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Confronting Violence in California: Briefing Paper

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BRIEFING PAPER

**CONFRONTING VIOLENCE
IN CALIFORNIA**



Prepared by
California Senate Office of Research

February 1994

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CONFRONTING VIOLENCE IN CALIFORNIA

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February 1994

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EXECUTIVE SUMMARY

Violence and crime in California cross a broad socioeconomic spectrum, evident in all races, social classes and lifestyles, and on streets, in schools, workplaces, the media and households. Although there is no definitive way to predict which individuals will become violent, many factors such as biology, early childhood experiences, low self-esteem, access to weapons, watching media violence and other factors have been identified as contributing to such behavior.

This violence is not without great cost to the community, economically and socially. Indeed, it has become a public health issue.

It is estimated the economic cost for California is \$72 billion a year in medical care and lost job productivity. The General Fund expends \$2.6 billion for the state prison system and \$345 million for the Youth Authority.

We may never know the full extent of the indirect cost of violence since the resulting sleep disorders, anxiety, depression, substance abuse, fear and more is hard to quantify. It is generally agreed the social costs are epidemic.

In 1992 the overall crime rate decreased. However, the state's violent crime rate has risen 19 percent in the past five years. A 63.7 percent increase in the juvenile violent crime rate during the same period is alarming. Although only one in 90 Californians was a victim of violent crime, in 1992, more and more citizens are feeling personally threatened.

More Prisoners in California

Over the past decade, the number of persons imprisoned in California has soared from 20,000 to more than 119,000. Yet the overall crime rate has remained relatively stable: 3,500 per 100,000 in 1982, compared with 3,491 per 100,000 in 1992. In the last five calendar years, the state prison population has increased 63.5 percent, an average of 10.4 percent per year. Today the institutions are operating at 179.5 percent of capacity.

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In 1992, the Department of Corrections experienced increases in new admissions, parole populations and parolees returned with new terms. Admissions increased from 38,252 to 40,158; parolees reached a record high of 80,810; and parole violators increased to 17,939, another all-time high.

A Focus on State Prisons

On January 18, 1994, the Little Hoover Commission presented the results of a nine-month study, "Putting Violence Behind Bars: Redefining the Role of California's Prisons." The study was designed to offer recommendations for redefining the role of California's prisons and their role in protecting citizens from violent criminals. The commission found, "All too often policies relating to prisons are driven by emotion rather than reason, divorced from cause and effect, and devoid of outcome-based strategies."

Legislative Analyst

In January, 1994, the Legislative Analyst's Office issued its "quick reference" document, "Crime in California," a report designed to provide basic information and put the current discussions of crime in perspective.

National Actions

Recently there have been a variety of responses to violence and crime at the federal, state, and local levels.

President Clinton and U.S. Attorney General Janet Reno have made combatting violence a priority for the administration. President Clinton has signed the "Brady Bill" to impose a five-day waiting period after the purchase of a handgun, create a nationwide firearm background check system, and increase a gun dealer's three-year licensing fee from \$30 to \$200, with a \$90 renewal fee. The president has also signed the National Child Protection Act, which creates a national database of those indicted or convicted of child abuse, sex offenses, violent crimes, arson and felony drug charges. Companies that hire child-care workers can use the database to check the background of potential employees.

In March of 1994, Congress is preparing to hear, in conference, the most comprehensive crime package ever. The \$22.3 billion Senate crime package provides for,

among other things, funding for 100,000 police officers for community policing, adds funds for regional prisons, prohibits the possession of certain assault rifles, creates new crimes, and federalizes gang-related crimes. The smaller House version, at \$4.38 billion, provides for 50,000 new police officers, additional funds for drug treatment, and alternative sentencing for young nonviolent offenders.

Joseph Biden, the Senate Judiciary Committee chairman from Delaware, has indicated that at least \$20 billion will be spent in the final crime package.

In addition, President Clinton, advancing the idea of community policing, has already awarded \$50 million in grants to cities and counties for that purpose.

Mayors and police chiefs throughout the country have presented their recommendations for controlling and preventing crime to President Clinton. They have urged support for more police officers, comprehensive gun control, increased anti-drug efforts, a radical alteration and expansion of the criminal justice system, and improved communication among everyone involved in crime-fighting.

Locking Up Criminals With the public's ever-escalating concern about violent crime and stories such as the Polly Klaas case, there has been an increased desire to "put criminals away forever."

Seventeen states have mandatory minimum-sentencing laws that apply to repeat convictions for violent crimes. They are Arizona, California, Colorado, Georgia, Hawaii, Illinois, Kansas, Kentucky, Minnesota, Missouri, Montana, New Hampshire, New Mexico, North Carolina, Oregon, Pennsylvania, and West Virginia. None of the aforementioned states have provisions requiring a mandatory life without the possibility of parole.

As many as 31 states designate some crimes — usually murder or rape/murder — that can carry a life without parole penalty.

On the other hand, current proposals in New York would revise that state's Second Felony Offender law so that offenders would not automatically receive prison time, in an effort to respond to the burgeoning prison population.

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Three Strikes In Washington, Initiative 593, commonly referred to as "Three Strikes and You're Out," was approved in November 1993, and provides that any person who commits three serious felonies (as defined) must be sentenced to a term of life imprisonment without possibility of parole.

In California, the "Three Strikes and You're Out" campaign was launched November 15, 1993, with the support of the National Rifle Association, Crime Strike and victims' rights organizations. The drive is spearheaded by Mike Reynolds, whose daughter was murdered in 1992 by a recently paroled felon.

The main elements of the initiative, proposed for the November 1994 ballot, require first-time felons to serve the sentence required by law; second-time felons to serve double the recommended sentence; and third-time felons to serve three times the recommended sentence. If any of the convictions were for serious or violent felonies, the third conviction would carry a penalty of 25 years to life. If a gun was used in any one of the felonies, a term of 25 years to life would be automatically required.

These provisions would apply to and include juvenile offenders over the age of 16.

Good time/work time credit, which reduces inmate sentences based on their behavior, would be cut from 50 percent to 20 percent of the total sentence.

Also relating to repeat violent offender sentencing in California, Assemblyman Bill Jones has AB 971, a bill identical to the "Three Strikes You're Out" initiative. Assemblyman Tom Umberg has introduced a bill modeled after the Washington state initiative, and Assemblyman Richard Rainey has introduced AB 1569, his proposal for addressing violent offenders.

Wilson, Brown, Garamendi, and Vasconcellos Late in 1993, Governor Pete Wilson proposed his solution to violence and crime. On November 10, 1993, he announced a statewide crime summit to be held January 19-20, 1994, to discuss his proposals. Due to the Northridge Earthquake, the summit has been postponed until February 7-8, 1994. His plan would address the early release of violent criminals, sentence credits, the sentencing of career

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criminals, carjackers, drive-by shooters, violent juvenile offenders, child molesters and arsonists.

On December 29, 1993, Governor Wilson announced a special legislative session on crime to address his proposals and the repeal of the Inmate Bill of Rights, Penal Code Sections 2600 and 2601, enacted in 1975. These sections provide that an inmate may be deprived of only those rights that are necessary for the security of the institution and the safety of the public.

The special session will run concurrently with the regular session that resumed January 3, 1994.

Gubernatorial candidates Kathleen Brown and John Garamendi, and John Vasconcellos, chairman of the Assembly Ways and Means Committee, have also offered their solutions to violence and crime in California.

In mid-December, Brown announced a crime package that would:

- Prevent people from committing their first crime by using education, treatment and better alternatives;
- Prevent first-time or nonviolent offenders from turning to more serious crimes;
- Overhaul state gun laws;
- Increase the number of police on the streets;
- Use the correctional system to break the cycle of violence; and
- Prevent violent offenders from committing more crimes by keeping them in prison.

On December 28, 1993, John Garamendi announced his plan for reducing crime in California that would:

- Repeal the Inmate's Bill of Rights,
- Enforce a "three strikes" policy to keep violent offenders out of society, and
- Increase the use of military-style boot camps for nonviolent offenders.

On January 14, 1994, Assemblyman John Vasconcellos announced his crime reduction package that would:

- Return the state to indeterminate sentencing;
- Establish a Sentencing Guideline Commission;

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- Provide for an assessment of an inmate's emotional, educational and vocational development and require an individualized plan to address their deficiencies;
- Eliminate work-training credits for all violent offenders, unless they are working toward completing their individualized plans;
- Provide parenting education;
- Create the Task Force to Prevent Recidivism and the Task Force to Prevent Drug/Alcohol Abuse;
- Provide funding for 350 additional California Highway Patrol officers; and
- Provide funding for crime victims' programs.

Firearms Can Make Violence Fatal

Each year a growing number of people are killed or severely disabled in violent altercations that involve weapons. Although firearms are only a part of the problem, they are the tools by which aggression and violence turns fatal.

During 1993, several actions were taken at the federal and state level:

- On December 21, the Ninth U.S. Circuit Court of Appeals upheld a federal ban on gun possession within 1,000 feet of a school.
- Colorado, Utah and Florida made it illegal for anyone under 18 to own or carry a handgun.
- Connecticut became the third state, following California and New Jersey, to pass a comprehensive ban on assault weapons.
- New Jersey Governor Jim Florio vetoed an attempt to overturn New Jersey's ban on assault weapons.
- A Sacramento County judge upheld the constitutionality of including "copycat" guns under California's law banning military-style assault weapons.

In New York, Governor Mario Cuomo has called on the Legislature to convene on Martin Luther King Day to approve a package of measures designed to reduce gun violence by:

- Placing limits on the possession of assault weapons;
- Restricting the magazine capacity of handguns;
- Increasing penalties for gun traffickers;

- Reducing parole eligibility for armed felons; and
- requiring a safety course for purchasers.

Weapons to Plowshares Also in New York, a four-day special holiday program offering toys for guns netted over 400 guns from hunting rifles to a submachine gun. The program, originally due to expire on Christmas, was extended until January 6, 1994. Officials from the National Association for the Advancement of Colored People are gathering resources to create a national gun turn-in program for turning in guns.

Retailer Liability Several national retailers have faced liability lawsuits for their sale of firearms. Wal-Mart is being sued in Houston by the family of a couple slain by their son, who allegedly used a .38 caliber handgun bought at a Wal-Mart store. In October 1993, K-Mart was ordered to pay \$11 million to a woman who was left a quadriplegic after her former boyfriend shot her with a rifle purchased at K-Mart.

Effective February 1, 1994, Wal-Mart will stop selling handguns in stores. This decision is based on a major survey of customers, conducted in August, that showed customers prefer to shop in stores that do not sell handguns. Wal-Mart will continue to sell long guns in their stores, and handguns will be available through catalog sales.

Image Versus Reality The question of whether and to what degree violent images in film, television and music shape violence in real life has been debated for decades. Many researchers now believe that violence in the media may play a role in real-world violence. Psychologists and psychiatrists say that two elements of Hollywood-generated violence are particularly worrisome: the glamorization of brutality and a failure to show negative consequences for those who commit violent acts.

The result, many psychologists believe, is that we have become inured to violence and less sensitive to its victims. Researchers and activists also fear that images of violence against women reinforce myths about a woman's role in society: that she is a brainless sex object who feels no pain — or if she does, enjoys it — or that rape is a fantasy many women have. Adolescent boys seem to be particularly

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vulnerable to these stereotypes, though males and females of all ages also buy into the imagery.

However, current theories emphasize that entertainment alone is not to blame for most violent acts. Parental response to violent material, for instance, is an important influence in determining how a young person will react to violence, whether in real life or in entertainment.

According to a December 4-7, 1993, national Field Poll, nearly four out of five Americans believe violence in television entertainment programs directly contributes to the amount of violence in society. In addition, 54 percent say they would support governmental guidelines to control such violence.

Other surveys taken this year also have shown strong public concern about TV violence.

Actions to Combat Images At the national level:

Congress and U.S. Attorney General Janet Reno have threatened to impose government regulations if the industry does not voluntarily improve efforts to curb the depiction of murder and mayhem in the media.

Senator Byron L. Dorgan of North Dakota has introduced a bill to require the Federal Communication Commission to publish a quarterly report listing the most violent shows on the networks and their commercial sponsors. Nine other bills have also been introduced to accomplish a restriction on violent television programming.

On December 16, 1993, the 20-member "Citizen's Task Force on TV Violence" recommended a ban on violent programs between 6 a.m. and 10 p.m. each day to protect children.

A recent nationwide survey of children conducted by Nickelodeon, a TV entertainment channel for children, showed that 80 percent of respondents thought there was too much violence on TV. The kids' message to television executives was that they should show less violence and teach children other ways to resolve disputes.

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With the recent advances in video technology, video games have become more lifelike and graphic. One need only visit the nearest video arcade for examples. Many people are concerned that such violence may have an even more pronounced effect on societal violence than television.

On November 16, 1993, state Attorney General Dan Lungren, citing high rates of juvenile violent crime in California and other states, called for manufacturers and retailers to voluntarily stop selling video games such as "Mortal Combat" and "Night Trap" that contain depictions of graphic violence, and to issue a consumer warning to parents.

After a review of the responses received in December from the manufacturers, Lungren said at a press conference: "Some companies have exercised or are beginning to exercise positive responsible judgment. They are to be commended. However, too many of the companies are paying no more than lip service to the problem. Action speaks louder than words."

School Violence Schools in California are no longer the safe places they used to be. The school is becoming an arena for increasingly serious and constant violence for children. Because of increased incidents of violence, school administrators, public officials and law enforcement agencies are seeking ways to address this issue.

The frequency, severity and type of school crimes and the number of perpetrators vary from school to school and from district to district. It is a myth that rural schools are safe havens from the problem, but big-city schools are still the primary battleground.

On California campuses in the 1988-89 school year, the last year that data was available, assaults were up 16 percent to 69,191. Armed assaults were up 25 percent over the previous year to 1,830. From September 1986 to September 1990 there were 29 gun-related incidents resulting in 16 deaths and 45 woundings.

In March of 1993, the California State Senate created the Task Force on School Violence, chaired by Senator Teresa Hughes. This task force was later elevated to the Senate

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Education Subcommittee on School Safety. Since its creation, the subcommittee has had several meetings and is currently preparing a resource guide on school violence prevention programs.

A recent survey of teachers also underscores the magnitude of the problem. Released on December 17, 1993, The "Metropolitan Life Survey of the American Teachers, 1993: Violence in America's Public Schools," found:

- 11 percent of teachers and 23 percent of students have been victims of violence in or near their public schools;
- 13 percent of students said they had carried weapons to school at one time, mainly to impress others and make themselves feel important; and
- The most frequently reported violent incidents involved pushing, shoving, grabbing, slapping, verbal insults, and stealing.

Teachers and police officers attributed the problem to a lack of supervision at home, lack of family involvement in schools, and exposure to violence in the media.

On December 22, 1993, Acting State Schools Superintendent William D. Dawson called on California educators to push for limits on violence in the broadcast media citing the sizable influence of the media on youth today and the rising tide of violence that is spilling into the schools.

Domestic Violence Domestic violence continues to be a major social problem despite increased public awareness and resulting legislative action on both state and federal levels. Statistics bear this out:

- During our lifetimes, we have a 33 percent chance of becoming victims of domestic violence;
- Between 2 and 4 million women are battered each year;
- Between 200-400,000 victims are likely to die from such violence;
- Three in 100 siblings use a weapon against another sibling annually; and
- Homicide at home is among the top five causes of death for children.

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Although women are overwhelmingly the victims of domestic violence, when considering "domestic violence" we must go beyond the more "traditional" legal definition and include men, elder abuse, parent abuse, and child exploitation and sexual abuse.

Many experts now believe that abusers were also subjected to violence and abuse as children. When violence becomes a part of daily life, it is considered normal behavior by perpetrators and victims. In addition, a variety of other factors can contribute to violent at-home behavior, such as stress, frustration, drug and alcohol abuse, illness, financial problems and an increased dependency of adult children on parents and adult parents on adult children.

Hate Violence Violence motivated by racial or ethnic hatred is not new to California. For more than a century, Native Americans, Asians, Hispanics, African-Americans and others have been terrorized, murdered and driven out of communities.

Assessment of the nature and extent of hate violence is currently not possible because of the absence of systematically collected data at both the state and federal levels.

***Violence Rising Faster
Among the Young*** Violent crime rates among young people have been rising far faster than among adults. Juveniles are committing these crimes at a younger age and with more destructive force and impact, and often get little punishment for the first three or four felonies.

It has been more than 30 years since the last in-depth look at the state's response to juvenile crime. As a result, there has been only a piecemeal attempt to change the responses of the juvenile law.

At the November 17, 1993, hearing of the Assembly Committee on Public Safety in Sacramento, the Los Angeles District Attorney, Gil Garcetti, asked that the entire juvenile justice system be reviewed by a commission to study and rate comprehensive proposals. This idea was echoed by all of the other testifiers. Legislation is currently being drafted to create such a commission.

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In Orange County, local probation officials have completed a seven-year study of the county's juvenile justice system and have determined that 8 percent of juvenile delinquents commit about 55 percent of the repeat-offense juvenile crimes. Officials are using this research to design a program they hope will identify potential chronic offenders before they become incorrigible. The program is expected to be launched in January 1994.

Los Angeles County probation officials have also found that a small minority of juvenile delinquents - about 16 percent - are responsible for a majority of the repeat offenses in Los Angeles County.

In early 1994, the Little Hoover Commission will be embarking on a study of the juvenile justice system.

Statewide Hearings

During 1993 and into early 1994, many hearings were held or will be held to address violence and crime in California. These hearings are described more fully in the text of this report.

California Approaches in Violence Prevention

Several approaches have been tried in Californian communities to prevent violence and crime.

Curfews have been adopted in Santa Monica and Oakland. A "drug court," where first-time offenders are required to get help within hours of their court appearances, was implemented in Oakland. Los Angeles, San Francisco, and Santa Clara are considering similar diversion programs.

Firearms hotlines have been established in Sacramento and high schools in Southern California.

Alameda County supervisors have adopted a policy requiring full prosecution for anyone convicted of illegal possession of a gun.

Inmates at Folsom State Prison have suggested their solutions to crime and violence: address inner-city issues, provide mentoring programs for young people, provide rehabilitation in prisons, and get guns off the street.

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On Mondays, San Francisco radio station KMEL airs four hours of programming advice, encouragement and warnings on gang involvement. Callers also gain access to an extended family network centered around the Omega Boys Club of San Francisco.

Violence as a Health Issue Several health organizations have placed a major emphasis on violence in California.

The California Wellness Foundation as part of one of the largest-ever public or private efforts of its type, has committed \$30 million to develop and fund viable violence prevention programs throughout the state for the next five years.

The California Medical Association and California Medical Association Alliance have launched domestic and media violence education efforts aimed at physicians and the public.

Conclusion The prevention of violence and crime can never be effectively built upon only one strategy because violence is the product of many factors. As a matter of public policy, it is important that the Legislature support and establish a comprehensive approach that addresses prevention, intervention and detention.

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INTRODUCTION

Although crime continues to be a major concern to Californians, the California Crime Index statistics for 1992 showed a slight decline of .3 percent from 1991. However, there was an increase of 2.2 percent in violent crime. In fact, the violent crime rate has increased for the fifth consecutive year. From 1987 to 1992 violent crimes have increased 19.0 percent. (See chart and Appendix A.)

Also of note is that from 1987 to 1992, the rate of juvenile arrests for violent offenses increased 63.7 percent, while the adult rate increased 20.2 percent.

According to the FBI's "Uniform Crime Report," 1,932,270 violent crimes were reported by law enforcement to the FBI in 1992. California reported 345,624 of those crimes, or 17.8 percent of all crimes.

Californians are growing more and more concerned over violence in the state. Not only are they concerned about the increase in violent crime, but also the increase in violence in the media, in our schools, neighborhoods, workplaces, places of worship, and households. Many now consider societal violence the most important public health issue in the nation.

Although no definitive answer yet exists that makes it possible to predict which individuals will become violent, many factors have been identified as contributing to such behavior:

- Biological factors
- Early childhood experiences
- Dysfunctional families
- Cultural diversity
- Economic inequity
- Low self-esteem
- Substance abuse
- Incarceration
- Easy access to weapons
- Lack of opportunities and
- Media influences, among others.

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Economic Costs The dramatic increase in violence and the severity of the resulting injuries has become one of the fastest-growing drains on our economy. For example:

- Total cost of violence, including emergency and ongoing medical care and lost job productivity, totals \$72 billion a year in California, according to some estimates.
- The average cost to treat a gunshot wound exceeds \$14,000, or enough to pay a year's tuition at a private university. It is estimated that taxpayers pay 80 percent of these costs.
- Eighty urban area hospitals were forced to permanently close their emergency room doors in recent years, due, in large part, to the number of uninsured victims of violence.
- Business Week (December 13, 1993) estimates that Americans spend up to \$425 billion a year on violent crime in direct and indirect costs.

Another economic cost is the ever-expanding state prison system. As the inmate population has soared from 20,000 to more than 119,000 in the last decade, costs have escalated commensurately. In 1980 state funding for the prison system was \$300 million. The estimated 1994-95 budget is \$2.6 billion. This does not include the cost of building prisons, which is authorized through bond measures. It should be noted that the last prison bond measure on the statewide ballot was defeated.

At the juvenile justice level, California spent \$345 million to house juvenile offenders in 1993.

Social Costs We may never know the full extent of the indirect costs of violence among the general population, since these are difficult to quantify, but they include:

- Sleep disorders
- Anxiety
- Chronic pain syndromes
- Substance abuse
- Depression
- Suicide
- Unwanted pregnancies
- Fear, and more.

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Health care professionals now generally agree that the social costs are epidemic. The Centers for Disease Control and Prevention, American Medical Association, American Psychological Association, American Public Health Association, California Medical Association and California Wellness Foundation, among others, have made violence a priority issue.

How Do We Solve the Problem?

The traditional approach to addressing violence, through law enforcement, has not solved the problem. California, which locks up more adults and juveniles than any other state, at a cost per inmate of \$22,000 and \$28,000 per year, has not managed to stem the tide of violence.

To address this problem the Legislature must adopt the strategies of successful communities, built upon more than one strategy since violence is the product of many factors. The ideal strategy would include prevention, intervention and detention. An alliance must be forged among the social service agencies, police and schools in every neighborhood to avert violence.

Because a complete analysis of the problem of violence and crime is beyond the scope of this briefing paper, the discussion will be limited to a review of current efforts addressing violence and crime prevention.

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CALIFORNIA CRIME INDEX*

(Homicide, forcible rape, robbery, aggravated assault,
burglary and motor vehicle theft)

1991 to 1992: 0.3 percent decrease in the Crime Index Rate.

1992: Violent crimes accounted for 31.6 percent of reported offenses.
Property crimes accounted for 68.4 percent of reported offenses.

VIOLENT CRIMES 345,508 reported

1991 to 1992: 2.2 percent increase in violent crime rate.

1992: Homicide accounted for 1.1 percent of reported offenses
Forcible rape accounted for 3.7 percent of reported offenses
Robbery accounted for 37.9 percent of reported offenses
Aggravated assault accounted for 5.7 percent of reported offenses.

Homicides 3,920 reported

1991 - 1992: 0.8 percent decrease in homicide rate.

1992: Firearms accounted for 72.9 percent of reported offenses
Knives or cutting instruments accounted for 14.0 percent.

Forcible Rape 12,751 reported

1991 - 1992: 3.5 percent decrease in the forcible rape rate.

1992: Rape accounted for 79.4 percent of reported offenses
Attempted rape accounted for 20.6 percent of reported offenses

Robbery 130,867 reported

1991 - 1992: 2.4 percent increase in the robbery rate.

1992: Armed robbery accounted for 61.2 percent of reported offenses, with
firearms involved in 62.5 percent of those robberies.

Aggravated Assault 197,970 reported

1991 - 1992: 2.6 percent increase in the aggravated assault rate.

1992: 22.0 percent of aggravated assaults involved firearms.

PROPERTY CRIMES 747,324 reported

1991 - 1992: 1.5 percent decrease in the property crimes rate.

1992: Burglary accounted for 57.2 percent of reported offenses.
Motor vehicle theft accounted for 42.8 percent of reported offenses.

** California Crime Index: A group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses are chosen because of their seriousness and likelihood of being reported to the police by the public.*

Source: California Department of Justice

PRISONERS IN CALIFORNIA

Adult Institutions Over the past decade the number of persons imprisoned in California has soared from 20,000 to more than 119,000. Nearly one of every nine American prisoners is confined in California. Overall, California's crime rate has remained relatively stable. But in the last five calendar years, the institution population increased 63.5 percent overall, an average increase of 10.4 percent per year.

The design capacity for the Department of Corrections' prisons is 63,293. The department, as of midnight December 24, 1993, was operating at 179.5 percent of capacity, with 119,430 inmates.

Since the early 1980s, the department has spent \$5.05 billion on construction.

To house an inmate in a California state prison costs \$22,000 per year, or four times the cost of educating a child in our school system.

New Admissions New admissions increased from 38,252 in calendar year 1991 to 40,158 in 1992. Among new admissions:

- Violent offenders accounted for 29.1 percent;
- Property offenders, 28.4 percent;
- Drug offenders, 31.9 percent;
- Offenders who committed other offenses, 10.7 percent.

Parolees In 1992, felony paroles reached a high of 273.8 per 100,000 California population (80,810 parolees) — the highest in Department of Corrections history. Among the parolees:

- Violent offenders accounted for 25.5 percent;
- Property offenders, 31.9 percent;
- Drug offenders, 32.5 percent;
- Other offenders, 10.0 percent.

Parole Violators Returned with New Terms The number of parole violators returned to prison with new terms increased from 14,070 in 1990 to 17,939 in 1992, an all-time high. The percentage of parole violators

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returned for violent offenses decreased from 20.1 percent in 1987 to 16.0 percent in 1992. During the same period, drug offender parole violators increased from 24.9 percent to 29.1 percent.

(See Appendix B.)

Juvenile Institutions The California Youth Authority currently houses 8,573 wards. To house a ward in the state youth facility costs \$28,000 per year, or five times the cost of educating the same juvenile offender in our school system.

Population Offense Categories As of September 30, 1993, the California Youth Authority housed 8,573 wards. Among the population:

- Violent offenders accounted for 63.0 percent,
- Property offenders accounted for 21.6 percent,
- Drug offenders accounted for 7.7 percent,
- Offenders who committed other offenses, 7.6 percent.

(See Appendix B.)

Little Hoover Commission On January 18, 1994, the Little Hoover Commission presented the results of a nine-month study, "Putting Violence Behind Bars: Redefining the Role of California's Prisons." The study was designed to offer recommendations for redefining the role of California's prisons and their role in protecting citizens from violent criminals. The commission found that, "All too often policies relating to prisons are driven by emotion rather than reason, divorced from cause and effect, and devoid of outcome-based strategies."

To address the problems, the commission focused on three elements: the sentencing structure, prison programs and operational problems within the Department of Corrections. These areas were addressed in seven findings and 30 recommendations.

The findings include:

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Sentencing Structure

- The sentencing system is complex and inequitable, frustrating the public's desire for consistency and certainty.
- The degree to which the present criminal justice system distinguishes between violent and nonviolent offenders is not sufficient to protect the public and maintain the credibility of the system.
- The present parole system is not structured as an effective deterrent to criminal behavior.

Prison Programming

- The effectiveness of prison work programs is hampered by the absence of statutory direction and lack of a unified management structure.
- The department's education program is neglected, unfocused and poorly structured.

Department of Corrections' Operations

- A longstanding practice of allowing each prison to operate independently has hindered accountability for performance and hampered standardization of policies, leaving the state open to charges of mistreating prisoners.
- The Department of Corrections is prevented, in some instances, from operating effectively, efficiently and safely.

Recommendations include:

Sentencing Structure

- Establish a sentencing commission.
- Place all violent offenses under the indeterminate sentence system.
- Strengthen punishment for parole violations.

Prison Programming

- Reinstate rehabilitation as a goal of prisons.
- Establish strong centralized management of work and education programs.
- Prohibit inmates from working if they are not literate.
- Make work program conditions similar to real-world jobs.

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Department of Corrections

- Create an independent Inspector General function.
- Require centralized control of prism operations.
- Modify the Inmate Bill of Rights to comply with federal standards.
- Institute a clearly defined medical parole system.

(See Appendix B.)

Legislative Analyst's Report

In January 1994, the Legislative Analyst's Office released "Crime in California," in an effort to put the current discussion of crime in perspective. The report addressed several key questions, including:

- How much crime is there in California?
- What are the short-term and long-term trends in crime?
- How does crime vary within California and among the states?
- How does California's criminal justice system deal with crime?
- What are the costs of crime?
- What are the policy implications for decision-makers?

Suggested policy implications include:

- Recognize divergence of crime data and public perceptions of crime.
- Recognize the criminal justice system deals with small portion of total crime.
- Recognize importance of demographics in crime.
- Recognize the interrelationships among the parts of the criminal justice system, and the need for flexibility.
- Recognize that the greater use of imprisonment may have limited effect on crime.
- Target violent crime.
- Target offenders who are most at risk of committing crime.
- Zero in on rehabilitation programs.
- Place priority on prevention and early intervention.

This document is a "quick reference" document that relies heavily on charts to present the information.

PROPOSALS AND ACTIONS

Federal Level Crime bills

The U.S. Senate and House of Representatives have adopted a series of bills to address crime in America. The Senate bill contains many more provisions than the House version and a conference committee is expected to hammer out the differences in March 1994.

Here are provisions in the two versions:

Senate Omnibus Crime Control Bill \$22.3 Billion

- Additional funds for police officers (100,000 officers v. 50,000 in House version),
- Additional funds for regional prisons,
- Additional funds for judicial staffing,
- A prohibition on the possession of certain assault rifles,
- Increased sentencing for violent offenders,
- A refusal to bar states from executing criminals younger than 18,
- Limits on death row appeals,
- An extension of the death penalty to additional federal crimes,
- \$60 million over three years to create parent-child visitation centers for families with a history of domestic violence
- No Social Security disability benefits for persons declared innocent of violent crimes by reason of insanity,
- An end to immunity for parental kidnapers from the federal kidnapping act,
- Creation of a number of new federal crimes, including gang-related offenses,
- A ban on juvenile possession of firearms.

House Bill \$4.38 Billion

- \$3.5 billion for police hiring,
- \$300 million for drug treatment,
- \$200 million for combating gangs and drugs,
- \$200 million to develop alternative sentencing for young offenders convicted of less violent crimes,
- States must keep records on those who have committed crimes against children.

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Brady Bill

The "Brady Bill," named after James Brady, the former White House press secretary who was shot during the attempted assassination of President Reagan, was signed into law in November and takes effect March 1, 1994.

The major provisions of the bill include:

- A five-day waiting period for handguns,
- A nationwide firearm background check, to be phased out in five years,
- An increase in the gun dealer licensing fee from \$30 to \$200, with a \$90 renewal fee, for three-year periods.

The Brady Bill will have little effect in California since there has been a 15-day wait for handguns here since 1975. This waiting period was expanded to long guns in 1991. The bill's chief addition to California law will be the exclusion of undocumented immigrants and persons with a history of alcohol or drug abuse from purchasing firearms.

Community Policing Grants

On December 21, 1993, President Clinton announced a \$50 million grant to enable 74 local governments around the country to implement or increase community policing programs. These California counties and cities received grants:

Los Angeles	\$4 million
Inglewood	\$1 million
Sacramento County	\$1.9 million
East Palo Alto	\$898,233
Garden Grove	\$593,533
Fontana	\$497,346
Redding	\$472,315
Moreno Valley	\$375,000
Fillmore	\$329,867
Madera	\$225,000
Manteca	\$225,000
Santa Cruz	\$150,000
Ft. Bragg	\$ 75,000

Two more rounds of grants are due in early 1994.

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National Service Program

In November 1993, the White House said that its national service program will concentrate on helping make American communities safer next summer. Participants will perform duties such as joining in community policing, conducting crime prevention training for the elderly and children, and helping clean up dangerous areas to return them to neighborhood use.

Child Abuse

On December 20, 1993, President Clinton signed the National Child Protection Act, which creates a national database of those indicted or convicted of child abuse and sex offenses, violent crimes, arson and felony drug charges. Companies that hire child-care workers can use the database to check the background of potential employees.

United States Mayors and Police Chiefs

On December 9, 1993, mayors and police chiefs, under the auspices of the U.S. Conference of Mayors and Police Chiefs, offered to President Clinton their plan to combat violent crimes. Their recommendations call for a balance between crime control and crime prevention by supporting:

- Funds for additional police officers in the crime bills currently under consideration in Congress.
- A comprehensive package of gun control measures by governments at all levels to decrease the number of guns in circulation.
- Stepped-up anti-drug efforts at all levels.
- Radically altering and expanding the criminal justice system, adult and juvenile.
- Efforts to address the root causes of crime and violence in a comprehensive and seamless manner.
- Improved communication among the key players, involving as wide a range of people and organizations as possible in crime-fighting and prevention.

(See Appendix C.)

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Repeat Felony Offenders "Three-Strikes and You're Out"

With the public's ever-escalating concern about violent crime and stories such as the Polly Klaas case, there has been an increased desire to "put criminals away forever."

Seventeen states have mandatory minimum sentencing laws that apply to repeat convictions for violent crimes. The states are: Arizona, California, Colorado, Georgia, Hawaii, Illinois, Kansas, Kentucky, Minnesota, Missouri, Montana, New Hampshire, New Mexico, North Carolina, Oregon, Pennsylvania, and West Virginia. None of the aforementioned states have provisions requiring a mandatory life without the possibility of parole.

However, it should be kept in mind that as many as 31 states require some crimes — usually murder or rape/ murder — to carry a life without parole penalty.

New York

Second Felony Offender Law

Enacted in 1973, the "Second Felony Offender Law" requires prison sentences for all repeat felons regardless of the nature of the offense or the background and motivation of the offender. This law was passed the same year as the New York Drug Law (often called the "Rockefeller Drug Laws") which instituted lengthy mandatory prison sentences for a wide range of drug offenses. In 1978 the state passed the Violent Offender Law which requires imprisonment for persons convicted of violent offenses.

The state's three mandatory sentencing laws represented a major policy shift for New York, significantly reducing judicial discretion and causing the imprisonment of more people for longer periods of time. As a consequence, the prison population increased by 500 percent, going from 12,500 in 1973 to approximately 62,000 today. About 18,000, or 29 percent, of today's prisoners were sentenced under the "Second Felony Offender Law."

Current proposals would revise the law so offenders would not automatically receive prison time, in an effort to respond to the burgeoning prison population.

Washington

Initiative 593

Initiative 593, commonly referred to as "Three Strikes and You're Out," as approved in November 1993, provides that any person who commits three serious felonies (as defined) must be sentenced to a term of life imprisonment without possibility of parole.

Under Initiative 593, a person who meets the definition of a "persistent offender" must be sentenced to a term of life imprisonment without the possibility of parole, unless the offender is sentenced to death for the crime of aggravated murder.

In addition, the governor is urged to refrain from pardoning or granting clemency to anyone sentenced as a persistent offender until the offender has reached the age of 60 and is judged to no longer be a threat to society. The governor must provide reports at least twice a year on the status of persistent offenders who are released during the governor's tenure. The reports must continue for at least ten years after the offender's release or until the death of the offender.

The fiscal impact of the initiative on the prison population is difficult to accurately predict because it applies only to a relatively small group of offenders with an extensive history of recidivism. It is estimated that the population will increase by about 40 beds per year, for ten years.

California

Initiative Statute #604 - Sentence Enhancement for Repeat Offenders

The California "Three Strikes and You're Out" campaign was launched November 15, 1993, with the support of the National Rifle Association, Crime Strike and victim's rights organizations. The drive is spearheaded by Mike Reynolds, whose daughter was murdered in 1992 by a recently paroled felon.

The main elements of the initiative, proposed for the November 1994 ballot, are:

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- First felony convictions would result in the sentence required by law.
- Second felony convictions would result in doubling the sentence recommended.
- Third felony convictions would result in three times the sentence recommended. If any of the convictions were for serious or violent felonies, the third conviction would carry a penalty of 25 years to life.
- The law applies to and includes juvenile offenders over the age of 16.
- If a gun was used in any one of the felonies, a term of 25 years to life would be automatically required.
- Good time/work time credit, which reduces inmate sentences, is cut from 50 percent to 20 percent of the total sentence.

The Legislative Analyst's Office estimates the cost of implementing the initiative would be an additional \$2 billion, per year.

Signatures on the initiative petitions are due March 4, 1994, to qualify for the November 1994 ballot.

Legislation

At this time, three major pieces of legislation are before the California Legislature. Assemblyman Bill Jones has AB 971, a bill identical to the "Three Strikes You're Out" initiative; Assemblyman Tom Umberg has introduced AB 167, modeled after the Washington state initiative; and Assemblyman Richard Rainey has introduced AB 1568, which has its own approach.

(See Appendix C.)

While these concepts may be well-meaning, some important public policy questions have gone unanswered:

- How do we pay for the increase in inmate population?
- Should the qualifying felony be any felony, not just a violent or serious felony?
- Should marginal criminals be kept in prison for decades?
- Is our response to violent crime rational?
- Should we revisit the issue of rehabilitation for nonviolent offenders?

These and other questions will have to be addressed by the Legislature.

(See Appendix C.)

California Efforts Governor's Crime Summit

On November 10, 1993, Governor Wilson announced he would conduct a statewide crime summit to discuss his crime proposals. Originally set for January 19-20, the summit has now been rescheduled for February 7-8, 1994. The package would:

- Prevent violent criminal offenders from being released early from prison.
- Impose a maximum sentence credit-earning provision of 15 percent for violent offenders.
- Impose a sentence of life imprisonment for career criminals caught with deadly weapons.
- Allow only two possible sentences — life without the possibility of parole, or the death penalty — for carjacking and drive-by shootings.
- Try the most violent teen-agers as adults.
- Require child molesters to be sentenced to prison if they:
 - Commit forcible sex acts on a child,
 - Cause bodily injury during the commission of a sex crime,
 - Were strangers to the child or befriended the child to commit the sex crime,
 - Used a weapon during the commission of the sex crime,
 - Kidnaped a child to commit a sex crime.
- Require life imprisonment of arsonists who:
 - Are repeat offenders,
 - Cause massive damage, or
 - Strike during fire season.

(See Appendix C.)

Legislative Special Session

On December 29, 1993, Governor Wilson announced a special legislative session on crime to address the following five topics:

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- Increased penalties for repeat offenders (“Three Strikes You’re Out”),
- Life without possibility of parole for first-time sexual offenders (“One Strike” bill),
- Life sentencing for armed felons,
- Tougher standards for good time and prison work credits,
- Repeal of the Inmate Bill of Rights.

The special session runs concurrently with the regular session that resumed January 3, 1994.

(See Appendix C.)

Kathleen Brown

In mid-December 1993, Kathleen Brown announced her crime package for California. Her proposal would:

- Use education, treatment and better alternatives to discourage people from committing their first crime,
- Prevent first-time or nonviolent offenders from turning to more serious crimes,
- Overhaul state gun laws,
- Increase the number of police on the streets,
- Use the correctional system to break the cycle of violence,
- Prevent violent offenders from committing more crimes by keeping them in prison.

(See Appendix C.)

John Garamendi

On December 28, 1993, John Garamendi announced his plan for reducing crime in California. He would:

- Repeal the Inmate’s Bill of Rights, found in Penal Code Sections 2600 and 2601,
- Enforce a “three strikes” policy to keep violent offenders out of society,
- Increase use of military-style boot camps for nonviolent offenders.

John Vasconcellos

On January 14, 1994, Assemblyman John Vasconcellos introduced his Tough and Smart Public Safety Program, a comprehensive plan to deal effectively with California's public safety crisis, as well as fiscal crisis.

This proposal:

- Returns the state to an indeterminate sentencing system,
- Establishes a Sentencing Guidelines Commission,
- Provides for an immediate assessment of an inmate's emotional, educational, and vocational development, and requires an individualized program to address their deficiencies,
- Eliminates work-training credit for all violent offenders in favor of a system that provides credit only for activities toward completing their programming,
- Creates a Citizen's Task Force to Prevent Recidivism,
- Requires a formal review and update of the findings and recommendations in "Ounce of Prevention" and "Toward a State of Esteem,"
- Provides parenting education as a high school requirement,
- Creates a citizen's Task Force to Prevent Drug/Alcohol Abuse,
- Provides a stable funding source for 350 new California Highway Patrol officers to help local police and sheriffs,
- Provides full and stable funding for crime victims' programs.

(See Appendix C.)

Firearm Policy Each year a growing number of people are killed or severely disabled in violent altercations that involve weapons. Although firearms are only a part of the problem, they are the tools by which aggression and violence turn fatal.

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Federal Action

On December 21, 1993, the Ninth U.S. Circuit Court of Appeals upheld a federal ban on gun possession within 1,000 feet of a school.

Possession of Firearms by Juveniles

Since October 1993, Colorado, Utah and Florida have made it illegal for anyone under 18 to own or carry a handgun.

The Colorado law, passed during a five-day special session, provides that a first offense is a misdemeanor with a mandatory sentence of five days to a year in a juvenile detention center, and a second offense is a felony, with a sentence up to three years.

In Utah a special session of the Legislature prohibited the sale of firearms to minors, except when accompanied by a parent, including private sales as well as those by licensed dealers. Salt Lake City had already passed a five-day waiting period.

Florida now bars gun sales to teens or their possession of guns except for hunting and target shooting.

Assault Weapons

During 1993, Connecticut became the third state, following California and New Jersey, to pass a comprehensive ban on assault weapons. New Jersey Governor Jim Florio vetoed an attempt to overturn New Jersey's ban on assault weapons. A Sacramento County judge upheld the constitutionality of California's law including "copycat" guns, in the state ban on military-style assault weapons.

New York

New York Governor Mario Cuomo has called on the Legislature to convene on Martin Luther King Day to approve a package of measures designed to reduce gun violence. The package would:

- Limit the possession of assault weapons,
- Restrict the capacity of ammunition for handguns,
- Increase penalties for gun traffickers,

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- Reduce parole eligibility for armed felons,
- Raise the penalties for the criminal sale of firearms,
- Increase the charge to a felony, if a weapon is sold to someone under 18 years of age,
- Require a safety course for purchasers,
- Create penalties for the negligent storage of guns, with the gun owner also possibly facing prosecution.

Also in New York, a four-day special holiday program offering toys for guns netted over 400 guns from hunting rifles to a submachine gun. The program, originally due to expire on Christmas, was extended until January 6, 1994. Officials from the National Association for the Advancement of Colored People are gathering resources to create a national program.

National Retailers Liability

Effective February 1, 1994, Wal-Mart will stop selling handguns in stores. This decision is based on a major survey of customers, conducted in August 1993, that showed that customers prefer to shop in stores that do not sell handguns. Currently, Wal-Mart is being sued in Houston by the family of a couple slain by their son who allegedly used a .38 caliber handgun bought at a Wal-Mart store.

Wal-Mart will continue to sell long guns in their stores, and handguns will be available through catalog sales.

In October 1993, K-Mart was ordered to pay \$11 million to a woman who was left a quadriplegic after her former boyfriend shot her with a rifle purchased at K-Mart.

Montgomery Ward & Co. halted handgun sales in 1981 because of liability concerns. Sears, Roebuck & Co. stopped selling handguns in 1963 and all other guns in the early 1980s.

Violence in the Media The question of whether and to what degree violent images in film, television and music shape violence in real life has been debated for decades. Research findings generally fall into four categories: the media has no effect, the media has great influence, media violence provides a

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catharsis and violent imagery is one of many factors contributing to violent actions.

The latter theory appears to have the most credibility at the moment. The United States has a history of violence; violence has been a part of both its culture and lore. The homicide rate is now growing six times faster than the general population. Easy access to weapons contributes to the violent nature of this country.

Many researchers now believe that violence in the media may play a role in real-world violence. Psychologists and psychiatrists say that two elements of Hollywood-generated violence are particularly worrisome: the glamorization of brutality and the lack of consequences for those who commit violent acts.

By the time an average American child finishes elementary school, he/she will have seen 8,000 murders and 100,000 acts of violence on television, according to the National Coalition on Television Violence. The result, many psychologists believe, is that we have become inured to violence and less sensitive to its victims. Researchers and activists also fear that images of violence against women reinforce myths about a woman's role in society: that she is a brainless sex object who feels no pain — or if she does, enjoys it — or that rape is a fantasy many women have. Adolescent boys seem to be particularly vulnerable to these stereotypes, though males and females of all ages also buy into the imagery.

Teenage boys are a lucrative target market for this kind of entertainment. They are regular viewers of MTV (20 acts of violence per hour, according to the National Coalition of Television Violence), television shows such as "Young Indiana Jones" (60 violent acts per hour) and movies such as "Commando" (129 acts per hour) and "Rambo" (104 per hour).

However, current theories emphasize that entertainment alone is not to blame for most violent acts. The framework in which a person's parents place violent material, for instance, is an important influence in determining how a person will react to violence, whether in real life or in entertainment.

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TV Violence

According to a December 4-7, 1993, national Field Poll, nearly four out of five Americans believe violence in television entertainment programs directly contributes to the amount of violence in society. In addition, 54 percent say they would support governmental guidelines to control such violence.

Other surveys taken in 1993 also have shown strong public concern about TV violence. An October Gallup poll found that 68 percent of the public considered TV violence to be an important factor contributing to violence in America.

At the National Level

Congress and U.S. Attorney General Janet Reno have threatened to impose government regulations if the industry does not voluntarily improve efforts to curb the depiction of murder and mayhem in the media.

Senator Byron L. Dorgan of North Dakota has introduced a bill to require the FCC to publish a quarterly report listing the most violent shows on the networks and their commercial sponsors. Nine other bills have also been introduced aimed at accomplishing a restriction on violent television programming.

On December 16, 1993, the 20-member "Citizen's Task Force on TV Violence" recommended a ban on violent programs between 6 a.m. and 10 p.m. each day to protect children. The task force included representatives of the American Medical Association, the American Psychiatric Association, and the national Parent-Teacher Association.

A recent nationwide survey of children conducted by Nickelodeon, a TV entertainment channel for children, showed that:

- 80 percent of respondents thought there was too much violence on TV.
- 91 percent thought violence involving real people was particularly upsetting, more so than cartoon violence.

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- The children thought the worst type of violence was violence involving kids.
- 80 percent of the respondents thought there should be more parental control over TV violence.
- 89 percent endorse warning labels for violent shows.

The kid's message to television executives was that they should show less violence and teach kids other ways to resolve disputes.

Video Violence With the recent advances in video technology, video games have become more lifelike and graphic. One need only to visit the nearest video arcade for examples. Many are concerned that such violence may have an even more pronounced effect on societal violence than television.

On November 16, 1993, state Attorney General Dan Lungren, citing high rates of juvenile violent crime in California and other states, called for manufacturers and retailers to voluntarily stop selling video games such as "Mortal Combat" and "Night Trap" that contain depictions of graphic violence, and to issue a consumer warning to parents.

In December, after a review of the responses from the manufacturers, Lungren said at a press conference: "Some companies have exercised or are beginning to exercise positive responsible judgment. They are to be commended. However, too many of the companies are paying no more than lip service to the problem. Action speaks louder than words."

(See Appendix C.)

School Violence Schools in California are no longer the safe places they used to be. The school is becoming an arena for increasingly serious and constant violence for children. Because of increased incidents of violence, school administrators, public officials and law enforcement agencies are seeking ways to address this issue.

The frequency, severity and type of school crime and the number of perpetrators vary from school to school and from district to district. It is a myth that rural schools are

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safe havens from the problem, but big-city schools are still the primary battleground. In city after city, from Olivehurst to Fresno to Los Angeles and everywhere in between, schools are struggling to protect their children from the violence around them.

According to the National Crime Survey, almost 3 million crimes occur on or near school campuses every year — 16,000 per school day, or one every 6 seconds. On California campuses in the 1988-89 school year, the last year that data was available, assaults were up 16 percent to 69,191. Armed assaults were up 25 percent over the previous year to 1,830. From September 1986 to September 1990 there were 29 gun-related incidents resulting in 16 deaths and 45 woundings.

In March of 1993, recognizing the impact of violence on students and teachers, the California State Senate created the Task Force on School Violence, chaired by Senator Teresa Hughes. This task force was later elevated to the Senate Education Subcommittee on School Safety.

Since its creation, the committee has had several meetings and is currently preparing a resource guide on school violence prevention programs. (See "Statewide Hearings" below.)

Released on December 17, 1993, The "Metropolitan Life Survey of the American Teachers, 1993: Violence in America's Public Schools" found that:

- 11 percent of teachers and 23 percent of students have been victims of violence in or near their public schools,
- 13 percent of students said they had carried weapons to school at one time, mainly to impress others and make themselves feel important, and
- the most frequently reported violent incidents involved pushing, shoving, grabbing, slapping, verbal insults, and stealing.

Teachers and police officers attributed the problem to a lack of supervision at home, lack of family involvement in schools, and exposure to violence in the media.

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On December 22, 1993, Acting State Schools Superintendent William D. Dawson called on California educators to push for limits on violence in the broadcast media. Dawson and other educators are concerned because of the sizable influence of the media on youth today and because of the rising tide of violence that is spilling into the schools.

Domestic Violence Domestic violence continues to be a major social problem despite increased public awareness and resulting legislative action on both state and federal levels. Statistics bear this out. Consider the following:

- During our lifetimes, we have a 33 percent chance of becoming victims of domestic violence.
- Between 2 and 4 million women are battered each year.
- Between 200-400,000 victims are likely to die from such violence.
- Three in 100 siblings use a weapon against another sibling annually.
- Six in ten women have experienced domestic violence.
- Over 900,000 parents will be beaten by their children this year.
- Homicide at home is among the top five causes of death for children.

Domestic violence knows no demographic boundaries. It happens to the rich and poor, to whites, African-Americans, Latinos and Asian-Americans. In addition, such abuse, as a crime, is highly unreported, so no one knows exactly how many men, women and children are being victimized.

Women are overwhelmingly the victims of domestic violence, but when considering "domestic violence" we must go beyond the more "traditional" legal definition and include men, elder abuse, parent abuse, and child exploitation and sexual abuse.

Many experts now believe that abusers were also subjected to violence and abuse as children. When violence becomes a part of daily life, it is considered normal behavior by perpetrators and victims. It may be difficult for them to see it as "wrong." In addition, a variety of other factors can contribute to violent at-home behavior, such as stress,

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frustration, drug and alcohol abuse, illness, financial problems and an increased dependency of adult children on parents and adult parents on adult children.

Hate Violence Violence motivated by racial and ethnic hatred is not new to California. For more than a century, Native Americans, Asians, Hispanics, African-Americans and others have been terrorized, murdered and driven out of communities.

Assessment of the nature and extent of hate violence is currently not possible because of the absence of systematically collected data at both the state and federal levels.

California does not mandate the collection of hate-related crimes, and legislation to do so has either been vetoed or signed without providing the resources to collect the information. Monitoring of such activity must rely on anecdotal information from newspapers, human relations commissions, and other organizations that identify and collect data on such incidents.

Juvenile Justice Reform Violent crime rates among young people have been rising far faster than among adults. Juveniles are committing these crimes at a younger age and with more destructive force and impact, and often get little punishment for the first three or four felonies.

It has been more than 30 years since the last in-depth look at the state's response to juvenile crime. As a result, there has been only a piecemeal attempt to change the responses of the juvenile law.

At the November 17, 1993, hearing of the Assembly Committee on Public Safety in Sacramento, the Los Angeles District Attorney, Gil Garcetti, asked that the entire juvenile justice system be reviewed by a commission to study and rate comprehensive proposals. This idea was echoed by all of the other testifiers. Legislation is currently being drafted to create such a commission.

In Orange County, local probation officials have completed a seven-year study of the county's juvenile justice system and have determined that 8 percent of juvenile delinquents

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commit about 55 percent of the repeat-offense juvenile crimes. Officials are using this research to design a program they hope will identify potential chronic offenders before they become incorrigible. The program was expected to be launched in January 1994.

Los Angeles County probation officials have also found that a small minority of juvenile delinquents - about 16 percent - are responsible for a majority of the repeat offenses in Los Angeles County.

In early 1994, the Little Hoover Commission will be embarking on a study of the juvenile justice system.

Statewide Hearings During 1993 and into early 1994, many hearings were held or will be held to address violence and crime in California. Here is a brief overview of comments, opinions and testimony from a few of those hearings:

March 31, 1993 — "Violence in California Symposium," Sacramento

- TV violence is having an effect on real-life violence.
- By the time a child is seven, he/she will have witnessed 7,000 murders on TV.
- Domestic violence is on the rise.

April 30, 1993 — "Violence on Campuses" — Senate Task Force on School Violence, Los Angeles — Senator Teresa Hughes presiding

- Parents need to be more aware of what is going on in school.
- Access to guns should be limited.
- The media should be more responsible.
- The state should mandate school safety plans.

June 29, 1993 — "How Safe Are Our Children?" — Senate Task Force on School Violence, Sacramento — Senator Teresa Hughes presiding

- There is too much violence in the media.
- Gun sales should be limited.
- Drug laws should be toughened.
- Effective prevention requires community commitment.

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September 30, 1993 — “Youth Violence Prevention” — Assembly Select Committee on Children at Risk, Los Angeles — Assemblywoman Dede Alpert presiding

- Collaboration is the key to prevention.
- Review incarceration policies.
- Early childhood exposure to violence is an early “marker.”
- Early intervention is critical to preventing violence.
- The media should be more responsible in their presentations.

November 15, 1993 — “Stop the Violence! I Want to Learn” — Senate Education Subcommittee on School Safety, Los Angeles — Senator Teresa Hughes presiding

- Kathleen Brown said prevention and intervention must be blended with punishment to stop violence.
- A report by the Commission on Teacher Credentialing on school violence is due to the Legislature in early 1994 presenting the results of focus group hearings.
- Select school violence prevention programs made presentations on their successes and difficulties that they experienced.
- The subcommittee is compiling a resource guide on school programs.

November 17, 1993 — “Juvenile Justice in California” — Assembly Public Safety Committee, Sacramento — Assemblyman Bob Epple presiding

- Review of pending juvenile justice legislation.
- Los Angeles District Attorney Gil Garcetti called for a task force to do a thorough review of the juvenile justice system within 180 days. Support was shown from other testifiers and members of the committee.

December 5, 1993 — “Blue Ribbon Commission Revisited” — Assembly Select Committee on Prison Oversight, Sacramento — Assemblyman Tom Umberg presiding

- Current trends in corrections are heading away from the 1989 “Blue Ribbon” proposals, which recommended alternatives to incarceration.
- Current practices have “fed state prison operations and starved community-based programs that attack crime at the local level.”

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December 13, 1993 — "Hate Violence in California" — Senate Judiciary Committee, Oakland — Senator Bill Lockyer presiding

- Funding for tracking hate violence is essential. Prior bills have been vetoed or stripped of funding.
- The causal factors of hate should be addressed: integration of housing, shifts in the economy, negative stereotypes, etc.
- Better training is required for law enforcement officers.
- Gregory Withrow, former white supremacist, said, - "Hate is really a fear of others."

December 20, 1993 — "Children and Violence: The Cost to the State" — Senator Art Torres presiding

- Oppression, economics and mental health are among the risk factors.
- Alcohol and drugs lead to violence.
- Incarceration system must be reviewed.
- Injuries resulting from violence have become one of the fastest growing drains on the health care system.
- No one solution will be adequate to address the ever-complex and compounding problem of the violence.

January 18, 1994 — Crime Roundtable, Sacramento — U.S. Senator Barbara Boxer presiding

First in a series of roundtables addressing crime.

- We must break the cycle of violence through prevention, education and treatment.
- We must address underlying problems such as family, homelessness, jobs, mental health services, and education.
- One in four workers will be the victim of violence in the workplace.
- Limits should be placed on firearm possession.
- School violence crosses all ethnic groups.
- "Crime packages" only address the short-term solutions.

January 25, 1994 — "School Violence Prevention Conference" — Los Angeles County Office of Education, Long Beach

- Invest more time with kids.
- Create parent centers on school campuses.
- Teacher training and credentialing should include violence prevention.

Confronting Violence in California

- 80% of individuals incarcerated are school dropouts.
- Most effective teachers are tough and caring.

February 4-6, 1994— "Violence in America: Responding to the Crisis" — Physicians for a Violence-Free Society, San Francisco

This is the first annual conference for Physicians for a Violence-Free Society, featuring many nationally known figures currently active in the violence prevention movement.

February 7-8, 1994 — Governor Wilson's Crime Summit, Los Angeles

Governor Pete Wilson has called a crime summit to "forge a comprehensive approach to protecting the safety of every individual in California."

February 16, 1994 — "Violence Symposium: A Focus on Firearms" — CAL/ACEP

This symposium is designed to prevent the effects of firearms violence on society.

March 5, 1994— "Crime Summit" — Rainbow Coalition, Oakland

March 15, 1994 — "Media Violence Workshop" — KVIE/California Medical Associates Alliance, Sacramento

This workshop is designed to address media violence.

California Approaches to Violence Prevention

The following are examples of how violence and crime are being addressed around the state.

Curfews

In 1993, Santa Monica adopted a curfew that states that no one under the age of 18 may loiter or drive aimlessly on public streets or in parks between 10 p.m. and 6 a.m. On Fridays and Saturdays the restrictions are the same, but enforcement starts at 11 p.m. An exception is made for minors involved in legitimate activities.

Oakland has adopted a curfew similar to Santa Monica's.

Confronting Violence in California

Drug Courts

In an effort to reduce recidivism, Oakland has implemented a "drug court" that forces first-time drug offenders to get help within hours of their court appearances, a departure from the traditionally more punitive approach to drug possession. The offender must go through three treatment phases that can last up to two years and cost up to \$220. Results indicate an 85 percent increase in the number of people participating and 46 percent fewer repeat arrests for persons who participate.

Courts in Los Angeles, San Francisco, Santa Clara and Richmond are considering similar diversion programs.

Firearms

Several new efforts were tried in 1993 to reduce the number of firearms on the streets:

Tickets for Guns - Several communities have offered entertainment tickets for guns and rifles in a campaign to reduce their numbers on the streets. Cities include San Francisco, Los Angeles, Oakland, and Sacramento.

Hot Lines - Sacramento, in conjunction with state and local officials, has established an 800 number to permit anonymous reporting of individuals who are carrying firearms or other dangerous weapons, or who have them in their school lockers or cars. The program is intended mainly for middle school and high school students in the Sacramento City, Folsom/Cordova, Elk Grove, Grant and San Juan school districts.

Several high schools in Southern California have also established such a system.

Alameda County - County supervisors have adopted a policy that requires full prosecution and sentencing for anyone convicted of illegal possession of a gun. Violators face one of three sentences: house arrest for 120 days, 750 hours of weekend community service, or 6 months in county jail.

Confronting Violence in California

Folsom Prison

The inmates enrolled in Father Gregory J. Boils' "Theological Issues in Short Fiction," class expressed their opinion of the federal crime bill by saying, "These aren't 'crime' bills - they are 'punishment' bills. They don't seek to make prisons obsolete by reducing crime, they merely address how we'll deal with criminals when they're caught." Inmate solutions include:

- Address the pervasive hopelessness among the inner-city poor.
- Promote mentoring programs to tackle the problems of fatherless sons.
- Convert prisons from punishment warehouses to rehabilitation centers.
- Actively support entrepreneurship in urban areas.
- Get all guns off the street.
- Conceive ways to offer meaning to inner-city poor youth who have lost the ability to imagine a future.

Radio Talk

On Monday nights, San Francisco's most popular station, KMEL offers "Street Soldiers Tonight," a 4 hour program of advice, encouragement and warnings on gang involvement. Callers also gain access to an extended family network centered around the Omega Boys Club of San Francisco, which offers academic help for college-bound students, job training for high schoolers, peer counseling for imprisoned youth and violence prevention for gang war refugees.

Health

Several health organizations have placed a major focus on violence in California:

California Wellness Foundation

As part of one of the largest-ever public or private efforts of its type, the California Wellness Foundation established the Pacific Center for Violence Prevention to curb youth violence through public policy advocacy, media advocacy training, and community leadership development.

Confronting Violence in California

The Pacific Center's \$1.35 million grant is part of a \$30 million California Wellness Foundation commitment to develop and fund viable violence prevention programs throughout the state for the next five years. The center will be a central source of information and training for organizations, policy makers, individuals and the media. The money is the first in a series of yearly grants.

As part of its broader violence prevention program, the California Wellness Foundation awarded \$900,000 to five California universities and the Department of Health Services to fund academic fellowships. The recipients were U.C. San Francisco, U.C. Davis, U.C. San Diego Medical Center, Stanford University, UCLA and the Department of Health Services.

California Medical Association

In an effort to break the cycle of violence, the California Medical Association and California Medical Association Alliance have launched a domestic violence education effort aimed at physicians and the public called "Safe Choices." The campaign has produced public service announcements for California TV and radio stations that encourage battered women to make "safe choices" for themselves and their families. Additionally, the alliance has produced wallet-sized "palm cards" listing local shelter referral information and a nationwide 800 number for crisis intervention. Since the implementation of this program in October 1993, calls from Californians have increased dramatically.

The association and alliance have also been involved in addressing media violence.

CONCLUSION

The prevention of violence and crime can never be effectively built upon only one strategy because violence is the product of many factors. A comprehensive approach is needed that addresses prevention, intervention and detention.

As a matter of public policy it is important that the Legislature support and establish partnerships between police and the community to actively address the less obvious causes and solutions to violence and crime.

It is also necessary to determine the criminals who should go to prison and who should be sentenced instead to an alternative form of incarceration. The likely fiscal impact of proposed sentencing legislation on prisons, jails, probation, parole and public safety also must be taken into account.

With the dramatic increase in juvenile crime, especially violent crime, the Legislature should actively reform the juvenile justice system to punish the truly violent and reduce the number of nonviolent offenders in the system.

The family is a very important factor in the elimination of violence in California. The Legislature should support intervention aimed at preventing or treating violence within the family. It should support school violence-prevention programs that address diverse intellectual, emotional and social needs, and the development of cognitive and decision-making processes among children.

The Legislature should also develop the mass media's potential to be a part of the solution to violence, rather than a contributor to the problem.

Although firearms are only a part of the problem, they are the tools by which aggression and violence turn fatal. During the coming year, the Legislature should thoroughly review current firearm policy and take the necessary steps to create an effective policy to ensure the public's safety.

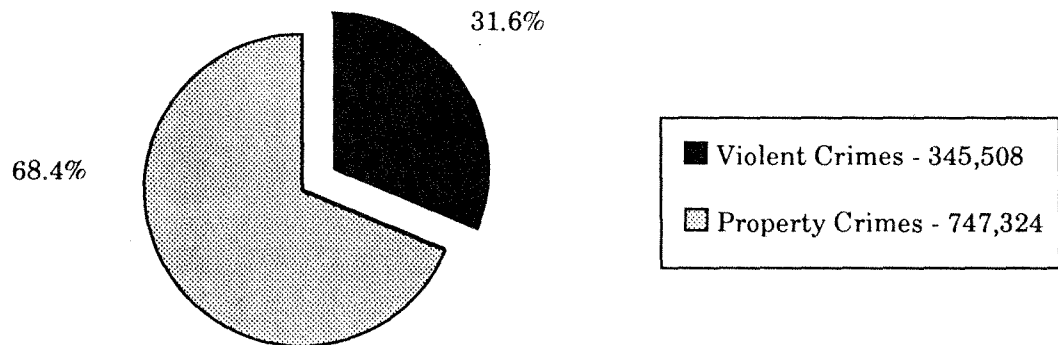
Confronting Violence in California

APPENDIX A - (INTRODUCTION)

1. California Crime Index, 1992
California Crime Index, 1987
2. Violent Crimes, 1992
Violent Crimes, 1987
3. Property Crimes, 1992
Property Crimes, 1987
4. Violent Crime Felony Arrest Rate
5. California Crime Index, 1992
Violent crime rate per 100,000 population

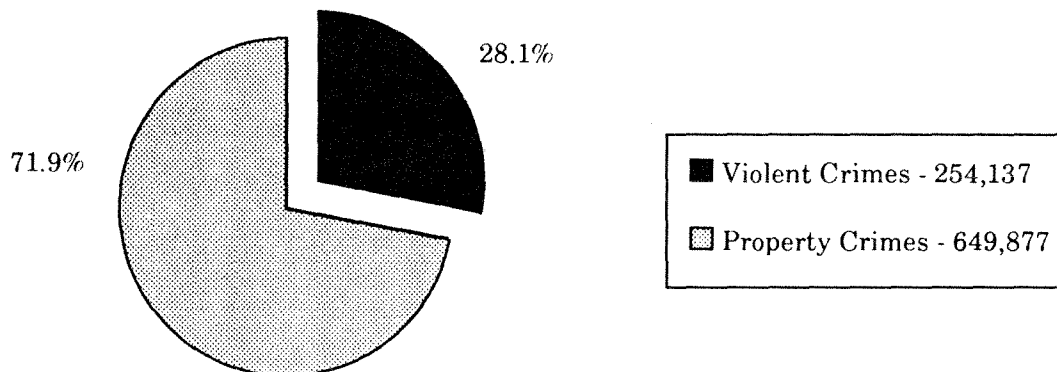
California Crime Index, 1992
Property crime rate per 100,000 population

California Crime Index, 1992
Crimes Reported
Almost a third of major California felonies involve violence



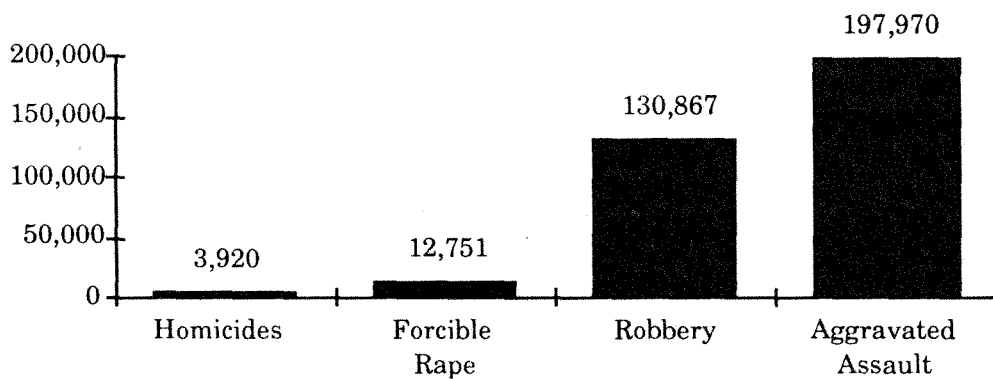
Source: California Department of Justice

California Crime Index, 1987
Crimes Reported



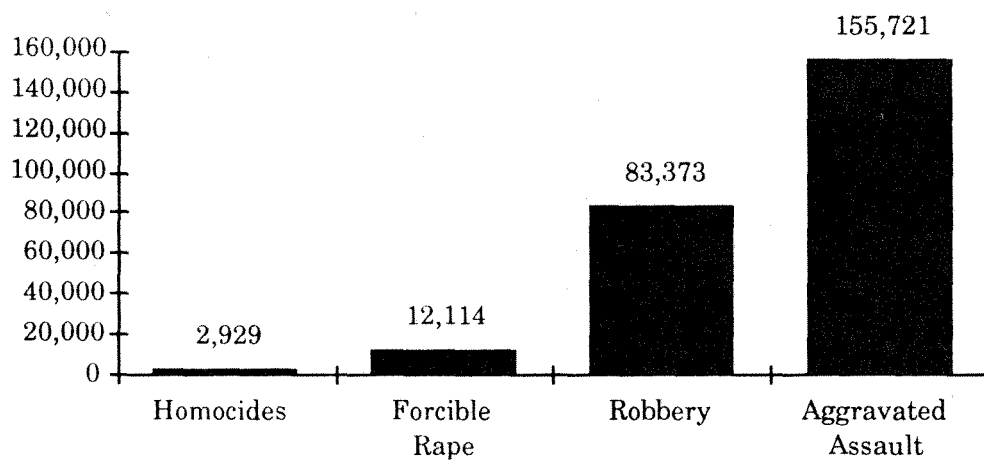
Source: California Department of Justice

Violent Crimes, 1992
Aggravated assault constitutes most violent crime
in California



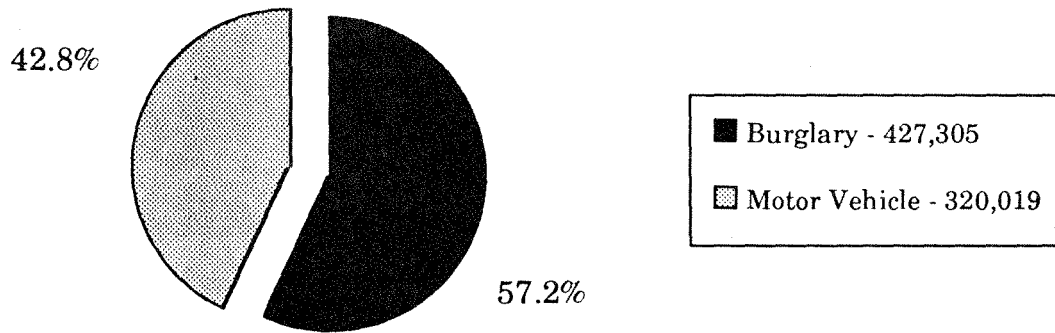
Source: Department of Justice

Violent Crimes, 1987



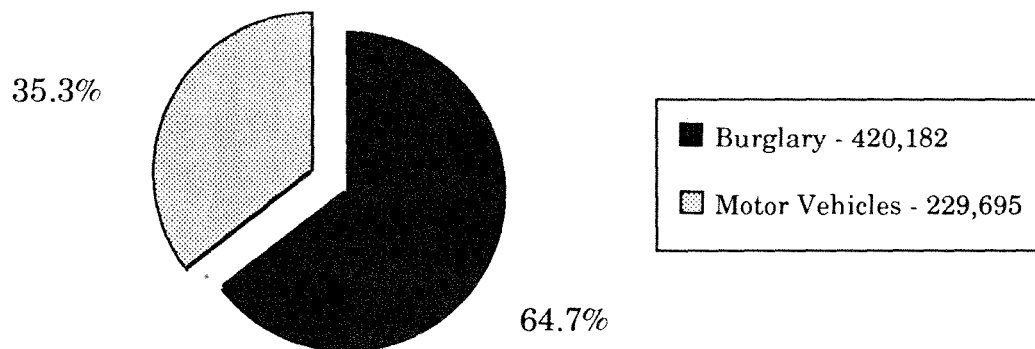
Source: Department of Justice

Property Crimes, 1992
Stolen cars represent almost half of all property crimes.



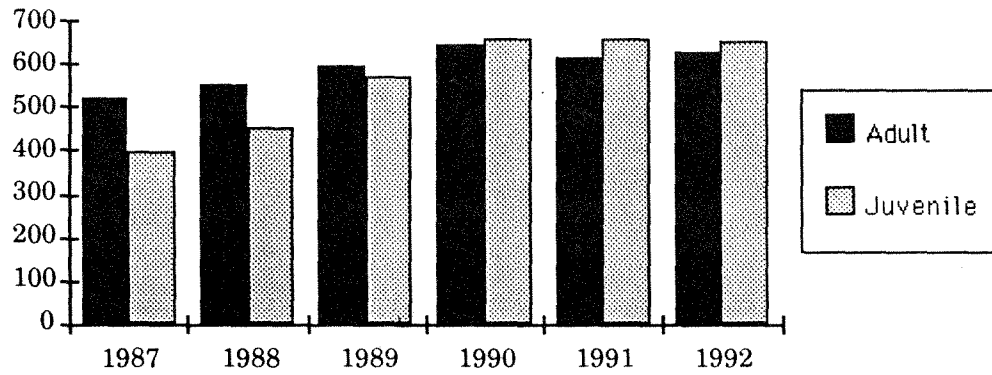
Source: Department of Justice

Property Crimes, 1987



Source: Department of Justice

**Violent Crime Felony Arrest Rate
per 100,000 at Risk ***



* Adult, 18-69 years of age
Juvenile, 10-17 years of age

Source: Department of Justice

CALIFORNIA CRIME INDEX 1992

Violent crime
Rate per 100,000 population

	<u>Total Crimes</u>	<u>Rate</u>
Statewide	345,506	1,103.9
Counties over the state rate		
Alameda	16,748	1,259.5
Los Angeles	163,513	1,791.3
San Bernardino	17,182	1,116.7
San Francisco	13,837	1,858.6

CALIFORNIA CRIME INDEX 1992

Property crime
Rate per 100,000 population

Statewide	747,324	2,387.6
Counties over the state rate		
Alameda	33,121	2,490.9
Fresno	30,397	4,204.3
Imperial	3,180	2,558.3
Los Angeles	261,989	2,870.1
Riverside	38,621	2,954.9
Sacramento	32,851	2,954.5
San Bernardino	42,729	2,777.0
San Diego	68,396	2,598.6
San Francisco	24,805	3,331.8
San Joaquin	14,470	2,839.5

Source: Department of Justice

APPENDIX B - (PRISONERS IN CALIFORNIA)

1. California Department of Corrections
Institution Population Characteristics
2. Felon Parolees by County, 1991
3. Parole Violations in 1991
4. Adults Under State Supervision 1980-1993
5. California Youth Authority
6. "Putting Violence Behind Bars: Redefining the Role of
California's Prisons," Little Hoover Commission,
January 1994, Executive Summary.

CALIFORNIA DEPARTMENT OF CORRECTIONS

Institution Population Characteristics

Total population 109,540 as of December 31, 1992

Inmate's Age (last birthday)

20 or less years	1,904	1.6
20 to 24 years	20,273	18.5
25 to 29 years	26,180	23.9
30 to 34 years	24,993	22.8
35 and over	55,645	33.2

Ethnicity

White	31,690	28.9
Hispanic	35,125	32.1
Black	36,650	33.5
Other	6,031	5.5

New Admissions (offense category)

Violent Crime	11,668	29.1
Property Crime	11,386	28.4
Drug Crime	12,791	31.9
Other	4,303	10.7

Source: California Department of Corrections

FELON PAROLEES* **BY COUNTY, 1991**

* Felon Parolees are individuals who have served a prison sentence and are now being supervised in the community by the California Department of Corrections.

	PAROLEES BY COUNTY	PERCENT OF STATEWIDE TOTAL
ALAMEDA	5,262	5.9
ALPINE	9	0.0
AMADOR	21	0.0
BUTTE	405	0.5
CALAVERAS	9	0.0
COLUSA	22	0.0
CONTRA COSTA	1,542	1.7
DEL NORTE	29	0.0
EL DORADO	103	0.1
FRESNO	3,092	3.5
GLENN	30	0.0
HUMBOLDT	211	0.2
IMPERIAL	193	0.2
IONYO	21	0.0
KERN	2,711	3.0
KINGS	353	0.4
LAKE	116	0.1
LASSEN	47	0.1
LOS ANGELES	32,657	36.6
MADERA	448	0.5
MARIN	73	0.1
MARIPOSA	6	0.0
MENDOCINO	91	0.1
MERCED	488	0.5
MODOC	13	0.0
MONO	8	0.0
MONTEREY	1,309	1.15
NAPA	128	0.1
NEVADA	50	0.1

ORANGE	3,746	4.2
PLACER	224	0.3
PLUMAS	11	0.0
RIVERSIDE	3,349	3.8
SACRAMENTO	3,702	4.2
SAN BENITO	23	0.0
SAN BERNARDINO	4,236	4.8
SAN DIEGO	5,820	6.5
SAN FRANCISCO	4,523	5.1
SAN JOAQUIN	2,099	2.4
SAN LUIS OBISPO	414	0.5
SAN MATEO	1,536	1.7
SANTA BARBARA	625	0.1
SANTA CLARA	3,528	4.0
SANTA CRUZ	230	0.3
SHASTA	511	0.6
SIERRA	5	0.0
SISKIYOU	47	0.1
SOLANO	748	0.8
SONOMA	863	1.0
STANISLAUS	1,176	1.3
SUTTER	71	0.1
TEHAMA	105	0.1
TRINITY	10	0.0
TULARE	702	0.8
TUOLUMNE	20	0.0
VENTURA	750	0.8
YOLO	86	0.1
YUBA	274	0.3
TOTAL	88,881	99.7 **

** This number does not add up to 100 percent because the remainder are in intensive supervised parole units instead of in the community at large.

Source: Department of Corrections, Offender Information Services Branch

**PAROLE VIOLATORS RETURNED WITH A
NEW TERM (PV-WNT)*
BY COUNTY, 1991**

* These are individuals who have received a sentence for a new crime committed during the time of their parole and have been returned to prison.

	PV-WNT BY COUNTY	PERCENT OF STATEWIDE TOTAL
ALAMEDA	539	3.4
ALPINE	0	0.0
AMADOR	1	0.0
BUTTE	42	0.3
CALAVERAS	5	0.0
CONTRA COSTA	145	0.9
DEL NORTE	7	0.0
EL DORADO	15	0.1
FRESNO	394	2.5
GLENN	10	0.1
HUMBOLDT	45	0.3
IMPERIAL	22	0.1
INYO	3	0.0
KERN	596	3.7
KINGS	35	0.2
LAKE	8	0.0
LASSEN	5	0.0
LOS ANGELES	7,027	43.9
MADERA	72	0.4
MARIN	27	0.2
MARIPOSA	0	0.0
MENDOCINO	21	0.1
MERCED	74	0.5
MODOC	1	0.0
MONO	0	0.0
MONTEREY	131	0.8
NAPA	25	0.2
NEVADA	14	0.1
ORANGE	638	4.0

	PV-WNT BY COUNTY	PERCENT OF STATEWIDE TOTAL
PLACER	49	0.3
PLUMAS	1	0.0
RIVERSIDE	796	5.0
SACRAMENTO	768	4.8
SAN BENITO	11	0.1
SAN BERNARDINO	612	3.8
SAN DIEGO	1,412	8.8
SAN FRANCISCO	531	3.3
SAN JOAQUIN	229	1.4
SAN LUIS OBISPO	43	0.3
SAN MATEO	222	1.4
SANTA BARBARA	131	0.8
SANTA CLARA	543	3.4
SANTA CRUZ	39	0.2
SHASTA	54	0.3
SIERRA	2	0.0
SISKIYOU	7	0.0
SOLANO	75	0.5
SONOMA	32	0.2
STANISLAUS	178	1.1
SUTTER	37	0.2
TEHAMA	14	0.1
TRINITY	2	0.0
TULARE	109	0.7
TUOLUMNE	8	0.0
VENTURA	99	0.6
YOLO	57	0.4
YUBA	45	0.3
TOTAL	14,994	100

SOURCE: Department of Corrections, Offender Information Services Branch

ADULTS UNDER STATE SUPERVISION 1980-1993

YEAR		PERCENT INCREASE	
1980	INSTITUTIONS	27,916	
	PAROLE	16,002	
	TOTAL	43,918	
1981	INSTITUTIONS	32,966	
	PAROLE	15,431	
	TOTAL	48,397	10%
1982	INSTITUTIONS	37,600	
	PAROLE	18,209	
	TOTAL	55,809	15%
1983	INSTITUTIONS	41,642	
	PAROLE	22,797	
	TOTAL	64,439	15%
1984	INSTITUTIONS	45,685	
	PAROLE	28,000	
	TOTAL	73,685	14%
1985	INSTITUTIONS	52,747	
	PAROLE	32,020	
	TOTAL	84,767	15%
1986	INSTITUTIONS	62,128	
	PAROLE	35,304	
	TOTAL	97,432	15%

1987	INSTITUTIONS	69,299	
	PAROLE	43,390	
	TOTAL	112,689	16%
1988	INSTITUTIONS	78,204	
	PAROLE	52,587	
	TOTAL	130,791	16%
1989	INSTITUTIONS	89,248	
	PAROLE	61,211	
	TOTAL	150,459	15%
1990	INSTITUTIONS	99,145	
	PAROLE	72,223	
	TOTAL	171,368	14%
1991	INSTITUTIONS	103,568	
	PAROLE	84,207	
	TOTAL	187,770	10%
1992	INSTITUTIONS	111,338	
	PAROLE	87,867	
	TOTAL	199,205	6%
1993	(As of October 31, 1993)		
	INSTITUTIONS	118,995	
	PAROLE	78,527	
	TOTAL	197,522	

SOURCE: California Department of Justice

CALIFORNIA YOUTH AUTHORITY
Institution Population Characteristics
Total population 8,573 as of October 30, 1993

<u>Commitment Offense</u>	<u>Total</u>	<u>Percent</u>
Homicide	1,202	14.0
Robbery	1,939	22.6
Assault	2,039	23.8
Burglary	942	11.0
Theft (except auto)	285	3.3
Auto theft	632	7.4
Rape (forcible)	226	2.6
Other sex offenses	302	3.5
Narcotics & drug laws	656	7.7
Arson	58	0.7
Kidnap/extortion	132	1.6
Other offenses	158	1.8

Admission Status

1st commitment	7,284	85.0
1st parole violation return	1,081	12.6
2nd parole violation return	192	2.2
3rd parole violation return (or more)	16	0.2

Ward's Age (last birthday)

13 or less years	12	.1
14 years	103	1.1
15 years	297	3.5
16 years	851	9.9
17 years	1,471	17.2
18 years	1,905	22.2
19 years	1,666	19.4
20 years	1,160	13.5
21 years	507	5.9
22 years	302	3.5
23 years	190	2.2
24 or more years	108	1.3

Ethnicity

White	1,269	14.8
Hispanic	3,822	44.6
Black	2,832	33.0
Asian	422	4.9
Native American	55	0.6
Filipino	77	0.9
Pacific Islander	73	0.9
Other	22	0.3

Source: California Youth Authority

PUTTING VIOLENCE BEHIND BARS: REDEFINING THE ROLE OF
CALIFORNIA'S PRISONS

Little Hoover Commission, January 1994

Executive Summary

It is easy to be anti-crime, but much tougher to determine what steps California should take to keep its citizens safe. The adult criminal justice system is a complex web of interrelated components, ranging from the cop on the street to lawyers, judges and prison guards. Altering the numbers, status or powers of any of those individual pieces can have a dramatic effect on how crime is battled.

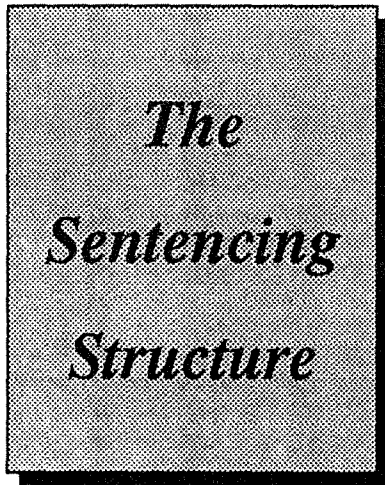
The tail-end of the anti-crime machine -- the state prison system -- is one of the most visible and costly components. After extensive study, the Little Hoover Commission believes that, targeted and used properly, the prison system has a high potential for putting a lid on violence and allowing citizens to feel safe in their homes once again. The Commission found, unfortunately, that all too often policies relating to prisons are driven by emotion rather than reason, divorced from cause and effect, and devoid of outcome-based strategies.

To address these problems, the Commission focused on three elements:

- The sentencing structure, which determines who will be placed in prison and for how long.

- Prisons programs, the single best chance the system has to affect the 90 percent of prisoners who are released back to the streets.
- Operational problems in the Department of Corrections, the agency that runs the second largest prison system in the world.

These three areas are addressed in the seven findings and 30 recommendations summarized below.



Finding #1: The sentencing system is complex and inequitable, frustrating the public's desire for consistency and certainty.

The bulk of the state's felony offenders are sentenced under the Determinate Sentencing Act of 1977, with finite sentences for each offense. The goals of the law included equity, consistency and simplicity. But the current system, due to inherent flaws in the original law, changes in public policy and piecemeal revisions, is not working. The state's tangle of sentencing statutes is so complex even experts make sentencing errors. It is a system that is inequitable to both victims and offenders, offering little in the way of certainty and nothing to a sense of fairness.

Recommendation 1: The Governor and the Legislature should enact a compromise, short-term measure that will clarify and simplify sentencing in California.

Recommendation 2: A sentencing commission should be created in California either by action of the Governor and the Legislature or by ballot initiative.

Recommendation 3: The commission should be charged with creating a sentencing structure

that meets the philosophical goals of the criminal justice system.

- *Protecting the public safety*
- *Tailoring the punishment to the crime*
- *Addressing the needs of victims*
- *Fostering responsibility in inmates*
- *Balancing costs with benefits*

Recommendation 4: The structure recommended by the sentencing commission should organize felonies in an easily understood manner in order of severity.

Recommendation 5: The sentencing system created by the commission should be insulated from politically motivated, piecemeal tampering by using a passive legislative approval mechanism.

Recommendation 6: Once the sentencing structure has been adopted, the sentencing commission should monitor the structure and suggest modifications to maintain equity and consistency.

Recommendation 7: The sentencing commission should make recommendations to the Legislature on each sentencing bill and analyze it as to internal consistency with the sentencing structure and impact on inmate population and spending.

Finding #2: The degree to which the present criminal justice system distinguishes between violent and non-violent offenders is not sufficient to protect the public and maintain the credibility of the system.

In retaining indeterminate sentencing for some violent crimes, California recognized that to maximize public safety some criminals should be judged, incarcerated and released on a case-by-case, subjective basis rather than on the basis of rigid, objective standards. The present system, however, draws the line between crimes in such a way that the bulk of both violent and non-violent crimes falls under the determinate sentencing structure. This results in fixed release dates for the majority of prisoners that are unrelated to either the violence of their crime, their behavior in prison or their prospects for crime-free success after release.

The current split between indeterminate and determinate sentencing leads both to the public perception and the reality that prison's barred gates are actually revolving doors for too many violent felons. This conclusion is borne out by studies of criminals in general, inmates in California's prisons, sentences served, paroles revoked and recidivism rates. The current split also drives up costs, increases prison discipline problems and undermines the credibility of a system whose chief goals should be to protect the public, satisfy a societal sense of justice and cycle inmates back into the real world in a manner that maximizes their potential for a crime-free life.

Recommendation 8: The Governor and the Legislature should shift the demarcation between indeterminate and determinate sentencing so that all or most violent crimes fall under a sentencing structure that ensures inmates are regularly evaluated, with the severity of their crime, their behavior in prison and their future prospects linked to their release date.

Recommendation 9: A Sentencing Commission, or alternatively the Governor and the

Legislature, should authorize the use of a greater range of intermediate punishments for a narrow segment of non-violent offenders.

Recommendation 10: The Governor and the Legislature should expand California's definition of habitual offender so that people who are repeatedly sentenced to prison remain there on indefinite terms until regular evaluation demonstrates that they have developed a potential to lead a crime-free life.

Recommendation 11: The Governor and the Legislature should enact legislation to reduce sentence reduction credit for violent offenders.

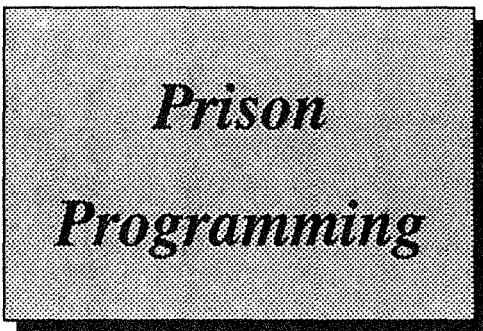
Finding #3: The present parole system is not structured as an effective deterrent to criminal behavior.

The concept behind parole, a theoretically important element of the sentencing structure, is that a person released from prison needs some level of supervision as he becomes integrated into life in the free world. Parole provisions, in general, require a former prisoner to maintain a certain standard of good behavior or face a return to custody. In the era of indeterminate sentences, inmates were not released without forming a specific plan for housing, means of support and other daily living factors -- and the threat of parole revocation was a powerful mechanism to encourage parolees to follow the plan. But today, parole more often is a wrist-slapping exercise that drives up criminal justice costs, fails to protect the public, is subverted by authorities to hold down local costs, and does little to add structure to a former prisoner's life. Recent steps taken by the Department of Corrections to stem the flow of parolees back to prison have accomplished that finite goal at the expense of worsening the system's flaws.

Recommendation 12: The Governor and the Legislature should enact parole reform that will provide a greater deterrent to continued criminal activity by parolees, including:

- a) structuring the work-credit system so that the time earned off a sentence is suspended rather than eliminated and then is re-imposed if parole is violated.
- b) lengthening the maximum parole violation sentence to longer than one year for violent crimes.

Recommendation 13: The Department of Corrections should institute comprehensive pre-release programs at all institutions that require inmates to focus on their life after prison and make plans for a crime-free life.



Finding #4: The effectiveness of prison work programs is hampered by the absence of statutory direction and lack of a unified management structure.

Although there is no statutory mandate for the Department to train or rehabilitate inmates, the public's desire and expectation is that criminals will work productively while they are imprisoned. There are a variety of programs to meet that expectation, but they are not driven by legislatively set goals for giving inmates the tools to refrain from a life of crime once they are released. The programs operate in an uncoordinated manner that hampers effectiveness and they lack the methodical evaluation, tracking and reform mechanisms necessary for success.

Lacking a unified structure and a clear vision of goals for work programs, the Department has placed illiterate inmates in jobs without first raising their education level, created an employment demand for lower-level inmates while higher-security inmates wait for assignments, and wasted state resources on unproductive job programs. The lack of statutory mandates and cohesive policy implementation has resulted in idle inmates and time-off credits granted with no commensurate effort on the part of the offenders. In addition, many inmates return to the real world at the end of their sentences no better equipped in terms of education, skills and the work ethic than when they entered prison.

Recommendation 14: The Governor and the Legislature should reinstate rehabilitation as a goal of the corrections system, subordinate to the goal of public safety, and specifically target populations most likely to benefit.

Recommendation 15: The Governor and the Legislature should enact legislation that establishes a single, unified structure within the Department of Corrections for all work programs, including the Prison Industry Authority.

Recommendation 16: A program of part-time work, part-time education should be instituted systemwide.

Recommendation 17: Inmates should be screened and go through an interview process before they are placed in a work assignment.

Recommendation 18: Work assignments for higher security level inmates should be expanded.

Finding #5: The Department's education program is neglected, unfocused and poorly structured.

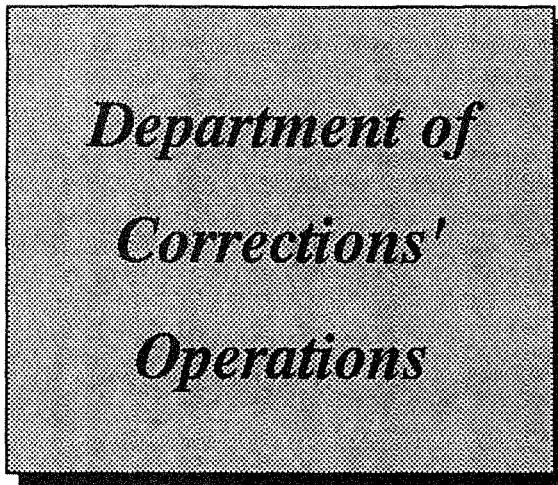
One of the conspicuous traits common to many inmates is their lack of education. All too frequently, they are academic failures, unable to function at the level of a 12-year-old junior high school student. Researchers have gotten mixed results as to whether work training reduces recidivism, but studies are clear that upgrading *education* cuts return to crime. Education, therefore, could be expected to be a prominent part of the Department's program. The fact is, however, that despite the dedication of many correctional teachers, the Department's education program is in disarray. Goals are unclear. Budget cuts have fallen disproportionately on prison education. Policies are ignored. And the Department's management structure discourages, rather than encourages, its education program.

Recommendation 19: The Department of Corrections should restructure its education program, either by creating a correctional school district with the assistance of the Governor and the Legislature, or by creating a superintendent of correctional education and placing that person in a top policy-making role.

Recommendation 20: Whether a district is formed or a superintendent's position established, that entity shall be the key decisionmaker on inmate education and should set short- and long-term goals involving literacy, testing and education priorities for all prison education programs.

Recommendation 21: No inmate shall be placed in a full-time job until he attains ninth grade literacy.

Recommendation 22: The Prisoner Literacy Act should be strengthened and amended so it is outcome-based.



Finding #6: A long-standing practice of allowing each prison to operate independently has hindered accountability for performance and hampered standardization of policies, leaving the State open to charges of mistreating prisoners.

Historically, California's prisons have been headed by all-powerful wardens who set the tone of the institution, crafted policies to carry out their correctional philosophies and were answerable to few -- a system that was viable when there were only a half dozen institutions scattered around the State. While the massive growth that California's Department of Corrections has undergone has begun to force some centralization into the system, the progress has been slow, incremental and, in many cases, lawsuit-induced. The result is a system that has allowed appalling abuse of some prisoners, lax standards for daily operations and questionable practices that leave the State open to expensive liability. While the Department has taken significant steps to address problems, legislative support and guidance is critical to ensure reform is comprehensive and carried through.

Recommendation 23: The Governor and the Legislature should support standardization of policies and centralized accountability for the prison system through the budget allocation process.

Recommendation 24: The Governor and the Legislature should establish a separate Inspector General function outside of the

Department of Corrections to improve credibility of oversight of prison practices.

Recommendation 25: The Governor and the Legislature should improve the warden selection process.

Finding #7: The Department of Corrections is prevented in some instances from operating effectively, efficiently and safely.

State laws, federal practices and the more general "laws" of supply and demand in some instances stop the Department of Corrections from taking steps or implementing policies that are sound and cost-effective. This includes a statute known as the Inmate Bill of Rights, the structure of the compassionate release program, prohibitions on AIDS testing, the failure of the federal government to pay for incarcerated illegal aliens and the high cost of procuring health care services through contracts.

Recommendation 26: The Governor and the Legislature should modify the Inmate Bill of Rights so that it reflects the federal standard of protection for prisoners.

Recommendation 27: The Governor and the Legislature should enact a carefully crafted medical parole program to allow the release of seriously ill prisoners who no longer constitute a threat to the public.

Recommendation 28: The Governor and the Legislature should enact legislation allowing mandatory testing for the AIDS virus of all prisoners.

Recommendation 29: The Governor and the Legislature should take every opportunity to remind the federal government of its

obligation to pay the costs attached to illegal immigration.

Recommendation 30: The Governor and the Legislature should direct the California Medical Assistance Commission to explore with the Department of Corrections all opportunities for reducing the cost of medical contracting in the prison system.

APPENDIX C - (PROPOSALS AND ACTIONS)

1. A National Action Plan to Combat Violent Crime
Recommendations of Mayors and Police Chiefs to the President
of the United States
2. Comparison of the "Three Strikes" Proposals,
as of January 13, 1994
3. California Crime Summit Agenda
4. Kathleen Brown Crime Package
5. "Tough and Smart Public Safety Program"
Assemblyman John Vasconcellos, January 14, 1994
6. Press Release, "Lungren Releases Letters from Video Game
Industry Following His Call for Removal of Violent Games —
Terms Response 'Inadequate.'"

A NATIONAL ACTION PLAN TO COMBAT VIOLENT CRIME

**Recommendations of
Mayors and Police Chiefs to
the President of the United States**

D e c e m b e r 9 , 1 9 9 3



The United States Conference of Mayors

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A NATIONAL ACTION PLAN TO COMBAT VIOLENT CRIME

**Recommendations of Mayors and Police Chiefs
to the President of The United States**

December 9, 1993



THE UNITED STATES CONFERENCE OF MAYORS

THE UNITED STATES CONFERENCE OF MAYORS

Jerry E. Abramson
Mayor of Louisville
PRESIDENT

J. Thomas Cochran
EXECUTIVE DIRECTOR

TASK FORCE ON YOUTH VIOLENCE AND CRIME

Wellington Webb, Mayor of Denver, CHAIR

Deedee Corradini, Mayor of Salt Lake City

Frank Jordan, Mayor of San Francisco

Patrick McManus, Mayor of Lynn

Rita Mullins, Mayor of Palatine

Joseph P. Riley, Jr., Mayor of Charleston

Paul Soglin, Mayor of Madison

Michael White, Mayor of Cleveland

Eldrin Bell, Chief of Police, Atlanta

William Bratton, Commissioner of Police, Boston

Doug Hamilton, Chief of Police, Louisville

Phil Keith, Chief of Police, Knoxville

Ruben Ortega, Chief of Police, Salt Lake City

Matt Rodriguez, Superintendent of Police, Chicago

Fred Thomas, Chief of Police, Washington, D.C.



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KAREN VIGAR
Mayor of Tacoma

December 9, 1993

The President
The White House
Washington, D.C.

Dear Mr. President:

In view of the continuing epidemic of violent crime in our cities, mayors and police chiefs call on you to elevate this problem to the top of the nation's agenda.

Last month, when you invited a U.S. Conference of Mayors delegation to meet with you in the White House to discuss violent crime, mayors and police chiefs from more than 30 cities gathered in Chicago to prepare for that meeting. In Chicago we talked not about the seriousness of the problem -- that needs no further discussion -- but rather about solutions to it.

We travelled to Chicago armed with examples of what has worked to reduce crime: every city can point to some effective, or at least promising, initiatives, many based on partnerships between the private sector and local government. But across our cities, local resources to support these initiatives are few, and the magnitude of the crime problem is enormous. That's why a national response is so desperately needed at this time.

The recommendations coming out of Chicago called for a balance between crime control and crime prevention, between security on our streets today and the ultimate elimination of the root causes of crime. Public safety is the most fundamental responsibility of local government and local officials, to avoid budget deficits, will invariably cut other public services before cutting police protection. But today, when an employment program is cut, or when a housing, recreation, or education program is cut, both the mayor and the police chief know that public safety in their city is being compromised at least as much as if police officers were laid off.

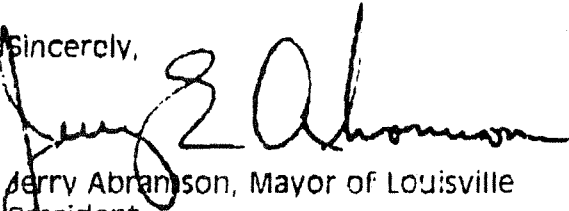
We need a new way of looking at the long term problem. In our view, lasting solutions lie in Washington's willingness to view affordable housing as a weapon to fight crime, to view child care, job training, recreation programs, community development and transportation to jobs as weapons to fight crime.

But today we need decisive action on the short term problem. Violence has long since reached an intolerable level. The illegal drug problem that is contributing so significantly to all types of crime is not being adequately addressed. There are obscene numbers of firearms, including semi-automatic weapons of war, circulating on our streets, and even in our schools. Our criminal justice system is in total disarray, unable to cope with staggering caseloads, unable to keep convicted criminals off the streets.

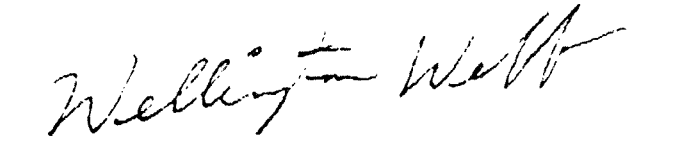
Mr. President, we call upon you today to marshal the nation's enormous resources and coordinate its public and private sectors in an all-out war on violent crime. We look to you for a national plan of action, and we respectfully submit our recommendations for the major elements of that plan.

Mr. President, please know that as we look to you for leadership, you can look to us for guidance, support and cooperation. Let our mutual commitment to fighting crime be the basis for renewing the federal-city partnership, a partnership that in decades past has carried this nation's cities through other social and economic crises, a partnership that can do it again.

Sincerely,



Jerry Abramson, Mayor of Louisville
President



Wellington Webb, Mayor of Denver
Chair, Task Force on Youth Violence and Crime

FOREWORD

This document is the product of a commitment by The U.S. Conference of Mayors to provide the President of the United States with a national plan to combat the violent crime that is taking away our freedom and security, our economic resources, our children's futures and, in far too many cases, our very lives.

A White House meeting for mayors and chiefs was first requested by Conference leaders in June of this year. In a satellite video link between the White House and the annual mayors' conference being held in New York City, President Clinton and the mayors discussed the most pressing urban issues, including the epidemic of crime. Later in the summer the mayors' request for a meeting was conveyed again in a letter to President Clinton from the Conference President, Louisville Mayor Jerry Abramson. The meeting was discussed again by the President and Mayor Abramson early in November, and in a letter to mayors and police chiefs meeting November 15 in Chicago, the President said, "I remain as committed as ever to stopping violent crime and protecting our citizens, and I look forward to meeting with you at the White House to discuss these issues." The date for the White House meeting was set shortly thereafter.

In that Chicago meeting -- labeled an emergency meeting on violent crime by the Conference -- mayors and police chiefs representing more than 30 cities outlined their recommendations for a national anti-crime initiative; those recommendations covered the need for (1) improvements in the crime legislation moving through Congress, (2) omnibus firearms control legislation -- beyond the Brady Bill, (3) a new crime-fighting partnership between the federal government and the cities, (4) expanded drug control efforts, (5) long-term attacks on the root causes of crime, and (6) strengthening and restructuring of the criminal justice system.

At the conclusion of the meeting, Mayor Abramson announced that Denver Mayor Wellington Webb would chair a task force of mayors and police chiefs charged with finalizing the recommendations in the six areas prior to their presentation to the President. The results of the task force efforts which follow in this document represent a call for immediate federal action to bolster the fight against violent crime long since underway in our cities.


J. Thomas Cochran
Executive Director

1. Funding for Police Officers

Mayors and police chiefs strongly support the inclusion of funds for additional police officers in the crime bills currently under consideration in Congress.

- The impact of the funding for additional police officers will not be felt on the streets for at least one year. A more immediate response to crime and violence is clearly needed and could be achieved by allowing local officials to use the funds to keep existing police officers on the streets longer, for improved communications technology, and for necessary equipment.
- It is not enough just to pass a crime bill. An urgent supplemental appropriations measure must accompany it.
- Other federal programs which address urban needs and the root causes of crime, such as the Community Development Block Grant or housing assistance, must not be cut in order to fund additional police officers. Neither should funding for federal law enforcement agencies be reduced in order to provide funding for local police departments.
- Funds should be provided directly to the cities and not through the states, in as streamlined a manner as possible, with minimal regulatory or bureaucratic interference.
- Local officials should be permitted to use the funds in the most flexible manner possible so that they can be applied to the most pressing local needs. They should be permitted to determine the most appropriate assignments for officers. The legislation pending would limit spending for costs other than salaries and fringe benefits to no more than 15 percent. More than 15 percent should be available for costs such as overtime, training, vehicles, equipment, technology and civilian support staff to assist in the implementation of community policing.
- It should be recognized that the local matching fund requirements contained in the pending legislation will present considerable problems for many jurisdictions. The Attorney General should have broad authority to waive the match requirements, and local in-kind match of federal funds should be offered. Otherwise many cities may find themselves in the position of cutting other local programs -- programs which themselves may help to attack the root causes of crime -- in order to satisfy the match requirements.

2. Omnibus Firearms Control Measures

Mayors and police chiefs call for immediate action on a comprehensive package of gun control measures by governments at all levels, actions which will decrease the number of guns in circulation in the United States. Among the measures needed:

- The manufacture, sale and possession of all semi-automatic assault weapons and their component parts should be banned. The importation of semi-automatic pistols should be banned immediately through administrative action.
 - All newly purchased and transferred firearms should be registered, and the registration fee should be significant.
 - The Brady Bill should be expanded to cover all firearms sales.
 - The transfer of firearms to minors, and the possession of firearms by minors, should be banned.
 - The Bureau of Alcohol, Tobacco and Firearms estimates that only 20 percent of licensed gun dealers have storefront operations. Federal gun dealer licensing provisions should be lightened through legislative measures including: a requirement that federally-licensed gun dealers meet state and local licensing requirements, an increase in the licensing fee for dealers to \$1,000 per year, photograph and fingerprint identification requirements for all gun shop employees, and a ban on the buying, selling or trading of guns at gun shows except for transactions in which each party is a licensed dealer. In addition, the number of ATF agents should be increased, the number of annual inspections those agents perform should be increased, gun dealers should be required to allow agents to examine their financial records and ATF should be allowed to maintain computerized records of gun transactions. The fine for the first violation by a gun dealer should be \$20,000, with increasing amounts for subsequent violations and ultimate revocation of the license.
- The Administration should take immediate administrative action to require photo and fingerprint identification for all dealers and notify local police departments of all federally-licensed gun dealers within their jurisdictions.
- The tax on ammunition and firearms sales should be increased significantly, with funds derived from the increase directed to a health care trust fund to provide care for victims of gun violence. Armor-piercing and hollow-point expanding ammunition should be banned.
 - Gun dealers should be liable for damages for illegal sales. Manufacturers should be strictly liable for damages for the death or injury of an individual which results from the use of an assault weapon they produce, if that individual was not engaged in the commission of a crime.
 - All weapons impounded by law enforcement agencies should be destroyed.

3. Expanded Drug Control Efforts

We believe that anti-drug efforts must be stepped up at all levels and that greater visibility must be given to the federal government's efforts.

- Equal importance must be attached to supply reduction and demand reduction efforts. The current level of enforcement must be maintained and demand reduction activities increased. In addition to prevention, education and treatment, sanctions for drug use and drug testing should be viewed as part of a demand reduction strategy.
- The authority of the Director of the Office of National Drug Policy should be significantly strengthened. The Director should have clear authority over the anti-drug activities of the 51 federal agencies involved in drug control, and those agencies must improve coordination of their efforts. The visibility of the Office should be increased and the number of staff expanded so that it can fulfill its mission.
- A national education campaign should be undertaken to make sure that the American public understands that there is no such thing as a "recreational" drug user, and that all users contribute significantly to the large market for drugs that exists in this country. So-called casual users as well as hard core users should be prosecuted to the full extent of the law. The goal in doing this is to motivate all users to seek counseling and treatment.
- Treatment should be expanded so that a continuum of services is available to all in need and seeking help. Authorities should take full advantage of the relationship between the threat of sanctions and readiness for treatment. Research into effective methods of treatment should be increased, with particular attention to developing a cocaine block.
- Mandatory minimum sentences should be enacted for all repeat drug sale convictions, with federal prosecutors targeting international traffickers and those who reap the profits and launder the money from the drug trade.
- Funding for the Drug Enforcement Agency should be increased, and the Agency should improve its coordination with local police departments. DEA should provide local police departments with information concerning seizures and arrests when such activities are planned for their jurisdictions.
- Efforts to involve the private sector and address drugs in the workplace should be greatly expanded.
- Additional drug courts should be established with funding provided for the necessary components: detoxification, stabilization and after-care that includes job training and education. Workable, accountable, sufficiently funded treatment programs are necessary with immediate consequences for those who fail to remain drug free.

4. Restructuring and Strengthening the Criminal Justice System

The efforts of many police departments both to prevent and respond to crimes are frustrated by the inadequacies of the criminal justice system. Due to the inadequate jail and prison space and the backlogs in the courts, we constantly see both charged and convicted offenders back on the streets committing additional crimes. Of particular concern is the failure of the outmoded juvenile justice system, a system which cannot respond to the numbers and types of violent crimes many juveniles are committing today. Clearly, the criminal justice system must be radically altered and expanded.

- The focus of juvenile courts has always been treatment and guidance rather than punishment. Juveniles get the message at a young age that if they are involved in criminal activity, little or nothing happens to them; they are an easy target for older persons who recruit them to commit drive-by shootings and sell drugs.

The increase in violent crimes committed by juveniles demands that this situation be changed. We must support prosecution of violent juvenile offenders as adults so that they can understand and be accountable for the consequences of their actions; we must eliminate confidentiality for this group of juvenile offenders so that their records as juveniles can be used once they enter the adult criminal justice system. We need to direct more resources to the juvenile court. Funding is needed to rehabilitate and expand existing juvenile facilities so that they can handle more young people in both pre- and post-adjudication situations. Funding is needed for more community-based sentencing alternatives for juvenile offenders. Boot camps for juveniles should be operated in conjunction with drug rehabilitation and schooling. Witness protection programs for young people providing information on gang activities should be created. Finally, we must re-examine how we deal with neglected and abused minors; without intervention they are tomorrow's criminals.

The federal Office of Juvenile Justice and Delinquency Prevention should be expanded and its visibility within the U.S. Department of Justice raised. Any federal funding for the incarceration of juveniles, as is included in the Senate crime bill, should be provided through OJJDP, and not the Bureau of the Prisons, which does not operate juvenile facilities. OJJDP should be used as a catalyst to promote a comprehensive interagency model for sharing of information so that intervention strategies are based on reliable information sources and so that such information is further shared among user agencies who provide the primary services for at-risk youth.

- We cannot expand the number of police without a similar increase in prosecutors, other court services and personnel. U.S. attorneys and local prosecutors should work in cooperation, particularly in the more difficult cases which have evidentiary problems. Additional parole and probation officers are needed if there is to be meaningful monitoring. We need to stop the revolving door that releases convicted offenders after short prison stays by increasing the prison space available and lengthening actual sentences served.

- Boot camps and other alternatives to prisons should be expanded, with follow-up activities and available jobs to prevent recidivism.

5. A Long Term Crime Reduction Strategy

All of the actions specified above represent relatively short-term responses to violent crime. They represent stage one of the total effort that is needed, and they should be undertaken immediately. If we are to stem the tide of violence, however, we must address the root causes of crime and violence in a comprehensive and seamless manner; otherwise, we are just swimming against that tide. All domestic investments should be examined in the context of their potential to help combat crime in the long term. Ultimately, a full domestic agenda to address the root causes of crime must be developed.

- Jobs help to prevent crime and violence. A public-private full employment initiative must be developed to ensure a job is available to everyone able to work.
- We must build strong neighborhoods and encourage community involvement to prevent crime from occurring in the first place.
- We must address the full range of issues relating to young people, including making parents responsible for the actions of their children. We must provide young people with the support they need to succeed. We must provide quality education, year-round jobs and recreational activities which provide alternatives to gang and other criminal activities. We must help to build strong families and address the problems of family violence -- recognizing that some young people will not be able to succeed if they remain in their home environment. For them, residential programs which provide training and support, such as the Job Corps, must be available.

We must eliminate the obstacles standing between young people and jobs. Recognizing that children today are growing up faster, we should re-examine our child labor laws. Many children age 14 and 15 are ready to work and need the money. Jobs at an early age also can help to instill a strong work ethic.

- We must significantly reduce the number of young people dropping out of school and make sure that in high school they learn the skills needed to enable them to find and keep jobs. After-school programs also are critical. Alternatives should be available for those who drop out or are expelled or suspended from school so they are not simply on the streets.
- A national policy on children and families should be formulated and implemented. We cannot overstate the importance of intervention at the earliest possible age. Health care, nutrition, Head Start and other effective early intervention programs must be available to all children.
- Successful violence reduction and conflict resolution programs should be expanded across the country. The federal government could greatly assist local governments by collecting information on the multitude of programs that exist, analyzing and evaluating those programs that are worthy of duplication, disseminating information on them and funding replication of those that are successful.

6. Partnerships to Prevent Violent Crime

Policy changes to address crime and violence must be accompanied by improved communication among the key players and by efforts to involve as wide a range of people and organizations in the national anti-crime effort as possible.

- Mayors and police chiefs will continue meeting together on a regular basis. We seek regular meetings with the President, others in the Administration and with Congressional leaders to share information on violent crime in the cities - what is working to combat it, and what more must be done. Local officials must be involved in the earliest stages of development of legislative and administrative initiatives if they are to be effective.
- There should be improved sharing of intelligence, new technologies and technical assistance among federal enforcement agencies and between federal enforcement agencies and local police departments. Sharing of intelligence is particularly important in cases involving gangs, drugs and firearms. A nationwide data system providing all police agencies access to information on gang membership and narcotics traffickers should be instituted.
- Non-law enforcement agencies and organizations have a key role to play in crime prevention efforts. These include the schools, the public health department, human services agencies (in and out of government), businesses and neighborhood organizations.
- We applaud the leadership of the Administration in confronting the entertainment industry on violence in movies and television. Programs on non-violent conflict resolution should be encouraged. The music industry as well must discourage violence-provoking lyrics and performances.

COMPARISON OF THE THREE-STRIKES PROPOSALS

As of 1-13-94

	UMBERG AB 167	INITIATIVE AB 971	RAINEY AB 1568
Possible sentences:	<p>One possible sentence</p> <p>Life without the possibility of parole (LWOP).</p>	<p>Two possible sentences</p> <p>(a) Double the normal sentence, if there is one prior;</p> <p>(b) If there are two priors: indeterminate life, with a base of 25 or more years, depending,</p>	<p>Two possible sentences</p> <p>(a) Indeterminate life, with a base of 25 actual years;</p> <p>(b) Life in prison without to possibility of parole.</p>
Prior felony convictions:	<p>Serious or violent felony convictions, as defined, impose the life sentence.</p> <p>Prior convictions defined as separate convictions.</p> <p>Notice to convicted felons that their convictions may qualify them for life sentences if they offend again.</p>	<p>Prior serious or violent felony convictions activate the sentencing provisions of the bill, regardless of whether or not they were separately brought and tried.</p>	<p>Prior serious or violent felonies activate the 3-strikes provisions, but there must have been at least two of them, and they must have been separate. Separate means the second crime was committed after the date of the first convictions.</p>
Type of felony committed:	<p>The felony may be any violent or serious felony as defined in the bill.</p>	<p>The "new" or "current" felony may be any felony. It need not be serious or violent.</p>	<p>The current felony must also be serious or violent.</p>
Sentence enhancements:	<p>The sentence is LWOP.</p>	<p>One prior "serious" or "violent" felony, and any current felony, requires the sentence for the current felony to be "twice the term otherwise provided..."</p>	<p>One prior prison term for a "violent" felony, with a current "violent" felony, requires a 10-year enhancement, with no washout period; one prior "serious" felony conviction, with a current "serious" felony creates a 5-year enhancement (current law).</p>

Sentencing provisions:	Life in prison without the possibility of parole on the 2nd conviction of crimes against children and the 3rd conviction of all other crimes.	Two prior "serious" or "violent" felony convictions, and any one current felony conviction requires a life sentence. The minimum term is "calculated as the	<p>(a) Two prior separate convictions for serious felonies, and a new serious felony = 25 to life.</p> <p>(b) One prior serious felony, and one prior violent felony + a new serious felony = 25 to life.</p> <p>(c) Two separate prior violent felonies + a new serious felony = LWOP.</p> <p>(d) Any combination of separate prior serious or violent felonies + any new violent felony = LWOP.</p>
Juvenile adjudications:	Juvenile adjudications count as prior convictions if the person was 16 years of age or older at the time the prior offense was committed if afforded the same due process rights as an adult.	Juvenile adjudications count as a prior conviction if the juvenile was 16 or 17, committed as a 707(b) offense, and was tried as a juvenile.	Juvenile adjudications do not count as prior convictions.
Sentencing credits:	No credits because the sentence is life without the possibility of parole.	Sentencing credits allowed up to one-fifty (20%).	No credits for 3-strikes defendants, and other violent felons.
Violent felonies:	Provides that all kidnapping is a "violent" felony. Also adds specified rapes, robbery and arson to list of violent felonies.	No change to "violent" felony list.	Provides that all kidnapping is a "violent" felony. (Currently only kidnapping persons under 14 is on the list.) Also adds assault on peace officer, fire-fighter or custodial officer, bank robbery, assault with intent to commit mayhem or a specified sex offense, and any felony in which a deadly weapon is used, to the list.

Serious felonies:	No additions to "serious" felony list.	No change to "serious" felony list.	Adds assault on a peace officer, fire-fighter, or custodial officer, assault with intent to commit mayhem or a specified sex offense, continuous sex abuse of a child, and intimidation of a witness or victim by force, to the list.
First-time offenders:	Provide education, job training, intensive parole and probation supervision, counseling, and drug and alcohol rehabilitation for those first entering the system.		Provide education, job training, intensive parole and probation supervision, counseling, and drug and alcohol rehabilitation for those first entering the system.

KH:ds



GOVERNOR PETE WILSON

CALIFORNIA CRIME SUMMIT

AGENDA

FEBRUARY 7, 1994

- 7:00 a.m. Press Check In
- 8:15 a.m. Registration (Participants Only)
- * Doors Open to the Public
- 8:45 a.m. Memorial Ceremony Honoring Victims of Crime
- 10:00 a.m. Opening Remarks by Governor Pete Wilson
- Remarks by Dignitaries
- * Attorney General Dan Lungren
 - * Speaker of the Assembly Willie Brown
 - * Senator David Roberti
 - * Senate Minority Leader Ken Maddy
 - * Assembly Minority Leader Jim Brulte
- 10:50 a.m. Welcome to Los Angeles
- * Los Angeles Mayor Richard Riordan
 - * Los Angeles Chief of Police Willie Williams
- 11:00 a.m. Panel: Violence Against Women and Children
- 12:45 p.m. Panel: School Violence
- 1:45 p.m. LUNCH BREAK
- 3:00 p.m. Panel: Prevention
- 4:30 p.m. Panel: Juvenile Crime/Gangs

-more-

AGENDA - DAY 2

FEBRUARY 8, 1994

9:30 a.m.	Second Day Opening Remarks by Governor Pete Wilson Welcoming Remarks by Sheriff Sherman Block
9:45 a.m.	Panel: Enforcement and Punishment
11:30 a.m.	Panel: Taking Back Our Streets
1:00 p.m.	LUNCH BREAK
2:30 p.m.	Panel: Crime's Impact on Business
4:00 p.m.	Panel: Use of Firearms in Committing Crimes
5:30 p.m.	Closing Remarks by Governor Pete Wilson

GOVERNOR WILSON'S VIOLENT CRIME CONTROL PROGRAM OF 1994

- **"THREE STRIKES, YOU'RE OUT"** -- Felons convicted of three or more serious crimes are often out on the streets on parole, with access to innocent people. Wilson supports the "Three Strikes, You're Out" initiative which dramatically increases sentencing for repeat offenders, so criminals convicted of a third felony are locked up for life.
- **"ONE STRIKE" FOR SEXUAL PREDATORS** -- Experts show that rapists and child molesters have little or no chance of being rehabilitated. Wilson is calling for first time rapists and child molesters to be sentenced to life in prison -- without the possibility of parole.
- **ARMED CAREER CRIMINALS** -- Currently, felons, prohibited from carrying weapons, now face no more than three years for an illegal weapon possession conviction. To combat the proliferation of handgun violence, Wilson wants career criminals caught with deadly weapons to spend the rest of their lives in prison.
- **CREDIT REDUCTIONS** -- Current law allows even dangerous killers to reduce their prison sentences by up to half for good behavior or working while in prison. Wilson wants the time these criminals serve behind bars to closely reflect their sentences, so he's proposed reducing the time off prisoners can earn for good behavior and prison work credit.
- **TEENAGE CRIMINALS** -- Today, the law requires teenagers convicted of a crime to be released at age 25 -- no matter how brutal or violent the criminal. Wilson's proposal would change that law and try the most violent teenagers as adults.
- **CARJACKINGS AND DRIVE-BY SHOOTINGS** -- Although legislation signed earlier this year by Wilson toughened the penalties for these crimes, Wilson's proposal calls for only two possible sentences when an innocent life is taken during one of these crimes -- life without the possibility of parole or the death penalty.
- **ARSONISTS** -- Under current law, the maximum sentence for a convicted arsonist is just nine years, regardless of property damage or loss of life. Wilson's proposal calls for life imprisonment if they are repeat offenders, if they cause massive damage or if they strike during fire season.
- **INMATE BILL OF RIGHTS** -- Under California law, inmates are allowed far more extensive rights than afforded federal prisoners or inmates in other states, including conjugal visits. Wilson is calling for the repeal of the Inmate Bill of Rights.

KATHLEEN BROWN CRIME PACKAGE

December 31, 1993

Elements to a comprehensive strategy:

Prevent the first crime

- Prevent people from committing their first crime using education, treatment and better alternatives

Punish the first offense

- Prevent first-time or nonviolent offenders from turning to more serious crimes

Stop gun violence

- Overhaul of our gun laws

More police on our streets

- Increase the number of police on the streets

Common sense corrections

- Use the correctional system to break the cycle of violence

Prevent violent crime

- Prevent violence offenders from committing more crimes by keeping them in prison

Prevent the First Crime

Meaningful war on drugs and alcohol

Schools should provide the first line of defense against gangs

Enforce real curfews on children 17 and under

Punish the First Offense

Create a criminal justice system that punishes offenders the first time

Statewide system of bootcamps for nonviolent juvenile and adult offenders convicted of specified nonviolent offenses like drug possession graffiti vandalism or theft

Guarantee that all drug offenders serve a minimum sentence of 90 days

Punish taggers the first time to include suspension of their driver's license for up to one year

Create an automatic felony for criminal street gang-generated graffiti

Stop Gun Violence

Ban possession, manufacture and sale of all assault weapons and high-volume magazine, clips and beltfeeding devices

Increase the penalties for illegal possession of a loaded firearm

Establish a minimum sentence of three years without the possibility of probation for gang members who carry firearms

Create a felony for knowingly furnishing, selling or possessing a stolen firearm

Hold those who knowingly furnish or sell stolen firearms criminally liable when crimes are committed with those guns

Ban the possession, sale and manufacture of ammunition like the Black Talon

Impose a 15 percent excise tax on all gun and ammunition sales, with revenues allocated for anti-gun and anti-gang programs

Radically reform the federal government's firearms dealers licensing system

More Police on the Streets

Work with President Clinton to ensure that California receives a fair share of the proposed crime funding

Ensure that Proposition 172 funds are used for police services only

Extension and reformation of the state's asset seizure law

Increase community policing

Common Sense Corrections

Require treatment for all prisoners who are convicted of drug- or alcohol-related crimes

Implement a pilot program requiring illiterate convicts to learn to read while they are in prison

End conjugal visits for all prisoners

Require criminals who are able to do so, to pay the cost of their incarceration

Prevent Violent Crimes

Support a "Three Strikes and You're Out" law

Support "Truth in Sentencing" proposals requiring that felons serve at least 85 percent of their time

Re-examine the way we prosecute violent young offenders by making it easier to try minors accused of violent crimes as adults

Treat child abuse as a violent crime through the enactment of a "homicide by abuse" statute

A Proposal: A Smart *and* Tough Public Safety Program

1. A return to an indeterminate sentencing system (ISL) and sentencing by objective (SBO) as designed by a Sentencing Guidelines Commission.

Inmates must not be released from prison until it is clear they will not endanger the public. Inmates must not be released until they can demonstrate a readiness to live responsibly in society. The time must not merely fit the crime, it must fit the inmate and the inmate's capacity to contribute to the public safety.

Requires periodic and professional evaluation of inmate progress and problems. Allows for *one strike* and you're out, and guards against million dollar life sentences for the person who steals a car at 14, gets in a bar fight at 19 and bounces a check at 22.

Commission to present finished product to the Legislature for approval or rejection in two years. It cannot be amended.

2. A formal assessment and prescription system for each inmate.

Every person entering the prison system shall be immediately assessed with respect to emotional, educational, and vocational development, then given a prescriptive program addressing their deficiencies in these areas. Requires periodic and professional evaluation of inmate problems and progress.

3. A rehabilitation credits system.

Recognizing that no new laws can constitutionally extend the terms of the 115,000 Californians now in state prison, and that the vast majority of them will one day return to society, eliminate work-training credits for all violent offenders in favor of a system that provides credits only for activities pursuant to the prescriptive program. (This would apply pending adoption of the Sentencing Commission's ISL system, with encouragement to the Commission to adopt a similar credit format.)

4. A citizen's Task Force to Prevent Recidivism.

California cannot afford our current recidivism rates. Per AB 1027, vetoed by Gov. Wilson in 1993, this is an effort to identify and implement steps toward reducing the recidivism rates of prison inmates. The administration has conceded there has been no organized effort in this area.

5. A formal review and update of the findings and recommendations regarding the root causes of violence.

Whatever we must do to incapacitate criminals, it is never enough; it is always too late. Considerable resources were invested in developing two reports: "Ounces of Prevention" (1983, the California Commission on Crime Control and Violence Prevention) and "Toward a State of Esteem." (1990. the California Task Force to Promote Self-Esteem and Personal and Social Responsibility.) The recommendations of those reports are a crucial component for California's successful progress into the 21st Century and should not be ignored.

6. Universal parenting education.

Ounces of Prevention brought to our attention that 3/4's of the inmates of our prisons (California, and nation-wide) were abused as children. While this is, of course, no excuse for any violent behavior, our only hope of breaking the cycle of violence is to prepare every Californian to become a constructive parent who can and will provide nurturing environments conducive to healthy human development, rather than to violence.

This universal parenting program will include:

- a. An inventory of parenting programs now available in California;
- b. Developing a model parenting skills education program;
- c. A parenting education program as a high school requirement;

7. A citizens Task Force to Prevent Drug/Alcohol Abuse:

Ounces of Prevention brought to our attention that 3/4's of all our prison inmates are addicted to alcohol and/or other drugs. Only if we ascertain and effectively address the root causes of these addictions, can we have any real hope of a safer future. We owe it to ourselves to commission an independent citizens commission to ascertain how we can best prevent recidivism (per AB 1072, 1993, vetoed by Gov. Wilson).

8. A stable funding source for 350 new CHP officers to help local police and sheriffs.

Enlist 350 new CHP officers to increase community public safety, by extending and increasing the \$1 surcharge on auto registrations to \$2.

9. Full and stable funding for crime victims' programs.

Includes Indemnification of Crime Victims, Victim Witness Program, Rape Crisis Centers, Child Sexual Abuse and Exploitation.

Advantages of a Sentencing Commission and Sentencing by Objective

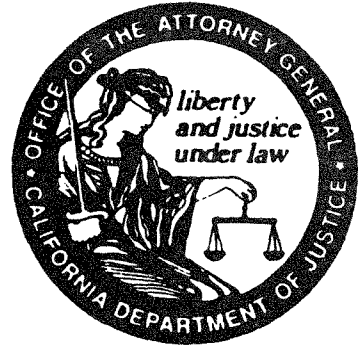
1. Simple.
2. Flexible.
3. Tough.
4. Effective.
5. Ends the current practice of releasing dangerous criminals directly from special and maximum security confinement to the streets.
6. SBO would allow professionals to assess individuals such as Richard Allen Davis and decide he should remain in prison longer - or forever. In fact, when California had a parole board, Davis was repeatedly denied parole, and was released from prison only after the Determinate Sentencing Law was enacted.
7. De-politicizes sentencing by taking it out of the hands of the Legislature and placing it in the hands of a third party (Sentencing Commission and the Board of Prison Terms).
8. Delegates to a Sentencing Guidelines Commission the task of developing a SBO Law within two years. The Commission would be jointly appointed by the Legislature and the governor and would consist of 15 persons - law enforcement, criminal justice experts, victims rights groups, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.
9. The Commission would develop sentence ranges, parole eligibility and the process for parole consideration. The Commission's guidelines would have to come back before the Legislature and governor prior to becoming law, but would be shielded from political tinkering by an up or down, all or nothing vote. The Legislature must enact the Commission's proposal in its entirety.
10. A Parole Guidelines Commission would establish rational criteria for the parole board to follow so California does not repeat the alleged abuses of the previous Adult Authority: unreasonable decisions, and decisions based on racial, ethnic, gender, class and political considerations.
11. Provides greater opportunity to consider the "readiness" of the offender to return to society and assess his potential to lead a responsible life.
12. Provides greater incentives to the inmate to reform. For example, an illiterate offender could be required to learn to read, or an inmate with a long history of substance abuse could be required to successfully complete a

program before being released.

13. The scheme would include a process for an individual treatment plan (ITP) for each inmate, which will provide an individual analysis and assessment of each inmate. The ITP will provide for drug treatment, job training and education if it is determined that the inmate would benefit.
14. Inmates who cooperate in their program would be periodically assessed for parole suitability.
15. Provides greater opportunities for the victim and the victim's family to be part of the process, since they can urge the BPT to keep the offender in prison longer if they believe he is not ready for release.
16. Makes the parole system more meaningful (and places incentives on a parolee to behave), since a technical (or non-prosecuted) violation of parole can result in the parolee returning to prison for the balance of his term, not just for a one-year maximum.
17. Comprehensive. Most current legislative proposals are piecemeal attempts to encompass the full range of human behavior in the penal code. They are therefore doomed to failure, like the more than 1,000 revisions enacted to our current penal code since 1977, which still allowed Richard Allen Davis to kidnap and murder Polly Klaas.
18. Provides for particularly unusual offenses to receive special consideration within the parameters of the parole guidelines. For example, battered women who kill their spouses could receive individualized consideration, as could inmates dying of AIDS. Those types of individuals now languish unnecessarily in our state's prisons.

NEWS RELEASE

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**LUNGREN RELEASES LETTERS FROM VIDEO GAME INDUSTRY
FOLLOWING HIS CALL FOR REMOVAL OF VIOLENT GAMES --
TERMS RESPONSE "INADEQUATE"**

CONTACT: Dave Puglia
Press Secretary

December 15, 1993
93-112

LOS ANGELES -- Attorney General Dan Lungren, joined by actor Dean Stockwell, today released ten letters he has received from video game manufacturers and retailers responding to his appeal to the industry to remove graphic gratuitous violence from the games.

Lungren sent a letter to industry leaders on November 15 urging them to voluntarily remove graphically violent games from the market, and issued a consumer warning to parents at the onset of this year's holiday shopping season. (Copies of Lungren's letter and industry responses are attached).

"After reviewing all the responses, my bottom line assessment is this: Some companies have exercised or are beginning to exercise positive responsible judgement. They are to be commended. However, too many of the companies are paying no more than lip service to the problem. Actions speak louder than words. A ratings system alone is not enough. The violent

(Page 2)

content itself should be modified or removed from the games," Lungren said.

"I am pleased by the progress we have made in raising parents' awareness about violent video games. We have been able to generate a national debate in the halls of Congress, in the media, in the industry and hopefully in the living rooms of many American families.

"Still, the overall response by industry leaders is inadequate. They have taken a few baby steps where bold steps are needed," the Attorney General said.

Lungren acknowledged that some steps taken by the industry were positive, such as Nintendo's decision to remove the most violent scenes from its version of Mortal Kombat and the decision by Toys 'R Us to stop selling Night Trap. Yet he expressed concern about the attitude among some companies that a rating system alone would answer all the concerns he and others have raised.

"We need more than ratings, we need responsibility. My appeal to the industry leaders is 'Don't produce or sell any video game you would not want your own children to play.'," Lungren said.

In a special appeal to toy store operators, Lungren asked, "Can't we at least rely on you to stock items that prepare our kids for playgrounds, ball fields and classrooms -- not

- more -

(Page 3)

cemeteries, killing fields and prison cells?"

The Attorney General was joined at the Los Angeles news conference by actor Dean Stockwell, who with his wife Joy, have been leaders within the entertainment community to reduce the level of gratuitous violence in movies, television and video games. Also attending was Betty Bordeaux, a grandmother and a resident of the Baldwin Hills area of Los Angeles, who has launched a citizen's crusade against violent video games.

Lungren, Stockwell and Bordeaux joined together to alert parents to the offensive content of many of the most popular video games as the holiday shopping season enters its final days.

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