places from which criminals cannot murder, mug or maraud. Clinton's announcement of a crime package in August did not mention more prison space. Justice Depart-

While Americans are afraid to walk around the corner, our Attorney General wants to chat endlessly about theories of child development and their link to our problems. President Clinton seems to buy Reno's menu of an ounce of prevention, hold the punishment.



ROOT CAUSES: *The Attorney General reads to Washington-area schoolchildren. Critics are blasting "Root-Causes Reno" for her insistence that "non-violent" offenders be spared heavy prison time because of overcrowding.*

ment officials said don't worry, it will be in our bill. Now we are told there will be no official administration proposal, and the House bill that Clinton is backing has no provision for more prisons. Why not? Because, House sources say, Janet Reno didn't want it!

This is not only wrong-headed, but politically loopy in a frightened country headed into an election year, where crime is already tied for first place as the "main problem facing the country."

The new Republican ("Daddy Party") crime proposal offers \$3 billion to states to build "re-

gional prisons," while encouraging "truth in sentencing" to guarantee that violent offenders serve at least 85 percent of their prison time. The idea is to put bars around violent criminals who would kill 4-year-old children, tourists from Europe and Michael Jordan's father.

Many serious Democrats, including liberals, support the Republican proposal, and wish that Reno, and Clinton, would recognize that punishment also yields prevention.

Ben Wattenberg is a senior fellow at the American Enterprise Institute.

U.S. NEWS

A war on crime or a feud in Congress?

An anticrime program smells a lot like pork

DEA official Don Lincoln termed the opening salvo of the operation, was followed by the less dramatic exit of the arrested, half-clothed and still drowsy, as a surfeit of policemen looked on. "Better too many than too little," said Connie Cox, a Henry County detective who helped build the case against the accused dealers.

"No regrets." But several of the suspects didn't let the moment dampen their customary swagger. "I have no regrets," said Steven Dickerson, standing bare-chested and barefoot with his ankles and wrists shackled. "I had fun—if you know what I mean." Dickerson denied that he and his cohorts had intimidated the town. "We didn't do nothing to hurt people," he said, flashing a smile. Walking outside the county building before he was taken to federal prison, he waved at local policemen and joked: "See you guys in 10 years." One policeman parried back, with undisguised glee: "It's going to be longer than that." Henry County Sheriff Frank Cassell confirmed at a press conference

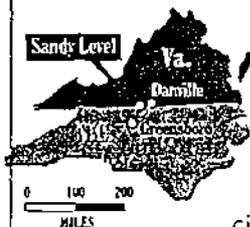
that the arrested generally face between 10 years and life in prison.

Plans for the operation began in January, when Henry County detectives asked officials at the DEA's Roanoke office for assistance.

Together they built their case. The break in the investigation, however, came in recent days with the arrest of a woman who police say served as a courier, running about 2 kilograms of crack cocaine every week from New York City to Sandy Level. The alleged courier, a 19-year-old resident of Westchester County, N.Y., has been released on bond, but she reportedly supplied the police with details of the drug-running operation.

Her own profile underscores how pervasive and pernicious America's drug culture is. According to DEA officials, the young woman turned to drug distribution after quitting a job and amassing some \$5,000 in credit-card debt. She fits no stereotype—she is white and comes from a close-knit home.

Next, the county will begin cleaning out some old buildings in Sandy Level and clearing burned-out cars from the side of the road. The DEA says it will help any residents who are threatened with retaliation by drug dealers. But even longtime townspeople say they don't know what to expect.



BY VICTORIA POPE IN SANDY LEVEL.

In prisons, inmates stage food fights. In the back rooms of Congress, lawmakers call squabbles over money "formula fights." One such donnybrook has raged, out of the public eye, over the federal spending on state prison construction that was promised two years ago in a big-bucks anticrime law. While

they began rewriting the measure. The Justice Department halted plans to distribute prison funds, reasoning that the GOP might change the ground rules.

Then the Republicans began squabbling. The House passed a version favoring states that have toughened penalties or plan to do so, which would have favored big states with important members such as Illinois's Henry Hyde and Florida's Bill McCollum.

The Senate balked. Key members such as Utah's Orrin Hatch, chairman of the Judiciary Committee, and New Hampshire's Judd Gregg, who heads the panel that funds the Justice Department, called the House's version unfair to small states.

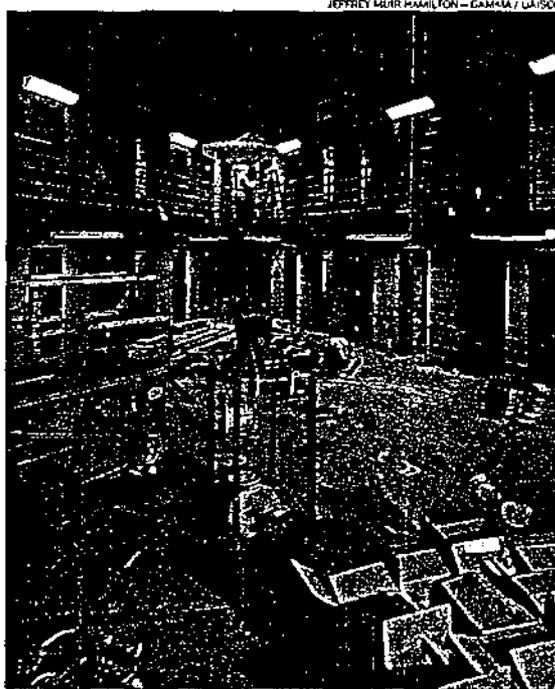
After intervention by Senate Majority Leader Bob Dole, who entered the fray after Hatch and other small-state senators pleaded for help, an agreement was reached that rewarded small states with political clout.

According to projections obtained by U.S. News, New Hampshire's prison grants will increase by 209 percent over those provided in the 1994 law; Utah's, by 167 percent. Dole's Kansas will get 31 percent more. Other win-

ning states, which also have senior lawmakers on committees overseeing the Justice Department: West Virginia (up 119 percent), South Carolina (up 50), Delaware (up 44) and Kentucky (up 15). One loser: Arkansas, down 37 percent.

Even if Congress provides billions more for prisons in future years, the election-year appropriation of \$405 million will not go very far. It could add 5,000 maximum-security prison beds nationwide, a 2 percent increase. The law provides each state an initial infusion of \$1.5 million—"enough to pay an architect," says one official.

BY TED GEST



Building boom. States seek aid for prison spending.

House members from big states squared off against key senators from small states, a major federal program languished.

In 1994, Congress agreed to offer states billions of dollars to build new prisons, favoring places with "truth in sentencing" laws that require convicts to serve at least 85 percent of their terms. More money was authorized for lockups than for President Clinton's much-ballyhooed plan to fund 100,000 community police officers.

But no sooner was the law on the books than House Republicans declared in their Contract With America that it didn't go far enough. And when the Republicans seized control of Congress,

*Crime -
Truth in sentencing*

SUBJECT: The April 16 Prison Grants Conference Draft Preliminary Comments

As a general observation, the draft is far from ideal, but it is much better than it might have been. It authorizes no funding for operational or activation costs. It does not address the Attorney General's concern that funding be authorized for post-incarceration supervision. It requires no comprehensive planning or consultation process to assure cost-effective use of grant funds or encourage state/local partnerships.

Most of the funding eligibility criteria for the various pots of money set out in the bill do have some reasonable relationship to correctional need or the adoption of stronger sentencing policies (as measured by such factors as incarceration rate, time served, or percentage of sentence served). The drafters have also taken seriously our explanations about what types of data can realistically be obtained and what cannot. We should be able to obtain fairly reliable data that will establish which states are eligible, and for how much. There is arguably, however, less truth in the truth in sentencing (TIS) provisions.

An obvious general negative is that the enactment of this version will occasion delay in getting out grant funds to the states. We are ready to go with the existing program. Having to start over will slow things down.

This problem is compounded by the fact that all the money in the bill, beyond per-state minima under some of the programs, will be distributed to each eligible state based on the state's proportion of part 1 violent crimes relative to the total part 1 violent crimes of all eligible states. This means that it will not be possible to determine definitely how much money any state will get in a given fiscal year until we know what the complete universe of eligible states will be in that year. We may be able to overcome this problem to some extent by doing partial distributions based on estimates at an early point in the fiscal year, but the magnitude of the remaining practical problem is unclear.

Comments on the specific eligibility criteria and allocation rules in the draft are as follows:

Minimum amount for general grants. Probably all states will qualify for the 0.75% minimum amount under general grants. This is a high minimum allocation. (The minimum allocation for general grants under the existing program is 0.25%.) If we assume, for example, that the amount which will actually be appropriated for general grants over the life of the program will be \$4 billion, then each state will get at least \$30 million (= 0.75% of \$4 billion), regardless of need or desert.¹

However, this is presumably a positive from the standpoint of the draft's proponents,

¹ The assumption, for purposes of illustration, of \$4 billion in total general grants funding is almost certainly unrealistically high. According to David Taylor funding for general grants will be phased out in future years.

since it will help to defuse political opposition by ensuring that all states will receive substantial grant funds.

The 85% general grants pot. Eighty-five percent of the general grant money, beyond the per-state minimum, will be distributed to states which have, since 1993, increased incarceration rate, average time served, or average percent of sentence served for part 1 violent offenders.

The use of a reference year (1993) causes problems which we have noted in comments on earlier drafts. States which strengthened their correctional or sentencing policies some time ago will be disadvantaged, if the effects of the reforms were fully realized before 1993, in comparison with states that adopted reforms whose effects were realized after that year. Likewise, states which have recently adopted reforms will be disadvantaged, since the effects on exit cohorts will not be realized for some time. In these respects, the use of a reference year means that the timing of reforms can have a more important effect on funding eligibility than their substantive merit and effect.

These concerns may be nearly theoretical, however, since states can qualify for this pot by satisfying any one of three conditions, and it is unlikely that a state will fail to satisfy all three. We project that 48 states will initially qualify for this pot.

The 15% general grants pot. Fifteen percent of the general grant money, beyond the per-state minimum, will be distributed to states which have increased both incarceration rate and average percent of sentence served for part 1 violent offenders since 1993, or which have increased by 10% or more over the most recent three-year period the number of new court commitments of part 1 violent offenders to prison.

States qualifying for this pot get a 3% per-state minimum, with the remainder distributed in proportion to part 1 violent crimes. The 3% minimum is very high, and could result in an impossible required allocation of over 100% if more than 33 states qualified.

However, the concern about exceeding 100% is probably theoretical, since it is unlikely that many states will qualify. We project that 13 states will initially be eligible for this pot. Moreover, all the provisions in this part only affect the distribution of a small percentage of total prison grant funding (7.5% = 15% of the 50% of grant funding allocated to general grants).

Eligibility for truth in sentencing grants. States could qualify for TIS grants by having laws in effect or pending which require part 1 violent offenders to serve 85% of the sentence imposed, or by having laws in effect which result in part 1 violent offenders serving on average at least 85% of the sentence imposed. Indeterminate sentencing states could qualify by having part 1 violent offenders serve on average at least 85% of the maximum prison term allowed under the sentence imposed by the court, or by having part 1 violent offenders serve on average at least 85% of the prison term established under the state's sentencing and release guidelines.

It is the committee's intent that amounts appropriated for the SCAAP program under section 20110 will be administered in the same manner as other SCAAP funding, including the normal authority of the administering agency to utilize up to 1% of the funds for administrative purposes.

ESTIMATED PRISON GRANT AWARDS: Comparison of Current Law, House Offer, Senate Counter-offer, and Conference Compromise

State	Estimated Prison Grant Awards				House Offer vs. Current Law	Senate Counter-offer vs. Current Law	Conference vs. Current Law
	Current Law	House Offer	Senate Counter-offer	Conference			
Total estimated award	\$400,000,000	\$400,000,000	\$400,000,000	\$400,000,000	0%	0%	0%
Alabama *	\$3,463,308	\$3,152,121	\$2,163,862	\$3,215,679	-9%	-38%	-7%
Alaska	\$1,479,568	\$1,855,600	\$1,069,401	\$1,729,960	25%	-28%	17%
Arizona	\$6,549,378	\$7,215,777	\$9,414,788	\$7,376,324	10%	44%	13%
Arkansas	\$3,591,326	\$3,346,065	\$3,451,747	\$2,252,759	-7%	-4%	-37%
California	\$72,808,145	\$74,146,792	\$53,213,811	\$65,000,000	2%	-27%	-11%
Colorado	\$4,848,407	\$4,155,012	\$3,810,503	\$4,842,243	-14%	-21%	-0%
Connecticut *	\$3,713,423	\$4,562,742	\$5,219,394	\$4,784,790	23%	41%	29%
Delaware	\$1,532,018	\$1,890,061	\$5,276,944	\$2,199,620	23%	244%	44%
Dist. of Columbia	\$4,130,229	\$2,175,340	\$3,583,805	\$2,357,207	-47%	-13%	-43%
Florida	\$35,962,871	\$36,770,530	\$33,560,521	\$36,245,960	2%	-7%	1%
Georgia	\$11,252,037	\$11,891,036	\$13,234,396	\$11,943,205	5%	18%	6%
Hawaii	\$1,157,990	\$1,658,689	\$2,703,422	\$2,779,095	43%	131%	140%
Idaho	\$1,165,728	\$1,386,825	\$1,020,956	\$1,664,197	19%	-12%	43%
Illinois	\$24,631,304	\$25,908,283	\$24,686,249	\$25,635,514	5%	0%	4%
Indiana	\$6,506,171	\$2,939,347	\$2,026,105	\$3,028,676	-55%	-69%	-53%
Iowa	\$2,468,810	\$3,087,764	\$6,042,272	\$4,861,390	25%	145%	97%
Kansas	\$3,200,746	\$3,947,390	\$4,794,966	\$4,183,702	23%	50%	31%
Kentucky	\$4,268,232	\$4,248,003	\$3,851,743	\$4,919,098	-0%	-10%	15%
Louisiana	\$10,302,133	\$10,692,271	\$9,447,132	\$10,772,228	4%	-8%	5%
Maine *	\$641,291	\$1,295,733	\$961,981	\$1,584,138	102%	50%	147%
Maryland	\$4,992,664	\$4,122,660	\$5,747,679	\$4,068,666	-17%	15%	-19%
Massachusetts	\$10,902,514	\$3,958,343	\$2,685,834	\$3,924,250	-64%	-75%	-64%
Michigan *	\$16,626,444	\$12,253,565	\$13,986,943	\$5,376,226	-26%	-16%	68%
Minnesota	\$3,676,665	\$4,577,471	\$7,259,337	\$4,799,177	25%	57%	51%
Mississippi	\$2,964,936	\$3,781,794	\$6,609,282	\$4,021,945	28%	123%	36%
Missouri	\$8,875,450	\$7,372,079	\$8,766,810	\$7,757,577	-17%	-1%	-13%
Montana	\$635,034	\$1,288,131	\$957,058	\$1,577,456	103%	51%	148%
Nebraska	\$1,671,527	\$1,547,521	\$1,124,996	\$1,805,429	-7%	-33%	8%
Nevada *	\$1,602,489	\$1,920,271	\$1,366,325	\$2,133,032	20%	-15%	33%
New Hampshire	\$833,187	\$1,414,306	\$2,595,041	\$2,577,118	70%	211%	209%
New Jersey	\$11,116,828	\$11,895,484	\$13,238,030	\$16,345,468	7%	19%	47%
New Mexico	\$3,729,545	\$3,431,436	\$3,489,608	\$4,244,325	8%	-6%	14%
New York	\$42,492,683	\$43,061,717	\$38,700,314	\$42,391,310	1%	-4%	-0%
North Carolina	\$10,641,339	\$8,222,509	\$5,614,377	\$8,203,926	-23%	-47%	-23%
North Dakota	\$612,209	\$1,362,186	\$4,593,767	\$2,549,648	22%	650%	316%
Ohio	\$12,519,436	\$13,434,119	\$11,338,276	\$13,450,517	7%	-9%	7%
Oklahoma	\$2,360,184	\$5,702,080	\$8,178,123	\$5,897,716	142%	247%	150%
Oregon	\$3,778,986	\$4,591,399	\$7,270,715	\$4,812,782	21%	92%	27%
Pennsylvania	\$11,311,366	\$8,869,687	\$5,901,390	\$8,738,802	-22%	-48%	-25%
Rhode Island	\$1,363,491	\$2,055,032	\$3,489,744	\$2,335,211	51%	156%	71%
South Carolina	\$8,513,889	\$9,152,834	\$10,997,331	\$12,769,422	8%	29%	50%
South Dakota *	\$635,125	\$1,290,312	\$958,470	\$1,579,373	103%	51%	149%
Tennessee	\$4,041,079	\$6,976,929	\$5,061,981	\$3,526,331	73%	25%	-13%
Texas	\$12,962,200	\$9,395,381	\$11,606,761	\$8,702,750	-26%	-10%	-32%
Utah	\$1,007,760	\$2,035,968	\$3,738,698	\$2,687,787	107%	271%	167%
Vermont	\$641,443	\$1,236,893	\$2,540,996	\$2,476,399	93%	296%	286%
Virginia *	\$5,693,411	\$6,413,902	\$6,496,200	\$6,593,037	13%	14%	16%
Washington	\$6,312,493	\$7,165,464	\$9,373,683	\$7,327,177	14%	48%	16%
West Virginia	\$1,315,340	\$1,431,221	\$2,756,934	\$2,878,820	9%	110%	119%
Wisconsin	\$1,708,050	\$2,431,278	\$1,429,459	\$1,500,000	42%	-16%	-12%
Wyoming	\$789,120	\$1,282,649	\$2,591,840	\$1,572,638	63%	274%	99%

SEE NEXT PAGE FOR OPERATING ASSUMPTIONS

Estimated current law dollar amounts, by state

State	TIS AMOUNTS (Based on 1993 UCR data)	25% MINIMUM for general grants	CURRENT LAW GENERAL GRANTS	TOTAL EST. CURRENT LAW AMOUNTS
Total awarded	\$200,000,000	25,500,000	\$174,500,000	\$400,000,000
Alabama		500,000	\$2,963,308	\$3,463,308
Alaska	\$566,305	500,000	\$413,263	\$1,479,568
Arizona	\$3,497,247	500,000	\$2,552,131	\$6,549,378
Arkansas	\$1,787,148	500,000	\$1,304,178	\$3,591,326
California	\$41,802,558	500,000	\$30,505,587	\$72,808,145
Colorado	\$2,513,887	500,000	\$1,834,520	\$4,848,407
Connecticut	\$1,857,734	500,000	\$1,355,689	\$3,713,423
Delaware	\$598,627	500,000	\$435,391	\$1,532,018
Dist. of Columbia	\$2,098,696	500,000	\$1,531,532	\$4,130,229
Florida	\$20,501,684	500,000	\$14,961,188	\$35,962,871
Georgia	\$6,215,934	500,000	\$4,536,103	\$11,252,037
Hawaii	\$380,395	500,000	\$277,595	\$1,157,990
Idaho	\$384,869	500,000	\$280,860	\$1,163,728
Illinois	\$13,950,714	500,000	\$10,180,590	\$24,631,304
Indiana	\$3,472,269	500,000	\$2,533,902	\$6,506,171
Iowa	\$1,138,202	500,000	\$830,608	\$2,468,810
Kansas	\$1,561,347	500,000	\$1,139,399	\$3,200,746
Kentucky	\$2,178,479	500,000	\$1,589,754	\$4,268,232
Louisiana	\$5,666,779	500,000	\$4,135,355	\$10,302,133
Maine	\$0	500,000	\$141,291	\$641,291
Maryland	\$0	500,000	\$4,492,664	\$4,992,664
Massachusetts	\$6,013,869	500,000	\$4,388,645	\$10,902,514
Michigan	\$9,322,989	500,000	\$6,803,475	\$16,626,444
Minnesota	\$1,836,484	500,000	\$1,340,181	\$3,676,665
Mississippi	\$1,425,021	500,000	\$1,039,915	\$2,964,936
Missouri	\$4,841,989	500,000	\$3,533,461	\$8,875,450
Montana	\$0	500,000	\$135,034	\$635,034
Nebraska	\$677,279	500,000	\$494,247	\$1,671,527
Nevada	\$0	500,000	\$1,102,489	\$1,602,489
New Hampshire	\$192,621	500,000	\$140,566	\$833,187
New Jersey	\$6,137,767	500,000	\$4,479,061	\$11,116,828
New Mexico	\$1,867,054	500,000	\$1,362,491	\$3,729,545
New York	\$24,276,678	500,000	\$17,716,005	\$42,492,683
North Carolina	\$5,862,879	500,000	\$4,278,460	\$10,641,339
North Dakota	\$64,870	500,000	\$47,339	\$612,209
Ohio	\$6,948,639	500,000	\$5,070,797	\$12,519,436
Oklahoma	\$0	500,000	\$1,860,184	\$2,360,184
Oregon	\$1,895,637	500,000	\$1,383,349	\$3,778,966
Pennsylvania	\$6,250,233	500,000	\$4,561,133	\$11,311,366
Rhode Island	\$499,198	500,000	\$364,292	\$1,363,491
South Carolina	\$4,632,964	500,000	\$3,380,925	\$8,513,889
South Dakota	\$0	500,000	\$135,125	\$635,125
Tennessee	\$0	500,000	\$3,541,079	\$4,041,079
Texas	\$0	500,000	\$12,462,200	\$12,962,200
Utah	\$0	500,000	\$507,760	\$1,007,760
Vermont	\$81,771	500,000	\$59,672	\$641,443
Virginia	\$3,002,398	500,000	\$2,191,013	\$5,693,411
Washington	\$3,360,300	500,000	\$2,452,193	\$6,312,493
West Virginia	\$471,362	500,000	\$343,978	\$1,315,340
Wisconsin	\$0	500,000	\$1,208,050	\$1,708,050
Wyoming	\$167,145	500,000	\$121,975	\$789,120

DISTRIBUTION OF PRISON GRANTS UNDER CONFERENCE COMPROMISE

		<u>DISTRIBUTION OF GENERAL GRANTS</u>				TIS	TOTAL EST.
		Tier1	Tier2	Tier3	TOTAL	TOTAL	STATE
							AWARD
TOTALS		\$76,500,000	\$93,500,000	\$30,000,000	\$200,000,000	\$200,000,000	\$400,000,000
1	Alabama	\$1,500,000	\$1,715,679	\$0	\$3,215,679	\$0	\$3,215,679
2	Alaska	\$1,500,000	\$229,960	\$0	\$1,729,960	\$0	\$1,729,960
3	Arizona	\$1,500,000	\$1,450,675	\$0	\$2,950,675	\$4,425,649	\$7,376,324
4	Arkansas	\$1,500,000	\$752,759	\$0	\$2,252,759	\$0	\$2,252,759
5	California	\$1,500,000	\$13,500,000	\$0	\$15,000,000	\$50,000,000	\$65,000,000
6	Colorado	\$1,500,000	\$1,036,508	\$2,305,735	\$4,842,243	\$0	\$4,842,243
7	Connecticut	\$1,500,000	\$810,909	\$0	\$2,310,909	\$2,473,881	\$4,784,790
8	Delaware	\$1,500,000	\$0	\$0	\$1,500,000	\$699,620	\$2,199,620
9	District of Col.	\$1,500,000	\$857,207	\$0	\$2,357,207	\$0	\$2,357,207
10	Florida	\$1,500,000	\$8,577,657	\$0	\$10,077,657	\$26,168,304	\$36,245,960
11	Georgia	\$1,500,000	\$2,578,090	\$0	\$4,078,090	\$7,865,114	\$11,943,205
12	Hawaii	\$1,500,000	\$160,891	\$1,118,204	\$2,779,095	\$0	\$2,779,095
13	Idaho	\$1,500,000	\$164,197	\$0	\$1,664,197	\$0	\$1,664,197
14	Illinois	\$1,500,000	\$5,958,280	\$0	\$7,458,280	\$18,177,234	\$25,635,514
15	Indiana	\$1,500,000	\$1,528,676	\$0	\$3,028,676	\$0	\$3,028,676
16	Iowa	\$1,500,000	\$455,225	\$1,517,386	\$3,472,611	\$1,388,779	\$4,861,390
17	Kansas	\$1,500,000	\$662,520	\$0	\$2,162,520	\$2,021,183	\$4,183,702
18	Kentucky	\$1,500,000	\$1,069,126	\$2,349,972	\$4,919,098	\$0	\$4,919,098
19	Louisiana	\$1,500,000	\$2,289,014	\$0	\$3,789,014	\$6,983,214	\$10,772,228
20	Maine	\$1,500,000	\$84,138	\$0	\$1,584,138	\$0	\$1,584,138
21	Maryland	\$1,500,000	\$2,568,666	\$0	\$4,068,666	\$0	\$4,068,666
22	Massachusetts	\$1,500,000	\$2,424,250	\$0	\$3,924,250	\$0	\$3,924,250
23	Michigan	\$1,500,000	\$3,876,226	\$0	\$5,376,226	\$0	\$5,376,226
24	Minnesota	\$1,500,000	\$814,460	\$0	\$2,314,460	\$2,484,717	\$4,799,177
25	Mississippi	\$1,500,000	\$622,587	\$0	\$2,122,587	\$1,899,358	\$4,021,945
26	Missouri	\$1,500,000	\$0	\$0	\$1,500,000	\$6,257,577	\$7,757,577
27	Montana	\$1,500,000	\$77,456	\$0	\$1,577,456	\$0	\$1,577,456
28	Nebraska	\$1,500,000	\$305,429	\$0	\$1,805,429	\$0	\$1,805,429
29	Nevada	\$1,500,000	\$633,032	\$0	\$2,133,032	\$0	\$2,133,032
30	New Hampshire	\$1,500,000	\$75,170	\$1,001,948	\$2,577,118	\$0	\$2,577,118
31	New Jersey	\$1,500,000	\$2,579,163	\$4,397,918	\$8,477,082	\$7,868,387	\$16,345,468
32	New Mexico	\$1,500,000	\$782,704	\$1,961,521	\$4,244,225	\$0	\$4,244,225
33	New York	\$1,500,000	\$10,094,745	\$0	\$11,594,745	\$50,796,564	\$42,391,310
34	North Carolina	\$1,500,000	\$2,463,234	\$4,240,692	\$8,203,926	\$0	\$8,203,926
35	North Dakota	\$1,500,000	\$27,677	\$937,536	\$2,465,213	\$84,435	\$2,549,648
36	Ohio	\$1,500,000	\$2,950,197	\$0	\$4,450,197	\$9,060,320	\$13,450,517
37	Oklahoma	\$1,500,000	\$1,085,654	\$0	\$2,585,654	\$3,312,062	\$5,897,716
38	Oregon	\$1,500,000	\$817,819	\$0	\$2,317,819	\$2,494,963	\$4,812,782
39	Pennsylvania	\$1,500,000	\$2,690,239	\$4,548,563	\$8,738,802	\$0	\$8,738,802
40	Rhode Island	\$1,500,000	\$206,187	\$0	\$1,706,187	\$629,025	\$2,335,211
41	South Carolina	\$1,500,000	\$1,917,786	\$3,500,945	\$6,918,731	\$5,850,691	\$12,769,422
42	South Dakota	\$1,500,000	\$79,373	\$0	\$1,579,373	\$0	\$1,579,373
43	Tennessee	\$1,500,000	\$2,026,331	\$0	\$3,526,331	\$0	\$3,526,331
44	Texas	\$1,500,000	\$7,202,750	\$0	\$8,702,750	\$0	\$8,702,750
45	Utah	\$1,500,000	\$293,226	\$0	\$1,793,226	\$894,560	\$2,687,787
46	Vermont	\$1,500,000	\$32,424	\$943,975	\$2,476,399	\$0	\$2,476,399
47	Virginia	\$1,500,000	\$1,257,307	\$0	\$2,757,307	\$3,835,730	\$6,593,037
48	Washington	\$1,500,000	\$1,438,542	\$0	\$2,938,542	\$4,388,635	\$7,327,177
49	West Virginia	\$1,500,000	\$203,215	\$1,175,605	\$2,878,820	\$0	\$2,878,820
50	Wisconsin	\$1,500,000	\$0	\$0	\$1,500,000	\$0	\$1,500,000
51	Wyoming	\$1,500,000	\$72,638	\$0	\$1,572,638	\$0	\$1,572,638

KARL ZINSMEISTER

In his State of the Union address President Bill Clinton challenged states to make all violent criminals serve at least 85 percent of their sentences. Good idea. The "85 percent" proposal would actually reduce crime — unlike the gun control, midnight basketball and "drugs are a disease not a crime" initiatives that represented the president's crime policy during the first three years of his term.

Shortening the jail terms of violent criminals has been disastrous. In fact, criminals who have already been caught and then released by an ineffective justice system are today's single gravest threat to the safety of Americans. Forty-three percent of all felons released early are rearrested for another felony within three years. Another 10 percent disappear after failing to report to their probation officer, and untold others commit felonies without getting caught, or commit non-felony crimes. The havoc that released criminals currently inflict on their fellow citizens is spelled out in the accompanying table.

One in three of all individuals arrested for a violent offense these days turns out to have been recently loosed by the authorities. That blood is on the hands of failed government law enforcement. No extra police, or new statutes, or magical breakthroughs in crime solving would be needed to eliminate the pain and loss of these attacks. All that's required is keeping known predators locked up for the full duration of their sen-

Crimebusting tips for Clinton

VIOLENT CRIMES	
Committed annually by offenders on parole, probation or pretrial release.	
Total violent crimes	696,785
Assaults	346,020
Robberies	319,740
Rapes	24,090
Murders	7,665

Source: Derived from Uniform Report estimates, FBI.

The Washington Times

tences.

As things stand now, crime isn't a particularly risky career, or a very punishing one even if you are caught. Only 45 percent of all violent crimes, and 18 percent of all property crimes, are now cleared by arrest, and only one person out of every five arrested for a violent felony is subsequently convicted and then sentenced to at least a year in prison. Among people arrested for homicide, only 49 percent are put away for a year or more. For rapists, the figure is 29 percent.

Criminals who do end up behind bars typically spend just over two years in confinement — serving only a third of their sentences on average. Given that imprisonment is a modest risk, generally of short duration, and not particularly punitive for many of the individuals involved (lock-up these days is as likely to involve conjugal visits, HBO, kitchenettes with microwave ovens, and contraband drugs as not), it is perhaps not surprising that millions of individuals are making crime a career, in which occasional short terms in the jailhouse are just a cost of doing business. During periods of criminal activity between their comparatively short prison terms, these individuals prey on the vulnerable, recruit accomplices among the young, and do great damage to the social fabric.

An indication of the recalcitrance of today's career criminals is the fact that four out of five state prison inmates at present are repeat offenders — with almost half of them in the midst of at least their fourth sentence.

Incarceration may or may not work as punishment. It may or may not provide offenders with incen-

tive to change their behavior. But one thing is clear: By keeping criminals off the street, incarceration lowers crime rates. A study released in 1994 by the American Legislative Exchange Council showed that in the 10 states with the biggest increase in incarceration rates since 1980, violent crime rates fell 8 percent. In the 10 states with the weakest increase in incarceration, violent crime increased 51 percent. "In order to restore America to the level of public safety it once took almost for granted, criminal justice policy must continue to emphasize incarceration as the punishment for crime, and violent and repeat criminals should be singled out for longer prison terms," summarized the report.

A 1994 study by the RAND Corporation likewise concluded that surer imprisonment can result in huge reductions in the general crime rate. Researching the likely effects of California's three-strikes-and-you're-out law, the study estimated that long-term incapacitation of repeat felons will cut California-wide crime by 340,000 victimizations per year.

But aren't our lock-up rates already at some shameful record level? Not hardly. That is the anti-incarceration propaganda, but these are the facts: Only eight new convicts were put behind bars in 1993 for every 100 violent crimes carried out during the year. The total number of Americans locked up per violent crime committed is currently one-third lower than it was in 1960.

Pushing our lockup rate back toward the pre-1960s norm while

requiring inmates to serve at least 85 percent of their sentence will inevitably require some additional prison space. So be it. Fully 94 percent of all inmates now in state penitentiaries are either violent or repeat offenders, so you can forget about freeing up cells by just "letting out the small-time offenders" as is sometimes suggested.

If the president is serious about keeping predators away from innocent citizens he will support more prison construction. He will also dump some of the judges he has appointed over the last three years — like Harold Baer Jr., who on completely specious legal grounds just released some New York drug-runners caught with 80 pounds of cocaine and heroin in their trunk. The president also ought to retire Janet Reno, who has done nothing to stamp out drugs and crime during her tenure as the president's top law enforcer.

If, on the other hand, Mr. Clinton's thumping new crime proposals are just an attempt to score cheap political points with gullible TV-watchers, he should simply hire a few more Dirty Harry speech writers, use them to seduce the fresh political bodies he needs, while simultaneously keeping the homebase quiet by letting his liberal pals (who got us into today's crime terror) continue to actually run things. Just as he's done up to now.

Karl Zinsmeister is editor in chief of *The American Enterprise*, where parts of this article first appeared.

THURSDAY, FEBRUARY 1, 1996 *

The Washington Times

*Crime
in the
Enterprise*

GEORGIE ANNE GEYER

The problem with Garrett Hardin is that he is such a gentleman. He is courtly, thoughtful and kind. Now a frail figure in his mid-80s who walks carefully with a cane, the brilliant scientist from Santa Barbara is still filled with a youthfully effervescent joy in life.

That's why it's hard to figure out how this man, grudgingly respected in scientific circles around the world, is most often seen as cold and uncaring and has been called by his many critics everything from (for starters) "nativist, bigoted and xenophobic" to (my, my) "obscene."

Mr. Hardin, now professor emeritus of human ecology at the University of California, was trying to unravel his paradoxical life and his work for me one day recently over lunch in downtown Washington. He began by saying, "Think of things this way. In 1966-67, India had a shortfall in agricultural production. America sent 10 million tons of grain to India. (One ton of grain keeps five people alive per year.) Then in 1968, we did not send grain.

"I went to India for an interview with the planning commission and they told me, 'When word came down that there would be no grain in 1968, at first we were very angry; we even thought we had been double-crossed. But, having been told that, we exerted ourselves to provide grain for our people, and now we are out of the woods. It was one of the best things that ever happened to us.'"

The Socratic Mr. Hardin asks, "Let us grant ourselves the most malevo-

Tough-love vision of the world

lent of motives: Let us ask, 'How can we harm India — really harm her? Quite simply: by sending India a bounty of food, year after year.'"

There you have the curious case of Garrett Hardin, unique specialist in the fields of ecology, biology and ethics. He remains a man who sees the world in a very different way from the welfare state professionals who surround us both nationally and internationally; a man who early on described the earth as a "lifeboat"; who has coined the more discriminating word "commonism" in place of "one-worldism"; and who has managed to make "global" America's own nagging welfare state worries.

To understand Mr. Hardin — and the tormenting answers he poses to questions that range from foreign aid to environment and, now, to immigration — one has to go back to his first really public "shocker." It was 1968, and he was giving his final speech as president of the American Association for the Advancement of Science. Innocently, he wrote a little treatise,

"The Tragedy of the Commons," which stunned the scientific community. Although now published in 100 anthologies and quoted in hushed voices in arcane academic circles, very few non-scientific Americans know it.

Mr. Hardin makes an essentially unassailable argument in his now-classic paper. Unlike private property, he begins, a commons is a "resource to which a population has free and unmanaged access." It is fine, so long as the commons is managed by someone, and so long as the people do not over-graze it or generally overstress it. But if, say, each herdsman increases his own herd at the expense of the commons, very soon there is disaster ahead for everyone.

Never too old for controversy, Mr. Hardin has extended his thesis to another, even more emotion-laden field. In his new book, "The Immigration Dilemma: Avoiding the Tragedy of the Commons," he avers that our massive and thoroughly unassessed immigration policy, which has seen no rational national debate, is one of the major causes of 10 million unemployed plus a general diluting on all levels of America's seminal responsibility to its own citizens.

Mr. Hardin dismisses (his term) "indiscriminating altruism" and (my term) the "compassion professionals" that have given us everything from essentially destructive food programs in India to welfare programs in America that destroy the recipients' spirit and incentive.

True compassion, he argues, can be given only to those close to you — and, indeed, is most often destructive when given to those far away.

"The pleasures of brotherhood are sweet, but only because they involved both caring and discrimination," he writes in his new book, published by the Washington-based Federation for American Immigration Reform, commonly known as FAIR. Then he quotes the French thinker Pierre-Joseph Proudhon, who captured the meaning of real compassion in the last century, saying, "If everyone is my brother, I have no brothers."

Once again, this gentle, consummately considerate man has taken a no-nonsense, "tough-love" look at the real world. He sees oceans whose wealth is being destroyed (one example: last year's fishing conflict in Canada with Europeans fishing in Canadian waters) and a world moving "ever more deeply into the realm of shortages." Mr. Hardin would reduce net immigration into the United States (immigration minus emigration) to zero.

"People say you're hard-hearted," I said, as our fascinating conversation drew to an end. "Are you?" He offered that kindly smile. "My thinking appears to be hard-hearted — in the near term," he answered. "But that is because I am trying to protect future generations. So, really, I am soft-hearted in the long run." That is hard to argue with.

Georgie Anne Geyer is a nationally syndicated columnist.

PHILIP TERZIAN

My friend Robert Allen, chairman of AT&T, made the news recently with his announcement that the company would be firing some 40,000 workers — mostly mid-level managerial types — over the next three years. The cuts are essential, he says, because AT&T faces serious challenges within the telecommunications industry, still in flux since the break-up of the Bell system in 1984. Downsizing now, and not five years from now, he calculates, will not just make the company more competitive, but will prevent wider layoffs in the future as well.

No argument there. During the past decade, the telecommunications industry has not just been transformed by deregulation and new technology; it has been shaken to its core by the cost of competition.

Among the top dozen phone companies now extant, some 140,000 jobs have been lost since 1993, and more layoffs are on the way. Twelve years ago, the telecommunications industry employed a million people; today the figure is 850,000, and the number is dropping. Competition, automation and the engine of the marketplace have increased productivity, raised company revenues per employee, and offered near-infinite choice (and lower prices) to consumers. Twelve years from today, the industry will look very different — and, by any reasonable measure, be much healthier, more profitable, offering better value to its customers.

Incidentally, I call Robert Allen my friend in the figurative sense only; we've never met. As an AT&T shareholder, however, I am grateful for the fact that, within two days of the layoff announcement, the value of company stock rose by some \$6 billion. Indeed, it is fair to guess that, in the next few years, things should grow even rosier. Nowadays, as regulated monopolies, regional telephone companies

Bristle while you work . . . and wait



are prudent investments. But faced with stiffer competition, they will have to put their capital to work, turning sleepy safe investments into high-yield growth stocks in due course.

Nevertheless, there is a problem. If, for example, I were not an AT&T shareholder, how would these latest tidings appear? Forty thousand people out of work is a lot of anxious, devastated mid-level managers fired for doing their jobs.

Of course, the world can't come to a halt for people's feelings, and those workers who aren't pensioned off will find other jobs. Still, if Robert Allen were a mid-level manager, and not chairman of the board, how would the personnel

department judge his record? He was paid \$5.3 million in salary in 1994, and it is safe to assume that his income (plus bonuses, etc.) has gone up. Since, like most men in his position, he exercises stock options based on market performance, the latest surge in AT&T shares has been immensely profitable for Robert Allen. Of course, he didn't lay off 40,000 workers to enhance his stock portfolio; but there is an uncomfortable irony there.

Moreover, while Mr. Allen appears to be doing the smart things to prepare his company for the future, it is also true that he, and he alone, is the author of some of AT&T's current problems. For example, his 1991 purchase of the

NCR computer company (price: \$7.5 billion) has been a big disaster, and costly drain on AT&T. A mid-level manager might have avoided such an error. Yet no one has suggested that AT&T punish Mr. Allen for this goof, or hold him fiscally accountable.

The problem is that economic logic does not always make political sense. I have no doubt that the present wave of corporate shakeouts is a salutary thing: Companies will profit, the economy will thrive, and all to the general benefit of Americans. But few citizens read the fine print in annual reports, or appreciate AT&T's long-term strategy. All they see are executives like Robert Allen earning unseemly salaries — often unmatched by sterling performance — while sending faithful employees to the want ads.

President Clinton professes to be puzzled by the fact that Americans are unhappy, and unhappy about him, in the midst of steady economic growth. The reason, however, is not hard to discern. In a downsizing epoch, the bulk of workers of all classes are naturally nervous about the future. You can't be guaranteed lifetime employment, to be sure, but nobody likes it when the bell tolls for thee.

This, in the long run, may exact a political price. It would not be the first time the government has punished business for doing the right thing: Capitalism is dynamic while regulation is static, and federal intervention would be worse than any layoffs. But symbols are as crucial as shareholder value. And every time someone like Robert Allen shrinks his company, while rewarding himself for high-risk mistakes, the pressure for reprisals from Washington grows.

Philip Terzian writes a column from Washington for the Providence (R.I.) Journal.

Bureau of Justice Statistics Selected Findings

Number 4

April 1995, NCJ-153858

Prison Sentences and Time Served for Violence

By Lawrence A. Greenfeld
BJS Statistician

Since the mid-1970's, legislatures around the Nation have sought to reduce discretion in both the sentencing process and the determination of when the conditions of a sentence have been satisfied. Determinate sentencing, use of mandatory minimums, and guidelines-based sentencing are illustrations of approaches that limit discretion and increase the predictability of penalties.

A majority of State prisoners today serve presumptive sentences — 90% of State inmates can estimate their probable release date, and their discharge from prison is less likely than in the past to be determined by a parole board decision. In 1977, 72% of those released from State prisons had served an indeterminate sentence, and a parole board decided their release. In 1992, by contrast, less than 40% of prison releases were determined by a parole board.

Interest in truth-in-sentencing reflects continued attention to discretion and to the relation between sentences and time served. Truth-in-sentencing is generally meant to describe a close correspondence between the sentence imposed upon those sent to prison and the time actually served prior to prison release.

Data collected from States by the Bureau of Justice Statistics (BJS) indicate that violent offenders released from State prisons in 1992 served 48% of the sentence they had received — an average of 43 months in confinement, both jail and prison, on an average sentence of 89 months. The

finding that just under half the sentence will be served in confinement was confirmed through analysis of self-reports of a national sample of State prisoners. An examination of prison release practices for violent offenders in 31 States reveals wide disparity across the States in sentence length but substantially less disparity and greater consensus on the duration of time spent in confinement.

These findings are drawn from BJS data collection programs, including the annual National Corrections Reporting Program (NCRP) and the 1991 sample survey of State prisoners. (See **Sources of data**, page 3.)

Admissions, releases, and prisoners present

Prison releases

Participating NCRP States, representing about 8 out of 10 violent offenders released from prisons nationwide in 1992, provided sufficient information to examine the relationship between the sentence received and time served prior to first release.

Released violent offenders in 1992 served 48% of their sentence

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

*Includes jail credit and prison time.

Violent offenders are persons convicted of homicide, kidnaping, forcible rape, sexual assault, robbery, assault, or other crimes involving the threat or imposition of harm upon the victim, including extortion, intimidation, reckless endangerment, hit-and-run driving with injury, or child abuse.

Little variability was found in the percentage of sentence served for different types of violent crimes. For most violent crimes, offenders served just under half of the sentence imposed. Those convicted of rape were found to serve the highest percentage of their sentences, 56%.

Years	Prison releases		
	Average sentence	Average time served	Percent of sentence served
1988	95 months	41 months	43%
1989	91	42	46
1990	94	44	47
1991	92	44	48
1992	89	43	48

During the most recent 5-year period, data for released violent offenders indicated that the percentage of their sentence spent in prison remained relatively stable.

Prison admissions

Another measure of the time served relative to a sentence is derived from those admitted to prison. NCRP obtains estimates of the minimum time to be served by those admitted to State prisons. From 1988 to 1992, sentences received and preliminary estimates of length of stay for violent offenders admitted to State prisons have shown a consistent percentage of the sentence to be served:

Years	Prison admissions		
	Average sentence	Average time to be served	Percent of sentence to be served
1988	113 months	66 months	58%
1989	107	65	61
1990	105	63	60
1991	105	64	61
1992	104	62	60

Admissions in 1992 had average sentences of 104 months, and correctional authorities predicted that they would stay for 60% of that time. Releases that same year had average sentences that were 15 months shorter and their length of stay was 19 months less; releases served 48% of the sentences they received.

Estimated percentage of sentence served or to be served by admitted, current, and released prisoners

Prisoner self-reports and records obtained for those released from prison tell a similar story — just under half the sentence received will be served in confinement. Estimates for admissions, however, may differ from the other estimates for two reasons: admissions reflect current policies and legislation affecting the use of prison, and less is known at admission about how long inmates will actually

serve. During the course of a prison stay, various credits against a sentence may be earned (such as good time) or reductions in sentence length may occur (such as sentence rollbacks in crowding emergencies), changing the percentage of sentence actually served.

Prisoner status	Average sentence	Average time served	Percent of sentence
Admissions, 1992	104 months	62 months	60%
Prisoners, 1991	216	100	46
Releases, 1992	89	43	48

Estimating hypothetical impacts of changing the percentage of sentence served

Thinking about truth-in-sentencing requires at least the knowledge of two numbers — sentence length and the actual or predicted length of stay. Since the desired goal of truth-in-sentencing is to increase the percentage of sentence served over current practice, it is possible to estimate what sentences and what time served would be necessary to achieve increased correspondence between the two. Such estimates would, of course, be speculative because policies or practices implemented by jurisdictions seeking to change the percentage of sentence served may simultaneously modify both sentence length and time served.

If the current average sentence remained the same for violent offenders and a policy were adopted requiring that 85% of the current sentence should be served, the predicted time served would increase the current length of stay—

- for admissions, 26 months
- for prisoners present, 84 months
- for releases, an average 33 months longer in prison.

Based upon current sentences, what would time served in prison be if violent offenders served higher percentages of the sentences they had received?

Percent of sentence served	Estimated time to serve		
	Prison admissions	Prisoners present	Prison releases
Current	62 months	100 months	43 months
65%	68	140	58
70%	73	151	62
75%	78	162	67
80%	83	173	71
85%	88	184	76
90%	94	194	80
95%	99	205	85
100%	104	216	89

Based upon current time served in prison, what would sentences need to be to achieve higher percentages of sentence served?

Percent of sentence served	Estimated sentence		
	Prison admissions	Prisoners present	Prison releases
Current	104 months	216 months	89 months
65%	95	154	66
70%	89	143	61
75%	83	133	57
80%	78	125	54
85%	73	118	51
90%	69	111	48
95%	65	105	45
100%	62	100	43

An alternate approach would be to hold constant the current average lengths of stay and change sentence lengths, attempting to ensure a particular ratio of time served to sentence. As shown above, by setting the sentence as 85% of the current time served, estimated sentence lengths would decrease —

- for admissions, 31 months
- for prisoners present, 98 months
- for releases, an average 38 months.

How States differ in the percentage of sentence served

Among the NCRP States, released violent offenders in 1992 had an average sentence of 89 months and an average time served of 43 months; these violent prisoners had served 48% of their sentence prior to discharge from prison. The reporting jurisdictions can be divided into three groups according to whether they were above, at, or below the national average percentage of sentence served.

Above average About 40% of releasees were in States that had percentages of sentence served that were at least 10% (5 percentage points) above the national average of 48%. For these States, the average sentence was 72 months and average time served was 44 months, or 61% of the imposed sentence.

Average Just under 30% of releasees were in States that had approximately the national ratio of time served to sentence with average sentences of 102 months and time served of 47 months, or 46% of the sentence.

Below average The remaining 30% of releasees were in States that provided release records in which the percent of sentence served fell at least 10% (5 percentage points) below the national average with sentences averaging 125 months and time served of 42 months. Discharged violent offenders in these States had served 34% of the sentence they had received.

Prison releases

States with a percent of sentence served —	Average sentence	Average time served	Percent of sentence served
Above average	72 months	44 months	61%
Average	102	47	46
Below average	125	42	34

These data indicate that all three groupings of States had similar time served among violent offenders released from prison regardless of the sentence received or the percentage of sentence served. In other words, States have a much greater consensus on the duration of incarceration for violent crime than could be inferred from simply examining the sentences imposed or the percentage of sentence served.

Sources of data

In 1992, 38 States and the District of Columbia participated in the National Corrections Reporting Program, covering 93% of State prison admissions nationwide (431,000 records) and 86% of State prison releases (348,000 records). While the length of the sentence received was gathered for both groups of prisoners, time served (including jail credits) was only obtainable for those released from prison. For those admitted to prisons in 1992, States provided a prediction of the expected minimum time to be served.

In 1991 BJS conducted a representative sample survey of State prisoners and obtained estimates from prisoners of the likely time to be served. Approximately 14,000 inmate interviews were conducted in 45 States.

The categorization of violent offenses is the same for both the NCRP and the survey of State prisoners. Beginning in 1982, a three-digit offense coding system was devised by BJS, in consultation with State departments of corrections, to provide a uniform approach. A user's guide provided to the States indicated how BJS categorized particular offenses.

NCRP datasets, available for public use through the National Archive of Criminal Justice Data, preserve the original source offense codes as well as the assigned BJS offense codes. BJS has expanded its codes over the years to take into account groups of offenses entering common use and to provide increased detail on other offenses. These revisions have been provided to the participating States.

Most analyses in this report used data on sentence length, jail credits, and time served in prison from published BJS reports. The analysis comparing States on the percent of sentence served used individual-level records supplied by the States. Differences in the methods used may introduce small differences in the estimates.

Bruce - Fig 1
Crime -
Truth in Sentencing

October 14, 1994

I am pleased to commend the members of the National Association of Convenience Stores for your leadership in the "Safe Streets" petition drive for truth-in-sentencing.

Crime, in one way or another, affects every individual in every community in America. The loss of one parent touches all of our families. The death of one child breaks all of our hearts. No one knows more than the thousands of small business owners across the country the toll that crime takes on the quality of our lives and the success of our nation's economy.

That is why we fought so hard for the crime bill that I signed last month -- a bill that puts 100,000 more police officers on the street, bans 19 types of assault weapons, allocates nearly \$10 billion to build new prisons, and puts three-time repeat felons behind bars for life. But no government program will be truly successful without the help of each of you. By reaching out to one another in a gesture of courage and cooperation, law enforcement officers and the citizens they serve forge a shield of safety that is our greatest protection against crime.

Your activism is helping to turn the tide on the wave of crime in America. Ensuring that violent criminals stay behind bars is an extremely important element of this fight. Working together, we can build a brighter, more secure future for all of our people.

I applaud your efforts and wish you the best for a most successful campaign.

BILL CLINTON

BC/SEM/DNP/efr-ckb (Corres. #1869521)

(10.stores.msg)

(Event: ~~October 14, 1994~~)

cc: Bruce Reed

cc: Rahm Emanuel

cc: Presidential Messages, 91 OEOB

SENT TO:

National Association
of Convenience Stores
c/o Ms. Lindsay Hutter
1605 King Street
Alexandria, Virginia 22314

DO NOT MAIL -- RETURN TO CARMEN FOWLER, 91 OEOB, FOR DISPATCH

Safe Streets

*Files
Crime -
Truth-in-
Sentencing*

Facsimile Transmittal Sheet

Date: 9/14

To: BRUCE REID

Company: _____

Fax Number: 456 - 7431

From: Marc Klaas

Number of pages including cover sheet: 12

Message:

Sample of petitions

If experiencing transmission problems please call: 202-822-8100.

1330 Connecticut Avenue, NW, Suite 360
Washington, DC 20036
Tel: 202-822-8100 Fax: 202-822-8149

Sign
the Petition
for
SAFE
STREETS

Petition

We urge the Governor and Legislature of the State of California to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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SAFE STREETS
FAX NO. 2028228149
P. 02

Petition

We urge the Governor and Legislature of the State of New York to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

Sign
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for
**SAFE
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Petition

Sign
the Petition
for
**SAFE
STREETS**

We urge the Governor and Legislature of the State of Virginia to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Company _____

Store # _____

Sign
the Petition
for
**SAFE
STREETS**

Petition

We urge the Governor and Legislature of the State of Texas to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Company

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SEP-14-94 WED 12:17

SAFE STREETS

FAX NO. 2028228149

P. 05

Petition

Sign
the Petition
for

SAFE

STREETS

We urge the Mayor and City Council of the of District of Columbia to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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SAFE STREETS

FAX NO. 2028228149

P. 06

Sign
the Petition
for
**SAFE
STREETS**

Petition

We urge the Governor and Legislature of the State of Illinois to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Petition

We urge the Governor and Legislature of the State of Florida to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Company _____ Store # _____

Sign
the Petition
for
**SAFE
STREETS**

Petition

We urge the Governor and Legislature of the State of Pennsylvania to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Petition

Sign
the Petition
for
**SAFE
STREETS**

We urge the Governor and Legislature of the State of Louisiana to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Company

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Sign
the Petition
for
**SAFE
STREETS**

Petition

We urge the Governor and Legislature of the State of Michigan to take action immediately to put into effect Michigan's newly passed Truth-in-Sentencing law contained in Public Acts 217 and 218 of 1994 which require convicted, violent criminals serve no less than 100% of the minimum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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SAFE STREETS
FAX NO. 2028228149
P. 11

Petition

Sign
the Petition
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SAFE

STREETS

We urge the Governor and Legislature of the State of Arkansas to enact a Truth-in-Sentencing law which requires convicted, violent criminals to serve at least 85% of the maximum sentence imposed at trial in secure confinement. We also urge the President and Congress of the United States to make financial support of state efforts to achieve and implement Truth-in-Sentencing for all convicted, violent criminals their highest crime fighting priority.

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Crime - Truth in Sentencing

Bureau of Justice Statistics
633 Indiana Avenue N.W.
Washington, DC 20531



U.S. Department of Justice
Office of Justice Programs
FAX (202) 307-5846

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616-3277

112 State sentence

324 State Time served

5+6 Federal

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Table 1-14. State prison admissions, 1992: Sentence length, by offense and admission type

Most serious offense	New court commitments			Parole revocations		
	All	Maximum sentence length ^a Median ^b	Mean ^c	All	Maximum sentence length Median	Mean
All offenses	100.0 %	48 mos.	67 mos.	100.0 %	36 mos.	59 mos.
Violent offenses	28.4 %	72 mos.	104 mos.	24.3 %	60 mos.	90 mos.
Homicide	4.2	240	188	2.1	159	167
Murder/nonnegligent manslaughter	2.8	433	240	1.5	240	197
Murder	2.3	Life	279	1.2	240	229
Nonnegligent manslaughter	0.5	132	152	0.3	72	114
Negligent manslaughter	1.3	96	122	0.5	72	89
Unspecified homicide	0.1	240	192	0.0*	240	211
Kidnaping	0.6	96	123	0.5	84	103
Rape	2.1	120	144	1.7	98	129
Other sexual assault	3.5	72	99	1.5	72	87
Robbery	10.0	72	99	12.2	60	89
Assault	7.4	48	74	5.8	36	58
Other violent	0.7	48	60	0.5	36	54
Property offenses	30.8 %	36 mos.	53 mos.	36.6 %	36 mos.	55 mos.
Burglary	12.9	48	55	18.8	48	63
Larceny/theft	8.1	24	40	10.7	24	43
Motor vehicle theft	2.3	36	41	3.4	36	40
Arson	0.6	60	81	0.4	60	81
Fraud	3.7	36	47	3.2	36	57
Stolen property	2.3	36	45	1.5	48	67
Other property	0.9	36	42	0.5	36	51
Drug offenses	30.6 %	40 mos.	58 mos.	27.2 %	36 mos.	45 mos.
Possession	5.5	36	50	4.0	36	43
Trafficking	20.0	48	61	16.0	36	54
Other/unspecified drug	5.3	24	48	7.2	24	26
Public-order offenses	9.0 %	24 mos.	38 mos.	7.0 %	24 mos.	42 mos.
Weapons	2.5	36	45	2.7	24	36
Driving while intoxicated	2.6	24	28	2.0	24	31
Other public-order	3.8	24	40	2.4	36	59
Other offenses	1.1 %	24 mos.	45 mos.	2.9 %	24 mos.	36 mos.
Number of admissions	255,680			107,400		

Note: Data on maximum sentence length were reported for 90.0% of the 284,020 new court commitments with a total sentence of more than a year for whom the most serious offense was reported. Data on maximum sentence length were reported for 67.4% of the 122,891 parole violators with a total sentence of more than a year for whom the most serious offense was reported.

*Maximum sentence length is the sentence length that an offender may be required to serve for the most serious offense.

^bIncludes sentences of life without parole, life plus additional years, life, and death.

^cExcludes sentences of life without parole, life plus additional years, life, and death.

Table 5-4. Trends in State prison admissions, 1988, 1991, and 1992:
Sentence length, by admission type and offense

Most serious offense	Mean maximum sentence length of State prison admissions					
	New court commitments			Parole revocations		
	1988	1991	1992	1988	1991	1992
All offenses	74 mos.	67 mos.	65 mos.	60 mos.	64 mos.	58 mos.
Violent offenses	113 mos.	103 mos.	103 mos.	87 mos.	93 mos.	88 mos.
Homicide	194	176	190	166	180	167
Murder/nonnegligent manslaughter	257	222	241	185	214	195
Murder	303	250	282	196	237	227
Nonnegligent manslaughter	142	160	154	147	114	114
Negligent manslaughter	105	111	120	97	96	100
Unspecified homicide	196	216	192	228	220	211
Kidnaping	149	134	119	65	92	102
Rape	159	139	137	119	139	126
Other sexual assault	101	89	99	94	87	88
Robbery	103	96	87	84	89	88
Assault	72	73	73	54	61	57
Other violent	65	65	60	58	54	54
Property offenses	60 mos.	54 mos.	52 mos.	55 mos.	61 mos.	55 mos.
Burglary	70	66	65	60	70	63
Larceny/theft	51	43	39	45	48	42
Motor vehicle theft	47	40	41	44	47	40
Arson	84	80	80	66	81	80
Fraud	51	47	47	55	64	58
Stolen property	51	52	44	64	71	68
Other property	53	48	42	60	59	51
Drug offenses	58 mos.	58 mos.	56 mos.	40 mos.	51 mos.	44 mos.
Possession	53	50	53	42	68	43
Trafficking	63	61	60	47	57	53
Other/unspecified drug	47	55	39	28	26	25
Public-order offenses	50 mos.	39 mos.	37 mos.	52 mos.	44 mos.	42 mos.
Weapons	53	47	43	41	37	34
Driving while intoxicated	47	27	28	39	35	31
Other public-order	50	44	40	66	61	62
Other offenses	52 mos.	43 mos.	42 mos.	29 mos.	34 mos.	32 mos.
Number of admissions	187,538	223,349	235,841	78,261	115,927	102,044

Note: Means for maximum sentence length exclude sentences of life without parole, life plus additional years, life, and death.
In 1988, 43.4% of murders were sentenced to life in prison or death; in 1991, 43.2%; and in 1992, 44.3%.

Table 2-6. First releases from State prison, 1992:
Time served in jail and prison, by offense

Most serious offense	Percent of releases	First releases from State prison					
		Time served in jail		Time served in prison		Total time served	
		Median	Mean	Median	Mean	Median	Mean
All offenses	100.0 %	3 mos.	5 mos.	14 mos.	22 mos.	17 mos.	27 mos.
Violent offenses	25.2 %	4 mos.	6 mos.	25 mos.	38 mos.	29 mos.	44 mos.
Homicide	2.5	6	8	47	64	53	71
Murder/nonnegligent manslaughter	1.5	8	10	70	84	77	93
Murder	0.9	7	9	87	97	92	105
Nonnegligent manslaughter	0.6	9	11	55	62	64	73
Negligent manslaughter	1.0	3	5	25	35	27	40
Unspecified homicide	0.0 *	4	9	23	26	31	53
Kidnaping	0.4	6	8	29	44	35	51
Rape	1.9	4	6	46	58	48	63
Other sexual assault	3.0	3	5	24	30	26	34
Robbery	10.5	5	6	26	38	31	44
Assault	6.4	4	6	17	26	21	31
Other violent	0.6	4	6	16	22	19	27
Property offenses	33.8 %	3 mos.	5 mos.	11 mos.	18 mos.	14 mos.	23 mos.
Burglary	14.6	3	5	15	22	16	28
Larceny/theft	9.2	3	4	9	14	11	18
Motor vehicle theft	2.7	4	5	11	15	15	20
Arson	0.6	4	5	18	26	21	31
Fraud	3.9	3	4	9	15	12	19
Stolen property	1.8	3	4	10	15	12	19
Other property	0.9	2	4	8	13	10	17
Drug offenses	31.0 %	3 mos.	5 mos.	12 mos.	16 mos.	15 mos.	21 mos.
Possession	7.9	3	5	10	15	13	20
Trafficking	18.8	3	5	15	18	18	23
Other/unspecified drug	4.2	3	5	7	10	10	15
Public-order offenses	8.8 %	2 mos.	4 mos.	9 mos.	14 mos.	12 mos.	18 mos.
Weapons	2.5	3	5	11	17	14	22
Driving while intoxicated	2.6	2	4	8	11	10	14
Other public-order	3.6	2	4	10	15	12	19
Other offenses	1.2 %	4 mos.	6 mos.	10 mos.	16 mos.	14 mos.	22 mos.
Number of releases	177,625						

Note: Data are on all first releases with sentences of more than a year for whom the most serious offense, time served in jail, and time served in prison were reported. Detail may not sum to total because of rounding.
*Less than 0.05%.

Table 5-5. Trends in State prison releases, 1988, 1991, and 1992:
Time served in prison, by offense and type of release

Most serious offense	Mean time served in prison for State prison releases					
	First releases			Subsequent releases		
	1988	1991	1992	1988	1991	1992
All offenses	23 mos.	22 mos.	21 mos.	11 mos.	11 mos.	13 mos.
Violent offenses	36 mos.	36 mos.	36 mos.	14 mos.	15 mos.	19 mos.
Homicide*	59	65	62	21	22	30
Murder/nonnegligent manslaughter	74	84	80	22	24	30
Murder	60	93	89	23	27	35
Nonnegligent manslaughter	59	58	61	13	10	14
Negligent manslaughter	30	32	34	17	16	22
Kidnaping	40	47	45	12	16	24
Rape	48	56	57	16	19	22
Other sexual assault	26	31	30	13	13	18
Robbery	40	40	37	15	16	20
Assault	24	23	22	11	11	14
Other violent	22	21	21	14	13	15
Property offenses	18 mos.	18 mos.	17 mos.	11 mos.	11 mos.	13 mos.
Burglary	22	22	21	12	12	15
Larceny/theft	15	14	13	9	9	11
Motor vehicle theft	13	14	14	9	9	10
Arson	25	26	25	14	14	20
Fraud	14	15	13	10	11	14
Stolen property	16	17	14	19	17	18
Other property	15	14	12	14	13	16
Drug offenses	15 mos.	16 mos.	16 mos.	7 mos.	7 mos.	9 mos.
Possession	13	14	15	7	8	10
Trafficking	17	17	17	7	8	10
Other/unspecified drug	14	13	11	6	6	6
Public-order offenses	15 mos.	13 mos.	13 mos.	13 mos.	12 mos.	13 mos.
Weapons	20	18	17	10	9	11
Driving while intoxicated	10	9	9	7	8	9
Other public-order	15	15	13	16	15	18
Other offenses	17 mos.	17 mos.	16 mos.	7 mos.	8 mos.	6 mos.
Number of releases	155,098	222,027	218,348	54,377	92,266	63,982

Note: Data are based on first releases with a sentence of more than a year for whom the most serious offense and time served were reported. All data exclude persons released from prison by escape, death, transfer, appeal, or detainer.

*Data for unspecified homicide was incomplete.

Table 17. Offenders convicted in cases terminated in U.S. district court: Mean length of prison sentences, 1982, 1986-92

Most serious offense of conviction	Average incarceration sentence length imposed							
	1982	1986	1987	1988	1989	1990	1991	1992
All offenses^a	47.8 mo	52.7 mo	55.2 mo	55.1 mo	54.5 mo	57.2 mo	61.9 mo	62.2 mo
Violent offenses	133.3 mo	132.0 mo	126.2 mo	110.7 mo	90.6 mo	89.2 mo	90.7 mo	88.5 mo
Murder	161.9	196.3	154.6	162.7	180.1	134.7	172.3	141.6
Negligent manslaughter	—	40.2	25.9	29.2	23.3	19.9	21.8	15.7
Assault	43.1	44.6	48.4	39.7	34.4	34.8	37.8	36.5
Robbery	153.1	153.2	148.1	131.4	100.4	100.7	98.6	96.0
Rape	113.2	143.8	114.4	95.8	90.1	78.9	72.3	76.3
Other sex offenses	73.5	68.2	59.5	75.1	44.7	33.1	31.7	49.6
Kidnaping	147.1	242.9	293.9	190.5	147.9	178.5	189.9	151.0
Threats against the President	42.4	26.2	45.0	44.1	35.9	—	—	—
Property offenses	31.1 mo	34.3 mo	32.5 mo	31.5 mo	26.0 mo	22.0 mo	21.2 mo	19.9 mo
Fraudulent offenses	28.3 mo	32.8 mo	31.1 mo	31.0 mo	26.1 mo	21.9 mo	20.1 mo	19.4 mo
Embezzlement	20.2	21.9	22.1	19.6	16.5	17.5	15.5	15.2
Fraud ^b	27.9	33.8	32.1	32.9	29.8	23.4	21.6	20.3
Forgery	33.0	32.8	30.6	32.1	18.3	16.9	16.6	18.2
Counterfeiting	31.6	43.3	37.2	29.1	20.1	19.4	18.5	19.5
Other offenses	36.5 mo	37.9 mo	36.5 mo	32.7 mo	25.7 mo	22.4 mo	24.6 mo	21.8 mo
Burglary	74.5	41.9	59.0	55.6	41.7	34.4	59.5	54.1
Larceny	32.0	33.6	33.8	27.5	22.7	18.8	17.5	17.0
Motor vehicle theft	42.3	42.4	44.3	38.0	28.6	27.6	29.8	20.4
Arson	—	24.8	51.7	19.0	45.3	—	—	—
Transportation of stolen property	40.0	56.0	37.3	51.1	33.3	31.8	38.6	27.6
Other	10.7	24.1	11.7	17.7	12.2	11.5	8.8	18.9
Drug offenses	54.6 mo	62.2 mo	67.8 mo	71.3 mo	74.9 mo	80.9 mo	85.7 mo	82.2 mo
Trafficking	59.3	63.9	69.1	73.6	77.3	83.1	87.4	83.8
Possession and other	26.2	41.0	48.0	13.6	8.1	14.9	21.7	21.8
Public order offenses	25.6 mo	36.9 mo	35.5 mo	30.7 mo	27.6 mo	28.3 mo	37.8 mo	47.6 mo
Regulatory offenses	25.7 mo	47.2 mo	42.1 mo	30.4 mo	24.0 mo	26.7 mo	26.5 mo	35.5 mo
Agriculture	12.0	6.2	11.7	7.4	7.9	9.1	6.9	7.4
Antitrust	6.9	10.7	3.6	8.3	13.5	12.9	17.2	—
Fair labor standards	—	36.0	2.0	8.7	5.0	—	—	—
Food and drug	—	24.9	17.1	12.6	11.3	—	—	—
Motor carrier	—	6.9	10.2	23.6	13.0	—	11.8	—
Other regulatory offenses	29.5	50.9	45.8	35.6	26.2	29.1	28.6	38.8
Other offenses	25.6 mo	30.8 mo	32.2 mo	30.7 mo	28.1 mo	28.5 mo	39.3 mo	49.1 mo
Weapons	34.3	45.4	53.3	52.3	47.1	47.3	63.0	76.9
Immigration offenses	16.4	15.1	15.2	11.7	9.3	10.5	12.5	15.1
Tax law violations ^c	15.1	20.6	21.1	22.8	25.2	24.3	24.9	19.0
Bribery	26.7	41.9	29.9	27.0	21.0	24.8	23.9	30.0
Perjury	22.5	20.2	31.8	18.9	17.2	22.5	32.2	21.8
National defense	19.0	42.9	26.3	14.3	13.8	15.9	16.1	20.5
Escape	21.6	23.3	22.7	23.9	23.6	22.2	21.8	19.8
Racketeering and extortion	70.7	89.6	84.4	72.3	57.4	61.4	63.0	68.5
Gambling offenses	25.1	18.5	20.3	12.6	12.0	13.6	20.1	19.4
Liquor offenses	—	16.0	12.0	4.7	3.7	—	—	—
Mail or transport of obscene materials	—	36.0	31.2	44.3	22.2	—	—	—
Traffic offenses	2.5	3.4	4.6	3.9	3.2	4.5	5.3	5.3
Migratory birds	—	1.0	1.0	5.1	11.3	—	—	—
Other	14.8	2.8	15.6	9.0	3.4	—	—	—

Note: See Methodology section.

—Too few cases to obtain statistically reliable data.

^a No cases of this type occurred in the data.^b Total may include offenders for whom offense category could not be determined.^b Excludes tax fraud.^c Includes tax fraud.

Table 18. Prisoners released from Federal prison: Average time served until first release (months), 1986-92

Most serious offense of conviction	Average time served until first release						
	1986	1987	1988	1989	1990	1991	1992
All offenses	14.9 mo	16.3 mo	18.7 mo	18.7 mo	19.2 mo	21.7 mo	23.6 mo
Violent offenses	49.6 mo	48.8 mo	54.2 mo	52.6 mo	54.2 mo	56.6 mo	56.4 mo
Murder/mauslaughter	51.4	49.0	65.5	53.3	64.9	56.1	54.4
Assault	43.8	43.9	43.8	41.9	45.0	51.4	49.2
Robbery	52.8	51.2	59.5	58.6	58.4	60.2	62.0
Rape	—	—	—	—	—	—	—
Other sex offenses	27.2	26.0	32.4	36.2	34.0	29.0	24.7
Kidnaping	82.0	79.8	103.5	97.2	106.3	102.9	96.7
Threats against the President	—	—	30.3	—	25.8	—	—
Property offenses	15.6 mo	15.1 mo	16.7 mo	16.4 mo	16.3 mo	16.8 mo	16.7 mo
Fraudulent offenses	13.5 mo	13.3 mo	14.8 mo	15.5 mo	15.1 mo	15.6 mo	15.8 mo
Embezzlement	10.0	10.5	10.8	10.3	11.6	11.0	10.0
Fraud ^a	13.3	12.9	14.5	15.6	15.2	15.6	16.2
Forgery	15.2	15.2	16.9	16.5	14.6	17.6	15.8
Counterfeiting	17.4	18.0	19.8	19.8	19.0	20.3	21.5
Other offenses	19.3 mo	18.8 mo	21.0 mo	18.4 mo	19.6 mo	20.1 mo	19.3 mo
Burglary	18.4	20.4	24.9	26.0	27.2	26.0	26.0
Larceny	17.7	15.9	17.6	16.3	16.8	15.2	15.9
Motor vehicle theft	23.3	23.8	28.2	21.3	22.6	31.6	25.8
Arson	27.5	30.2	28.2	35.3	38.8	42.4	37.6
Transportation of stolen property	23.3	26.8	28.6	24.8	28.3	23.9	25.7
Other	9.9	9.1	9.6	6.5	8.5	9.5	8.3
Drug offenses	22.1 mo	23.0 mo	25.2 mo	27.7 mo	29.7 mo	31.3 mo	32.7 mo
Trafficking	22.7	23.6	26.0	28.9	30.7	32.9	34.7
Possession and other	8.5	9.1	10.4	9.8	10.3	9.7	8.2
Public order offenses	6.5 mo	7.5 mo	9.1 mo	8.5 mo	8.6 mo	10.2 mo	12.4 mo
Regulatory offenses	15.9 mo	16.3 mo	18.3 mo	17.7 mo	18.2 mo	19.1 mo	18.1 mo
Other offenses	6.0 mo	7.1 mo	8.5 mo	8.0 mo	8.1 mo	9.7 mo	12.1 mo
Weapons	19.1	19.7	20.6	20.8	20.9	21.3	23.1
Immigration offenses	3.6	4.1	4.9	4.4	4.1	4.8	6.1
Tax law violations ^c	9.6	10.3	11.0	11.0	12.0	11.6	14.2
Bribery	11.6	14.4	12.6	13.9	11.5	11.8	12.8
Perjury	10.9	13.1	11.5	16.6	13.2	14.5	17.4
National defense	—	—	16.6	—	20.7	—	27.4
Escape	19.2	15.3	16.0	17.0	18.4	20.0	19.1
Racketeering and extortion	23.3	23.6	28.3	30.3	31.2	33.7	39.2
Gambling offenses	—	—	—	—	—	—	—
Liquor offenses	—	—	—	—	—	—	—
Mail or transport of obscene materials	—	10.0	13.2	19.6	24.8	18.7	15.8
Traffic offenses	2.1	2.3	2.2	2.7	2.0	2.6	2.5
Migratory birds	5.4	—	4.7	6.0	7.3	8.6	7.4
Other	15.7	17.8	17.2	12.5	13.9	16.9	17.5

Note: Includes all prisoners first released in the indicated calendar year, regardless of sentence length. Includes only prisoners serving U.S. district court sentences. Excludes subsequent releases (e.g. parole violators) and prisoners received from other sources (e.g. courts martial and probation violators). See Explanatory notes.

— Too few cases to obtain statistically reliable data.

... No cases of this type occurred in the data.

^a Offense categories may not be directly comparable to other tables. Total includes offenders whose offense category could not be determined.

^b Excludes tax fraud.

^c Includes tax fraud.

8 juveniles arrested for murder 1C
10 drive by shootings 1E
34 gun murders (4/day in Calif - 4A) 2A
174 kids/day killed by guns 2D
165 violent criminals get paroled 3B
of crimes/day - by state
\$425 b/yr - overall cost (\$15/day - 86/wk)

A Policy Analysis for Decision Makers

December 30, 1993

CRIME - Talking Pts.

TRUTH IN SENTENCING: WHY STATES SHOULD MAKE VIOLENT CRIMINALS DO THEIR TIME

INTRODUCTION

More and more state legislators are coming to realize that America's criminal justice system is failing, and that too many Americans literally are dying from a severe case of bad public policy.

ITEM: Consider a heinous crime that has shocked the nation. Twelve-year-old Polly Klaas of Petaluma, California, was abducted from her home during a sleepover with two friends on October 1, 1993, and subsequently murdered. During the abduction, both of Polly's friends were gagged and bound by the assailant, while little Polly was forcibly taken into the night. Richard Allen Davis, the alleged assailant, already had been sentenced to sixteen years in prison for kidnapping, but was released on June 27, 1993, after serving only eight years of that sentence.

ITEM: James Jordan, the 56-year-old father of basketball star Michael Jordan, was fatally shot in the chest on Interstate 95 in North Carolina on July 23, 1993. Charged in the murder of James Jordan were Larry Martin Demery and Daniel Andre Green. Demery had been charged in three previous cases involving theft, robbery, and forgery. Green had been paroled after serving two years of a six-year sentence for an assault in which he had hit a man in the head with an axe, leaving his victim in a coma.²

1 Representative Jim Chapman (D-TX); Press Release, December 6, 1993.
2 Michael Tackett and Bob Sakamoto, "Suspects in Jordan Slaying Have Previous Records, The Two Teenagers Charged in the Killing of Michael Jordan's Father Were Arraigned on Monday," The Chicago Tribune, August 17, 1993, p. D1.

ITEM: Sister Mary Ann Glinka, aged 50 and a member of the Franciscan Sisters of Baltimore Motherhouse in Baltimore, Maryland, was strangled to death at the convent. Baltimore police concluded that Sister Mary Ann was murdered during a robbery at the convent. On March 21, 1993, Melvin L. Jones was arrested and subsequently charged with robbery and the murder of Sister Mary Ann. The alleged assailant had been sentenced in North Carolina in 1979 to eighteen to twenty years in prison for voluntary manslaughter, but had escaped on November 27, 1986. In 1989, Jones was arrested again in Baltimore for three burglaries, but let out on parole in 1990. In 1991, the North Carolina judiciary sentenced Jones to a year in jail on the escape charge, and contacted Maryland officials in December 1991 to arrange for Jones to be paroled in Maryland.³

Not surprisingly, Americans are increasingly alarmed at news stories of violent crimes committed by individuals who had received long sentences for other crimes and yet were released after serving only a small fraction of their time. This alarm is legitimate, because a high proportion of such early-release prisoners commit serious crimes after being released. If crime is to be reduced in America, this trend needs to be reversed. Experience shows clearly that the first step in fighting crime is to keep violent criminals off the street. Keeping violent criminals incarcerated for at least 85 percent of their sentences would be the quickest, surest route to safer streets, schools, and homes.⁴

Government statistics on release practices in 36 states and the District of Columbia in 1988 show that although violent offenders received an average sentence of seven years and eleven months imprisonment, they actually served an average of only two years and eleven months in prison—or only 37 percent of their imposed sentences.⁵ The statistics also show that, typically, 51 percent of violent criminals were discharged from prison in two years or less, and 76 percent were back on the streets in four years or less.

Consider the median sentence and time served in prison for those released for the first time in 1988:⁶

COMPARING SENTENCES AND TIME SERVED		
Offense	Median Sentence	Median Time Served
Murder	15 years	5.5 years
Rape	8 years	3 years
Robbery	6 years	2.25 years
Assault	4 years	1.25 years

³ Jason Grant, "Parolee Charged in Slaying of Baltimore Nun," *The Washington Times*, March 22, 1993, p. B1.

⁴ See Bureau of Justice Statistics, U.S. Department of Justice, *National Corrections Reporting Program, 1988*, table 2-7 (1992).

⁵ See Bureau of Justice Statistics, *National Corrections Reporting Program, 1988*, table 2-4.

⁶ See Bureau of Justice Statistics, *National Corrections Reporting Program, 1988*, table 2-7.

When these prisoners are released early, a high percentage commit more violent crimes. A three-year follow up of 108,850 state prisoners released in 1983 from institutions in eleven states found that within three years 60 percent of violent offenders were rearrested for a felony or serious misdemeanor, 42 percent were reconvicted, and 37 percent were reincarcerated. Of the violent offenders, 35 percent were rearrested for a new violent crime. Among nonviolent prisoners released, 19 percent were rearrested within three years for a new violent crime.

As a result of these lenient early-release practices and the high percentage of crimes committed by criminals released early, Americans are suffering a fearful epidemic of violent crime. Studies indicate that over 25 percent of all males admitted to prison were being reincarcerated after a new trial for a new offense before the prison term for the first offense had expired. Since 1960, the compounding effect of these crimes by prisoners or early-release prisoners has driven the violent crime rate up by over 500 percent. Now eight out of ten Americans are likely to be victims of violent crime at least once in their lives,⁷ at a total cost of \$140 billion.⁸ | ? ✓

Not surprisingly, the fear of violent crime is intensifying. Polls indicate a growing loss of public confidence in their personal safety and the safety of their streets and neighborhoods. Some 90 percent of Americans think the crime problem is growing, and 43 percent say there is more crime in their neighborhood than there was a year ago.⁹ The reason: despite rising arrest rates and prison overcrowding, 3.2 million convicted felons are out on parole or probation rather than in prison. Studies show that within three years, 62 percent of all prisoners released from prison are rearrested,¹⁰ and 43 percent of felons on probation are rearrested for a felony.¹¹

The public understandably wants individuals who have committed serious crimes to be off the streets, serving full prison terms. A recent survey for *Parade* magazine finds that 92 percent of Americans want repeat serious offenders to serve all of their sentence without being paroled.¹² This finding is consistent with an earlier Gallup poll showing that 82 percent of Americans favor making it more difficult for those convicted of violent crimes like murder and rape to be paroled.¹³

The federal government and the states have begun in recent years to address the problem. Toward the end of the Bush Administration, for example, then-Attorney General William Barr issued a report making 24 specific recommendations to the states to help reduce violent crime.¹⁴ The second recommendation was to institute truth-in-sentencing

7 See Bureau of Justice Statistics, U.S. Department of Justice, *Lifetime Likelihood of Victimization*, technical report, March 1987.

8 See U.S. Department of Justice, "The Case for More Incarceration," 1992, p.16.

9 See CNN/Gallup Poll, cited in *USA Today*, October 28, 1993, p. 1A.

10 See Bureau of Justice Statistics, U.S. Department of Justice, Special Report, *Recidivism of Prisoners Released in 1983*, April 1989.

11 See Bureau of Justice Statistics, U.S. Department of Justice, Special Report, *Recidivism of Felons on Probation*, February 1992.

12 See Mark Clements, "Findings from *Parade's* national survey on law and order," *Parade*, April 18, 1993, pp. 4-7.

13 See George Gallup, Jr., *The Gallup Report*, Report No. 285 (Princeton, N.J.: The Gallup Poll, June 1989) pp. 29, 30.

14 See U.S. Department of Justice, *Combating Violent Crime: 24 Recommendations to Strengthen Criminal Justice*, July

laws that restrict the ability of parole boards and prison officials to release a prisoner before a specified percentage of his sentence has been served. As of 1987, the federal system requires prisoners to serve 85 percent of their sentences before they can be released. In 1993, Arizona has passed a similar restriction on early release.

In November 1993, Governors-elect George Allen of Virginia and Christine Whitman of New Jersey promised full support for enactment of truth-in-sentencing laws in their respective states. The time is right for the introduction of truth-in-sentencing legislation in the states where violent criminals are being released before serving the bulk of their sentences.

At the same time, state legislators should get substantial help from Congress. Representative Jim Chapman, the Texas Democrat, and Representative Don Young, the Alaska Republican, have sponsored "The Truth in Sentencing Act of 1993," which would encourage states to adopt truth in sentencing legislation and would help fund truth-in-sentencing programs. Instead of tax increases to finance the enforcement of truth-in-sentencing initiatives, including prison construction, funding would come from reduction of the size of the federal bureaucracy and cuts in federal spending.

HIGH RECIDIVISM: THE FAILURE OF PAROLE

Releasing violent criminals from prison before they have completed their sentences is justified by proponents for one of three reasons: first, prisons are overcrowded and it is too costly to build more prisons; second, "good time" credits, which have the effect of reducing sentences, are and should be given to well-behaved prisoners; and third, prisoners sometimes can be rehabilitated, and so should be paroled.

The problem is that the evidence seriously questions the second and third rationales, and shows the first to be very short-sighted.

Recidivism among violent criminals is high. Consider a three-year follow-up of 108,850 state prisoners released in 1983 from institutions in eleven states, conducted by the Bureau of Justice Statistics.¹⁵ The study, the conclusions of which are consistent with those of other such studies, found that within three years some 60 percent of violent offenders were rearrested for a felony or serious misdemeanor, 42 percent of all violent offenders released were reincarcerated. Of all the violent offenders released, 36 percent were rearrested for a violent crime. Among nonviolent prisoners released, 19 percent were rearrested within three years for a violent crime.

The prisoners in the study accounted for over 1.6 million arrest charges for the time before they had entered prison and for the three years afterwards. These included nearly 215,000 arrests for violent crimes before going to prison and 50,000 violent crimes

1992. For an excellent discussion of these recommendations, see Mary Kate Carey, "How States Can Fight Violent Crime: Two Dozen Steps to a Safer America." Heritage Foundation *State Backgrounders*, No. 944/S, June 7, 1993.

15 See Bureau of Justice Statistics, *Recidivism of Prisoners Released in 1983*. See also, Bureau of Justice Statistics, U.S. Department of Justice, Special Report, *Examining Recidivism*, February 1985.

within three years after release. Altogether they were arrested for:

- X 14,467 homicides
- X 7,073 kidnappings
- X 23,174 rapes or sexual assaults
- X 101,226 robberies
- X 107,130 assaults

THE PROBLEMS OF DETERMINING PAROLE

The U.S. Parole Board uses a sophisticated Salient Factor Score (SFS) to guide it in deciding who will be paroled. Unfortunately for law-abiding Americans, the Parole Board turns out to be over-optimistic. Of those classified by the Parole Board staff as "good risks" for parole, the Parole Board assumes that 18 percent will be rearrested and again sentenced to prison for over one year within five years of release. In addition, the Parole Board expects that 29 percent of "fair risks" who are paroled will be resented to over a year in prison within five years of release.¹⁶

Considering the government's—and the American people's—anxiety about risk, this parole policy is remarkable. Where else would such a high failure rate be tolerated, when it results in the death, rape, or injury of ordinary Americans? The Federal Aviation Administration certainly does not allow airplanes to fly with critical parts that fail 29 percent of the time. And the Food and Drug Administration does not allow drugs on the market that have dangerous side effects 18 percent of the time.

Twenty years ago, James Q. Wilson, then a professor of government at Harvard University, asked a basic question about rehabilitation:

If rehabilitation is the object, and if there is little or no evidence that available correctional systems will produce much rehabilitation, why should any offender be sent to any institution? But to turn them free on the grounds that society does not know how to make them better is to fail to protect society from those crimes they may commit again and to violate society's moral concern for criminality and thus to undermine society's conception of what constitutes proper conduct. [Because the correctional system had not reduced recidivism], we would view the correctional system as having a very different function—namely, to isolate and to punish. It is a measure of our confusion that such a statement will ~~strike~~ many enlightened readers today as cruel, even barbaric. It is not. It is merely a recognition that society at a minimum must be able to protect itself from dangerous offenders and to impose some costs (other than the stigma and inconvenience of an arrest and court appearance) on criminal acts; it is also a frank admission that society really does not know how to do much else.¹⁷

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- 16 See Peter B. Hoffman and James L. Beck, "Recidivism Among Released Federal Prisoners: Salient Factor Score and Five Year Follow-Up," *Criminal Justice and Behavior* Vol. 12, No. 4 (December 1985), pp. 501-507.
- 17 See J.Q. Wilson, "If Every Criminal Knew He Would Be Punished If Caught," *The New York Times Magazine*, January 28, 1973, pp. 52-56.

Until there are dramatic improvements in the techniques of rehabilitation and identifying those who can safely be paroled, state legislators would be wise to follow Professor Wilson's admonition: society must protect itself from dangerous offenders and impose real costs on criminal acts. Or, as Douglas Jeffrey, executive vice president of the Claremont Institute says: "We need to put justice back into the criminal justice system by putting convicted criminals behind bars and keeping them there for appropriate periods of time."¹⁸ If state legislators were to adopt that simple mission, today's unacceptable risks to law-abiding Americans would be reduced.

INCARCERATION SAVES MONEY

While full sentences may mean more spending on prison, lawmakers and taxpayers need to understand that early-release programs cost dollars rather than save them. A 1982 Rand Corporation study of prison inmates found that the average inmate had committed 187 crimes the year before being incarcerated.¹⁹

When criminals are released early, many commit a similar volume of crimes when back on the streets.

The cost of crime committed by these early-release criminals is both direct and indirect. Taxpayers must finance the

criminal justice system. Homeholders and businesses must buy private protection such as lighting, locks, dogs, fences, and alarm systems. They must buy insurance. The victims lose property and wages, and often incur heavy hospitalization costs.

In addition to the direct costs, there is the hidden cost of crime. Businesses, for instance, pass on to customers some of their costs for security and stolen merchandise. Households also must "pay" for crime by altering their behavior and life style.²⁰ It has been estimated that crime increases in the early 1980s caused 150,000 more New Yorkers to take taxis instead of public transportation, some 140,000 more New York City households sacrificed trips rather than leave their apartments unprotected, 50,000

Crimes Committed by Felons Not Incarcerated	
One Criminal	Crimes Per Year
Burglar	76-118 burglaries
Robber	41-61 robberies
Thief	135-202 thefts
Auto Thief	76-100 auto thefts
Forger	62-98 frauds
Conman	127-283 frauds
Drug Dealer	880-1,299 drug deals

18 Editor's note in Joseph M. and Anne Nutter Bissette, *Ten Myths About Crime and Justice* (Claremont, CA: The Claremont Institute, March 1992).

19 See generally Peter Greenwood et al., *Selective Incapacitation*, Report R-2815-NIJ, The Rand Corporation, Santa Monica, CA, 1982.

20 Edward Zedlewski, *Costs and Benefits of Sanction: A Synthesis of Recent Research*, Unpublished paper, National Institute of Justice, June 1992.

put bars on their windows and 40,000 bought weapons. Even more difficult to assess are the costs of 'urban blight' such as abandoned buildings, unsafe schools, and inner city unemployment. Quite possibly the costs we can't count exceed the ones we can."²¹

It is easy for policy makers to underestimate the tremendous cost of crime, particularly the cost of injuries and deaths of victims. Mark Cohen, a researcher at the U.S. Sentencing Commission, broke new ground in this area in 1988 by using jury verdicts in personal injury cases to estimate the value of injuries to victims. As the table below indicates, the cost to society of each rape is \$51,058, each robbery \$12,594, each assault \$12,028. These as costs are invisible to all but the victims who are the randomly burdened by society's failure to keep repeat offenders in prison.²²

Three years ago, David Cavanagh and Mark Kleiman of the BOTEK Analysis Corporation, a Cambridge, Massachusetts consulting firm, performed an even more ambitious and

CRIME	DIRECT LOSSES	PAIN AND SUFFERING	RISK OF DEATH	TOTAL COST
Rape	\$4,617	\$43,561	\$2,880	\$51,058
Robbery	\$1,114	\$7,459	\$4,021	\$12,594
Assault	\$442	\$4,921	\$6,685	\$12,028
Larceny	\$179		\$2	\$181

complex cost-benefit analysis of incarceration. The analysis includes as many indirect, societal costs and benefits as possible. Cavanagh and Kleiman estimate the most plausible range of the cost of incarceration of one inmate per year at \$34,000 to \$38,000. But the total benefits occurring from incarcerating that one inmate for a year, eliminating the cost of the individual's probable crimes, could run between \$172,000 and \$2,364,000.²³ In a recent paper Cavanagh and Kleiman computed a range of ratios from 3 to 1 to as high as 17 to 1 of benefits over costs.²⁴ Edward W. Zedlewski, of the National Institute of Justice, estimated a benefit/cost ratio for incarcerating prisoners of 17 to 1.

The 1982 Rand Corporation study finds that the average robber commits between 41 and 61 robberies a year. Mark Cohen estimates that the actual cost to society of each robbery is \$12,569.²⁵ Assuming the cost to society of keeping a robber in prison is Cavanagh and Kleiman's high estimate of \$37,614 a year, from a strictly financial point

21 William W. Greer, "What Is The Cost of Rising Crime?" *New York Affairs*, January 1984, p. 6-16.

22 See Mark Cohen, "Pain, Suffering, and Jury Awards: A Study of the Cost of Crime to Victims," *Law and Society Review* Vol. 22, No. 537 (1988).

23 See generally David P. Cavanagh and Mark A. R. Kleiman, *A Cost Benefit Analysis of Prison Cell Construction and Alternative Sanctions*, May 1990 (prepared under contract with the National Institute of Justice).

24 *Ibid.*

25 Cohen, *op. cit.*

of view it makes sense to incarcerate a robber if that individual commits three or more robberies each year.

Investing in Safety

The imprisonment rate is higher in the United States than it is in other Western democracies mainly because Americans commit crime at a higher rate. The homicide rate in the United States is five times as high as in Europe; the rape rate is more than six times as high; and the robbery rate is four times as high.²⁶

Given the higher crime rates in the United States, and the benefits to society of incarcerating criminals, state and federal officials have underinvested in public safety. According to one estimate, more than 120,000 additional prison beds were needed across the nation at the close of 1990.²⁷ Some might argue that some inmates do not belong in prison, and should be replaced with hardened criminals. But 95 percent of Americans in prison are repeat or violent offenders.²⁸ Despite this enormous need for additional prison space, spending on corrections remains a very small percentage of state and local budgets. In fiscal year 1990, only 2.5 percent of the \$975.9 billion in total expenditures by state and local governments went for corrections (about \$24.7 billion). Investment in new prison construction is only a small fraction of that figure.²⁹

The experience of these states shows the folly of trying to save money by reducing prison budgets, and the benefits of increased prison construction.

MICHIGAN: In the late 1970s, Michigan's state legislators and voters refused to build new prisons. The state soon was forced to deal with severe overcrowding. Governor William G. Milliken granted emergency releases to 20,000 inmates over four years, some more than two years early. The violent crime rate for Michigan, as reported by the FBI, soared 25 percent from 1978 to 1986 amid mounting public outrage.

Starting in 1986, a crash prison-building program doubled the inmate population in five years. Michigan's crime rate dropped. By 1990, robbery and burglary rates each fell more than 20 percent. In Detroit, burglaries went down 32 percent, robberies 37 percent.

CALIFORNIA: Since 1982, Californians have approved \$3.7 billion in bonds to build prisons. From 1980 to January 1991, the inmate population quadrupled from 22,600 to 87,300. By 1990, murder rates fell almost 24 percent from their 1980-1982 peaks, rape fell nearly 28 percent, burglary rates were down 38 percent. This translates as an annual reduction of nearly a thousand murders, 16,000 robberies, and a quarter of a million burglaries.³⁰

26 "International Crime Rates," May 1988, NCJ-110776.

27 See Bureau of Justice Statistics, U.S. Department of Justice, *Prisoners in 1990*, table 9 (1991).

28 See Bureau of Justice Statistics, U.S. Department of Justice, *Prisons and Prisoners in the United States* (1992), p. 16.

29 See Bureau of the Census, U.S. Department of Commerce, *Government Finances: 1989-90* (1991), p. 2.

30 See Eugene H. Methvyn, "An Anti-Crime Solution: Lock Up More Criminals," *The Washington Post*, October 27, 1991, p. C1. Methvyn is a Senior Editor of *Reader's Digest* and served on the President's Commission on Organized Crime from 1983 to 1986.

ILLINOIS: In 1980, the state released 21,000 prisoners three months before completion of their sentences, in an effort to reduce the cost of detention. But while the state saved \$60 million, those prisoners committed 23 murders, 32 rapes, 262 acts of arson, 681 robberies, 2,472 burglaries, 2,571 assaults, and 8,000 other crimes in the three months following their release.³¹

WHY TRUTH IN SENTENCING HELPS

Truth in sentencing will increase the length of time convicted violent criminals are incarcerated. Currently violent criminals are serving 37 percent of the sentence that has been imposed. If required to serve at least 85 percent of their sentences, violent criminals would serve 2.3 times longer than they do now.

If the 55 percent of the estimated 800,000 current state and federal prisoners who are violent offenders were subject to serving 85 percent of their sentence, and assuming that those violent offenders would have committed ten violent crimes a year while on the street, then the number of crimes prevented each year by truth in sentencing would be 4,400,000.³² That would be over two-thirds of the 6,000,000 violent crimes reported in the National Criminal Victims Survey for 1990.³³

Targeting Hardened Criminals

Truth-in-sentencing laws would require state prison officials to retain more prisoners, at a higher cost to the state. But research shows that these prisoners are generally society's most dangerous predators.³⁴ In a landmark study, University of Pennsylvania criminologist Marvin Wolfgang compiled arrest records up to their 30th birthday for every male born and raised in Philadelphia in 1945 and 1958. He found that just 7 percent of each age group committed two-thirds of all violent crime, including three-fourths of the rapes and robberies and virtually all of the murders. Moreover, this 7 percent not only had five or more arrests by age 18 but went on committing felonies. Wolfgang and his colleagues estimate these criminals got away with about a dozen crimes.³⁵ Their studies suggest that about 75,000 new, young, persistent criminal predators are added to the population every year. They hit their peak rate of offenses at about age 16.³⁶

In response to these findings, Alfred Regnery, who was Administrator of the Office of Juvenile Justice and Delinquency Prevention at the Justice Department from 1982 to 1986, funded projects in cities in which police, prosecutors, schools, and welfare and probation workers pooled information to focus on the "serious habitual offender." The program had a significant effect in many cities. Thanks to this Justice Department pro-

31 See James Austin, "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy," *Crime & Delinquency*, Vol. 32, No. 4 (October 1986), pp. 480-481.

32 The median number of crimes reported in Rand Study was 15. See Greenwood et al., *op. cit.*

33 See U.S. Department of Justice, *Criminal Victimization in the United States, 1990*, p. 4.

34 Methvyn, *op. cit.*

35 See P. E. Tracy, M. E. Wolfgang, and R. M. Figlio, *Delinquency Careers in Two Birth Cohorts* (New York: Plenum Press, 1990), pp. 279-280.

36 *Ibid.*

gram, for example, Oxnard, California, was able to place the city's thirty most active serious habitual offenders behind bars, and violent crimes dropped 38 percent in 1987, more than double the drop in any other California city. By 1989, when all thirty of the active serious habitual offenders were behind bars, murders declined 60 percent compared with 1980, robberies 41 percent and burglaries 29 percent.³⁷

Thus in conjunction with a criminal justice system that convicts and incarcerates the hardened criminals, a truth-in-sentencing policy will reduce crime by keeping these serious and habitual offenders in prison longer.

How Truth in Sentencing Deters Criminals

Incarceration incapacitates violent criminals, and directly benefits law-abiding Americans, by protecting families and also by yielding greater financial savings from reduced crime than the cost of incarceration itself. But stepped-up imprisonment also deters crime. Criminologist Isaac Ehrlich of the University of Chicago, estimated that a one percent increase in arrest rates produces a one point decrease in crime rates, and a one percent increase in sentence length produces a one percent decrease in crime rates, for a combined deterrent and incapacitation effect of 1.1 percent.³⁸ Observed trends seem to support Ehrlich's broad conclusion and hence the claim of deterrence. When the rate of imprisonment per 100 crimes began dropping in the early 1960s, for instance, the rate of crime per 100 population began to climb steeply.

A recent report by the Dallas-based National Center for Policy Analysis, written by Texas A&M economist Morgan Reynolds, makes a strong case for the deterrence value of longer sentences. According to Reynolds:

Crime has increased as the expected costs of committing crimes has fallen. Today, for a burglary, for example, the chance of arrest is 7 percent. If you are unlucky enough to be one of the 7 percent arrested, relax; only 87 percent of arrestees are prosecuted. Of those, only 79 percent are convicted. Then only 25 percent of those convicted actually go to prison. Multiplying out all these probabilities gives your would-be burglar a 1.2 percent chance of going to jail.³⁹

So, too many criminals do not go to jail for the crimes they commit. Reynolds points out that "once in prison, a burglar will stay there for about 13 months, but since more than 98 percent of burglaries never result in a prison sentence, the average expected sentence for each act of burglary is only 4.8 days. Similar calculations yield an expected punishment in 1990 of 1.8 years for murder, 60.5 days for rape, and 6.7 days for arson. Thus, for every crime, the expected punishment has declined over the decades. The decline continues between 1988 and 1990. When punishments rise, crime falls."⁴⁰ In short, Reynolds's argument is that raising expected punishment deters crime. Expected

37 Methvyn, *op. cit.*

38 See Isaac Ehrlich, "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation," *Journal of Political Economy*, May/June 1973, pp. 521-564.

39 See Morgan O. Reynolds, "Why Does Crime Pay?" National Center for Policy Analysis *Backgrounders* No. 110 (1990), p. 5.

40 *Ibid.*

punishment is a function of the risk of being caught and convicted multiplied by the median time served. Therefore, everything being equal, increasing the length of sentence increases expected punishment, and hence a criminal is more likely to be deterred when the sentence is longer.

Reynolds also finds that since 1960, the expected punishment for committing a serious crime in Texas has dropped by more than two-thirds, while the number of serious crimes per 100,000 population in Texas has increased more than sixfold.⁴¹

While these data do not separate out the deterrent effect of longer sentences from the incapacitation effect, it is clear that longer sentences can generally be expected to reduce crime rates.

OBJECTIONS TO TRUTH-IN-SENTENCING LAWS

State truth-in-sentencing laws have great potential to combat violent crime. While academics and legislators in Washington and the states often focus on long-term solutions to the crime problem, such as social or economic conditions or the "root causes" of crime, the special merit of the truth-in-sentencing approach is simply that it keeps violent criminals off the streets while citizens, legislators, and professionals debate the merits of differing approaches in relative safety. In spite of its appeal to common sense, opponents of truth-in-sentencing legislation often make invalid objections. Some argue that truth in sentencing simply costs too much. But such an objection overlooks the opportunity cost of not keeping dangerous offenders in prison. For example, the cost of incarcerating a criminal is approximately \$23,000 per year, but the cost of that criminal on the street is \$452,000 per year. Some financial estimates are much higher. And, of course, for the families and victims of violent crime, such as James Jordan and Polly Klaas, the human cost is beyond calculation. Others argue that the already large numbers of persons in American jails is an international scandal. While there are indeed more criminals in America who serve more time than criminals in other countries, the fact remains that the violent crime rate in America is proportionately higher than in virtually all other countries. And if there is any scandal, it is the perpetuation of a failing criminal justice system that allows convicted rapists, kidnappers, and armed robbers back on the streets, ignoring the concerns of an American public that desperately needs security from predatory, violent criminals.

Beyond the questions of cost and the higher percentage of individuals being incarcerated, another objection to the enactment of truth-in-sentencing laws is that they ignore the "root causes" of crime. These root causes are often discussed in terms of persistent poverty, poor education, and deteriorating families. Liberal academics, of course, are not alone in addressing these maladies; and conservative social criticism, including recent analyses by scholars from The Heritage Foundation, have enriched the growing national debate on America's failing criminal justice system.⁴² But an academic focus on "root

⁴¹ See Morgan O. Reynolds, *Crime in Texas*, National Center for Policy Analysis Report No. 102 (1991), p. 4.

⁴² For an excellent summary of the relationship between crime and the deterioration of family life, particularly in urban areas, see Robert Rector, "A Comprehensive Urban Policy: How to Fix Welfare and Revitalize America's Inner Cities,"

causes," whatever its long-term impact on public policy, should not ignore the fact that violent crime itself immediately aggravates these social problems.

Beyond these general reservations, there are several other objections to truth in sentencing laws:

Objection #1: Truth in sentencing interferes with other policies.

Truth in sentencing does not. For instance, it does not affect *habeas corpus*, mandatory minimum sentences, the exclusionary rule, the death penalty, or gun control. Moreover, truth in sentencing is no threat to existing programs designed to divert criminals from jail or prison, such as community-based corrections, intensive probation, house arrest, restitution, or boot camps for first-time offenders. A judge or jury sentencing a convicted criminal to any of these alternatives would not be in conflict with truth in sentencing. But if a judge or jury imposes a prison sentence on a criminal with such a law on the books, another government official cannot later amend the sentence and send that person to an alternative program not involving incarceration. If a judge or jury feels comfortable permitting alternatives to prison for a criminal after listening to the evidence, learning the criminal's background, and hearing from the victim, then truth-in-sentencing requirements would be satisfied.

Objection #2: Truth in sentencing discriminates against minorities.

Some critics argue that the criminal justice system discriminates against black Americans, and so truth-in-sentencing rules will unfairly hit those inmates. On their face, the raw statistics are indeed disturbing. Blacks comprise only 12 percent of the population, but constitute 48.9 percent of state prisoners and 31.4 percent of federal prisoners. The impact of truth-in-sentencing law would depend on whether blacks or whites are disproportionately convicted of the crimes covered by the laws, and whether parole currently favors blacks or whites. However, these laws would be evenhanded. All convicted offenders, regardless of race, would have to serve 85 percent of their sentences before being eligible for parole. A more significant question is whether the higher percentages of blacks in prison are the result of racial bias or of higher rates of crime. A number of studies have been conducted to answer that question and appear to demonstrate that it is higher rates of crime among blacks, and not bias, that accounts for their disproportionate representation in America's prisons:

Example: Alfred Blumstein, Professor of Urban and Public Affairs at Carnegie-Mellon University, in a 1982 study, concluded that about 80 percent of the observed racial disparity in prison population was the result of differential involvement in crime. He acknowledged, however, that the decision to arrest could be affected by bias.⁴³

Heritage Foundation *Memo to President-Elect Clinton* No. 12, January 18, 1993; see also Carl F. Horowitz, "An Empowerment Strategy For Eliminating Neighborhood Crime," Heritage Foundation *Background* No. 814, March 5, 1991.

43 Alfred Blumstein, "On the Racial Disproportionality of United States' Prison Populations," *Journal of Criminal Law and Criminology*, Vol. 73 (1982), p. 1259; U.S. Department of Justice, "The Case for More Incarceration," 1992, p. B4.

Example: Patrick A. Langan, a statistician at the Bureau of Justice Statistics, attempted to test whether bias in arrests might be a factor in the rates of imprisonment. He analyzed the racial composition of lawbreakers from victims' reports to derive an estimate of what the prison composition should be, and then compared that with the actual percentage of black prison admissions. As the adjacent table shows, the estimated percentage was only a few points below the actual percentage.⁴⁴

Estimate of Prison Admissions From Victims' Reports, Compared with the Actual Admissions		
YEAR	Estimated Black %	Actual Black %
1973	48.1	48.9
1979	43.8	48.1
1982	44.9	48.9

Furthermore, a 1990 Rand Corporation study concludes that it is possible to predict with 80 percent accuracy whether an offender will be sentenced to probation or prison.⁴⁵ Adding the offender's race to the equation does not improve the accuracy of the prediction. Race also is unrelated to the length of prison term imposed.

CONCLUSION

The time has come for states to enact truth-in-sentencing laws. There are few viable alternatives that protect citizens from the immediate threat of violent crime. Parole, for example, is a failed experiment. The American people deserve better.

The task before America's state legislators and governors is to pass truth-in-sentencing legislation that would require violent criminals to serve the bulk of their sentences—85 percent is a good benchmark—and to provide the resources it will take to implement such laws. The federal government can encourage this commonsense approach. One such initiative is the Truth in Sentencing Act of 1993, H.R. 3584, introduced by Representatives Jim Chapman and Don Young. This bill would encourage each state to adopt truth-in-sentencing laws and would fund assistance to the states, amounting to \$10.5 billion over five years, to help them implement such laws, including the building and operating of prisons. Trimming the federal bureaucracy, not tax increases, is the financing mechanism for these efforts.

⁴⁴ Patrick A. Langan, "Racism on Trial: New Evidence to Explain the Racial Composition of Prisons in the United States," *Journal of Criminal Law and Criminology*, Vol. 76 (1985) p. 666.

⁴⁵ *Race and Imprisonment Decisions in California* (1990).

The cost of doing nothing is unacceptably high. Crime is a leading concern for Americans. Political leaders and state legislators who can focus the public's attention on a common sense reform-like truth in sentencing will be setting the terms of the national debate.

Prepared for The Heritage Foundation by
James Wootton
President, Safe Streets Alliance
Washington, D.C.

All Heritage Foundation papers are now available electronically to subscribers of "Town Hall," the conservative meeting place, and "NEXIS," the on-line data retrieval service. For information about Town Hall services, please call 1-(800) 441-4142. On Nexis, The Heritage Foundation's Reports (HERPTS) can be found in the OMNI, CURRNT, NWLTRS, and GVT group files of the NEXIS library and in the GOVT and OMNI group files of the GOVNS library.

Congress of the United States

Washington, DC 20515

January 27, 1994

Cosponsor Tough and Smart Anti-Crime Legislation

Dear Colleague:

President Clinton's crime message in his State of the Union address Tuesday night challenges Congress to be "tough and smart" as we craft a Crime Bill in 1994 and to focus our efforts on the "small percentage of criminals who too often break the laws even when they are on parole."

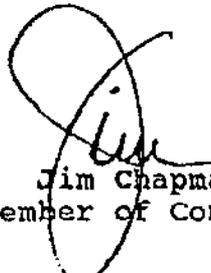
H.R. 3584, the Chapman-Young Truth in Sentencing Act, would provide over \$10.5 billion in federal funds over five years and require qualified states to match that with \$3.5 billion of their own for prison construction to ensure that violent criminals serve at least 85 percent of their sentences.

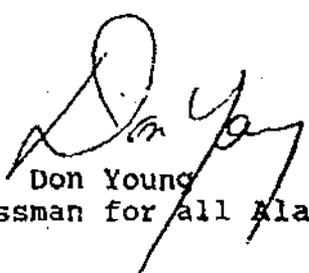
Passage of H.R. 3584 will dramatically reduce violent crime and prevent many unnecessary tragedies like the murder of Polly Klaas by an early parolee, which the President specifically mentioned.

The President called for action to stop violent criminals from creating more victims and has called upon us to put together a crime package that will do the job. H.R. 3584 does not require mandatory minimum sentences or reduce the rights of the accused to due process protections. H.R. 3584 is not an unfunded mandate. Rather, our legislation cuts excess spending on the federal bureaucracy to offset prison construction funds. H.R. 3584 is a funded incentive. It simply encourages states to move toward requiring violent criminals to serve the sentences they are given as just punishment for their offenses.

We hope you will cosponsor this important legislation. Please contact one of us or Pat Devlin at X53035 if you have any questions.

sincerely,


Jim Chapman
Member of Congress


Don Young
Congressman for all Alaska

Cosponsors: Geren, Gekas, Brewster, Baker (CA), Boehner, Herger, Schiff, Stenholm, Torkildsen, Woolsey, Montgomery, Oxley, Solomon, Tejada, DeLay, Carr, Darden, Emerson, Peterson (MN), Condit, Hayes, Tauzin, Rowland, Bilbray, LaRocco, Wilson

Crime -
Truth in
Sentencing

103D CONGRESS
1ST SESSION

H. R. 3584

To encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 1993

Mr. CHAPMAN (for himself, Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. GEKAS, and Mr. BREWSTER) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Post Office and Civil Service

A BILL

To encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Truth in Sentencing
5 Act of 1993".

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) it is the responsibility of the Federal Gov-
2 ernment to provide States with assistance in reduc-
3 ing violent crime;

4 (2) the responsibility for protecting citizens
5 against most violent crime and for punishing most
6 violent criminal offenders is primarily a matter of
7 State and local governance;

8 (3) the incidence of violent crime nationwide
9 has risen dramatically and constitutes a national pri-
10 ority of the highest order; and

11 (4) the United States Sentencing Guidelines
12 have proven to be an effective means of achieving,
13 at the Federal level, a more uniform, proportionate,
14 predictable, and appropriately punitive criminal sen-
15 tencing system by incorporating truth in sentencing
16 provisions which restrict release of a convicted crimi-
17 nal until at least 85 percent of the sentence which
18 has been imposed by a judge or jury has been
19 served.

20 **SEC. 3. GRANTS FOR TRUTH IN SENTENCING.**

21 (a) GRANT AUTHORIZATION.—The Director of the
22 Bureau of Justice Assistance is authorized to provide
23 grants to States to build, expand or operate space in cor-
24 rectional facilities in order to implement truth in sentenc-
25 ing requirements.

1 (b) ELIGIBILITY.—In order to be eligible for funding
2 under this Act, a State shall have in effect throughout the
3 State truth in sentencing requirements which include—

4 (1) a provision in its criminal code which re-
5 stricts parole, good-time credit release, or other
6 forms of early release to require that criminals con-
7 victed of crimes of violence, as herein defined, serve
8 at least 85 percent of the sentence imposed by a
9 judge or jury;

10 (2) a provision which requires the sentencing
11 authority to allow the defendant's victims or the
12 family of victims the opportunity to be heard regard-
13 ing the issue of sentencing;

14 (3) a provision which allows as a sentencing op-
15 tion a "life sentence" without the possibility of pa-
16 role; and

17 (4) a provision which provides that the victim
18 and victim's family is notified whenever such defend-
19 ant is to be released.

20 (c) EXCEPTION.—The sentencing requirements under
21 paragraphs (1) and (4) of subsection (b) shall apply except
22 that the State may provide that the Governor of the State
23 may allow for the release of a prisoner after a public hear-
24 ing in which representatives of the public and the pris-

1 oner's victims have an opportunity to be heard regarding
2 a proposed release.

3 (d) **ADDITIONAL ELIGIBILITY PROVISION.**—A State
4 shall also be eligible for funding under this Act when such
5 State has enacted legislation that provides for the State
6 to be in compliance with this section not later than 3 years
7 after the date of the enactment of such legislation.

8 **SEC. 4. FEDERAL FUNDS.**

9 (a) **DISTRIBUTION OF FUNDS.**—Of the total amount
10 of funds appropriated under this Act in any fiscal year,
11 there shall be allocated to each participating State an
12 amount which bears the same ratio to the amount of funds
13 appropriated pursuant to this Act as the number of pris-
14 oners convicted of violent crimes serving sentences during
15 the previous fiscal year in that State bears to the number
16 of prisoners convicted of crimes of violence, as herein de-
17 fined, serving sentences during the previous fiscal year in
18 all the participating States. (Such numbers of prisoners
19 to be determined by the Bureau of Justice Statistics.)

20 (b) **AUTHORIZATION OF APPROPRIATIONS.**—In order
21 to build and operate the spaces in correctional facilities
22 necessary to implement the required truth in sentencing
23 provisions, there are authorized to be appropriated—

24 (1) \$500,000,000 for fiscal year 1994;

25 (2) \$1,000,000,000 for fiscal year 1995;

- 1 (3) \$2,000,000,000 for fiscal year 1996;
2 (4) \$3,000,000,000 for fiscal year 1997; and
3 (5) \$4,000,000,000 for fiscal year 1998;

4 (e) LIMITATIONS ON FUNDS.—

5 (1) NONSUPPLANTING REQUIREMENT.—Funds
6 made available under this section shall not be used
7 to supplant State funds, but shall be used to in-
8 crease the amount of funds that would, in the ab-
9 sence of Federal funds, be made available from
10 State sources.

11 (2) ADMINISTRATIVE COSTS.—Not more than 3
12 percent of the funds available under this section may
13 be used for administrative costs.

14 (3) MATCHING FUNDS.—The portion of the
15 costs of a program provided by a grant under this
16 section may not exceed 75 percent of the total costs
17 of the program as described in the application.

18 (4) DURATION OF GRANTS.—A grant under this
19 section may be renewed for up to 3 years beyond the
20 initial year of funding if the Director determines
21 that the applicant demonstrates satisfactory
22 progress toward achievement of the objectives set
23 out in an approved application.

1 **SEC. 5. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT**
2 **POSITIONS.**

3 (a) **DEFINITION.**—For purposes of this section, the
4 term “agency” means an executive agency as defined
5 under section 105 of title 5, United States Code, but does
6 not include the General Accounting Office.

7 (b) **LIMITATIONS ON FULL-TIME EQUIVALENT POSI-**
8 **TIONS.**—The President, through the Office of Manage-
9 ment and Budget (in consultation with the Office of Per-
10 sonnel Management), shall ensure that the total number
11 of full-time equivalent positions in all agencies shall not
12 exceed—

13 (1) 2,095,182 during fiscal year 1994;

14 (2) 2,044,100 during fiscal year 1995;

15 (3) 2,003,845 during fiscal year 1996;

16 (4) 1,963,593 during fiscal year 1997;

17 (5) 1,923,339 during fiscal year 1998; and

18 (6) 1,883,086 during fiscal year 1999.

19 (c) **MONITORING AND NOTIFICATION.**—The Office of
20 Management and Budget, after consultation with the Of-
21 fice of Personnel Management, shall—

22 (1) continuously monitor all agencies and make
23 a determination on the first date of each quarter of
24 each applicable fiscal year of whether the require-
25 ments under subsection (b) are met, and

1 (2) notify the President and the Congress on
2 the first date of each quarter of each applicable fis-
3 cal year of any determination that any requirement
4 of subsection (b) is not met.

5 (d) COMPLIANCE.—If at any time during a fiscal
6 year, the Office of Management and Budget notifies the
7 President and the Congress that any requirement under
8 subsection (b) is not met, an agency may not hire any
9 employee for any position in such agency until the Office
10 of Management and Budget notifies the President and the
11 Congress that the total number of full-time equivalent po-
12 sitions for all agencies equals or is less than the applicable
13 number required under subsection (b).

14 **SEC. 6. DEFINITION; CRIME OF VIOLENCE.**

15 For purposes of this Act, the term “crime of vio-
16 lence” has the same meaning given such term in section
17 16 of title 18, United States Code.

○

***** 103RD CONG. STATUS PROFILE FOR H.R.3584 *****

BRIEF TITLE..... Truth in Sentencing Act of 1993

SPONSOR..... Chapman

DATE INTRODUCED... November 20, 1993

HOUSE COMMITTEE... Judiciary

Post Office and Civil Service

OFFICIAL TITLE.... A bill to encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

CO-SPONSORS..... 46 CURRENT COSPONSORS

Nov 20, 93 Referred to House Committee on the Judiciary.

Jan 28, 94 Referred to Subcommittee on Intellectual Property and Judicial Administration.

Nov 20, 93 Referred to House Committee on Post Office and Civil Service.

COS CO-SPONSORS..... 46 CURRENT COSPONSORS

AS INTRODUCED..... Young (AK), Geren, Gekas, Brewster.

Jan 26, 94 Baker (CA), Boehner, Herger, Schiff, Stenholm, Torkildsen, Woolsey, Montgomery, Oxley, Solomon, Tejada, DeLay, Carr, Darden, Emerson, Peterson (MN), Condit, Hayes, Tauzin, Rowland, Bilbray, LaRocco.

Feb 9, 94 Baker (LA), Dickey, Edwards (TX), Frost, Gilchrest, Green, Holden, Levy, Lloyd, Miller (FL), Quinn, Walsh, Wilson, Kaptur.

Feb 11, 94 Coleman, Hefner, Hochbrueckner, Johnson (GA), Schenk, Taylor (MS).

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Chairman
- James Wootton* Former U.S. Justice Department Official
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- Ernie Allen* President, National Center for Missing and Exploited Children
- Philip Andrews* President, Glass Packaging Institute
- Joan Barnett* Partner, Grossbart & Barnett
- Lorinda Borland* President, Global Village Network
- Sandra Brandeis* Vice President, The Brandeis and Brown Foundation
- Robbie Callaway* Vice President, Boy's and Girl's Clubs of America
- John Crawford* Chairman, F/P Research Associates
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The Safe Streets Alliance is a non-profit corporation organized under Section 501(c)(3) of the Internal Revenue Code for educational purposes and has been given public charity status by the IRS. Donations by individuals, corporations, and other charitable foundations are tax deductible.

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YOUTH LEADERSHIP

FOUNDATION

✓ CORE PROBLEM: HIGH SCHOOL DROPOUTS HAVE NO HOPE, NO FUTURE

The Youth Leadership Foundation will attack this core problem by creating a high profile urban, community-based education and job training program for at risk youths which utilizes military assets to shape productive citizens over a long-term period. This program will target young people who drop out of school each year.

1990 Dropout Rates and Unemployment Statistics Ages 16 - 24

High School Graduates	2,350,000
Dropouts	405,000
Unemployment Rates for Graduates	15.7%
Unemployment Rates for Dropouts	32.3%

Characteristics of the Youth Leadership Corps:

- ☑ Aimed primarily at 15 - 19 year old dropouts who are at risk of becoming involved in crime.
- ☑ Involve community in selection of youths.
- ☑ Provide modified military basic training.
- ☑ Provide job training by military occupational specialty schools.
- ☑ Provide private sector job or scholarship after graduation.
- ☑ Require commitment to stay drug free and work with younger youths.

Joint Public/Private Partnership:

- ☑ Department of Defense and Military services.
- ☑ Departments of Justice, Labor, Education, Health and Human Services, Housing and Urban Development, and Transportation.
- ☑ Boy's and Girl's Clubs of America and other youth serving organizations.
- ☑ Corporate sponsors and job providers, and union apprenticeship programs.

SAFE STREETS

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- James Wootton* Former U.S. Justice Department Official
President
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SAFE

STREETS

Safe Streets is a grassroots movement similar to Mother's Against Drunk Driving created to respond to the epidemic of violent crime in America. The Safe Streets response:

✓ EDUCATE THE PUBLIC

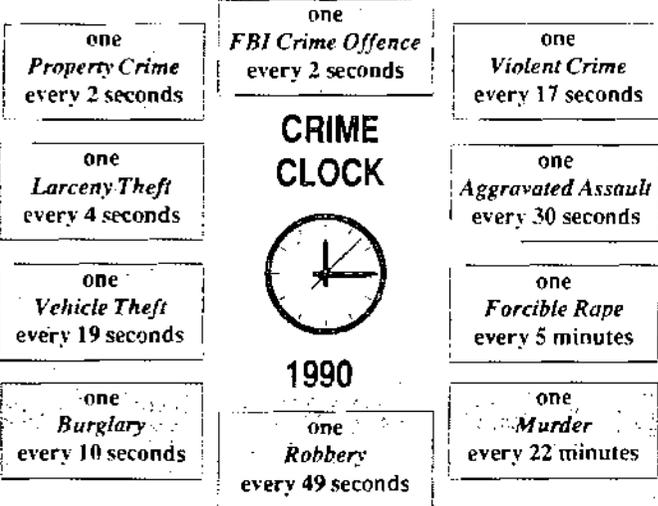
The Safe Streets Alliance (a 501(c)(3) non-profit corporation) will educate the public about the weaknesses of the criminal justice system and the need for Truth in Sentencing—criminals should serve at least 85% of their sentences for violent crimes behind bars.

✓ CHANGE THE LAWS

Operation Safe Streets (a 501(c)(4) non-profit corporation) will push for changes in state laws governing the treatment of violent criminals to require Truth in Sentencing.

✓ SAVE THE KIDS

The Youth Leadership Foundation (a 501(c)(3) non-profit corporation) will sponsor programs in conjunction with the U.S. military to develop positive attitudes, skills and opportunities for young people which will help prevent their being caught up in violent crime. The Foundation will help sponsor a Boy's and Girl's Club in the toughest neighborhoods and will create youth leadership programs for the toughest kids.



Many of these crimes are committed by convicted felons who are on parole, probation, or early release.

SAFE STREETS

ALLIANCE

✓ CORE PROBLEM: NO TRUTH IN SENTENCING

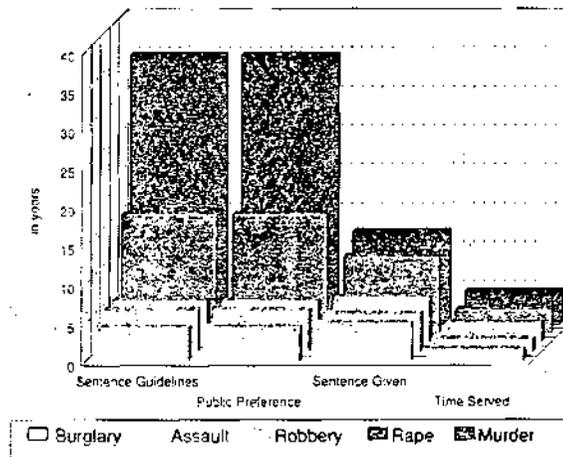
The public and crime victims do not understand why they are not being well served by the criminal justice system. Chief among the deficiencies of the system is that convicted violent criminals are serving a fraction of the time in prison compared to the sentences received at trial.

The Safe Streets Alliance will attack this core problem with:

- ☑ An alliance of other organizations in support of Safe Streets.
- ☑ A national kick-off of the Safe Streets Alliance with attendant media.
- ☑ A six to eight city media tour.
- ☑ An aggressive court and parole watch program.
- ☑ A daily five-minute radio program, "Justice Watch."
- ☑ Media coverage of egregious cases.
- ☑ A national ad campaign about "Society's Choices."

The Safe Streets Alliance will educate the public on the way the Criminal Justice System and politicians conceal the fact that convicted felons often serve sentences which are a fraction of recommended sentences under the Federal Sentencing Guidelines, sentences preferred by the public, or even sentences imposed by the courts.

Criminal Sentences vs. Time Served



Safe Streets Alliance will educate the public about the fact that while there are approximately 500,000 convicted felons in prison, there are 3.2 million unincarcerated felons on parole or probation, many of whom commit hundreds of crimes annually while free instead of being behind bars where they belong.

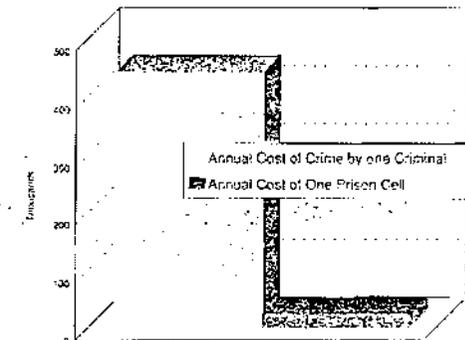


Crimes Committed By One Criminal When Not Incarcerated - Rand Inmate Survey

CRIMINAL	CRIMES PER YEAR
One Burglar	76 - 118 Burglaries
One Robber	41 - 61 Robberies
One Thief	135 - 202 Thefts
One Auto Thief	76 - 100 Auto Thefts
One Forger	62 - 98 Frauds
One Conman	127 - 283 Frauds
One Drug Dealer	880 - 1299 Drug Deals

*When criminals are released early, many can be expected to commit this volume of crimes.

Cost of Crime v. Cost of Prison Cell



SAFE STREETS

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Suite 700
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Phone: (202) 452-6812
Fax: (202) 775-8912

I want to help fight the epidemic of violent crime in our cities by joining with the Safe Streets Alliance in:

- ✓ Educating the Public.
- ✓ Changing the Laws, and
- ✓ Saving the Kids.

Please send me more information about how I can help.

Name _____

Home Address: _____ State _____ Zip _____

Employer _____ Title _____

Business Address: _____ State _____ Zip _____

Home Phone: _____ Business Phone: _____

OPERATION

SAFE STREETS

✓ CORE PROBLEM: STATE LAWS NEED CHANGE

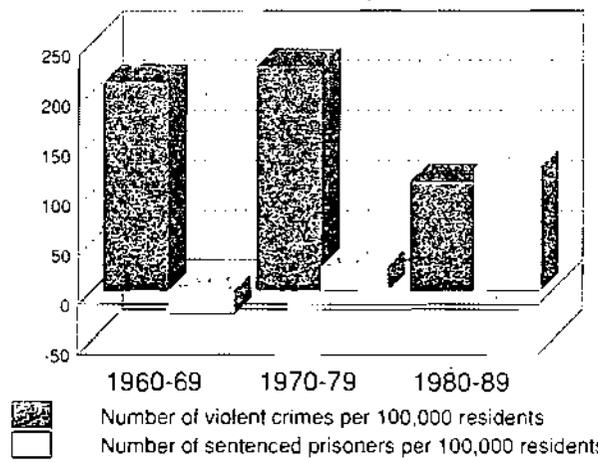
State criminal laws and sentencing practices have not kept pace with changes made at the Federal level during the last 12 years and political pressure is building to increase Federal involvement in combating violent street crime.

Operation Safe Streets will attack the core problem by:

- ☑ Creating a large national grassroots membership organization which is prepared to aggressively lobby state legislatures for model legislation which requires Truth in Sentencing—where violent criminals serve at least 85% of sentence behind bars.
- ☑ Drafting model legislation tailored to each state's deficiencies in its criminal justice system.
- ☑ Encouraging the introduction and passage of that model legislation on a state by state basis.

Operation Safe Streets will eventually have a representative in every state capitol and will have the capability of directing undiluted grassroots pressure in support of legislation that requires Truth in Sentencing.

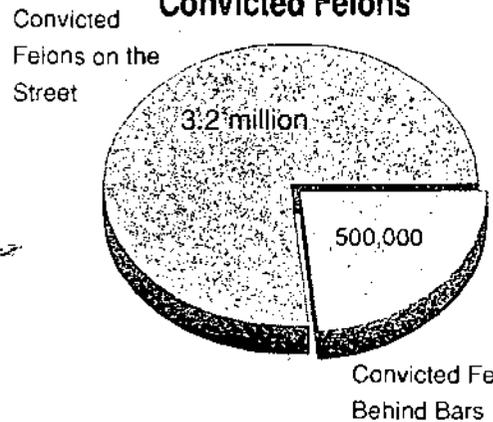
Violent Crime Rate v. Incarceration Rate



When incarceration rates dropped in the 1960's, crime rates skyrocketed; increasing rates of incarceration have largely checked that increase.

Safe Streets Alliance will educate the public about the fact that while there are approximately 500,000 convicted felons in prison, there are 3.2 million unincarcerated felons on parole or probation, many of whom commit hundreds of crimes annually while free instead of being behind bars where they belong.

Convicted Felons

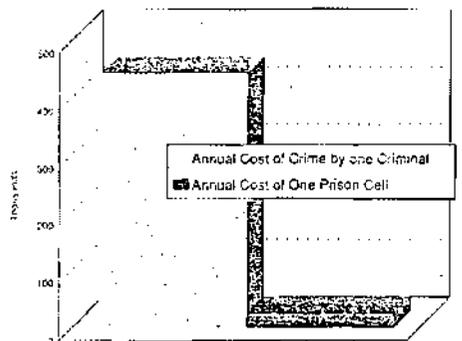


Crimes Committed By One Criminal When Not Incarcerated* Rand Inmate Survey

CRIMINAL	CRIMES PER YEAR
One Burglar	76 - 118 Burglaries
One Robber	41 - 61 Robberies
One Thief	135 - 202 Thefts
One Auto Thief	76 - 100 Auto Thefts
One Forger	62 - 98 Frauds
One Conman	127 - 283 Frauds
One Drug Dealer	880 - 1299 Drug Deals

*When criminals are released early, many can be expected to commit this volume of crimes.

Cost of Crime v. Cost of Prison Cell



Source: Bureau of Justice Statistics

POLLY KLAAS FOUNDATION ACCOMPLISHMENTS

- The FBI has since used our forensic artist, Jeannie Bolyan in kidnapped cases.
- Antioch Response - the community of Antioch looked like file footage of the Polly search. Ruth Maier was returned within 3 days. (December 22-25, 1993)
- San Francisco FBI is changing kidnap protocol based on Polly's case. (December 1993).
- Petaluma Police Department is changing kidnap protocol based on Polly's case. (December 1993).
- San Francisco FBI sets up kidnap task force. (January 1994).
- President Clinton endorses "3 Strikes You're Out" in his State of the Union speech. (January 1994).
- Scripps League Newspaper chain is featuring a child find poster weekly. (February 1994).
- Assisted: abduction of Jsameen Semien-Johnson - returned safe (December 1993 - January 3, 1994)
- Assisted: runaway, Teresita Delgado - returned safe (January 26-30 1994)
- Assisted: runaway, Paula Sarceno - returned safe (January 26-30 1994)
- Assisted: missing child, Krystal Fraizer - **found safe**
Called in by Petaluma Police and FBI (February 13-14, 1994)
- Assisted: abduction of Emilia Talavera - returned safe
Called in by Rohnert Park Public Safety Department (February 14-19, 1994)

Pending:

- Jeanna North - Fargo, North Dakota
- Stephanie Crane - Challis, Idaho
- We are currently negotiating with KRON Channel 4 to air a child find flyer at the end of their evening news broadcast.
- We are currently negotiating a date for President Clinton to address a nationally televised town meeting in Petaluma on crimes against children.
- Senate Bill 12X - VCIC/SHOP database to track serious and sexual felons.
- Polly Klaas Bill - three strikes against serious and violent felons. Two strikes on crimes against children.

SAFE STREETS

Dear Friend:

Thank you for your interest in the Safe Streets Alliance.

The Safe Streets Alliance was created in early 1992 by a number of Washington business leaders who were motivated to put an end to the epidemic of violent crime in America. According to the Department of Justice, 8 out of 10 Americans will be victims of violent crime in their lifetime. This alarming situation, in no small measure, stems from the fact that 3 out of 4 convicted criminals are free on parole or probation.

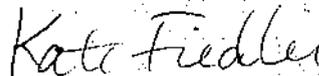
The primary focus of the Safe Street Alliance is to build a national consensus to support Truth-In-Sentencing legislation which requires convicted violent criminals to serve at least 85% of their sentence. Abolishing parole and early release programs is the shortest, surest way to a safer America.

The Truth-in-Sentencing Act of 1993 was introduced in the U.S. House of Representatives and the U.S. Senate in November, 1993. The bills encourage states to adopt Truth-in-Sentencing laws and would make \$10.5 billion dollars available over five years to states which are in compliance. Safe Streets' top priority in the ensuing months is to mobilize widespread public support for H.R. 3584 and S. 1628.

Our success, in no small measure, depends on the formation of a substantial and motivated grassroots network. The Safe Streets Alliance is committed to focusing the anger and frustration of the American public into a unified demand that our criminal justice system get violent criminals off our streets. We believe people should not have to worry when they are doing ordinary things.

Thank you for your consideration.

Sincerely yours,



Kate Fiedler
Director of Development

Enclosures

Another victim who might be alive today if ...

SUSANNA MONRONEY

When 12-year-old Polly Klaas of Petaluma, Calif., was abducted and murdered last October, it brought back all the rage and sadness I felt a year earlier when my best friend, Laura Houghteling, was murdered by Hadden Clark, in a crime much-publicized in the D.C. area.

Polly's story triggered the nightmares I used to have of Laura's experience. I was again haunted by thoughts of Laura's last moments: What terrors did she endure? Did she suffer for long? I will never know. But I will never stop imagining her horror, and I will always feel the grief and the anger.

Laura's death devastated those who knew her. She gave so much of herself, in her history studies at Harvard, at her job in public relations, in her relationships with her family and friends. When my mother died of cancer in the summer of 1992, Laura immediately moved back from Philadelphia and literally took care of me. Eleven weeks later, she was dead. The loss of her friendship is almost impossible to bear.

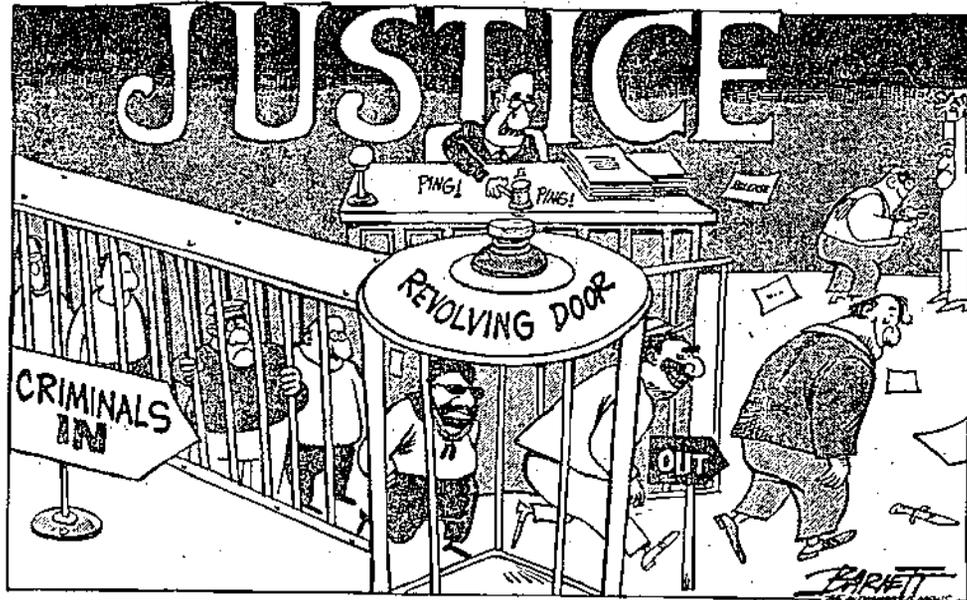
But there's another aspect of Laura's death that is almost equally hard to bear — the fact that had our criminal justice system done its job, Laura might be alive today.

Hadden Clark had a history of violence. The Navy discharged him in 1985 after psychiatrists diagnosed him a "schizophrenic paranoid type" with a "strong underlying hostility

and anger" that made him prone to act in an "aggressive or destructive manner," according to The Washington Times. During the next five years, Clark was arrested for harassing a former landlord and was placed under a restraining order for attacking his mother on several occasions. Clark's sentence of parole for a robbery he committed ended just one

month before he murdered Laura.

It comes as little surprise to me now that the case of Richard Allen Davis, accused of killing Polly Klaas, was similar — only worse. Davis had previously been convicted of three violent crimes, and most recently had been sentenced to 16 years for kidnapping. On June 27, 1993, he was released after serving less than 50



percent of his sentence. A little more than a month later, Polly was abducted and murdered.

The rage I felt at Laura's death drove me to examine why we let violent offenders roam free. As I researched the issue, I came across a Justice Department study showing that in 1988 violent offenders received average sentences of seven years and 11 months, but served just two years and 11 months — or only 37 percent of their sentences. Murderers were sentenced to an average of 15 years but served only 5; rapists to an average of eight years, but served only three; and robbers to an average of six years, but served only two years and three months.

Not surprisingly, when criminals are released early they go right back to what they are

best at: committing crimes. A study by the Bureau of Justice Statistics of 108,850 individuals released from prison in 11 states in 1983 found that 63 percent — or 68,000 — were arrested for a new felony or serious misdemeanor within three years. All told, these released criminals were arrested for more than 14,000 murders, more than 7,000 kidnappings, more than 23,000 rapes or sexual assaults, more than 100,000 robberies and more than 107,000 assaults.

Why is our criminal justice system releasing such dangerous people? In large measure, it's due to the absurd notion that all criminals are somehow "victims" in their own right. They were mistreated or abused as children, or "oppressed" by society in some way. These poor souls don't deserve punishment, the argument goes, but soothing, therapeutic "rehabilitation." When the recipients of this kid-glove treatment no longer show signs of aggressiveness, they are released. But while I am certainly sorry Mr. Violent Felon was not raised with the Brady Bunch, I am not willing to gamble away more human lives on the idea that criminals aren't responsible for their actions.

The primary purpose of prison isn't to coddle the "victimized" Had-

den Clarks and Richard Allen Davies of the world, but to remove such dangerous or violent criminals from society. There's no logic in paroling violent offenders when all the evidence shows they will simply terrorize innocent citizens as soon as they get out.

To his credit, President Clinton in his State of the Union address called for a "three strikes and you're out" initiative, which would give criminals life in prison after their third violent crime. But we need to go further. If states adopted "truth-in-sentencing" policies that make violent criminals serve something close to their actual sentences (85 percent is the federal benchmark), who knows how many Lauras and Pollys would be saved.

Hadden Clark murdered my best friend. Because the evidence against him was overwhelming, he pleaded guilty — but only to second degree murder, which carries lighter penalties. His sentence is 30 years. If he is approved for release after his first parole hearing, he could be free in seven. Is this justice?

Susanna Monroney is research assistant to former Attorney General Edwin Meese III at the Heritage Foundation.

Leaks in the justice system

The Washington-based Heritage Foundation commissioned James Wootton, president of Safe Streets Alliance, to write a report on "Truth in Sentencing." Here are some of its findings.

Remember 12-year-old Polly Klaas' kidnap and murder, which angered us all? The man accused of being her assailant was paroled last June after serving eight years of a 16-year sentence for kidnaping.

Former Chicago Bull Michael Jordan had to bury his murdered father last July. Charged in his murder are Larry Demery and Daniel Green. Mr. Demery had been charged in three previous cases involving theft. Green was on parole after having served only two years of a six-year sentence for assaulting a man with an ax.

Sister Mary Giinka was strangled to death at her convent. In 1979, Melvin Jones, charged in

*Now all the talk is
about hiring more
police. What good is
that?*

her death, had been sentenced in North Carolina to 18 to 20 years for voluntary manslaughter. He escaped in 1986, was arrested in Baltimore for three burglaries and was paroled in 1990. In 1991, North Carolina sentenced him to a year for prison escape and later that year contacted Maryland officials to arrange for him to be paroled in Maryland.

These three cases demonstrate our criminal justice system's callous disregard for law-abiding citizens. The members of the parole boards that freed these men are directly responsible for the deaths of these three people and the pain and suffering of the victims' families and friends. Had these criminals served their sentences, all three of their victims would be alive.

Mr. Wootton reports statistics from the Bureau of Justice Statistics show the median murder sentence is 15 years, but murderers are out in five. The typical sentence for rape is eight years, but rapists are out in three. For robbery and assault, the typical sentences are six and four years, but the villains are out in two and one, respectively. The statistics show 51 percent of violent criminals are out in two years or less and 76 percent are out in three. More than 60 percent of released violent offenders are rearrested within three years for a serious crime. Judges hand down tough sentences just to mollify and deceive us, and behind closed doors, criminals are secretly turned loose on us.

Now all the talk is about hiring more police. What good is that? It's like bailing water out of a boat with a bucket that has holes in it. Seeing the foolhardiness of the effort, people call for bigger and more expensive buckets with holes in them. The boat is going to sink. Mr. Wootton says that by requiring criminals to serve at least 85 percent of their sentenced time, we could prevent 4,400,000 violent crimes, nearly three-quarters of the total violent crimes committed each year.

You say, "Williams, where are we going to put the criminals if we take your lock-em-up-and-throw-away-the-key approach? The jails are overcrowded now!" No problem. There are U.S. trust territories in the Pacific Ocean. We can build cinder-block containers and let the sharks be the guards.

The bottom line is that if there is one basic legitimate function of government, it is to protect its citizens against predators. Politicians have failed miserably in this basic job, and to make matters worse, they now want to take guns away from law-abiding citizens, thereby making us sitting ducks for criminals. But if you think about it, politicians and criminals have a lot in common. Both are in the business of taking what belongs to us.

Walter Williams, an economics professor at George Mason University, is a nationally syndicated columnist.

Lockups Are Key to Our Safety

What's so difficult about finding a way to dramatically reduce violent crime? All it takes is the deployment of a simple principle: If someone can't get to you, he can't rape, rob, beat or kill you. And if he's sitting in a prison cell somewhere, he can't get to you.

Yet, if you listen to the debate over how to stem violence, you might come away with the conclusion that putting criminals in prison is a bad idea. Among the reasons: Building more prisons costs too much and ignores the "root" causes of crime, such as poverty, hopelessness, family disintegration and loss of values.

True enough, building more prisons doesn't by itself solve the problem, which is why I'm for the full agenda that has been discussed at the Rev. Jesse L. Jackson's violence summit this past week—from eliminating the culture of "meanness" to putting people to work.

But you could grow old waiting for all that to happen. Which is why I'm also for rolling out the simple principle: They can't reach you from a prison cell. Keeping violent criminals from being released early in their prison terms may not get them rehabilitated, or even improve their dispositions. But it most assuredly will do one thing: Such criminals, who typically are repeaters, won't be around to do you.

Consider a recent report issued by the Heritage Foundation, written by James Wootton, president of the Safe Streets Alliance of Washington, D.C. Citing a Justice Department study, he notes a huge difference between the average sentence and average time served for major crimes. Murderers typically get 15 years, but serve only 5½ years. For rapists, the numbers are eight and three years; for robbers, six and 2½ years.

Weigh that with another study that shows that only 7 percent of the males born in any year commit two-thirds of all violent crimes, including three-fourths of all rapes and robberies and nearly all murders. What it adds up to is this: The average murderer, by getting released early, has almost a decade more time to get you than he would otherwise have.

Based on all this, Wootton argues that if states would adopt a "truth in sentencing" requirement that criminals serve a minimum of 85 percent of their sentences, as many as 4.4 million violent crimes

(about two-thirds of those reported to the National Criminal Victims Survey in 1990) could be eliminated. It is a staggering figure that deserves a closer look than the usual wave-off that the idea of building more prisons gets from folks who think that locking up criminals is cruel, if not barbaric.

For those who say we can't afford more prisons, Wootton has some other studies that show that while the cost of incarcerating one prisoner runs from \$34,000 to \$38,000 a year, the cost of the individual's probable crimes run from \$172,000 to \$2.4 million. How can we afford not to build more prisons?

This, of course, won't satisfy those who cling to the idea that prisons must rehabilitate, instead of "merely" isolate and punish criminals. Among them is the prisoner I recently heard on TV who whined about the lack of "programs" inside.

OK, so here's a program: Everyone who goes to prison must improve himself by earning a high school diploma or a college degree, whatever comes next. No diploma or degree, then no release. Ever. To get out, you'll have to spend as much time in the classroom as the weight room.

Unfair? Hardly. If you can't do the minimum to improve yourself, then there's not much else the rest of us can, or should, do for you.

Dennis Byrne is a member of the Chicago Sun-Times editorial board.



**Dennis
Byrne**

January 9, 1994

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Longer jail time called sure way to reduce crime

By Joyce Price
THE WASHINGTON TIMES

Jailing violent criminals for at least 85 percent of their sentences would be the "quickest, surest route" to reducing crime, according to a new report.

"The time has come for states to enact truth-in-sentencing laws, which would require violent criminals to serve the bulk of their sentences," James W. Wootton, president of the Safe Streets Alliance, wrote in the report prepared for the Heritage Foundation.

"There are few viable alternatives that protect citizens from the immediate threat of violent crime," he said. "Parole ... is a failed experiment. The American people deserve better."

Truth-in-sentencing legislation has the strong endorsement of the 11,000-member National Association of Chiefs of Police and the 320,000-member International Association of Correctional Officers, according to Dennis Martin, executive director of the police chiefs group.

Mr. Martin, a former police chief in Maple Grove, Mich., said the groups have sent letters and telegrams to President Clinton, the director of the Federal Bureau of Prisons and members of Congress expressing their support for legislation that would force violent criminals to serve most of their sentences.

"We feel longer sentences would have a significant impact" on crime reduction, Mr. Martin said. "As things are now, crime pays, and those who commit crimes don't have to pay the price. We've been trying to get this message across to President Clinton, but it's been falling on deaf ears."

In his report, Mr. Wootton said 1988 prison release data from 36 states and the District of Columbia show that violent offenders received an average sentence of seven years and 11 months. But they "actually served an average of only two years and 11 months — or only 37 percent of their imposed sentence," he said.

Mr. Wootton said the statistics show that typically 51 percent of violent criminals were discharged from prison in two years or less, and 76 percent were back on the streets in four years or less.

Citing 1988 Bureau of Justice Statistics, he said:

- The median sentence for murder was 15 years, but the median sentence served was only 5½ years.

- The average sentence for rape was eight years; convicted rapists normally served only three years.

- Robbers typically served only two years and three months of average six-year prison terms.

"When these prisoners are released early, a high percentage commit more violent crimes," Mr. Wootton wrote.

He cited a study of 108,850 prisoners released in 1983 from prisons in 11 states. The study found that within three years, 60 percent of violent offenders were rearrested for a felony or serious misdemeanor, 42 percent were re-convicted, and 37 percent were re-incarcerated. Of the violent offenders, 35 percent were rearrested for another violent crime, he said.

Among nonviolent prisoners released, Mr. Wootton said, nearly a fifth were rearrested within three years for a violent crime.

He estimates that longer incarceration would prevent "over two-thirds" of the approximately 6 million violent crimes that occur each year.

"Some argue that truth-in-sentencing simply costs too much," Mr. Wootton said.

But he said it costs approximately \$23,000 a year to keep a criminal in jail, while estimates of keeping "that criminal on the street" are \$452,000 per year or more.

Mr. Martin did not quibble with that figure. "When police apprehend a burglar, that burglar, on average, has already committed 40 to 100 other burglaries, but he's only tried on one crime," he said.

"While the burglar may be sentenced to five to 10 years, in reality, he spends only 90 days in prison. So he's right back out on the street. ... This is costing homeowners and insurance companies billions of dollars."

Mr. Wootton said the federal government "can encourage" states to adopt truth-in-sentencing laws.

He noted that the Truth in Sentencing Act of 1993, sponsored by Reps. Jim Chapman, Texas Democrat, and Don Young, Alaska Republican, would provide assistance to states that passed such legislation, amounting to \$10.5 billion over five years, to help them implement it.

Getting Away With Murder

EVEN WITH THE daily chronicling over the years of the District's growing violence and soaring murder rate, most of us still weren't ready for the disclosures about the city's criminal justice system which appeared in the homicide series that started on Sunday in The Post. A system in which only one in four slayings ends in a murder or manslaughter conviction, and one that doesn't even bring about the arrest of an assailant in four out of every 10 homicides, doesn't deserve to be called a system.

The old sedatives and trite sayings trotted out by local leaders whenever citizens become agitated by a new killing rampage shouldn't be allowed to work in this case. To say that homicides aren't only a District phenomenon but part of a larger national homicide problem is to say next to nothing at all, except to imply that there's nothing that can be done. Nor is it useful to keep defining down the deviancy that is rampant in our city, as some have tried to do by changing the focus from the need to suppress the violence to discussions about long-term crime prevention philosophies or railing against "warehousing" assailants who are turning their communities into killing fields. A criminal justice system that fails to cope with such a situation is itself a threat to public safety.

Sunday's story revealed serious failings in the entire range of the criminal justice structure. From an understaffed and overwhelmed homicide unit to a prosecutor's staff hobbled by tight schedules, delays and its own limited vision—and a judiciary crushed by caseloads—the series is laying out frightening conditions that make it easy to kill and get away with it in the District of Columbia.

If the city—that is the entire range of officials responsible for the health and safety of residents of the nation's capital—is willing to dedicate increased amounts of attention and resources to this condition, something can be done. That means first *acknowledging* the disaster and its dimensions. A move in that direction was taken yesterday with the creation of a Criminal Justice Coordinating Council by Mayor Kelly. All of the right players have been tapped, ranging from judges of the Superior court—including the chief judge—to the U.S. attorney, the police chief, representatives of the business community, schools and the city council. The questions are clear: whether this group will become just another immobile commission, a mere time passer or will actually function as a generator of action. If it lets itself come to passive nothing, that will have been yet another crime.

AMENDED IN SENATE FEBRUARY 23, 1994
AMENDED IN ASSEMBLY JANUARY 26, 1994
AMENDED IN ASSEMBLY JANUARY 19, 1994

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

ASSEMBLY BILL

No. 1568

Introduced by Assembly Member Rainey

(Principal coauthors: Assembly Members Burton, Johnson,
Klehs, and Richter)

(Principal coauthors: Senators Kopp and Peace, *Peace,*
and Roberti)

(Coauthors: Assembly Members Aguiar, Allen, *Alpert,*
Andal, Boland, Bowler, Connolly, Conroy, Ferguson,
Goldsmith, Harvey, Haynes, Horcher, Knight, Martinez,
Nolan, Quackenbush, Seastrand, *Snyder,* Statham, and
Weggeland)

(Coauthors: Senators Presley and Russell)

March 4, 1993

An act to amend Sections 667, 667.5, 1170.95, 1192.7, 1385,
2931, and 2933 of, to add Section 667.1 to, and to repeal Section
1192.8 of, the Penal Code, relating to sentencing, and
declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1568, as amended, Rainey. Sentencing.

(1) Existing law requires that enhancement of prison
terms for new offenses because of prior prison terms be
imposed, as specified, added by initiative statute, provides,
among other things, that any person who is convicted of a
serious felony, as defined, and who has been previously
convicted of a serious felony in California, or of any offense
committed in another jurisdiction which includes all of the

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