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VIOLENT CRIME IN VIRGINIA



Commonwealth of Virginia
The Department of Criminal Justice Services
Richard N. Harris, Director
May 1989

NCJRS

MAY 15 1989

ACQUISITIONS

Illustrations



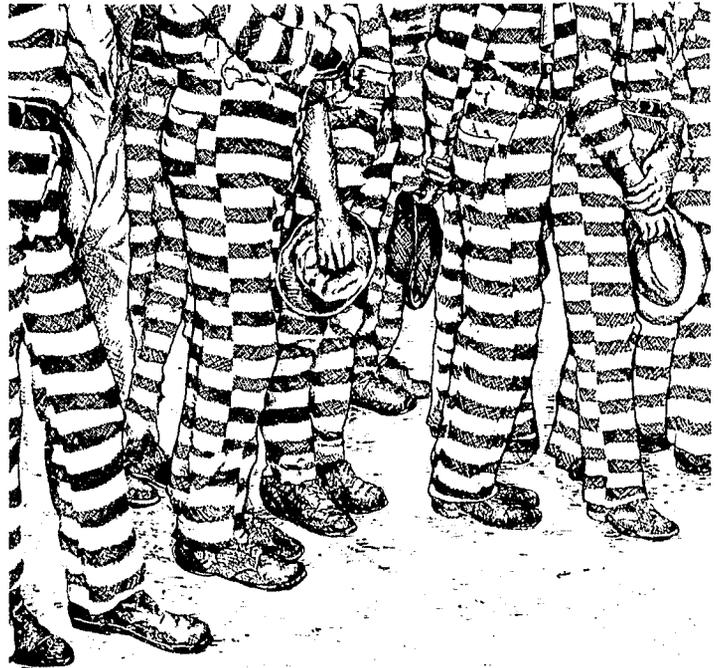
Cover: "City Violence: Officer John Smedick Murdered by John Real" (woodcut, 1868)



Section I: "Berserk Man Tries to Murder His Wife" (lithograph by Thomas & Wylie, early 1900's)



Section II: "City Police Arrest a Criminal" (woodcut, 1889)



Section III: "Convicts from Prison Camp During Funeral for Their Warden" (drawing by Office of Graphic Communications, Department of General Services; based on a photograph by Jack Delano, early 1900's)

Woodcuts, lithograph, and photograph provided by the Bettman Archive.

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Introduction

The purpose of this report is to provide a detailed overview of the characteristics of violent crime in Virginia. Though violent crime makes up only a small share of the total volume of all criminal acts, it consumes an enormous proportion of the criminal justice system's limited resources. Considerable costs are incurred in the investigation, apprehension, prosecution, and punishment of violent criminals. More important than the monetary drain on taxpayers, however, is the devastating personal effect violent crime has on its victims, their families, and society at large. Many of our nation's citizens live in fear of becoming victims of violent acts, rarely venturing out at night unescorted.

Hardly anyone is immune from the tragic consequences of violent criminal acts. Contrary to popular perception, violent criminal victimization is not restricted to the poor, the minorities, the undereducated, the unemployed, or the city-dwellers. Although in any particular year the members of these groups may be more likely to suffer violent criminal victimization, all of our country's residents are nonetheless at higher risk than formerly thought. The federal Bureau of Justice Statistics has recently estimated that if current crime rates continue unchanged, approximately 83% of *all* 12-year-olds in the United States today will become victims of violent crime (either an attempted or a completed act) during their lives. The Bureau of Justice Statistics also estimates that the risk of becoming a victim of violent crime is now higher than the risk of death from cancer or the risk of being hurt in a traffic accident. Such sobering statistics attest to the pervasive nature of violent crime in our country today. Criminal violence is a social affliction that recognizes no racial, ethnic, economic, or geographic boundaries.

Various public opinion polls continue to document violent crime as a major concern among our citizens. The topic of criminal violence is of intense interest to those both inside and outside the criminal justice system, yet it has never been the subject of a detailed, focused analysis in Virginia. Consequently, a number of myths and misconceptions often pervade discussions on the issue. This report fills a serious void in our previous knowledge by presenting a comprehensive non-technical statistical portrait of criminal violence in Virginia which provides the answers to many questions on the subject, among them the following:

How much violent crime really occurs?

Where and when is violent crime most likely to occur?

Is violent crime getting worse?

Who is most vulnerable to violent crime?

Who are the violent offenders?

How many violent offenders are repeaters?

Who is most likely to be a repeat violent offender?

What has been the criminal justice system's response to violent crime?

What is being done for the victims of violent crime?

What happens to the arrested violent offenders?

How much punishment do violent offenders actually receive?

What has our General Assembly done to fight violent crime?

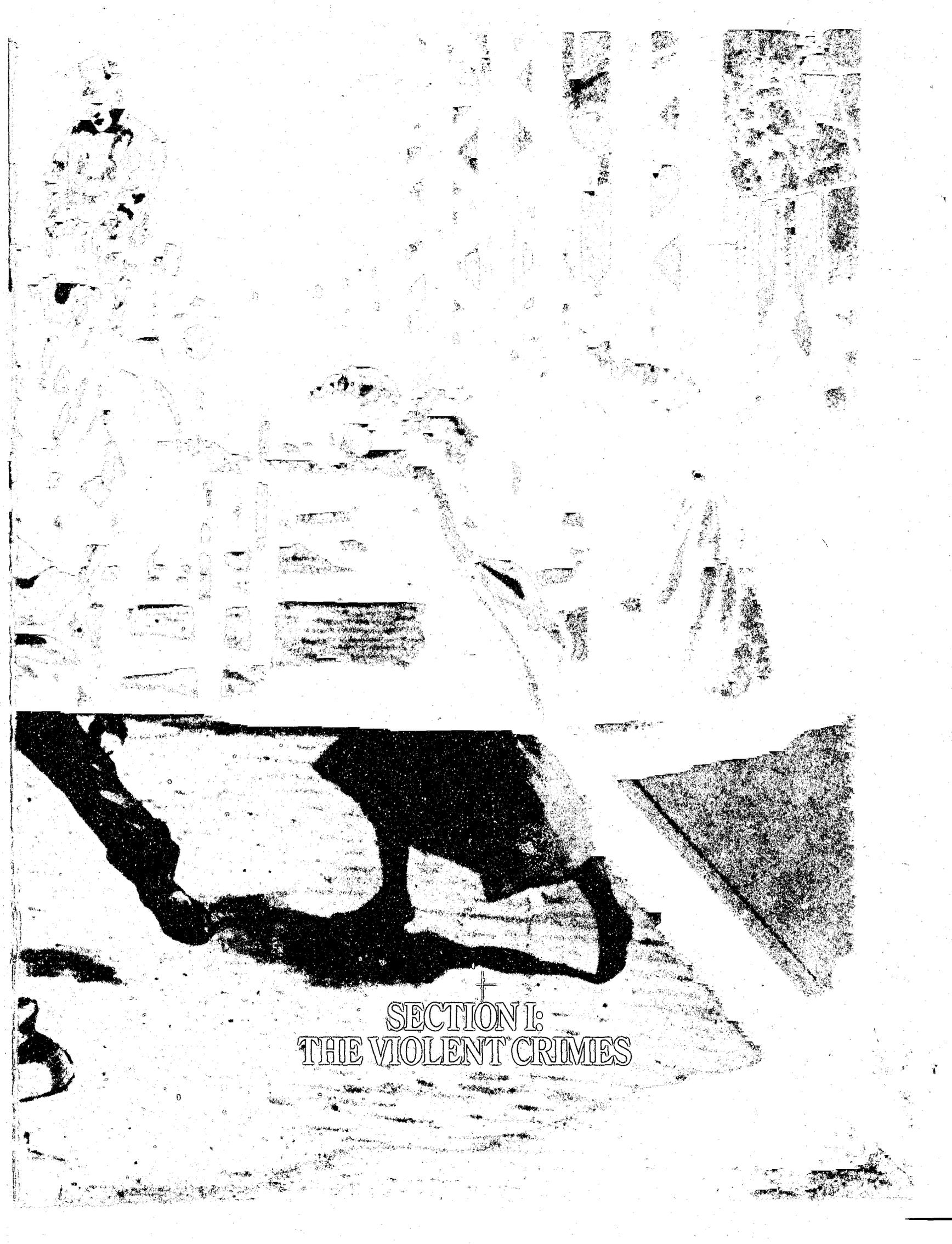
This report is unique in several ways. First, it provides an analysis of violent crime issues previously unexamined in Virginia. For example, it includes the results of a chronological study of recidivism patterns of violent criminals; as well, it also presents a first-time look at the characteristics of Virginia's homicide offenders and their victims. Second, this report is distinct from other studies in its comprehensive review of several years' worth of crime data. Most published crime reports are typically restricted to a review of one year's worth of data. In contrast, this study reviews as much as 18 years' worth of recent information on criminal violence in some instances. Third, this study uses many different sources of information in order to provide a more complete picture of violent crime in Virginia than has previously been published and presents its findings in a visually accessible graphic format. Whenever possible, this report also compares and contrasts Virginia's record on coping with violent crime with the records of its neighboring states and the United States as a whole.

The findings contained in this report should prove valuable to policy-makers, to criminal justice practitioners, and to all other citizens as we strive to understand better the problem of violent crime in our Commonwealth. Only through an improved understanding of the problem can we hope to develop effective strategies with which to combat violent crime, thus making our communities safer for ourselves, our friends and neighbors, and our families.

In presenting this comprehensive overview of violent criminality, we have drawn upon many diverse sources of information, some of which have never before been used in a study of violent crime in Virginia. Over 10 different automated information systems that track some element of criminal violence were accessed and analyzed, and therein lie both the strengths (as mentioned before) and the weakness of this report. A few of our criminal justice data systems are characterized by incomplete information and inconsistent reporting standards. These shortcomings in data quality can bias or limit an analysis performed with the information. Accordingly, this study has striven to employ as much as possible those data systems offering the most reliable and valid data available. In those few instances where the quality of the information may be compromised, the report acknowledges the known limitations of the data.

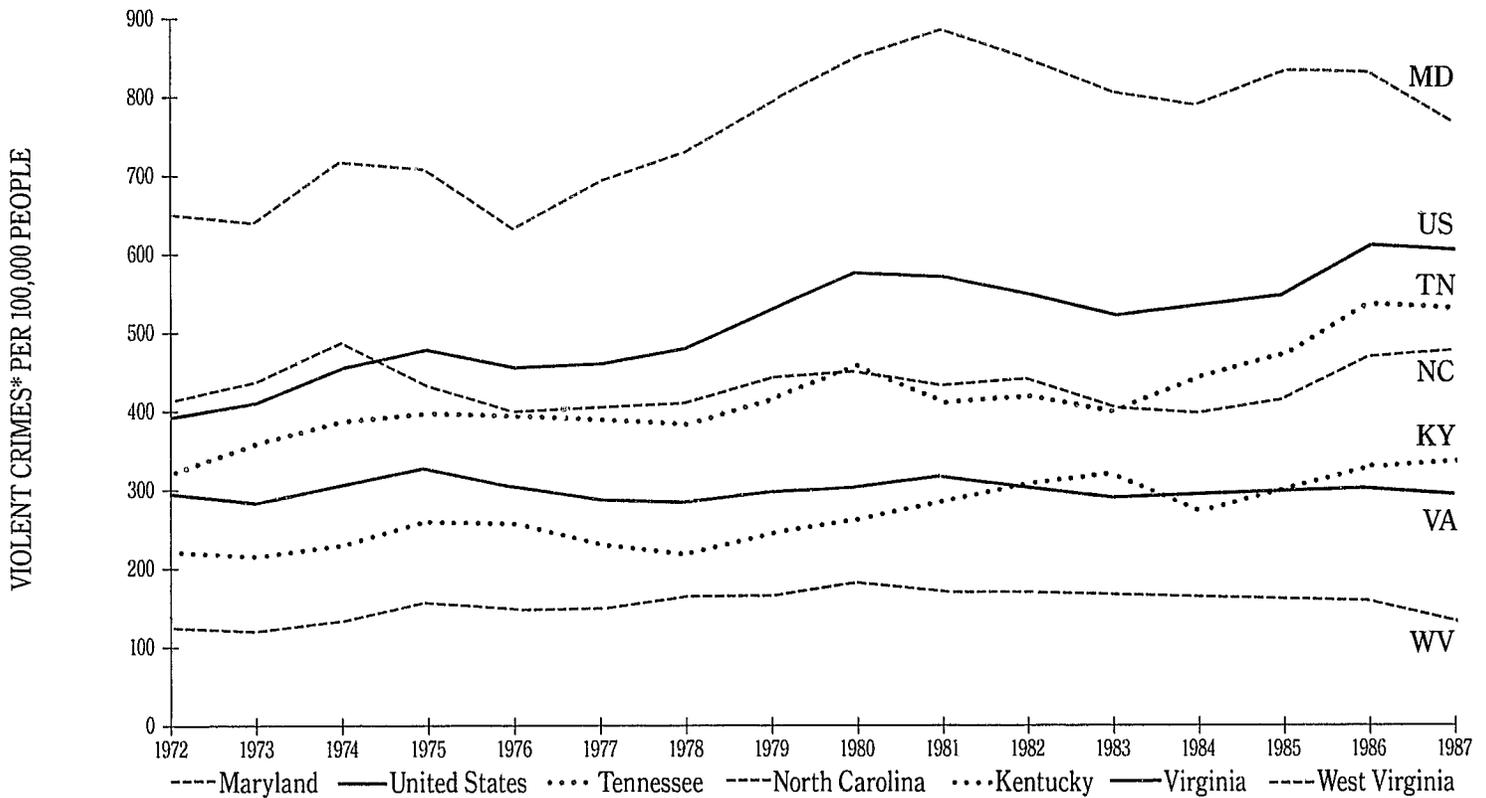
The report is organized into three sections. Section I focuses on the prevalence, location, variation, and characteristics of violent criminal acts. Section II examines closely the characteristics of both violent offenders and their victims. Finally, Section III looks at the manner in which our criminal justice system and legislature have responded to the offenders and victims of violent crime. Together, these three sections present an unprecedented overview of violent crime in Virginia.





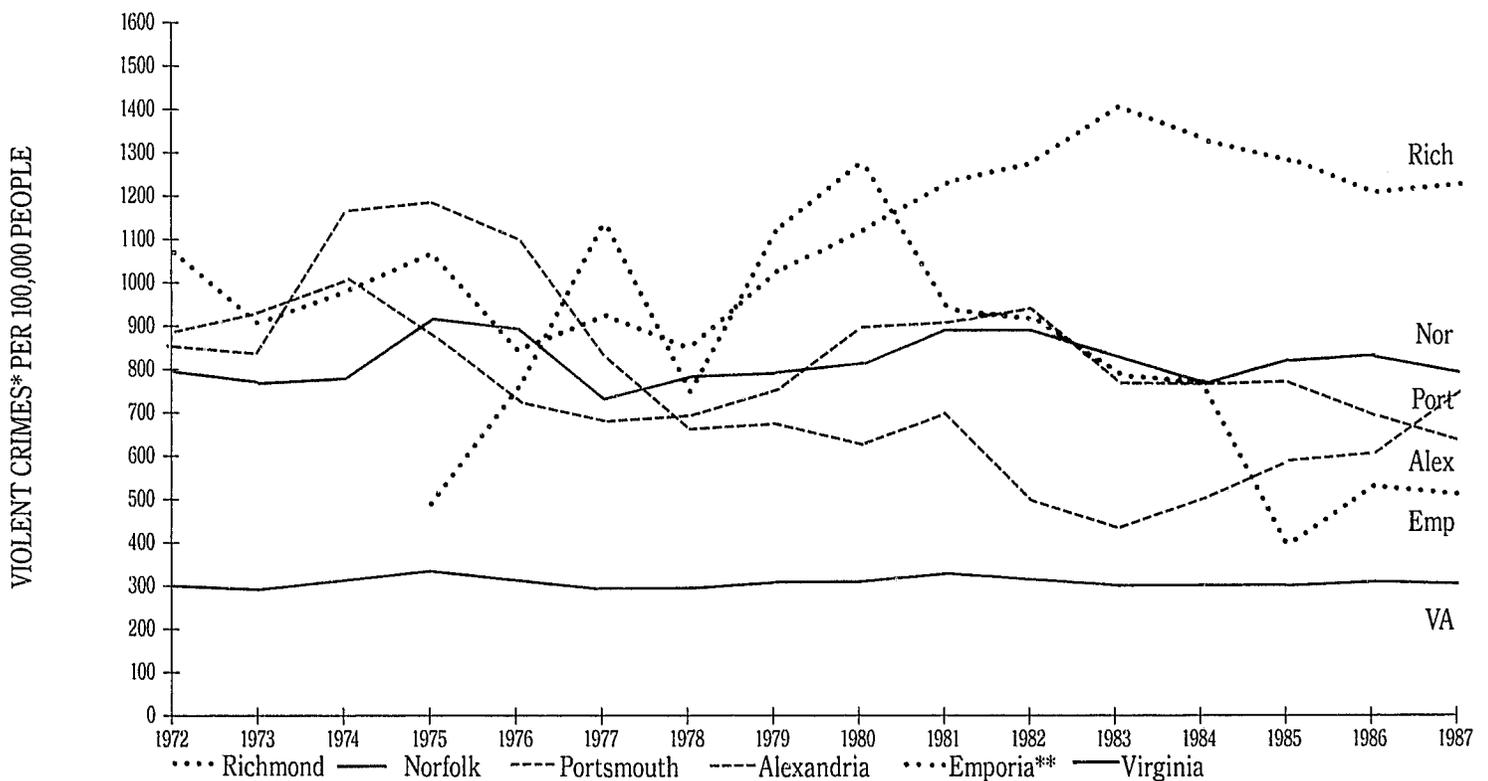
SECTION I:
THE VIOLENT CRIMES

Display 1



*Violent crime includes the following offenses reported to the police: murder/non-negligent manslaughter, forcible rape, robbery, and aggravated assault.
 Data Source: Uniform Crime Reports for the United States, Federal Bureau of Investigation, U.S. Department of Justice

Display 2



*Violent crime includes the following offenses reported to the police: murder/non-negligent manslaughter, forcible rape, robbery, and aggravated assault.
 **No crime rates are available for Emporia before 1975.

Data Source: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

Display 1: Violent Crime Rates for Virginia, Bordering States, and the United States (1972-1987)

Two procedures are necessary in order to place violent crime in perspective: the review of several years' worth of data in order to identify short- or long-term trends and the comparison of geographically and demographically similar localities. Display 1 provides such a perspective on Virginia's violent crime rates by contrasting them with those of bordering states and of the United States as a whole over a sixteen-year period.*

- Contrary to the popular public perception that the incidence of violent crime has been escalating, Display 1 illustrates that the rate of violent crime in Virginia has been relatively constant over the sixteen-year period studied. In fact, the rate of violent crime in Virginia in 1987 (296 crimes per 100,000 population) was slightly lower than the 1972 rate.

- Virginia's violent crime rates compare quite favorably with those of bordering states and the country as a whole. In this comparison, only West Virginia consistently experienced less reported violent crime than did Virginia over the sixteen-year period. Virginia's violent crime rate in 1987

was only half that of the rate reported for the United States and was two and a half times lower than the figure reported for the most violent state studied, Maryland. Virginia's highest reported rate of violent crime over this period occurred in 1975 but was followed by five successive years of declining violence. Except for a slight jump in 1981, Virginia's rate of reported violent crime remained relatively constant.

- In contrast, Kentucky, North Carolina, Tennessee, and the United States witnessed steady increases in their rates of violent crime since 1983. The United States and Tennessee reported the highest rates of violent crime over this period during 1986, while Kentucky and North Carolina experienced their highest rates in 1987.

- Several possible explanations may be suggested for the relatively low incidence of violent crime in Virginia. As shown later in this report, Virginia's arrest clearance rate** for violent crimes and its incarceration rate for violent criminals were quite high, thereby suggesting that arrests and incarceration may have served as effective deterrents. Certainly, the incapacitation of violent criminals played some

role in the Commonwealth's moderate crime rates. Furthermore, Virginia experienced no significant growth in its general population of teens and young adults, who are in the age groups most prone to criminality. In the past, significant hikes in crime rates have sometimes been attributed to the aging of the "baby boomers" into young adulthood.

* Unless specified otherwise, for the purpose of this report, "violent crime" includes the following offenses officially reported to the police: murder/non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

** See Display 17 for an explanation of clearance rates.

Display 2: The Highest Violent Crime Rates In Virginia (1972-1987)

Although the rate of reported violent crime in Virginia remained relatively constant from 1972 through 1987, the same cannot be said for violent crime in specific localities. Display 2 illustrates a sixteen-year pattern of violent crime that fluctuated quite erratically for the five Virginia areas with the highest overall violent crime rates for this period: Alexandria, Emporia, Norfolk, Portsmouth, and Richmond.

- Though the rate of reported violent crime in these five localities was significantly above the state average, the most recent years generally reflected violent crime rates well below the peak years for these jurisdictions. Emporia's 1987 violent crime rate was approximately 60% lower than that reported in this city's most violent year, 1980. Similarly, Alexandria's and Portsmouth's 1987 violent crime rates were approximately 37% below the rates of their most violent years, 1974 and 1975 respectively. In contrast, Norfolk experienced a relatively high but stable violent crime rate: its 1987 rate was only 15% lower than the rate of its peak year, 1975. Similarly, the city of Richmond's 1987 rate was 12% below its most violent recorded year, 1983.

- The violent crime trends across these locations were markedly different. At various

times Richmond's violent crime rate was lower than the rates of each of the other locations depicted in Display 2. Commencing in 1978, however, Richmond's rate of reported violence rose steadily and sharply and then leveled off at a rate significantly above its closest rival, Norfolk.

- Alexandria's violent crime pattern revealed two series of sharp increases followed by periods of steady declines. This city's rate of reported violent crime dropped steadily since 1983, and its 1987 figure was the lowest over this sixteen-year period.

- Emporia's reported violent crime figures showed the most dramatic trend fluctuations. In its first few years of crime reporting, Emporia's violent crime rate rose sharply, dropped abruptly in 1978, and then rose to record heights in 1980. Beginning in 1980, Emporia's rate of reported violent crime fell steadily with a slight upturn in recent years. Unlike the other localities represented in this display, Emporia is not a densely populated city but rather a rural community that has witnessed an extraordinary amount of violent crime for its size.

- Portsmouth's most violent years of 1974 and 1975 were followed by eight years of steadily declining rates, with the exception of a brief

upturn in 1981. After attaining a record low figure in 1983, however, Portsmouth's violent crime rate rose consistently.

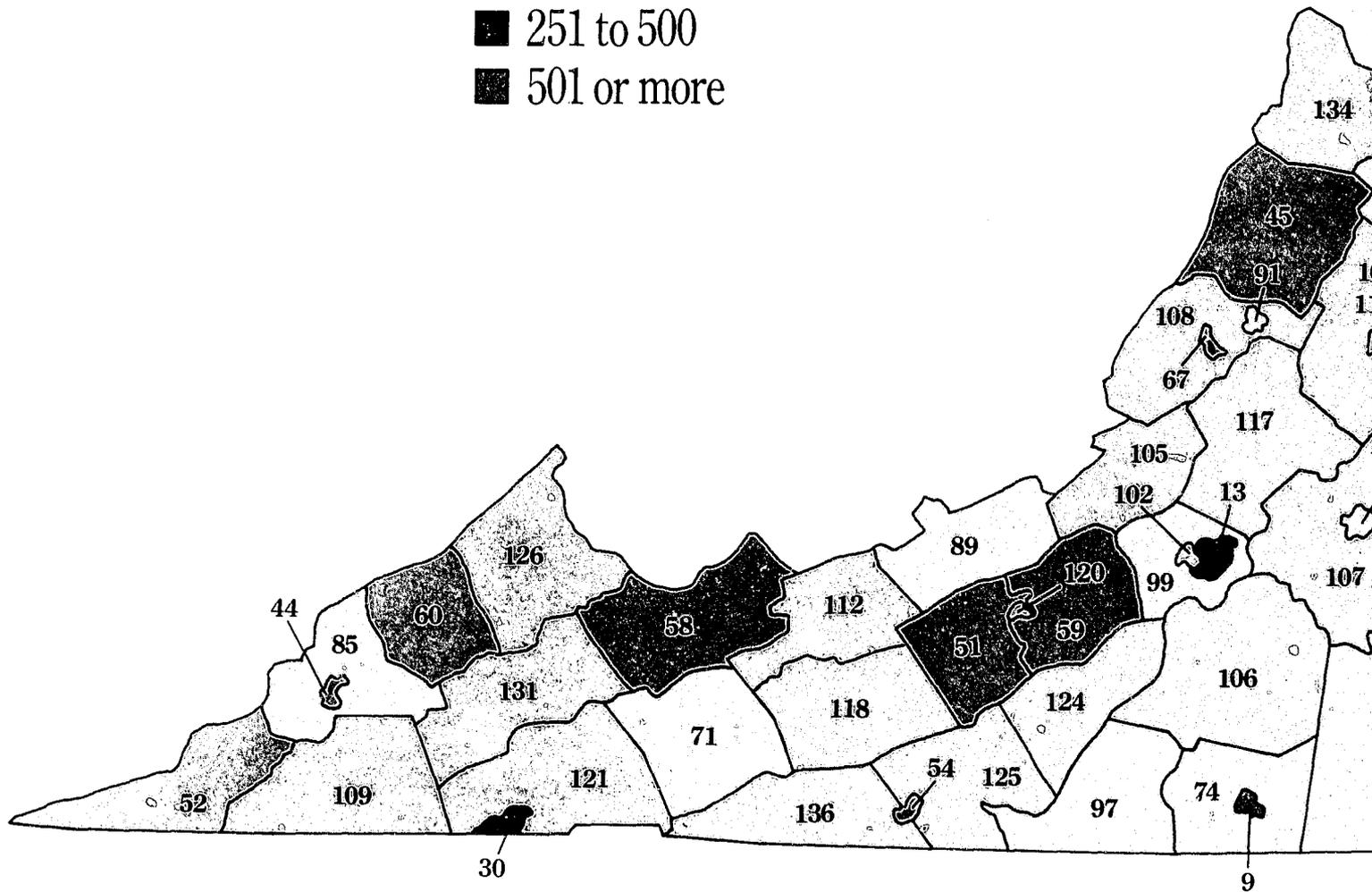
- As mentioned before, Norfolk's reported violent crime figures remained relatively constant over this sixteen-year period, its rate of violent crime in 1987 being almost identical to that reported in 1972.

Display 3: Violent Crime Rate Map

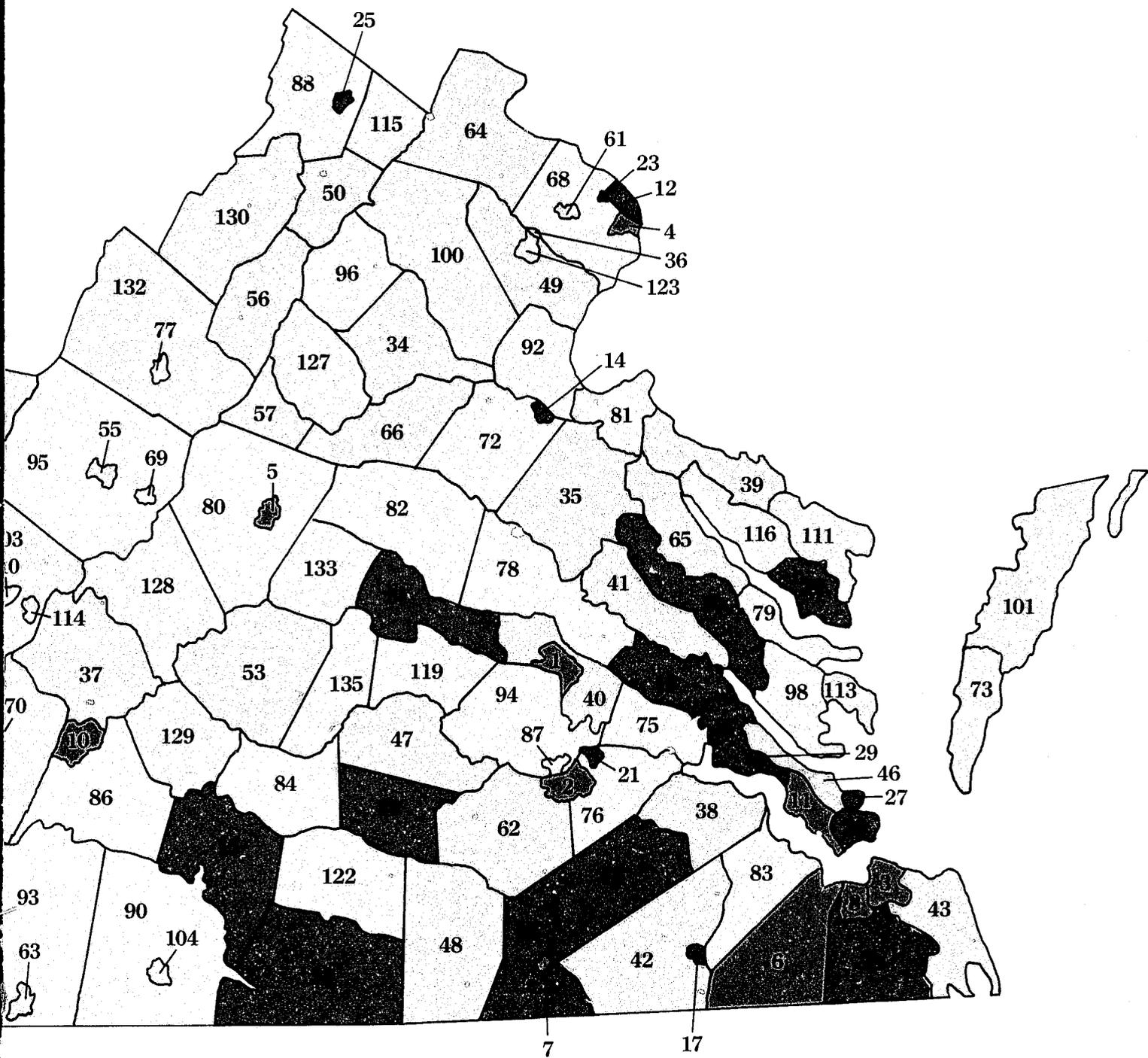
Display 3 — Violent Crime Rates Across Virginia

VIOLENT CRIMES* PER 100,000 PEOPLE

- 0 to 100
- 101 to 150
- ▨ 151 to 250
- 251 to 500
- 501 or more



*Violent crime includes the following offenses reported to the police: murder/non-negligent manslaughter, forcible rape, robbery, and aggravated assault. The numbers designating each jurisdiction represent that jurisdiction's relative overall violent crime rank among Virginia's 136 counties and cities during 1983-87.



Data Source: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

Displays 3 and 4: Violent Crime Rates Per 100,000 People for Virginia's Counties and Independent Cities (1983-1987 Average)

Though crime statistics are published annually for all counties and cities, no attempt is made to compare and contrast the crime rates of all Virginia localities. A comparison of crime rates across Virginia localities is useful, however, since any judgment about the gravity of a community's crime rate is necessarily a relative one. For example, being aware that a community's rate of violent crime per 100,000 people is 727, though useful for allocating resources, is different from knowing that this rate is the fourth highest in the Commonwealth. This relative ranking of violent crime rates can provide policy-makers with the foundation to make more informed decisions regarding the true nature and extent of the Commonwealth's crime problem. Displays 3 and 4 fill this void in our previous knowledge about violent crime in Virginia by presenting both the violent crime rate and its relative ranking for all 136 Virginia localities.

- Displays 3 and 4 portray a five-year average of the violent crime rates per 100,000 people, an average encompassing data from 1983 through 1987. A five-year average gives a more accurate picture of the typical level of violent crime found in these communities than does one year's worth of data. This is especially true in sparsely populated localities where a small change in the absolute number of violent crimes in a given year can result in a dramatic shift in the crime rate and the relative ranking.

- Display 3 shows how Virginia's 95 counties and 41 independent cities were distributed across five levels of overall violent crime rates. Except for the eleven localities that fell into the highest level, each of the other four levels of violent crime illustrated in this display contained approximately 25% of Virginia's localities. Therefore, those localities with a violent crime rate of less than 100 per 100,000 people had a rate lower than at least 75% of the rest of the state. The range of the overall violent crime rate varied from a low of 23.7 in Grayson County to a high of 1288.2 in the city of Richmond.

- With a few exceptions, the more densely populated urban areas of the state experienced the highest levels of violent crime. Some non-urban areas, however, had relatively high rates of violent crime. Most of these areas shared a geographic commonality in being located in the Northern Neck, Tidewater, and Southside regions of the Commonwealth. The areas enjoying the lowest violent crime rates also shared a

geographic commonality, being located primarily in the western regions of Virginia.

- Crime rates may sometimes be deceptive, especially in areas experiencing large influxes of tourists, commuters, military personnel, or students. For example, Williamsburg's population of approximately 11,000 people is nearly tripled on any given day because of the influx of tourists and commuters. Such extreme daily inflations in a community's population put added strains on limited criminal justice resources and may partially account for the existence of higher crime rates. These periodic inflations in population, however, do not completely explain why violent crime is more prevalent in some communities than in others. The cities of Richmond and Norfolk, for example, are very similar both in demographic composition and in population influx patterns but are markedly different in their overall levels of violent crime: Richmond's average violent crime rate is approximately 60% greater than that experienced in Norfolk, whose rate is the third highest in the state.

- Display 4 illustrates that the city of Richmond's rates of aggravated assault, murder/non-negligent manslaughter, rape, and robbery are unparalleled elsewhere. Specifically, Richmond's average murder rate is 100% greater than that of its closest rival, Portsmouth; and its average rape rate is approximately 47% larger than that of its closest rival, Norfolk.

- A close examination of the relative violent crime rankings in Display 4 reveals findings which may have direct policy impact on police resource allocation and community crime prevention strategies. For example, Amelia County's average violent crime ranking of 47th was relatively modest, yet it had the ninth highest rape rate over this five-year period. Similarly, Fairfax County had relatively low levels of violent crime for its population size except for robbery, for which it had the 24th highest rate in the state. The city of Alexandria, which borders Fairfax, in general witnessed very high levels of violent crime, except for its moderate murder rank of 67th. Conversely, Fluvanna had one of the lowest violent crime rates in every category except murder, for which it ranked fourth highest in the state over this five-year period. Charlotte County's relatively high overall violent crime rate of 15th is largely attributable to its high level of aggravated assaults.

- Although these anomalies may assist counties and cities in better understanding the nature of their individual crime problems, it should be kept in mind that some of these

statistics may be biased because of variations in victim reporting practices across the different localities. The existence of rape counseling or domestic violence centers, shelters for battered women, and other similar programs may encourage higher reporting rates to the police for the crimes of rape and aggravated assault.

Display 4

COUNTY	TOTAL VIOLENT CRIME		AGGRAVATED ASSAULT		MURDER/ NON-NEGLIGENT MANSLAUGHTER		RAPE		ROBBERY	
	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank
Accomack	99.39	101	64.79	104	4.40	80	13.87	85	16.34	76
Albemarle	128.54	80	92.88	71	4.71	77	13.08	86	17.87	71
Alleghany	91.41	108	61.44	110	4.07	84	16.38	60	9.52	97
Amelia	203.55	47	141.80	51	6.79	42	43.39	9	11.58	87
Amherst	235.14	37	188.33	36	10.70	24	24.05	31	12.06	83
Appomattox	61.44	129	45.73	126	6.24	58	6.31	120	3.16	126
Arlington	489.20	12	240.12	21	4.32	81	31.00	21	213.76	6
Augusta	107.84	95	84.08	81	3.00	103	11.62	94	9.14	100
Bath	208.16	45	190.77	35	6.77	43	7.09	118	3.53	124
Bedford	92.64	107	67.79	95	5.10	73	12.38	91	7.36	109
Bland	89.61	112	65.85	99	5.98	63	5.87	123	11.91	85
Botetourt	85.82	117	56.15	116	1.59	127	14.38	77	13.69	82
Brunswick	199.89	48	48.97	44	14.91	6	14.89	73	21.12	62
Buchanan	65.52	126	54.36	118	4.05	86	4.57	128	2.55	127
Buckingham	177.34	53	148.83	46	6.35	56	14.16	82	8.00	107
Campbell	115.00	86	89.73	74	4.07	84	14.65	76	6.54	113
Caroline	240.94	35	175.97	38	7.22	39	33.96	17	23.79	54
Carroll	66.44	125	36.73	131	6.32	57	14.18	81	9.21	99
Charles City	134.21	75	99.17	67	8.76	35	20.43	43	5.85	114
Charlotte	438.62	15	413.31	5	1.70	125	15.22	70	8.39	105
Chesterfield	107.88	94	45.49	127	2.44	116	17.46	56	42.49	33
Clarke	87.92	115	47.83	123	3.77	93	15.28	69	21.03	63
Craig	93.34	105	73.83	89	4.68	78	4.94	124	9.89	93
Culpeper	246.52	34	217.65	29	1.66	126	12.38	91	14.83	81
Cumberland	41.33	135	29.20	133	2.47	115	7.27	115	2.40	128
Dickenson	165.78	60	152.47	42	6.65	46	2.83	133	3.83	123
Dinwiddie	161.82	62	91.31	72	6.21	59	28.64	25	35.66	39
Essex	155.30	65	109.76	62	10.79	23	26.00	27	8.73	102
Fairfax	148.12	68	62.68	108	1.93	123	10.58	101	72.94	24
Fauquier	99.92	100	62.58	109	3.98	89	11.50	96	21.85	61
Floyd	66.79	124	47.25	124	3.28	98	16.25	62	.00	132
Fluvanna	46.91	133	23.59	134	16.22	4	7.10	117	.00	132
Franklin	93.04	106	69.06	92	5.21	71	10.96	99	7.81	108
Frederick	112.84	88	75.25	88	4.25	83	14.29	79	19.05	68
Giles	112.72	89	89.09	75	1.10	129	15.79	65	6.74	112
Gloucester	102.43	98	58.98	111	6.74	45	17.75	54	18.96	69
Goochland	279.13	31	224.37	25	6.61	48	22.30	36	25.86	49
Grayson	23.74	136	20.21	135	2.36	119	.00	134	1.18	131

Display 4 (Cont'd.)

COUNTY	TOTAL VIOLENT CRIME		AGGRAVATED ASSAULT		MURDER/ NON-NEGLIGENT MANSLAUGHTER		RAPE		ROBBERY	
	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank
Greene	172.43	57	137.71	54	2.25	121	25.24	28	7.22	110
Greensville	302.07	28	239.02	22	3.55	94	17.98	53	41.52	34
Halifax	112.11	90	88.47	77	10.51	26	4.61	127	8.52	103
Hanover	131.59	78	63.04	107	6.11	60	23.11	33	39.33	36
Henrico	220.49	40	96.72	68	5.47	68	26.37	26	91.93	19
Henry	134.99	74	85.66	80	12.67	14	10.94	100	25.72	50
Highland	44.92	134	32.03	132	.00	133	12.89	87	.00	132
Isle of Wight	118.17	83	68.48	93	9.58	30	9.60	105	30.52	45
James City	433.43	16	341.81	10	3.93	90	41.12	10	46.57	29
King and Queen	379.06	20	340.79	11	3.31	96	3.08	132	31.88	42
King George	126.27	81	88.69	76	11.97	17	10.17	103	15.45	79
King William	217.11	41	195.04	34	4.04	88	6.00	122	12.03	84
Lancaster	257.62	33	222.11	26	9.46	31	16.59	58	9.46	98
Lee	178.30	52	153.12	41	6.49	52	11.48	97	7.21	111
Loudoun	155.80	64	118.14	58	2.41	118	14.29	79	20.96	64
Louisa	122.51	82	83.48	83	12.71	13	15.80	64	10.52	90
Lunenburg	81.85	122	58.90	112	9.83	28	8.18	112	4.94	120
Madison	65.20	127	44.66	128	9.35	32	9.29	106	1.91	129
Mathews	89.02	113	70.67	91	2.43	117	4.63	126	11.29	88
Mecklenburg	263.41	32	219.63	27	13.65	7	10.21	102	19.90	66
Middlesex	129.34	79	100.67	65	11.82	18	7.14	116	9.70	96
Montgomery	169.18	59	133.93	55	2.66	112	16.99	57	15.61	78
Nelson	64.92	128	37.22	130	8.13	37	16.37	61	3.21	125
New Kent	379.26	19	285.83	16	9.78	29	40.23	12	43.41	32
Northampton	136.07	73	65.30	102	12.25	16	14.95	72	43.57	31
Northumberland	89.94	111	63.91	106	6.00	62	12.01	93	8.02	106
Nottoway	343.83	24	294.90	14	10.84	22	20.39	44	17.70	72
Orange	153.98	66	113.15	59	3.02	101	19.51	46	18.30	70
Page	172.75	56	149.13	43	.99	130	17.68	55	4.95	119
Patrick	104.68	97	90.35	73	4.42	79	4.41	129	5.51	116
Pittsylvania	108.48	93	77.45	86	5.92	65	15.35	67	9.76	95
Powhatan	84.16	119	68.26	94	2.64	113	7.94	113	5.32	118
Prince Edward	117.94	84	76.24	87	5.78	66	12.69	89	23.23	58
Prince George	131.98	76	83.97	82	5.20	72	22.15	37	20.67	65
Prince William	196.31	49	122.34	57	2.82	106	20.54	42	50.61	28
Pulaski	190.87	51	140.39	53	2.75	110	24.13	30	23.60	55
Rappahannock	105.24	96	95.65	69	6.37	54	3.21	131	.00	132
Richmond	87.21	116	56.45	115	2.76	109	11.16	98	16.84	74

Display 4 (Cont'd.)

COUNTY	TOTAL VIOLENT CRIME		AGGRAVATED ASSAULT		MURDER/ NON-NEGLIGENT MANSLAUGHTER		RAPE		ROBBERY	
	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank
Roanoke	101.00	99	67.72	96	4.30	82	11.58	95	17.39	73
Rockbridge	96.44	103	56.98	113	9.95	27	14.12	83	15.40	80
Rockingham	56.57	132	41.52	129	2.79	107	7.80	114	4.46	121
Russell	58.45	131	49.58	121	2.34	120	4.75	125	1.78	130
Scott	91.26	109	56.61	114	7.11	40	3.97	130	23.57	57
Shenandoah	59.45	130	46.58	125	1.38	128	6.10	121	5.39	117
Smyth	138.87	71	112.82	60	5.35	70	10.03	104	10.67	89
Southampton	214.60	42	169.96	39	6.54	51	18.50	51	19.60	67
Spotsylvania	138.71	72	81.21	84	.92	132	18.58	50	38.01	37
Stafford	110.24	92	66.40	98	3.28	98	8.47	109	32.09	41
Surry	230.82	38	182.43	37	3.31	96	22.58	35	22.51	59
Sussex	398.39	18	315.78	12	3.83	92	15.30	68	63.48	27
Tazewell	170.13	58	148.85	45	2.60	114	8.19	111	10.48	91
Warren	195.07	50	125.75	56	7.79	38	36.26	14	25.27	52
Washington	82.72	121	51.32	120	2.02	122	19.31	48	10.06	92
Westmoreland	222.84	39	148.19	47	12.45	15	31.77	20	30.43	46
Wise	117.74	85	65.83	100	6.45	53	21.86	39	23.60	55
Wythe	85.21	118	65.63	101	3.02	101	6.80	119	9.77	94
York	205.21	46	144.77	49	4.80	76	18.60	49	37.03	38
INDEPENDENT CITY										
Alexandria	727.51	4	261.90	18	5.69	67	49.59	7	410.33	2
Bedford	142.26	70	106.83	63	6.62	47	12.47	90	16.35	75
Bristol	281.56	30	195.05	33	3.25	100	19.48	47	63.76	26
Buena Vista	87.94	114	73.50	90	.00	133	8.60	108	5.85	114
Charlottesville	607.07	5	369.24	8	9.34	33	58.77	4	169.72	9
Chesapeake	366.48	22	200.65	32	6.59	50	35.11	16	124.14	14
Clifton Forge	110.30	91	102.07	64	.00	133	8.22	110	.00	132
Colonial Heights	114.66	87	64.34	105	.00	133	16.41	59	33.91	40
Covington	151.57	67	99.53	66	7.06	41	14.36	78	30.62	44
Danville	157.41	63	88.04	78	10.67	25	15.10	71	43.60	30
Emporia	597.91	7	414.27	4	12.85	11	55.39	5	115.40	16
Fairfax	162.43	61	48.85	122	.96	131	21.94	38	90.67	20
Falls Church	365.39	23	218.27	28	6.37	54	23.07	34	117.69	15
Franklin	407.94	17	314.39	13	2.68	111	20.59	41	70.27	25
Fredericksburg	447.30	14	254.74	19	12.79	12	40.87	11	138.89	10
Galax	177.10	54	144.72	50	8.92	34	14.66	75	8.81	101
Hampton	315.13	26	147.46	48	6.76	44	35.35	15	125.55	12
Harrisonburg	131.74	77	80.78	85	6.61	48	12.88	88	31.47	43

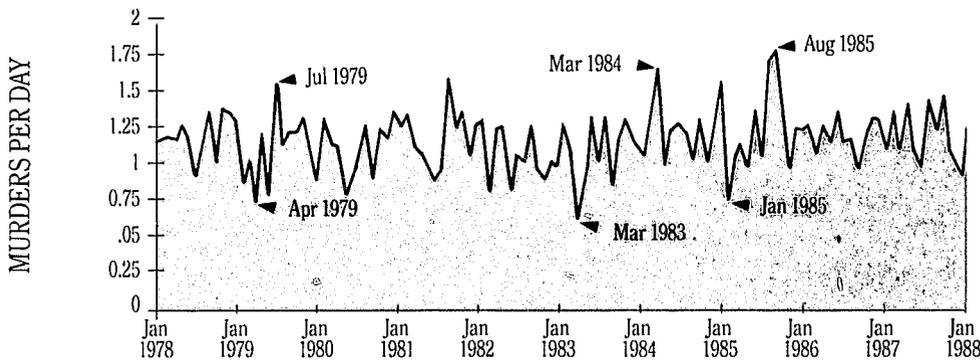
Display 4 (Cont'd.)

INDEPENDENT CITY	TOTAL VIOLENT CRIME		AGGRAVATED ASSAULT		MURDER/ NON-NEGLIGENT MANSLAUGHTER		RAPE		ROBBERY	
	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank	Rate	Rank
Hopewell	371.82	21	250.32	20	13.37	10	18.38	52	89.75	21
Lexington	90.47	110	65.23	103	2.79	107	14.01	84	8.44	104
Lynchburg	544.76	10	406.70	7	11.27	19	29.74	23	97.05	18
Manassas	67.35	123	19.49	136	3.33	95	15.65	66	28.89	47
Manassas Park	238.33	36	209.01	30	2.97	104	14.68	74	11.68	86
Martinsville	564.79	9	409.48	6	11.17	21	30.65	22	113.48	17
Newport News	530.91	11	288.76	15	11.25	20	48.12	8	182.79	7
Norfolk	808.77	3	362.70	9	15.23	5	65.03	2	365.82	3
Norton	211.19	44	162.46	40	4.05	86	20.18	45	24.50	53
Petersburg	850.65	2	448.88	2	16.50	3	61.53	3	323.75	4
Poquoson	304.16	27	284.02	17	3.87	91	.00	134	16.27	77
Portsmouth	567.97	8	226.03	24	18.20	2	53.05	6	270.70	5
Radford	83.26	120	52.65	119	2.94	105	23.29	32	4.39	122
Richmond	1288.19	1	591.81	1	36.84	1	95.45	1	564.09	1
Roanoke	467.75	13	236.85	23	13.52	9	36.79	13	180.59	8
Salem	97.70	102	55.84	117	4.93	75	9.01	107	27.91	48
South Boston	94.39	104	66.53	97	5.43	69	.00	134	22.44	60
Staunton	174.49	55	111.50	61	6.05	61	15.87	63	41.07	35
Suffolk	605.81	6	427.33	3	13.65	7	32.28	18	132.55	11
Virginia Beach	211.30	43	87.23	79	4.95	74	32.11	19	87.01	22
Waynesboro	147.82	69	92.94	70	8.30	36	21.14	40	25.44	51
Williamsburg	297.23	29	141.72	52	5.98	63	25.19	29	124.35	13
Winchester	319.81	25	205.43	31	1.93	123	28.99	24	83.46	23

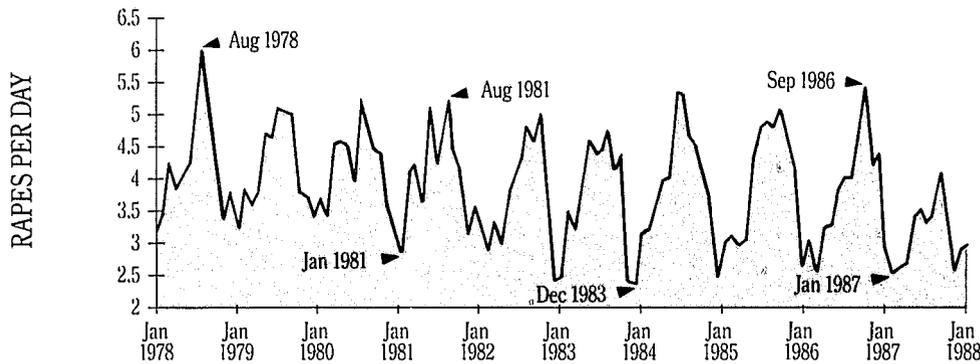
Ranks for the crime rates were based on the 136 Virginia jurisdictions. When jurisdictions share the same crime rate in a particular crime category, they also share the same rank. Therefore, not all 136 ranks were assigned in every crime category.

Data Source: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

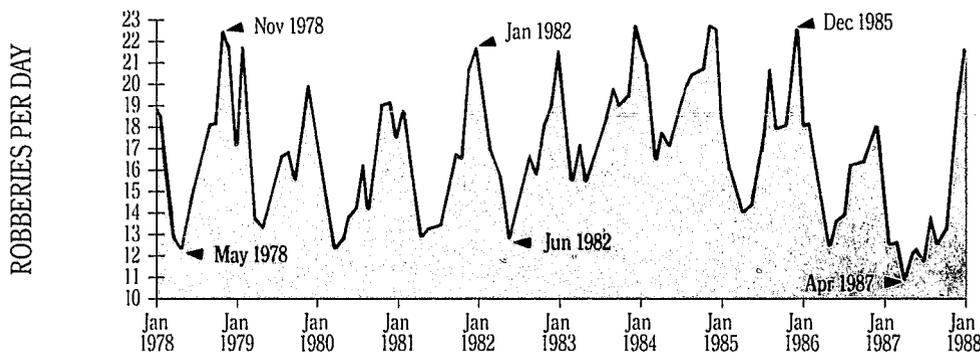
Display 5 — Murder/Non-negligent Manslaughter



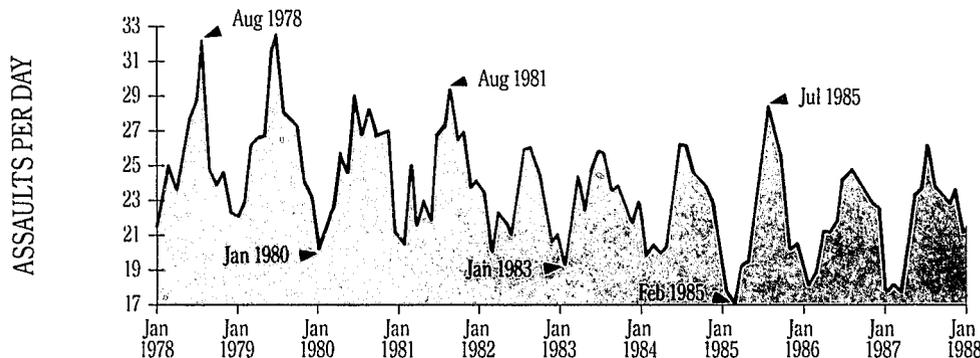
Rape



Robbery



Aggravated Assault



Data Source: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

Displays 5 and 6: The Seasonal Pattern of Violent Crimes in Virginia (1978-1987 Average)

Policy-makers and criminal justice practitioners often assume a seasonal fluctuation in the volume of crime. Violent crime is frequently thought to be more prevalent during the hot summer months when people spend more time outdoors and are presumably more vulnerable. If discovered, clear and distinguishable seasonal patterns of criminality would have practical policy consequences that could affect police personnel deployment decisions and specific crime prevention strategies. Though other studies have looked at seasonality in crime patterns elsewhere, Displays 5 and 6 provide the first look at this issue with Virginia data. These displays track and analyze 10 years of monthly reported data on murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Comparison of these graphs across different offenses should be undertaken with caution since the vertical scales vary according to whether the average number of crimes per day is low (as for murder) or high (as for aggravated assault).

Violent crime in general shows no seasonal pattern; however, specific types of violence do display strong seasonal characteristics.

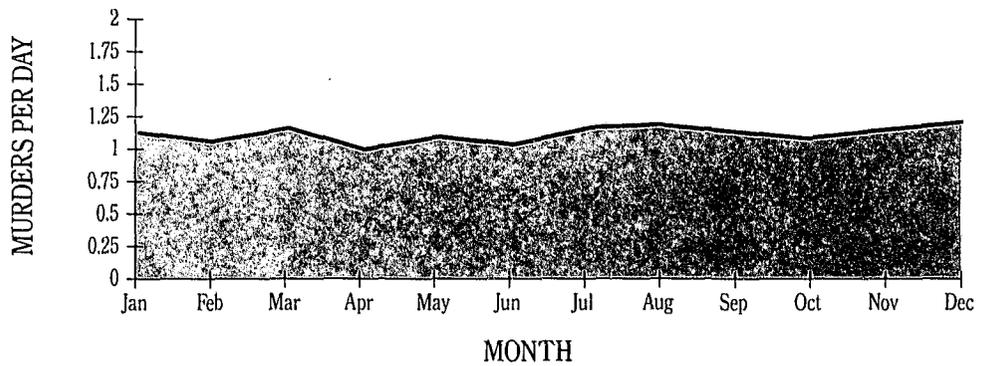
- **MURDER:** Display 5 tracks the number of murders per day across Virginia during a 10-year period. The peaks and valleys which map the high and low periods for this crime show no consistent pattern. Display 6 illustrates what the average seasonal pattern was for murder over this period. Though murders were slightly more likely to occur in August, no one month or period of the year was determined to be significantly higher or lower than another. In sum, murders were determined not to vary significantly in their occurrence over the course of any given year.

- **RAPE:** Display 5 clearly shows that the peaks and valleys characterizing the mapping of daily reported rapes do follow a consistent pattern. The peak periods for rape occurred routinely in the late summer months; the lowest rape rates occurred in the winter months. The seasonal pattern for rape shown in Display 6 illustrates that the incidence of rapes begins to escalate as the weather gets warmer and peaks in August. After peaking, the rape rate begins a gradual decline as the weather gets cooler and bottoms out at its lowest level in January. Reported rapes were 60% higher in August than in January. Unquestionably, the incidence of rape is seasonally affected. Such seasonality informs us that the opportunity to commit rape may vary throughout the year. For example, while screen doors and open windows may alleviate the heat of the summer night, they may also provide a rapist with a more vulnerable and accessible victim.

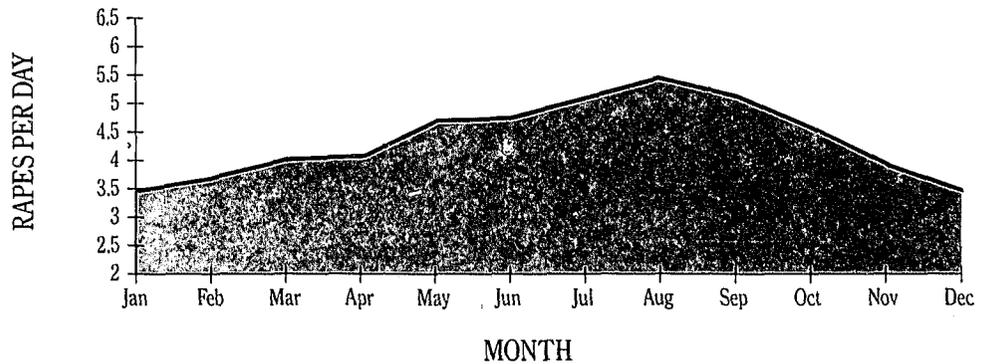
• **ROBBERY:** The average number of robberies per day tracked in Display 5 shows a strong seasonal pattern over the past ten years with peak periods consistently found in the three-month period of November, December, and January. The seasonal pattern portrayed in Display 6 shows that robbery is least likely to occur during April, May, and June but becomes significantly more probable as the weather turns cooler—a pattern opposite that found for rape. There were, on average, 50% more reported robberies in the peak month of December than in May. The fact that robbery peaks in December may suggest a possible relationship to the heightened economic activity brought on by the Christmas shopping season. During this time of year, a robber has more opportunity to confront pedestrians carrying large amounts of cash and goods. Also, since robbery is most likely to be committed in the dark, its prevalence may increase during the winter because the days are short.

• **AGGRAVATED ASSAULT:** A significant pattern of seasonality in reported aggravated assaults is shown in these data. The peaks and valleys in Display 5 show a consistent pattern with high levels in the summer and low levels in the winter. The average number of aggravated assaults in the peak summer months, however, has generally been lower in recent years than in the late 1970's. The seasonal pattern for aggravated assault seen in Display 6 shows that levels begin to climb in June, stay high throughout the summer, and then begin to decline as the weather gets colder. This pattern is very similar to that of rape.

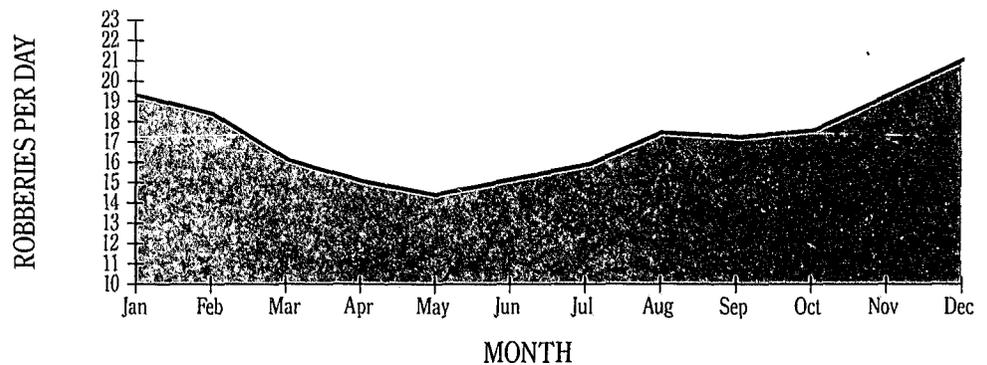
Display 6 — Murder/Non-negligent Manslaughter



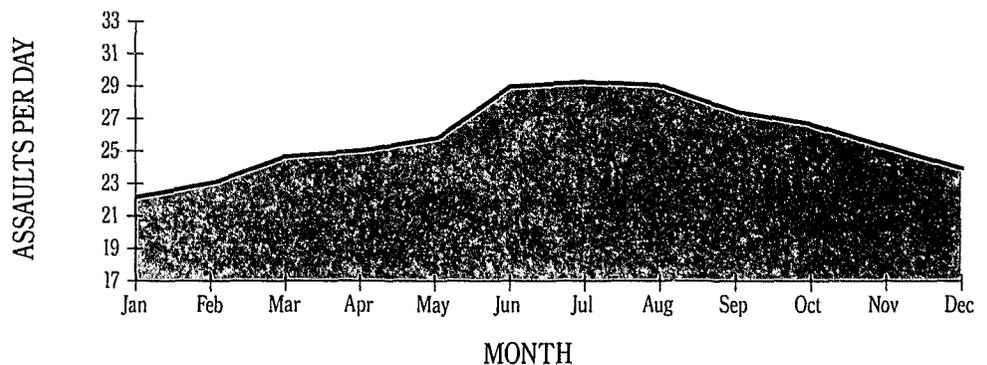
Rape



Robbery

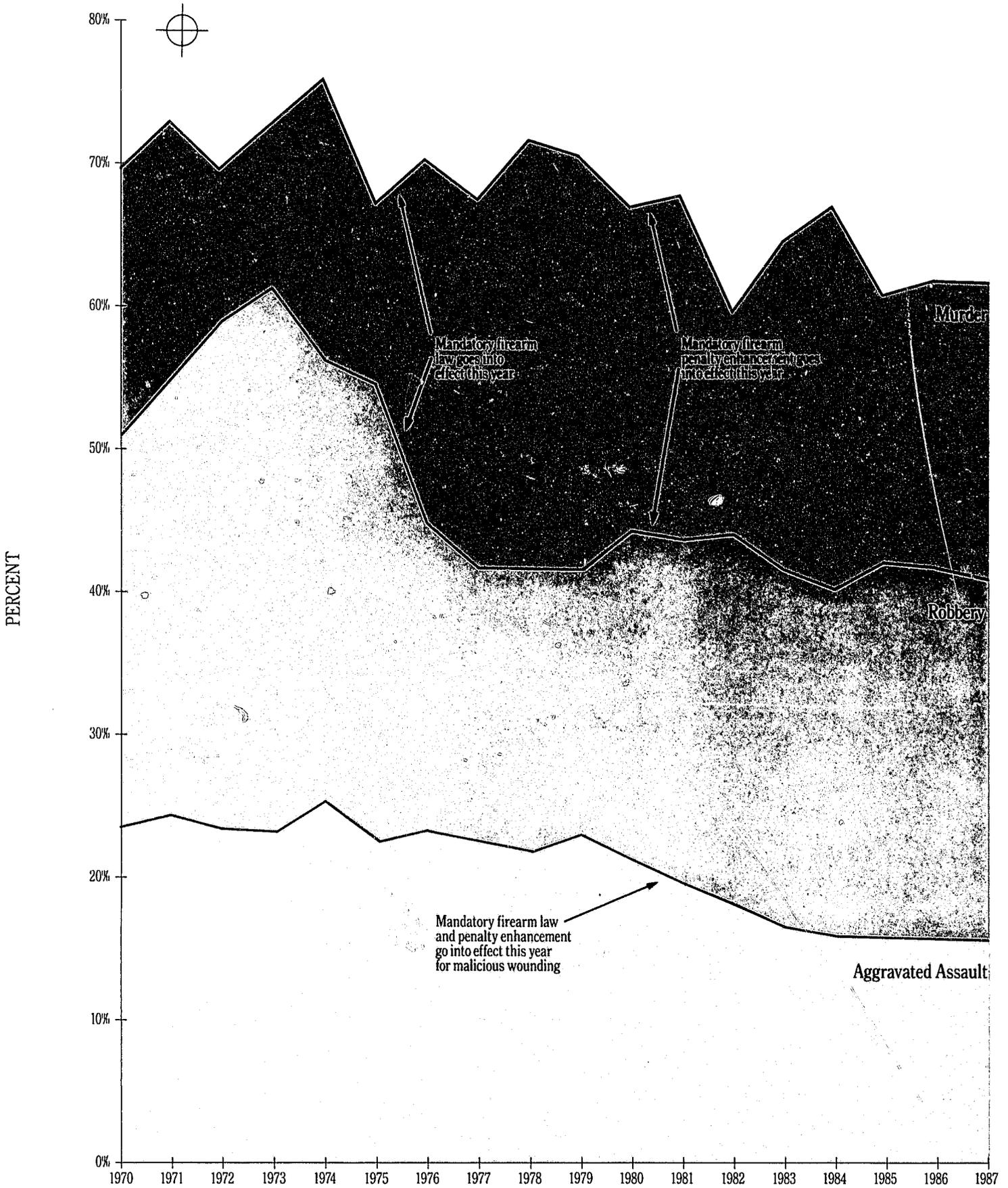


Aggravated Assault



Data Source: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

Display 7



Data Sources: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police
 Uniform Crime Reports for the United States, Federal Bureau of Investigation, U.S. Department of Justice

Display 7: Firearm Use in Virginia's Violent Crimes (1970-1987)

Last year's report, Felony Justice in Virginia, 1986, documented that violent crimes like murder and robbery were often committed with the aid of firearms. As have all other states, Virginia has adopted mandatory firearm penalty enhancements in the hope that these sanctions will deter gun-related crime without restricting access to firearms by law-abiding citizens. Virginia's law, which went into effect in 1975, originally called for a mandatory prison term of one year for a first conviction and three years for a subsequent conviction for any person who used or attempted to use a firearm while committing murder, rape, robbery, burglary, or abduction. This term of imprisonment could not be suspended by the judge but was still subject to early release through parole. In 1980, the legislature stiffened the penalty for this crime by increasing the mandatory prison term and added malicious wounding to the list of offenses covered by this law. To determine the relative effectiveness of such penalties in deterring gun-related crime would require a well-controlled analysis beyond the scope of this report. Nonetheless, policy-makers may find it instructive to examine patterns of firearm use in violent crimes before, during, and after the implementation of this law. Display 7 therefore presents a trend analysis of firearm use in murder, robbery, and aggravated assault (the only offenses for which such data are available).

- Anti-crime legislation is often fueled by current events which highlight specific problems. The passage of the firearm law was preceded by a peak year for firearm use in murder (76% committed with a gun) and aggravated assault (26% committed with a gun). Similarly, robbery's peak year for gun use was 1973, occurring just before the passing of the firearm law.

- Many criminologists assert that gun use during violent crimes committed in the heat of an argument is not likely to be deterred by legislation like the firearm law. Therefore, murder and aggravated assault (often characterized by highly emotional circumstances) might be less susceptible to legislative deterrence than might robbery, generally a more calculated crime. Display 7 shows that after the initial passage of the gun law, no significant change occurred in the rate of firearm use in murder, but the rate of robberies involving a firearm did indeed drop sharply: in the last full year before the implementation of the gun law, firearms were used in 57% of all robberies; but four years later, this percentage dropped to 42%. Since, however, the use of firearms in robberies had already begun

to decrease before the implementation of the law, it is impossible to gauge whether any part of this sustained decline was the result of a deterrent effect on the part of the law.

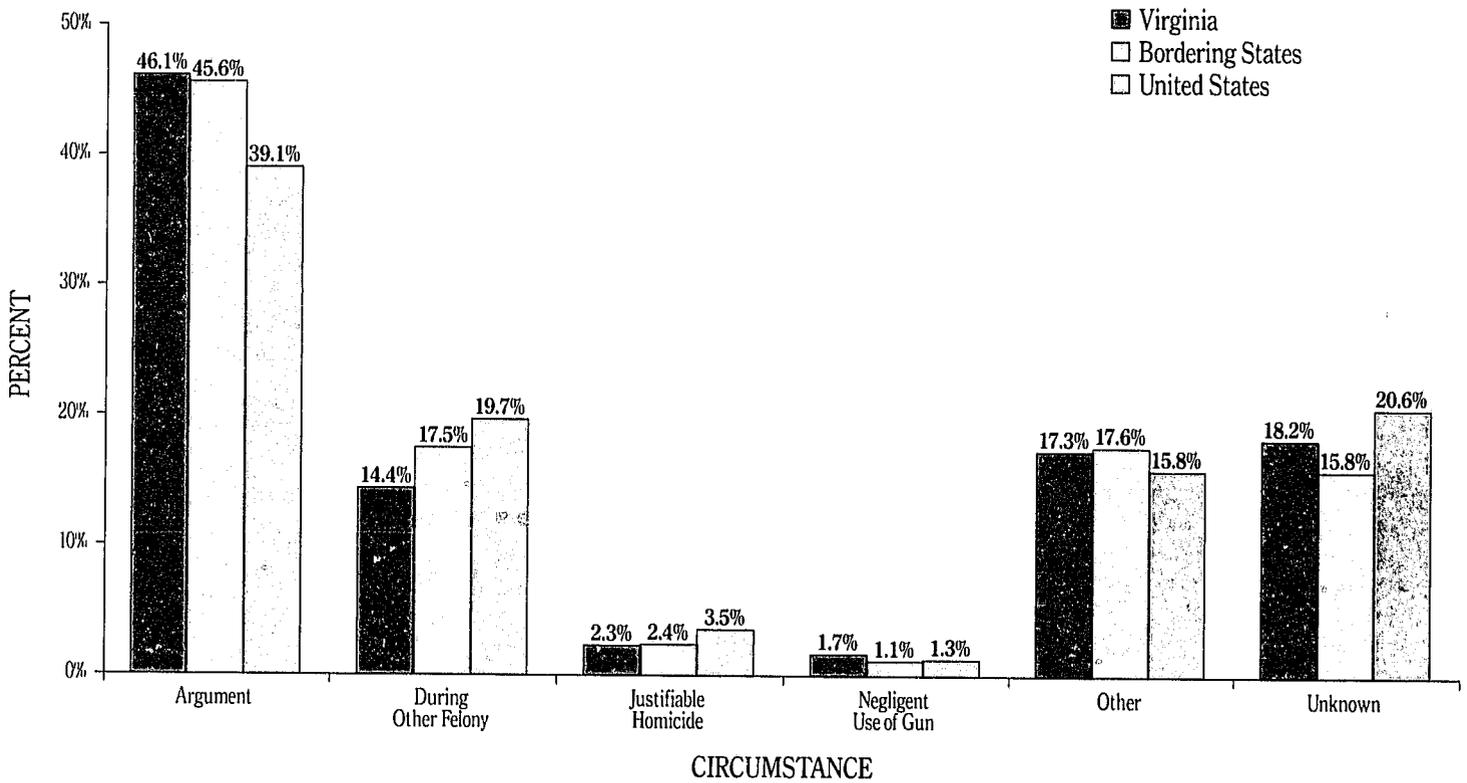
- The first full year after the firearm penalty was increased coincided with a significant drop in gun-related murders. Optimism that this enhancement may have precipitated the decline in gun use, however, is tempered by the finding that firearm use in murder then proceeded to increase for two consecutive years to pre-enhancement levels. During the last three years of the period studied, though, firearm use in murder decreased, stabilizing at almost its lowest level over these 18 years.

- Although firearm use in robbery did not vary significantly since the 1980 penalty enhancement, the same cannot be said for aggravated assault. In the first full year under this mandatory penalty enhancement, firearm use in aggravated assaults dipped to its lowest level, continued a steady downward pattern, and leveled off in 1987 at its lowest rate (16% involving a gun) over the period studied.*

- Overall, firearm use in these violent felonies during 1987 was lower than at any time in the preceding seventeen years. Since our analysis, however, does not control for other contingencies, any shifts in firearm use in these crimes over this period cannot necessarily be attributed to the impact of the firearm law. Indeed, more controlled studies conducted in other states have found evidence that mandatory firearm sentencing provisions have little impact in reducing gun-related violent crime. One possible explanation for the lack of any deterrent effect is that violations of these laws are not uniformly prosecuted, thus reducing the certainty that the penalty will always be applied. *Felony Justice in Virginia, 1986* reported that 27% of the cases covered by Virginia's firearm penalty were not prosecuted under this law.

** The reader should exercise caution in interpreting the firearm use statistics for aggravated assault. The Virginia mandatory firearm penalty enhancement (Code of Virginia §18.2-53.1) applies to only one variation of felony assault: malicious wounding. Unfortunately, the arrest figures compiled locally which were sent to the State Police and reported in this display do not differentiate malicious wounding from other serious assaults. Therefore, the figures in Display 7 contain some unknown number of assaults involving a firearm which were not subject to the provisions of the gun law.*

Display 8



Data Source: Supplemental Homicide Report (SHR) data base, Federal Bureau of Investigation, U.S. Department of Justice; provided courtesy of the National Centers for Disease Control, Atlanta, Georgia

Display 8: Circumstances of Homicide in Virginia, Bordering States, and the United States (1982-1986 Average)

Because homicide is the most serious of all violent crimes, the criminal justice system endeavors to collect as much information on this crime as possible in the hope of better understanding it. Of interest both to criminal justice practitioners and to criminologists are the circumstances precipitating homicides, since a better understanding of these circumstances might aid in the development of improved strategies for prevention. Display 8 provides a look at the circumstances of homicide in Virginia, its bordering states, and the United States over a five-year period (1982-86). This background information on the events surrounding homicides is collected nationally by the FBI.*

- As shown later in the report, a significant percentage of homicide victims were family members, friends, or acquaintances of the offenders. Many homicides were prompted by arguments of varying intensity on matters ranging from alleged adultery to cheating in a card game. Overall, arguments were the most common antecedent of homicides throughout the country. The incidence of argument-precipitated homicides in Virginia was paralleled in its border states but was higher than the average for the country as a whole.

- Many homicides began as other felonies: assaults, rapes, or robberies that escalated into the taking of lives. Nationwide, approximately 20% of the homicides over this period were characterized by this circumstance. Virginia's rate of homicides committed in conjunction with other felonies (14.4%) was, however, lower than that of its neighbor states and that of the United States.

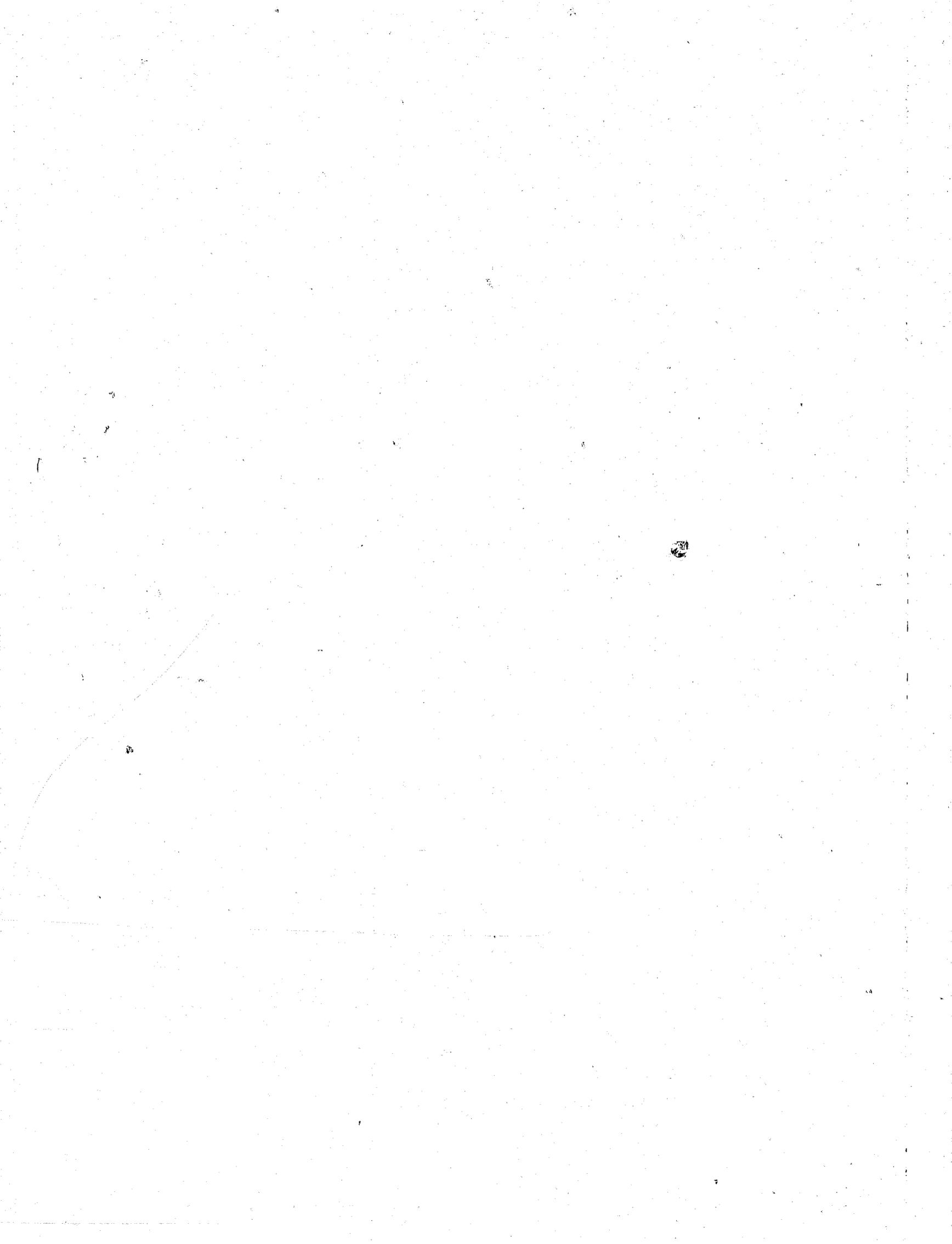
- Justifiable homicides (those committed in self-defense or by a police officer in the line of duty) were slightly less prevalent in Virginia and in its border states than in the country as a whole.

- Homicides due to the negligent use of a gun constituted a relatively small percentage of all homicides but were slightly more common in Virginia than in bordering states. Over this five-year period, 35 deaths in Virginia were attributed to the negligent use of firearms.

- Approximately 17% of Virginia's homicides were characterized by various other circumstances. Examples here include police officers killed during routine traffic stops and homicides committed by inmates and gang members.

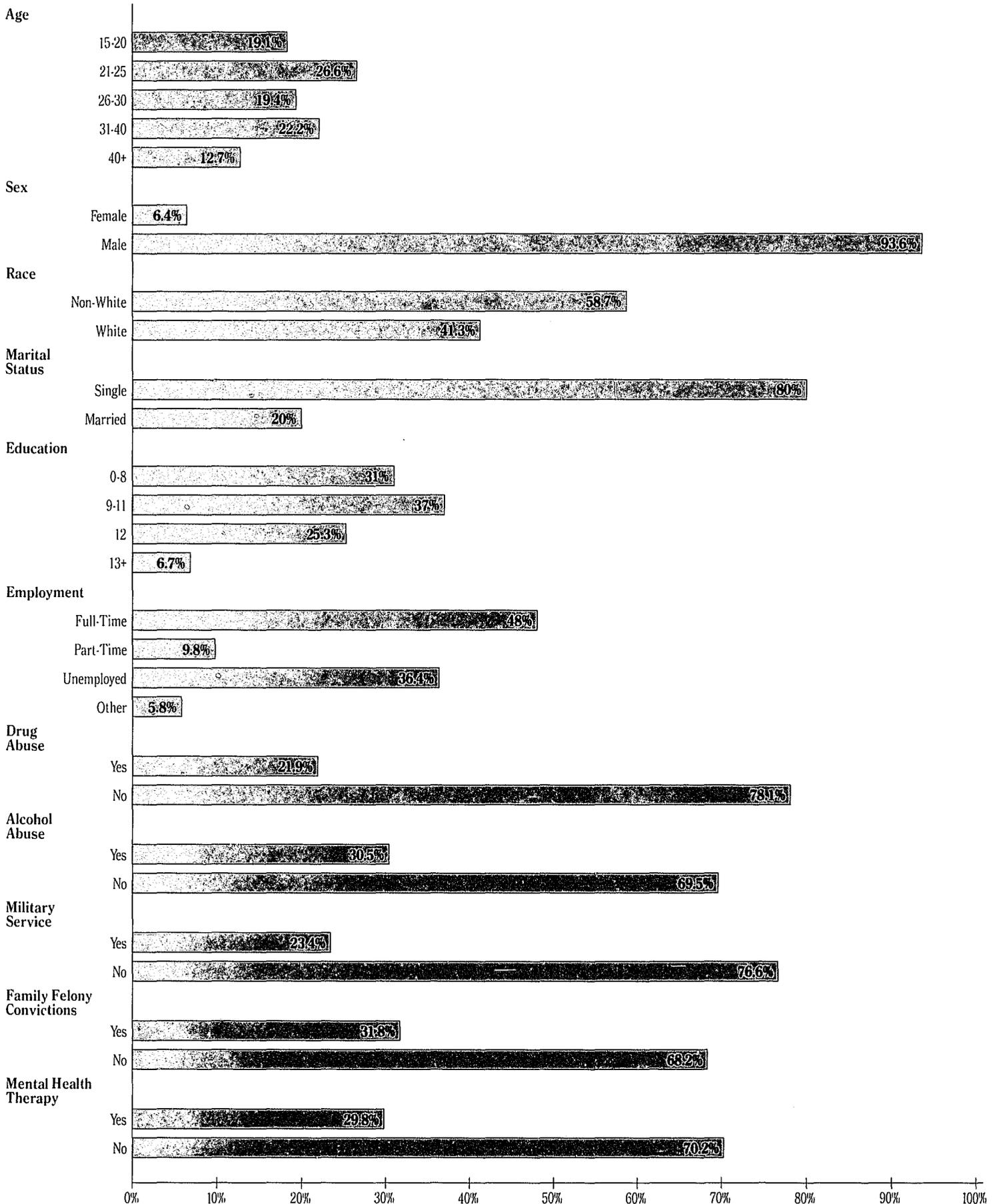
- Since perpetrators of homicides are not always identified and apprehended, motives and circumstances sometimes remain a mystery. In other instances, too much conflicting information exists to allow for definitive explanations. Accordingly, precipitating circumstances could not be determined in approximately one out of every five homicides.

* The states bordering Virginia are Kentucky, Maryland, North Carolina, Tennessee, and West Virginia.





Display 9



Data Source: Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

Display 9: General Demographic Information on Violent Felony Offenders in Virginia (1985-1987 Average)

Early theories on the causes of violent criminal behavior focused on the physical characteristics of prisoners. Offenders used to be classified according to criteria like the shapes of their skulls, their facial characteristics, and their physiques. Criminological theory has advanced significantly since these early days, benefiting from the availability of detailed data banks containing a wealth of information on different samples of the criminal population.

Criminal justice professionals can now construct very precise profiles of certain criminal populations. Though no single personal trait or set of traits distinguishes criminals in general from non-criminals, modern offender profiles may suggest clues as to why certain people are more likely to exhibit violent criminal tendencies than others. A close examination of personal traits can provide a foundation upon which we can build a better understanding of violent behavior. Display 9 provides this foundation by presenting a demographic profile of all offenders convicted of a violent crime over a three-year period (1985-1987).

Since this profile is based on the population of convicted violent felons, some critics may argue that such a profile might not be representative of the larger population of violent criminals. After all, these critics might say, a great many criminals are never caught or prosecuted, and we therefore cannot profile them accurately. While such an assertion about criminals in general is largely accurate, it is considerably less so for violent criminals. As we will see later, Virginia's clearance rate for violent crimes is quite high. Furthermore, a large percentage of defendants charged with violent crimes are subsequently convicted, as this report will also later show. Consequently, it seems reasonable to draw some conclusions about the characteristics of violent criminals based on the population of convicted violent felons; in fact, several studies and victim surveys have shown such a sample to be representative of the general population of violent criminals.

- Violent crime is most likely to be perpetrated by the young. More than 45% of the convicted violent offenders studied were under the age of 25; in contrast, approximately 20% of Virginia's general population falls within this age group. The proportion of the population under the age of 21 was two times greater for violent felons than for the general Virginia population.

- The percentage of male violent offenders was disproportionately high compared to the percentage of men in Virginia's general population. Violent crime was rarely committed by female offenders: though they constitute 52%

of Virginia's population, women composed only 6.4% of those convicted for violent acts. The number of convicted violent offenders who were black was also disproportionately high: while only 22% of Virginia's population is black, 58.7% of those convicted of violent crime were black.

- Those convicted of violent criminal acts were also disproportionately undereducated, unemployed, and abusers of drugs or alcohol as compared to Virginia's general population.

- Only 32% of all convicted violent felons completed high school, as compared to 85% of Virginia's population in the 20-29 age group.

- Whereas the unemployment rate in Virginia's labor force is approximately 5%, over a third of all violent offenders were unemployed when they committed their offenses*.

- The specific relationship between substance abuse and violent crime remains unclear, although some argue that such abuse is instrumental in reducing inhibitions and stimulating aggression. Drug and alcohol abuse was indeed conspicuous among those convicted of violent felonies. Abuse, as defined here, indicates a serious habit which has significantly impaired a person's ability to function. Approximately 22% of these violent offenders were drug abusers while 30.5% were alcoholics. In contrast, the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services estimates that only 1% of Virginia's general population could be considered substance abusers.

- Approximately one quarter of all violent offenders had some formal military experience, a disproportionately high percentage when considering the large number of these offenders under the age of 20 and the fact that only 14% of Virginia's adult population has served in the military.

- Approximately 30% of the offenders convicted of a violent felony had some history of mental health therapy before committing their crimes.

- Prior research has provided support for the idea that the tendency towards criminal behavior seems to run in some families. To the degree that adverse environmental influences like poverty or an unstable family structure may motivate certain types of criminal behavior, it could be expected that those experiencing these influences might be more likely than others to commit crimes. Though many individuals reared under adverse environmental circumstances do not become criminal, they do seem disproportionately likely to become so. Approximately one out of three convicted violent offenders had a family

member with a prior felony conviction. Though no comparable figure is available for Virginia's population as a whole, a reasonable assumption is that the proportion is relatively small.

* The "other" category in the employment section of the graph includes students, housewives, disabled people, and retired people.

Display 10

	CAPITAL MURDER	MURDER	VOLUNTARY MAN- SLAUGHTER	INVOLUNTARY MAN- SLAUGHTER	ARMED ROBBERY	UNARMED ROBBERY	RAPE/SODOMY VICTIM >12	RAPE/SODOMY VICTIM <13	AGGRAVATED SEXUAL BATTERY	MALICIOUS WOUNDING	UNLAWFUL WOUNDING
Age											
15-20	19.0%	16.7%	8.2%	14.6%	28.7%	33.5%	15.5%	11.6%	9.5%	16.5%	12.6%
21-25	28.6	21.6	23.8	22.9	33.7	35.8	27.0	16.7	12.9	27.5	27.1
26-30	23.8	17.6	18.3	22.3	20.6	16.4	26.0	17.1	19.8	19.2	18.7
31-40	22.2	24.9	22.9	20.4	15.2	11.9	23.5	38.5	31.7	23.1	24.2
40+	6.3	19.1	26.8	19.8	1.9	2.5	8.0	16.0	26.1	13.7	17.3
Race											
Non-White	55.6	60.2	66.8	35.3	74.5	67.2	53.3	37.1	33.0	63.0	64.5
White	44.4	39.8	33.2	64.7	25.5	32.8	46.7	62.9	67.0	37.0	35.5
Sex											
Male	93.7	88.1	74.1	86.4	96.2	94.8	99.6	99.7	98.7	93.3	88.2
Female	6.3	11.9	25.9	13.6	3.8	5.2	.4	.3	1.3	6.7	11.8
Marital Status											
Single	83.9	83.0	82.2	70.1	87.2	90.1	80.1	63.7	63.8	82.5	77.4
Married	16.1	17.0	17.8	29.9	12.8	9.9	19.9	36.3	36.2	17.5	22.6
Education											
0-8	32.3	32.9	43.6	20.8	24.4	27.8	31.9	26.6	28.5	38.6	36.2
9-11	40.3	37.8	32.3	25.8	44.1	43.3	39.3	29.5	25.4	37.8	34.6
12	24.2	22.9	19.4	39.5	26.8	24.4	22.4	34.6	31.3	18.9	24.1
13+	3.2	6.4	4.6	13.9	4.7	4.4	6.4	9.3	14.8	4.7	5.1
Employment											
Full-Time	36.5	44.2	49.4	62.7	30.7	30.9	59.5	69.0	67.3	50.2	52.4
Part-Time	4.8	11.1	7.3	9.1	11.7	10.9	8.2	7.5	7.9	9.4	10.5
Unemployed	52.4	35.3	33.0	22.8	54.3	54.9	27.1	18.9	17.5	34.3	29.6
Other	6.3	9.4	10.3	5.4	3.2	3.2	5.2	4.6	7.4	6.0	7.5
Drug Abuse											
Yes	32.3	22.0	11.0	7.3	37.5	34.8	22.7	10.5	9.4	17.5	12.3
No	67.7	78.0	89.0	92.7	62.5	65.2	77.3	89.5	90.6	82.5	87.7
Alcohol Abuse											
Yes	37.7	33.8	32.0	39.7	22.9	30.9	33.9	22.0	25.4	33.8	34.3
No	62.3	66.2	68.0	60.3	77.1	69.1	66.1	78.0	74.6	66.2	65.7
Military Service											
Yes	30.2	25.5	23.8	25.4	15.5	19.0	25.4	44.4	41.4	16.2	18.2
No	69.8	74.5	76.2	74.6	84.5	81.0	74.6	55.6	58.6	83.8	81.8
Family Felony Convictions											
Yes	41.2	31.5	41.2	18.4	38.1	32.1	29.6	23.8	21.9	37.1	32.1
No	58.8	68.5	58.8	81.6	61.9	67.9	70.4	76.2	78.1	62.9	67.9
Mental Health Therapy											
Yes	42.9	31.9	24.7	18.4	24.2	25.1	38.6	46.0	46.4	25.3	21.5
No	57.1	68.1	75.3	81.6	75.8	74.9	61.4	54.0	53.6	74.7	78.5

Data Source: Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

Display 10: Specific Demographic Information on Violent Felony Offenders in Virginia (1985-1987 Average)

Violent criminal behavior exhibits many variations: it includes the armed robber who kills a convenience store clerk for not opening a safe and also the father who sexually abuses his child. Because violent crime is a multidimensional phenomenon, it is instructive to analyze its variations individually whenever possible. Display 10 provides specific demographic information on offenders convicted of particular types of violent acts. The offense types contained in this display are more particularly defined than those previously covered because of the availability of the most comprehensive felony data base in Virginia, the automated presentence investigation (PSI) system. An examination of the backgrounds of offenders convicted of specific violent acts reveals that the general demographic profile presented in the previous display shifts in some notable ways when more specifically analyzed.

- More than any other violent act, robbery is a crime committed by the young. Approximately one out of three robberies was perpetrated by an offender under the age of 21. In many instances, the most likely age bracket for violent offenders was 21 to 25. Offenders over the age of 30 were particularly conspicuous among those convicted of aggravated sexual battery and of rape/sodomy of a victim less than 13 years old.

- With the exception of convictions for involuntary manslaughter, rape/sodomy of a victim less than 13 years old, and aggravated sexual battery, most convictions for violent crimes involved black offenders. Black offenders especially predominated in convictions for armed robbery.

- Male offenders were responsible for the great majority of violent felony convictions with one notable exception: female offenders were more often convicted of voluntary manslaughter (25.9%) than for other violent acts. Certain violent activities, like rape/sodomy and aggravated sexual battery, appear to be almost exclusively the activities of male offenders.

- Although violent offenders of all types were much more often single than married, convicted robbers were least often married, while those convicted of rape/sodomy of a victim less than 13 years old and of aggravated sexual battery were most often married. This latter finding is consistent with that reported in *Felony Justice in Virginia, 1986*, which noted that most of these particular sex offenses were committed against family members.

- The level of formal educational attainment was consistently low across all groups of violent offenders. In most cases, two out of every three violent offenders never finished high school. The lone exception to this pattern was involuntary manslaughter: 53.4% of these offenders had at least completed high school.

- The unemployment rate among violent offenders was consistently high, particularly so for capital murderers (52.4%) and robbers (armed 54.3%, unarmed 54.9%). Employment levels were highest for those convicted of rape/sodomy of a victim less than 13 years old and of aggravated sexual battery.

- Personal abuse of drugs was especially evident among those convicted of robbery: at least one out of every three robbers had a drug abuse problem. Of those convicted of homicide, capital murderers were most likely to have been drug abusers (32.3%). Alcohol abuse was prominent across all classes of convicted violent felons, with those convicted of involuntary manslaughter having the highest rate of alcohol abuse (39.7%). This rate is not surprising given the large number of convictions for involuntary manslaughter which involve deaths resulting from drunk driving.

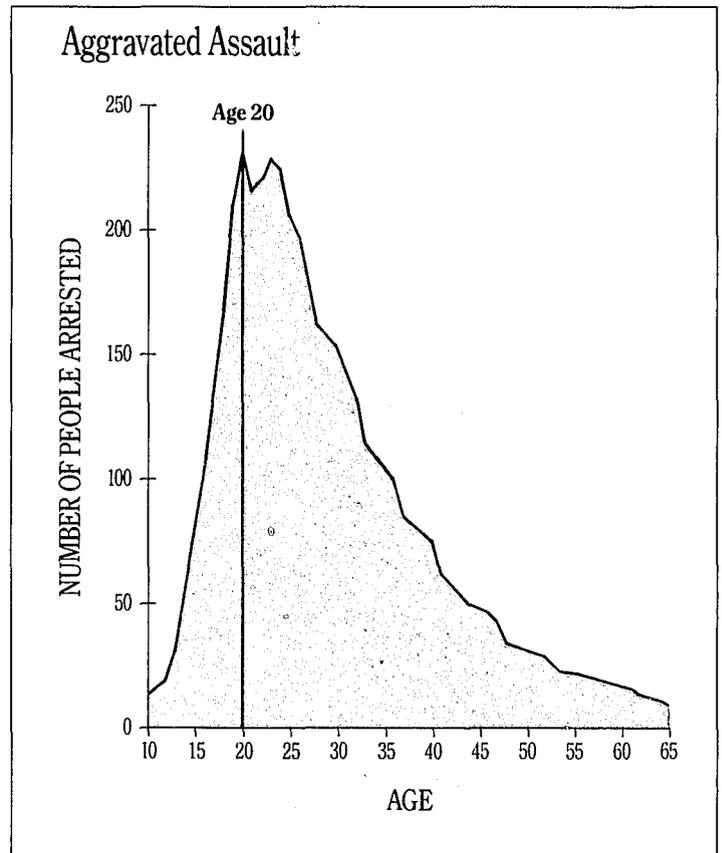
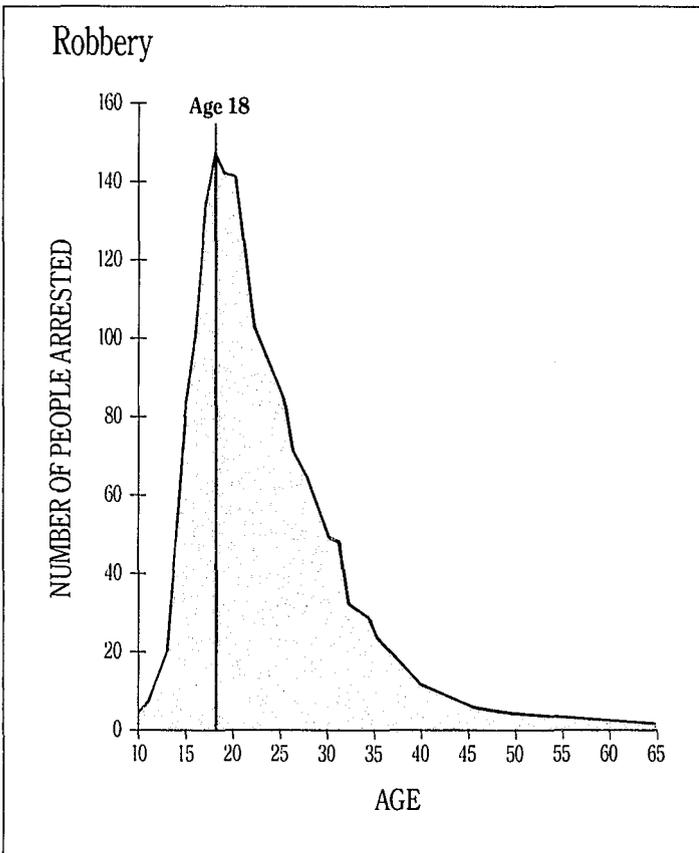
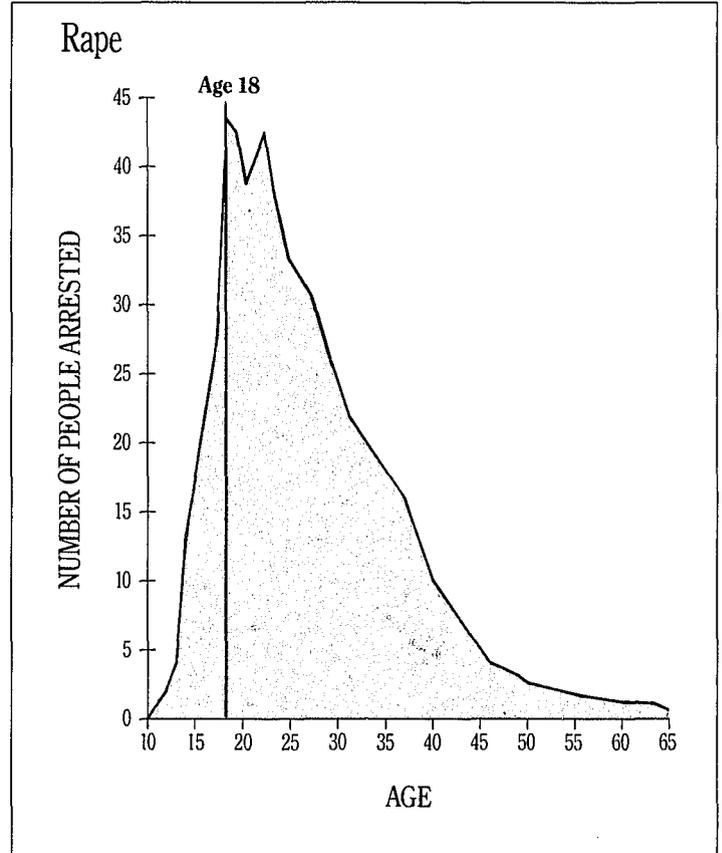
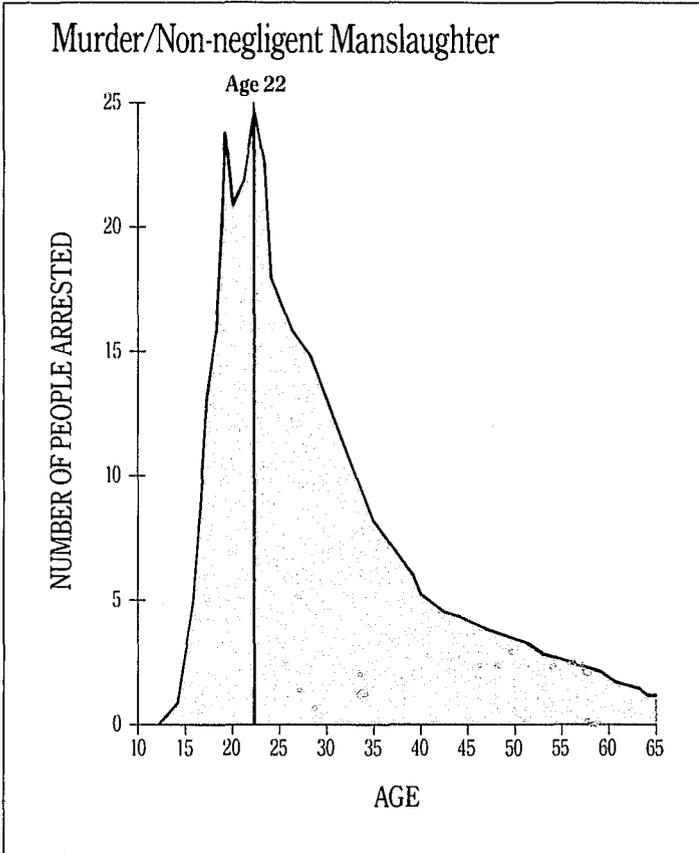
- A history of military experience was, not unexpectedly, least likely among the offenses most often committed by the very young: robbery and aggravated assault. A rate of military service three times that of Virginia's adult population was found for those convicted of rape/sodomy of a victim less than 13 years old and of aggravated sexual battery: approximately four out of every 10 of these offenders had some formal military service record as compared to only 14% of Virginia's general adult population.

- Having family members with felony convictions was most likely for those offenders convicted of capital murder, voluntary manslaughter, armed robbery, and malicious wounding.

- A prior history involving mental health therapy was most often a characteristic of those convicted of capital murder, rape/sodomy of a victim less than 13 years old, and aggravated sexual battery. Almost half of the sex offenders had experienced some form of mental health treatment prior to the commission of their offenses.

- Although many violent offenders were found to share similar demographic characteristics regardless of their offenses, striking exceptions also became apparent. For example, the

demographic characteristics of armed robbers were very different from those of sex offenders who victimized children less than 13 years old. Such unique distinctions in offender profiles suggest that no one universal strategy for prevention, treatment, deterrence, or punishment could be completely effective in controlling the general problem of violent crime.



Data Sources: Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police; Offender Based Transaction Statistics (OBTS) data base, Virginia Department of State Police

Display 11: Age Distribution for Those Arrested for Violent Crimes in Virginia (1983-1987 Average)

The relationship between age and criminality is a strong one. Prior research tracking the relationship between age and crime has noted that many criminal "careers" begin at around age 14, peak in the early 20's, then gradually decline till age 30, at which point most offenders "retire" from an active criminal life. The drop in the overall crime rate experienced in Virginia and elsewhere during the 1980's has been partially attributed to a significant decline in the general population of those in the young age groups most prone to criminality. The age of an offender and, most especially, the age at which an offender's criminal career was launched are very important factors in projecting the future likelihood of involvement in criminal activity.

The figures contained in Display 11 illustrate the integral relationship between age and violent crime in Virginia. This display contains four graphs which individually map the age distribution for those arrested in Virginia between 1983 and 1987 for murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Because of the dramatic differences in the numbers of people arrested for these violent acts, each of the four graphs presented in this display uses a different vertical scale to represent arrests. Therefore, the reader should be cautious in making direct comparisons across these charts.

- The age distribution for murder reveals that the youngest assailant arrested during this period was 13 years old. The arrest rate for murder started to climb in earnest at age 16 and doubled in a year. Murder arrests reached an early peak at age 19, declined slightly for a two-year period, then climbed sharply again to their peak year at age 22. After reaching its climax in the early 20's, the arrest rate for murder dropped sharply to about age 26 and then began a gradual pattern of decline with age. The murder arrest rate for 30-year-olds was very similar to that for 17-year-olds. By age 40, the arrest rate for murder was roughly equivalent to that of the 15-year-old population. Murder arrest rates for offenders over 40 continued to decline with age but remained higher than the rates exhibited for rape and robbery.

- The youngest assailant arrested for rape over this five-year period was 10 years old. The age-specific arrest pattern for rape shows a stronger juvenile involvement than that revealed in the murder chart. Rape arrests started escalating at age 13 and climbed steadily to their peak at age 18, whereupon the arrest rate stayed high through age 24. After age 24, arrests for rape began a slow gradual decline with age. This decrease in criminal activity with age was not as abrupt as that exhibited for robbery. Rape arrests maintained a fairly high level for offenders

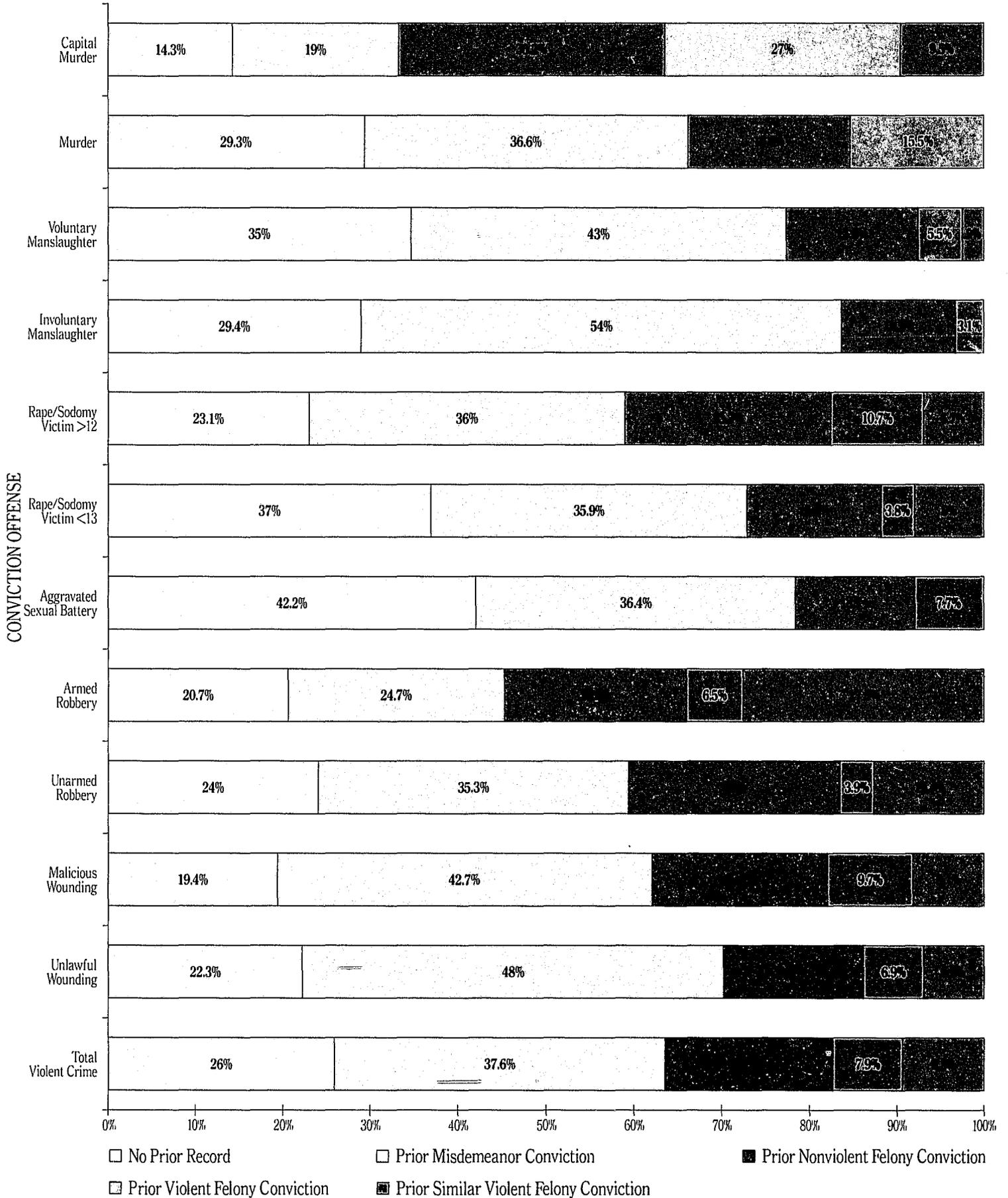
through their 30's and then dropped off significantly.

- The graph which delineates age-specific robbery arrests reveals the steepest distribution among the violent crimes. As shown in Display 10, robbery is the violent crime most often committed by the very young, and Display 11 shows that robbery arrests were reported for offenders younger than 10 years old. For offenders under the age of 18, robbery arrest rates were higher than for any other violent crime. The arrests for robbery started to climb at age 13, peaked at 18, remained very high through age 21, and then started a very steep decline. The arrest figures for 25-year-olds is similar to that for 14-year-olds just initiating their criminal careers. After age 30, robbery arrest rates declined rapidly and became inconsequential compared to similar arrest figures for the other violent crimes.

- Like robbery, arrests for aggravated assault were reported for offenders younger than 10 years old. Arrests for aggravated assault began in earnest at age 13, experienced a sharp increase at age 18, and steadily rose to their peak at age 20. Arrests for aggravated assault remained very high through age 25 and then began the familiar declining pattern with age. This decline in assault arrests over time was the least abrupt pattern across all violent crimes examined. Among the violent crimes studied, offenders who committed aggravated assault appeared to stay criminally active longer than other types of violent offenders. The arrest figures for 37-year-old offenders was similar to the figures for those just initiating their criminal careers at age 14.

- How much of the overall decline in violent criminal activity with age can be attributed to personal maturation is uncertain. Some might contend that the decline in criminal activity for older offenders was partially the result of the fact that more and more of these people were probably incarcerated as they aged, thus preventing them from repeating the violent offenses of their youth. As their criminal careers progressed, many of the offenders might have moved on to more serious crimes, a move which would have significantly increased their chances of apprehension, conviction, and incarceration. The sharp drop in arrests for violent criminals in their middle to late 20's might therefore partially reflect the fact that many would-be offenders are incapacitated while serving time in jail or prison.

Display 12



Data Source: Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

Display 12: Prior Criminal Record Information for Violent Felons in Virginia by Current Conviction Offense (1985-1987 Average)

Prior criminological research has documented the existence of chronic repeat offenders—those who have very active criminal careers and who account for an extraordinary amount of crime in any given year. Acting on these findings, many jurisdictions across the country have instituted career criminal programs. In general, career criminal programs incorporate one or more of the following measures geared toward the habitual offender: (1) special police surveillance, (2) preventive pretrial detention, (3) selective prosecution, (4) strict or mandatory sentencing standards, and (5) denial of parole eligibility. The focus of many of these programs is to identify the chronic offenders early in their "careers" and to incapacitate them during their peak periods for criminal activity. Proponents of these programs argue that their potential crime reduction benefit is maximized by incapacitating for long periods of time only the most hard-core offenders.

Many of the factors used in these career criminal identification programs have already been mentioned: age, drug and alcohol abuse, employment history, and the nature of the offense. The one factor not yet discussed which is routinely found in these schemes is prior criminal history. An offender's prior criminal history is the single best predictor of his future likelihood of criminal involvement. As such, the criminal justice system now makes a determined effort to record with great accuracy and thoroughness the nature and extent of an offender's criminal history. Detailed prior criminal history information, such as that provided in Display 12, provides the foundation for programs which target the early identification of career criminals.*

Overall, 74% of all convicted violent offenders had prior records involving at least a misdemeanor conviction. The offenders most likely to have had prior criminal records were those convicted of capital murder (85.7%), malicious wounding (80.6%), and armed robbery (79.3%).

In general, 36.4% of the offenders convicted of violent offenses between 1985 and 1987 had at least one prior felony conviction. As well, 17.2% had a prior conviction for a violent felony.

Prior violent felony convictions were most prominent among those convicted of capital murder (36.5%) and armed robbery (34%).

About one in 10 violent felons had a prior felony conviction for an offense similar to his current crime.** Prior similar violent felony convictions were most common among those

convicted of armed robbery: 27.5% had a prior robbery conviction.

- Although convicted unarmed robbers had prior records almost as often as armed robbers, the nature of their criminal pasts varied considerably. Those convicted of unarmed robbery were more likely to have had prior records characterized by convictions for misdemeanors and drug or property felonies. In contrast, armed robbers were much more likely to have had prior criminal histories documenting violent acts. As noted above, one out of every four offenders convicted of armed robbery had at least one prior conviction for robbery.

- Among those convicted of homicide, capital murderers exhibited the worst prior criminal histories. Overall, 66.7% of all capital murderers had at least one prior felony conviction. Approximately one out of every 10 offenders convicted of capital murder had a prior homicide conviction.

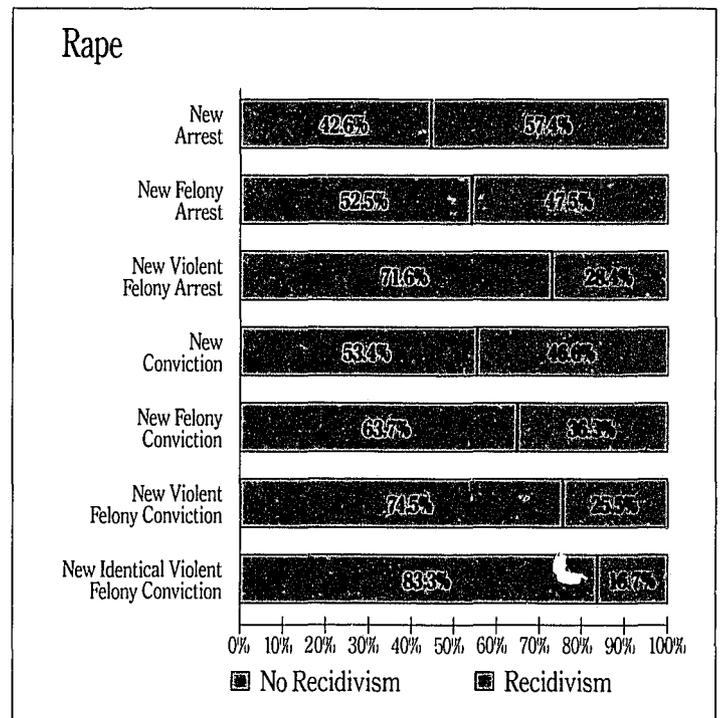
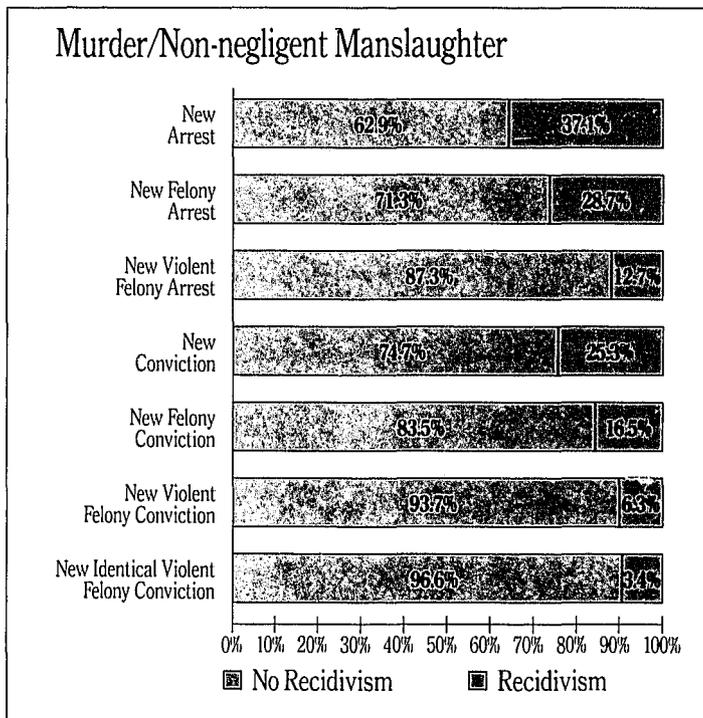
- Those convicted of involuntary manslaughter or voluntary manslaughter were the violent offenders least likely to have had prior violent felony records. Only 3.1% and 6.4% of those convicted of involuntary and voluntary manslaughter had prior convictions characterized by at least one violent felony crime.

- The prior criminal histories of those convicted of sex crimes varied dramatically. Those convicted of rape/sodomy of a victim older than 12 years were approximately twice as likely to have had a prior felony conviction as those convicted of the other felony sex offenses. Of those convicted of a rape or sodomy of a victim older than 12 years, 17.4% had previously been convicted of a felony sex offense.

- First offenses were most likely among those convicted of aggravated sexual battery and of rape/sodomy of a victim less than 13 years old.

* As shown in the previous display, a significant amount of violent crime is perpetrated by juveniles. Unless a juvenile offender was prosecuted as an adult, however, these violent acts do not get recorded on the automated systems that track criminal careers.

** A prior "similar" violent felony conviction means that the current offense and at least one of the previous offenses falls under the same statutory article, like "Homicide" or "Robbery."



Display 13: Recidivism Rates for Those Convicted of Violent Crimes and Released From Prison in Virginia in 1983

Recidivism rates are one of the most common criteria used by criminologists and practitioners to judge the effectiveness of the criminal justice system. Recidivism rates can gauge the success of harsh penalties in deterring future crimes by those offenders previously punished. The success of correctional programs is also commonly measured by the percentage of "treated" offenders who subsequently return to criminal activity. Research on recidivism has direct policy implications for sentencing, corrections, and parole practices. This research has produced the career criminal identification programs referred to in Display 12, programs designed to reduce recidivism and therefore to reduce the danger which recidivists pose to society. Although recidivism rates are high nationwide, Virginia has until now lacked the research to determine a recidivism rate for its offender population. Display 13 compensates for this lack by presenting various recidivism rates for violent criminals in Virginia.

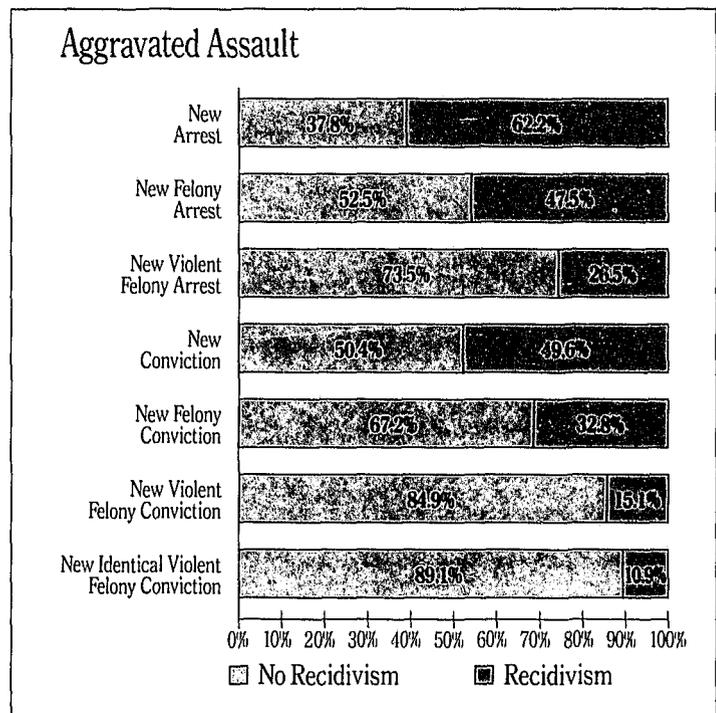
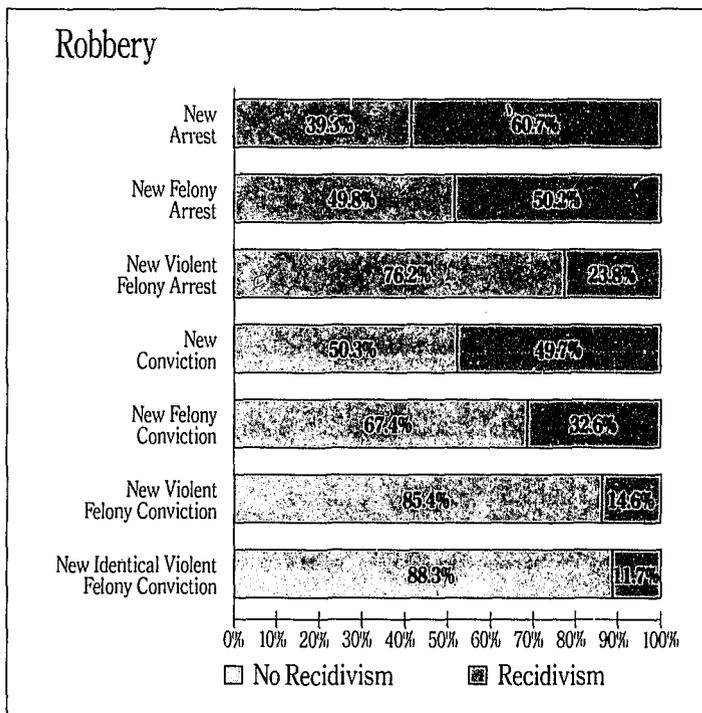
- Recidivism can be measured in several different ways, and differing measurements can lead to markedly different conclusions. For example, if recidivism is measured by a new arrest after an offender's release from prison, the recidivism rate for convicted robbers is very high—approximately 60%. If, however, recidivism is measured by a conviction for the return to the same criminal behavior previously punished (in

this case, robbery), then the recidivism rate is much lower—approximately 12%. The criterion typically applied by criminologists to gauge recidivism is a new arrest after an offender's release from prison. This new arrest recidivism measure, however, includes apprehensions for most crimes, including some serious misdemeanors.* Also, the use of arrests as a criterion may overstate the degree of recidivism because some arrested people are ultimately determined to be innocent. Conversely, recidivism measures which rely on conviction data are also subject to misinterpretation because of plea bargaining practices that can reduce a felony to a misdemeanor or can result in the dropping of the charge entirely. Also, the use of convictions in general underestimates the degree of recidivism because conviction dispositions are not always reliably recorded on the nationwide systems that track criminal careers and are used in recidivism studies.

- The length of the follow-up period employed in recidivism studies also affects conclusions concerning the rate of repeat offenders. For instance, a study using a follow-up period of 10 years after the prison release date will determine higher recidivism rates than a study employing a follow-up period of one year. Most recent studies of recidivism note that the great majority of those who eventually return to criminal activity do so very quickly after their release from confinement; therefore, a follow-up period of three to five years is usually favored in such studies.

- In order to gauge the recidivism levels of violent offenders in Virginia, the following procedures were used. First, within each type of violent crime, a random sample was drawn from all inmates who had been released from Virginia's prisons in 1983. Of the 1726 violent offenders released from prison, 918 or 53% were selected for a recidivism follow-up study.** Next, using the Virginia Central Criminal History (CCH) information system and the National Crime Information Center (NCIC) network, record checks were made on the criminal histories of all 918 sampled violent criminals. These criminal history "rap" sheets were used to discern the level of new criminal activity for violent offenders over a five-year period which commenced upon their release from prison. Seven different measures were used to describe fully the depth of recidivism for violent criminals. These multiple measures reflect the degree of penetration of a new criminal act into the criminal justice system. Since the minimum recidivism criterion used is an arrest for a new crime, those violent offenders who violated parole on technical grounds (such as moving out of state without permission) were not considered recidivists.

- A recent study by the Bureau of Justice Statistics of young parolees across the nation found that within six years of release from prison, 70% of the murderers, 64% of the robbers, and 72% of those previously convicted of aggravated assault were re-arrested. In contrast, over a five-year period following release in



Data Sources: Central Criminal History (CCH) data base, Virginia Department of State Police; Offender Based State Correctional Information System (OBSCIS) data base, Virginia Department of Corrections; Interstate Identification Index, National Crime Information Center (NCIC)

Virginia, 37% of the murderers, 61% of the robbers, and 62% of those previously convicted of aggravated assault were re-arrested. The same study found that 25% of the murderers, 45% of the robbers, and 51% of those previously convicted of aggravated assault were again convicted within six years of their release from prison. The Virginia recidivism figures are remarkably similar: 25% of the murderers and 50% of the robbers and those convicted previously of aggravated assault were again convicted within five years of their release from prison.

- As noted earlier, the use of different recidivism measures can sometimes lead to different conclusions; therefore, the following statements about violent offenders apply only in the context of the specific recidivism measure identified.

- NEW ARRESTS:** The highest recidivism rate of 62% was found for those offenders previously incarcerated for an aggravated assault. Those previously incarcerated for robbery had a recidivism rate of 61%; for rape, 57%; and for murder, 37%.

- NEW FELONY ARRESTS:** Consistent recidivism rates were found for all violent offenders except those who had previously been incarcerated for murder. Approximately one out of every two offenders released from prison after serving time for rape, robbery, or aggravated assault was re-arrested within five years for a new felony charge. In contrast, fewer than one out of every three released murderers relapsed.

- NEW VIOLENT FELONY ARRESTS:** Approximately one out of every four offenders released from prison after serving time for rape, robbery, or aggravated assault was re-arrested within five years for a new violent felony charge. Those previously incarcerated for rape had the highest recidivism rate, 28.4%. The lowest recidivism rate of 12.7% was found for offenders previously incarcerated for murder.

- NEW CONVICTIONS:** Excluding those previously incarcerated for murder, recidivism rates did not vary by the nature of the previous violent offense. Approximately one out of every two offenders released from prison after serving time for rape, robbery, or aggravated assault was again convicted within five years for a new charge. The recidivism rate for previously incarcerated murderers was approximately half that reported for these other violent criminals.

- NEW FELONY CONVICTIONS:** The highest recidivism rate of 36.3% was found for those previously incarcerated for rape. Those previously imprisoned for robbery or aggravated assault had almost identical recidivism rates of about 33%. Only 16.5% of previously imprisoned murderers returned with a new felony conviction.

- NEW VIOLENT FELONY CONVICTIONS:** Those previously incarcerated for rape proved themselves the highest-risk violent offenders for release into the community. One out of every four previously incarcerated rapists was again convicted of a new violent felony offense within

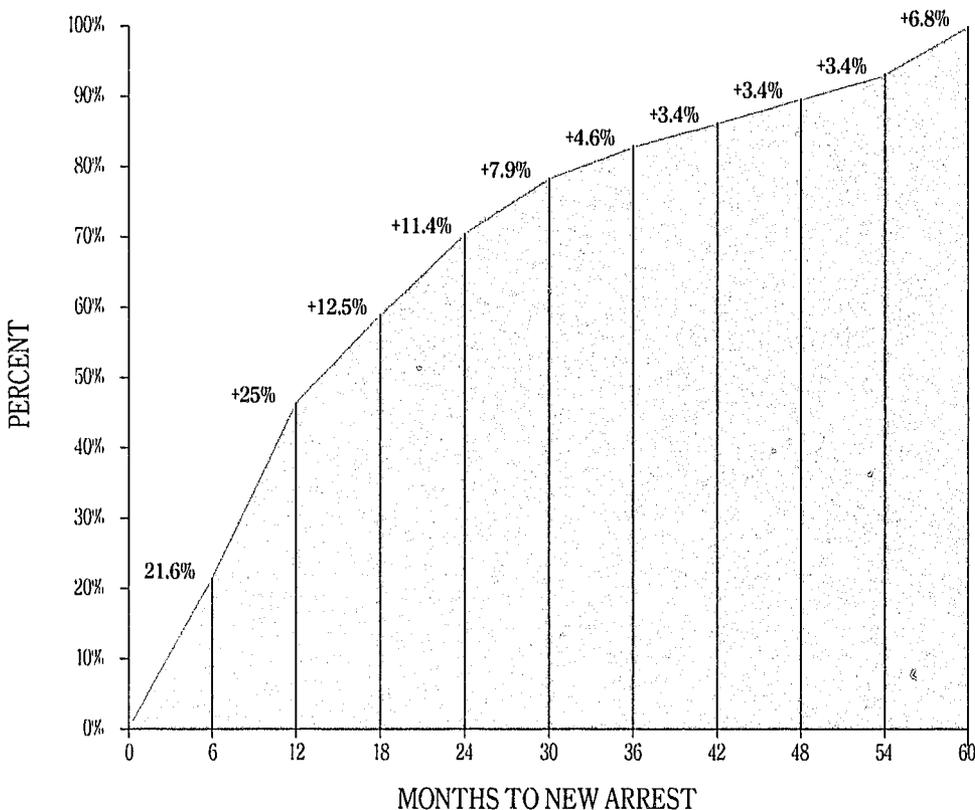
five years of release from prison. In contrast, about 15% of previously imprisoned robbers and those convicted of aggravated assault and 6.3% of previously imprisoned murderers were subsequently reconvicted of a new violent act.

- NEW IDENTICAL VIOLENT FELONY CONVICTIONS:** Among violent offenders, rapists showed the greatest propensity to commit another violent act identical to that for which they had been previously incarcerated. Approximately 17% of previously imprisoned rapists were convicted for another rape within five years of their release from prison. About one in 10 robbers and those previously convicted of aggravated assault were convicted for identical crimes. The risk of a murderer's repetition of his violent act is very low: only 3.4% of released murderers were subsequently convicted for committing another murder.

* The automated criminal history record-keeping system used to detect recidivism for the purposes of this display do not report arrests for minor misdemeanors such as being drunk in public, using profanity in public, vagrancy, disturbing the peace, loitering, and other offenses not subject to a possible jail sentence. Therefore, new recorded arrests were either for serious misdemeanors or felonies.

** The specific numbers of cases sampled by type of violent crimes are as follows: 238 out of 347 aggravated assaults, 239 out of 872 robberies, 204 out of 209 rapes, and 237 out of 298 murders. The samples for rape and murder were inflated to insure a sufficient analytical data base.

Display 14 — Murder/Non-negligent Manslaughter



Display 14: Cumulative and Incremental New Arrest Rates for Violent Crime Recidivists Released From Prison in Virginia in 1983

As mentioned previously, other studies on recidivism have documented that those who resume criminal activity after release from incarceration generally do so quickly upon their return to society. In its nationwide study of parolees, the Bureau of Justice Statistics reported that two-thirds of the recidivists were re-arrested for a new crime within two years after their release from prison. Such findings have specific implications for parole release practices as well as for community corrections policies. For example, knowing the periods of highest risk for parolees might help corrections professionals focus on the wider use of intensive community supervision during the most critical stages of an offender's reintegration into society. Display 14 identifies these highest risk periods for the sample of 918 released violent offenders examined for the previous display.

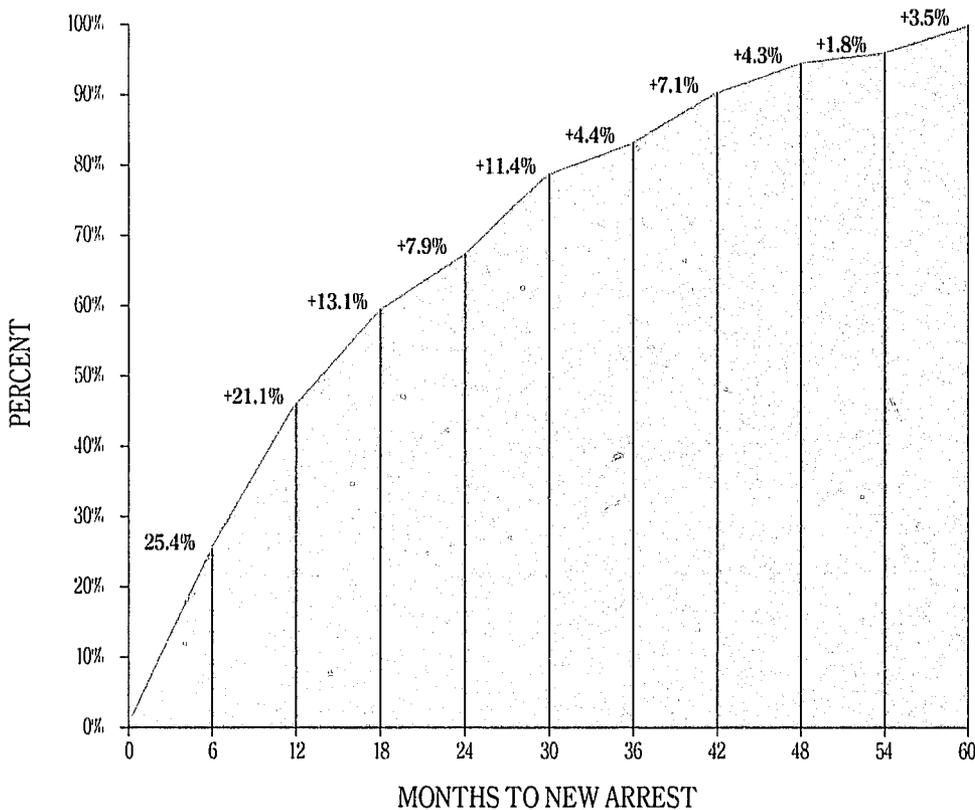
- Display 14 illustrates the pace of recidivism both cumulatively and incrementally. For instance, within two years of release from prison, a cumulative 75.2% of the robbery recidivists were arrested for a new crime. The greatest incremental increase in recidivism for these offenders came during the first six months after release from prison, when 27.6% of the repeaters were re-arrested. By the end of the five-year follow-up, of course, the cumulative arrest rate was 100%, since by definition all recidivists became repeaters due to a new arrest.

- For the purpose of this chronological analysis of recidivism, new arrests constitute the criterion. The findings of this analysis, however, were remarkably similar when other recidivism criteria were used.

- Recidivism is most likely to occur within the first two years after a violent offender's release from prison. Of those re-arrested within five years of their release from prison for a violent crime, over two-thirds were arrested for a new crime during the first two years of their freedom. The quickest pace for recidivists was for formerly imprisoned robbers. By the end of the first year of the follow-up, 49% of all robbery recidivists had been re-arrested; by the end of the second year, 75.2%.

- Except for murder recidivists, the highest recidivism rates occurred during the first six months of an offender's transition from the institution to the community. At least one out of four robbery, rape, and aggravated assault recidivists were re-arrested within six months of their release from prison. Murder recidivists "survived" in the community slightly longer in

Rape



the early stages; their highest recidivism rates occurred within six to 12 months after release. Since offenders recently released from prison are likely to be closely scrutinized by parole and police officers, the higher arrest rates during these early periods reflect, to some degree, community law enforcement practices as well as the behavior of offenders.

Overall, recidivism rates for violent criminals climbed steeply in the first two years of release from prison and then dropped off, with significantly smaller incremental increases throughout the last three years of the follow-up period.

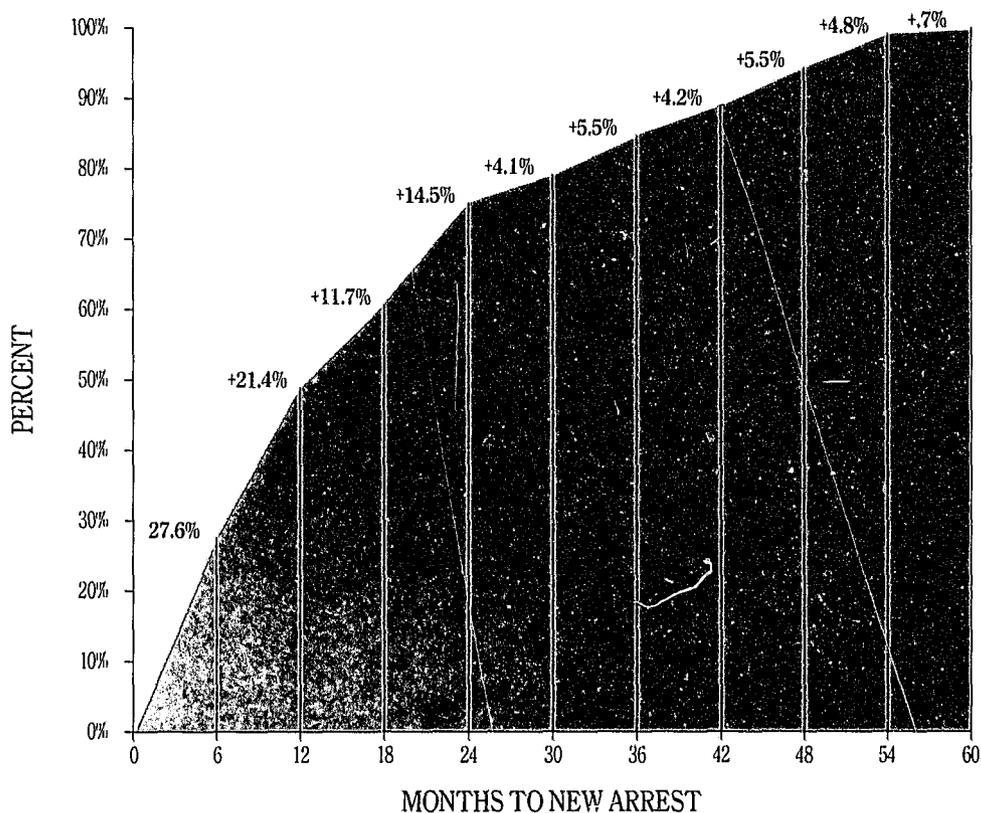
- After an offender is released from imprisonment and remains crime-free for five years in the community, he is generally considered a "successful" release. Of the murder recidivists, however, almost 7% were re-arrested after being crime-free in the community for 54 months. Similarly, of the aggravated assault recidivists, approximately 6% were re-arrested during the last six months of the five-year follow-up.

- Since the majority of recidivists failed soon after release from imprisonment, many were still on parole. The Bureau of Justice Statistics uses the term "avertable recidivists" to refer to offenders who would have been unable to commit specific new crimes had they served longer portions of their imposed sentences. For example, in Virginia during 1986-87, 125 discretionarily paroled violent offenders under community supervision returned to prison for a total of 228 new felonies, 76 of which were new violent crimes (including nine murders and nine rapes).^{*} We cannot, however, determine with certainty how many of these particular 228 crimes could have been prevented through continued incapacitation: some might have only been delayed while others might have been committed by different offenders.

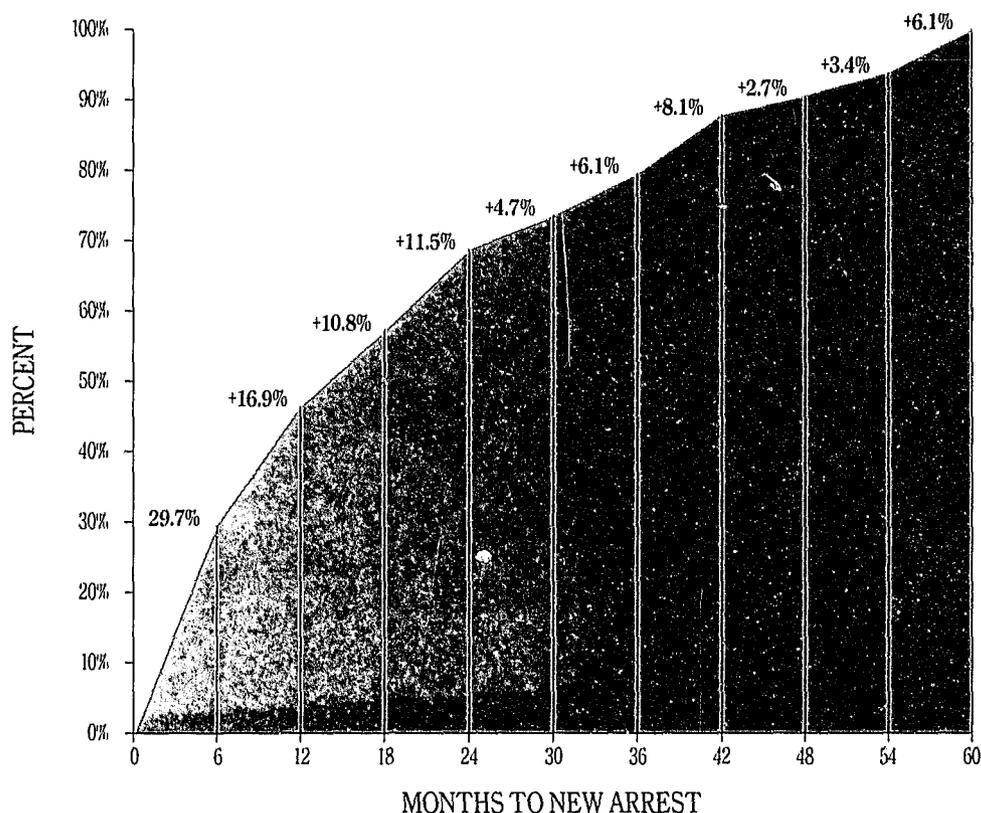
- To guide their release decisions, some parole boards around the nation use "risk assessment" instruments that estimate the probability of recidivism for different classes of offenders. Risk assessment instruments weigh those offender features, such as age, drug abuse, and prior criminal record, which have been found to predict continuing criminal careers. As a decision aid, such risk assessment tools have played an important role in helping parole board members make difficult release decisions.

^{*} Source: Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

Robbery

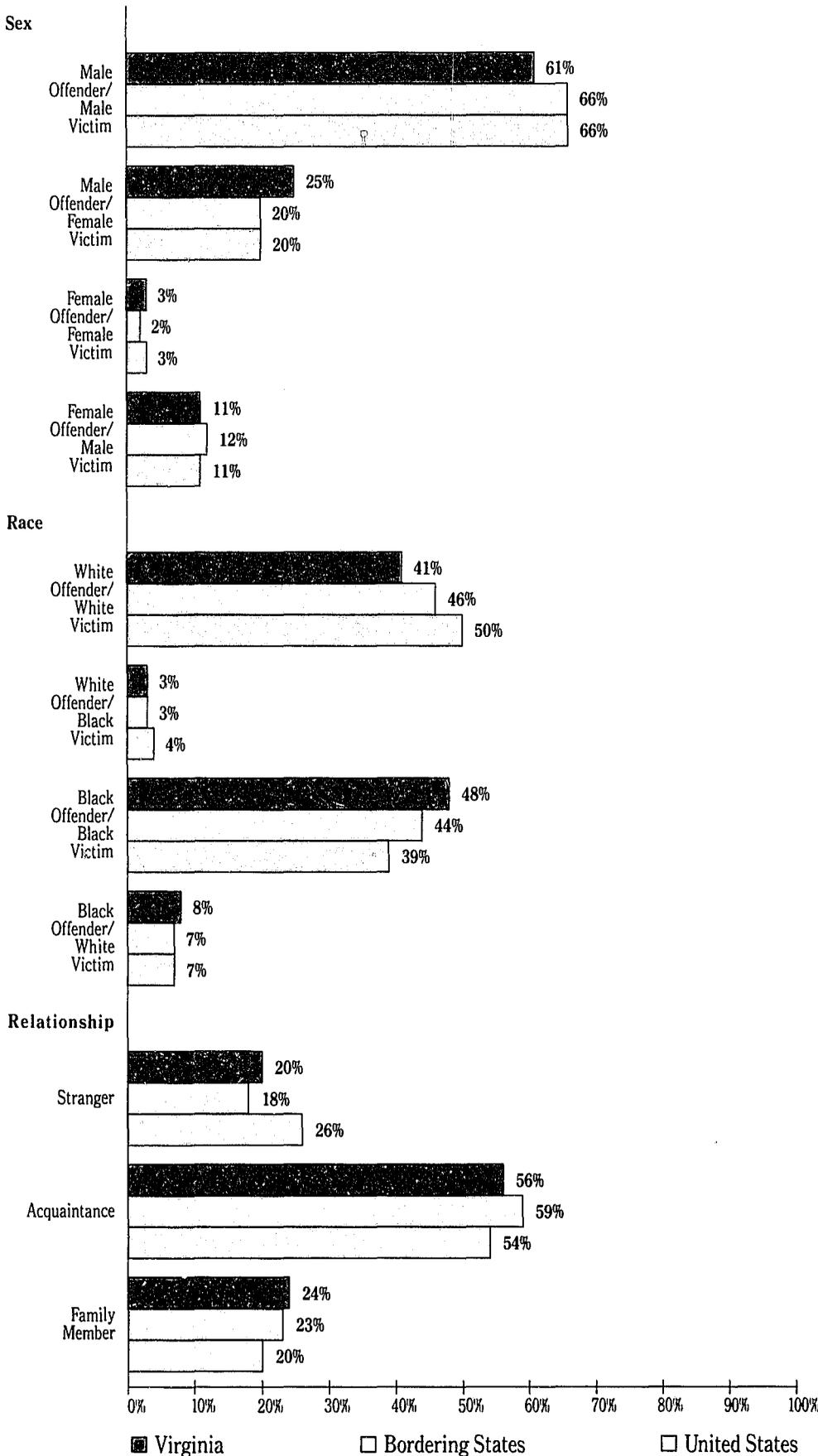


Aggravated Assault



Data Sources: Central Criminal History (CCH) data base, Virginia Department of State Police; Offender Based State Correctional Information System (OBSCIS) data base, Virginia Department of Corrections; Interstate Identification Index, National Crime Information Center (NCIC)

Display 15



Data Source: Supplemental Homicide Report (SHR) data base, Federal Bureau of Investigation, U.S. Department of Justice; provided courtesy of the National Centers for Disease Control, Atlanta, Georgia

Display 15: Homicide Offender/Victim Relationships in Virginia, Bordering States, and the United States (1982-1986 Average)

Display 16: Demographic Information on Homicide Victims in Virginia (1987)

Due to its extreme gravity, homicide is a subject of intense concern to all citizens. Today, many newspapers around the country keep a running daily total of homicides committed in their communities, a total which serves as a sort of "violence barometer" to be used in comparisons between current and past records of killings. To be sure, no other offense is as carefully scrutinized and discussed as homicide. Despite not having a living victim to provide testimony, homicides do have a very high clearance rate, thus supplying policy-makers and criminal justice practitioners with the most information of all crimes. Displays 15 and 16 draw upon available data on homicide to give us an overview of the offender-victim relationships in this most violent of all criminal acts. A close study of these relationships may assist in the development of prevention strategies that reduce the relative risk of becoming a homicide victim.

- Homicides are usually perpetrated against members of the same sex, that sex being male. Approximately two out of every three homicides were committed by male offenders and involved male victims. Cross-gender homicides involving a male offender and a female victim were, however, more likely to occur in Virginia than in neighboring states or in the United States at large. Unlike men, women were more likely to kill members of the opposite sex. Some of these homicides resulted from domestic disputes in which women defended themselves against violent attacks by their husbands and lovers.

- Homicides are also usually committed against members of the same race: approximately 90% of Virginia's homicides over the five-year period studied were intraracial. Black-on-black homicides were much more likely in Virginia than in the United States as a whole.

- The great majority of homicide victims knew their assailants. In Virginia, only 20% of all homicides were attributed to strangers. The great majority of Virginia's homicides were committed by acquaintances (56%) or family members (24%) of the victims.

- The overall demographic profile of homicide victims revealed in Display 16 is fairly similar to the profile of the offenders discussed earlier. Because most homicides are committed against acquaintances or family members, an offender

Display 16

and his victim are likely to share a similar background.

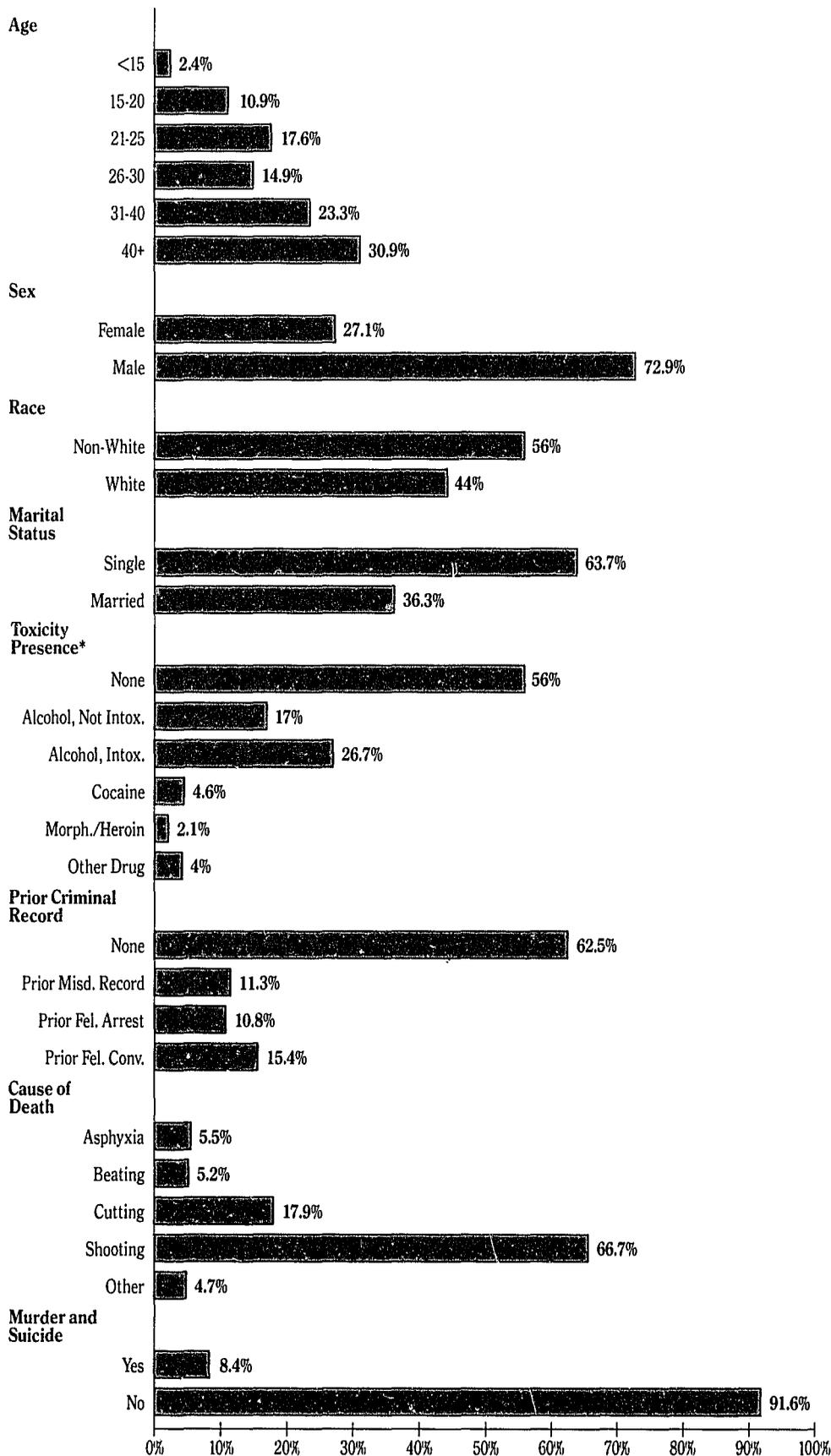
- The percentage of homicide victims who were black (56%) was much higher than the percentage of Virginia's population which is black (22%). In 1988, approximately 90% of Richmond's record number of 101 homicides involved black victims. Homicide is now recognized as a leading cause of death among young black men. According to the Bureau of Justice Statistics, the lifetime risk in the United States of becoming a homicide victim is now one in 30 for black men. This figure contrasts sharply with the homicide risks for others: one in 132 for black women, one in 179 for white men, and one in 495 for white women.

- Homicide victims' actions sometimes contributed to their deaths. Drug and alcohol use by both offenders and their victims often served as a catalyst for violent behavior. A significant percentage (44%) of homicide victims were using drugs or alcohol at the time of death. One out of every four homicide victims was legally intoxicated. About one out of every 10 homicide victims had been using illegal drugs. Police sources estimate that a large number of homicides are precipitated by drug use or trafficking. Approximately 36% of Richmond's 1988 homicides were drug-related.

- A substantial percentage of Virginia's homicide victims (37.5%) had a prior criminal record. Approximately one out of every four homicide victims had a prior felony record. In 1988, over 60% of Richmond's homicide victims were found to have had criminal records.

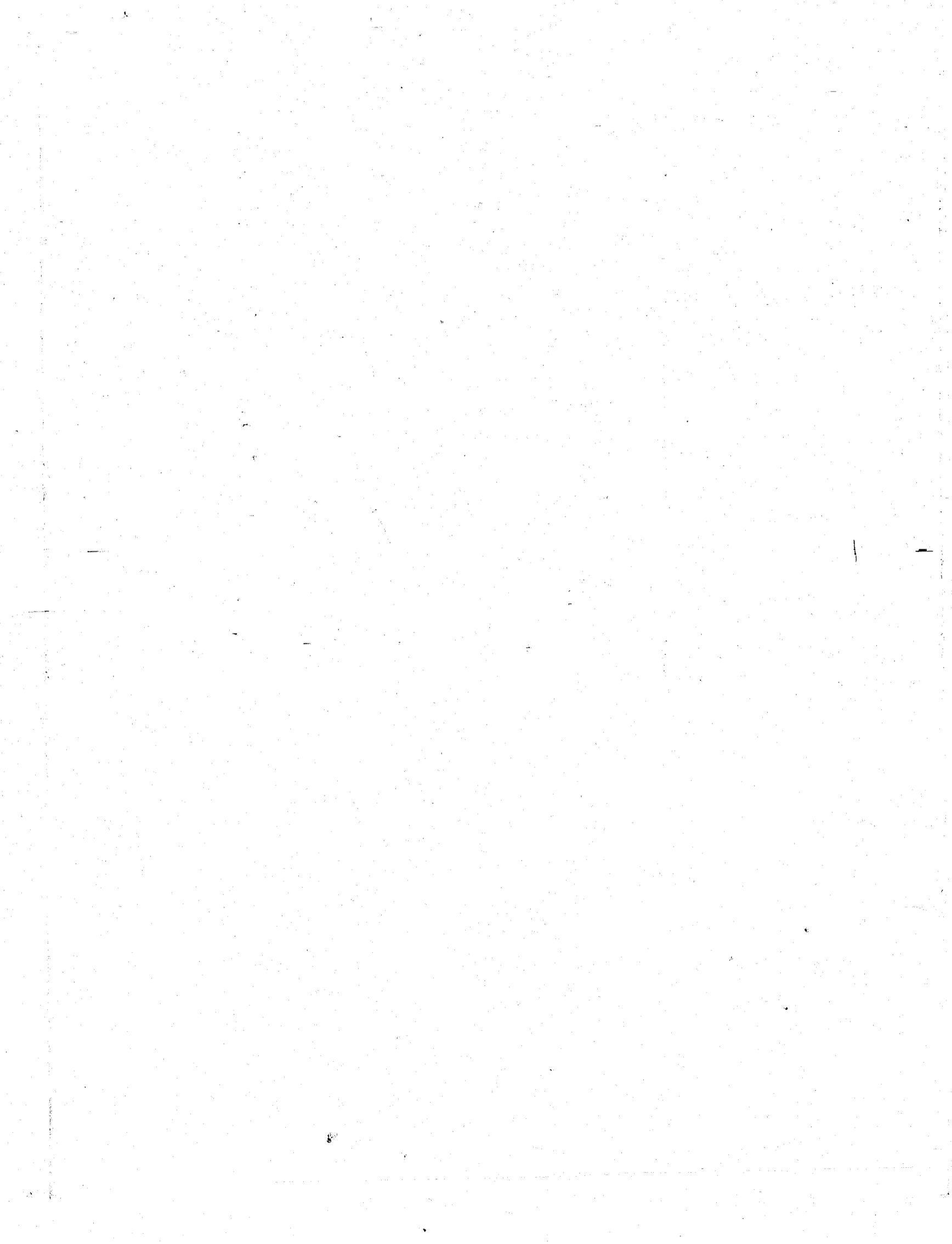
- Two out of every three homicide victims died as a result of gunshot wounds. A small percentage of homicides (8.4%) were followed by attempted or completed suicides.

- In sum, homicide is not usually perpetrated by a stranger who randomly selects an unsuspecting victim. Rather, homicide is most often the result of arguments, fueled by alcohol or drugs, among acquaintances or family members.



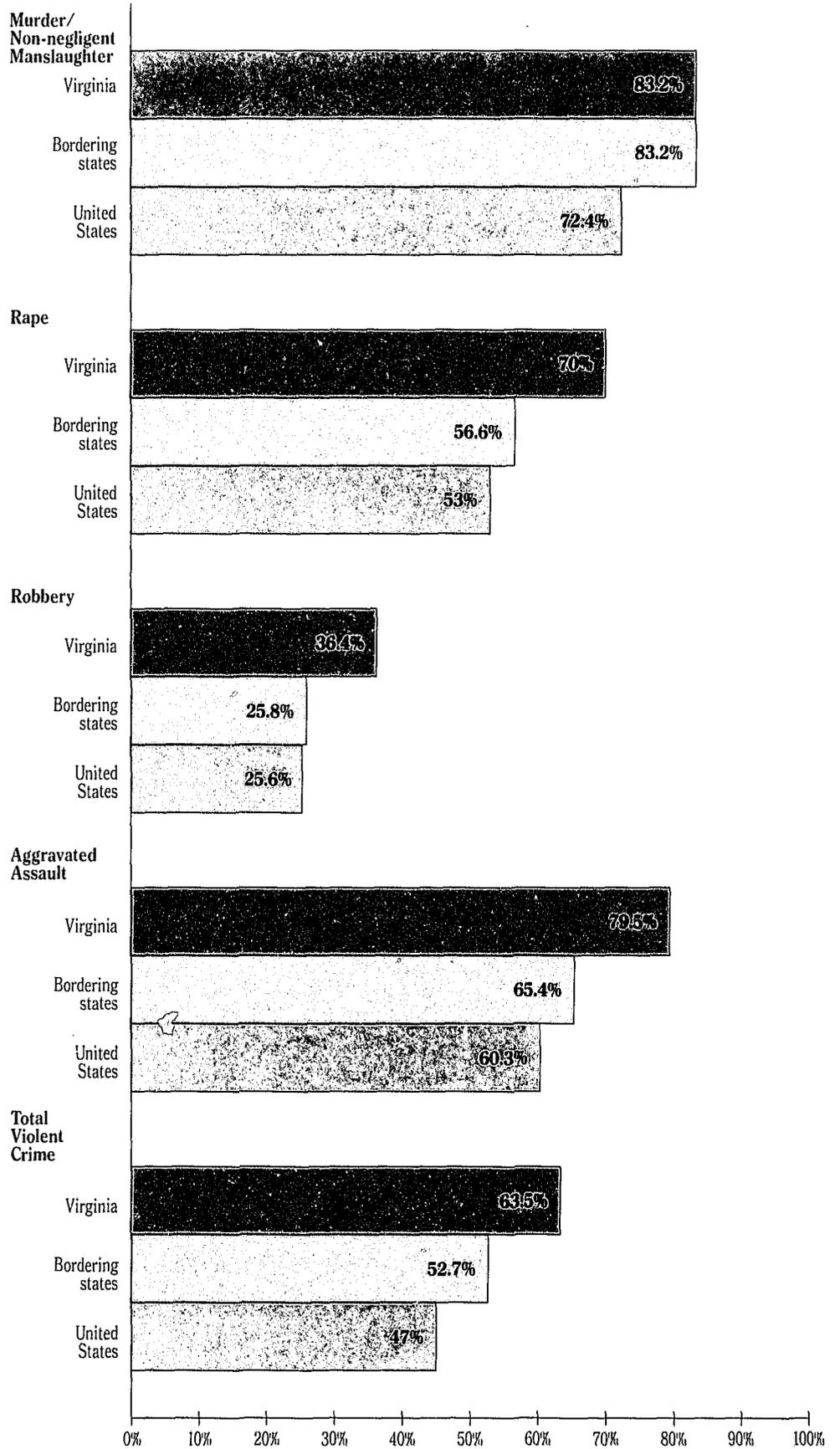
*Percentages for toxicity presence do not add to 100% because some homicide victims had ingested more than one substance before death.

Data Sources: Medical Examiner's Office, Virginia Department of Health;
Central Criminal History (CCH) data base, Virginia Department of State Police



SECTION ON
FURNACE OIL BURNERS
RESPONSE TO VOLUNTARY

Display 17



Data Sources: Crime in Virginia, *Uniform Crime Reporting Section, Virginia Department of State Police*; Uniform Crime Reports for the United States, *Federal Bureau of Investigation, U.S. Department of Justice*

Display 17: Violent Crime Clearance Rates for Virginia, Bordering States, and the United States (1983-1987)

Usually, a crime is "cleared" when at least one person is arrested and charged with the commission of the offense. Crimes are also occasionally cleared by other means, like the death of the identified offender, a victim's refusal to cooperate, or the denial of extradition when the known offender is being prosecuted in another jurisdiction. Clearance rates have traditionally been used as a measure by which to gauge the relative efficiency of the criminal justice system in apprehending offenders. Display 17 provides a unique comparative view of how Virginia's clearance rates for violent crime over a five-year period measure up to those found in bordering states and in the United States.*

- Overall clearance rates for violent crimes are much higher than those for property crimes (burglary, larceny, auto theft), whose rates are seldom much higher than 25%. Violent offenses are cleared more often for several reasons. First, violent acts involve personal confrontations of victims with perpetrators, a circumstance significantly aiding in the identification and apprehension of the offenders. Second, violent crimes are more likely to be committed in the presence of witnesses than are property crimes. Third, police departments usually place a high priority on solving violent crimes.

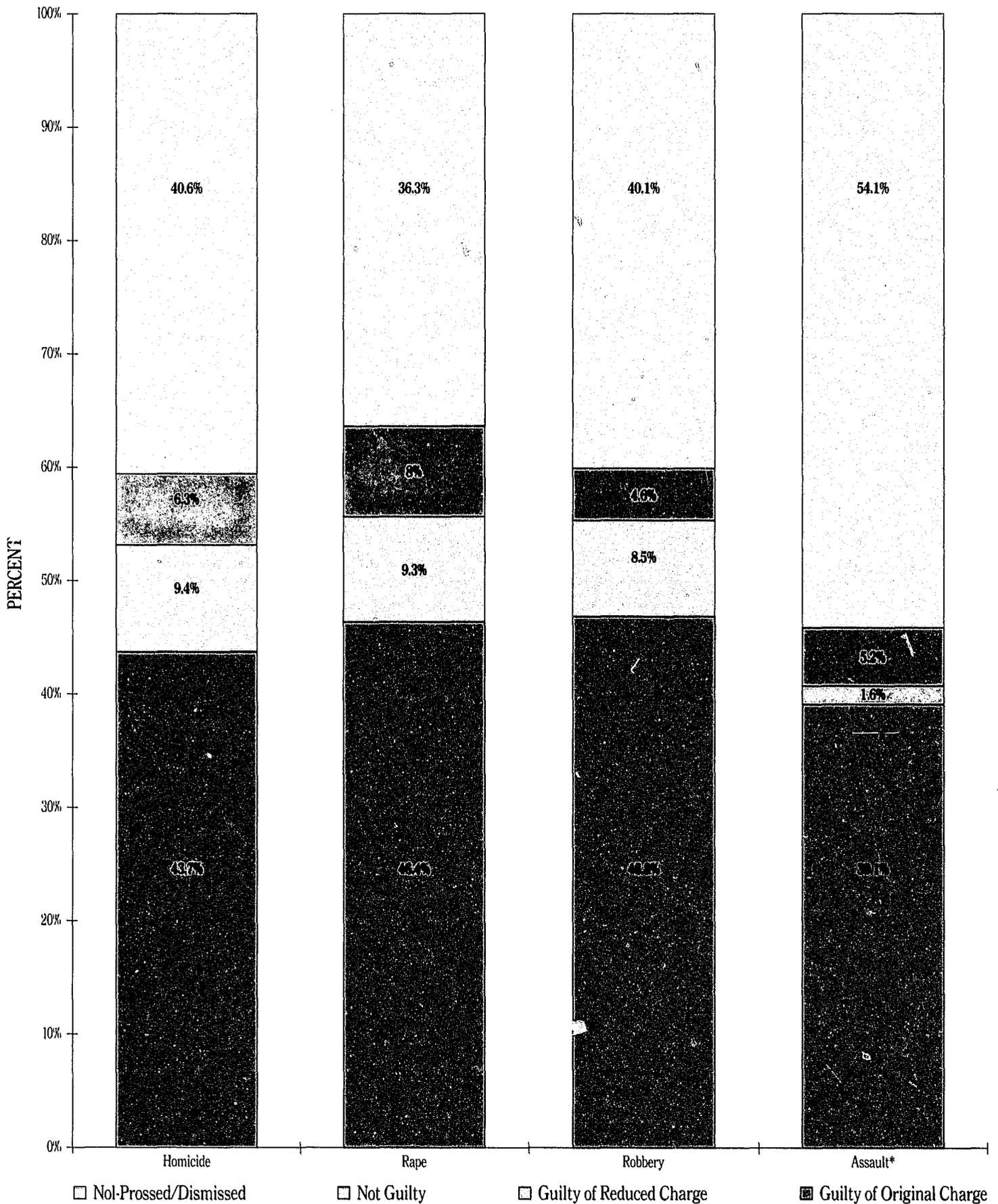
- The highest clearance rates reported in Display 17 are those for murder/non-negligent manslaughter. Virginia's law enforcement agencies cleared 83.2% of reported murders during 1983-87, a figure matched by bordering states and well above the 72.4% average clearance figure for the United States.

- Virginia's clearance rates for rape (70%), robbery (36.4%), and aggravated assault (79.5%) were significantly higher than those reported in bordering states and in the country as a whole. Virginia's average clearance rate for rape was 17 percentage points higher than the United States figure; for aggravated assault, approximately 20 percentage points higher. Overall, Virginia's average clearance rate of 63.5% for violent crimes compares quite favorably to the rates of bordering states and of the nation.

- The advent of new crime-solving aids in Virginia (for example, better identification of offenders through automated fingerprint systems and genetic DNA analysis) might in the future raise these clearance figures even higher, thus insuring the continuation of Virginia's fine record in clearing violent criminal offenses.

* The states bordering Virginia are Kentucky, Maryland, North Carolina, Tennessee, and West Virginia.

Display 18



*Includes an unknown number of non-felony assaults.

Data Source: Offender Based Transaction Statistics (OBTS) data base, Virginia Department of State Police

Display 18: Case Dispositions for Violent Crimes in Virginia (1985-1986 Average)

*The criminal justice system functions like a series of sieves, filtering out offenders during each stage of case processing. Not all reported crimes result in arrests; not all arrests result in indictments; not all indictments result in convictions. The Bureau of Justice Statistics estimates that in the United States as a whole, a typical felony charge has approximately a 50-50 chance of culminating in a conviction. In Virginia, the odds that a violent offense charge will result in a conviction are slightly better. The specific attrition rate of violent felony charges processed through the Virginia criminal justice system in 1985 and 1986 is presented in Display 18.**

- Of every 100 homicide arrests, 41 were not prosecuted. Of the 59 homicide cases prosecuted, 44 resulted in convictions for the original charges, and nine resulted in convictions for reduced charges. The remaining six homicide cases resulted in the offenders' acquittal at trial.

- Of every 100 rape arrests, 36 were not prosecuted. Of the 64 rape cases prosecuted, 47 resulted in convictions for the original charges, and nine resulted in convictions for reduced charges. The remaining eight rape cases resulted in the offenders' acquittal at trial.

- Of every 100 robbery arrests, 40 were not prosecuted. Of the 60 robbery cases prosecuted, 47 resulted in convictions for the original charges, and eight resulted in convictions for reduced charges. The remaining five robbery cases resulted in the offenders' acquittal at trial.

- Of every 100 assault arrests, 54 were not prosecuted. Of the 46 assault cases prosecuted, 39 resulted in convictions for the original charges, and two resulted in convictions for reduced charges. The remaining five assault cases resulted in the offenders' acquittal at trial.**

- Many arrest charges are not prosecuted or are dismissed by the court for various reasons. Lack of enough evidence or witnesses' refusal to cooperate are frequent reasons cited by prosecutors for dropping charges against defendants. Charges are also sometimes dismissed when due process concerns develop regarding the constitutionality of the arrest. Many charges are also dropped as a result of plea negotiations, during which defendants plead guilty to one charge in return for the dismissal of another.

- Of those offenders ultimately convicted of a violent crime, most were adjudicated guilty of the original charge. Convicted offenders charged with homicide, rape, or robbery were adjudicated guilty of the original charge 84% of the time. Approximately 95% of those convicted of assault were adjudicated guilty of the original charge.

- The great majority of those convicted of violent offenses pleaded guilty.

- Overall, jury trials accounted for approximately 5% of all felony convictions in Virginia. Though not reported in Display 18, jury trials in violent felony cases were more frequent than in non-violent felony cases, accounting for 33.4% of all homicide convictions, 14.7% of all rape convictions, 15% of all robbery convictions, and 9.6% of all assault convictions.

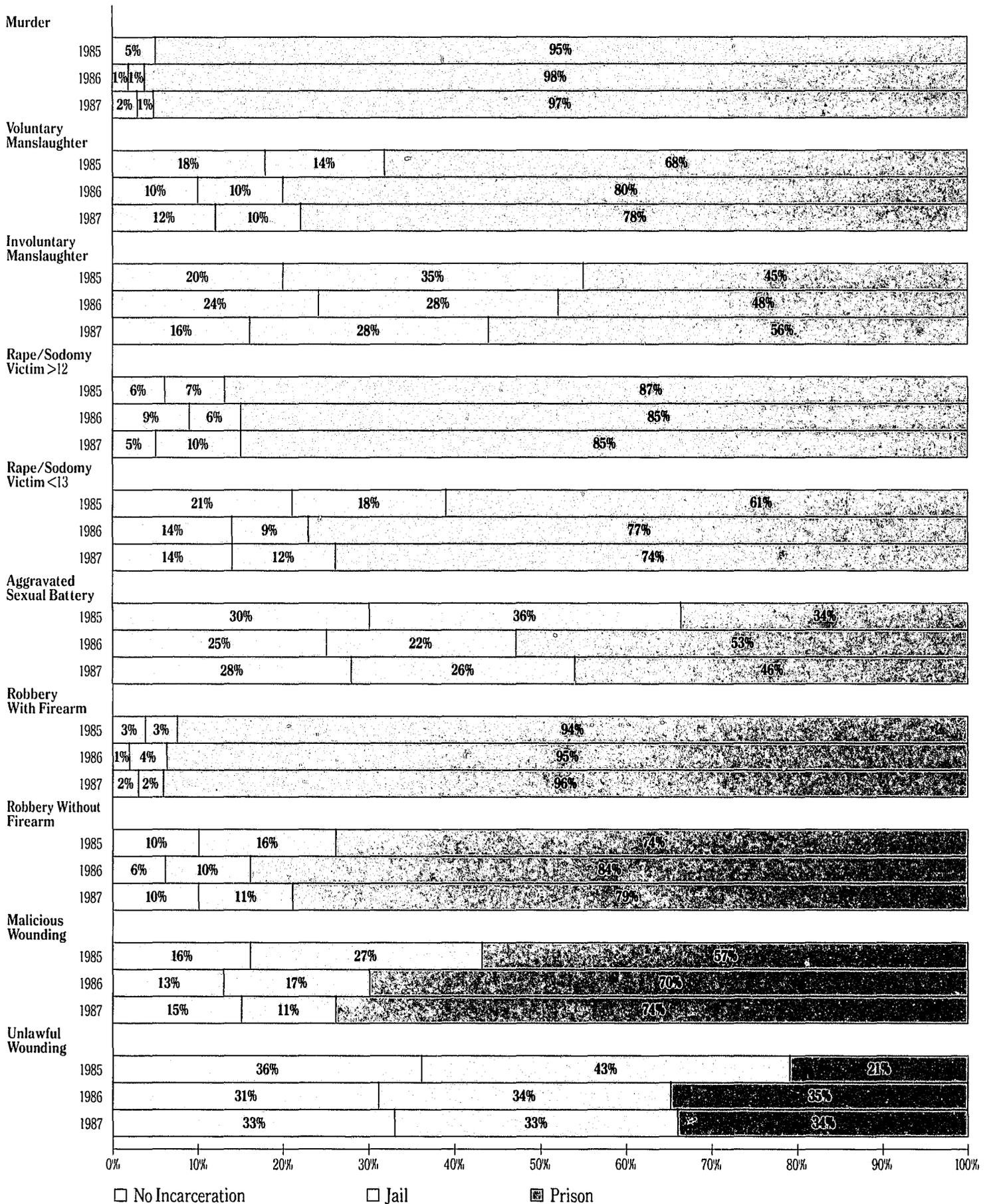
- Generally, acquittals at trial accounted for a very small percentage of total case dispositions. Such acquittals accounted for 8% of all rape dispositions, 6.3% of all homicide dispositions, 4.6% of all robbery dispositions, and 5.2% of all assault dispositions.

- Convictions for reduced charges accounted for approximately one out of every 10 violent crime case dispositions. Examples of reduced charges include a murder charge lowered to voluntary manslaughter or a rape charge reduced to aggravated sexual battery.

** The data source used for this display was characterized by a high percentage of missing dispositions. The figures reported here include only those cases having complete information for both arrest and disposition. Therefore, if systematic bias existed which involved higher dispositional reporting rates for cases culminating in conviction than for not-prosessed cases, the figures in this display may overestimate the true conviction rate for these violent crimes.*

*** The case attrition figures for assault should be interpreted with caution since they include an unknown number of simple assaults (misdemeanors) which were not differentiated from felony assaults in the data base and therefore could not be eliminated from this analysis. The higher-than-average case dismissal rate for assault shown in Display 18 may be the result of a greater case attrition rate for the simple assaults.*

Display 19



Data Source: Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

Display 19: Incarceration Rates for Violent Offenders in Virginia (1985-1987)

The response of Virginia's criminal justice system to serious offenders has been unsparing. Though the most recent crime rates show that our Commonwealth ranks 39th nationally in reported crimes, it ranks 18th in the rate of imprisonment for serious crime arrests. Among felony level crimes, the incarceration rate is highest for the violent offenses. Display 19 presents a three-year overview of incarceration rates for specific violent crimes committed in Virginia.

The sentencing of violent felons in Virginia is handled by circuit court judges and juries, who must impose sentences within the broad statutory penalty ranges established by the legislature for each crime. For example, the penalty range set by the legislature for robbery has a minimum sentence of five years and a maximum sentence of life in prison. Since a judge may suspend an imposed sentence, however, it is possible for a convicted violent felon to be placed on probation, thus escaping incarceration entirely. In Display 19, any offender who received an imposed jail or prison term which was completely suspended or who was placed on probation with no actual time to serve fell into the "no incarceration" category.

- A significant number of Virginia's convicted felons received jail sentences ranging from one day to 12 months. These offenders are represented in the "jail" category in Display 19. Any actual incarceration time of one year or more is classified in the display as a "prison" sentence even though some offenders may have served the time in local jails. In Virginia, imposed prison sentences of up to four years are sometimes served in local jails. Therefore, the prison incarceration rates shown in this display do not directly translate into the percentage of violent offenders physically entering Virginia's prisons.

- Incarceration rates for violent criminals receiving jail or prison sentences in 1987 varied across the different types of offenses, ranging from a high of 98% for murder to a low of 67% for unlawful wounding. Prison incarceration rates for specific violent offenses increased at different levels after 1985. The general trend in prison incarceration patterns was a shift to harsher sentencing practices in 1986, a shift sustained into the following year.

- Robbery with a firearm and murder consistently showed the highest incarceration rates over this three-year period. In 1987, 97% of convicted murderers and 96% of convicted gun-wielding robbers received prison sentences.

- A significantly larger proportion of offenders convicted of voluntary manslaughter received prison terms in 1986 than in the previous year. Specifically, the prison incarceration rate for this offense increased 12 percentage points over the

1985 level. The 1987 prison incarceration rate for those convicted of voluntary manslaughter (78%) was slightly lower than the previous year's peak.

- Involuntary manslaughter was one of the few violent offenses that showed a steadily increasing prison incarceration rate over the three years studied. The 1987 prison incarceration rate of 56% was eight percentage points above the 1986 figure of 48%, which was in turn slightly greater than the 1985 figure.

- The prison incarceration rates for those convicted of the different categories of rape and sodomy varied considerably. The 1987 prison incarceration rate for offenders convicted of raping or sodomizing victims older than 12 years was 11 percentage points greater than the comparable figure for offenders whose victims were under 13 years old. These differences in incarceration rates for forcible rapes and sodomies reflect the distinctions in these crimes previously documented in this report: the demographic and prior criminal history profiles of both the offenders and victims of these two violent sex offenses were markedly different.

- The prison incarceration rate for those convicted of aggravated sexual battery increased dramatically in 1986 over the previous year's level (34% to 53%). The biggest shift in incarceration patterns over this period was a decreased use of jail sentences in favor of prison terms. The 1987 incarceration pattern reveals a slight reversal of this pattern, with an increase in jail terms and a corresponding drop in prison sentences.

- Using a firearm in the commission of a robbery significantly increased the probability of the offender's receiving a prison term. In 1987, 96% of those convicted of robbery with a firearm received prison sentences, as compared to only 79% of those convicted of robbery without a gun.

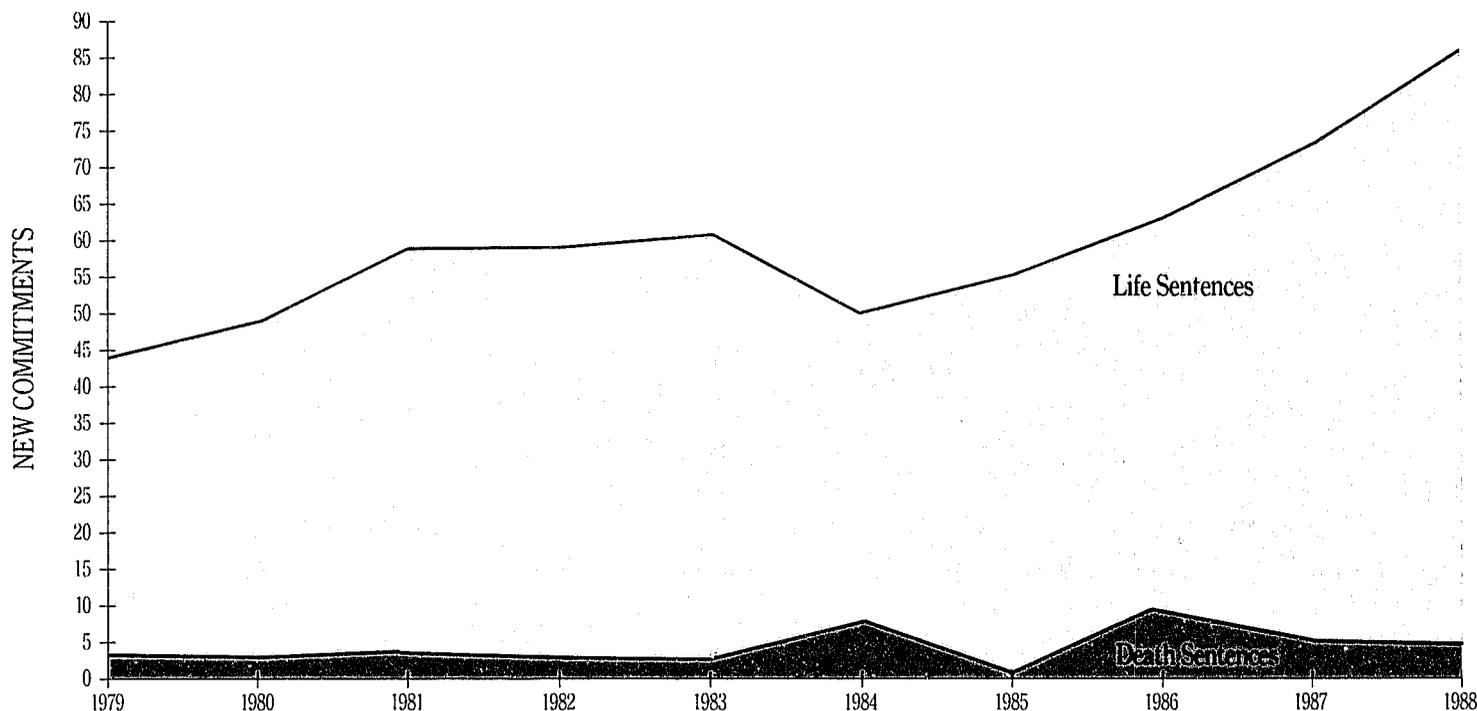
- Over this three-year period, from 4% to 6% of those convicted of robbery with a firearm did not receive prison terms. This finding appears to conflict with the provisions of the mandatory firearm penalty as discussed in Display 7. As pointed out in *Felony Justice in Virginia, 1986*, however, the firearm penalty enhancement, a separate charge, is sometimes dropped during plea negotiations in return for some concession on the offender's part (for instance, a plea of guilty to another charge).

- As does involuntary manslaughter, malicious wounding shows an increasing prison incarceration rate over these three years. The 1987 prison incarceration rate of 74% was four percentage points above the 1986 figure of 70%, which in turn was 13 percentage points over the 1985 level. This three-year incarceration pattern reveals that the gradual shift to more prison

terms has been offset by a steady decrease in jail sentences.

- The overall incarceration rate for those convicted of unlawful wounding was the lowest among all the violent crimes. The rate of prison incarceration in 1987 (34%), however, was significantly above the 1985 level (21%).

Display 20



Data Sources: Offender Based State Correctional Information System (OBSCIS) data base, Virginia Department of Corrections; Capital Punishment 1987, Bureau of Justice Statistics Bulletin, July 1988

Display 20: Number of Violent Offenders Receiving Life or Death Sentences in Virginia (1979-1988)

Since the severest sanction that can be imposed on an offender is the death penalty, death sentences are generally ordered only for the most cruel and heinous of violent crimes. Current Virginia law allows the imposition of the death penalty for the following capital murders: murder during the commission of specified felonies (abduction, armed robbery, rape); contract murder; murder by a prisoner; murder of a law enforcement officer; multiple murders; and murder of an abducted child under some circumstances. The sentence of life in prison can be imposed for all these murders plus several other offenses (e.g., first-degree murder, robbery, rape/sodomy, abduction). Though they make up a very small percentage of sentences for violent crimes (approximately 4%), the incidence of these two sanctions measures the intensity of the criminal justice system's response to violent crime. Display 20 presents a 10-year portrayal of the application of life and death sentences to offenders convicted of violent crimes.

- Though the death penalty in Virginia was reinstated in 1975, not until 1977 was a death sentence actually imposed. Since that time, 46 violent offenders have received sentences of death.

The number of these sentences imposed after the reinstatement of the death penalty did not vary much at first; they averaged three or four a year until 1984, when eight offenders were placed under the sentence of death. The number of death sentences imposed then dropped to just one in 1985, the lowest level since 1977. Since 1986, however, the number of capital murderers receiving the death penalty has been higher than average. After peaking at 10 in 1986, the number of death sentences imposed dropped to six in 1987 and to five last year.

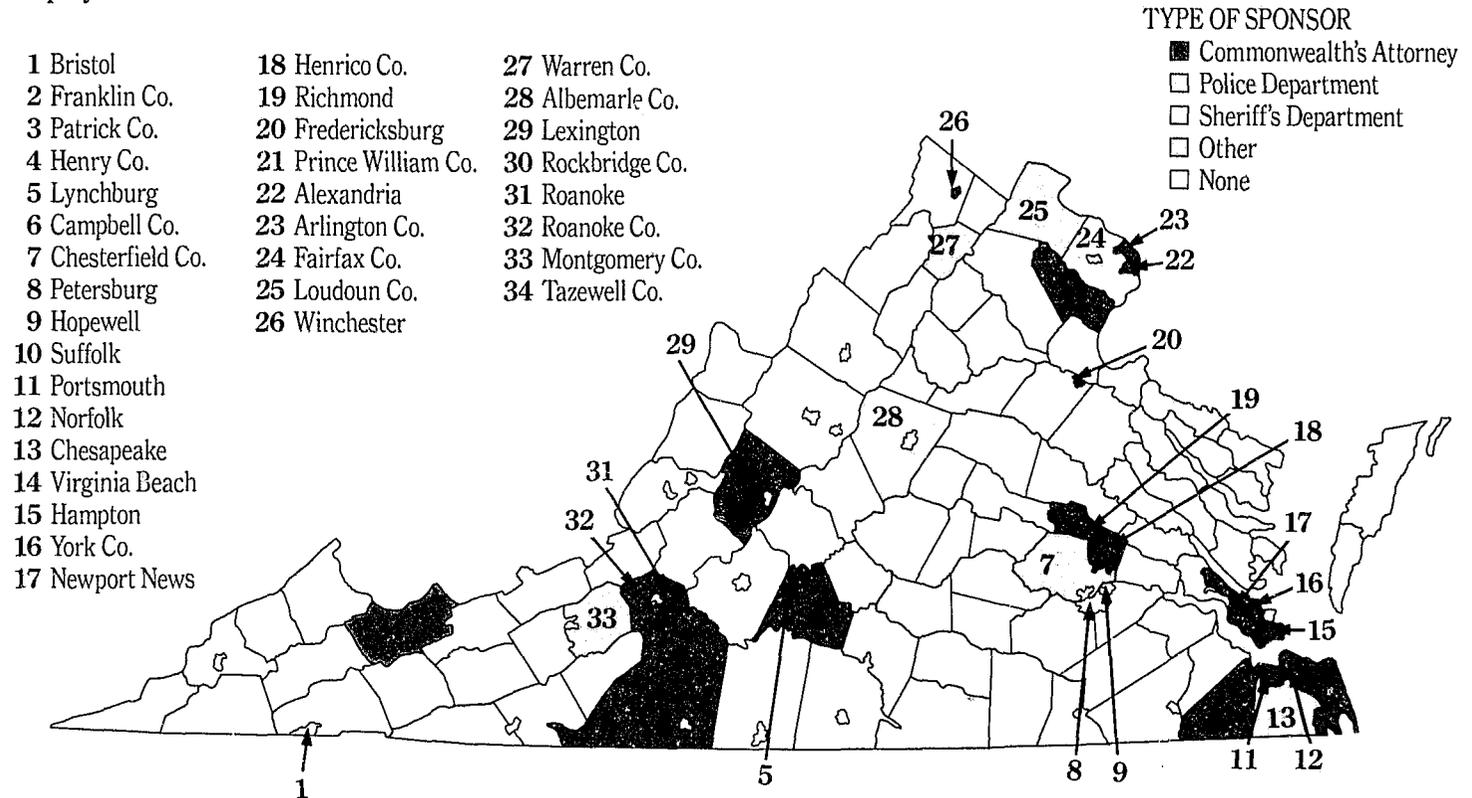
- Though 34 states currently have inmates under the sentence of death, only 13 have actually carried out executions. Of these 13 states, only Texas, Florida, Louisiana, and Georgia have executed more capital offenders than Virginia. Since the reinstatement of the death penalty, Virginia has had seven executions.

- According to the Bureau of Justice Statistics, the average time between imposition of the death sentence and execution was six years and five months for those executed nationwide since 1977. In Virginia, the average wait for execution was shorter than the national average, five years and four months. Of the seven inmates executed in Virginia since the reinstatement of the death

penalty, the wait from sentencing to execution has been as brief as three years and as long as 8.6 years.

- The number of life sentences received by violent offenders in Virginia increased from 1979 to 1981, remained stable for three years, and then dropped in 1984. Since 1984, the number of life sentences received by violent offenders has been steadily and sharply increasing. Although the volume of serious crimes carrying a maximum sentence of life in prison has gone up only 7% since 1984, the number of offenders receiving life sentences over this same period has increased 72%.

Display 21



Data Source: Virginia Department of Criminal Justice Services

Display 21: Victim/Witness Programs in Virginia

The Constitution of the United States has for two centuries guaranteed certain rights to criminal defendants, but only recently has the criminal justice system begun to confer similar rights on crime victims and witnesses. In the past few years a trend has developed at both state and national levels in which the legal safeguards of victims and witnesses have gradually been expanded, and attempts have been made to improve the services provided to victims and witnesses of crime. Increasingly, communities have been developing programs designed to assist victims in coping with the trauma of being victimized and to better understand the criminal justice system. To this end, victim/witness programs perform three broad functions: providing counseling and referrals; assisting victims in filing for compensation; and supplying information about the investigation and prosecution of cases.

In 1984, the General Assembly authorized grants to localities for the establishment and expansion of victim/witness programs. Since then, the state appropriation has increased 300%, currently providing full or partial funding to 24 victim/witness programs in Virginia. An additional 10 programs receive no grant funds. Display 21 illustrates the geographic distribution and administrative arrangement of Virginia's current victim/witness programs.

- When the Commonwealth's grant program started in 1984, only six victim/witness programs existed. Now 34 exist—an increase of 28 programs in only five years. In 1984 only 15% of Virginia's population lived in localities served by victim/witness programs; now 66% are served by such programs.

- As Display 21 shows, 70% of Virginia's victim/witness programs (24 out of 34) operate from Commonwealth's Attorney's offices. Of the remaining 10 programs, four operate from police departments, four from sheriffs' offices, one from a local government office, and one from a private nonprofit agency.

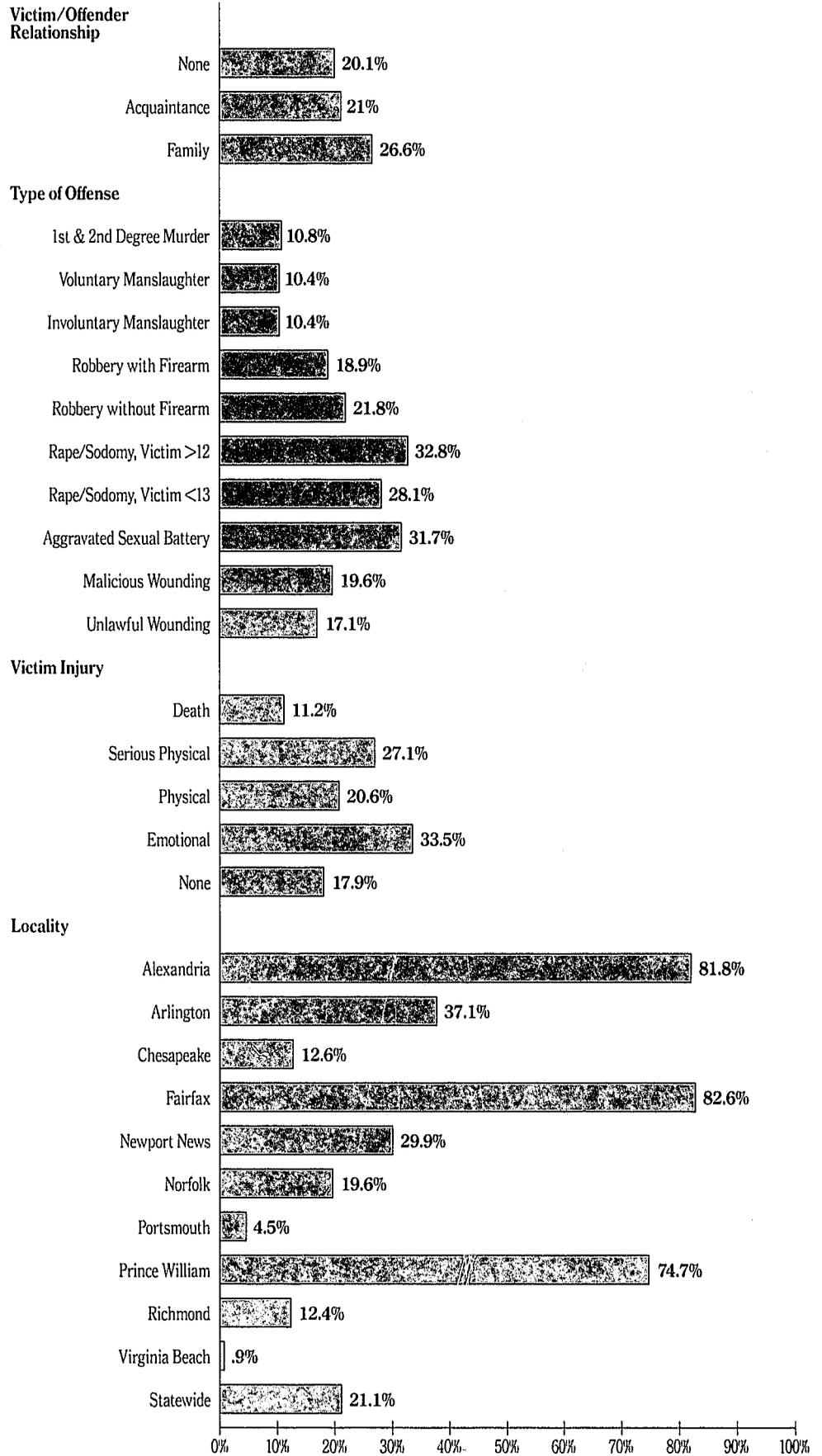
- Of the localities earlier documented in Display 4 as having the 12 highest-ranked overall violent crime rates in the state, Display 21 shows that 10 are currently served by victim/witness programs. Of these dozen most violent sites, only Charlottesville (ranked fifth) and Emporia (ranked seventh) lack such programs to assist their crime victims.

- The District of Columbia, the Virgin Islands, and 44 states (including Virginia) currently provide compensation for crime victims' unreimbursed medical bills and lost wages. Among their other duties, Virginia's victim/witness staff assist victims in filing for such compensation.

Virginia's Industrial Commission is responsible for disbursing financial awards of up to \$15,000 to the Commonwealth's victims of violent crime. During fiscal year 1987-88, the Industrial Commission awarded a total of \$1,492,916 to victims, with 19 victims receiving the maximum award of \$15,000.

- Of the 889 victims of violent crime compensated in Virginia during fiscal year 1987-88, 99 (11%) were homicide victims, 112 (13%) were robbery victims, 531 (59%) were assault victims, 144 (16%) were sexual assault victims, and three (1%) were victims of other violent crimes like arson. The assault and sexual assault categories included victims of child and spouse abuse.

Display 22



Data Source: Pre-Investigation (PSI) data base, Virginia Department of Corrections

Display 22: Rates at Which Victim Impact Statements Are Prepared for the Sentencing of Violent Offenders (1985-1987 Average)

The emotional and financial impact of violent crime on its victims and their families is often devastating and continues long after the offender is convicted and sentenced. Too many stories vividly illustrate the damaging aftermath of violent crime: the rape victim so traumatized that she cannot leave her house, the assault victim hospitalized without medical insurance and with injuries so severe that he can never again perform his job. Some victims of violent crime have lost complete use of their arms or legs or have required extensive plastic surgery. Other victims have lost their jobs because of the extended time necessary to recover from their wounds, having to go on welfare to support their families. Many states now require that the sentencing court be provided with a statement which describes the physical, emotional, and financial impact of the crime on the victim and his or her family. In 1983, the Virginia General Assembly adopted legislation to allow victim impact statements to be presented to the court to assist the judge in setting an appropriate sentence.

In Virginia, victim impact statements are prepared at the discretion of the court and usually accompany the presentence investigation report written by a probation officer. Because victim impact statements are not required by the courts, however, the circumstances under which they are likely to be prepared vary. Display 22 provides an overview of these circumstances by illustrating the rates at which victim impact statements were prepared for the sentencing of violent offenders in Virginia from 1985 through 1987.

- Victim impact statements were most likely to be prepared when the offender and victim were related: approximately one out of every four violent crime victimizations involving family members was characterized by a victim impact statement. Victim impact statements were slightly less likely to be requested (one out of every five violent crime victimizations) when the offender and the victim were either acquaintances or strangers.

- Among violent offenses, victim impact statements were most likely to be prepared for sex offenses. Victim impact statements were ordered for approximately one out of every three convictions for the rape or sodomy of a victim over the age of 12. Victim impact statements were also more likely to be prepared for cases involving other types of rapes and aggravated sexual battery than for cases involving crimes other than sex offenses. The incidence of victim impact statements in cases involving robbery or aggravated assault was less—about one in every five cases.

- The death of the primary victim lessened the probability of the court's request for a victim impact statement. Of all violent offenses, homicides least often resulted in the preparation of victim impact statements: only about 10% of all homicide sentencing involved the use of a victim impact statement.

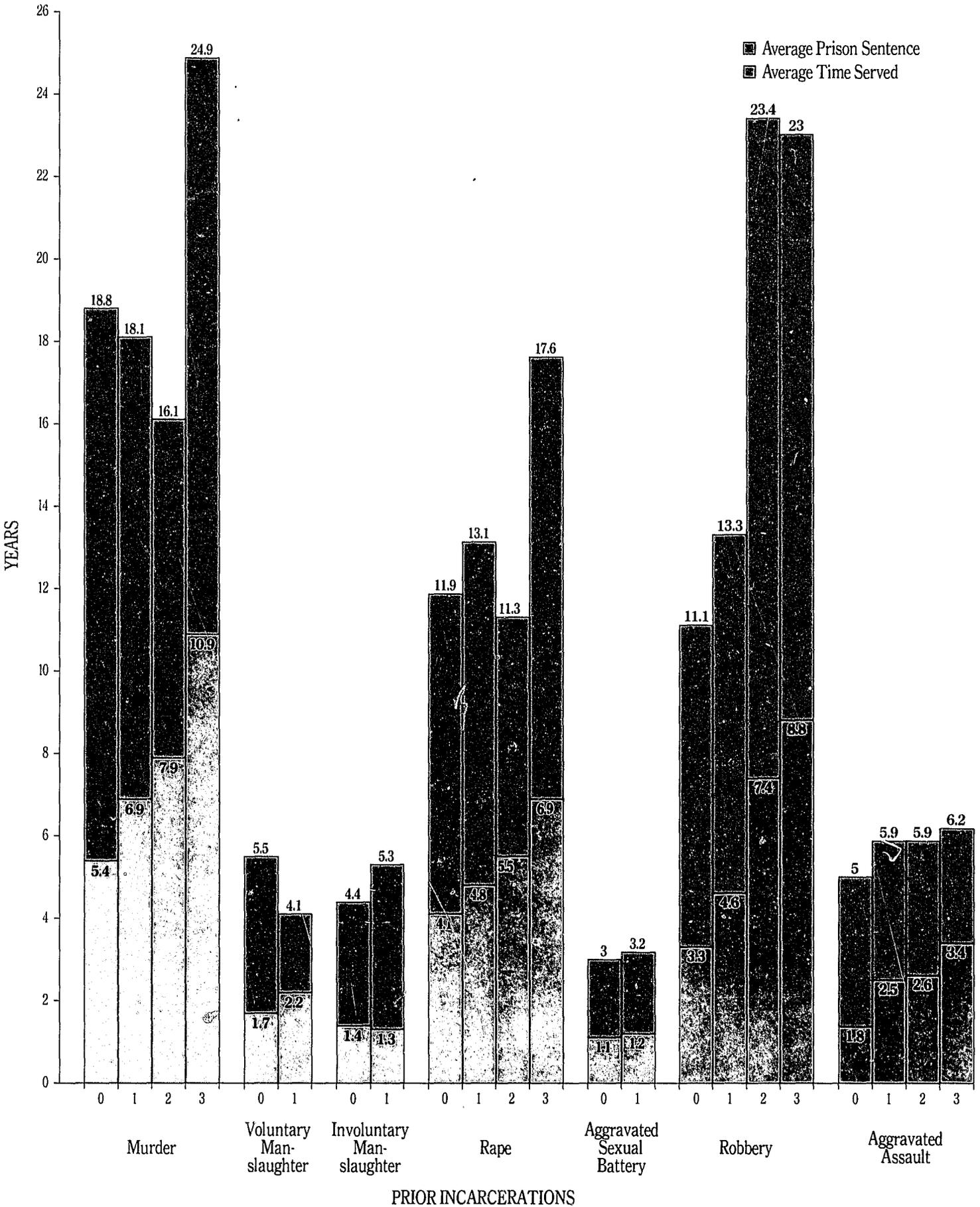
- Victim impact statements were prepared in 33.5% of the cases in which the victim suffered emotional injury requiring psychological or psychiatric care or therapy. Excluding instances in which the victim died, victim impact statements were most likely to be prepared in physical injury cases when the degree of injury was serious enough to require the victim's hospitalization. Victim impact statements were also more often prepared when the victim suffered no physical or emotional injury than when he or she died.

- The rates of request for victim impact statements in violent offense cases varied considerably across the courts in the Commonwealth. Display 22 shows the rates at which victim impact statements were requested for violent offense sentencing in the 10 Virginia courts handling the largest volume of violent felony cases. The northern Virginia localities exhibited the greatest use of these statements: the courts in the city of Alexandria and in the counties of Fairfax and Prince William requested victim impact statements in violent cases at rates far above those of the other large courts in the Commonwealth. Specifically, four out of every five sentencing for violent victimizations in Alexandria and Fairfax County were accompanied by victim impact statements, and Prince William County's court requested these statements in violent cases almost as frequently (74.7%). In Arlington, victim impact statements in violent cases were requested far less frequently than in neighboring courts (37.1%) but still more often than in the state as a whole (21.2%) and in the other large courts represented in Display 22.

- The two large Virginia courts where victim impact statements were least often prepared in violent cases were both located in the Tidewater region: victim impact statements in violent cases were requested at a rate of 4.5% in Portsmouth and at a rate of less than 1% in Virginia Beach.

- Though not illustrated in this display, victim impact statements were much more likely to be prepared in cases involving violent offenses (21.2%) than cases of property crime (6.7%).

Display 23



Data Source: Offender Based State Correctional Information System (OBSCIS) data base, Virginia Department of Corrections

Display 23: Actual Time Served in Prison for Virginia Offenders Convicted of a Violent Offense and Released Between 1983-1987 (By Prior Prison Incarcerations)

In Virginia, a violent offender's exact punishment depends upon a complex chain of events involving many different decision-makers exercising various degrees of discretion. After the arrest of the offender, the Commonwealth's Attorney exercises discretion in decisions about charging and in plea negotiations with the offender's defense attorney. Once the offender is convicted, the judge or jury employs discretion in the imposition of a sentence which, by law, has only to fall within the broad penalty ranges set by the legislature. If the offender is sentenced to a year or more in prison, the Department of Corrections and the Parole Board apply statutory law and their own discretion to determine the ultimate amount of time an offender will serve on the court-imposed sentence. Depending upon the classification decisions made by corrections officials, the offender qualifies for one of several different levels of time off for good behavior. Once the offender is eligible for release consideration, the Parole Board exercises discretion in deciding whether to release him from prison. The ultimate amount of punishment experienced by two similarly situated offenders may therefore differ considerably due to variations in the application of discretion by these various decision-makers.

Though most people understand that offenders do not usually serve their entire court-imposed sentences, some confusion exists among both practitioners and the public concerning the true proportion of judicial sentences typically served in prison. Accordingly, Display 23 provides a recent five-year historical overview of the average level of punishment imposed and served for violent crimes in Virginia. The data for this display include offenders convicted of violent offenses and released from prison between 1983 and 1987. Therefore, some of the offenders represented here were sentenced in the late 1970's. Also, the average prison sentence information represents the total time received by inmates and may include, in some instances, additional prison time received for an offense less serious than the violent crimes reported here. Finally, the average prison sentence figures illustrated here do not include life or death sentences.

• Parole eligibility is statutorily determined by the number of times an offender has previously been incarcerated in prison for a felony. A criminal imprisoned for the first time is eligible for parole after serving one-fourth of his sentence or 12 years, whichever is shorter; second time, one-third or 13 years; third time, one-half or 14 years; fourth or subsequent time, three-fourths or 15 years.* Because these prior felony

incarcerations are instrumental in determining parole eligibility and consequently the amount of time an offender will serve on his sentence, Display 23 provides time served information broken down by this criterion. In certain instances, the number of prior incarcerations listed does not go beyond one. In these instances, the number of cases over the period studied which involved more than one prior incarceration was insufficient for analytical purposes.

• An offender's wait until parole eligibility is also shortened by the amount of good conduct credit he is awarded. Though four different levels exist at which good conduct credit can be earned, the typical Virginia inmate shortens his time to parole eligibility by 10 days for each month of good behavior. Thus, by earning his good conduct allowance, an inmate may be eligible for parole release before having served the proportion of his sentence specified above.

• Because judicial sentences are based on additional case factors beyond just prior criminal record, Display 23 exhibits no consistent relationship between prior incarcerations and sentence length. Since parole eligibility is tied to prior incarcerations, however, this factor does exert a strong influence on the time an offender serves. With few exceptions, a consistent relationship existed between an offender's prior incarcerations and the proportion of the sentence served. For example, first-time offenders convicted of aggravated assault served 36% of their sentences; second-time offenders, 42%; third-time offenders, 44%; and fourth-time or subsequent offenders, 55%.

• Convicted murderers with no prior incarcerations served an average of 5½ years in prison or approximately 29% of the average imposed sentence. Prior incarcerations significantly increased the proportion of the sentence served by convicted murderers; those once previously imprisoned served an average of about seven years in prison or 38% of the average imposed sentence.

• Convicted rapists with no prior incarcerations served an average of four years in prison or approximately 34% of the average imposed sentence. Prior incarcerations did not significantly increase the proportion of the sentence served by convicted rapists; those who had been previously imprisoned three or more times served an average of seven years in prison or 39% of the average imposed sentence.

• Convicted robbers with no prior incarcerations served an average of three years and four months in prison or approximately 30% of the average imposed sentence. Prior incarcerations moderately increased the proportion of the sentence served by convicted

robbers; those once previously imprisoned served an average of 4.6 years or 35% of the average imposed sentence; those twice previously imprisoned served an average of 7.4 years or 32% of the average imposed sentence; and those previously imprisoned three or more times served an average of almost nine years or 38% of the average imposed sentence.

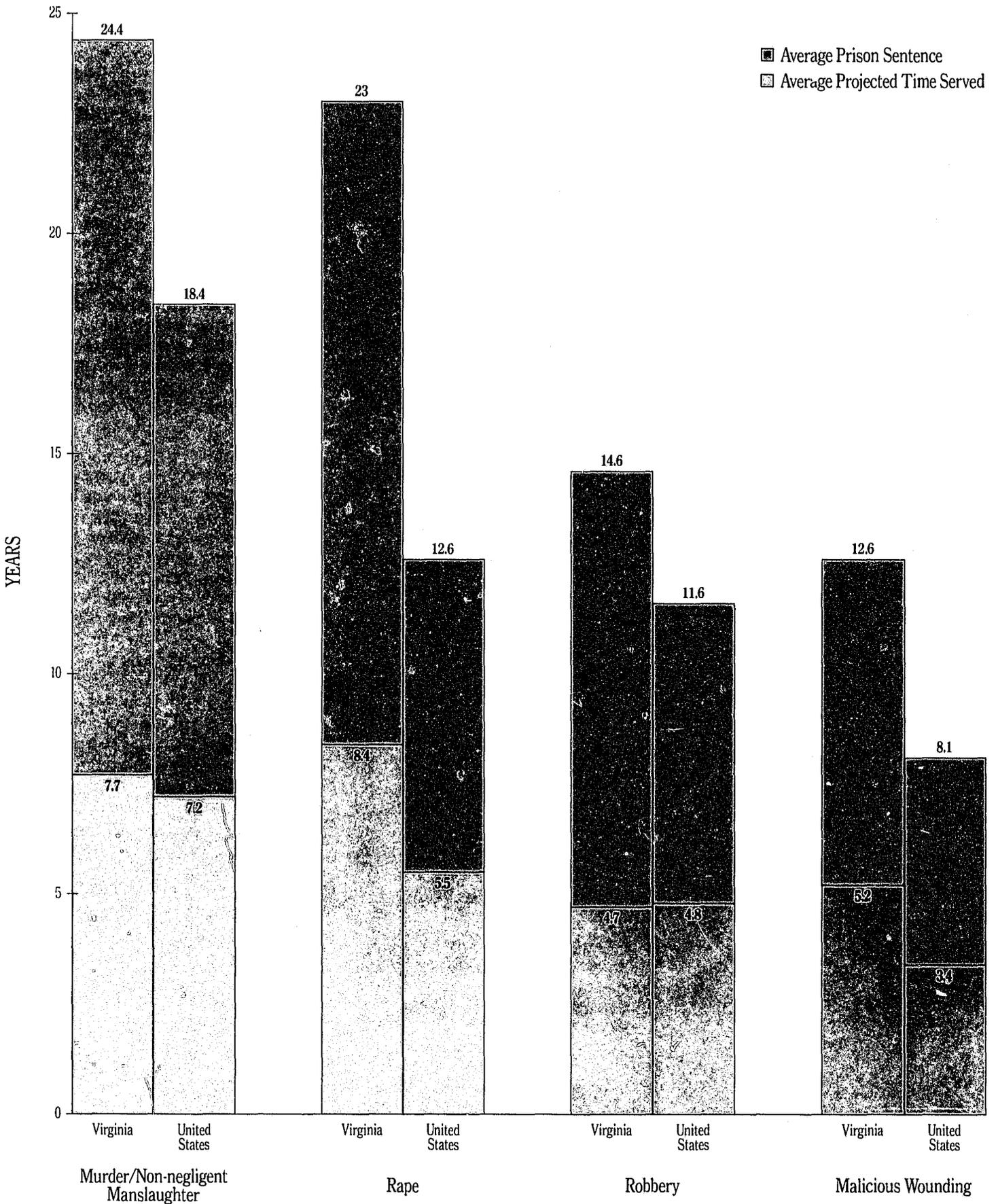
• Excluding those who received life sentences, the violent offenders who served the longest average period in prison for their crimes were murderers with three or more prior incarcerations, who served an average time of approximately 11 years. The violent offenders who, on the average, served the greatest proportion of their imposed sentences were those convicted of aggravated assault with three or more previous incarcerations: these offenders served an average of 55% of their imposed sentences.

• Under current Virginia law, an inmate serving a life sentence for a noncapital offense may be eligible for parole after serving less than 13 years by earning all his good time. Over the five-year period studied, only 70 inmates serving life sentences were released from prison. The average time served for these "lifers" was 16.8 years for murderers, 17 years for rapists, and 15.7 years for robbers; the overall average for all violent criminals was 16.6 years. These time served figures were significantly greater than those reported in this display for "non-lifers" and did not vary much by the nature of the offense at conviction.

• During 1987, Virginia paid an average of \$16,390 to house and care for each of its inmates. According to these cost figures and the average time served figures reported above, the average total cost of incarcerating a "lifer" is now approximately \$270,000. This figure is probably conservative for future populations of inmates because it does not allow for inflation or for the higher cost of incarcerating "lifers" in maximum security facilities.

** Certain types of prisoners are not eligible for parole: those sentenced to die; those convicted of three or more separate felony acts of murder, rape, or robbery; those sentenced to life who have already been paroled from a previous life sentence; and those who escaped from incarceration or custody while serving life sentences.*

Display 24



Data Sources: Virginia — Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections
 United States — Felony Sentences in State Courts, 1986, Bureau of Justice Statistics, U.S. Department of Justice

Display 24: Average Prison Sentences and Projected Time Served in Prison for Violent Offenses in Virginia and the United States (1986)

As noted previously, some of the figures used in calculating average prison sentences for the violent offenses reported in Display 23 are a decade old. Thus, while the data examined in Display 23 were appropriate for gauging historical time served in prison for violent crimes, they may not be appropriate for drawing conclusions about recent sentencing practices. Display 24 provides a look at more recent prison sentences, those imposed in 1986. For contrast, Display 24 also presents the United States' 1986 average prison sentencing figures for the same violent offenses. Projected time to be served on these 1986 average prison sentences is also shown in this display.

- Because the United States' average sentencing figures represent the total of the time received by a violent offender for his most serious offense and any additional prison time received for crimes of lesser gravity, the Virginia figures were calculated in the same fashion. Therefore, these average 1986 prison sentence figures for Virginia are not comparable to the average prison sentences reported previously in *Felony Justice in Virginia, 1986*. Also, to be consistent with the United States' figures, murder and non-negligent manslaughter have been combined, and aggravated assault has been more narrowly defined to include only malicious wounding.* Finally, these average prison sentence figures for both the United States and Virginia do not include life or death sentences.

- Projected time served in prison was calculated in a somewhat similar fashion for both the United States' and Virginia's sentences. The United States' time served figures were based on data showing the proportion of sentences served by inmates released from the nation's prisons in 1984. In projecting the United States' time served figures, the Bureau of Justice Statistics assumed that those sentenced in 1986 would actually serve about the same proportions of their sentences as those released from prison in 1984 for the same offenses. The Virginia time served figures were based on the data in Display 23, which shows the proportion of sentences served by inmates released from Virginia's prisons from 1983 through 1987. The first step in projecting Virginia's time served figures was to assume that those sentenced in 1986 would actually serve about the same proportions of their sentences as those released from prison for the same offense over this five-year period. The second step was to apply the proportion of sentences historically served to all 1986 offenders' sentences on the basis of their offenses and prior histories of incarceration. For example, since Display 23

illustrates that murderers with one prior incarceration served 38% of the average imposed sentence, all such offenders in the 1986 data were projected to serve the same proportion of their respective sentences. Thus, unlike the United States' projected time served figures, which were a proportion of an average prison sentence, the Virginia estimates were derived by first taking a proportion of *each* prison sentence for similarly situated offenders and then deriving their average value.**

- Virginia's average prison sentence for convicted murderers of 24.4 years was about 33% higher than the United States' average of 18.4 years; however, Virginia's projected average time to be served in prison by these offenders—7.7 years—is just 7% above the United States' projected average of 7.2 years. The reason these time served projections are so close despite the great difference in sentences derives from variations in historical parole release practices. Overall, convicted murderers in Virginia served an average of 31.6% of their sentences; in contrast, convicted murderers across the United States served an average of about 44% of their court-imposed sentences.

- Virginia's average prison sentence for convicted rapists of 23 years was 82.5% higher than the nation's average of 12.6 years; Virginia's projected average time to be served in prison by these offenders—8.4 years—is 52.7% higher than the United States' projected average of 5.5 years. Overall, convicted rapists in Virginia served an average of 36.5% of their sentences; in contrast, convicted rapists across the United States served an average of 43.7% of their court-imposed sentences.

- Virginia's average prison sentence for convicted robbers of 14.6 years was 26% higher than the United States' average of 11.6 years; however, Virginia's projected average time to be served in prison by these offenders—4.7 years—is actually 2% below the nation's projected average of 4.8 years. Again, differences in historical release practices explain the divergence between the average sentences and the projected time served figures. Overall, convicted robbers in Virginia served an average of 32.2% of their sentences; in contrast, convicted robbers across the United States served an average of 41.4% of their court-imposed sentences.

- The average Virginia prison sentence for those convicted of malicious wounding—12.6 years—was 55.6% higher than the United States' average of 8.1 years; Virginia's projected average of time to be served in prison by these offenders—5.2 years—is 53% above the nation's projected average of 3.4 years. In this instance, the harsher proportionality of Virginia's sentences to those of

the United States was sustained in the projected time served figures due to similarities in release practices. Overall, those convicted of malicious wounding in Virginia served an average of 41.3% of their sentences; likewise, those convicted of similar assaults across the country served an average of 42% of their court-imposed sentences.

- Even though the average Virginia prison sentence for robbery was 16% longer than the average prison sentence for malicious wounding, the projected time served on the average malicious wounding sentence is 10.6% greater than the projected time served figure for robbery.

- Similarly, the average Virginia prison sentence for murder was 6% longer than the average prison sentence for rape. The projected time served for convicted rapists, however, is 9% greater than that for convicted murderers. One possible explanation for this phenomenon is that convicted rapists pose more significant risks of recidivism than do convicted murderers (see Display 13) and therefore may be denied parole more frequently.

* To be consistent with the United States data reported by the Bureau of Justice Statistics, the average prison sentence figure for malicious wounding in Virginia includes convictions for attempted murder.

** The Bureau of Justice Statistics' time served estimates were not calculated in the same fashion as the Virginia figures, probably due to a lack of uniform information on parole eligibility criteria across studied sites. Had the Virginia time served figures been calculated in the same general fashion as were the United States' estimates, the results would be slightly lower than those reported in Display 24: estimated time served for murder, 7.1 years; rape, 7.9 years; robbery, 4.3 years; and malicious wounding, 4.5 years.

Legislation Affecting the Criminal Justice System's Treatment of Violent Crime (1977-1986)

Over the past decade, the Commonwealth's House of Delegates and Senate passed several bills defining new violent crimes, increasing statutory punishments for others, and establishing procedures for improved treatment of victims of violent crimes. Of these bills, seventeen major ones are here summarized, all of which were passed between 1977-1986.

LEGISLATION PERTAINING TO ASSAULT:

- Between 1977-1986, Virginia's legislative concern with assault focused primarily on increasing the authorized penalties for attacks on peace-keeping officials wounded in the course of performing their duties.
- In 1980, House Bill 768 added malicious wounding to the list of offenses during which it is unlawful to use or display a firearm under penalty of a mandatory prison sentence. This list had previously included murder, rape, robbery, burglary, and abduction.
- In 1983, House Bill 220 authorized a mandatory minimum prison term of two years for the assault and bodily wounding of a full-time law enforcement officer and created three new categories of assault on such an officer, these three new offenses also punishable by mandatory terms of incarceration: malicious bodily injury (punishable by 5-20 years in prison with a mandatory minimum of two years), unlawful bodily injury (punishable by 1-5 years in prison with a mandatory minimum of one year), and assault and battery (punishable by up to 12 months in jail with a mandatory minimum of six months).
- In 1985, House Bill 1206 authorized a mandatory prison term for the assault and bodily wounding of a part-time law enforcement officer, thus equalizing the punishment for this offense regardless of whether the victim is a part-time or a full-time officer.
- In 1985, House Bill 1669 mandated that the assault and bodily wounding by a supervised probationer or parolee of his or her own supervisor be punished by 1-10 years in prison.

LEGISLATION PERTAINING TO SEXUAL ASSAULT:

- Over the past several years, Virginia's legislature has been intent on clarifying the laws pertaining to the several types of sexual assault defined in the *Code of Virginia*. This clarification largely took the form of amplifying the definitions of sexual assault offenses and offenders as well as empowering and protecting victims of these offenses much more so than previously.
- In 1980, Senate Bill 65 expanded the definition of both victims and offenders of sexual offenses to include both sexes.
- In 1981, Senate Bill 258 was passed. This significant reform measure, which resulted from a lengthy study, addressed victims' and prosecuting attorneys' concerns with the criminal justice system's handling of sex offenses. This bill consolidated sexual offenses in one place in the *Code*, clarified previously vague language, and increased the protection of the victim as a witness. Specifically, the bill (1) expanded the definition of first-degree murder to include death through forcible sodomy or sexual penetration with an inanimate object; (2) expanded the definitions of carnal knowledge victims and offenders to include both sexes; (3) added the phrases "threat or intimidation" and "female's mental incapacity or physical helplessness" to the word "force" as conditions defining forcible rape; (4) changed the definition of rape from "carnal knowledge" to "sexual intercourse"; (5) established definitions of and authorized procedures for punishing forcible sodomy, sexual penetration with an inanimate object, aggravated sexual battery, and sexual battery; (6) prohibited the admission in court of evidence pertaining to a victim's previous sexual behavior unless such evidence is introduced specifically to provide an alternative explanation for physical evidence of rape or to prove lack of force; (7) escalated the punishment of nonforcible sodomy from 1-5 to 5-20 years in prison in cases involving a parent and a child older than 12 but less than 16 years old; and (8) escalated the punishment for adultery and fornication from up to 12 months in jail to 5-20 years in prison in cases involving a parent and a child older than 12 but less than 16 years old.

- In 1982, Senate Bill 133 expanded the definition of forcible rape offender to include those who cause the offense to occur and to include both sexes. One of the purposes of this bill was to authorize the punishment of parents or guardians who consent to the sexual abuse of their children by others.

- In 1982, Senate Bill 134 authorized the Commonwealth to pay victims' medical fees resulting from the commission of the following offenses: indecent liberties with children, forcible sodomy, sexual penetration with an inanimate object, aggravated sexual battery, and sexual battery. This bill remedied former inequities resulting from the 1981 sexual assault recodification, in which strict construction of the law had not allowed the state to pay for medical evidence gathered for these offenses.

- In 1986, House Bill 378 established marital sexual assault as a new offense (punishable by 1-20 years in prison) and authorized forcible rape, forcible sodomy, or sexual penetration with an inanimate object of one's spouse to be punishable by five years to life in prison in cases involving marital separation or the serious physical injury of the victim. A result of the previous year's study of the issue, this bill overthrew the long-standing common-law presumption that a wife was completely subject to her husband's will in sexual matters.

LEGISLATION PERTAINING TO HOMICIDE:

- The primary legislative concern with homicide for the period studied focused largely on augmenting the definition of capital murder to include a greater number of accompanying offenses.

- In 1977, House Bill 1329 authorized life imprisonment to be substituted for the death penalty for Class 1 felonies, defined murder during the course of a rape as first-degree murder, and established procedures for jury trials of capital offenses. After the death penalty was abolished in 1972 by the U.S. Supreme Court (*Furman v. Georgia*, 408 U.S. 238), Virginia's legislature re-approved it in 1975 with a mandatory death penalty for certain crimes. But following *Woodson v. North Carolina*, 428 U.S. 280 (1976), which outlawed some mandatory death sentences, House Bill 1329 provided an option between life in prison and the death penalty in order to give Virginia courts guided

discretion in conforming with the Supreme Court mandates.

- In 1977, Senate Bill 337 established procedures for trying (1) accessories before the fact to killing for hire and (2) principals in the second degree to capital murder as though their offenses were first-degree murder. It also defined as capital murder the "willful, deliberate, and premeditated" killing of a law enforcement officer in order to interfere with his performance of duty.

- In 1980, House Bill 283 changed the form of the jury verdict in capital murder cases to accommodate the offender's entire "prior history" instead of just his "past criminal record." Since the latter phrase was considered too narrow a statement of what was actually presented to jurors, the legislature decided that the phrase "prior history" reflected prosecutorial practice more accurately and would be a more defensible phrase for upholding a death conviction in appellate court.

- In 1981, Senate Bill 693 defined the "willful, deliberate, and premeditated" killing of more than one person as part of the same act as capital murder.

- In 1985, House Bill 1525 expanded the definition of capital murder to include the killing of a child less than 13 years old if the child was abducted with the intent of extorting money or defiling the child. This bill was part of the continuing legislative gradation of criminal offenses subject to the death penalty.

- In 1985, Senate Bill 640 increased the statutory penalty range for attempted capital murder from 5-20 years to 20 years-life in prison.

LEGISLATION PERTAINING TO VIOLENT CRIME IN GENERAL:

- In 1982, House Bill 2 increased the penalty for use of a firearm during the commission of a felony, first offense, from one year to two years and increased the penalty for use of a firearm during the commission of a felony, subsequent offense, from three to four years.

- In 1983, House Bill 266 authorized the circuit court, at its discretion, to order delinquent minors over 14 to be incarcerated in facilities for adults (despite the availability of other space) when they have been convicted of rape or robbery and sentenced as adult felons.

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