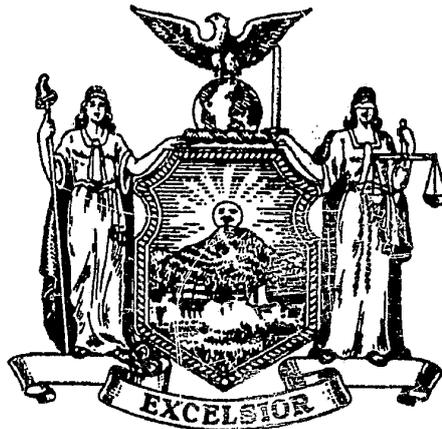


NEW YORK STATE'S
AGENDA TO REDUCE AND
PREVENT VIOLENCE



152753

Mario M. Cuomo
Governor

Richard H. Girgenti
Director of Criminal Justice
and
Commissioner
Division of Criminal Justice Services

MAY 1994

152753

NEW YORK STATE'S
AGENDA TO REDUCE AND
PREVENT VIOLENCE

NCJRS

FEB 2 1995

ACQUISITIONS

Mario M. Cuomo
Governor

Richard H. Girgenti
Director of Criminal Justice
and
Commissioner
Division of Criminal Justice Services

MAY 1994

152753

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material in microfilm only has been granted by

New York State Division
of Criminal Justice Services

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.



STATE OF NEW YORK
EXECUTIVE CHAMBER

ALBANY 12224

RICHARD H. GIRGENTI
DIRECTOR OF CRIMINAL JUSTICE

May, 1994

The Honorable Mario M. Cuomo
Governor
Executive Chamber
Albany, New York 12224

Dear Governor Cuomo:

New York State's Agenda to Reduce and Prevent Violence represents a continuing effort to make New York a safer place for those who live, work or visit here. You directed me to search everywhere, to consult with those affected by the problem and those responsible for addressing it, to evaluate every plausible proposal, and to prepare for you a compilation of the best ideas for controlling criminal violence. Working collaboratively with many other State agencies, we submit the product of our efforts.

You adopted many of our suggestions as priorities in your annual State of the State Message, indicating that we need a new attitude of intolerance toward violence. You stated that we must deprive those committing violent crimes of their freedom for a very long time; and, simultaneously, we must do all we can to prevent crime in the first place -- saving troubled children, strengthening families and expanding programs that really make a difference.

The purpose of this report is to inform the public of the actions undertaken at the State level to counter what has become an epidemic of violence. In addition to an overview of the extent and nature of violence in New York, it provides the first comprehensive description of relevant enforcement, intervention, and prevention measures in a single document. The report should be viewed as an ongoing effort which will provide the foundation for policy direction for the coming years.

I would like to offer thanks for the enormous contributions of my colleagues. Together, we are committed to working with you, with the Legislature and with communities throughout New York State to implement the initiatives advanced in this report.

Sincerely,

A handwritten signature in black ink that reads "Richard H. Girgenti". The signature is written in a cursive, flowing style.

Richard H. Girgenti



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

A MESSAGE FROM THE GOVERNOR

Violence is no stranger to our society. It is prevalent in American history and language. In recent years, the threat and reality of violence have become ingrained in our daily lives.

The perception that violent crime is growing, in both numbers and brutality of incidents, is more widely held today, than at any time in recent history. We are constantly bombarded with news stories about shootings and car-jackings, the popularity of movies and music filled with violence, and the horrible abuse endured by children. Many find themselves frozen from the disbelief that people could be so cruel and from the fear that somehow this madness will touch someone who they love.

Violent crime affects every one of us. It intrudes on our decision-making about where to live, when to venture outdoors, whether to buy a weapon for self defense, where to shop, go to dinner, or work, which public transportation to use, how to make sure our children arrive at school safely – and stay safe while they are in school.

Reports of violent crime in New York State have declined for three straight years. Although such trends provide some relief, they offer little consolation. Violence has ebbed and flowed many times throughout the last 30 years. Our efforts must be directed towards a permanent reduction of violence in our homes and on our streets.

The causes of violence are complex. The solutions need to be comprehensive. Government alone cannot solve the problem, but it is our fundamental responsibility to work to reduce and prevent violence. Governmental endeavors will fail, however, without the cooperation and participation of thousands of community leaders and organizations and especially ordinary citizens who decide to involve themselves in anti-violence or local improvement efforts.

Out of the recognition that solutions to violent crime need to be multi-faceted and interwoven, we present the first compendium of current and planned State actions to thwart violent crime and prevent its emergence or recurrence. The actions range from specific enforcement strategies, to targeted programs to prevent and intervene in violent behavior.

Ultimately, the solution to violent crime lies in our ability to protect and mold the proper development of youth through families, schools and communities. Youth need to have a stake in their futures and a means of attaining success. This report identifies State efforts to provide such opportunities. Together, with the help of local communities and government, and with the help and support of our national government, we can move forward to ensure a less violent society for all generations to come.

Mario M. Cuomo

Staff of the New York State Division of Criminal Justice Services served as principal authors of this report. The following agencies contributed to its preparation:

Office of Alcoholism and Substance Abuse Services	Marguerite T. Saunders, Commissioner
State Commission of Correction	Edmund B. Wutzer, Chairman
Correctional Services	Thomas A. Coughlin, Commissioner
Council on Children and Families	Frederick B. Meservey, Executive Director
Crime Victims Board	Barbara A. Leak, Chairperson
Office for the Prevention of Domestic Violence	Karla M. Digirolamo, Executive Director
State Education Department	Thomas E. Sobol, Commissioner
State Department of Health	Mark R. Chassin, Commissioner
Division of Housing and Community Renewal	Donald M. Halperin, Commissioner
Division of Human Rights	Margarita Rosa, Commissioner
Martin Luther King, Jr. Commission and Institute for Nonviolence	Virgil H. Hodges, Executive Director
Office of Mental Health	Richard C. Surles, Commissioner
Division of Military and Naval Affairs	Michael S. Hall, Adjutant General
Division of Parole	Raul Russi, Chairman
Division of Probation and Correctional Alternatives	Barbara A. Broderick, Executive Director
Department of Social Services	Michael J. Dowling, Commissioner
Division of State Police	James McMahon, Superintendent
Urban Development Corporation.	Vincent Tese, President
Division for Women	Judith I. Avner, Director
Division for Youth	Leonard G. Dunston, Director

Table of Contents

EXECUTIVE SUMMARY	1
PART 1: THE SCOPE AND NATURE OF VIOLENCE IN NEW YORK STATE	13
The Extent of the Problem	15
The Location of the Problem	19
Correlates of the Problem	23
Alcohol and Drug Involvement	23
Guns	24
Recidivism	24
Offender-Victim Relationships	25
Gender, Age, and Race	26
The Search for Solutions	29
Endnotes	30
PART 2: LAW ENFORCEMENT	33
Chapter 1: Gun-Related Violence	39
State Initiatives for 1994 and Beyond	40
Implement the Strategy for Action Against Gun-Related Violence	40
Intervene in Illegal Gun Sales Through the Gun Retrieval and Interdiction Program	42
Restrict Possession of Assault Weapons	42
Improve Handgun Registration Information	44
Restrict Gun Possession by "High-Risk" Groups	44
Deter Negligent Firearm Storage	45
Needed Federal Actions	46
Require Federal Firearms Dealers' License Applicants to Comply with State and Local Laws	46
Strengthen the Bureau of Alcohol, Tobacco and Firearms	47
Require National Handgun Licensing and Registration	47
Limit the Number of Handgun Purchases	48
Establish a Federal Firearms Regulatory Agency	49

Chapter 2: Penalties for Violent Offenses	51
State Initiatives for 1994 and Beyond	52
Increase Penalties for Violent Offenders	53
Lengthen Prison Terms for Gun-Related Offenses	53
Enhance Penalties for Assault	53
Allow Consecutive Sentences for Multiple Felony Assaults and Homicides	54
Eliminate Parole for Serious Sex Offenders	55
Restrict Eligibility for Work Release	55
Enact "Three Strikes" Legislation	55
Establish Life Without Parole for First Degree Murder	56
Increase Penalties for Bias-Related Violence and Intimidation	57
Sanction Non-Violent Offenders in the Community	57
Second Felony Offender Reform	57
Develop Graduated Sanctions	58
Chapter 3: Identification and Prosecution of Violent Offenders	59
State Initiatives for 1994 and Beyond	59
Provide Skilled Investigators and Forensic Specialists	59
Curtail the Spread of Violence Through Operation Firebreak	60
Expand the Application of DNA Typing	61
Create a DNA Identification Index	61
Establish the <i>Office of Forensic Sciences</i> to Accredit DNA Labs	62
Strengthen the Prosecution of Sex Offenses and Violence Against Children	62
Enhance the Identification of Crime Scene Fingerprints	63
Identify Serial Homicides Through HALT	63
Complete Construction of the Forensic Investigation Center	64
Improve Police Response to Violent Crime Through Training	64
Create the Center for the Analysis of Violent Crime	65
Trace Weapons Used in Violent Crime	66
Enhance Police Officer Weaponry	66
Expand Access to the NITRO System	66
Establish Ammunition Identification Systems	67
Track Bias Crime	67
Chapter 4: Juvenile Violence and Violence in the Schools	69
State Initiatives for 1994 and Beyond	70
Study Youth Crime and Juvenile Justice Reform	70
Enhance Safety in the Schools	71
Increase Security Measures	71
Develop Conflict Resolution and Mediation	72
Enhance School Discipline	72
Report School Violence	73
Intervene Early in Problem Behavior	73

Table of Contents (continued)

Ensure the Accountability of Young Offenders	74
Fingerprint Juveniles for Felony Offenses	74
Close the Loophole in Speedy Trial Rule	75
Make More Effective Sanctions Available	75
Expand the Juvenile Offender Classification	75
Increase the Use of Restitution and Community Service	76
Expand Juvenile Intensive Supervision	76
Expand Capacity and Lengthen Average Stay at DFY	77
Establish Alternative Placement and Aftercare Programs	78
Evaluate the Efficacy of Intervention	79
Ensure Appropriate Sanctions for Older Youth	79
Qualify Youthful Offender Status for Older Youth	79
Expand Shock Incarceration for Older Youth	80
Improve Information Systems and Decision Making	80
Upgrade Information Systems	80
Develop Decision Making Guidelines	81
Endnotes	82
 PART 3: PREVENTION	 85
 Change and Empower Individuals	 88
State Initiatives	89
Provide Early Health Interventions	89
Deliver Early Education Services to Low-Income Children	90
Help Aggressive Children to Control Their Behavior	91
Encourage Young People to Reject Aggression	92
Spread the Kingian Non-Violence Methodology	92
Teach Non-Violence Through Substance Abuse Prevention	93
Provide Violence Prevention Through Education and Youth Services	94
Promote Nonviolence Through the Media	94
Develop Comprehensive Violence Prevention Through the Health System	95
Provide School-to-Work Opportunity	96
Promote Youth Development Through ChalleNGe and the Corps of Cadets	98
Future Directions	99
Change and Empower Families	100
State Initiatives	102
Prevent Child Abuse and Neglect	102
Preserve Families Amenable to Reform	105
Expedite Adoption When Needed	106
Increase Supervision and Guidance Outside the Family	106
Future Directions	107
Change and Empower Communities	108
State Initiatives	109
Expand Community Policing	109
Reduce Racial Tensions	110
Promote Neighborhood Stability	111
Stimulate Economic Development	111

Table of Contents (continued)

Provide Entrepreneurial Opportunity	112
Promote Effective Local Planning	112
Future Directions	113
Endnotes	115
PART 4: INTERVENTION IN VIOLENCE	117
General Violence Interventions	120
Aggression Replacement Training and General Interventions with Youth	120
Community Corrections Interventions for Adults	122
State Prison Programming	124
Intervention in Family Violence	124
Improve the Identification of Family Violence	126
Train Child Service Professional and Medical Personnel	126
Train Substance Abuse Specialists	128
Enhance the Protection of the Victim	128
Adopt Pro-Arrest Policies	128
Provide Shelter and Support Services for Victims	129
Facilitate the Enforcement of Orders of Protection	131
Coordinate Child Protective Services with Probation and Parole	132
Prevent Reoffending Through Prosecution and Correctional Intervention	132
Coordinate Prosecution Teams	132
Intervene in Reoffending	133
Interventions in Sex Offending	134
Improve Services for Victims	134
Treat Adolescent Sex Offenders	136
Treat Adult Sex Offenders	137
Community-Based Interventions	137
Interventions in Prison and on Parole	137
Violence Reduction Through Mental Health Services	138
Treat Emotionally Disturbed Youth	138
Treat Emotionally Disturbed Parolees	140
Violence Reduction Through Drug Abuse Treatment	141
Treatment of Youth in the Juvenile Justice System	142
Treatment of Adult Offenders	142
Treatment of Addict Offenders in the Community	143
Treatment of Addict Offenders in Prison and on Parole	144
Future Directions	145
Expand Aggression Replacement Training	145
Ensure A Well-Coordinated, Comprehensive Response Throughout the State	145
Expand Sex Offender Treatment	146
Enhance the Surveillance of Violent Offenders in the Community	147
Expand Drug Abuse Treatment	147
Endnotes	149

List of Figures

Figure 1:	Rates of Violent Crime, Robbery and Aggravated Assault, New York State, 1967-1992	16
Figure 2:	Rates of Murder and Forcible Rape, New York State, 1967-1992	17
Figure 3:	Domestic Violence Reports, by Region, New York State, 1981-1992	18
Figure 4:	Abuse and Maltreatment Reports Registered, New York State, 1974-1992	18
Figure 5:	Regional Distribution of Violent Crimes, New York State, 1992	19
Figure 6:	Annual Percent Change in Violent Crimes for New York City and the Rest of the State, 1992	19
Figure 7:	Percent Change in Violent Crime, by Economic Areas, New York State, 1988-1992	20
Figure 8:	Highest and Lowest in Violent Crime Rates in New York City Police Precincts, 1992	21
Figure 9:	Violent Crimes Committed with Firearms, by Type of Crime, New York State, 1980-1992	24
Figure 10:	Violent Arrest Rate Per 1,000 Adult Males, by Race, New York State 1980-1993	26
Figure 11:	Violent Arrest Rate Per 1,000 Non-White Adult Males, by Age Group, New York State, 1980-1993	27
Figure 12:	Violent Arrest Rate Per 1,000 White Adult Males, by Age Group, New York State, 1980-1993	27

List of Tables

Table 1:	Violent Crimes Reported to Police and Percent of State Total, by Region, 1988-1992	20
Table 2:	Percent Change in Violent Crime for Selected Counties, New York State, 1988-1992	21
Table 3:	Visibility of Violent Crimes, New York City Police Department, Selected Years Between 1980 and 1992	22
Table 4:	Percent of Violent Crime Victimitizations Involving Strangers, U.S., 1981-1992	25

Executive Summary

EXECUTIVE SUMMARY

For nearly 30 years, there have been significant increases in violent crime in New York State and throughout the country. Official crime statistics for New York State show that the number of violent crimes reported to the police -- including homicide, robbery, forcible rape, and aggravated assault -- has risen from approximately 74,000 in 1967 to more than 203,000 in 1992, an increase of 174 percent.

Violent crime in New York State has climbed almost steadily since the 1960s. Most recently, violent crime surged during the second half of the 1980s, as illicit drug markets gained a stronghold in many urban areas. Although violent crime has declined slightly since peaking in 1990, it remains a very serious problem in communities throughout the State and nation.

Compared to other industrialized nations, the level of reported violent crime is much higher in the United States. And compared to other states, New York State has traditionally ranked among the highest. As early as the mid-1960s, New York ranked the highest in the nation in rates of violent crime. In 1992, New York was second in the nation in both the number and rate of violent crime. But New York is not unique among states in terms of the rise in violent crime. The rate of violent crimes known to the police in the rest of the United States increased 235 percent since 1967 and 37 percent since 1985. By comparison, the violent crime rate in New York has grown by 178 percent since 1967 and 21 percent since 1985.

Violent street crime is largely an urban phenomenon in New York State. Of all violent crimes reported in the State in recent years, typically 90 percent takes place in the nine largest urban areas. In 1992, almost four of every five violent crimes reported by police in the State were reported in New York City, where only 41 percent of the State population resides.

Even within a single city, the distribution and expansion of violent crime varies across neighborhoods and communities. Among the New York City police precincts with populations over 75,000, the rates of violence among the highest crime precincts were over six times as high as the rates among the lowest crime precincts.

Violent behavior and substance abuse are closely related. Alcohol is the substance most often linked to violent behavior. Research indicates that alcohol use by offenders or victims occurs in over half of all violent crime. In New York City and Buffalo, over 40 percent of homicide victims had alcohol in their systems at the time of their deaths.

Drug and alcohol abuse is also prevalent within families served by New York's child welfare system. Over 60 percent of children in foster care and 45 percent of children in preventive services indicate parental substance abuse.

Illicit drug markets are strongly associated with violent behavior. Disputes over drug markets profits and product quality have been responsible for a large portion of homicides in recent years. And, addiction to illicit drugs may prompt some offenders to engage in robbery. Robbery is common among heroin users, and heroin users are prevalent among robbers.

Throughout the first half of the 1980s, between 55 and 60 percent of all murders involved firearms. Since 1987, however, the percentage of gun-related homicides has climbed steadily each year. By 1992, guns were involved in three out of every four murders. After declining slightly during the first half of the decade, the gun involvement in both robbery and aggravated assault increased through 1991 and remained fairly stable in 1992.

The rate of arrest for violent offenses is highest among males, non-whites and young people. The relationship between race and rates of violent arrest is particularly complex. Although non-whites have a higher rate of arrest for violent crime, they more often live in conditions conducive to violence. The rate of arrest for violent offenses is approximately five times higher for non-white males than white males.

Non-whites are likewise disproportionately represented among victims of violent crime. Nationally, non-whites are almost three times more likely than whites to be victims of robbery and more than twice as likely to be victims of aggravated assault.

Rates of arrest for violent offenses also vary by age. In New York State, rates are highest among 16-year-old males and significantly decrease with age. In 1992, 2.7 percent of all 16-year-old males were arrested for violent offenses. Only half that many 24-year-olds were arrested for violent offenses during that year. Persons aged 13 through 18 accounted for 18 percent of the State's population between the ages of 13 and 40, and 30 percent of the violent arrests for that age group.

In the coming decade, the size of the youth population in New York State will increase. And, much of the growth will occur within the non-white segment. Assuming that the demographics of violence will not change, these shifts further emphasize the need to find solutions to the problem of violence.

There is no single solution to the problem of violence in our society. The causes of violent crime are complex. The solutions need to be equally multifaceted and targeted at the populations most involved in violence.

Resources must be targeted at the areas most beset by violence. And, family violence should be addressed with equal commitment that we afford to street violence.

This report describes current and proposed initiatives to prevent and reduce violent crime in New York State. It provides a comprehensive overview of State anti-violence efforts in the areas of law enforcement, education, youth services, health care and social services. And, it serves as the foundation for more work in the future.

Out of the recognition that law enforcement and criminal justice are neither the sole solutions for violence nor the only sector of government presented with the problem, the Division of Criminal Justice Services sought broad-based advice in the preparation of this report. The participation of diverse disciplines was essential to the development of the anti-violence agenda.

Among the priorities of New York's anti-violence agenda are the following:

Law Enforcement

Firearms: Firearms and illicit drug markets are central to the growth and lethality of violence in New York State. Most firearms involved in crime in New York State originate from outside the State. They are often stolen, obtained through unregulated transactions or borrowed from friends or family. To reduce illicit drug markets and the illegal possession and use of firearms, the agenda includes measures to:

- rid the streets of illegal firearms through a *Gun Retrieval and Interdiction Program* employing strike forces of prosecutors and investigators in coordination with federal law enforcement;
- restrict possession of assault weapons;
- improve handgun registration information;
- restrict firearms possession by high-risk groups;
- deter the negligent storage of firearms; and
- enact federal laws to:
 - require federal firearms dealers' license applicants to comply with state and local laws;
 - strengthen the Bureau of Alcohol, Tobacco and Firearms;

-
- require national handgun licensing and registration;
 - limit the number of handgun purchases; and
 - establish a new federal agency to improve national firearms policies, track firearms transactions, promote firearm safety and regulate firearms manufacturers.

Enhance Penalties for Violent Offenses: Prisons should be used to sanction and incapacitate various types of violent offenders. To make better use of prison space, non-violent drug offenders should be sanctioned and treated in the community. The anti-violence agenda includes measures to:

- lengthen prison terms for gun-related offenses by providing consecutive sentences in cases involving the commission of certain violent offenses with use of assault weapons, and by authorizing judges to create a presumption against parole eligibility for inmates convicted of the top count of an armed violent felony indictment;
- reclassify first degree assault as a class B felony and create a new offense for gang-related assault;
- allow consecutive sentences in cases involving multiple felony assaults and homicides;
- eliminate parole release for felony class B sex offenders;
- restrict eligibility for work release;
- expand second degree assault to include the intentional injury of a child up to seven years of age;
- create a mandatory term of life without parole for offenders convicted three times for offenses involving serious physical injury or certain sex offenses;
- provide life without parole for first degree murder;
- increase penalties for bias-related violence and intimidation;
- reform the second felony offender law to provide discretionary sentencing in cases involving repeat-drug offenders; and
- increase the availability of graduated sanctions and drug treatment in the community.

Enhance the Identification and Prosecution of Violent Offenders: The heavy demands placed on local police departments to investigate and solve violent crimes require State support. To enable local law enforcement to better deal with violent crime, the State anti-violence agenda includes measures to:

- provide skilled investigators and forensic specialists;
- curtail the spread of violence through *Operation Firebreak*;
- expand the application of DNA typing;
- create a DNA identification index;
- establish the *Office of Forensic Sciences* to accredit DNA labs;
- strengthen the prosecution of sexual offenses and violence against children;
- extend the statute of limitations in cases involving sexual assault against children;
- create a new offense of "course of sexual conduct against a child" to cover instances in which the child is unable to recall the precise date of the assaults;
- enhance the identification of crime scene fingerprints;
- identify serial homicides through *HALT*;
- complete construction of the *Forensic Investigation Center*;
- improve police response to violent crime through training;
- create the *Center for the Analysis of Violent Crime*;
- trace weapons used in violent crime;
- enhance police officer weaponry;
- expand access to the *NITRO* system;
- establish ballistic identification system; and
- track bias crime.

Juvenile Violence and Violence in the Schools: The rate of arrest of juveniles for violent crime grew substantially between 1985 and 1991, and declined only slightly thereafter. Moreover, juvenile violence has increasingly involved firearms and has permeated the schools throughout the State. To better identify juvenile offenders, sanction them more appropriately and enhance school safety, the agenda includes measures to:

- study youth crime and juvenile justice reform;
- increase school safety through enhanced security measures, conflict resolution and mediation programs, effective discipline, and improved reporting of violent incidents;
- structure early and comprehensive intervention through anti-truancy programs and needs assessments for youth charged with juvenile delinquency, modeled after the *PINS Adjustment* program;
- ensure the accountability of juveniles for their behavior through fingerprinting all felony arrests and reform of the speedy trial law within the Family Court Act;
- make more effective sanctions available through expansion of the JO classification; increased use of restitution and community service; expansion of juvenile intensive probation supervision; longer placements in DFY; enhanced DFY aftercare; and evaluation of DFY outcomes;
- coordinate the work of school systems and probation departments as it relates to the supervision of juveniles;
- improve the sanctioning of older youth by allowing youthful offender dispositions to be considered in sentencing repeat offenders; and
- monitor the sanctioning of juvenile offenders through improved information systems.

Prevention

Research has identified a number of individual, family and community characteristics predictive of violent behavior. Situational factors also contribute to the likelihood that conflict will elevate to violence. Prevention efforts need to address all of these complex factors through a comprehensive public health approach. New York State already supports a number of programs that address individual, family and community correlates of violence and will be implementing more.

Change and Empower Individuals: Personal characteristics such as cognitive deficits, low intelligence, impulsivity and hyperactivity increase risks of childhood aggression -- a strong predictor of adult violence. Aggression and violence also can be a learned trait, especially within subcultures that promote violence as a means of dealing with conflict.

The anti-violence agenda includes efforts to reduce cognitive and emotional problems linked to childhood aggression, through expansion of programs such as:

- the *Adolescent Pregnancy Prevention and Services Program*, which provides pregnancy prevention, prenatal and parenting services to teenagers;
- *Project Connect* -- a program to improve and expand access to health and social services for pregnant teenagers, drug and alcohol abusers and HIV-positive women; and
- *Child Health Care Plus* -- an insurance fund to provide primary health care to children under 11 years of age.

The anti-violence agenda also includes measures to help aggressive children learn to control their behavior through expansion of programs such as:

- *Quality Education for Students with Emotional Disturbances: The Heart of the Matter*, which trains teachers to intervene in aggressive behavior and helps children develop the capacity and desire for self-control; and
- *Discipline with Dignity*, which trains teachers to prevent misbehavior through social contracts, to manage misbehavior when it does occur, and to better deal with chronically disruptive students.

The anti-violence agenda contains measures to encourage young people to reject aggression, including efforts to:

- establish local anti-violence strategies in high-crime areas;
- integrate the *Applied Kingian Nonviolence Methodology* into a variety of youth programs to promote the non-violent resolution of disputes;
- implement of the *King Exchange* -- a program to exchange toy guns for apples and books;
- teach nonviolence through substance abuse prevention;
- provide violence prevention through education and youth services; and
- promote nonviolence through the media.

The anti-violence agenda encompasses efforts to provide alternatives to violence through the development of school-to-work opportunities and the utilization of programs such as *ChalleNGe* and *Corps of Cadets*.

And, the anti-violence agenda includes measures to develop comprehensive violence prevention through the health care system.

Change and Empower Families: Families influence a child's behavior by creating a foundation for emotional development, teaching and modeling appropriate behaviors and providing supervision, discipline and encouragement. The anti-violence agenda includes measures to:

- provide parents with easy access to over 140 State services for families through the *Decade of the Child Infoline*;
- finance programs to prevent child abuse and other forms of family violence through the *Trust Fund*;
- develop a statewide *Home Visitors Program* to assist families at risk of child maltreatment;
- rehabilitate families at risk of losing children to foster care through intensive, one-on-one intervention such as that provided through *Family Preservation* and the *Home Rebuilders* programs;

- maintain and treat families with drug-dependent parents through *Family Support Communities*;
- supervise youth through use of *Community Schools* which provide comprehensive programming for youth and their families throughout the day and evening, on a year-round basis;
- establish mentors for youth through programs such as the *State Mentoring Program*;
- incorporate parent training into health education curricula to teach youth the fundamentals of child care, ways of identifying and dealing with parenting stress and means of seeking assistance when needed; and
- establish *Living and Learning Centers* and *Family Preservation Centers* throughout New York State.

Change and Empower Communities: Communities with high crime rates are characterized by heavy concentrations of young, single mothers, low employment and literacy, high residential mobility, dense and inadequate housing and illicit businesses such as prostitution and drug markets. The anti-violence agenda proposes to address the problems of high-crime communities through use and expansion of:

- community policing, cultural sensitivity training and multi-cultural events;
- a *Halls of Justice* program to facilitate the resolution of group disputes in the community;
- initiatives to increase home ownership and preserve neighborhoods such as the *Neighborhood and Rural Preservation Program* and *NY HOPE*;
- *Economic Development Zones* to expand existing businesses and attract new businesses to distressed areas;
- entrepreneurial assistance programs;
- the *Neighborhood Based Alliance* to improve coordination and delivery of public services;

- local planning through the *County Comprehensive Plan for Children, Youth and Families*; and
- a federal Marshall plan to rebuild inner cities devastated by economic restructuring.

Intervention in Violence

General Interventions with Youth and Adults: Many offenders come from communities in which violence is repeatedly modeled. They view violence as "normal" behavior and often lack the social skills to resolve conflict through other means. The anti-violence agenda includes proposals to reduce aggressive behavior among offenders through:

- expansion of *Aggression Replacement Training (ART)* within DFY, juvenile probation and community programs for youth;
- evaluation of the *ART* program for adult offenders in DOCS and expansion of the program to all DOCS facilities; and
- review and possibly replicate the NYC Department of Probation program to identify and specially supervise offenders predicted to be at high risk of violence.

Intervention in Family Violence: Family violence -- including spouse battering, elder abuse, and child victimization -- is equally as serious a problem as street violence. Moreover, child victims of domestic violence are at higher risk of developing into violent adults. To reduce incidents of domestic violence in New York State, the anti-violence agenda includes measures to:

- improve the identification of family violence victims by training health workers, law enforcement officers, judicial personnel, and other public service professionals;
- enhance victim protection through pro-arrest policies;
- expand shelters, transitional housing and support services for victims;
- enforce orders of protection and coordinate child protective services with probation and parole supervision;

- prevent reoffending through coordinated prosecution and punishment that forces batterers to take responsibility for their actions; and
- establish a well-coordinated and comprehensive response to domestic violence in all communities.

Violence Reduction Through Intervention in Sex Offending: Sex offenders often repeat their crimes subsequent to release from incarceration. Moreover, recent cognitive-behavioral interventions with sex offenders have been fairly successful, especially with regard to reducing recidivism among child molesters. The anti-violence agenda includes recommendations to reduce repeat sex offending through:

- improved services to victims;
- comprehensive planning for the treatment of sex offenders in New York State by an interagency work group;
- expansion of DFY's sex offenders program, location of the program in discrete treatment units, and development of aftercare supervision and services; and
- expansion of DOCS' sex offenders program, funding of a surveillance and treatment program for paroled sex offenders and integration of the two programs to provide a continuity of treatment.

Violence Reduction Through Mental Health Services: Although most emotionally disturbed people do not behave violently, a small minority are at risk of inflicting violence on themselves or others in the absence of treatment. To reduce the likelihood of violence due to emotional disturbance, the violence agenda includes measures to:

- treat emotionally disturbed youth through *Health Crisis Teams*, *Home-Based Crisis Intervention*, and *Intervention Case Management*; and
- treat emotionally disturbed adults, including parolees, through services such as *Intensive Case Management*.

Violence Reduction Through Drug Treatment for Youth and Adults: The treatment of substance abuse is a key component of New York's strategy to intervene in violent behavior. There is a high prevalence of alcohol and illicit drug use among people who behave violently. Such behaviors may be reduced through effective treatment of addiction.

New York State has a broad array of drug treatment services, with a combined capacity to serve 110,000 individuals daily in community and prison-based programs. In the coming year, the State will expand drug and alcohol abuse treatment capacity for severely impacted populations and communities. The anti-violence agenda includes measures to reduce drug dependency among offenders through:

- expansion and improvement of drug abuse treatment for DFY youth;
- implementation of DFY's *Drug Dealer Counseling Curriculum* and expansion of the program to other child service agencies;
- continued treatment of drug-dependent adult felony offenders through the *Comprehensive Alcohol and Substance Abuse Treatment Program (CASAT)*, *Parole Relapse Prevention* and *DTAP*; and
- replication of jail-based treatment programs such as the *New Beginnings Program* in Westchester County.

Part 1
**The Scope and Nature of Violence
in New York State**

THE SCOPE AND NATURE OF VIOLENCE IN NEW YORK STATE

Violent crime in New York State, like most of the rest of the nation, has climbed almost steadily for the past 30 years. Despite intermittent periods of decline, the trend in violent crime has been characterized by sustained growth.

In some areas of the State, the level of violence has become, and remains, intolerable. That trend is reflected in growing arrest rates for violent offenses among young people, as well as in an increasing reliance on firearms to commit crimes. It is not only the amount of violent crime that troubles people, but the way in which violence of all types has woven itself into the fabric of our everyday lives. Perhaps a certain level of violence will always manifest itself in some form in society. But the current high levels of personal and social harm are unacceptable.

This section of the report describes the scope and nature of interpersonal violence in New York State. Interpersonal violence includes the behavior of an individual that intentionally threatens, attempts or actually inflicts physical harm upon another. Self-inflicted injuries and acts of recklessness or negligence—such as drunken driving are excluded from the analysis. Their exclusion is not intended to diminish their importance, but rather to help focus the discussion.

The Extent of the Problem

Since the 1960s, New York State has experienced significant growth in violent crime reported to the police. Official crime statistics compiled by the FBI's Uniform Crime Reporting (UCR) program show that the total number of violent crimes reported to the police — including homicide, robbery, forcible rape, and aggravated assault — has risen from approximately 74,000 in 1967 to more than 203,000 in 1992, an increase of 174 percent.¹ The rate of violent crime grew by 178 percent over the 25-year period.²

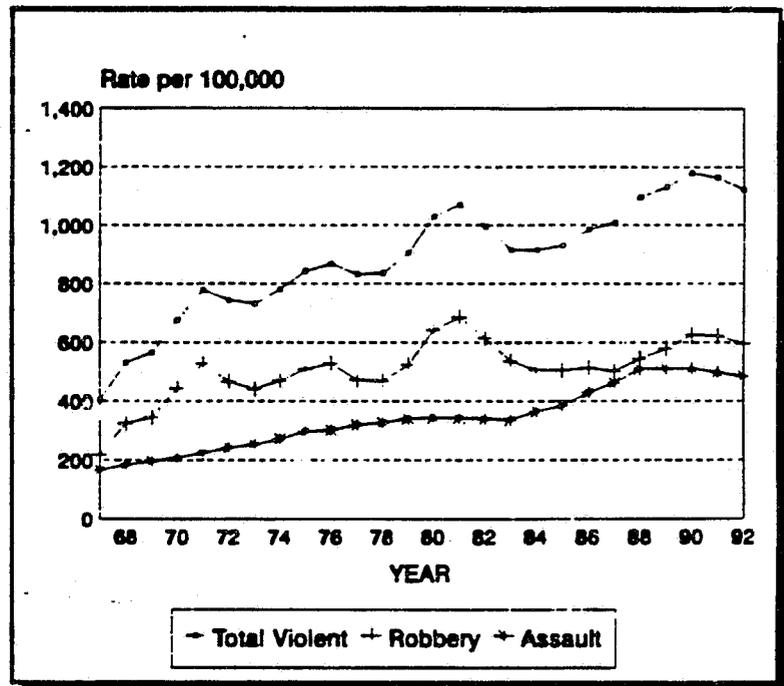
The sharpest growth came in the late 1960s. From 1967 to 1971, the rate of reported violent crime rose by 93 percent. From the early 1970s to the mid-1980s, New York experienced an overall, though not continuous, increase in reported violent crime. During the late 1980s, when crack cocaine found its way into our cities, we again experienced sharply rising amounts of reported violent crime. A uniform rise characterized this trend. It leveled off at a rate of 1,181 reported violent crimes per 100,000 residents in 1990, and slightly declined thereafter.

Preliminary UCR data for 1993 estimate a continuation in this moderate downward trend in violent crime from the preceding year. Statewide, preliminary estimates indicate the number of violent crimes reported to police decreased 3.7 percent in 1993. New York City reported a decline of 3.8 percent. Preliminary data from upstate agencies indicate a 3.3 percent decrease for all violent crime, but the number of homicides rose by 19.3 percent. Reported violent crime was down by 5.1 percent in Buffalo, and 11.6 percent in Syracuse. However, reports of violent crime increased 7.3 percent in Rochester.

Together, robbery and aggravated assault accounted for approximately 95 percent of violent crimes reported to police in New York State each year between 1967 and 1992. The prevalence of these crimes is also reflected in their respective rates (Figure 1). The rate of reported robberies peaked at 625 per 100,000 population in 1990, accounting for 112,380 crimes reported to police. The greatest increase in the rate of reported robbery occurred during the 1960s. Some of the increase during that time period is due to changes in the record-keeping practices of the New York City Police Department and reporting practices of the public within New York City.³ It is unlikely, however, that all, or perhaps even most, of the growth in robberies during that time period was an artifact of reporting and recording practices. Newspaper accounts also cite an increase in juvenile offending and heroin addiction as causal of some of the growth. The first cohorts of the baby boom generation reached adolescence during this period and problems with youth crime began to emerge throughout the nation. Moreover, the upward trend in crime during that period also occurred with regard to homicide — an offense that is likely to be reported and recorded with a great degree of accuracy.

The rate of reported aggravated assault grew at a slower, steady pace between 1967 and 1980. Thereafter, it remained level until 1984, at which time it began a rather precipitous increase prior to stabilizing in 1988 and then declining in 1991. Aggravated assaults peaked at 512 per 100,000 population in 1990, accounting for 92,105 crimes reported to police.

Figure 1. Rates of Violent Crime, Robbery and Aggravated Assault, New York State, 1967 - 1992



The volume of reports of forcible rape increased dramatically during the 1960s (Figure 2). As with robbery, some of the growth may be due to changes in police recording practices. The 1960s also marked the onset of continual effort to encourage women to report such victimizations and to provide support throughout the prosecution and recovery process. Throughout the 1980s, the level at which this crime was reported to police remained fairly stable.

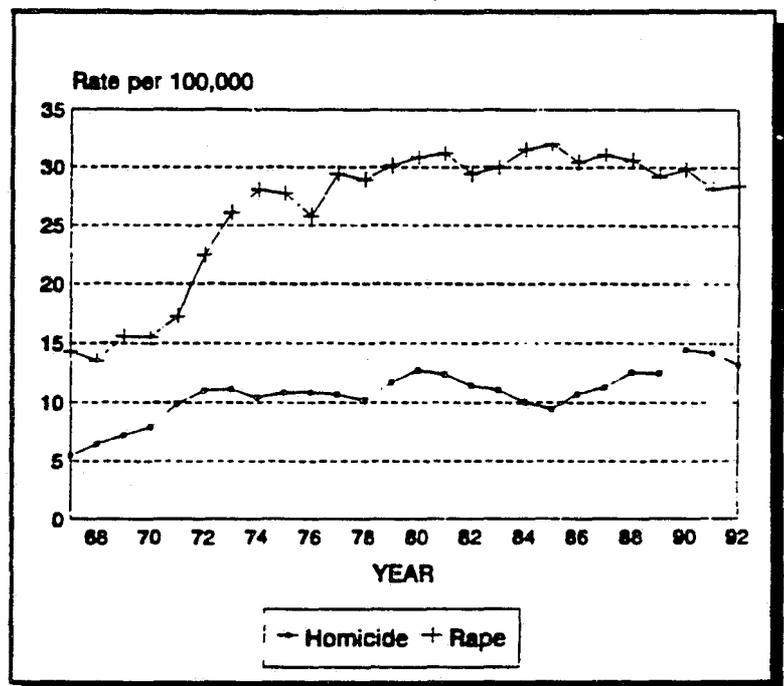
The rate of homicide doubled during the latter half of the 1960s, mirroring the trend of all violent crime. It remained relatively stable throughout the 1970s. A slight growth in the homicide rate at the beginning of the 1980s was followed by a sharper decline through 1985. Thereafter, homicide increased, peaking at 14.5 per 100,000 residents in 1990.

Compared to other industrialized nations, the level of reported violent crime is much higher in the United States. And compared to other states, New York State has traditionally ranked among the highest. As early as the mid-1960s, New York ranked the highest in the nation in rates of violent crime. In 1992, New York was second in the nation in both the number and rate of violent crime. But New York is not unique among states in terms of the rise in violent crime. The rate of violent crimes known to the police in the rest of the United States increased 235 percent since 1967 and 37 percent since 1985. By comparison, the violent crime rate in New York has grown by 178 percent since 1967 and 21 percent since 1985.

One reason for New York State's high ranking among states in the rate of violent crime is that a large portion of its population resides in cities of 250,000 or more. In 1992, 43 percent of the State's population resided in such cities. This compares with, for example, 32 percent of the population in Texas, 25 percent in Illinois, 17 percent in Ohio and Pennsylvania and 10 percent in Virginia and Florida. Nationally, cities of this size had twice the rate of violent crime than smaller municipalities.⁴

When crime rates among large cities are compared, a different picture emerges. The rate of violent crime in New York City in 1992 was lower than many other large cities, such as Chicago, Miami, Los Angeles, Washington, DC, Detroit, and Dallas.

Figure 2. Rates of Murder and Forcible Rape, New York State, 1967 - 1992



Although street crime often dominates discussions of violent crime, it clearly is not the only type of violence jeopardizing the health and safety of the public. Domestic violence is equally as serious and damaging to society. Moreover, children who experience domestic violence are at higher risk of maturing into violent adults. Often a hidden offense, domestic violence presents unique challenges to law enforcement due to the difficulty of identifying victims and responding in a manner that will ensure their long-term safety and welfare.

Figure 3 shows the trend in the number of domestic violence reports to police in New York State, including New York City and Upstate counties.⁵ Statewide, the number of reports grew steadily throughout the 1980s, especially during the latter half of the decade, and peaked at more than 93,000 in 1989 before levelling off. In Upstate counties, a similar rising trend lagged two years behind that for New York City. Most domestic violence situations involved a husband against a wife and non-sexual or assaultive offenses.

Another measure of domestic violence is the number of alleged child abuse and maltreatment reports registered by the State Central Register, a 24-hour hotline administered by the Department of Social Services. Figure 4 shows that after the inception of the Central Register in 1974, the level of reports of child abuse and maltreatment rose steadily through 1989. After a decline of less than one percent in 1990, the Register increased another 5 percent over the next two years, totaling almost 137,000 reports in 1992 and involving more than one-quarter of a million children.

Figure 3. Domestic Violence Reports, by Region, New York State, 1981 - 1992

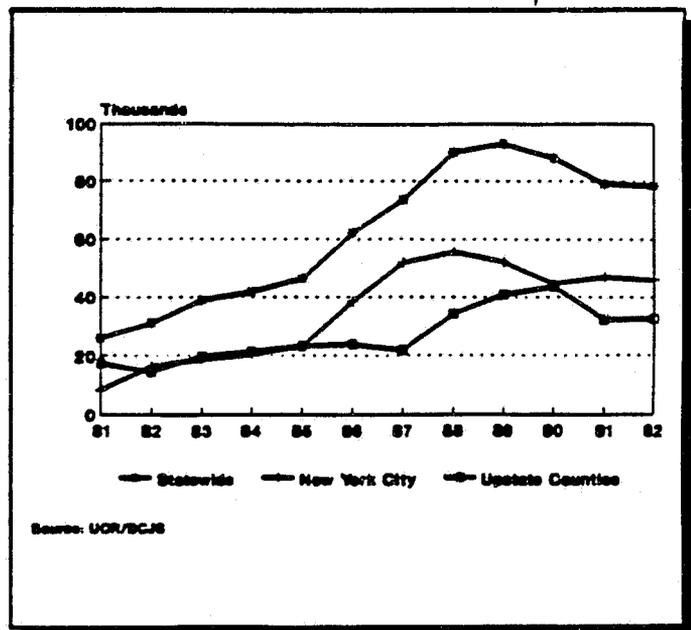
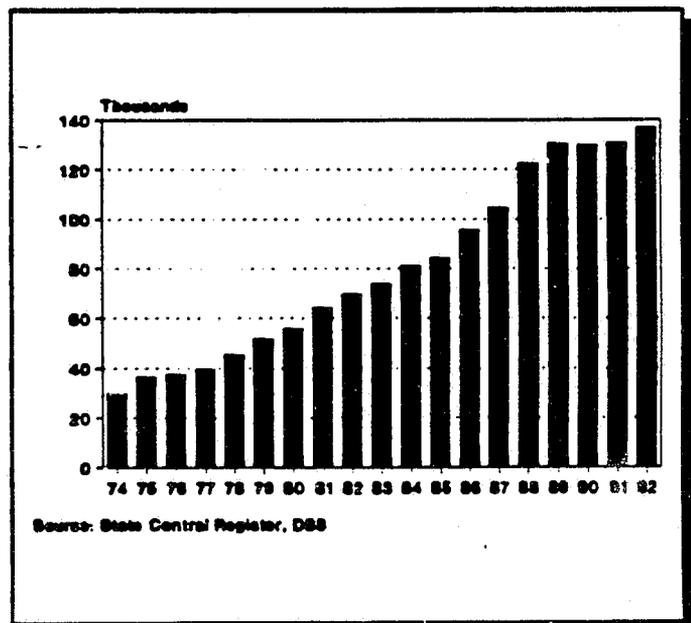


Figure 4. Abuse and Maltreatment Reports Registered, New York State, 1974 - 1992



The Location of the Problem

Violent street crime is largely an urban phenomenon in New York State. Of all violent crimes reported in the State in recent years, typically 90 percent takes place in the nine largest urban areas. In 1992, almost four of every five violent crimes reported by police in the State were reported in New York City, where only 41 percent of the State population resides (see Figure 5).

Statewide, violent crime declined from 1990 to 1992. But that decline reflects a change primarily in New York City. For the remainder of the State as a whole, violent crime continued to increase annually (see Figure 6). This variation is even more striking when we look at the year-to-year percent change for the different regions of the State.

Figure 5. Regional Distribution of Violent Crimes, New York State, 1992

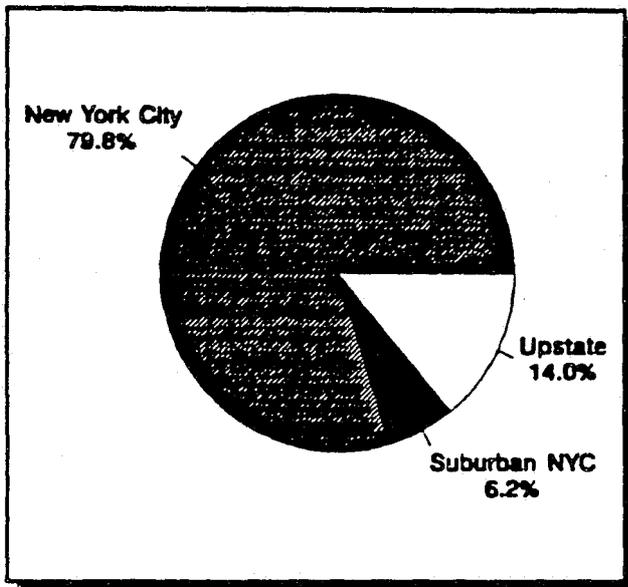
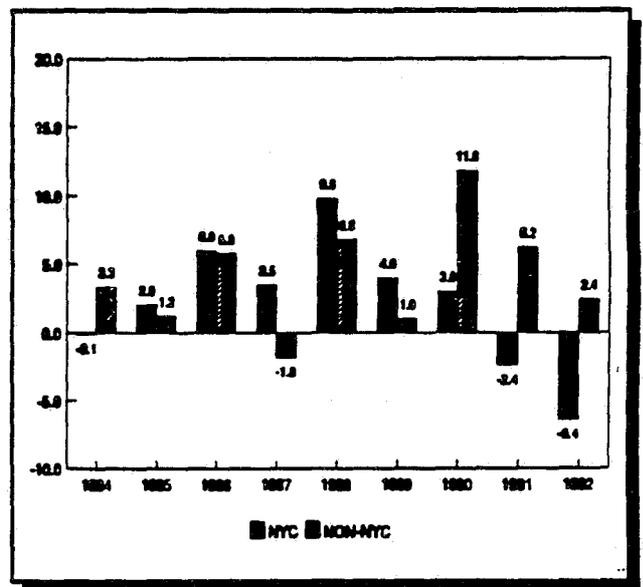


Figure 6. Annual Percent Change in Violent Crimes for New York City and the Rest of the State, 1992



The level of lethal violence, in particular, did not peak in the same year across all jurisdictions in the State. The highest number of homicides in New York City (2,245) occurred in 1990, but in 1991 for the City of Albany and Nassau County, and in 1993 for Rochester, Buffalo, and Syracuse. Among smaller cities, Utica and Poughkeepsie peaked in 1993, a year after Niagara Falls and New Rochelle. And in both of those cases the peak number of homicides matched the level occurring in at least two earlier years. Mount Vernon, Schenectady, White Plains, and Binghamton peaked in 1990, with Binghamton matching its 1988 level. Yonkers had its greatest number of homicides in 1985 and Newburgh in 1988.

The proportion of the State's violent crime occurring in New York City slightly declined between 1988 and 1992, but was replenished by growth in other areas of the State (see Table 1). Over the same period that violent crime declined by two percent in New York City, it rose by 40 percent in the Western region (Erie and surrounding counties) and by 35 percent in the Southern Tier region (Broome and surrounding counties) of the State.

Table 1. Violent Crimes Reported to Police and Percent of State Total, by Region, 1988 - 1992

Region	1988	1989	1990	1991	1992	%change 1988-92
New York City	163,067	169,616	174,689	170,486	159,655	-2.1%
Other Major Urban Areas*	15,229	15,091	17,081	18,344	18,863	23.9%
Rest of State	17,763	18,237	20,185	21,234	21,647	21.9%
State Total	196,059	202,944	211,955	210,064	200,165	2.1%
Percent of State Total						
New York City	83.2	83.6	82.4	81.2	79.8	-4.1%
Other Major Urban Areas*	7.8	7.4	8.1	8.7	9.4	21.3%
Rest of State	9.1	9.0	9.5	10.1	10.8	19.4%

* Includes reporting to police departments in the urban areas of Albany, Buffalo, Rochester, Syracuse and Yonkers; the town of Amherst; and the counties of Nassau and Suffolk.

In the late 1980s, violent crime spread unevenly to central cities and suburban communities (see Table 2). For example, from 1988 to 1992, the number of violent crimes in the City of Buffalo increased by almost 50 percent, but only 14 percent in the Town of Amherst, and 13 percent in other suburban communities of Erie County. In Westchester County the pattern was similar. But in Albany, Monroe and Onondaga counties, violent crime grew more rapidly in surrounding communities than it did in the central cities.

Figure 7. Percent Change in Violent Crime, by Economic Areas, New York State, 1988 to 1992

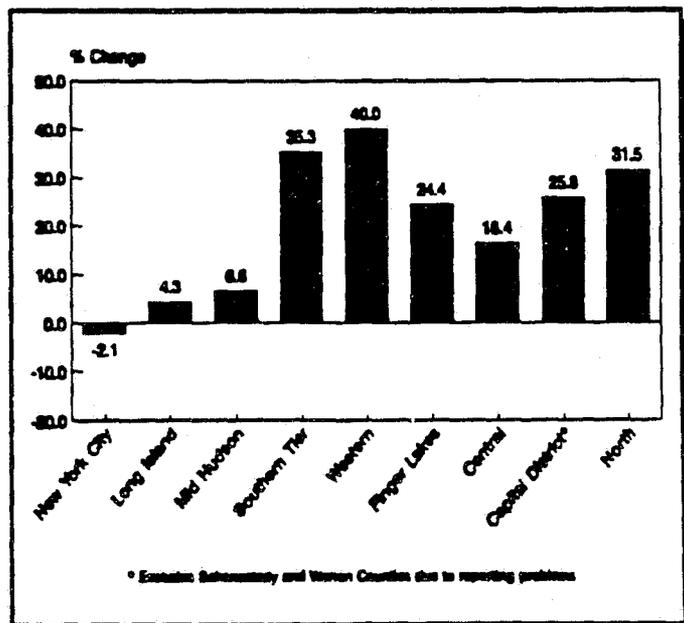
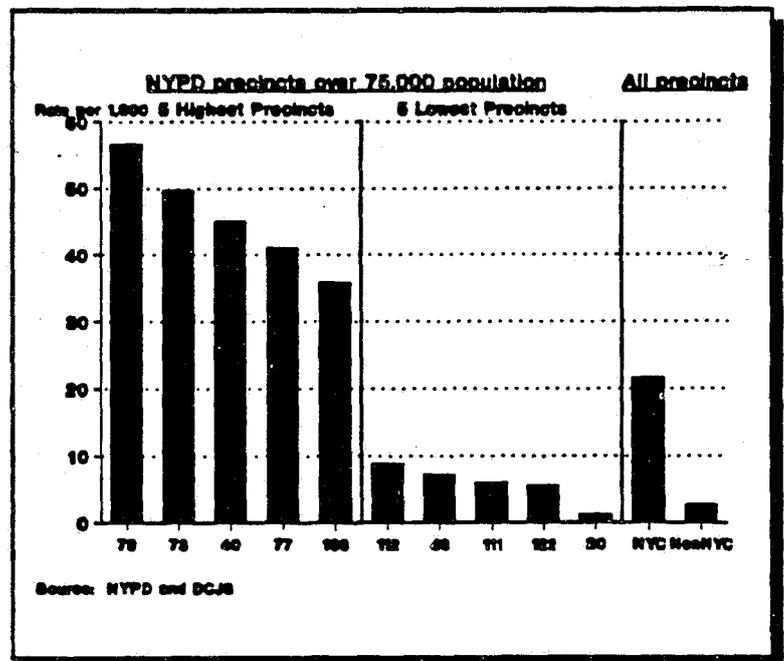


Table 2. Percent Change in Violent Crime for Selected Counties, New York State, 1988 - 1992		
County	Police Agency	% Change
ALBANY	Albany City PD	32.9
	Other Agencies	44.6
ERIE	Buffalo City PD	49.6
	Amherst Town PD	14.1
	Other Agencies	12.6
MONROE	Rochester City PD	22.4
	Other Agencies	44.4
ONONDAGA	Syracuse City PD	12.6
	Other Agencies	23.6
WESTCHESTER	Yonkers City PD	28.0
	Other Agencies	17.8

Even within a single city, the distribution and expansion of violent crime varied across neighborhoods and communities. New York City, for example, is divided into 75 police precincts. In 1990, 46 of these precincts represented communities with residential populations of more than 75,000. Figure 8 illustrates the disparity in violent crime across highly residential urban communities by contrasting the five police precincts with the highest rates of violent crime in 1992 against the five precincts that had the lowest rates. The five pre-

Figure 8. Highest and Lowest in Violent Crime Rates in New York City Police Precincts, 1992



cinets, and their respective communities, with the lowest rates of violent crimes per 1,000 population in 1992 were the 112th (Forest Hills, Queens), the 66th (Boro Park, Queens), the 111th, (Bayside, Queens), the 122nd (New Dorp, Staten Island) and the 20th (West Side,

Manhattan). That same year the five precincts, and communities, with the highest rates of crimes against persons per 1,000 population were the 79th (Bedford-Stuyvesant, Brooklyn), the 73rd (Brownsville, Brooklyn), the 40th (South Bronx, the Bronx), the 77th, (Crown Heights, Brooklyn) and the 103rd (Jamaica, Queens). In the five high-rate precincts, the average rate of crimes against persons was more than six and one-half times that of the five low-rate precincts, and nearly sixty percent higher than the rate for all of New York City. In contrast, the five low-rate precincts were more comparable to areas outside of the City in terms of their respective rates of crimes against persons.

The location of violent crime also can be viewed in terms of its visibility to the public. When violence occurs in public areas, people feel increasingly at risk of becoming the victims of violent attack. Data from the New York City Police Department show a rise in the amount of violent crime occurring in public settings. In 1980, 58 percent of violent crimes were classified as "visible" crimes, that is, taking place on a public street or at a location where the method of entry, exit, or commission could be observed from the street (see Table 3). By 1992, 68 percent of violent crimes occurred in visible locations, with each of the four violent crime categories showing increased visibility. Robbery continued to be the most visible violent crime, increasing from 61 percent in 1980 to a high of 75 percent in 1990. But murder showed the greatest increase. Nearly two out of three murders were committed in public or observable locations in 1990 and 1992, compared to about one in two in 1980 and 1985. One likely and understandable result of this trend was an increased concern for personal safety in public places.

Violent Crime	1980	1985	1988	1990	1992
Murder	48.4	47.6	61.1	68.6	63.9
Rape	22.0	24.9	31.8	31.9	32.8
Robbery	60.8	65.4	71.7	74.8	72.9
Agg. Assault	56.5	55.9	58.9	64.5	62.9
Violent, Total	58.4	60.5	65.1	69.9	68.1

* A crime is visible if it takes place on a public street or thoroughfare, or at a location where the method of entry, exit, or commission could be observed by a policeman on patrol.

Correlates of the Problem

Alcohol and Drug Involvement

Violent behavior and substance abuse are closely related. Alcohol is the substance that is most often associated with violent behavior. Research has found its use linked to more than half of all violent crimes.⁶ In New York City and Buffalo, over 40 percent of homicide victims had alcohol in their systems at the time of their deaths.⁷

Studies have shown that offenders use illicit drugs and alcohol far more than the general population. In Manhattan, over 75 percent of sampled felony arrestees in 1992 tested positive for one or more illicit drugs.⁸ Surveys of jail and prison inmates indicate that they use alcohol and other drugs far more often than the general population, averaging eight drinks per day during the year preceding their incarceration.⁹

Drug and alcohol abuse is also prevalent within families served by New York's child welfare system. Over 60 percent of children in foster care and 45 percent of children in preventive services indicate parental substance abuse.

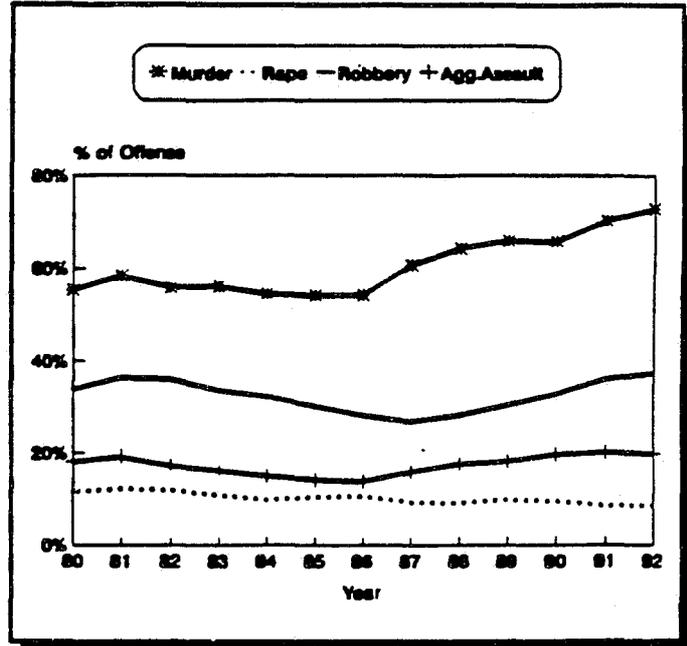
The link between alcohol use and violent crime is mediated by individual characteristics. Alcohol is frequently used by offenders prior to the commission of non-violent crimes, as well as violent crimes.¹⁰ Its use may be undertaken to disinhibit fear and may simultaneously strengthen a predisposition toward anti-social behavior. Studies indicate that histories of aggressive and violent behavior are critical determinants of whether or not alcohol increases those behaviors.¹¹

Illicit drug markets are also strongly associated with violent behavior. Disputes over drug markets profits and product quality have been responsible for a large portion of homicides in recent years.¹² And, drug addiction may prompt some offenders to engage in robbery. Robbery is common among heroin users and heroin users are prevalent among robbers.¹³

Guns

Throughout the first half of the 1980s, between 55 and 60 percent of all murders involved firearms (see Figure 9). Since 1987, however, the percentage of gun-related homicides has climbed steadily each year. By 1992, guns were involved in three out of every four murders. Firearms were involved in slightly less than forty percent of robberies each year between 1980 and 1992, and about twenty percent of the aggravated assaults. After declining slightly during the first half of the decade, the gun-related percentage in both these crime categories increased through 1991 and remained fairly stable in 1992. The involvement of firearms in rape declined slightly throughout the entire 12-year period.

Figure 9. Violent Crimes Committed with Firearms, by Type of Crime, New York State, 1980 - 1992



Trends in the use of firearms in violent crime were similar for New York City and the rest of the State. However, the two areas differed in the overall level of firearms use. In New York City in 1992, for instance, firearms were reportedly involved in 72 percent of murders, 37 percent of robberies, 20 percent of aggravated assaults, and 9 percent of rapes. In suburban and upstate New York, firearms were reported to be present in 49 percent of murders, 29 percent of robberies, 8 percent of aggravated assaults, and 4 percent of rapes.

Recidivism

Probationers and parolees are at risk of committing new crimes, but their recidivism comprises only a small portion of violent crime. The seventy thousand offenders under community supervision in New York State in 1991 and 1992 accounted for only about one in seven felony arrests for violent offenses during those years. To be effective, a strategy that aspires to reduce and prevent violent crime must also direct its resources toward reducing violence among a broad array of individuals, the vast majority of whom are not under correctional supervision.

Offender-Victim Relationships

While people are more fearful of being victimized by a stranger than someone known to them, that risk varies for different types of crimes. Strangers do commit most robberies, but physical attacks are more likely to involve relatives or acquaintances. For example, non-strangers carry out almost one-half of all assaults and an even greater proportion of murders. Official homicide statistics show that in New York State in 1992, only 25 percent of victims were strangers to their killers among cases in which the victim-perpetrator relationship was known. One recent study found that among a sample of homicide victims in New York City, only 13 percent were killed by strangers.¹⁴

Statewide statistics on the victim-perpetrator relationship are not available for other violent crimes. However, in the United States, the proportion of robberies and assaults involving assailants unknown to the victim has remained fairly constant since 1981. On average, 55.4 percent of assault victimizations involved stranger assailants for this period, ranging from a low of 50.9 percent in 1984 to a high of 61.7 percent in 1981. Since 1981 nearly four in every five robbery victimizations on average involved perpetrators unknown to their victims, ranging from a low of 74.7 in 1984 to a high of 84.7 in 1981.

Year	Robbery	Assault
1992	80.9	55.6
1991	83.7	53.7
1990	81.9	56.5
1989	80.3	55.0
1988	79.3	54.9
1987	79.9	51.7
1986	76.4	54.1
1985	77.9	57.5
1984	74.7	50.9
1983	78.3	54.5
1982	81.7	58.7
1981	84.7	61.7

Source: National Crime Victimization Survey

Gender, Age and Race

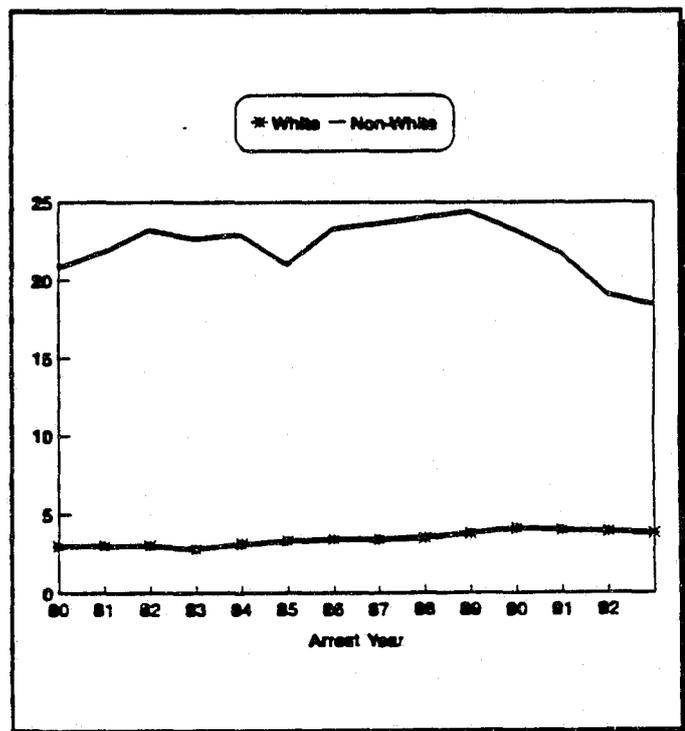
Many factors can alter the level of violent crime in society. Fluctuations in the overall violent crime rate usually correspond to changes in actual behavior. However, the overall rate for the population can also shift over time in response to changes in the relative size or make up of certain crime-prone subgroups. One means of exploring whether this factor accounts for the growth in New York State's overall violent crime rate is to examine the rates at which particular population subgroups are arrested for violent offenses. Arrest data are used since violent crime reports often lack reliable information about the demographic characteristics of offenders. Arrest rates which increase more for one subgroup than for another are more likely due to changes in actual behavior, indicating that subgroup's responsibility for a disproportionate share of change in the overall level of crime.

Arrest rates for violent offenses are often highest among males, non-whites and young people. The relationship between race and rates of violent arrest, though, is particularly complex. While non-whites have a higher rate of arrest for violent crime, they more often live in neighborhoods and communities distressed by poverty and other social problems.

Figure 10 shows violent arrest rates for non-white and white males in New York State between 1980 and 1993. The most striking feature of this trend is the considerable gap in arrest rates across the two racial groupings. Non-white males are approximately five times more likely to be arrested for violent felony offenses than white males.¹⁵

Although some of this disparity may be due to discriminatory arrest practices, it is unlikely that most of it is. Among robberies, for instance, national victimization data reveal that the percentage of victim reports involving non-whites offenders is equivalent to the percentage of arrests involving non-white suspects reported in the UCR. Even though a substantial difference

Figure 10. Violent Arrest Rate Per 1,000 Adult Males, by Race, New York State, 1980 - 1993



exists across these data sources regarding the non-white percentage involved in aggravated assaults, victim reports still indicate that the involvement of non-whites is clearly disproportionate to this group's representation in the general population.

Among victims of violent crime, non-whites are also disproportionately represented. Nationally, non-whites are almost three times more likely than whites to be victims of robbery and more than twice as likely to be victims of aggravated assault.

Arrest rates for violent offenses also vary by age. Figure 11 shows the felony arrest rate on violent offenses since 1980 for non-white males across six age groups. Figure 12 displays a similar trend for white males that has been rescaled to show changes in more detail. In New York State, the violent arrest rates are highest among 16-19 year-old males and decrease significantly with age. In 1992, 2.7 percent of all 16-19 year-old males were arrested for violent offenses, compared to only half that many 24-29 year-olds. Youth between the ages of 13 and 19 comprised 18 percent of the population between the ages of 13 and 40. However, they accounted for 30 percent of the violent arrests for that age group.

The relationship between age and violent arrest rates has become more pronounced over

Figure 11. Violent Arrest Rate Per 1,000 Non-White Adult Males, by Age Group, New York State, 1980-1993

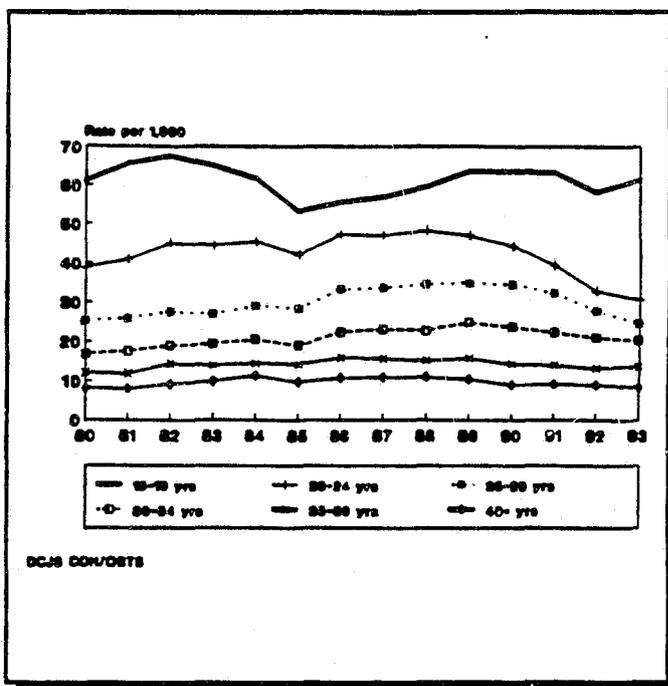
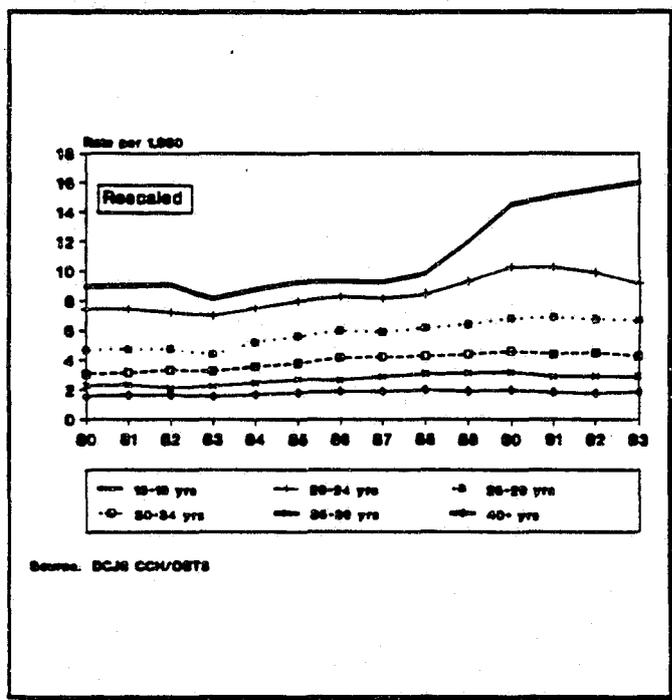


Figure 12. Violent Arrest Rate Per 1,000 White Adult Males, by Age Group, New York State, 1980-1993



time. The gap in age-specific arrest rates has widened between 16-19 year-old males and 20-24 year-olds. This is particularly true for white males and results from the post-1988 growth in the rate of arrest for violent offenses among white males ages 16-19 years.

Arrest rates remained stable or increased slightly for most age-race subgroups of males during the first half of the 1980s. However, the rate for 16-19 year-old non-white males showed greater variation, first increasing and then dropping well below the 1980 level.

Between 1986 and 1990, the violent arrest rate among most of these subgroups increased gradually. But, as noted above, the violent arrest rate for white males 16-19 years-old, rose sharply after 1988. Moreover, as the rates of arrest for most subgroups began to decline after 1990, the rate for young, white males continued to climb. Although not shown here, the arrest rate for males aged 13-15 grew by approximately 40 percent during this time period. No racial breakdown is available for this age group.

The most evident conclusion from this analysis is that much more should be done to prevent crime and victimization among non-white males in New York State, particularly those under the age of 30. And we need to identify and address factors underlying the disproportionate growth in violent arrests among young white males since the late 1980s. In all likelihood, these trends are not unconnected, but an outgrowth of many interrelated social problems such as poverty, unemployment, drug involvement and the breakdown of the family.

The need to address the problems underlying criminal behavior is made even more urgent due to the anticipated shifts in New York's population for the future. Population projections for New York State estimate that the number of young non-white males ages 15-19 will grow by 50 percent between 1993 and 2009, when this age-group is expected to peak. These youngsters, all of whom have already been born, need not become the criminal justice statistics of the next century. However, they are more likely to turn to crime and violence if they are unable to gain access to conditions and opportunities that will allow them to lead productive lives. Our effort to deal with violence must include programs and policies that will strengthen families, schools and community institutions, and provide educational and employment opportunities.

The Search for Solutions

The gross volume of senseless violence is frightening to New Yorkers, as it is to people all over the nation. It has caused people to alter their lifestyles, to avoid contact with strangers, and to become isolated in their homes and immediate surroundings. Violence has long been a very serious problem in New York State.

The first step to resolving the problem of violence is to pronounce an intolerance to violence wherever it occurs. Many urban neighborhoods were plagued by violence long before it became a central concern of the media and the public, at large. Violence reduction must become, and remain, a top priority in New York State until people in every community are relatively safe in their homes and neighborhoods.

The preceding pages provide a clear context for a State anti-violence agenda. Street violence is fundamentally an urban problem often involving youth. It is compounded by and spread in tandem with illicit drug markets. And, it is made more lethal through increased use of firearms. Each of these problems must be addressed through a comprehensive anti-violence agenda involving law enforcement, prevention and intervention initiatives. The agenda is reflected in the Governor's 1994 budgetary and legislative proposals.

No anti-violence agenda is complete, however, without consideration of domestic violence. For peace to prevail in the streets, justice must abide in the home.

ENDNOTES

1. Throughout this section, violent crime is defined as homicide, robbery, forcible rape and aggravated assault, in accordance with the Uniform Crime Reports (UCR) program of the Federal Bureau of Investigation, unless otherwise noted.

2. Although UCR data show an overall growth of the violent crime rate since 1967, both nationally and in New York State, some observers question the accuracy of this trend in light of national surveys which show a slight decline in the rate of violent crime victimizations since 1973. They suggest that changes in victim reporting and police recording practices may account for much of the growth in UCR reports of violent crime.

Serious questions about the reliability and validity of UCR statistics as a measure of crime led to the National Crime Victimization Survey (NCVS) program in 1973. UCR data provide counts of specified offenses against all people, businesses, organizations and government agencies derived from police records. NCVS data count only crimes against a sample of persons 12 years of age and older and their households. The discrepancy in the number and type of crimes reported by the police through UCR statistics and the self-reported statistics of NCVS have been a concern to social scientists and policy makers. The most recent writing on the subject suggests that while both contain errors and can be improved, both measure something about crime and are reasonable estimates of crime.

The absence of state-level victimization data diminishes our ability to assess the adequacy of UCR crime statistics for New York State. Some insight is available, however, through a review of homicide trends. Many experts believe that data on homicides, as reported through the UCR program and the National Center for Health Statistics, provide the most accurate indicators of the prevalence of violent crime. In New York State, the pattern of growth in homicides since 1967 parallels the overall growth in violent crime.

3. A variety of factors likely influenced the growth in reported violent crime during the 1960s. The growth was dominated by a substantial increase in reports of robbery. Over 90 percent of the robberies reported statewide occurred in New York City. Newspaper accounts indicate that the growth in reports of robbery was partially an artifact of a change in NYPD policy in March of 1966 intended to ensure factual recording of crime statistics. Administratively, the police department centralized the recording of crime and required precincts to report on a daily basis. At that time, police were instructed to record all complaints of robbery and avoid downgrading any of the reports to misdemeanors. Thus, for the first time, police began to record minor robberies as felonies. And, police call boxes were installed on the street for use in emergencies.

The most dramatic increase in reported robberies occurred between 1965 and 1966. Data prior to 1967 were excluded from this report due their unreliability.

Police officials in the City, however, speculated that the 1966 policy change continued to influence the growth in reports of robbery as late as 1969.

Other factors may have influenced the growth in reports of robbery during the latter half of the 1960s. Police commanders of that time period suggested that improved relations with the public and increased presence of officers on the street contributed to an increased willingness of victims to report crime. Public anger over crime was another factor thought to have prompted greater reporting by victims.

4. Research has also substantiated other structural factors that predict high violent crime rates, such as poverty, economic inequality, a Southern location, high population density, a large transient or commuter population, social disorganization caused by population mobility, transitional neighborhoods, high firearms ownership, and the intensity of law enforcement efforts.
5. Domestic violence reports to the Uniform Crime Reporting program include aggravated and simple assaults, sex offenses and other offenses, as well as violations of Protection Orders.
6. Greenberg, D.A. (1981). "Methodological Issues in Survey Research on the Inhibition of Crime," *Journal of Criminal Law and Criminology*, 72: 10984-1108.
7. Haberman, P. and M. Baden (1978). *Alcohol, Other Drugs and Violent Death*, New York: Oxford University Press; Wieczorek, W.F., J.W. Welte, and E.L. Abel (1989). "Homicide: Drinking by the Victim," *Journal of Studies on Alcohol*, 18: 217-227.
8. National Institute of Justice, (1992). *Drug Use Forecasting: 1992 Annual Report*, Washington, D.C.: National Institute of Justice.
9. Welte, J.W. and B.A. Miller (1987). "Alcohol Use by Violent and Property Offenders," *Drug and Alcohol Dependence* 19: 313-324.
10. Greenberg, D.F. (1981), supra note 10.
11. See, for example, Rydelius, P.A. (1988). "The Development of Antisocial Behavior and Sudden Violent Death," *Acta Psychiatria Scandanavia*, 77: 398-403; Blanchard, R.J., J.W. Schaeffer, and D.N. Nurco (1987). "Ethanol Effects on Aggression of Rats Selected for Different Levels of Aggressiveness," *Pharmacology Biochemistry and Behavior*, 27: 641-644.
12. Goldstein, P.J., H.H. Brownstein, P.J. Ryan and P.A. Bellucci (1989). "Crack and Homicide in New York City, 1988: A Conceptually Based Event Analysis," *Contemporary Drug Problems* 16: 651-687.
13. Chaiken, J. and M. Chaiken, (1990). "Drugs and Predatory Crime, in M. Tonry and J.Q. Wilson, eds., *Drugs and Crime (Crime and Justice: A Review of the Literature, Vol. 13)*, Chicago: University of Chicago.
14. *ibid.*

15. It was not possible to analyze the arrest rates for the Hispanic or Latino population separately; however, other studies indicate they have an arrest rate between that of blacks and whites.

Part 2

Law Enforcement

- ▶ Chapter 1: Gun-Related Violence
- ▶ Chapter 2: Penalties for Violent Offenses
- ▶ Chapter 3: Identification and Prosecution of Violent Offenders
- ▶ Chapter 4: Juvenile Violence and Violence in the Schools

LAW ENFORCEMENT

Law enforcement plays a pivotal role in controlling crime in New York State. Although local agencies and officials must shoulder most of the responsibility in responding to crime, the State directly contributes to enforcement of the law through the services of the State Police, the Unified Court System, the Department of Correctional Services, the Division of Parole, and the Division for Youth. The State also promotes the effectiveness of the criminal justice system through the Division of Probation and Correctional Alternatives, the Commission of Correction and through means such as funding local initiatives; legislation, policy and program development; training and automation; and coordination of multi-jurisdictional policing efforts.

The backbone of the State's law enforcement program is the Division of State Police. The uniformed force, comprised of over 4,000 officers, provides a broad range of policing services including patrols in rural areas of the State, highway safety enforcement and statewide drug interdiction.

After an arrest is made, the case is processed through the court system. New York State operates one of the largest and most complex court systems in the nation. The Unified Court System consists of approximately 1,100 State paid judges, 2,500 town and village judges and 13,450 support personnel. The cost of operating the system, exclusive of town and village courts, is borne by the State. Since 1986, the State has added 57 new judgeships to enable the judiciary to reduce case processing time and provide swifter justice. The Office of Court Administration has facilitated the renovation of court facilities and streamlined case management through implementation of the Individual Assignment System and Alternative Dispute Resolution programs.

After conviction, many felony offenders, and most violent felony offenders, are sentenced to State prison. During the 1980s, the State more than doubled its prison capacity. Currently, over 64,000 offenders are under the custody of the Department of Correctional Services (DOCS). To accommodate the great influx of drug offenders into the penal system, the State developed the largest comprehensive prison drug treatment program in the nation. The *Comprehensive Alcohol and Substance Abuse Treatment* program, described in detail in the "intervention" section of this report, provides drug treatment for offenders both inside prison and on parole.

DOCS has undertaken many other initiatives to accommodate increased commitments and to streamline its management. Its Shock Incarceration program has served as a model for the entire nation. And, its Hub management system - another first for the nation - allows prisons to share special services such as infirmaries, reception and release facilities.

State prison inmates are released to the supervision of the Division of Parole after serving their terms of incarceration. An inmate may be denied parole if he presents a risk to the community or has a history of institutional misconduct. Among the recent achievements of Parole are the development of an extensive relapse prevention program for drug offenders and establishment of differential supervision.

The State supervises court-placed juveniles and supports prevention services for youth in the community through its Division for Youth (DFY). The Division's direct service system includes residential and non-residential programs operated by DFY or voluntary agencies. Recent years have witnessed a dramatic increase in the number of DFY admissions. To accommodate the growth, DFY has expanded capacity and developed innovative placement options in the community and in short-term residential care.

In addition to providing direct services, the State also strengthens criminal justice through its support of local law enforcement. In 1991, the Governor signed legislation providing a structure and revenue source to increase public safety in New York City. The Safe Streets, Safe City legislation enabled the City to hire more police officers, support other criminal justice initiatives and provide more services to youth.

Revenues for local law enforcement also have increased due to the 1990 amendments of the State assets forfeiture law. The amendments authorized the forfeiture of real property, the uses of which contributed directly and materially to the commission of a specified felony offense. Over \$21 million in funds were generated through State assets forfeiture in 1993. Over \$11 million of these funds were directly returned to the law enforcement community.

Legislation is frequently used to redress inadequacies in the criminal justice system. The Division of Criminal Justice Services (DCJS) and other agencies in the Governor's criminal justice sub-cabinet continually monitor the system, identify gaps in legislation, programs and policies and recommend reform. This process culminates each year with the Governor's Annual Law Enforcement Forum and the development of new legislative and budgetary proposals.

Training and accreditation of local police departments represents another means by which the State enhances law enforcement. Much of the training for law enforcement in New York State is provided by the Bureau for Municipal Police within the Division of Criminal Justice Services. The Bureau's training unit serves as staff to the Municipal Police Training Council, which is legislatively mandated to oversee police training in New York State. The unit establishes standards for training, develops training curricula, trains police officers, facilitates

training by others, and evaluates and approves training provided by local departments.

The Governor created the New York State Law Enforcement Accreditation Program in 1989 to ensure that the State's local police and sheriff departments are administered fairly and professionally, and are meeting the needs of the communities they serve. The Accreditation program, which is the first of its kind in the nation, ensures fair recruitment, selection and promotional practices. It also enhances management and operations and diminishes the vulnerability of police departments to civil law suits.

Local law enforcement is further strengthened by State-provided technologies and computer-based services. The Statewide Automated Fingerprint Identification System, operated by DCJS, has vastly improved the ability of law enforcement to identify fingerprints lifted from the scenes of unsolved crimes. And, DCJS has standardized data collection within criminal justice agencies throughout the State, automated criminal justice functions at the State and local level, and created a cost-effective inter-governmental criminal justice telecommunications network (CRIMNET).

In some instances, criminal enterprises expand beyond a single jurisdiction and require the unified response of many law enforcement agencies. The State facilitates the integration of police services through administrative support for and the participation of the State Police in Regional Drug Enforcement Task Forces. The task forces, comprised of State, federal and local law enforcement officers, target organized drug dealers for arrest and prosecution.

Finally, the State routinely provides resources to local criminal justice agencies through local aid. It also manages the distribution of federal funds for local criminal justice programs and funds special projects sought by local governments.

Each of these services supports the arrest, prosecution and incarceration of both non-violent and violent offenders. The following four chapters review current and planned efforts by the State which are specifically targeted at violent crime. Chapter one discusses firearm-related crime and State initiatives designed to address this problem. Chapter two presents proposals to redirect State correctional resources to increase the punishment of violent offenders and develop graduated sanctions in the community for non-violent criminals. Chapter three outlines State initiatives to enhance the investigation and prosecution of violent crime, while chapter four describes the State's response to violence among juveniles and within the schools. Together, these chapters present a comprehensive overview of the State's current and future roles in the control of violent crime through law enforcement.

CHAPTER 1: GUN-RELATED VIOLENCE

Firearms greatly contribute to the harm resulting from violent crime. The effective control of firearms requires federal action. In absence of federal action, the State must do what it can to reduce the misuse of firearms within its boundaries.

Violent crime often involves the use of firearms. Firearms, almost always handguns, were present in over 63,000 violent crimes -- 29 percent of all violent crimes -- reported to the police in New York State, in 1992. Of those, 1,741 resulted in homicide. Nationally, handguns were used in an estimated 917,500 non-fatal victimizations in 1992, almost 50 percent more than the average for the previous five years.¹ The handgun victims were disproportionately young, non-white males.²

The portion of all homicides that involve firearms remained stable throughout the first half of the 1980s and climbed dramatically, thereafter. Between 1986 and 1992, that portion grew from 54 to 73 percent. The actual number of homicides also increased during the latter half of the 1980s. Together, these two increases resulted in almost 100 percent growth in firearm-related homicides in New York State.

The danger of firearms is compounded by the heavy involvement of youth in firearm-related crime. Arrest rates for dangerous weapons offenses among youths 13-18 years old increased 170 percent between 1978 and 1992.

The use of firearms in crime is at least partially dependent on the sheer volume of firearms possessed by the citizenry. As the number of firearms increases, so too does the risk that they will be stolen or otherwise obtained to perpetrate crime. More New York State residents are licensed to carry handguns than ever before. In 1992 alone, 26,000 handgun licenses were issued throughout the State. Each licensee can potentially purchase an unlimited number of handguns.

Offenses committed with firearms are significantly more likely to result in death than are offenses committed with other weapons.³ The difference appears to be at least partially due to the nature of the instrument. Most offenders who kill their victims report intending only to protect themselves or to scare the victims into compliance.⁴ Thus, reduction in the use of firearms in crime should decrease the lethality of criminal assaults.

The lethal nature of criminal assault is also affected by the firepower of the weapon involved. Violent offenders increasingly are using weapons with

immense firing capacity. A study conducted by DCJS indicates that assault weapons, including semi-automatic pistols which hold ten or more bullets, were used in between 16 to 25 percent of the gun-related homicides in New York City last year.

The misuse of firearms cannot not be controlled through the regulation of sales, alone. Less than one in five guns used in crimes is purchased directly from a gun dealer.⁵ The remainder are stolen, borrowed, or purchased on the unregulated gun market.⁶ In 1991, approximately 163,000 guns were reported as stolen, of which less than five percent were recovered.⁷ Nationally, 64 percent of thefts of firearms occurred during household burglaries and 32 percent occurred through larceny.⁸

The illicit gun market is characterized by small-time dealers who gain possession of the weapons through theft, illegal sales, and regulated, legal sales.⁹ Most illegal firearms traffickers in New York State obtain their weapons outside of the State and return with fewer than 20 weapons to sell. In 1993, 98 percent of the illegal guns recovered in New York City were originally purchased in other states, most notably Virginia, Florida, Georgia and North Carolina.

Gun control policy must seek to alter the misuse of firearms without unduly infringing on the right of persons to legally possess the weapons. This can be accomplished by reducing illegal access to firearms, banning the possession of assault weapons, requiring registration and safe storage of legally possessed firearms, and restricting the possession of firearms by "high-risk" groups. And, when firearms are used in crime, government needs to ensure that the offenders are severely punished. Most of these tasks are best accomplished by the federal government.

State Initiatives for 1994 and Beyond

Implement the Strategy for Action Against Gun-Related Violence

In June 1992, the Governor released a *Strategy for Action Against Gun-Related Violence* to help protect New Yorkers from the rising tide of gun violence. This multi-faceted plan proposed, (1) inter-state agreements to reduce the flow of illegal weapons to New York; (2) strengthened enforcement and enhanced penalties for weapons offenses; (3) improved regulation and tracking of gun transactions; (4) firearm safety measures; and (5) prevention, education and public health strategies to address underlying factors associated with gun violence.

Several agencies are involved in implementing the plan. They include the New York State Division of Criminal Justice Services (DCJS), Division of State Police, Department of Education, Department of Social Services, Department of Health and the Martin Luther King, Jr. Commission and Institute for Nonviolence.

Since the release of the plan, the following efforts have been made toward implementing the law enforcement initiatives:

- Cooperative multi-state agreements were established by New York with Virginia and Florida – major source states for firearms illegally trafficked to New York. Designated State Police firearms tracing units have been created in New York and Virginia to share intelligence information, participate in joint investigations and interdict illegal gun shipments. Similar agreements are under discussion with Texas, Georgia, Ohio and other sources states.
- New York State has entered into a compact with 13 other states, the District of Columbia and the Bureau of Alcohol, Tobacco and Firearms (ATF) to stop the illicit interstate transport of firearms. Participating states have joined with AFT and the Bureau of Justice Assistance (BJA) to coordinate financial and technical assistance that will be provided to compact member states. Discretionary grant monies will be made available by BJA in 1994 to support these efforts.
- State Police Community Narcotics Enforcement Teams (CNET) have engaged in undercover activities to buy illegal firearms and develop cases against firearms offenders.
- DCJS has developed a systematic effort to inform police, district attorneys and criminal court judges if a person under arrest is a known firearms violator, in order to enhance investigation and prosecution.
- DCJS has sponsored presentations addressing the success of gun amnesty buy-back programs in its Executive Development Program for police chiefs and sheriffs throughout the State.
- A statewide gun tip hot-line was created.
- A new felony crime was created to enhance punishment for the illegal sale of a handgun to a minor.

Intervene in Illegal Gun Sales Through the *Gun Retrieval and Interdiction Program*

Illegal firearms trafficking in New York State is a lucrative business. To deter the spread of gun trafficking and punish those involved in the criminal enterprise, the Governor has proposed the establishment of the *Gun Retrieval and Interdiction Program (G.R.I.P.)*. Under this program, district attorneys in New York City, Monroe County and Erie County and other areas of the State would receive funds to develop strike force teams focused solely on capturing, prosecuting and convicting firearms traffickers.

The teams of prosecutors and investigators would identify and prosecute gun traffickers, share intelligence with State and federal law enforcement, and coordinate with federal law enforcement to ensure that the most severe penalties in federal and State law are utilized. Assistant district attorneys would be cross-designated as federal prosecutors, thereby subjecting more firearms offenders to the harsher federal sentencing laws. Specialized training would be provided to patrol officers to improve their identification of concealed weapons and apprehension of weapons violators. And, the jurisdiction of the New York City Special Narcotics Prosecutor would be widened to promote the efficient prosecution of *GRIP* cases across borough boundaries.

Restrict Possession of Assault Weapons

Large-capacity, semiautomatic long guns and handguns possessed by criminals continue to threaten law enforcement officers and innocent bystanders. Assault weapons are often carried by drug traffickers and violent criminals because of their superior firepower. Standard law enforcement equipment leaves police officers at a severe disadvantage, and bullet-proof vests often provide inadequate protection. While all firearms are potentially lethal, the availability of sophisticated, semi-automatic weapons makes violent encounters much more deadly.

Firearms with extreme ammunition capacity or military characteristics have no legitimate sporting purpose. These weapons are designed to kill the greatest number of people in the shortest time. In addition to their prevalent use in crimes, each incident can result in multiple deaths and injuries.

Legislation proposed by Governor Cuomo and passed by the New York State Assembly (Assembly Bill 40001) on January 17, 1994 defines an assault weapon as any centerfire, semiautomatic rifle, shotgun or pistol capable of having loaded in its magazine and chamber more than six cartridges for a long gun (rifle or shotgun) or ten cartridges for a pistol. Specifically listed military-style weapons and their copies are also included in the bill as assault weapons (e.g., UZIs, Tec-9s, MAC-10s, AK-47s), as well as those with military characteristics of a flash suppressor, grenade launcher, night sight, barrel jacket or multi-burst trigger activator.

The New York State Division of Criminal Justice Services (DCJS) conducted a study of shooting homicides in New York City during 1993 for which at least one firearm was recovered. The study found that assault weapons, as defined by the Governor's legislation, were involved in 16 percent of the homicides where discharged firearms were recovered, and 25 percent of the homicides where a recovered firearm was positively linked with ballistic evidence from the crime. This indicates a significant involvement of assault weapons in homicides.

The passage of a federal assault weapon ban (H.R. 4296) by Congress will be a major accomplishment, but it will not reduce the need for enactment of a State law restricting assault weapons.

Most arrests for illegal assault weapons will be made by local and state police. Yet, state courts do not have jurisdiction to prosecute federal criminal offenses. As a result, the State would have to rely upon federal law enforcement officials, prosecutors and judges to enforce the federal ban.

Moreover, the existence of only the federal ban would unnecessarily complicate prosecutions. Since State courts do not have jurisdiction to prosecute federal criminal offenses, law enforcement officials, in many instances, would not have to bring separate proceedings against a single defendant. In some instances, where a State crime, such as robbery, is committed with an assault weapon, police would have to prosecute one crime -- the robbery -- in State court and the other -- assault weapon possession -- in federal court. This is both unnecessary and wasteful.

Contrary to the Governor's proposal, the federal legislation contains a grandfather clause allowing public possession of assault weapons lawfully acquired before the bill's enactment date. As a result, the federal bill will permit untold numbers of assault weapons to remain with the public, and this amount is reported to be growing as sales boom prior to enactment.

Improve Handgun Registration Information

Handgun license records must be current and accurate in order to effectively determine whether a person is legally licensed to possess a handgun. To improve the accuracy and completeness of State Police firearms records, legislation has been submitted to require statewide recertification of handgun and dealers' licenses at least every five years. In the course of the recertification, a criminal background check would be performed. Currently, it is not known whether an individual who was issued a handgun license still resides in the State. Implementation of statewide license recertification would also exempt New York State from the waiting period requirement of the Brady Law.¹⁰

A proposed State surcharge on handgun licenses, amendments, renewals and recertification would be used to convert the State Police's manual filing system for handgun license documentation into a computerized central data base. This automation would allow law enforcement officers to determine quickly whether a criminal suspect has a handgun license, and how many handguns are listed on the license.

To further enhance the identification of handgun licensees, credit card-style photo handgun licenses would be authorized, and card readers installed at gun shops so that dealers can rapidly confirm the validity of licenses.

Restrict Gun Possession by High-Risk Groups

Convicted felons comprise the most obvious group at risk of misusing firearms. When a suspect is arrested for any offense in New York State, a manual check is undertaken to determine whether he or she is the legal owner of a handgun. If ownership is established, the licensing authority is contacted and may revoke the individual's license.

New York State also prohibits convicted felons from obtaining a license to possess a firearm. However, a felon can regain that right by obtaining a Certificate of Relief from Disabilities (for one felony conviction) or a Certificate of Good Conduct (for the conviction of two or more felonies). This year, the Governor has proposed legislation which would disqualify felons from legally possessing handguns, even if their rights have otherwise been restored. Given the danger of handgun misuse and a proven history of criminal conduct among offenders, the restoration of an offender's rights should exclude the right to possess a handgun.

Young people also represent a group at higher risk of misusing firearms. Therefore, Governor Cuomo has proposed raising the minimum legal age for

possessing a handgun in New York from 16 to 18 years old. Currently, licensing officers within each county may require that handgun licensees be older than 16 to possess a handgun, but a statewide minimum age of 18 would ensure that only adults can legally possess handguns. The proposal provides exceptions for hunting, target practice, or farm use under adult supervision and for inheritance without use.

In order to reduce the number of accidental injuries with guns, the Governor also has proposed legislation that would require the Commissioners of Education and the Division of Criminal Justice Services jointly to develop a weapons safety program designed to teach children how to prevent weapons accidents. The program would be available for use in public and non-public schools.

Deter Negligent Firearm Storage

In recent years, an alarming number of youths have been injured or killed after a pistol, revolver, rifle or shotgun was irresponsibly left unattended by an adult. These tragic occurrences might have been prevented if proper weapon safety procedures had been followed. Most gun owners scrupulously adhere to safe practices in the handling and storage of their weapons because they recognize the great potential for harm that arises should the weapon fall into the wrong hands. However, a minority of gun owners abdicate their responsibilities by leaving a dangerous weapon where it may be found and used by a minor.

To deter gun owners from negligently storing firearms, the Governor has proposed legislation to create the new offenses of criminal mishandling of a weapon in the first and second degrees. The offenses of criminal mishandling of a weapon in the second degree would apply to those who knowingly leave a pistol, revolver, rifle or shotgun unattended by an adult under circumstances where it is foreseeable that the weapon may be found and discharged by a minor. The offense applies only if the unattended weapon is loaded or if ammunition for it is readily accessible. The weapon need not actually be fired by a minor for criminal liability to attach. If the weapon was fired and resulted in homicide, the offense would be elevated to the criminal mishandling of a weapon in the first degree. Such elevation would also occur if a person guilty of the second degree offense had been convicted of a weapons-related offense within five years of the instant conviction. The states of California, Connecticut, Florida, Hawaii, Iowa, Maine, Maryland, New Jersey, Virginia and Wisconsin have passed similar legislation.

For both offenses, it would be an affirmative defense that the defendant reasonably attempted to retrieve or regain possession of the weapon prior to discharge. Exceptions are also provided when persons under eighteen gain access

to a gun by unlawful means, when the firearm and ammunition are separately stored in locked containers, or when a firearm is secured with a trigger lock. Licensed firearms dealers would be required to make available for sale a trigger locking device capable of preventing discharge and to post a notice stating the requirement to secure firearms along with a warning about criminally negligent storage.

Needed Federal Actions

Despite New York's stringent firearms laws, and legislative and programmatic initiatives to make them more effective, these laws are circumvented when handguns purchased in other states with less restrictive regulations are transported into New York to be used in crimes. Meaningful federal action is needed to provide uniform regulation of firearms nationwide.

Require Federal Firearms Dealers' License Applicants to Comply with State and Local Laws

Federal law should require that applicants for federal dealers' licenses obtain all necessary state and local licenses prior to the issuance of the license. Currently, it is a violation of federal law for a federally licensed firearms dealer to conduct business that violates state or local laws, but many dealers continue to do so because the law is difficult to enforce. There are only about 230 Bureau of Alcohol, Tobacco and Firearms (ATF) compliance agents to check for violations of 263,000 federal firearms licensees nationwide.

To address this problem, federal legislation should be enacted to deny federal firearms dealers' licenses to applicants who have not first received relevant state and local permissions to deal in firearms. Under this proposal, prospective dealers would submit a written application to the chief law enforcement officer of the locality, the Superintendent of State Police or another official designated by the Secretary of the Treasury.

Enactment of this legislation should identify and deter many federally licensed firearms dealers who currently sell firearms illegally without complying with New York State laws. Since March 1993, the Bureau of Alcohol, Tobacco and Firearms (ATF) and the New York City Police Department (NYPD) have been involved in a joint effort to investigate applicants for federal firearms licenses through the *Federal Firearms License Investigations (FFLI)* program. Through this program, teams of NYPD and ATF officers visit applicants and current holders of FFLs in the City and advise them of their duty to comply with all local firearms laws and regulations. It has been reported that after learning

of the requirements to operate as an FFL, 95 percent of recent license applicants have withdrawn their applications.

As another effort to reduce illegitimate federal firearms dealers, the Brady Law recently increased the cost of a three-year dealer's license from \$30 to \$200. The fee should be further increased, as proposed by Treasury Secretary Bentsen, in order to reduce on the number of dealers who are not operating a legitimate business.

Strengthen the Bureau of Alcohol, Tobacco and Firearms

Federal legislation should be enacted to strengthen the authority of the ATF to respond to the growing problem of stolen firearms and to conduct background checks of gun applicants.

Guns used in crimes often cannot be traced to the offender through existing records. Proper records of purchases and sales of firearms by federally licensed firearms dealers are necessary to trace ownership of guns involved in crimes. Sanctions against federally licensed dealers who fail to maintain proper firearms transaction records should be raised from misdemeanor to felony level in correspondence with the serious nature of this offense. In addition, federal law should require that all ATF background checks for federal firearms dealers' licenses be fingerprint-based.

Federal statute prohibits the federal government from maintaining centralized records of handgun owners. This statute should be repealed. Automated records of handgun owners and the handguns they are legally authorized to possess, should be kept for law enforcement purposes. In order to accomplish this, there should be national registration of handguns, including records of private transfers of firearms, as well as transactions involving federally-licensed firearms dealers.

Require National Handgun Licensing and Registration

The federal government should nationally license handgun owners through fingerprint-based background checks. Licenses should be denied on the basis of felony or violent criminal records, alien status, mental illness, failure of the licensing test, or reasonableness of need. National registration of all handguns would include records of private sales -- now completely undocumented. State and local laws which are tougher than the national licensing scheme, such as those of New York State and New York City, should not be preempted and would be made even more effective.

National handgun licensing would serve two purposes. It would reduce illegal volume selling and help protect legitimate firearms dealers from unknowingly selling guns to phony buyers or real traffickers. It also would increase safety by individual gun owners, because they would have to demonstrate understanding of firearms law, responsible ownership, and good safety measures before being issued a forgery-resistant license. Gun safety education would become more broadly available and more consistently practiced.

The registration of firearms could take much of the profitability out of interstate gun-running by traffickers, who depend on volume and absence of records for business viability. This is because the registration of each handgun would show numbers of sales to a single buyer. With a fingerprint-based photo ID card, a trafficker may have to work harder to build his network of phony purchasers than he currently does on easy sale and resale of large quantities of handguns. A dealer who sells under the table to gun traffickers would be hard pressed to produce either the inventory or the transaction records for its sale. Inventory control would be based on serial numbers of individual weapons, and sales transactions would involve national license-holders' numbers.

The ability of law enforcement to trace firearms recovered from crimes would be greatly augmented by national registration. Currently, an unidentified handgun must be traced through records maintained by the manufacturer, distributor, and dealer. The quality of these records varies, and the process is timeconsuming and often bears little result. Tracing individual guns promptly could solve more crimes, and tracing brand names or types of guns or sources of retail sales could pinpoint places where better enforcement or standards are needed.

Limit the Number of Handgun Purchases

Handgun purchases should be restricted to no more than one per month. Preliminary indications are that gun trafficking from Virginia has decreased since that state adopted the one-per-month limit a year ago. A purchasing limit of twelve handguns per year would present a major obstacle to illegal gun runners. It would not be profitable to buy, transport and illegally sell just one handgun per month; nor would it be easy to create the networks of straw purchasers — who appear to be buying for themselves but are actually fronting for the traffickers who hire them — required to maintain profitable levels of trafficking. The one-gun-per-month restriction must be done in conjunction with national licensing.

Establish a Federal Firearms Regulatory Agency

Using the model of the National Highway Traffic Safety Administration, a new federal agency should be established to review national gun laws, help develop and implement uniform state programs and create and maintain a comprehensive data base on gun violence. The agency should also research ways to make a handgun usable only by the owner, develop gun safety and design improvements, regulate firearms manufacturers, maintain a registry of those prohibited from possessing guns and enhance firearms safety education programs and competency tests.

Product safety is a key concern. While some firearms manufacturers build solid guns with reasonable safety mechanisms, others get away with building and selling millions of cheap, unsafe firearms -- because guns are a glaring exception to regulation by the Consumer Product Safety Commission.

Saturday Night Specials -- cheap, low-quality, short-barreled handguns with no sporting use -- have been part of the handgun control discussion for decades. Many of these Saturday Night Specials, their predecessor models, and some of the longer-barreled handguns produced domestically have histories of backfire, jamming, accidental discharge, and drop-test firing because of their faulty design, low-quality materials, and sloppy construction. Despite consumer complaints about the deaths and injuries caused by these weapons, no federal agency has ever had the authority to order the ban of these weapons or the recall of those that could be retro-fitted with devices to make them safer. And no federal agency has been granted the authority to encourage gun product safety so that these deaths and injuries could be prevented.

This combination of circumstances has produced unsafe, unregulated firearms whose cheapness of manufacture permits low sale prices which, in turn, have made it possible for millions of illegal buyers to acquire these guns, chiefly through street sales. Instituting regulation, therefore, would offer two benefits: it would increase safety by requiring increased product quality -- and it would decrease the easy proliferation of these guns because the higher-level quality of manufacture would raise the price for the consumer.

Most statistical data on handguns in America is incomplete. Pieces of the picture are drawn from a little manufacturing data (from one publicly traded company only), public opinion polls, certain weapons tracings, hospital admission data (no data about victims treated and released), sales taxes paid, licensing files, marketing surveys, specific research studies, crime reports and arrest records. However, there is no comprehensive, statistically based understanding of even legal handgun ownership and use in the United States.

CHAPTER 2: PENALTIES FOR VIOLENT OFFENSES

Efforts to reduce illicit access to firearms must be supported by laws which ensure certain and swift punishment for the commission of violent crime, particularly when it involves the use of firearms. New York State needs to structure a system which utilizes most of its prison space to incapacitate violent offenders. Recent trends have resulted in the growing use of prisons to incarcerate many non-violent drug offenders. These trends developed gradually in response to rising drug arrests, coupled with severe sentencing restrictions.

The mid-1970s marked the beginning of a substantial rise in adult felony arrests. This situation was brought on by a combination of rising crime rates among a large "baby boom" generation, coupled with slight increases in reporting rates and improvements in clearance rates. Arrests for violent crimes increased throughout the last half of the 1970s, peaking at nearly 50,000 in 1981. These arrests decreased somewhat during the early 1980s and then rose to almost 71,000 by 1990. By 1993, arrests for violent offenses had declined again to 67,198.

Also in the late 1970s, significant changes in felony prosecution greatly increased the chance that a person arrested for a felony offense would ultimately be imprisoned. Plea bargaining restrictions for violent felony offenses and armed felonies, increased funding for prosecutors, and a general "get tough" attitude were accompanied by substantial increases in the percentage of violent felony arrests resulting in felony convictions.

Between 1975 and 1982, the percentage of violent felony arrests yielding top charge convictions more than doubled, and prison sentences were made mandatory for most violent felony convictions. During that period, the portion of the prison population comprised of violent offenders increased from 50 to 65 percent.

By the early 1980s, New York State also began to feel the effects of the second felony offender law enacted in 1973. The legislation mandated the incarceration of all offenders convicted of a second felony within ten years, regardless of the type of felony conviction charge. This legislation, alone, had the potential to shift the focus of the State correctional system from violent offenders to non-violent, repeat offenders. The onslaught of drug arrests occurring during the latter half of the 1980s further propelled this shift in emphasis.

Increasingly, repeat drug offenders became the fastest growing offender group to receive enhanced prison sentences as second felony offenders, despite

the fact that most had no evidence of criminal violence in their official histories. Among new court commitments, the proportion of second felons twice convicted of drug offenses climbed from 3 percent in 1980 to 32 percent in 1991. Nearly 60 percent of those with a second felony drug conviction in 1991 had no prior arrests for violent offenses in their entire adult criminal histories.

The composition of the prison population was dramatically altered by the combined effects of increased drug arrests and an expanded pool of persons with at least one felony conviction. In 1981, 14 percent of the prison population was comprised of drug offenders. By 1993, it had risen to 34 percent.

Not only did the growth in drug arrests affect the distribution of correctional resources, it also may have influenced the conviction rate for violent felonies. As convictions for felony drug arrests became increasingly likely — nearly doubling during the 1980s — corresponding convictions for violent felony arrests began to decline. Statewide, the conviction rate for robbery arrests declined approximately 10 percent between 1983 and 1990. Decreases in conviction rates also occurred with regard to assault cases in metropolitan areas outside New York City.

When convictions occurred, however, violent offenders were generally sentenced to, and served, longer prison sentences than other offenders. And, over the past decade, violent offenders served notably longer time on their prison sentences (including time spent in jail). Violent offenders released in 1991 served an average of 42.4 months on their prison sentences, compared to 38.3 months for those released in 1982 — an increase of 11 percent. But the tendency toward longer prison stays for violent offenders was not uniform across offenses. Those sentenced to prison for second degree robbery, assault and weapons offenses, for instance, averaged about the same time served in 1991 as in 1982. Measures to enhance penalties for these offenses, in particular, must be taken to ensure that offenders serve longer terms in prison.

State Initiatives for 1994 and Beyond

It is time for the criminal justice system to direct a larger share of its resources toward the prosecution and incarceration of violent offenders. Much of the challenge in correcting this imbalance, however, lies in reform of the second felony offender law and the expansion of graduated sanctions and drug treatment in the community. At the same time, laws must be amended to provide for longer terms of incarceration for certain violent offenders.

Increase Penalties for Violent Offenders

Lengthen Prison Terms for Gun-Related Offenses

Currently, cases involving firearms do not result in more severe punishment than other crimes of the same felony class. Because the risk of serious physical injury is significantly higher when a firearm is present, violent felonies involving firearms should be sentenced more severely. Enhanced penalties also have been shown to decrease gun-related homicides, while the level of non-gun homicides remains unchanged.¹¹

The Governor has proposed legislation which would provide for consecutive sentences for crimes involving both the criminal use of an assault weapon and the commission of certain class B or class C violent felony offenses. Under normal circumstances, multiple offenses involving a single act receive concurrent sentences. This legislation would allow sentences to run consecutively if the court finds that such sentencing is warranted to preserve the safety of society.

In addition, to increase the likelihood that dangerous criminals will serve their full sentences, the Governor has proposed legislation that creates a presumption against parole eligibility for inmates convicted of the top count of an armed violent felony indictment. More specifically, the statute would allow judges to issue an order creating a presumption against parole for class A and B armed violent felonies. In these cases, the Parole Board could not grant discretionary release unless denying release would result in harsh and excessive punishment and the release would not so deprecate the seriousness of the crime as to undermine respect for the law.

In 1992, a law was enacted which classified as a class D felony any act involving an adult selling a handgun to an unauthorized minor. The penalty for this offense still does not adequately reflect the seriousness of the crime, given the particular danger firearms pose in the hands of immature youth. The Governor has proposed legislation to raise, by one felony class, this offense and all other offenses involving the illicit sale of a firearm.

Enhance Penalties for Assault

The Governor has proposed legislation to increase punishments for the crime of assault in the first degree one felony class in order to correct a sanctioning irregularity in the Penal Law. Under current law, an offender who uses only verbal threats in robbing a victim on the street of his wallet, for instance, can be sentenced more severely than an assailant who has inflicted serious physical injury by assaulting his victim.

In 1993, prison sentences were handed out to 162 first offenders convicted of assault in the first degree, a class C felony. The average minimum term of incarceration for this group was 31.5 months. First offenders committed to prison on this offense and subsequently released on parole between 1987 and 1991 served an average of 35.6 months. Their average time served was 6.1 months shorter than a comparable group of first degree robbery offenders.

Gang violence, notorious for brutality and intimidation, warrants special classification within the penal law. Youth gangs and gangs involved in organized crime repeatedly have terrorized neighborhoods, intimidated witnesses and committed violent assaults. Large gangs have also been involved in a number of highly publicized cases including the vicious beating of a Central Park jogger and attacks on subway riders. The presence of multiple attackers intimidates victims and increases the likelihood that serious injury will result. To more adequately punish gang assault, the Governor has proposed legislation to increase the penalties for assaults committed when the attacker is aided by another person present at the scene of the offense. This mirrors the State's existing law governing robbery.

The physical assault of children also is reprehensible and deserving of increased punishment. This year, the Governor has proposed expanding the definition of assault in the second degree to include intentional injury to children up to seven years of age.

Allow Consecutive Sentences for Multiple Felony Assaults and Homicides

Generally, multiple prison sentences for crimes resulting from a single act run concurrently. This permits an offender who causes injury or death to several victims by firing a gun on a crowded street to be subject to only one prison term. The court should have the option of imposing consecutive sentences on people who intentionally injure or kill multiple victims. Governor Cuomo has proposed legislation which would provide judges with that discretion in cases where the defendant's action results in two or more felony assaults or homicides.

In practical terms, the bill allows the court to require service of longer prison terms by those such as an arsonist, drunken driver or bomb-thrower whose single act causes injury or death to several victims. Such individuals, at present, effectively face one term of imprisonment regardless of how many persons their action harmed. The court now has no means at its disposal to take into account the varying motivations or the nature of the conduct when selecting an appropriate sentence. For those who deliberately or wantonly injure or kill, the court should have the option of imposing consecutive sentences to more appropriately punish and deter such conduct.

Eliminate Parole for Serious Sex Offenders

Too often, sex offenders repeat their crime subsequent to release from prison. Approximately 25 percent of all paroled felony class B sex offenders who are returned to prison on a new felony conviction are returned following a second felony sex offense conviction. This compares to less than three percent of other prison releasees. Moreover, self-report data indicate that many rapists and child molesters are chronic offenders and have avoided apprehension in dozens -- sometimes hundreds -- of sex offenses.¹²

Incapacitating serious sexual predators for longer periods can offer improved protection. One effective and fair method of achieving this is to do away with discretionary parole release for those committed to prison for serious sex offenses. This year, the Governor introduced legislation to eliminate discretionary parole for class B felony sex offenders. They would be compelled to serve at least two-thirds of their prison sentences before becoming eligible for conditional release on parole, and then only if they have accrued good time.

Restrict Eligibility for Work Release

The Department of Correctional Services currently operates a work release program which allows eligible inmates to leave the correctional facility for employment purposes. The basic objective of work release is to improve the offender's transition from the institution back into the community.

In most instances, offenders must be within 24 months of their release date to be eligible for participation in the work release program. To be selected for work release, candidates must have an institutional history of good behavior and program involvement. Inmates are excluded if they have histories of attempted escape or absconding, have been convicted of especially violent offenses or are believed, for other reasons, to represent a threat to community safety.

At the request of the Governor, the Legislature recently has further tightened the eligibility criteria for work release. As of April 1994, participation in work release will be denied to all sex offenders and anyone whose crime resulted in a death. In addition, offenders who were convicted of felony class B and C offenses committed with a weapon, will not be eligible for work release until they are within 18 months of their parole eligibility dates.

Enact "Three Strikes" Legislation

The Governor has proposed sentencing of certain persistent violent felons to life without parole. More specifically, under the "three-strikes" proposal, the sanction of life imprisonment without possibility of parole would apply to

offenders convicted three times for offenses involving homicide, serious physical injury or forcible compulsion in sexual acts. This narrowly drawn classification will ensure that offenders who repeatedly commit the most serious offenses will be incarcerated for the remainder of their lives. Simple justice demands that these incorrigible individuals forfeit their right to live in free society.

In addition to being a just punishment, the lifetime incarceration of these offenders will also prevent recidivism. Although most are in their 30s by the time of their third conviction, the National Research Council Panel on Criminal Careers has identified these persistent offenders as prime candidates for incapacitation.¹³ And, to the extent that this sanction is imposed with propriety, it may encourage other violent offenders to reform before they, too, become incarcerated for life.

The Governor's proposal is tightly and narrowly tailored to target the most dangerous chronic predators and to affect a limited number of those who could be sentenced under the persistent violent offender statute. In 1992, approximately 250 offenders were sentenced to New York State prisons as persistent violent felony offenders. It is estimated that approximately 60 offenders per year would fit the special category carved out by this bill.

While the number of offenders likely to be sentenced under this proposal is relatively low, these are the offenders who are responsible for a disproportionate number of violent crimes involving personal harm or injury to the victim and for whom current sentencing laws, although severe, are not adequate. Although no single law or initiative will solve the State's crime problem, this bill is an attempt to protect the public from repeat and violent predatory criminals and is a critical piece of a larger strategy against violent crime.

Establish Life Without Parole for First Degree Murder

The taking of another person's life, except in self-defense, is an inexcusable act, and one which deserves the severest penalty. The Governor has proposed legislation which would redefine first degree murder and authorize the imposition of life imprisonment without parole upon persons convicted of that crime. Persons so sentenced would be incarcerated for the remainder of their natural lives and never become eligible for parole or conditional release.

Life imprisonment without parole would provide our criminal justice system with a workable and lasting means to protect society from the most violent criminals. The certainty of a life spent without the hope of freedom is a punishment of immeasurable magnitude. Yet, it is a penalty which eliminates the risk of erroneous execution and other undesirable implications of the death

penalty including protracted litigation, lengthy appellate delays and unfair application of the sentence.

Increase Penalties for Bias-Related Violence and Intimidation

Bias-related crimes are offenses which harm individual victims and the groups with which they are affiliated. Through violence, fear, and intimidation, bias-related crimes are intended to deprive victims, and their member groups, of the free exercise of their rightful civil liberties. For this, extra sanctioning is warranted.

Under existing penal law, crimes that are committed because of the victim's race, color, religion or national origin result in no additional punishment. Although the State can seek convictions on both the underlying offense and aggravated harassment (a class E felony or class A misdemeanor), the sentences will likely run concurrently because both charges arose from a single criminal incident.

These limited sanctioning options do not make clear enough that our pluralistic and multicultural society cannot tolerate hate-motivated offenses intended to intimidate segments of the population. A much stronger message needs to be sent. Legislation proposed by the Governor would create the new crimes of bias-related violence or intimidation in the first and second degrees.

Under this initiative, protection against bias-related crimes would expand to include gender, age, disability, and sexual orientation. Crimes committed because of the victim's membership in a protected class or group which result in property damage, sexual assault and physical injury would be class D felonies. Hate motivated crimes that result in the reckless or intentional death of another would be punishable as a class C felony. Finally, conviction to bias-related violence or intimidation would require any sentence to run consecutive to a sentence imposed for coincidental offenses arising from the same criminal event.

Sanction Non-Violent Offenders in the Community

Second Felony Offender Reform

Legislation is currently pending that would make offenders convicted of a second class C, D, E felony drug offense eligible for probation or other form of alternative sentencing. Based on 1992 prison admissions, enactment of this legislation would expand the pool of probation-eligible, nonviolent offenders by as much as 2,400 offenders per year. The net savings in prison space could then be used to accommodate increased sentences for violent offenders.

Develop Graduated Sanctions

A number of proposals have been advanced this year to enhance the capacity of community corrections to sanction and provide drug treatment for non-violent offenders. Legislation has been introduced to establish "Interim Probation Supervision" for offenders under consideration of a non-incarcerative sentence. These offenders would be closely supervised by probation during the pre-sentence investigation process. Successful completion of interim probation would enhance the likelihood that an offender would be sentenced to probation. This legislation also would enable local officials to better manage their probation population through early discharge of some probationers; allow judges flexibility in establishing terms of probation; permit localities to establish day reporting programs at local jails; and modify the conditional release law to make this jail management program more effective and easier to utilize.

The *Drug Treatment Alternatives to Prison (DTAP)* program represents another effort to treat non-violent drug offenders in the community. The core component of all *DTAP* programs is a deferral of further criminal justice processing pending successful completion of drug treatment. Once this is accomplished, the plea -- if one was entered -- is vacated and criminal charges are dismissed. A more detailed discussion of *DTAP* models and programs is presented in the section on "Intervention in Violence" in this report.

Currently, there are 300 dedicated treatment slots in New York City *DTAP* programs. This year, the Governor has proposed expansion of this program.

CHAPTER 3: IDENTIFICATION AND PROSECUTION OF VIOLENT OFFENDERS

Local law enforcement shoulders most of the burden of identifying and prosecuting violent offenders. The dominant role of local law enforcement is driven by their sheer numbers. New York City, alone, has over 30,000 police officers. The New York State Police Force is composed of approximately 4,000 officers. And, they provide a wide array of services, ranging from rural patrols to narcotics enforcement.

To ensure optimal use of its resources, the State assumes a support role. It provides skilled investigators, crime analysis experts and crime-solving technologies to assist local law enforcement in the investigation and prosecution of violent crime. Two concurrent trends have prompted an increase in State involvement in law enforcement efforts to respond to violent crime. The growth in violence and its spread into more rural regions of the State have severely strained local law enforcement. At the same time, new crime-solving technologies have emerged. Automated fingerprint systems, DNA analysis, computerized evidence tracking systems, and digital imagery of ammunition fragments are among the new tools available to improve the identification of violent offenders. The cost and expertise needed to implement, maintain and utilize these technologies require that they be centralized at the State level.

The following pages provide an overview of current investigative services and technologies provided by the State and those planned for 1994 and beyond.

State Initiatives for 1994 and Beyond

Provide Skilled Investigators and Forensic Specialists

The State offers local police departments a broad range of services to enhance the investigation and prosecution of violent offenses. Many violent crimes leave little in the way of direct clues leading to the apprehension of the offender. Effective solutions to these crimes often require the rapid assembly of diverse technical expertise to analyze trace amounts of evidence. The State Police *Bureau of Criminal Investigation (BCI)* regularly assists local and county law enforcement agencies which lack the investigative resources and expertise needed for major crime investigations.

When violent crimes appear to be serial in nature, the *BCI Criminal Investigative Analysis Unit* helps to identify the personality and behavioral characteristics descriptive of the unknown offender. The unit assists field in-

investigators in developing leads, prioritizing suspects, and devising traditional and non-traditional investigation and interrogation strategies. It also assists prosecutors in case preparation and trial procedures.

Investigations into bias-related crime are supported through State Police *Bias Crime Investigation Units* located in each Troop. Each unit is composed of a Commissioned Officer, Senior Investigators and Investigators who are specially trained to respond to bias-related incidents. This training, established with the assistance of the Boston and New York City Police Departments, comports with recommendations made by the National Organization of Black Law Enforcement Executives.

Part of the rise in violent crime is attributable to the illegal drug trade. Drug markets funnel huge sums of ill-gotten currency to drug kingpins who "launder" it through computers and computer networks. Cracking the intricate computer networks requires specialized investigative techniques. Since 1992, the State Police *Computer Crimes Unit (CCU)* has provided assistance to law enforcement agencies by investigating specific computer crimes and analyzing computers that may have been used to further illegal enterprises such as drug trafficking, money laundering, child pornography, gambling and prostitution. CCU investigators have extensive training in the investigation and preservation of computer-based evidence. They also assist prosecutors in the preparation of criminal cases involving computers.

The State Police also help local law enforcement track down dangerous offenders through use of its *Violent Felony Warrant Squad*. Any police agency in the State can request assistance in executing warrants for violent felons. During 1992, the Squad assisted more than 200 law enforcement agencies in New York State and across the country in locating wanted and escaped criminals. Its members also joined forces with the State Division of Parole to arrest parole violators.

Curtail the Spread of Violence Through *Operation Firebreak*

Many weapons traffickers are also involved in drug trafficking. To help local law enforcement combat both criminal enterprises, the New York State Police has established *Community Narcotics Enforcement Teams (CNET)*. There are four CNETs available to communities throughout the State. In 1993, CNET officers made 1,662 undercover drug purchases and arrested 817 individuals for narcotics and firearms offenses. Since its inception, CNET units have made over 2,350 arrests for drug and firearm offenses.

The growth of illicit drug markets and violence in upstate New York mandates that more State Police resources be provided to these areas. This year,

at the request of the Governor, the State will fund *Operation Firebreak* which entails the assignment of 100 additional State Police officers to upstate areas. Seventy-five positions will be used to create a Violent Crime Investigation Unit in each troop. The remaining 25 officers will be assigned to a fifth *CNET* unit to be established in the Southern Tier.

To improve coordination between State and local police and support law enforcement in rural communities, the State Police this year will establish *Violent Crime Investigation Units* in each of its Troops. Seventy-five new positions have been funded under the auspices of the Governor's *Operation Firebreak*.

Development of Violent Crime Investigation Units will speed the delivery of comprehensive State Police services and facilitate strong working relationships with local police departments. The Units will be linked to multi-disciplinary violent crime investigation teams. Each team will be composed of ten to twelve investigators and forensics personnel stationed at both Troop Headquarters and Central Headquarters. Team members will possess expertise in a variety of areas including, criminal identification, computer "cracking," hostage negotiation and forensic psychology.

Expand the Application of DNA Typing

DNA typing is one of the most promising forensic technologies developed in recent years. It offers the capability of exonerating or implicating a suspect in a crime with a very high degree of certainty through the identification of trace amounts of biological evidence. Questions regarding the admissibility of DNA evidence were recently laid to rest through the Court of Appeals decision in *People v. Wesley*.¹⁴ All the judges agreed that forensic DNA analysis was "generally accepted as reliable" by the relevant scientific community and that current laboratory procedures were fundamentally sound.

The State Police has developed the capacity to provide this technology to local law enforcement through its *Crime Laboratory System*. The New York State Police Headquarters Crime Laboratory has been equipped for *DNA* analyses and staff for the *DNA* laboratory has been hired and trained. A program for the voluntary accreditation of all public forensic laboratories across the State is also planned.

Create a DNA Identification Index

The effectiveness of *DNA* technology would be greatly enhanced by the implementation of an identification index. A *DNA* identification index would store information on the structure of the *DNA* of convicted sex offenders and

murderers. Similar indices exist in 23 other states and are being linked to a national file developed by the F.B.I. They provide the capacity to compare the *DNA* from the semen, blood or saliva of an unknown offender with the *DNA* of convicted criminals. A match can help identify the unknown assailant and prevent more rapes and murders.

That serial rapists and murders escape detection due to our failure to fully utilize a proven means of identification continues to frustrate the goals of the criminal justice system. For the third consecutive year, Governor Cuomo has submitted a bill to the State legislature which would create a *DNA* identification index.

Establish the *Office of Forensic Sciences* to Accredite *DNA* Labs

To ensure the accountability of forensic labs, an *Office of Forensic Sciences* will be established at the Division of Criminal Justice Services. The office will establish an accreditation program for forensic laboratories in the State, based upon and consistent with the American Society of Crime Laboratory Directors - Laboratory Accreditation Program. The proposed accreditation standards will be subject to review by an independent forensic science panel. The accreditation process will be phased in to provide laboratories with adequate time to comply with accreditation requirements. Once accredited, the labs will be subject to an annual inspection by an independent, qualified consultant.

Strengthen the Prosecution of Sex Offenses and Violence Against Children

The rape or other sexual assault of children deserves extraordinary and sensitive handling by the criminal justice system. Some sexually abused children, especially victims of incest, repress the memories of their victimizations, rather than betray an offending parent, relative, or other adult with accusations. By the time the abuse is recalled many years later, the statute of limitations has long since expired. The prosecution of offenders who sexually assault children should not be restricted by the same statutory limitations that apply to crimes against adults — two years for a misdemeanor and five for a felony. Because the child victim may not be prepared to report the crime for a period of many years, the statute of limitations for sex offenses against children should be extended until the child reaches age eighteen or the offense is reported to a law enforcement agency.

Often, the sexual victimization of children involves a continuing series of events in which these assaults are repeatedly committed. A series of sexual assaults frequently merge together in children's minds, preventing them from

articulating specific dates and times when the offenses occurred. Some children cannot remember when the abuse started, they just remember the most recent incident. Thus, prosecution of these offenses can be frustrated by laws and courtroom procedures designed for adults, which are often insensitive to children's cognitive development and abilities.

The Governor has introduced legislation to create a new felony offense that encompass a "course of sexual conduct against a child." This offense would be defined as a pattern of sexual behavior by an adult against a child over a period of three months or more when the child is incapable of identifying the date of the crime. The prosecutor would not be required to provide specific dates of occurrence for acts of sexual conduct defined in this offense. If the course of sexual conduct includes at least one or more acts of sexual intercourse, deviant sexual intercourse or aggravated sexual abuse in the first degree, the offense would be class B felony. It would be a class C felony if the conduct consists only of sexual contact.

Enhance the Identification of Crime Scene Fingerprints

Computerized fingerprint images provide another means of identifying perpetrators of crime. In 1986, New York State began automation of its fingerprint identification system. Three years later, the *Statewide Automated Fingerprint Identification System (SAFIS)* became a reality. Currently, the fingerprints of arrestees are entered into the *SAFIS* computer. When a fingerprint is lifted from a crime scene, detectives can submit it for comparison against the growing *SAFIS* database. *SAFIS* then produces a list of candidates with similar fingerprint patterns. A qualified fingerprint expert examines the fingerprints to identify a match. As of February 1994, *SAFIS* facilitated the positive identification of 3,377 crime-scene prints.

As a natural extension of *SAFIS*, DCJS has begun testing the benefits of live scan, digitized fingerprinting. Digitized fingerprinting would replace the time consuming and repetitive manual inking process that has been used for over 90 years. It will also provide New York with instant access to a national data base for searching crime scene prints.

Identify Serial Homicides Through *HALT*

Serial criminals often commit their crimes in different jurisdictions to shield them from discovery. The New York State Police operates the *Homicide Assessment Lead Tracking (HALT) Program* to help local and state law enforcement agencies to coordinate information and identify serial crime sprees.

HALT helps law enforcement to coordinate information about unsolved crimes and to identify repeat offenders by identifying common characteristics among unsolved homicides and sexual assaults. When common characteristics are identified, the police agencies that submitted the cases are notified. This enables them to share information and jointly investigate leads.

HALT has successfully linked police departments within and outside of New York in the investigations of related crimes. It was actively involved in the serial cases involving Joel Rifken, Nathaniel White and Arthur Shawcross.

Complete Construction of the Forensic Investigation Center

The varied forensic services provided by the State Police will be enhanced and co-located in the future through construction of the New York State Police Forensic Investigation Center. This state-of-the-art forensic facility will serve the entire law enforcement community in New York State. It will augment the State's commitment to provide police and other criminal justice agencies with the most effective tools available to respond to violent crime. The Center will provide services such as DNA analysis and computerized tracking of serial murders through the Homicide Assessment and Lead Tracking (HALT) Program. It will include a laboratory for the analysis of drugs and drug related evidence for use in court proceedings. The Center will also house the State Police's centralized link to the Statewide Automated Fingerprint Identification System (SAFIS) and the Division's other forensic units.

The Forensic Investigation Center will be located on land adjacent to the State Police Academy in Albany. Site work for the building is in progress. Facility construction is expected to begin in 1995 and the center should be operational by the end of 1996. Construction of the center has been supported through utilization of assets forfeiture funds.

Improve Police Response to Violent Crime Through Training

Conferences hosted by the New York State Police provide a forum for the exchange of information and ideas among law enforcement officials, and include training programs that develop the investigative skills of police officers. A recognition of the necessity for a coordinated, cooperative effort among members of the law enforcement community to effectively suppress crime has prompted seminars that formalize the connections between those who investigate violent crimes.

Held annually since 1987, the Henry F. Williams Homicide Seminar is a training program in homicide investigation that draws police officers from across

the nation and around the world to learn the latest techniques in homicide investigation, view new technologies for criminal investigation and network with other homicide investigators to facilitate cooperation in future cases. Attendees are presented with a variety of lectures that cover the forensic and legal fields, many given by internationally-renowned authorities. Each year, various open homicide investigations are presented to the assembled experts for their review, consideration and opinions.

Annual Sex Offense Seminars are organized and developed to cover aspects of recognizing, investigating, prosecuting and deterring this type of crime. Virtually all speakers are from within the State and consist of police or peace officers and those who work with sex abused victims. Speakers are well chosen for their experience in the field and provide expertise that will enable investigators to adequately recognize, secure and transport evidence required for successful prosecution of sex offense crimes.

During 1992 and 1993, the State Police hosted Gang Assessment Seminars of law enforcement professionals from throughout the State to discuss the growing problem of New York City based gangs migrating to Upstate communities. Local police officials gave testimony as to what this trend has meant, not only to increased levels of drug trafficking, but to increased levels of extremely violent crimes in their communities. Conference participants proposed a multi-faceted strategy as the first step toward developing a comprehensive statewide strategy to battle gang and narcotics related violent crime in Upstate communities.

Create the *Center for the Analysis of Violent Crime*

Most of the investigative expertise and technologies provided by the State are made available through the Division of State Police. In the coming year, these services will form the foundation for a new *Center for the Analysis of Violent Crime (CAVC)* within the Division of State Police.

The New York State Center for the Analysis of Violent Crime will combine the expertise of the law enforcement, academic and the scientific communities, to support the investigation of violent crime. It also will facilitate research to improve law enforcement's response to violent crime and provide training in the most effective ways of combatting violent crime.

CAVC will provide investigative and operational support to law enforcement personnel investigating serious violent crime. This support will include consultation on major crimes, profiles of unknown offenders, personality assessments, investigative strategies, interviewing techniques, search warrant affidavit assistance, prosecution strategies and expert testimony. The Center's re-

search will include multi-disciplinary studies in serial and violent crimes such as homicide, rape, child abduction and arson.

Trace Weapons Used in Violent Crime

The New York State Police recently established a *Firearm's Tracing Unit* to aid in the identification of weapons used in violent crime. The Unit assists local law enforcement by tracing firearms used in crime; analyzes and identifies gun trafficking patterns; develops criminal cases against gun traffickers; maintains a central database of information on both firearms seized or recovered in New York and known firearms law violators; shares information with source States to stem the flow of illegal guns into New York; and, coordinates the tracing of illegal firearms through the Bureau of Alcohol, Tobacco and Firearms tracing center.

Since its inception, the Unit has traced more than 600 guns. Approximately two-thirds of the traces have resulted in leads.

Enhance Police Officer Weaponry

Following a successful trial period among some police officers in New York City, the decision has been made to replace the standard six-round 38 caliber revolver with the higher capacity 9mm semiautomatic weapon. The proposed State budget includes over \$500,000 to support this conversion program among regular New York City police officers and those employed by the City's Transit and Housing Authorities. The funds will be used to defray the costs borne by individual officers who are responsible for equipping themselves with official sidearms. This enhanced weaponry will enable patrol officers to protect themselves and the public from the firepower which is frequently encountered in violent street confrontations.

Expand Access to the NITRO System

The New York City Police Department collects and distributes information about drug and weapons-related crime through its *Narcotics Investigative Tracking of Recidivist Offenders (NITRO)* system. *NITRO* provides information on suspected drug traffickers. Given the movement of drug trafficking from New York City to other regions of the State, law enforcement throughout New York needs access to the *NITRO* system.

The Division of Criminal Justice Services is seeking federal funds to link the *NITRO* system with law enforcement agencies statewide. Extending access to this system will enable law enforcement agencies to track the activities of drug

traffickers and violent offenders across the State and increase the likelihood of their apprehension.

Establish Ammunition Identification Systems

Ammunition fragments from unsolved shootings contain important information. They can help investigators to identify the weapon used in the shooting and to locate other cases involving ammunition fired from the same weapon. Two computer software packages -- *DRUGFIRE* and *BULLETPROOF* - have been created to foster this identification.

DRUGFIRE, developed by the FBI, uses digital imagery to store microscopic marks from fired shell casings recovered at crime scenes. In many ways, *DRUGFIRE* functions like SAFIS. It provides a computerized capacity to compare microscopic marks from fired shell casings with marks from the fired shell casings of other shootings. If similar marks are present in the database, *DRUGFIRE* will identify the case and provide images for expert comparison.

BULLETPROOF uses digital imaging technology in the automated matching of bullet fragments rather than shell casings. It is a valuable counterpart to FBI *DRUGFIRE* in the investigation of shooting incidents.

This year, *DRUGFIRE* will be implemented in several of the State's forensic laboratories. *BULLETPROOF* will be available in two of the laboratories.

Track Bias Crime

The Division of Criminal Justice Services has instituted a reporting program for bias-related crime. Bias crimes are acts of violence and intimidation motivated by prejudice based on race, age, color, religion, gender, disability, or sexual orientation. The prevalence of bias-related crimes is growing. Clearly, incidents of bias crimes deserve the special attention of law enforcement authorities. The Division will continue to aid local police departments in training police officers and detectives in the investigation and voluntary reporting of bias crimes. Plans are currently underway for a statewide training conference.

CHAPTER 4: JUVENILE VIOLENCE AND VIOLENCE IN THE SCHOOLS

The importance of addressing the growing problem of violence among youth cannot be denied. Between 1978 and 1992, the rates of arrest for violent offenses increased by 54 percent among youth 13-15 years old and 67 percent among youth 16-18 years old. Youth involvement in firearms offenses and homicide has increased dramatically in recent years. And, the violence has spread from the street into the classroom.

The need to reduce violence among youth is made ever more urgent by the changing composition of the population. Over the next 15 years, the youth population will grow, particularly among the non-white segment. These children, all of whom have already been born, are at inordinately high risk of involvement in violence – both as offenders and as victims.

Violence among youth is not a recent phenomenon. A national survey of high school seniors, conducted annually since 1975 by the national "Monitoring the Future" project, shows that substantial levels of violence were present in schools even back in the mid-1970s. The nature of the violence was different, though – kids were not bringing guns to school and were not in fear of being shot.

A recent study of violence in New York State public schools found high levels of violence and fear. One in four seventh through twelfth grade students reported they were robbed or assaulted during the 1992-93 school year. One in three reported that they were afraid of being attacked or harmed at school or on their way to or from school.

Weapons possession was also common. Twenty percent of the students reported bringing some type of weapon to school at least once during the school year. The weapons students brought to school most often were knives or other sharp objects. However, three percent reported bringing a gun to school during the school year. And two percent reported that they had carried a gun to school within the 30-day period prior to the survey.

The growing rate of violent crime is particularly problematic in light of future demographic trends. Population projections show that the size of the youth population will significantly increase during the remaining years of this century and the early years of the next. This means that *if arrest rates remain stable*, the annual number of violent arrests involving youth will climb. This fact, more than any other, stresses the urgency with which we must address problems contributing to the increasing violence among our youth.

If we hope to minimize the harm involving youth, we must ask the following hard questions of our justice and educational systems.

- How can we incorporate programs to reduce and prevent school violence into the educational process? When violence does erupt in school settings, how should we react to it?
- How can we mold juvenile justice into a system that is more responsive to the threat posed by young violent offenders?
- How can we ensure adequate supervision and treatment for offending youth?
- How can we develop a continuum of sanctions to enable judges to fashion meaningful punishments that fit both the offender and the offense?
- When youths with histories of violent behavior return to the community, what kinds of programs can we provide to continue the services and supervision they received in placement?
- And, how can we better monitor the juvenile justice system?

State Initiatives for 1994 and Beyond

Study Youth Crime and Juvenile Justice Reform

It has been a decade since any significant legislative changes have been made with respect to juvenile justice. The nature and seriousness of juvenile misbehavior has changed dramatically during this period. Services and sanctions, when ordered, are often not commensurate with the needs of juveniles or the seriousness of the offenses committed.

There clearly is a need to reconsider the goals of the State's juvenile justice system with respect to delinquency, rehabilitation and community protection. In November 1993, Governor Cuomo established the *New York State Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System*. The Commission was directed to develop a comprehensive plan to deal with youth violence, including violence in schools. The Commission will identify programs that effectively prevent or intervene in violent behavior. It also will evaluate the juvenile justice system to determine whether the needs of youth

for treatment and rehabilitation are adequately addressed. The Commission's final report will be submitted to the Governor by December 1, 1994.

In the interim, decisive action is needed. The Governor has implemented or proposed a number of legislative and program initiatives to improve school safety and provide a more effective response to juvenile crime.

Enhance Safety in the Schools

Violence in schools is extremely dangerous to the health and welfare of our youth. School is supposed to be a place where children can learn and grow. Children who fear for their safety during the school day are deprived of the right to improve their skills and prepare for their futures.

Schools cannot be wholly shielded, however, from societal problems. When violence is endemic to a community, it will permeate school walls. Nonetheless, measures can be taken to reduce the level of violence in and around schools by enhancing security, improving social skills and resolving conflict among students and holding students accountable for implementing appropriate codes of conduct.

In an effort to develop a clear picture of the extent and nature of violence in the schools, the State Education Department and the Division of Criminal Justice Services surveyed students, teachers, principals and school superintendents throughout the State. The results, released in a draft report,¹⁵ indicate a need to increase the use of security measures and violence prevention programs, develop violence prevention education programs, enhance school discipline, and require reporting for violent crimes.

Increase Security Measures

There is no question that order is a prerequisite for safety. In fact, the school violence study found that physical security was perceived by participants to be the principal method for reducing school violence. All schools should undertake safety assessments and adopt necessary security measures. These activities should involve students, parents, teachers and administrators, as well as local police agencies, youth organizations, business leaders and social service providers.

Depending on the school and the severity of its violence problem, improving physical security can mean hiring guards to control entrances and patrol hallways, or establishing a visible presence of teachers and administrators in areas such as hallways, stairwells, and locker rooms. It can include police officer foot patrols near schools when student arrive in the morning and leave in

the afternoon. And, it can mean installing metal detectors or magnetized photo ID systems. As recently proposed by the Governor, these security devices should be reimbursable under the State education aid formula.

Security can also be improved through "safe corridor" programs which protect youth from violence on their way to and from school. The school violence study found that one in three student victimizations occurred on the way to or from school. Safe corridor programs provide for the protection of youth along a designated corridor through enhanced police presence and the use of public and private building to provide shelter for youth whose safety is threatened.

Develop Conflict Resolution and Mediation

Education is key to preventing violence, especially violence involving guns. Violence prevention programs, discussed in a later section of this report, should be incorporated into school curricula to teach children to express themselves without resorting to violence and to avoid situations that place them at risk of violence. Individual schools have used several curricula which have been shown to reduce in-school fighting, assaults, and harassment, and to defuse conflict among students and between students and faculty.

This year, federal anti-drug funds were dedicated to the development of school-based anti-violence programs. The funds support a broad range of activities such as conflict-resolution and mediation programs for students, training programs for teachers in violence management and prevention, and the purchase of physical security devices.

To help schools prevent violence and deal with the aftermath of violence when it does occur, school personnel will receive violence prevention and intervention training from the State Police *Safe Schools Program*. The program teaches school faculty how to prevent violent incidents, handle violence when it does occur, and deal effectively with the aftermath of violence.

Enhance School Discipline

Over half of the students and teachers surveyed believed that rules for behavior were not strictly enforced and over two-fifths believed that students who misbehaved were not punished for their misbehavior.

Ineffective discipline can undermine school safety. School discipline codes should be appropriate, clear and concise, and applied in a firm and consistent manner. Parents, teachers, students and community residents should participate in the development and revision of the codes. The State Education Department should review all codes to ensure their adequacy.

Report School Violence

Currently, schools and school districts are not required to report violent incidents to the State Education Department (SED). Also, policies and procedures that do exist for maintaining these records often vary across schools and school districts. State regulations should be amended to require all schools to report the number and type of violent incidents to school district superintendents. Guidelines and procedures should be established by SED to standardize this reporting, as well as the reporting of crimes to the police. School districts should be required to report violent incidents to SED. And SED should be required to publish these data annually by school and school district.

School officials are not always made aware of violent encounters among the student body. The school violence study found that two-thirds of students surveyed did not report robbery or assault incidents to the schools or the police. Some teachers also failed to report violent incidents to authorities. Policies and procedures should be established which encourage students and teachers to report criminal incidents whenever they occur.

Finally, while the implementation of policies, guidelines and procedures recommended above will improve the accuracy of official data, some violent incidents will always go unreported. Therefore, a survey of safety and security should be conducted periodically by SED to measure more precisely the scope of crime and disorder in New York State public schools.

Intervene Early in Problem Behavior

The importance of providing early intervention services to youth involved in delinquent activities is widely accepted. We cannot afford -- from either a moral or economic perspective -- to let any child and his/her family languish until a youth's history of criminal behavior becomes so serious the court is left with no alternative but placement.

Transgression into delinquency is a gradual process. Seemingly minor violations such as school truancy escalate, over time, to more serious patterns of offending. If intervention occurs early on, it can prevent such escalation.

Intervention to address early signs of delinquency should begin with a comprehensive strategy to reduce school truancy. A portion of that strategy should include the use of law enforcement to identify and return truants to school. Anti-truancy programs involving the use of law enforcement have increased school attendance and decreased juvenile crime. New York City began such a program in April 1994.

Youth whose behavior has resulted in a charge of juvenile delinquency should receive a comprehensive needs assessment and intervention plan upon entering the juvenile justice system. The successful *PINS Adjustment Program* provides an excellent model for early intervention. This program relies on a team of specialists from the juvenile justice, social service and mental health fields to conduct comprehensive needs assessments of youth and their families and to coordinate the delivery of community-based services.

Programs like the *PINS Adjustment Program* should be established in juvenile probation intake departments across the State.

Ensure the Accountability of Young Offenders

Decisive action is needed to reverse the alarming trend in violence among our youth. A strategy of reform for the juvenile justice system must focus on three areas. First, it must identify youth who commit violent crime, especially those repeatedly involved in violent criminal activity. Second, it must ensure that these youth cannot use legal loopholes to avoid prosecution and that they are appropriately sanctioned. Third, it must ensure that these youth receive adequate supervision and the type of treatment needed to alter their patterns of violent behavior. The Governor has proposed several legislative initiatives to promote these objectives.

Fingerprint Juveniles for Felony Offenses

The early identification of chronic young offenders is vital to effective intervention. Currently, many felonies — including some violent felonies — are not fingerprintable offenses for juveniles ages 7-15. The Family Court Act does not permit the fingerprinting of juveniles charged with committing certain crimes, including possession of a loaded firearm and assaults involving injury. The absence of criminal history information interferes with the ability of judges, prosecutors, police and probation officers to intervene effectively.

This year, the Governor will once again propose legislation to expand juvenile fingerprinting to all felony offenses. Fingerprinting juveniles arrested for any felony offense would enable the courts to be aware of a juvenile's or young adult's recent criminal history. The expansion of juvenile fingerprinting would also improve the capability of the Statewide Automated Fingerprint Identification System (SAFIS) to identify fingerprints lifted from unsolved crime scenes.

Close the Loophole in Speedy Trial Rule

A recent court decision has created a loophole in the law that allows certain juveniles who elude Family Court to also avoid accountability for their actions. In the *Matter of Randy K.*, 77 N.Y.2d 398 (1991), the Court of Appeals held that there would be no exceptions to the strict speedy trial rule in Family Court, even when a bench warrant is issued because a youth has failed to appear. Thus, prosecutors must continually seek extensions of these cases. In some instances, they may fail to make the request in a timely manner; and, the court may or may not grant an application. As a result, some juveniles who have avoided the police warrant squad — even for a relatively short period of time — have avoided prosecution.

In order to ensure the fair prosecution of all juvenile offenders, the Governor again will propose the addition of a speedy trial provision to the Family Court Act so the clock will stop when a bench warrant is issued.

Make More Effective Sanctions Available

A strategy for reducing youth violence must ensure that the consequences for committing violent crimes are commensurate with the seriousness of these offenses.

Expand the Juvenile Offender Classification

In recent years, there has been an alarming increase in the number of youths 15, 14, and even 13 years of age who possess and use handguns. The possession of loaded firearms by juveniles is particularly disturbing because their immaturity and impulsiveness may lead to tragic consequences.

The nature of these offenses and the threat that youth involved in these offenses pose to the community warrant the expansion of Juvenile Offender (JO) status to include offenses involving the possession or use of a loaded gun. By designating these crimes as JO offenses, youth accused as JOs could be prosecuted in criminal court and, where appropriate, be subjected to longer periods of confinement.

Also, under existing law, the only attempted offenses classified as JO crimes are those relating to second degree murder and first degree kidnapping. Although attempted offenses are traditionally sentenced more leniently than completed offenses, the disparity is rarely so dramatic.

The Governor has proposed legislation that expands JO crimes to include criminal possession or use of a dangerous firearm and attempts to commit crimes classified as JO offenses.

Increase the Use of Restitution and Community Service

Too often, services and sanctions are not commensurate with either the needs of the juvenile or the nature of the offense the juvenile has committed. Low intensity probation supervision programs and short periods of residential placement give juvenile delinquents the impression that society is not treating their behavior seriously and that there will be few consequences if they commit future crimes. A wide range of sanctions are needed to help ensure a continuum of punishment and to promote proportionality and equity in juvenile case processing.

A comprehensive system of punishments should include restitution and community service. These sanctions are rarely invoked in the juvenile justice system. Yet, both have the potential to help youngsters take responsibility for their behavior and ameliorate the harm done. This year, the Governor has proposed legislation which provides family courts with greater flexibility in using restitution and community service.

The bill clarifies the use of restitution and community service in the processing of juveniles and the responsibilities of the probation department, presentment agency and family court in facilitating the imposition and enforcement of these sanctions. It also seeks to balance the needs of victims, offenders and the public. The bill removes the cap on the amount of restitution that can be ordered and it allows periods of supervision to be extended when youth have not satisfied orders of restitution or community service. The extended periods of supervision will increase the likelihood of youth successfully satisfying the conditions of orders and compensating victims. The expanded opportunities this bill provides for the imposition and enforcement of restitution and community service will encourage the juvenile court to make greater use of these sanctions.

Expand Juvenile Intensive Supervision

The Intensive Supervision Program (ISP) is a promising intervention tool that can provide a cost-effective alternative to placement for criminally-involved youth. Juvenile ISP programs target youths who have the greatest risk of re-offending, and affords the court a final opportunity to change a juvenile's behavior before placement is required. The program combines close monitoring, counseling and individualized treatment to intervene in the lives of juveniles. ISP's smaller caseloads improve probation staff's ability to foster positive change

among youths engaged in criminal behavior and enable these juveniles to lead productive, law-abiding lives.

Currently, the Division of Probation and Correctional Alternatives (DPCA) funds two initiatives in New York City which provide intensive supervision and other services to juveniles at risk of placement: the Kings County Juvenile Offender Program and the Court Employment Project operated by the Center for Alternative Sentencing and Educational Services (CASES). Although not receiving enhanced DPCA funding, several local probation departments have also implemented juvenile ISP services.

The supervision of juvenile probationers should be coordinated with the schools attended by the probationers. When possible, juvenile probation officers should be located in the schools to facilitate their supervision. Some rural jurisdictions in New York State already have successfully experimented with co-location.

Expand Capacity and Lengthen Average Stay at DFY

The growth in violence among youth has prompted the expansion of State facilities to house and treat these young offenders. The State Division for Youth (DFY) is responsible for providing a continuum of residential and post-residential care for youth adjudicated Juvenile Delinquents or convicted as Juvenile Offenders (JOs) and placed with DFY by the courts. The Division provides youth with a range of programs across three levels of security: non-secure, limited-secure and secure. These differing levels of security are required for both community protection and treatment needs.

JOs, who comprise the most serious young offenders, are youth 14 or 15 years of age who commit certain violent felony offenses and youth 13 years of age who commit murder.¹⁶ The number of annual JO admissions to DFY has risen dramatically in recent years—from 187 in 1990 to 311 in 1993. The growing number of admissions has increased the demand for secure beds.

To provide more opportunity for rehabilitation and enhance public safety, legislation has been proposed to create longer lengths of stay at DFY facilities, particularly for violent offenders. The proposed legislation would enable DFY to establish, where appropriate, an 18-month placement period consisting of 12 months in a residential program with an additional six months of aftercare for juvenile delinquents. The legislation calls for a minimum length of stay of 18 months in residential programs for sex offenders followed by 18 months of intensive community treatment. If enacted, this legislation would require further capacity expansion.

Immediate capacity needs have been met through expansion of existing facilities and the recent completion of a 150-bed model residential facility for youth requiring limited-secure and secure placement. Continued expansion is needed to keep pace with commitments and to accommodate lengthier commitment terms. The fiscal year 1994-95 Capital Budget proposal submitted by the Governor includes funding to design plans for an additional 90 beds at Brookwood Secure Center in Columbia County. Construction of the beds, however, is pending an authorization for this expansion in the subsequent fiscal year budget.

Establish Alternative Placement and Aftercare Programs

DFY also has established a series of alternative programs which help to ensure that youth with a history of violent behavior are adequately supervised and treated upon their return to the community. They include foster family care and day placement programs such as the Home-Based Intensive Supervision, In-Home Intensive Treatment, and evening reporting centers.

Youth participating in day placement programs live at home or are in foster care. The Home-Based Intensive Supervision (HBIS) program provides supervision and services to youth returning to the community from residential care. Counseling services are provided to youth and their families by the program. All other services are provided through contractual agreements with existing community programs.

The In-Home Intensive Treatment and Supervision targets youth with a history of drug abuse and youth who have been adjudicated delinquents on drug offenses. It is similar to HBIS, but also provides special services for youth requiring drug abuse treatment.

Evening Reporting Centers provide an alternative to out-of-community placement and also provide transition services for youth returning to the community from residential care. The centers provide evening and weekend on-site supervision and services that supplement day-time programs. Youth must agree to attend school or to work to participate.

The Division is also piloting two short-term intensive residential programs that employ specialized approaches to behavior change for youth from the New York City area. The four month *Adirondack Wilderness Challenge* program is designed to educate and build character through physically and mentally demanding, stressful, group experiences in natural environment. The *Sgt. Henry Johnson Youth Leadership Academy* program is a six-month residential academy that is designed to build self-discipline, a work ethic, teamwork and pride through a vigorous program of physical exercise, community service, counseling and

education. During the second phase of each of these programs, youth participate in the City Challenge for a three to four month period. This is a day placement program which provides structured school and after-school activities for these youth. The program is designed to follow-up and reinforce skills, behaviors and attitudes learned during the *Adirondack Wilderness Challenge* and the *Youth Leadership* programs.

We should evaluate these innovative programs carefully and look at their potential for replication.

Evaluate the Efficacy of Intervention

We must learn more about the effectiveness of various DFY treatment modalities for different types of juvenile delinquent youth returning to the community. The Division of Criminal Justice Services will conduct a study of the patterns of reintegration and recidivism among youth discharged from DFY custody.

Ensure Appropriate Sanctions for Older Youth

Qualify Youthful Offender Status for Older Youth

The original intent of the State's Youthful Offender Law, enacted in 1943, was to spare a young adult, whose first criminal act might be an isolated incident, from the stigma and adverse consequences of a criminal record. In practice, however, it can shield a young, repeat felon from punishment as a second felony offender.

A Youthful Offender (YO) finding can be substituted for a conviction in eligible cases involving youth 16 through 18 years of age and Juvenile Offenders. YO status can be granted more than once, provided that previous YO cases do not involve felony convictions.

With YO status come less severe sanctions which include fines, unconditional and conditional discharges, probation and up to four years' imprisonment. The accusatory instrument is sealed, and following adjudication, all official records are generally confidential. The conviction cannot be used as the predicate conviction for purposes of a second felony offender sentencing.

Since 1987, approximately 16 percent of young offenders statewide who received YO status for violent felony offenses were subsequently arrested for and convicted of another violent felony. The purpose of YO status is to provide young, first-time felony offenders with an opportunity to reform their behavior

without being subjected to the full force of the law. It is not intended to sentence a repeat felon more leniently simply because his first felony conviction was adjudicated as a YO. This year, the Governor will once again propose legislation providing that Youthful Offenders who are convicted of a second felony within ten years would be subject to sentencing as second felony offenders.

Expand Shock Incarceration for Older Youth

The State's demanding and highly structured military-style *Shock Incarceration* program has produced encouraging evidence as an efficient alternative to regular prison programming among adult inmates committed to DOCS. After release, Shock inmates do as well as their counterparts in the general DOCS population who served longer prison terms. As a result, this initiative has saved the State nearly \$300 million since it was instituted in 1987.

The federal government should help states construct and operate these boot-camp prisons for young, non-violent offenders.

Improve Information Systems and Decision Making

The collection and maintenance of juvenile case processing data are often uncoordinated and inefficient, with considerable duplication of effort throughout the system. Exchange of data among agencies is hampered by the lack of automated systems and interfaces, and by laws and policies protecting the confidentiality of juveniles. As a result, law enforcement and service providers do not always have accurate information for identification and treatment purposes.

Upgrade Information Systems

The State should encourage the use of computerized information systems in local agencies by providing technical support for the development of these systems. Information collected by localities could be used for operational and research purposes by both levels of government. For example, basic clerical tasks (e.g., the preparation of docket sheets, warrants and court orders) could be computerized to increase operational efficiency within and among agencies. Local data systems could be used to update fingerprintable juvenile delinquency arrest records stored in the State's central repository. Such systems also could be used by the Division for Youth in planning for bedspace, services and treatment needs.

Develop Decision Making Guidelines

The sanctioning of adult offenders is based largely on prior criminal record and the nature of the instant offense. Sanctioning in the juvenile justice system is more complex. The system's dual, and sometimes competing, interests in treatment and punishment often obscure the underlying rationale in juvenile justice sanctioning decisions. This lack of clarity increases the possibility that similar offenders will be sanctioned quite differently, depending on the judge involved.

The development of guidelines is recommended to ensure fair, consistent and effective uses of available sanctions. DFY has developed a classification system for determining the proper custody level for youth in its care, based upon the risk a youth poses to public safety, as well as his educational, vocational, physical and psychological needs. This system should be adapted to guide decision making in family courts.

ENDNOTES

1. U.S. Department of Justice (1994). *Crime Data Brief: Guns and Crime*, Washington, D.C., U.S. Department of Justice.
2. *ibid.*
3. Zimring, F.E. (1968). "Is Gun Control Likely to Reduce Violent Killing?" *The University of Chicago Law Review*, 35: 721-737; Wright, J.D., P.H. Rossi and K. Daly (1983). *Under the Gun: Weapons, Crime and Violence in America*, New York: Aldine Publishing Company.
4. Wright, J.D. and P.H. Rossi (1985). *The Armed Criminal in America: A Survey of Incarcerated Felons*, Washington, D.C.: National Institute of Justice.
5. Wright, J. D. and Rossi, P. H. (1986). *Armed and Considered Dangerous*, New York: Aldine de Gruyter.
6. *ibid.*
7. Data provided by the National Crime Information Center.
8. U.S. Department of Justice (1994), *supra* note 1.
9. Moore, M. H. (1982). "Keeping Handguns from Criminal Offenders," *The Annals of the American Academy of Political and Social Science*, 455:92-109.
10. The Brady Law requires that a five business-day waiting period apply to prospective handgun purchasers whose permits were issued more than five years ago, when a criminal background check was initially performed as part of the handgun permit application.
11. McDowall, D., C. Loftin and B. Wiersema (1992). "A Comparative Study of the Preventive Effects of Mandatory Sentencing Laws for Gun Crimes," *Journal of Criminal Law and Criminology*, 83(2): 378-394.
12. Abel, G., J. Becker, M. Mittelman, J. Cunningham-Rathner, J. Rouleau, and W. Murphy, (1987). "Self-Reported Sex Crimes of Nonincarcerated Paraphiliacs." *Journal of Interpersonal Violence*, 2:3-25; Freeman-Longo, R. E. (1985). *Incidence of Self-Reported Sex Crimes Among Incarcerated Rapists and Child Molesters*. Unpublished manuscript. Correctional Treatment Program, Oregon State Hospital; and Groth, A., R. Longo, and J. McFadin, (1982). "Undetected Recidivism in Rapists and Child Molesters," *Crime & Delinquency*, 28:450-458.
13. Blumstein, A. J. Cohen, J.A. Roth, and C.A. Visher (eds.). *Criminal Careers and "Career Criminals," Vol. 1*, Washington, D.C.: National Academy Press, 1986, p. 93.
14. *People v. Wesley*, N.Y. 2d, No. 18, slip op. at 8, 17-con (March 29, 1994).

15. New York State Education Department and New York State Division of Criminal Justice Services. (February 1994) *A Study of Safety and Security in the Public Schools of New York State*. Draft Report. Albany, NY.

16. The Juvenile Offender Law of 1978 transferred original jurisdiction for these cases from the family court to the adult criminal court. Youth sentenced as JOs and given a term of imprisonment are committed to a DFY facility by the courts and must initially be placed in secure facilities. If the term of imprisonment extends beyond a youth's twenty-first birthday, the youth must be transferred to the Department of Correctional Services to serve the remainder of the sentence.

Part 3
Prevention

PREVENTION

Research has identified a number of individual, family and community characteristics predictive of violent behavior. A propensity towards violence often appears in early youth. Children who are aggressive by age eight are more likely, than others, to engage in violent behavior as adults.¹ This stability in violent behavior is likely due to the continuity of both individual and environmental factors.²

Among the most important characteristics related to early childhood aggression are pregnancy and birth problems,³ cognitive deficits,⁴ impulsivity,⁵ hyperactivity,⁶ low IQ and poor school performance.⁷ An uninhibited temperament is also believed to be associated with childhood aggression and later adult violence.⁸ These conditions often are aggravated by family problems such as poor parenting methods,⁹ child abuse and neglect,¹⁰ and multiple placements in foster care.¹¹ Individual and family problems are compounded by the presence of communities characterized by poverty,¹² dense, multi-unit housing,¹³ high residential mobility¹⁴ and low social organization.¹⁵

All of these characteristics contribute to the wearing away of norms and mores which inhibit violence. When communities with inadequate controls face growing illicit drug markets, the problem of violence is exacerbated.¹⁶ In the absence of legitimate means to control interactions within the illicit drug market, violence becomes the norm. And, as violence becomes more common, it becomes a more acceptable means of resolving conflict in a host of social settings.

Given the complex and interwoven set of factors which contribute to violence, there are many vital points of prevention. At the individual level, programs need to improve prenatal care, control hyperactivity and attention deficits, teach deferred gratification and conflict resolution and provide opportunities to achieve through education and employment. At the family level, efforts are needed to delay childbirth, teach parenting skills, provide support for families in crisis, help families stay together and provide for the supervision of children when parents are unavailable. At the community level, initiatives are needed to re-establish social organizations such as schools, churches and youth centers, stabilize neighborhoods with long-term residents, provide business opportunities, and ensure adequate housing, education and health care. And, we need to eliminate situational forces, such as illicit drug and weapons markets, which encourage violence. Finally, we must defuse the promotion of violence by the television, video and music industries.

The vitalness of a comprehensive approach to violence prevention is recognized across all sectors of public service. In recent years, problem-solving policing has been undertaken by police departments across the country. Community police officers are taught to look beyond a single criminal incident and to identify situational factors which may contribute to a pattern of victimization and criminal offending. Robberies of children by other youth, for example, may be facilitated by the absence of safe passageways and the coterminous release of younger and older children from school. Community police officers can identify such problems and facilitate their resolution.

Public health has long used scientific steps to understand and find solutions to prevent disease and injury. The same steps can be effectively used to lead a comprehensive violence prevention effort. The public health approach to prevention begins by examining a large number of incidents and identifying underlying patterns of the problem. It then identifies risk factors associated with the problem such as characteristics of victims, offenders, weapons and the surrounding environments. Interventions are developed based on the empirical findings and tested for effectiveness. Effective interventions are replicated in other locations.

Violence prevention ultimately must target the most fundamental problems contributing to violence and the population most involved in violence. However, these "most fundamental" problems – such as intense and concentrated poverty, family dissolution, inadequate education, poor health care, and disorganized communities – will also take the longest time to change and will require the unified action of every level of public service. Thus, New York's violence prevention agenda must contain both short-term and long-term objectives and delineate roles for local, state and the federal governments, as well as for the private sector and society at large. The following pages describe current initiatives and future plans to reduce violence by altering individual, family and community risk factors.

Change and Empower Individuals

It is often true that children raised within the same family, social and economic environment mature quite differently. When faced with family problems, few resources and dangerous neighborhoods, some children resort to violent crime and other forms of deviance. Others, however, persevere and develop into successful, law-abiding adults. Conversely, some children from functional families and safe communities grow up to commit crimes, while many more mature and thrive. Clearly, personal characteristics influence the likelihood that a child will develop aggressive behavior.

Aggressive behavior can also be a learned trait independent of an individual's personal makeup. In some inner-city communities, aggression and violence have become standard means of dealing with conflict. Although the problem is likely to be most pronounced among those who possess many personal risk factors, even those with fewer risk factors may resort to aggression simply because it has been repeatedly modeled as acceptable and appropriate behavior.

New York State provides many services to minimize the development and persistence of personal risk factors associated with violence. The State also supports programs which directly target aggression among children and adolescents whose living circumstances place them at risk of resorting to violence.

State Initiatives

Provide Early Health Interventions

The first step in preventing violence is the delivery and development of healthy, wanted children. Infants with low birth weights and other health problems are more likely to develop into children with behavioral control problems and cognitive deficits. Early health intervention in the lives of these children offer significant promise for reducing the development of these personal risk factors predictive of violent behavior.

Teenagers are most at risk of delivering infants with low birth weights and other health problems. Thus, efforts to reduce infant health problems need to decrease the rate of teenage pregnancy and improve prenatal care among pregnant teenagers.

In an effort to improve pregnancy prevention, prenatal and parenting services to teenagers, New York State established the *Adolescent Pregnancy Prevention and Services (APPS)* program. The program is currently available in 24 communities and serves more than 11,000 youth annually.

APPS projects determine the service needs of teenagers in the community, contract with agencies to provide services not already available, coordinate services for young people, and provide counseling and referral assistance. In many instances, they serve young people who are seeking pregnancy prevention by providing a variety of programs including reproductive counseling and help regarding employment and education. The annual pregnancy rate for young women receiving these prevention services is two percent, which compares favorably with a pregnancy rate of nine percent for all females aged 15 to 19.

Some APPS clients are pregnant or parenting when they apply for assistance. These young women receive the same services as those seeking to

prevent pregnancy. They are also enrolled in programs to improve prenatal and infant health care and parenting skills.

Teenage pregnancy and poor prenatal care are frequently endemic to impoverished, urban neighborhoods. To improve these conditions in the Mott Haven, Central Harlem and Bedford Stuyvesant areas of New York City, the State has developed *Project Connect* -- a program designed to improve and expand access to health and social services for pregnant women and those who have recently given birth. The program serves pregnant teenagers, women with little prenatal care, drug and alcohol abusers, and HIV-positive women.

The benefits derived from reducing prenatal health problems and improving the care of infants need to be sustained through the delivery of adequate health services to young children. In 1991, the State instituted *Child Health Care Plus* -- an insurance fund to provide primary health care for children under eleven years of age. The program currently funds health care services for over 66,000 children throughout the State. The cost of the insurance depends on the financial status of the families. Families who are unable to pay anything toward health care are covered free of charge. To date, the program has been able to absorb all qualified applicants.

Deliver Early Education Services to Low-Income Children

Quality early childhood programs provide a safe, stimulating and nurturing environment that promotes the physical, cognitive, social and emotional development of young children. Efforts that address the needs of children and their families at all stages of development concurrently address problems that can lead to involvement in violence. Studies have shown that teens and young adults who participate in comprehensive early childhood programs have lower rates of delinquent behavior, adolescent pregnancy and improved school and economic status.¹⁷

Children from low income families are provided pre-school education services through the federally funded *Project Head Start* and the State funded *Prekindergarten Program*. Project Head Start currently provides approximately 38,000 preschool children of low-income families in New York State with a full array of services to meet their educational, social, health and nutritional needs. Based upon the conviction that successful programs for children can be achieved and sustained only through the active participation of parents, parental involvement is an essential part of every Head Start educational, planning and operating program. Parents are viewed and supported as the primary influence in the education and development of their own children. Head Start has received substantial additional funding in recent years to expand the number of children and families being served.

Following the lead of Project Head Start, the New York State Prekindergarten Program was created to respond to the early educational and social needs of economically disadvantaged children by providing developmentally appropriate activities for three and four year old children. The program also provides comprehensive services to families to assist them in improving the conditions and quality of family life. In order to receive funding, these programs must provide quality, comprehensive services that include education, health, nutrition, social services, parent involvement, continuity of services to kindergarten through third grade, and coordination with other early childhood and community agencies. Currently, the New York State Prekindergarten Program serves approximately 19,500 eligible children throughout the State.

Help Aggressive Children to Control Their Behavior

The strong link between childhood aggression and adult violence is a clear indication that we need to find more effective ways of helping aggressive children to change their patterns of behavior. The State Education Department has begun to address this need through its program, *Quality Education for Students with Emotional Disturbances – The Heart of the Matter*. The program provides three days of training to teachers, school therapists and others involved with aggressive children. It helps participants to intervene better in a child's pattern of aggression without contributing to an escalation of that aggression. The program provides ways to teach aggressive children to recognize and deal with stress and to develop internal controls and other means of expression. Teachers learn to identify the needs underlying the aggression and to help children fulfill those needs through other avenues. The program's emphasis on enabling children to control their own behavior is central to their long-term improvement.

A similar program entitled, *Discipline with Dignity* has recently been adopted by New York State United Teachers and is being taught to teachers throughout the State. The program provides teachers with the skills to prevent misbehavior through social contracts, to manage misbehavior when it does occur and to better deal with chronically disruptive students. It, too, teaches skills needed to recognize the underlying causes of misbehavior and empower students to take responsibility for their actions.

Both of these programs are premised on the proven belief that teachers and other school personnel can enable children to alter destructive behaviors. Although many of these children may experience aggressive behaviors in their homes and communities, the time spent in school can offset negative experiences elsewhere and provide children with the skills to alter dysfunctional behavior.

Schools should not, however, shoulder the sole responsibility of dealing with aggressive and conduct disordered children. Rather, they should work

jointly with community-based service providers to ensure that the needs of children and families are addressed early, before problems reach a crisis level. Many schools across the State are implementing innovative programs based on such collaborations.

Encourage Young People to Reject Aggression

Aggressive and violent behavior is not limited to youngsters with personal risk factors or those living in urban, impoverished neighborhoods. Although more pervasive among these populations, aggression and violence occur in all strata of society and among young people who exhibit few obvious risk factors. Although violence prevention resources need to be targeted to those most at risk of problem behavior, it also is important to reduce levels of aggression within the general population of young people.

Spread the Kingian Non-Violence Methodology. The NYS Martin Luther King, Jr. Commission and Institute for Nonviolence has undertaken a variety of initiatives to provide alternative methods of problem solving for a broad array of young people. The Institute developed its *Applied Kingian Nonviolence Methodology* as a means of teaching young adults how to achieve positive social change without the use of violence.

Kingian nonviolence is taught through a variety of programs including *The Ella Baker Academy* and the *Student Theatre Outreach Program (STOP)*. The Governor's Youth Summit and the Youth Employment Education Training Program are programs of nonviolence infusion provided in cooperation with the Department of Labor. The Ella Baker Academy is a three-week residential program designed to train teenagers in the application of principles of nonviolence and peer leadership. Program graduates use their skills to develop nonviolence programs in their schools and communities.

The Governor's Youth Summit was first convened in April 1993. Attended by over 500 teens drawn from youth programs throughout the State, the conference focused on issues critical to them, including strategies they could use for nonviolent social change. All participants were taught the Kingian nonviolence methodology as a means of addressing problems and reducing violence within their communities.

Kingian nonviolence has also been integrated into the NYS Department of Labor *Youth Employment Education Training Programs*. Staff from agencies that provide employment services to youth are taught ways to integrate Kingian nonviolence into their programming and to alter the culture of violence in many impoverished communities.

The NYS Martin Luther King, Jr. Commission and Institute for Nonviolence has also created a model program -- the *King Exchange* -- a program calling for children to turn in their toy guns for apples and books, which has been replicated in various communities. At the same time, parents are asked to sign the "King Exchange Pledge," committing themselves not to purchase toys of violence.

Teach Nonviolence through Substance Abuse Prevention. Substance abuse prevention and treatment programs are another medium through which youth can develop skills to reduce aggressive behavior. The State Office of Alcoholism and Substance Abuse Services (OASAS) oversees 165 school-based prevention programs, and 217 community-based prevention programs that operate at over 2,600 sites statewide. It also oversees 350 treatment programs at 525 locations throughout the State.

Many substance abuse prevention programs have incorporated conflict resolution in their skills development curricula. For example, in Buffalo, a community-based prevention program teaches conflict resolution to high school students who live in a high crime area of the city. Another community-based substance abuse prevention program teaches conflict resolution to 2,000 4th through 6th graders in Buffalo as part of the social skills curriculum.

A program called *No Put-Downs* in Syracuse teaches kids about respecting each other and using conflict resolution to resolve their differences. The teachers, part of CONTACT, Inc., also facilitate about 180 anger management workshops annually in primary, middle and high schools.

Conflict resolution also is incorporated into many of the substance abuse prevention programs in Long Island schools. Teams of high school students and faculty have been established in several districts to reduce and respond to conflicts in school. And, third and fourth graders in some schools receive one-half semester of instruction in creative problem-solving, using conflict resolution skills. Fifth and sixth graders receive anger management training. Parent facilitators teach other parents conflict resolution skills for use within the family.

In New York City, the Board of Education and individual districts have provided training in conflict resolution, peer mediation, anger management and handgun violence prevention. OASAS-funded Substance Abuse Prevention Intervention Specialists, trained in these and other programs, act as staff support for the school-based programs. Trained young people and faculty assist in dispute resolution. And, at least one community district incorporates gang resistance education as part of the anti-drug *School Program to Educate and Control Drug Abuse (SPECDA)* classes taught by the New York City Police Department.

OASAS-supported drug treatment programs provide another avenue for teaching anger management and the non-violent resolution of disputes. A residential drug treatment program in the Capital District conducts weekly anger management sessions for all clients. The Glens Falls Hospital provides conflict resolution, domestic violence, and anger management training for women cocaine abusers and children of substance abusers. Likewise, a drug treatment program in Saratoga provides anger management training to clients and makes referrals to the domestic violence services of the *Saratoga Project for Men and the Family*.

Provide Violence Prevention through Education and Youth Services. Violence prevention initiatives also are under development by the Education Department and the Division for Youth. The Education Department is developing workshops to train educators and parents in the management of conflict and provide assistance in the development of anti-violence curricula for children. Seed money will also be awarded for the development and implementation of curricula addressing bias-related violence.

The NYS Division for Youth, the New York City Department of Youth and several community-based youth agencies have collaborated to facilitate the development of local anti-violence strategies in high crime areas. The effort is bringing together civic, business and religious leaders with teams of youth specialists to establish the local strategies. The first step has been the development of an anti-violence poster campaign to raise awareness and stimulate discussion concerning the problem of violence. Youth anti-violence crisis intervention teams and gun retrieval programs will be implemented in each of the areas.

Promote Nonviolence through the Media. The media has an important role to play in altering societal norms surrounding the use of violence. To this end, the Martin Luther King, Jr. Commission and Institute for Nonviolence is pursuing a media-based promotional campaign against hatred, racism and violence in New York State.

More than 350 roadside billboards carrying an anti-violence message have been donated by the Outdoor Advertising Council. The Council is working in collaboration with the King Commission and Institute in response to the Governor's challenge to the State's advertising firms to work with the Commission and Institute in a media campaign against racism, hatred and violence.

Develop Comprehensive Violence Prevention through the Health System.

The Department of Health has funded demonstration projects which offer conflict mediation and anger management training, as well as a variety of other services including cultural awareness programming, peer mentoring and parent training as part of their comprehensive approach to violence.

Through funding from the Health Department, the Hunter College Center on AIDS, Drugs and Community Health has developed a series of prevention programs to address violence in the Mott Haven area of New York City. The program teaches youth skills in decision making, conflict mediation and assertiveness and involves youth in meaningful community service. It also provides parent training and teaches youth workers and school personnel how to diffuse violence, mediate conflict, provide effective discipline and motivate young people.

Another project funded by the Health Department provides violence prevention services to youth in the New York City neighborhoods of Hunt's Point, Morrisania, Fordham and Tremont. *Project Peace*, directed by the Bronx branch of the New York Urban League, teaches youth communication, anger management, conflict mediation, and peer leadership skills. And, parents are taught how to understand and change their violent behaviors and those of their children.

A third project delivers a variety of prevention and intervention services to youth in the Central and West Harlem area. The *Harlem Hospital Injury Prevention Program* has utilized State funds to develop three initiatives including *Harlem's Violence Alternatives (HVA)*, the *Kids, Injuries and Street Smarts (KISS)* project and the *Critical Incident Stress Management (CISM)* project. HVA trains school personnel, parents, community members, youth and others to identify the origins of violence and teach conflict resolution skills.

The KISS program is designed to reduce traumatic injuries to children by teaching them: (1) how to get help in an emergency, (2) how to handle an emergency, (3) how to recognize the signs and symptoms of traumatic stress caused by violence, and (4) the dangers of gun play. The curriculum is taught to junior and senior high school students and staffed by New York City Emergency Medical Technicians.

Treatment of traumatic stress which often follows a violent incident is the focus of the CISM program. The program prepares school staff to quickly respond to traumatic incidents, defuse tensions, debrief students and other staff and make referrals for follow-up services.

A fourth project, operated through the Syracuse Model Neighborhood Facility, enhances youth's skills in the areas of communication, problem solving and conflict resolution. Skills are taught through psychodrama and group counseling. In addition, staff are developing a program on the impact of domestic violence on children and youth.

The Health Department also funds other demonstration projects, described in the intervention section, which provide prevention and intervention services in the areas of domestic violence and child sexual abuse.

Provide School-to-Work Opportunity

Efforts to reduce aggression among a broad array of young people need to be augmented by programs that provide alternative means of gaining social status and self-esteem. Career development opportunities are needed to create passageways to legitimate, long-term success. Among the most proven career development programs are school-to-work initiatives.¹⁸

New York State is deeply committed to the establishment of a comprehensive, statewide school-to-work system. The movement to integrate school and work experiences resulted from a recognition that school curricula often fail to target many of the skills vital in today's work place. The growth of technology has placed premium value on cognitive and operational skills in areas such as information processing and problem solving. Today's work world also requires teamwork and attending organizational and social skills. Education curricula have not adequately facilitated development of these skills.

The movement also was born of the recognition that many students, particularly disadvantaged students, were losing interest in education because it lacked relevance in their lives. When children are surrounded by others who have failed to achieve, they begin to accept failure as inevitable.

The school-to-work movement is redressing both problems by integrating school and work-place skills development. It can put students in touch with success, while gratifying their immediate needs for relevant and meaningful experiences. It can also provide the nation with an energized, skilled workforce.

Among the key components of a comprehensive school-to-work initiative are the following:

- a well-designed K-12 curricula that ensures development of vital work-related skills;

- a continual process of student career exploration through school-based and work-place activities;
- a program to allow students to begin a career path while in secondary school;
- secondary and postsecondary education curricula that afford participating students the choice of entering the workforce upon graduation from high school, continuing with postsecondary education, or both; and
- support structures such as mentoring programs to provide guidance throughout the educational journey.

The school-to-work movement clearly is not a carryover of past "tracking" systems. The alignment of secondary and postsecondary education curricula is undertaken specifically to ensure that students are well positioned to pursue higher education if they so desire.

Discrete school-to-work programs have existed in many communities in New York since the late 1970s and early 1980s. Among some of the most well-known programs are the *Adolescent Vocational Exploration (AVE)* and *Progressive Adolescent Vocational Exploration (PAVE)* programs, which assist disadvantaged students in defining career goals and developing career-planning, decision-making and job-seeking skills. AVE serves 14- and 15-year-old youngsters, and focuses on reading and math skills and career exploration. PAVE, for older teens, assists with career planning and preparation for transition into the work place.

The *JOBS for Youth Program* offers similar services for at-risk youth. The program integrates in-school activities with vocational skills training, and provides formal apprenticeships, and youth leadership development.

Other programs, such as the *WORK Station*, have brought occupational and career information into the school setting through use of various information technologies. And, a variety of school-based initiatives have provided job placement and mentoring services.

One of the most comprehensive school-to-work programs is the Governor's *School and Business Alliance (SABA)* program initiated in 1987. SABA has increased the graduation rates and employability skills of high school students through career exploration, high school mentoring, career development institutes, curriculum development, pre-employment training, and job placement assistance. Governing boards of local programs actively involve the private sector, community-based organizations and civic and educational leaders.

Currently, there are SABA programs in 140 school districts, serving over 45,000 students.

This broad array of programs serves as a foundation for a comprehensive, statewide school-to-work educational system. Under the leadership of Governor Cuomo, New York State has made significant strides in developing that system.

In 1991, the Governor convened a broad-based task force under the auspices of the Job Training Partnership Council to plan a comprehensive school-to-work program for New York State. The task force made several recommendations. It recommended the development of a statewide school-to-work system which integrated work place skills and career information into the K-12 curricula. And, it called for the creation of certificate programs, career pathways and school-structured work experiences.

The task force secured almost one million dollars in State funds to develop work-related components of school curricula, create a means to measure student mastery of work-related skills and implement 12 school-to-work pilot programs throughout the State. The pilot programs, which began in 1993, are integrating workforce preparation into the K-12 curricula and structuring school-sponsored work experiences for all students.

This year, the State also has secured over \$600,000 in federal funds to plan development of a statewide school-to-work system. The above activities provide a basis for that work. In addition, the State will establish between 6 and 10 occupational career majors for secondary education. Each career major will include, for example, instructional models, skill standards and postsecondary educational pathways.

The federal monies also will be used to evaluate existing school-to-work programs, including the 12 pilot projects. The funds will support the training, outreach and planning needed to ensure the development of a comprehensive, well-coordinated system.

Promote Youth Development Through ChalleNGe and the Corps of Cadets

Youth who have already dropped out of school face bleak futures. The New York National Guard Youth Opportunity Program, *ChalleNGe*, represents one of many programs designed to help dropouts to complete their education and prepare for their futures. The program is a federally funded, military-style youth corps program targeted at high school dropouts aged 16-18 years which began in September 1993. Participants must be drug-free and have no current criminal justice system involvement, although some probationers have been accepted. The

objectives of the program are to instill law-abiding values, teach skills and promote responsible citizenship for disenfranchised youth. There is a strong emphasis on drug avoidance education and general life-skills development in the areas of team building, career choices, health issues, personal values and leadership. Military drill and ceremony are utilized. Participants also perform community service work.

ChalleNGe consists of a 22 week residential phase followed by a 12 month mentoring phase in the community. There is no cost to the participants who receive a \$15 weekly allowance to offset personal expenses. Upon completion of the residential phase, each student receives a \$2,500 stipend to assist in his or her transition to a productive lifestyle in the community. Mentors are responsible for ensuring that the stipend is spent appropriately.

The New York State National Guard Corps also operates the *Corps of Cadets* program for youth ages 12-17. Applicants must be drug-free and without a serious criminal record. The major purpose of the Cadet Corps is to help children learn drug avoidance strategies, build self-esteem and self-confidence. It also helps develop leadership skills, promote teamwork and integrity, and foster a sense of belonging.

Cadet units meet weekly at local armories and are lead by volunteer commissioned and noncommissioned officers. In the Corps, the cadets are introduced to a variety of opportunities in the business world and in the community. Cadet units participate in parades, athletic activities and school functions. Parent-community groups are formed to support each cadet unit and corporate sponsorship of units is encouraged. The National Guard has established a goal of 25 units statewide. There are currently nine units which are operational or under development.

Future Directions

The previously described programs have proven successful in either reducing risk factors associated with aggressive and violent behavior or teaching young people non-violent lifestyles. The State needs to capitalize on these successes through program expansion.

The Governor has proposed significant expansion of the *Adolescent Pregnancy Prevention and Services* program in the coming year. And, the Child Health Care Plus program has been extended and enabled to provide coverage for even more children of New York.

Programs such as Discipline with Dignity that enable enabling aggressive children to understand and control their dysfunctional behaviors also need

expansion. They should be made available to school faculty throughout the State. Many programs and program models have been developed throughout the State to coordinate school and community-based services for aggressive children and their families and to provide alternate learning environments for chronically disruptive students. The State Education Department should identify and publicize these programs and encourage their replication through technical assistance and financial support.

Initiatives designed to reduce violence through skills development in the areas of communication, mediation and social change are beginning to spread throughout the schools and communities of New York State. Yet, the work is still in its infancy and requires continual evaluation. Much can be learned from the experience of drug abuse prevention over the past decade.

Drug abuse prevention has been most successful when it has involved entire communities and every important institution within those communities. Behaviors that are dysfunctional, yet considered "normal," are most effectively altered through the involvement of families, schools, youth groups, the media, and other forces central to the lives of youth. And, change is greatest when youngsters find alternative ways of socializing, dealing with stress, expressing their independence, developing self-esteem and establishing goals. Violence prevention must address each of these areas if it is to empower youth to alter the growing prevalence of violence in the schools and on the streets of many urban areas.

In recognition of the need for a comprehensive response to violent behavior, the Department of Health is establishing a *Statewide Advisory Council on Violence as a Public Health Issue*. The Council will include representatives from State and local agencies, community groups, health care providers, and other disciplines and groups involved in violence prevention. It will oversee development of a public awareness campaign on violence as a public health issue. The Council convenes focus groups of concerned citizens in communities particularly hard-hit by violence to assure that the State's violence prevention efforts are responsive to the perceptions and needs of its citizens.

Change and Empower Families

Families strongly influence the behavior of children directly, by providing a foundation for a child's emotional development and by teaching and modeling behavior. They also influence behavior indirectly, by increasing, reducing or altering the effects of risk factors associated with aberrant behavior.

Abused and neglected children are more likely to develop into violent adults than are children from functional families.¹⁹ And, children who enter foster care and are subjected to multiple placements are also at risk of developing violent behavior as adults.²⁰ Although multiple placements may have resulted from misconduct by the child, they may also exacerbate the problem by reducing the quality of family bonds the child forms and the quality and consistency of the supervision he or she gets.

Families also can aggravate or ameliorate the negative effects of individual risk factors. Families with financial resources, for example, are able to offset the negative effects associated with birth complications.²¹ And, loving and supporting families can enable children to build strong self-esteem and a willingness to overcome adversity.

Finally, families are an important means of controlling behavior through supervision and discipline. When families are unavailable to supervise their children, other social institutions such as schools and youth programs are relied upon to provide needed oversight.

Indicators of family problems such as reports of child abuse and neglect and foster care placements have climbed dramatically over the past ten years. In 1984 -- when today's young offenders were in early childhood -- there were approximately 81,000 reports of child abuse and maltreatment in New York State. By 1993, that number had climbed to over 138,000. Over 60,000 children were placed in foster care in 1993, more than twice as many as in 1984.

New York State has also witnessed a change in the age composition of foster care placements. In 1984, infants accounted for approximately 15 percent of the total number of children admitted to foster care. By 1989, infants comprised approximately 25 percent of new admissions.²² If current trends persist, it is estimated that 15 to 20 percent of children born in the most impoverished communities of New York State will reach kindergarten having spent some time in the foster care system.²³

Not only is a greater portion of children born during the last half of the 1980s experiencing family problems that place them at risk of future violence, this cohort of youth is also larger than cohorts from the late 1970s and early 1980s. Both of these factors suggest the urgency of strengthening the families of today's young children or risk facing more negative consequences in the coming decade.

Given the strong nexus between dysfunctional families, inadequate supervision and violence, a violence reduction strategy must include means to reduce child abuse and neglect and provide support to families in crisis. It must

also ensure high-quality foster care and provide supervision to youth when regular caretakers are absent.

State Initiatives

Prevent Child Abuse and Neglect

Many families fall into patterns of neglect and abuse because they are unable to obtain the help needed to deal with stress and provide adequate care for their children. In an effort to prevent the onset of maltreatment, the State has instituted a toll-free *Decade of the Child Information Line* which provides information on approximately 140 programs of 23 state agencies, such as adoption and foster care, child care, immunization, child abuse prevention and mentoring. In conjunction with the Council on Children and Families, the Information Line is currently conducting a survey of parent education and support programs. This information will be added to the Information Line's data base in the coming months.

In 1984, the New York State Legislature established the *Trust Fund* to create a new source of funding for the prevention and treatment of family violence. It was renamed the *William B. Hoyt Memorial Children and Family Trust Fund* in June 1992.

The fund is one of 50 trust and prevention funds in the country for the prevention of child abuse. It was the first fund in the nation to include funding for partner and elder abuse.

The Trust Fund has financed 121 programs to date including local service programs, community grants and statewide and regional projects. It prevents child abuse and neglect through funding local services to promote positive parenting and healthy family functioning. Families along a continuum of risk are strengthened before maltreatment occurs. A variety of models have been funded including family resource centers, school/community collaborations, parenting education, home visiting services, and school-based prevention programs for children. Local domestic violence programs are funded to provide outreach, advocacy, counseling and shelter services, and caregiver support and respite.

The Trust Fund developed the community grant program to promote communitywide involvement in efforts to prevent family violence and to foster a coordination of services for its prevention and treatment. A lead agency and several subcontractors provide a range of child abuse, domestic violence and elder abuse services. They also work together to initiate community coalitions to address gaps in services and the need for systemic change.

Among the recent child abuse prevention initiatives supported by the Trust Fund are the following:

Delaware Opportunities Parent Center:

Delaware Opportunities operates a drop-in parent center in Walton, New York. The center meets the needs of a broad spectrum of families by providing a mix of parent education and family support services.

Chautauqua Opportunities' Family Support Services:

The Chautauqua Opportunities' Family Support Services program emphasizes early prevention through intensive case management and home visiting services. The program continues to provide staff and technical assistance to the county-wide Commission on Families which seeks to identify service gaps and coordinate existing services for families at risk of abuse and neglect. The majority of referrals are based on neglect concerns, with parenting skills being the most needed area of service. These are families who are deemed at risk, but not enough to be mandated into services. Counseling frequently focuses on appropriate care of young children and/or communication issues with teens. The program maintains the Supporting Moms and Kids group which meet monthly. This format allows participants the opportunity to develop their own support system and improve their social skills, and moves them closer to self-sufficiency.

Bronx Child Abuse Prevention Program:

The Child Abuse Prevention Program, in coordination with local schools, provides interactive children's workshops teaching physical and sexual abuse prevention. Children who disclose abuse are provided with immediate intervention and referral.

East Harlem Family/School Learning collaborative:

The Family/School Learning collaborative at P.S. 146 in East Harlem, is an innovative child abuse prevention program designed to involve parents in their children's education from the beginning of their school careers in an effort to improve school performance and to foster their education, social and emotional needs. It is a collaborative effort between social workers, educators, and parents and targets all the kindergarten children in P.S. 146 for services. The program includes

intensive outreach, parent education, advocacy for housing, medical care and other needed services and parent leadership training.

Cornell Cooperative Extension Parent Resource Center:

The Cornell Cooperative Extension operates a Parent Resource Center at Charlotte Kenyon Elementary School located in rural Broome County. Parenting education is offered using a variety of formats to accommodate parent needs. A child development specialist is available daily to interact with parents and their children to demonstrate appropriate play and communication. Role modeling of this kind helps parents to internalize effective parenting practices and positive attitudes.

Parents Learning Understanding and Support (PLUS) Program:

The Parents Learning Understanding and Support (PLUS) Program in New Rochelle serves the needs of parents and children (0-3 years). The program educates parents and creates a support network that has proven to be beneficial in reducing the stress and isolation of many parents and in improving individual and family functioning. Components of the program include parent support groups; supervised parent/child play; modeling of positive parenting; education workshops in health, nutrition and child development; individual counseling; and home visiting for families at higher risk of child abuse and maltreatment.

Some Trust Fund projects have utilized "visiting nurses" to maintain one-on-one contact with families at risk of child neglect and abuse. Visiting nurses periodically visit targeted families to help with parenting needs. They provide assistance in obtaining food stamps and other nutritional services, help arrange child care and link the young parents to other community services including parent support groups. Home visitation programs in other states have improved the intellectual functioning of infants and reduced incidents of child abuse.²⁴ The Department of Social Services and Department of Health have begun to collaborate on the development of a statewide *Home Visiting* program for single, young mothers and others judged to be at risk of child maltreatment. New federal funds will be available this year to support the initiative.

Preserve Families Amenable to Reform

New York State maintains a central registry for reports of child abuse and maltreatment. Certain designated professionals such as teachers and physicians are mandated to report suspected cases of child maltreatment. They also are required to complete training in the identification of such cases.

The *Central Register of Child Abuse and Maltreatment* receives telephone calls alleging abuse or maltreatment, relays them to the local child protective service for investigation, monitors the provision of child protective services and identifies the existence of prior child abuse or maltreatment reports. It receives calls on a 24-hour basis.

If a report of neglect is determined to have basis in fact, the local child protective service prepares a rehabilitation service plan for the family. Families at risk of losing their children are in crisis and, thus, often amenable to intervention and change. One promising program for rehabilitating these families is the *Family Preservation Program* instituted by the NYS Department of Social Services. The program provides intensive services to enable families to continue living together with their children. It identifies a family's problems, secures needed services and works with the family to provide a safe and healthy environment for the children.

Another New York State demonstration program designed to reduce the use of foster care is the *Home Rebuilders* program. Traditionally, foster care agencies receive payment for each day a child remains in foster care. Thus, they have few resources and little incentive to move children back to their families or prepare parents to resume living with them. Home Rebuilders provides the agency with a lump-sum payment and allows it to decide how that money is used. This enables agencies to focus resources on preparing families for reunification - which they want to do - rather than expending resources on lengthy foster care. The program is currently being piloted at six sites in New York City. It is funded for three years and is undergoing close evaluation. If successful, the program will reduce the length of stay in the foster care system and improve the care of children within at-risk families.

Drug addicted parents also are at high risk of losing their children to foster care. In the past, parents who required inpatient drug treatment routinely were forced to leave their children behind. Today, New York State is developing *Family Support Communities* which will provide inpatient drug treatment and other services to substance-abusing pregnant women and women with small children. The families will live as family units, with the children engaging in educational and therapeutic programs as the mothers undergo drug abuse treatment. The mothers will also participate in parenting and life skills training.

Once the families are prepared for independent living, the program will help them to become reestablished in the community.

Expedite Adoption When Needed

Sadly, some families are never in a position to resume custody of their children. Health problems such as chronic drug addiction and AIDS may eliminate any opportunity for reunification. In those cases, the best solution is *speedy adoption*. This year, the Governor has directed the Commissioner of Social Services to work with Chief Judge Judith Kaye and the Office of Court Administration to remove all barriers to speedy adoptions in cases in which family reunification is impossible.

Increase Supervision and Guidance Outside the Family

Although parents are responsible for caring for their children, many cannot always be available to guide and supervise their children during off-school hours. With the depletion of the extended family, new means are needed to help parents with child care. Forty-four community schools have been established in New York State to help fill that void. Community schools are open all year, six days per week, from early morning to late evening. They provide educational, cultural and recreational programs for children and adults in the community. Many also offer other services such as medical and dental check-ups and other preventive health care, job counseling, effective parenting workshops and child care.

Youth recreation programs offer another means of enhancing supervision, while simultaneously providing youth with appropriate avenues for releasing tensions and building self-esteem. The Division for Youth supports many recreation and youth development services throughout the State through its *Youth Development and Delinquency Prevention* program and its *Special Delinquency Prevention Program*. Together, these two programs provide in excess of \$40 million for youth programming.

In addition, the Division for Youth has begun development of *Youth Opportunity Centers*. This program provides resources for the construction and renovation of community youth centers. The centers will provide an environment for young people to engage in constructive activities as an alternative to the chaos of the streets and shopping malls.

Youth also need more organized nighttime recreation to keep them off the streets, help them to build self-esteem and provide them with a positive means of releasing tension. This year, the Governor's Council on Lifetime Health, Fitness

and Sports will coordinate development of the nation's first statewide *Midnight Hoops* basketball league.

Many children lack proper guidance in their lives. Although schools and community programs help to fill that gap, a child needs a one-to-one, personal relationship with someone he or she can respect and emulate. Initiatives such as the *New York State Mentoring Program* help to fill that need. The State Mentoring program is currently active in 214 schools and youth residential centers throughout New York. Approximately 3,000 elementary and middle school students are working with mentors.

The Program helps schools to establish a mentoring system, identify needy children and recruit mentors from private and public sector businesses. The Program also has piloted *Bias-Related Anti-Violence (BRAVE) Centers* in schools in Brooklyn and Staten Island. The centers provide a written and video anti-violence curriculum for use by mentors and the children.

The mentors meet with the children in the schools a minimum of four hours per month. Most meet much more frequently. They guide the children in personal development, assist in the resolution of problems and serve as role models. After a period of introduction, many of the mentors participate with the children in activities in the community. Mentors play a vital role in helping troubled, and often impoverished, children to see the world through a different lens – one less distorted by the stress and violence that too often are part of their everyday lives.

Future Directions

Many of the programs implemented to stabilize families, reduce foster care and involve schools and communities in the care and supervision of the young are in their infancy. They continue to need careful development and evaluation. Once proven, they should be expanded to all communities.

Today's parents are under considerable stress. Many women are raising children alone. When two parents are in the household, both usually work and are not available to supervise children during after-school hours. Thus, communities need to ensure that other institutions are in place to assist. Community schools should be expanded throughout the State to fill this void. Priority should be given to high crime communities.

Parenting is a difficult task. Most people parent as they were parented. Few are provided with formal training in this most important task. Young people need to be taught how to handle stress, care for infants, and raise children

properly. And, they need to know when and how to seek help as parents. Parent training should become a part of school curriculums throughout the State.

The State should also pursue development of *Neighborhood Living and Learning Centers* as recently proposed by the NYS Division for Youth. The proposed centers would include youth anti-violence crisis intervention teams, learning academies, gymnasiums, vocational training areas, outpatient clinics and child care space. Some would also have residential components to serve troubled youth as an alternative to placement or jail and to provide shelter for teen mothers and homeless teenagers. Substance abuse treatment would also be available on site.

Many of the projects funded through the Trust Fund serve as comprehensive family resource centers. They offer a wide variety of services to enhance parenting skills, provide short-term child care, structure social and recreational activities, and improve employment opportunities through workforce preparation and adult education. The Trust Fund, however, only supports programs for a maximum of four years. Given the invaluable services rendered by these programs, the Governor has requested that \$10 million of aid to localities funds be used to support multi-service *Family Preservation Centers*. The proposed centers would offer a wide array of services including family support services, youth development activities, substance abuse counseling, entrepreneurial assistance and health services.

Mentoring programs also need to be expanded and institutionalized in high-crime areas. Among the recent proposals of the New York State Legislative Task Force on African American Issues is the development of a community parenting and family mentoring program for high crime areas. The program would employ working and retired middle-class African Americans to help impoverished parents improve their parenting and life skills. The Task Force also proposed development of community parenting programs in which senior citizens and other responsible adults could be hired to monitor the behavior of youth within a neighborhood or housing complex, report inappropriate behavior to parents and coordinate programs to occupy the youth during non-school hours. Such programs should be pursued in conjunction with community crime prevention efforts.

Change and Empower Communities

Communities with high levels of violence are characterized by high concentrations of poor families, single-parent households and teenagers, low employment and literacy, high levels of residential mobility, dense and inadequate housing, and illicit businesses such as prostitution and drug markets.

Although individual and family characteristics likely contribute to violence within these communities, the level of violence is determined by more than the sum of the characteristics of individual residents. When social problems such as unemployment, early pregnancy, family instability and poor school performance are endemic to a community, they become viewed as normal, if not acceptable, conditions. These communities lose the capacity to establish positive standards of behavior. Neighbors no longer communicate and work together to supervise the young. And, illegal markets provide the only readily apparent means of gaining social status and quick income, while offering no avenues for the peaceful resolution of conflict among those involved.

The long-term solutions to reducing violence in inner-city communities are less welfare dependency, more employment, better health care and education, less teenage pregnancy, more supervision of youth and more residential stability. At the federal level, we need nothing less than a Marshall plan for the cities. Unless we are able to intercede in the downward spiral of the inner cities, the 30-year trend of increasing violence will be difficult to reverse.

In the short-term, we must help low and moderate crime neighborhoods to maintain their stability, while helping residents in high-crime areas to develop some degree of social control. The most promising means of achieving these short-term objectives are community policing and other neighborhood-level cooperative efforts to improve security and provide for the supervision of youth. Cooperative, organized communities are able to resist the development of illegal drug markets, establish standards of conduct and supervise the young. Although government can provide resources and expertise to assist in this process, only the communities can make it happen.

As exhibited below, New York State has undertaken many initiatives designed to stabilize and reduce violence within disorganized, impoverished communities. But, even efforts of this magnitude are not enough. A long-term, federal commitment is necessary to address the problems of our inner cities.

State Initiatives

Expand Community Policing

In 1990, community policing was adopted as the dominant operational philosophy of policing in New York City. Since that time, that community policing program has grown from less than 100 to over 3,000 officers. Many of the new community policing positions were funded through the Safe Streets, Safe City program -- a collaborative effort by the State and City governments to enhance public safety in New York City.

Recent criticisms of the community policing program in New York City point to the difficulties of implementing community policing concepts. Successful community policing requires a considerable amount of individual initiative and talent, as well as skilled and responsive management. It also requires an organizational reward system based on clear performance standards and the integration of beat patrols with other parts of the police department and other public service agencies. And, it will not succeed without community members willing to take initiative and sufficient resources to resolve identified problems.

Shortcomings in many of these areas were noted in the New York City community policing program as early as 1989, when it was limited to demonstration precincts. They need to be addressed if community policing is to fulfill its potential in New York City.

New York State has promoted community involvement in policing through its *Community Omnibus Municipally-Based Anti-Drug Teams (COMBAT) program*. COMBAT provides federal funds to local communities to enhance policing outcomes and foster a partnership between law enforcement and the community. Many of the 12 COMBAT sites have employed community policing methods to improve communication between the police and the public. Most have also increased citizen participation through crime prevention anti-drug programs. Overall, the COMBAT experience has shown that community collaboration is the single most important factor in sustained success in reclaiming neighborhoods from criminals, improving the quality of life, and engaging diverse voices in mutual problem-solving.

Reduce Racial Tensions

One difficult problem faced by community police and other community advocates is the development of cooperation among a multitude of racial and ethnic groups. One means of fostering such cooperation is through cultural sensitivity training and multi-cultural events. To this end, the Education Department is providing seed money to schools for the development of an anti-bias curricula to enhance cultural sensitivity and respect.

Sometimes, ethnic and racial conflict within a community can lead to group violence. The NYS Division of Human Rights has established a *Crisis Prevention Unit* to identify and intervene in the development of group conflict. The unit regularly sends investigators to monitor public demonstrations which impact intergroup relations. The focus of these monitoring efforts is three-fold: to promote lawful, peaceful expression of the groups involved; to provide a visible human rights presence at the event; and to facilitate communication between law enforcement and demonstrators in order to minimize the need for force in controlling the event.

The Crisis Prevention Unit also trains local leaders to diffuse inter-group conflict. The Unit has trained teams in Central New York, Upper Manhattan, Yonkers, and the Hudson Valley. It is currently working with the Catholic Diocese of Brooklyn and Queens to set up a corps of people in each parish trained in the diffusion of group conflict.

To prevent an escalation of violence between racial and ethnic groups within a community, the Governor is supporting the development of a *Halls of Justice* program in New York City, that would facilitate the resolution of group disputes. The program will be piloted in the Crown Heights Section of Brooklyn -- a neighborhood plagued by group conflict.

Promote Neighborhood Stability

One of the best means of establishing cohesion within a neighborhood is home ownership. People who own their homes will remain in a neighborhood longer and will have more incentive to contribute to the welfare of the area. Among the initiatives in New York State which promote home ownership are the *Neighborhood and Rural Preservation Program* and *NY HOPE*. The primary focus of the *Neighborhood and Rural Preservation Program* is to promote and preserve housing for low and medium income families. However, over the years, the participating companies have realized that they cannot establish and maintain adequate housing if the neighborhoods are ridden with crime. Many of the companies now include in their preservation contracts crime prevention activities, such as block patrols, which are designed to reduce crime.

In an effort to expand housing for the poor while increasing home ownership, New York State has begun development of *NY HOPE*. Like the federal HOPE program, *NY HOPE* will provide public housing residents with the opportunity to purchase their units. *NY HOPE*, however, is linked to the construction of new public housing units. This will foster home ownership without displacing current public housing residents who may be unable to purchase the units.

Stimulate Economic Development

Economic prosperity also is necessary to foster stable, cohesive communities. Those currently on welfare need the skills, incentives and opportunities to work. And, the welfare system needs to be redesigned to make welfare a "last resort" option.

To stimulate economic growth in the most severely distressed areas, New York State has created the *Economic Development Zones (EDZ)* program. The program seeks to expand already existing businesses and attract new businesses

to distressed areas through use of financial incentives and economic development benefits. To insure that impoverished persons living in the areas will benefit from the economic expansion, the State has made their involvement a condition of participation in the program. EDZ localities also are required to provide or arrange for job training, child care and other job preparation assistance. An evaluation of the program in 1990 revealed that the program was successful in meeting these objectives. There are currently 19 EDZs throughout the State, with an additional 15 to be established during 1994.

Provide Entrepreneurial Opportunity

The development of entrepreneurial skills is facilitated in New York through *Entrepreneurial Assistance Program (EAP)*. Fifty percent of EAP clients reside in economically distressed counties. The range of EAP services includes classroom training in business practices and procedures, individual and group counseling, technical assistance, business mentoring and micro-lending. Clients are assisted in the development of business plans for initiating, operating and growing their businesses. Between February 1991 and May 1993, EAP assisted in the creation of 451 businesses, the expansion of 391 businesses and the saving of another 204 businesses.

One group often left out of employment training is female public assistance recipients with young children. In an effort to serve the employment needs of this population, New York State has developed Comprehensive Employment Support Centers. In addition to teaching pre-employment skills, the Centers provide training in the areas of life skills, parenting and family planning. They also provide educational services and help participants obtain GEDs. The Centers provide support services in the areas such as child care and transportation, which make it easier for the mothers to enter and remain in the program. The Centers also help participants to develop self-esteem and build a support network among themselves.

Promote Effective Local Planning

The wide variety of services to children, youth and their families are delivered through an array of community-based agencies. To improve the coordination of these services, State human service agencies have collaborated to combine most State and local planning requirements into a single, unified planning process and document for all children, youth and families. The *County Comprehensive Plan for Children, Youth and Families* initiative will integrate planning for early childhood services, positive youth development, and family preservation; create more effective and responsive services; and reduce program duplication, fragmentation and paperwork. The State will pilot the initiative in a number of counties over the next year.

Future Directions

The entrenched poverty and hopelessness which pervade many high-crime communities is not easily rectified. The degeneration has occurred over decades and cannot be changed in weeks or even a few years. Programs such as those described above will help to improve these areas, but more needs to be done. The State needs to continue to evaluate initiatives intended to improve the quality of life in the inner city and to build upon those already proven to be effective. Economic Development Zones and entrepreneurship programs should continue to be expanded in high-risk communities. Programs that enable low-income families to purchase homes should also continue and expand. And community policing and dispute resolution programs should be done in more places and involve more of the citizenry.

Communities receive public services through a multitude of agencies, most of which are small, non-profit service providers. The enormous growth of non-profit agencies has required government to find new means to ensure that the services are comprehensive, coordinated, responsive, and non-duplicative. We also must enable communities to develop long-range plans for rejuvenation.

In 1990, Governor Cuomo implemented the *Neighborhood Based Alliance (NBA)* to improve the coordination and delivery of public services in distressed neighborhoods. Initially, six high-need, high-readiness communities were chosen to implement the experimental program. The program has since expanded to 17 sites.

Each NBA site completed a needs assessment, assigned priorities to those needs and developed an action plan for community revitalization. The State NBA oversight committee supports lead agencies in each of the communities and organizes State agencies to respond to the needs of NBA communities. The funding of local services has been streamlined through unified contracting. Gaps in services have been identified and, when possible, filled. Today, the communities are receiving better coordinated, more comprehensive services, with fewer duplicative programs. In an effort to combat violence, particularly youth violence, and improve the quality of life in high-risk urban areas, the Governor has made the prevention and reduction of violence one of the major objectives of the NBA Program. Using the *Communities that Care* strategy, NBA sites will develop comprehensive, community-wide prevention plans to reduce adolescent behavior problems such as violence, delinquency, teen pregnancy and dropping out of school.

The NBA initiative is a strong step in the development of a local-State partnership for the effective delivery of human services. It is clear, however, that better planning and coordination will have only limited impact unless distressed communities are able to secure more resources.

The last 30 years have seen a steady deterioration of inner cities throughout the country. The widespread rioting in Los Angeles in 1992 placed the nation on notice that the devastation and despair of inner city communities has laid the foundation for widespread violence. Yet, little has been done to rejuvenate these deeply distressed areas. These communities, and the people within them, need real opportunities to develop and prosper. The federal government must develop and implement a comprehensive plan -- of the magnitude of the Marshall Plan -- to enable the inner cities to teach their children, train their work forces and create the infra-structure needed to draw investments and develop industries.

ENDNOTES

1. Farrington, D.P. (1991). "Childhood Aggression and Adult Violence: Early Precursors and Later-Life Outcomes," pp. 5-29 in D.J. Pepler and K.H. Rubin, eds., *The Development and Treatment of Childhood Aggression*, Hillsdale, N.J.: Erlbaum; Olweus, D. (1979), "Stability of Aggressive Reaction Patterns in Males: A Review," *Psychological Bulletin*, 86:852-875; Huesmann, L.R., L.D. Eron, R. Klein, P. Brice and P. Fischer (1984), "The Stability of Aggression Over Time and Generations," *Developmental Psychology*, 20: 1120-1134.
2. Eron, L.D. and L.R. Huesmann (1990). "The Stability of Aggressive Behavior - Even Unto the Third Generation," pp. 147-156 in M. Lewis and S.M. Miller, eds., *Handbook of Developmental Psychopathology*, New York: Plenum Press.
3. Litt, S.M. (1971). *Perinatal Complications and Criminality*, Doctoral dissertation, University of Michigan; Lewis, D.P., S.S. Shanok, J.H. Pincus and G.H. Glaser (1979) "Violent Juvenile Delinquents," *Journal of American Academy of Child Psychiatry*, 18: 307-319.
4. Farrington, D.P. (1989). "Early Predictors of Adolescent Aggression and Adult Violence," *Violence and Victims*, 4: 79-100.
5. *ibid.*
6. Berland, B. L. and Heckman, H. K. (1976). "Hyperactive Boys and their Brothers: A 25-Year Follow-up Study," *Archives of General Psychiatry*, 33:669-675; Cantwell, D.P. (1978), "Hyperactivity and Anti-Social Behavior," *Journal of American Academy of Child Psychiatry*, 17:252-262.
7. Huesmann, L.R. and L.D. Eron (1984). "Cognitive Processes and the Persistence of Aggressive Behavior," *Aggressive Behavior*, 10: 243-251.
8. Kagan, J. (1989). "Temperament Contributions to Social Behavior," *American Psychologist*, 44: 668-674.
9. Farrington, D.P. and D.J. West (1990). "The Cambridge Study in Delinquent Development: A Long-Term Follow-up Study of 411 London Males," pp. 115-138 in H.J. Kerner and G. Kaiser, eds., *Criminality: Personality, Behavior and Life History*, Berlin: Springer-Verlag.
10. Brown, S. E. (1984). "Social Class, Child Maltreatment and Delinquent Behavior," *Criminology*, 22: 259-278; Rivera, B. and C. S. Windom (1992), "Childhood Victimization and Violent Offending," *Violence and Victims*, 5:19-35.
11. Hensey, O.J., J.K. Williams and L. Rosenbloom (1983). "Intervention in Child Abuse: Experiences in Liverpool," *Developmental Medicine and Child Neurology*, 25: 606-611.

12. Beasley, R.W. and G. Antunes (1974). "The Etiology of Urban Crime: An Ecological Analysis," *Criminology*, 11: 439-461; Mladenka, K. and K. Hill (1976), "A Reexamination of the Etiology," *Criminology*, 13: 491-506.
13. Sampson, R.J. "Neighborhood and Crime: The Structural Determinants of Personal Victimization," *Journal of Research in Crime and Delinquency*, 22(1) 7-40; Sampson, R.J. "Personal Victimization by Strangers: An Extension and Test of the Opportunity Model of Predatory Victimization," *Journal of Criminal Law and Criminology*, 78: 327-356.
14. Sampson (1985) supra note 13; Sampson (1987) supra note 13; Smith, D.R. and G.R. Jarjoura, "Social Structure and Criminal Victimization," *Journal of Research in Crime and Delinquency*, 25: 27-52.
15. Wallace, R. and D. Wallace (1990). "Origins of Public Health Collapse in New York City: The Dynamics of Planned Shrinkage, Contagious Urban Decay and Social Disintegration," *Bulletin of the New York Academy of Medicine*, 66: 391-434; Sampson (1985) supra note 13.
16. Goldstein, P.J., H.H. Brownstein, P.J. Ryan and P.A. Bellucci (1989). "Crack and Homicide in New York City, 1988: A Conceptually-Based Event Analysis," *Contemporary Drug Problems* 16: 651-687; Fagan, J. and K. Chin (1989), "Violence as Regulation and Social Control in the Distribution of Crack," In M. de la Rosa, B. Gropper and E. Lambert, eds., *Drugs and Violence, Research Monograph of the National Institute on Drug Abuse*, Rockville, Md.: Alcohol, Drug Abuse and Mental Health Administration.
17. Berrueta-Clement, J.R., L.J. Schweinhart, W.S. Barnett, A.E. Epstein, and D.P. Neikart (1984). Changed Lives: The Effects of the Perry Preschool Program on Youths Through Age 19. Ypsilanti, Michigan: High/Scope Press.
18. Getting America to Work: What's Working and What's Not Working in Workforce Policy, remarks of Secretary Robert B. Reich before the Center for National Policy (Washington, D.C., January 27, 1994).
19. Brown, S. E. (1984) supra note 10; Rivera, B. and C. S. Windom (1992) supra note 10.
20. Lynch, M.A. and J. Roberts (1982). *Consequences of Child Abuse*, London: Academic Press.
21. Demmo, D.W. (1990). *Biology and Violence: From Birth to Adulthood*, Cambridge: Cambridge University Press.
22. Wulczyn, F.H. and R.M. George (1991). Foster Care in New York and Illinois: The Challenge of Rapid Change, unpublished manuscript.
23. *ibid.*
24. Olds, D. (1988). "The Prenatal/Early Infancy Project," pp. 9-32 in R.H. Price, E.I. Cowen, R.P. Lorion, and Ramose-McKay, eds., *Fourteen Ounces of Prevention: A Casebook for Practitioners*, Washington D.C.: American Psychological Association.

Part 4
Intervention in Violence

INTERVENTION IN VIOLENCE

Truly violent and dangerous offenders should be incarcerated for the protection of society. However, the majority of all offenders who are imprisoned are eventually released. Other potentially violent offenders are under the supervision of community corrections. Consequently, it is in the public interest to assure that while individuals are under correctional supervision, an effort is made to reduce their propensity towards violent behavior.

In order to prevent the continuation of violent behavior, circumstances surrounding the behavior must be clearly understood. Most offenders convicted of violent crime do not specialize in violence. They often have fairly extensive property crime. The violent offense frequently is one element in a general pattern of anti-social behavior.

There are some exceptions to this pattern, however, and they represent ideal targets for intervention. Family violence, for example, is a repeated behavior that is often unrelated to other criminal offending. Sex offenders are another exception to the norm. Many sex offenders repeatedly commit sex crimes. Thus, they are often targeted for intervention.

A small number of criminals exhibit serious mental health problems which contribute to their violent behavior. Thus, treatment of the underlying mental health problem may ameliorate the violent behavior.

Although many violent offenders do not specialize in violence, many may possess certain behaviors which place them at high risk of violent offending. Violent events often follow an escalation of verbal conflict in which participants fail to exercise control and bystanders fail to intercede.¹ This suggests that violence may be reduced among all offenders by providing them with the skills to avoid violence-prone situations and to resolve disputes verbally or seek mediation from third parties.

Violence is frequently interconnected with illicit drug markets and drug use. Many homicides, for example, have occurred in the course of disputes over drug dealer territory or drug-related debt.² And, heroin addicts have been shown to be frequently involved in violent economic crime in an effort to sustain their drug habits.³

Violence also may result from intoxication. Alcohol appears to be the drug most strongly associated with violent behavior.⁴ There is a high prevalence of violent crime among alcoholics and a high prevalence of alcoholism among

violent offenders.⁵ When homicide is deemed to have occurred because of intoxication, alcohol is the most common drug involved.⁶

Alcohol intoxication also often precedes violent sex offending. Moreover, many sex offenders hold attitudes conducive to violence against women and experience deviant arousal patterns.

Interventions in violence frequently target general anti-social behavior resulting from inadequate socialization and stress management. When other problems such as patterns of family violence, sexual maladjustment, emotional disturbances, and drug addiction underlie the violent behavior, they, too, become the focus of intervention.

General Violence Interventions

Aggression Replacement Training and General Interventions with Youth

Many violent young people in the juvenile justice system come from communities in which violence has become common behavior. These youths have become trapped in the belief that violence is the only effective and socially acceptable means of resolving conflict without losing the respect of others. Many also have limited social skills which further reduces their capacity to resolve conflict without violence.

In response to these problems, the New York State Division for Youth has developed and implemented a program of *Aggression Replacement Training (ART)* in five of its facilities. ART consists of social skills training, anger control training and moral education. The social skills component teaches pro-social behaviors in a small-group setting. It is implemented through modeling positive behaviors lacked by group members, role-playing the behaviors, evaluating their performance, and providing opportunities for improvement.

The anger control component teaches youngsters to manage their anger. It enables the participants to identify factors that trigger their anger and physical indicators of their angry states. The participants are taught to use a series of techniques to intercede in the escalation of anger and to evaluate their success in controlling anger.

The moral education component seeks to alter the participants' perceptions of fairness and justice and increase their concern for the rights of others. Through group work, youth confront a variety of moral dilemmas and discuss potential responses. Youth who express lower levels of moral reasoning (e.g., self-gratification) are confronted by others who reason at more advanced levels.

Eventually, the lower functioning youth begin to adopt higher levels of moral reasoning. This provides them with the internal motivation to behave in a non-aggressive manner.

The ART program has proven effective in reducing the number and intensity of aggressive behaviors.⁷ The Division for Youth plans to expand the program to all of its facilities over the next three years.

ART also has been adapted for use with street gangs in Brooklyn. The community-based organizations of Youth Dares in Sheepshead Bay and the Brownsville Community Neighborhood Action Center in Crown Heights have implemented the program. Four boys' gangs and one girls' gang in each area have participated in ART classes. The projects have shown considerable success. Four evaluations indicate improvement in the participants' interpersonal skills, abilities to reduce and control anger, egocentrism, and anti-social behaviors. The projects were recently selected as winners of the prestigious Gould-Wysinger award established by the Office of Juvenile Justice and Delinquency Prevention.

Probation departments in Suffolk and Westchester counties also have developed specialized programs to intervene in violent behavior among juveniles. Suffolk County has established the *Juvenile Arson and Aggression Project* which treats juveniles with assaultive or arson-related histories. The program seeks to improve four problem areas common to violent and fire-setting youth. They include feelings of hostility, social-skill deficits, low empathy and family difficulties. A cognitive approach is used to alert the youth to the harmful consequences of their actions, identify and treat problems underlying the behaviors and teach anger management techniques. Treatment modalities include individual, group and family counseling for 24 to 30 weeks. To facilitate the early identification and treatment of violence-prone youth, the counseling staff undertake outreach through community education and in-service training of all probation officers.

Westchester County has implemented the *Gang-Related Intervention Program* to supervise and treat youth who are in gangs or who demonstrate behavior which makes them at risk of gang involvement. Five probation officers work as a team to provide up to 100 youth with individualized programming in a day-reporting format. The program entails interventions to change behaviors and attitudes, personal development opportunities to increase self esteem and improve employability, and control strategies to enforce individual accountability. It involves the immediate family, community, police, schools, youth service bureaus, work project agencies, and members of the religious community.

Community Corrections Interventions for Adults

All offenders who have exhibited a potential for violence do not necessarily have to be imprisoned in order to ensure community safety. In many cases, the risk presented by these individuals can be managed effectively in the community through specific conditions and behavioral controls.

The traditional institution for providing these services has been the probation department with its standard case management approach. However, in recent years, traditional programming in community corrections has been greatly expanded to include a wide variety of models and strategies designed to provide the most effective intervention for each individual offender. This evolving array includes: intensive supervision, day reporting programs, group supervision, specialized caseloads, the assignment of cases to specific program tracks, the employment of technology such as electronic monitoring, and the more effective utilization of external treatment services.

Most probation departments in the state maintain an *Intensive Supervision Program (ISP)* to provide enhanced surveillance and intervention with regard to probation violators and jail inmates who are granted local conditional release, and as an alternative to incarceration for selected felons. With caseloads limited to no more than 21 per officer, ISP provides a significant level of control over potentially violent felony offenders. ISP officers supervise over 5,000 probationers per year, some of whom have histories of violent behavior, and others who were convicted of violent offenses but adjudicated as youthful offenders.

The most innovative current effort at reducing violent recidivism among probationers is underway in the New York City Department of Probation. The Department is attempting to focus probation resources on the supervision of offenders who present a comparatively higher risk of violent behavior. With assistance from the NYS Division of Criminal Justice Services and external consultants, the Department has created a violent recidivism risk prediction instrument.

Based upon the new risk prediction instrument, the Department has begun to separate its client population into violent and non-violent categories for relevant offender program tracks. Offenders predicted to be at risk of violence are placed in the enforcement track for either task-centered group work or individual case management. The Department anticipates that 40 percent of its adult population will be placed in the enforcement track. Enforcement track probationers with correlative problems, such as substance abuse, are required to participate in treatment in addition to their involvement in anti-violence programming.

The anti-violence programming in the enforcement track consists of four units coded as blue, amber, green and red. The Blue Unit closely monitors and engages the offender in group work under the direction of specially trained probation officers. After a three-session orientation, the probationers participate in 32 group sessions over a 16-week period. The goal of the group work is to increase the cognitive skills of the violent offender population in such areas as anger management, decision making, and impulse control. Those who fail in group work or who are assessed as inappropriate for it are placed in the Amber Unit. The Amber Unit attempts to reduce the opportunities for criminal involvement through frequent monitoring and, when necessary, immediate intervention. If a probationer is believed to have violated the conditions of probation, he will be moved to the red unit pending disposition of the charges.

Graduates of the Blue or Amber Units move into the Green Unit, staffed by probation officers who specialize in relapse prevention. In this unit, the officers maintain regular personal, telephone and collateral contacts with their probationers.

In support of this effort, the Department has also established a Misconduct Review Board to review pending violations, settle all technical violations and make specific recommendations to the court for misconduct penalties such as assignment to START (an alternative to a split sentence), ISP, Edgecombe (day reporting), night curfew with electronic monitoring, or community service.

The adult restructuring effort in New York City represents a radical departure from the traditional approach toward probation supervision. The ultimate viability of the New York City approach will depend on the program's ability to predict the risk of violence accurately and intervene effectively to prevent the violence. If successful, it will provide a model worthy of replication in other areas of the State.

To decrease the opportunities for crime and consequently the potential for violent crime, and to promote positive change in individuals, the NYC Department of Probation will continue and expand its day reporting program at the NYS Edgecombe Correctional Facility. At Edgecombe, probationers are required to attend daily programming which greatly reduces the amount of idle time available and occupies the probationer in productive personal development efforts such as substance abuse treatment, education and employment preparation. In conjunction with the Department's focus on violent offenders, the Edgecombe program is being recast to provide a disciplinary intermediate sanction for offenders at risk of violence who fail to abide by the conditions of probation and fail to complete their required programming. A second facility, currently referred to as Edgecombe II, will open later this year.

State Prison Programming

The Department of Correctional Services has incorporated Aggression Replacement Training (ART) into its pre-release and transitional services program, to reduce violence among State prisoners. Within the prison system, ART involves 100 hours of structured training in areas such as anger management and moral reasoning. Inmates are trained to conduct the program under the supervision of counselors. The ART program currently operates in approximately 20 facilities with additional sites under development. Since 1991, over 5,000 prison inmates have completed ART.

Intervention in Family Violence

Family violence is closely related to other forms of anti-social behavior. The vast majority of young people who have problems in school, abuse drugs and alcohol, and engage in violence and other delinquent behaviors come from violent homes. Seventy percent of boys and girls in Division for Youth facilities come from families with histories of family violence. Virtually all girls in DFY facilities have been physically or sexually abused at home or in dating relationships. Thus, efforts to address violence on the streets or in schools must be accompanied by initiatives to address violence in the home.

The conditions surrounding family violence and violence against women and children hamper comprehensive measurement and understanding of the crimes. These offenses – including partner abuse, elder abuse, and child victimization – are committed within a context of continuing personal relationships. The victim is often dependent on the attacker. Attacks occur in the home, which makes them less visible to outsiders. The abuser often isolates the victim from family, friends, and others who might recognize the situation and try to help. And, the victim may not reveal abuse out of fear of stigma, more severe attacks, and loss of economic support.

In 1992, over 78,000 offenses involving family violence were reported in New York State. Approximately 60 percent of the reports occurred in New York City. Aggravated assault comprised 10 percent of all reports. Women were, by far, the most frequent victims of family violence.

Reports of child abuse and maltreatment are recorded by the State's Central Register for Child Abuse and Maltreatment. In 1985, there were approximately 85,000 reports of child abuse and neglect in New York State. Since then, the number of reports has increased annually, exceeding 138,000 in 1993.

Many factors can contribute to the growth in the volume of neglect and abuse reports. Growth in prevalence of the problem will increase the volume of reports. And, the number of reports is affected by the fact that public service professionals are mandated to identify the problem and report it to the proper authorities. The steady increase in reports since the mid-1980s is probably a product of both factors.

Incidents of child abuse and maltreatment occur in all strata of society. Yet, rates of abuse and maltreatment are six times higher for children in families with incomes under \$15,000 than for other children.⁸ Poor, single, teenage mothers comprise one of the highest risk groups for committing child neglect and abuse. The pattern repeats itself through generations, with abused children at risk of becoming abusive parents and spouses.⁹ Men who batter also abuse their children in 70 percent of the families in which children are present.¹⁰

Elder abuse is the least measured type of family violence. Some research estimates that about 3 per 1000 persons over 65 are physically assaulted by relatives.¹¹ Approximately one-tenth that number are known to police in New York State.

Elders usually are attacked at home, since that is where they spend most of their time. Once abuse is reported (usually by an outsider), its occurrence may be denied by the elder victim and help may be refused. In many instances, older people who deny abuse are not just avoiding embarrassment at being victimized by a family member; they are also acting out of fear of being removed from home and fear of repercussions against the abuser.

Many battered women obtain court-issued orders of protection. Enforcement of these orders, however, can be inconsistent. There is, to date, no statewide computerization of orders of protection so that police can access information on current orders and their terms and conditions; thus, orders issued in one jurisdiction may not be known to law enforcement in another. Additionally, there is much confusion as to the authority that police have in effecting arrests in cases in which an order is violated, which contributes to inconsistency in enforcement.

Alcohol consumption by both the victim and the aggressor sometimes plays a role in abuse involving adult victims, but does not cause the abuse to occur.¹² Abusive parents also may suffer from clinical depression.¹³ These risk factors may be enhanced by a society which appears to tolerate, if not support, the exercise of physical and social power in family relationships.

Women who are separated or divorced stand a greater chance of being assaulted by a former husband or ex-boyfriend than women who are married or

co-habiting.¹⁴ Domestic homicide of women is more likely to occur when the battered woman attempts to leave or divorce her abusive partner. A partner-battered woman who is able to leave the abuse situation is in desperate need of a safe destination for herself and her children. For this purpose, shelters have been established throughout the State. The mission of shelters is to provide a safe place for abused women and their children while they begin psychological recovery and equip themselves for independent living. In addition to counseling and group support, shelters may provide or make referrals for job preparation, parent education and support services, and relocation assistance.

The nature of other interventions in family violence is dependent on the underlying circumstances. Parents involved in, or at risk of, maltreatment of their children may be required to participate in parent training programs. They may also receive a variety of services to reduce stress which may underlie the abuse. Recommended interventions with men who batter include re-education in a group setting, focusing specifically on ending coercive behaviors and violence, holding abusers accountable and providing for safety of victims.

A reduction in family violence requires a concerted effort on the part of State and local governments to identify violent situations, remove the immediate threat of harm, provide shelter and support for the victim, and prevent future abuse through prosecution and other means. The response by government must be well-coordinated and comprehensive. New York State has made significant strides in each of these areas, but there is more to be done.

Improve the Identification of Family Violence

Train Child Service Professional and Medical Personnel.

New York State requires certain service professionals such as doctors, nurses, teachers and day care workers to report suspected cases of child abuse or neglect.¹⁵ These professionals must complete at least two hours of training in the identification of abuse and neglect situations. In response to this mandate, the Education Department has developed a training curriculum and network of approved trainers. All newly licensed or relicensed professionals within the mandated professions receive the training. In addition, all colleges and universities with programs in the mandated professions are required to include the training within their educational curricula.

Health regulations also require hospital and clinic personnel of emergency, pediatric and outpatient services to be trained in the recognition of all types of family violence. The Governor's Office for the Prevention of Domestic Violence (OPDV) and the New York State Department of Health have developed and disseminated to all hospitals and diagnostic and treatment centers in the State, a set of protocols and guidelines for the identification and treatment of adult family

violence victims. To assist in the implementation of these procedures, OPDV has trained over 10,000 health care professionals, including training staff from all eleven public hospitals in New York City. The training will continue in other parts of the State.

Although significant progress has been made in training medical personnel, the identification and handling of family violence involving adult victims lags behind that of child victims. While rates of identification of victims of family violence increase immediately after training, research indicated that it decreases over time. In recognition of this problem, OPDV has facilitated a joint demonstration project with the New York City Department of Health to institutionalize a hospital-based system for routinely identifying and assisting victims of family violence. The project is located at Lincoln Medical Center in the Bronx and funded by the New York State Department of Health.

The major goals of this demonstration project are: 1) to develop a framework for hospital-based surveillance system for the timely identification of women victims of family violence seeking health care at the facility; and 2) to develop a methodology to assess the costs incurred by the hospital in providing services to identified victims who are being treated for injuries or illnesses resulting from family violence or compounded by it.

Health care practitioners have been slow to identify violence against women as a distinct health care issue and have failed to extend treatment beyond the physical manifestations of an abusive relationship. There is little data on how many women seek hospital care as a consequence of battering, but it is clear that the women constitute significant numbers and present repeated battery injuries in subsequent visits. Family violence carries with it tremendous social and economic costs. Identifying women victims of family violence is a critical first step toward reducing the incidence and impact of family violence and enhancing the likelihood that they will receive appropriate management and referrals. Early intervention is vital because family violence frequently includes repeated and escalating abuse that contributes to increasingly serious and complex medical problems.

After triage, each woman screened will receive a tailored intervention at the level of need; individuals at highest risk, as identified by them, will be helped to develop a safety plan. This collaborative project will increase the rates at which hospital staff identify and refer victims of family violence to appropriate hospital and community-based services. In addition to establishing an ongoing hospital-based surveillance system, other expected outcomes include designating family violence as a primary or secondary diagnosis (therefore, providing more appropriate referrals and avoiding unnecessary workups); integration of the

surveillance data into the hospital-wide quality assurance process; training of staff; and the possibility of replicating this surveillance system on a broader scale.

Train Substance Abuse Specialists. In recognition of the link between alcohol abuse and family violence, OPDV also developed the training program, "Adult Domestic Violence: The Alcohol Connection," for alcohol and substance abuse counselors throughout the State. The program has also been adapted for presentation to all New York State Employee Assistance Program (EAP) coordinators.

Eighteen hospitals within the State participate in the *Healthcare Intervention System*, in which all emergency room patients are screened for the probability of alcohol or drug involvement in their situation. Those treated for gunshot and knife wounds, assaults, fractures, and other trauma are made cognizant of any connection between their wounds and their own or someone else's substance abuse. Trained professionals skillfully work through fear, hostility, and resistance to link the patient to treatment, family violence, and welfare services.

Enhance the Protection of the Victim

Regardless of whether the abuse involves a child or adult victim, the most immediate need is to remove the potential for further harm. In the situation involving a child victim, the child may be removed from the home and placed in a foster care setting. When the victim is a spouse, separation of the victim from the offender may occur through temporary removal of the offender from the home, through his arrest and incarceration, or through shelter of the victim.

Adopt Pro-Arrest Policies

The NYS Office for the Prevention of Domestic Violence has urged police departments throughout the State to adopt a pro-arrest policy in family violence cases. Three hundred fifty police departments have adopted the policy and have received training in its implementation. The skills training, cosponsored by DCJS and the NYS Sheriffs' Association, is considered a national model.

Although arrest and incarceration, alone, will not provide permanent relief from continued battering, they do provide a "window of opportunity" for other interventions. Long-term relief will depend on the ability of the system to help the victim achieve safety and hold the offender accountable for the violence. This requires emotional, legal and financial support for the victim and strong, consistent criminal justice sanctions for the abuser.

Provide Shelter and Support Services for Victims

New York State funds, through DSS, the New York State Coalition Against Domestic Violence and PODER to operate statewide emergency hotlines to provide crisis counseling to English and Spanish-speaking victims of family violence. Hotline workers also help to arrange alternative housing.

The State also funds 24 family violence shelters to provide immediate relief from abuse, as well as counseling, group support, and assistance to help families – including the children, who may have witnessed the abuse – live independently and free from further assault. The State also provides transitional housing, which bridges the gap between shelters and independent living. Transitional housing services include housing and entitlement advocacy, supportive counseling, job readiness and employment referrals, child care assistance, and transportation.

Transitional housing has been expanded in New York through joint funding by the Division of Housing and Community Renewal (DHCR) and the Department of Social Services (DSS). DHCR, under the Housing Trust Fund Corporation, has provided the housing spaces, while DSS provide the support services. By the end of 1993, 77 housing units had been reserved for victims of family violence.

The State *Trust Fund*, previously described in the prevention section of this report, supports many projects that provide assistance to victims of family violence. These projects deliver an array of services including crisis intervention, counseling, emergency assistance, referral, advocacy and substance abuse treatment. Among some of the recently funded program are the following:

Family Abuse Consortium for Education and Treatment Services (FACETS)

The Family Abuse Consortium for Education and Treatment Services (FACETS) is designed to provide comprehensive and coordinated services for Bronx families who are experiencing concomitant problems of substance abuse and family violence. A consortium of social service, mental health and substance abuse agencies work together to identify these families and provide crisis intervention, counseling, emergency assistance, referral, advocacy and substance abuse treatment services. All consortium member agencies receive extensive cross training on substance abuse and family violence identification, issues and services.

STEPS to End Family Violence

STEPS to End Family Violence provides intervention services to battered women at Taconic Correctional Facility and Parkside Work Release Facility. Over 350 women participate in weekly family violence education programs. The program helps participants to recover from domestic violence, deal with loss and avoid child abuse. Participants are linked to community resources upon their release from prison. Through more intensive outreach approximately 40 children participated in weekly therapy groups and individual counseling sessions. The use of art, music, and drama successfully engages the children in age appropriate activities, builds their self-esteem, reduces their aggressive behaviors, and helps them to overcome the violence they have witnessed.

Orange County Safe Homes

The Orange County Safe Homes program provides non-residential domestic violence services in rural western Orange County. Crisis intervention and counseling, advocacy and accompaniment, weekly support groups, information and referral, and emergency shelter are delivered through the outreach office established at Mercy Hospital in Port Jervis.

The program recently increased its capacity to provide services by establishing a satellite office in rural Washington County. A full-time advocate provides counseling, information/referral, transportation and advocacy services.

Spanish Action League Family Violence Program

The Spanish Action League Family Violence Program provides non-residential domestic violence services and parenting skills training to Latino women. The project also targets children of the battered women, providing crisis intervention, advocacy and referrals to appropriate recreational, education and other support services. This project has improved access for Spanish speaking persons to a range of services and increased community awareness of the cultural needs of Latino victims and their families. Children who receive counseling and advocacy services demonstrate improved school performance, increased participation in school activities and decreased home and school management problems.

Elder Abuse Support and Outreach Program

The Elder Abuse Support and Outreach program is designed to train and sensitize the Hispanic and senior communities to the issues and services available for the abused and at-risk elderly. Identified victims are listed with appropriate services. The program also increases services and support to this group by providing transportation, advocacy, emergency food and referrals for shelter, volunteer home visiting, respite, and caregiver support programs.

One Stop Senior Support Project

The One Stop Senior Support Project serves elder abuse victims and those at risk of abuse through outreach, information/referral, counseling, and advocacy services in order to prevent abuse in at-risk situations and to intervene where abuse has occurred. The program receives support from two Human Resource Administration case managers, stationed at the agency, who assist clients in obtaining entitlements and refer them to appropriate support services.

Facilitate the Enforcement of Orders of Protection

Orders of protection are frequently issued in situations involving family violence, stalking behavior, and other threats to women's safety. According to family violence experts, these laws often go unenforced because law enforcement officials are unaware of their existence, or because women are unable to produce the orders when officers arrive at the scene of a violation of their conditions.

A *Statewide Tracking of Orders of Protection (STOP) Program* involving a central on-line registry, could instantly alert law enforcement and judicial authorities of the subjects, conditions, and terms of such orders, thus hastening effective interventions. With legislative support, a New York State STOP program could operate through the existing New York Statewide Police Information Network system.

Implementation of this program will require significant planning by State and local representatives. To this end, a multi-agency work group has been formed to develop a model of its operation. The electronic system requirements, and the organizational responsibilities and procedures for contributing to the system and using its information, will be recommended by the work group. Preparation of the relevant legislation is pending.

Coordinate Child Protective Services with Probation and Parole

Probation and parole agencies can intercede in abusive occurrences by imposing special conditions of release on parolees, revoking parole, or recommending the revocation of probation of offenders whose conduct jeopardizes the welfare of a child. These agencies need access to child protective services information -- paralleling the access by police and prosecutors -- to alert them to the potential for abuse.

Similarly, child protective agencies need information from probation and parole agencies to help prevent assaults on children and to assist in the removal of probationers or parolees involved in new criminal behavior against children.

This year, legislation was submitted to enable this exchange of information. Upon written notification and request by a child protective agency, probation and parole would be required to provide records on offenders currently or formerly under their supervision. In addition, the Chairman of Parole, director of a county probation department, and the commissioner of a county social services department would be able to enter into an agreement to work together on cases as appropriate. This includes sharing information, developing service and supervision plans and conducting joint case reviews or home visits. These measures would improve case planning and monitoring, and increase the safety of families at risk.

Prevent Reoffending Through Prosecution and Correctional Intervention

Coordinate Prosecution Teams. One of the first steps to ending family violence is to prosecute the abuser effectively. This requires the cooperation of a victim who may be severely traumatized and unwilling to trust anyone, even those who try to help. The problem is particularly acute in cases involving the sexual abuse of a child. Recounting the abuse is emotionally painful. Thus, the investigation and intervention need to be streamlined and coordinated across a broad array of services.

The State Police have implemented an eight-county program to minimize the trauma resulting from the investigation and prosecution of child sex abuse crimes. The agency has established child-oriented interview rooms and reduced the number of times a child is interviewed. The activities of all the relevant professionals -- police officer, prosecutor, social worker, psychologist, medical professional -- are coordinated from the outset.

In too many places, local criminal justice and other agencies act independently and in virtual ignorance of each other when dealing with battery

and battery reoffending. Frequently, the victimizations continue because of this ineffective, piecemeal approach.

To develop a coordinated approach to the prosecution of family violence, OPDV has organized and secured funding for five *Batterers Intervention Projects*. Coalitions have been formed in each project community to find ways to enhance victims' safety and assure offender accountability. The coalitions are comprised of project personnel, as well as representatives from probation, prosecution, law enforcement, the bar association, the judiciary, and human services agencies. Each has developed an integrated plan for responding to family violence. When violence occurs, the component agencies communicate with each other about the issues and problems at hand. This frequently continues in the form of case conferencing as the case proceeds to resolution. DSS has funded coordinators for the projects and has funded similar service in two other jurisdictions.

Intervene in Reoffending. Each *Batterers Intervention Project* includes an intervention program for batterers. The intervention is based on a belief that the violent behavior is planned and not the by-product of other personal problems. Participation by most offenders in the program is mandatory. They receive structured classroom education about the illegality and inappropriateness of their behavior, and the consequences of violating the rules. The project assumes a policy of "no tolerance" for family violence. If they break class rules, fail to attend, or re-abuse, they go back to court. Class is followed by long-term group counseling to get offenders to take responsibility for their behavior and give up the idea that they have the right to control their partners.

In the coming year, batterer intervention will be expanded into institutional corrections. The State Department of Correctional Services (DOCS) has been awarded a three-year grant to develop a Model Substance Abuse Program For Male Inmates With Histories Of Domestic Violence. The program will be operated at the Eastern Correctional Facility Annex in Ulster County. OPDV will provide technical assistance and training to facility staff, and administer transitional programming for men who are released from the facility. Program content is under development. The objectives are to educate the offenders concerning the illegality and unacceptability of their behavior. However, the incarceration of the offenders prohibits the opportunity to measure progress and punish offenders who persist in their battering. The final intervention modality will be designed jointly with DOCS. No other such program is known to exist.

OPDV also is creating standards for other batterer intervention programs in New York. This will help local coalitions to seek services appropriate to the battery situation. (Some otherwise beneficial services, such as family counseling with all members present, for example, are unsafe in battery cases.)

The theme of offender accountability in family violence resonates throughout the criminal justice system. The State Division of Probation and Correctional Alternatives has issued a written policy to probation professionals statewide concerning family violence. The policy emphasizes that family violence is a learned behavior, that an abuser must be held accountable, and that the criminal justice system must be responsible for providing information and advocacy to victims. Local probation departments have received training in the implementation of this policy.

Interventions in Sex Offending

Improve Services for Victims

The Governor created the Task Force on Rape and Sexual Assault (Executive Order 126) in 1989 to address the crimes of rape, sexual assault and child sexual abuse. The Task Force undertook a much-needed review of programs for rape and child sexual abuse victims and of criminal justice system and court responses to victims of these crimes. Notable results of the work of the Task Force on Rape and Sexual Assault are the enactment of the Governor's Program Bill providing for the confidentiality of conversations between a rape victim and a rape counselor; the statewide availability of rape evidence kits; the ability of rape victims and victims of other crimes to meet with the Board of Parole; expansion of inter-disciplinary teams to investigate and respond to child sexual abuse to reduce the trauma to victims, concentrate investigation resources and ensure greater cooperation among child protective agencies, law enforcement and medical professionals; the proposal of legislation giving the Division of Parole access to confidential information from the child abuse register; and submission of legislation to extend the statute of limitations for the prosecution of sex offenses against children and to prosecute people for repeated acts of sexual abuse against young victims who may be unable to recall the precise details of each separate attack.

To improve treatment of sexual assault victims in hospital emergency departments, the Department of Health has recently completed the Sexual Assault Evidence Collection Project, which has three major elements:

- development and distribution of a protocol for hospital emergency department personnel;
- distribution of evidence collection kits to all NYS hospitals; and
- statewide training of hospital personnel who care for sexual assault survivors.

The DOH provides for ongoing in-service training on the Sexual Assault Evidence Collection Project, and recently completed production of a videotape training program that was distributed to all NYS hospitals.

The Department funds 55 rape crisis agencies, with 73 sites, to help reduce the trauma of sexual assault among New York State residents. Rape Crisis centers provide initial crisis intervention services via 24-hour telephone hotline, and rely heavily on volunteers in carrying out their mission. In 1992, rape crisis projects served 30,751 clients and provided crisis intervention to 16,627 victims via telephone hotlines. Projects provided prevention education to 149,128 people, two-thirds of whom were school children.

In order to implement new legislation providing confidentiality privileges to rape crisis counselors, the Department of Health is developing regulations and a model training curriculum that will afford sexual assault victims near-complete confidentiality in their dealing with rape crisis projects. With implementation of the regulations, the Department will review and approve rape crisis project staff and volunteer training programs, ensuring quality and consistency statewide.

The Department of Health also funds a demonstration project at the Young Women's Christian Association Rape Crisis Service (YWCA RCS) in Herkimer County. The three-year project is designed to decrease the occurrence of child sexual abuse, increase the number of sexually abused children who are identified, obtain services for the children, and prepare to negotiate the court system. It is one of seven community anti-violence efforts funded by the State Department of Health.

The three-part education portion of this project includes teaching children to understand what sexual abuse means, develop assertiveness skills, and know whom to tell and where to get help if one is sexually abused or threatened with sexual abuse. RCS is also educating the general adult community on the occurrence of child sexual abuse, the indicators of sexual abuse, the agencies to notify, and how to support a child during a sexual abuse disclosure. Last, it is training providers on the issues and prevalence of child sexual abuse, recognizing the signs and symptoms of sexual abuse, responding to a sexually abused child during the disclosure process, reporting child sexual abuse, understanding the role of each provider, coordinating the investigative interview to prevent duplicating the disclosure process, and increasing collaboration among providers to coordinate follow-up service delivery.

YWCA RCS provides crisis intervention, short-term counseling and peer group facilitation. These interventions are designed to reduce trauma and the long-term negative consequences of child sexual abuse. During the investigative and follow-up process, RCS makes advocacy available to children and family

members for both intra- and extra-familial child sexual abuse cases. In addition, the YWCA RCS assists children and their families in obtaining medical, mental health, legal and social services.

The New York State Department of Social Services administers the federal Children's Justice and Assistance Act (CJAA) Program and is lead agency for the statewide Children's Justice Task Force (CJTF). A variety of innovative projects are supported with CJAA funds to establish local initiatives in response to child sexual abuse. Over seventy projects will have been developed by the end of this year to address the needs of child victims of sexual abuse and improve interagency coordination.

The Children's Justice Task Force has been involved in setting priorities for these funds in New York State since their availability was first announced. Priorities have centered on multidisciplinary team development, the needs of victimized disabled children, training for professionals on child victim interviewing, training for medical professionals, child advocacy and victim support projects. These funds have also supported the development of hospital guidelines for evidence collection and interviewing in cases of child sexual abuse. Recently, the special needs of male victims have been identified as an additional priority for New York.

DSS has elected not to take a strong prescriptive design with local team building initiatives. It has looked to local leadership and dynamics to form the foundation of multidisciplinary team building efforts. This leadership has varied from child protective services, mental health and rape crisis centers to the police and prosecution. Some hospitals have taken the lead in areas of New York City. The goals of all CJAA projects are to have better qualified professionals that are able to ensure that the systems designed to protect and treat child victims do not create additional trauma.

Treat Adolescent Sex Offenders

In 1993, over 1,000 youth under 16 years of age were arrested for sexual offenses. Without intervention, many of these youth will probably continue their violence into adulthood; most incarcerated adult sex offenders began committing sexual crimes in adolescence.¹⁶ And, there appears to be considerable stability in the nature of the sexual offending over time.

Approximately 10 percent of DFY's male population has been involved in some form of sexual aggression. In an effort to treat these youth, the Division has created sexual offender treatment programs at the Harlem Valley, Goshen and Highland residential centers. Focused treatment groups, led by trained mental

health professionals, are also provided at the Brookwood, MacCormick, Oatka and Tryon residential centers.

The young men are taught social skills and appropriate sexual behavior. They are also trained to identify and deal with stress which provokes violent sexual behavior and to alter their arousal patterns. A group process is used to break down the youth's defenses and patterns of denial. The program currently has 88 slots, 47 of which are in discrete treatment units.

Treat Adult Sex Offenders

Community-Based Interventions. The Division of Probation and Correctional Alternatives (DPCA) and several probation departments are members of the New York State Alliance of Sex Offender Treatment Providers, which promotes education and training in the area of sexual abuse. The training sessions held annually throughout the state were recently expanded to include a course on adolescent sex offenders. This training assists probation departments in incorporating more information into sex offender presentence investigations, advocating strict conditions of probation, designing more effective supervision and surveillance strategies, and making appropriate referrals for treatment.

DPCA also funds the Alliance program in Onondaga County, which provides diagnostic assessment and treatment services to perpetrators of child sexual abuse. The program uses cognitive restructuring as a treatment intervention, and counsels participants in aggression replacement skills. The offender is taught to take responsibility for his behavior and is held accountable for his actions.

Interventions in Prison and on Parole. There are nearly 4,500 sex offenders in prison in New York State. However, due to program capacity constraints, only 202 offenders are participating in sex offender treatment at the current time.

The primary mode of treatment is group counseling. The treatment helps offenders to identify factors that place them at risk for reoffense and to develop coping responses. The most intensive treatment of sex offenders in NYS prisons is the *Mandatory Sex Offender* program, located in the Oneida Correctional Facility. The program provides six to eight weeks of offender treatment to 52 inmates. It utilizes group counseling, breaks down denial barriers, teaches skills to alter the deviant behavior and prepares the offender for continued treatment after release from prison. After completing the program, the sex offenders are encouraged to continue treatment through individual and, if available, group counseling.

The remaining DOCS inmates involved in sex offender treatment participate in individual and group counseling. They are not housed, however, in discrete treatment units.

The Division of Parole (DOP) provides specialized training for staff who supervise sex offenders in the community. Based upon the philosophy of "no more victims," DOP also has altered the traditional practice of protecting the anonymity of sex offenders. Information is now shared with various individuals such as responsible community members, local police, landlords, and school officials. This enables them to assist the Division by alerting the parole officer to the occurrence of prohibited behavior, inappropriate associations and loitering by the parolee. Parole officers learn earlier of behaviors predictive of criminal reversion and can tailor special release conditions to address these problems.

One means of enhancing the surveillance of sex offenders is through Parole's Special Offender Units operating in Brooklyn and Queens. The unit provides close supervision and surveillance of cases involving sex offenders and major drug dealers. It also involves the police and other agencies in the surveillance process.

Community policing programs provide another means of enhancing the supervision of sex offenders and other parolees at high risk of recidivism. The Division of Parole has successfully experimented with coordination between parole officers and police beat officers in select sites in New York City. Parole officers identify parolees living within a community policing beat and work with beat officers to monitor parolee behaviors.

Last year, Parole also adopted a rule that requires the immediate issuance of an arrest warrant when an offender convicted of serious violence is accused of a new violent act while on parole. This rule will help ensure an immediate arrest in cases involving allegations of family violence.

Violence Reduction Through Mental Health Services

Treat Emotionally Disturbed Youth

Many young people entering the juvenile justice system -- approximately 30 percent of youths entering DFY custody -- have histories of emotional problems. If left untreated, emotionally disturbed youth may act out violently against themselves or others.

Because of their unique developmental needs, children and youth with serious emotional disturbances require specialized mental health care distinct from adult mental health programs. Treatment must be sensitive to the child's

developmental stage and integrated with other services received by the child. When the families of emotionally disturbed children are functional, they offer the best foundation for effective treatment.

New York State has developed a network of programs to treat emotionally disturbed children in their homes. They include both emergency intervention programs and longer-term treatment initiatives. The State also has facilitated the expansion and coordination of community-based and institutional services.

Emergency intervention has been enhanced through the development of Mobile Crisis Teams and Home-Based Crisis Intervention. *Mobile Crisis Teams* respond to a child in psychiatric crisis at home, in school or at other locations within the community. The teams are linked with designated psychiatric emergency rooms, as well as with children and youth inpatient units. Their services include crisis assessment, stabilization, short-term treatment if necessary, and follow-up referrals.

The *Home-Based Crisis Intervention* program provides in-home crisis services to families (natural, adoptive or foster) with a child in imminent risk of psychiatric hospitalization. The intervention lasts four to six weeks. Among its goals are avoiding hospitalization, teaching problem-solving skills to the family, linking the child and family with other community-based services, avoiding child abuse and neglect and strengthening parenting skills. During the intervention period, a family's counselor is involved with only one other family and is available on a 24-hour-a-day, seven-day-a-week basis.

More long-term care is available through a variety of programs including the *Intensive Case Management (ICM)* program. ICM provides around-the-clock support for families of children with serious emotional disturbances. Trained child mental health professionals assess the needs of the child and arrange special services not otherwise available through the local mental health system. They work closely with families and schools and provide services for as long as necessary. The program has reduced symptoms of emotional disturbances, such as disruptive behaviors, and decreased the use of inpatient psychiatric care.

The treatment of youth with emotional disturbances under the care of DFY, or other child-serving agency, is enhanced through services provided by *Mobile Mental Health Teams*. The teams complete individual child assessments, propose treatment plans, provide staff education and assist with treatment implementation.

The quality and coordination of treatment for emotionally disturbed children has been improved through the Expanded Children's Services program, the Coordinated Children's Service Initiative and the Mental Health Juvenile

Justice Initiative. The *Expanded Children's Services* program provides grants to develop community-based services for children with serious emotional problems. Paralleling that effort is the *Mental Health Juvenile Justice Initiative* which is underway to assure that youth in the juvenile justice system receive needed mental health services. Comprehensive and coordinated services for emotionally disturbed children are also being pursued through the *Coordinated Children's Services Initiative*.

Treat Emotionally Disturbed Parolees

Specialized Intensive Case Management (ICM) services recently have been used to treat mentally ill parolees. The ICM program was developed by the Office of Mental Health to serve people diagnosed with severe and persistent mental illness in New York State. These individuals are the public mental health system's priority population: those who require intensive support to live successfully in the community; those who do not wish to use existing mental health services; those who repeatedly and inappropriately use emergency rooms and inpatient services when crises arise; and homeless individuals diagnosed with mental illness. Some of these people have criminal justice involvement. Caseloads are low, 1:10 staff to client ratio, to allow for close attention 24 hours per day, seven days per week. High-need individuals are identified through a locally defined process and are enrolled in ICM for services to those most in need.

While most people with mental illnesses are not violent, at least five percent of the parolees released each year have a serious illness which requires some type of mental health services. For a variety of reasons, parolees have had a difficult time gaining access to community mental health services. To address this issue, OMH and the Division of Parole are collaborating to improve discharge planning and provide intensive case management services.

The new discharge planning process streamlines the referral of parolees to community mental health services, thereby insuring a continuity of treatment. The ICM program fixes responsibility for services to identified, high-need individuals.

Preliminary data from an ongoing longitudinal study indicate that the ICM program is resulting in decreases in alcohol or drug abuse, self-inflicted injury, assaults on other individuals, utilization of inpatient hospital care, and days spend in jail, among the parolees.

Violence Reduction Through Drug Abuse Treatment

The treatment of substance abuse is a key component of New York's strategy to intervene in violent behavior. The high prevalence of alcohol and illicit drug use among people who behave violently suggests that such behaviors may be reduced through effective treatment of substance abuse.

In 1989, Governor Cuomo recognized the need to provide a more comprehensive and integrated response to the problem of substance abuse in New York State. At his request, Lieutenant Governor Stan Lundine oversaw the development of the Anti-Drug Abuse Council (ADAC) comprised of leaders from the many State agencies charged with responsibilities to prevent and intervene in substance abuse and illicit drug use. The Council has served as an organizing tool to ensure the development of a thorough and well-coordinated anti-drug strategy.

Under the leadership of ADAC and the Office of Alcoholism and Substance Abuse Services (OASAS), New York State has developed a broad array of drug treatment services. With a combined capacity to serve 110,000 individuals daily in community and prison-based programs, New York's treatment system remains the largest in the nation.

Since the inception of ADAC in 1989, New York has increased its treatment capacity by almost 6,400 residential beds and 17,100 ambulatory slots. Over half of the treatment beds developed since 1989 have been established through the Department of Correctional Services. The growth in treatment capacity has facilitated the treatment of 23,000 additional persons on a daily basis. Four hundred additional drug treatment beds are currently under development and will become available for use this year.

Through treatment expansion, New York State has been able to improve services to groups who are often inadequately served by drug treatment systems. The State has given priority to programs targeting families (particularly pregnant women and women with dependent children), youth, mentally ill chemical abusers, persons with developmental disabilities and the homeless.

The vast array of recent accomplishments in the delivery of substance abuse services in New York State are too numerous to adequately review in this report. The annual *State of New York Anti-Drug Abuse Strategy Report*, produced by ADAC, provides a comprehensive overview of current and future initiatives to reduce, prevent and provide treatment for substance abuse. Below are described drug treatment initiatives targeted at offender populations.

Treatment of Youth in the Juvenile Justice System

Substance abuse is prevalent among youth in the juvenile justice system. Over sixty percent of Division for Youth residents have histories of substance use to the degree that intervention is warranted. For some, prevention services are sufficient to address their needs. For others, drug abuse treatment is required.

Nearly all DFY residential facilities provide drug abuse prevention programming through the agency's Innervision program. The program delivers drug abuse education and helps youth to develop the confidence and social skills to function without reliance on alcohol or drugs.

Specialized substance abuse treatment services have been developed at 12 of the Division's residential facilities. The treatment is psychoeducational in nature, using group counseling to teach social skills, refusal skills, and anger control management. Since many of the youth have substance abusing parents, the group setting also is used to teach skills for living within chemically-dependent family systems.

One of the problems confronting DFY is the continual turnover of staff trained to provide substance abuse services. Through coordination with the Office of Alcoholism and Substance Abuse Services (OASAS), the Division has begun the process of certifying some DFY facilities as satellite sites of local OASAS-licensed treatment facilities. This will allow professional treatment providers to serve the facilities and receive reimbursement through federal Title IV-E and Medicaid funding.

In recognition of the fact that many DFY youth are involved in drug dealing and are thus resistant to drug-user treatment programs, DFY recently has developed a Drug Dealer's Counseling Curriculum. Using videos and other media, the curriculum breaks down the romance and myths of easy money and increases awareness of the genuine harm done to children and families by drug dealers. Widespread availability of the program within DFY residential facilities is expected in the current calendar year. Other child service agencies also are considering its use.

Treatment of Adult Offenders

Although most drug offenders are not violent, their use of drugs places them at a higher risk of becoming involved in violence. As addicts, they frequent illicit drug markets. This behavior increases the likelihood that they will be victims of violence or possibly engage in it in the course of participating in a drug transaction. Their addiction also may increase the likelihood that they will engage in violent economic crime to support their drug habits. And, they may

behave violently simply because of the pharmacological effects of the substance abuse.

Research demonstrates that when intensive and continually reinforced through relapse prevention, drug and alcohol treatment can reduce recidivism of offenders. One long-term study of the Stay'n Out Program in New York, for example, revealed that 77 percent of the participating males and 92 percent of the participating females succeeded on parole when they spent nine to twelve months in treatment. The success rates for drug-dependent men and women who did not receive drug treatment were 60 and 53 percent respectively.

Treatment of Addict Offenders in the Community. The most intensive treatment of offenders in the community is provided by the collective *Drug Treatment Alternative To Prison (DTAP)* programs. These programs have demonstrated that even repeat drug offenders can be successfully treated without incarceration. The target population of DTAP programs consists of second felons who face a mandatory term of imprisonment.

The DTAP program was developed and implemented by the Kings County District Attorney's Office in 1990, and has gained national attention as a promising alternative to prison for addicted offenders. In 1992, the State began to support the expansion of the program into other jurisdictions. DCJS provides funding for program operations, while the Office of Alcoholism and Substance Abuse Services funds the treatment beds. A total of 300 long-term residential treatment slots are dedicated to offenders in the New York City DTAP programs. DCJS has also contracted with the Legal Action Center to provide technical assistance to DTAP and with the Vera Institute to evaluate the expansion effort.

There are several DTAP-type programs throughout the State. Three primary models provide the foundation for the programs: deferred prosecution, deferred sentencing with dismissal and deferred sentencing with probation. Most of the variations include long-term residential drug treatment. All of the models provide for the close monitoring of cases and rapid response if the offender does not comply with the conditions of the diversion. Many of the programs have specialized enforcement teams which actively pursue violators.

Preliminary results of DTAP are very encouraging. At the end of the last program year, there were 51 graduates of the Brooklyn DTAP program. Overall, six percent of the total graduates had recidivated as of October, 1993. Of those who had been graduates for more than six months, only nine percent recidivated. Equally encouraging are the rates at which offenders complete the program. Both the original Brooklyn program and the expansion efforts demonstrate a 72 percent retention rate. The typical retention rate found in long-term therapeutic communities is less than 50 percent.

Too often, local jail inmates in need of substance abuse treatment fail to receive the services. Westchester County has developed a treatment model worthy of replication in other jurisdictions. In Westchester, jail inmates who apply for local conditional release and who have an identified substance abuse problem must participate in substance abuse treatment. The *New Beginnings Program* provides treatment while they are incarcerated, and the state-funded *Direct Treatment Alternatives to Incarceration (DTATI)* program provides treatment subsequent to their release to probation supervision.

New Beginnings is a residential drug treatment program within jail, established with State financial support. The program is located in a separate housing unit to reinforce positive attitudes through a therapeutic environment. The DTATI program is an outpatient treatment program for alcohol and drug abusing felony offenders. It is provided by the Westchester County Medical Center's Alcoholism Treatment Services. Specialized on-site probation supervision ensures participation and integrates the treatment with other aspects of supervision.

Treatment of Addict Offenders in Prison and on Parole. The Department of Correctional Services provides treatment to drug addicted offenders using various treatment modalities. It operates 4,272 residential and ambulatory treatment slots throughout the system. The most extensive effort is the *Comprehensive Alcohol and Substance Abuse Treatment (CASAT)* program, initiated by DOCS in 1989. Seven CASAT programs exist throughout the prison system. They consist of three phases designed to provide a continuum of drug treatment services for offenders both inside correctional facilities and in the communities. With the conversion of a 750-bed medium security prison into a CASAT facility, there will be eight CASAT programs operating throughout the prison system, and an expansion at an existing CASAT facility will add another 200 beds to the program's current capacity.

Phase I involves participation in the institutional component at an Alcohol and Substance Abuse Correctional Treatment Center. Treatment at these therapeutic communities includes drug education, individual and group counseling, and the development of skills and coping mechanisms to facilitate recovery.

In phase II -- the community reintegration phase of the program -- participants are housed in a work release facility, a residential drug program, or an approved community residence. They continue to receive treatment for drug dependency while becoming reacquainted with the responsibilities of community living.

Phase III involves the maintenance of the offender on parole through relapse prevention services. This phase is extremely important, as one of the

most common reasons for failure on parole is drug use. Essential elements of the relapse prevention strategy include dedicated drug and alcohol treatment slots; an extensive urinalysis program; assessment, referral and placement services provided by skilled counselors; limited use of electronic monitoring; and staff development and training to understand addiction and to undertake effective interventions. Although all CASAT graduates receive relapse prevention services while on parole, the relapse prevention initiative is not limited to that population. Rather, it is a means of reintegrating all paroled drug offenders back into the community.

To determine the most effective use of intervention services for alcohol and substance abuse, the Division of Criminal Justice Services will contract for an independent assessment of the CASAT program.

Future Directions

Expand Aggression Replacement Training. Aggression Replacement Training was originally developed for use with juveniles. It has been modified by DOCS for use with adult offenders. Although it has proven successful in reducing aggression among the juvenile population, it has not been evaluated as a means of reducing violence within an adult population. Thus, an evaluation of ART programming for adult offenders should be conducted to examine its effectiveness.

Given the proven ability of ART to reduce violent behavior among young people, young offenders within the custody of the Department of Correctional Services and with histories of violent behavior should participate in the ART program before release on parole. Follow-up programming should be implemented by Parole. And, their post-release behavior should be tracked in order to assess the impact of the violence reduction treatment.

Local probation departments and alternative to incarceration programs should institute ART programs for young adult probationers at risk of violent behavior. Participation in treatment should be made a condition of probation.

DFY also needs to expand its well-respected Aggression Replacement Training from the current five facilities to all of them. A plan has been created to complete the expansion over the next three years. Funding is needed to ensure fulfillment of those plans.

Ensure A Well-Coordinated, Comprehensive Response Throughout the State. In August 1992, Governor Cuomo signed Chapter 463 of the

Laws of 1992 establishing the Office for the Prevention of Domestic Violence. The Office was established to evaluate, coordinate and strengthen family violence services; provide professional training, public education and technical assistance; develop family violence policies; administer and evaluate New York State's Batterers Intervention Programs; and advise the Governor and the Legislature on family violence issues. It has aggressively undertaken each of its mandates. This year, the Department of Health has secured federal funds to support a New York City regional office, which will improve the delivery of family violence services in the metropolitan area.

Although significant progress has occurred in the development and delivery of family violence services, more needs to be done. Local communities throughout the State need to develop comprehensive strategies to prevent and intervene in family violence. The resources of OPDV are best utilized as support services to provide training and technical assistance, monitor local progress, and organize statewide initiatives.

Comprehensive local strategies should be developed through community task forces comprised of law enforcement, prosecution, court, probation, treatment, and human service providers. The State should institutionalize the funding of local coordinators to facilitate the development of local strategies. OPDV should provide technical assistance and further refine its role as enabler of local communities.

Expand Sex Offender Treatment. State and local governments need to develop a comprehensive strategy to treat and supervise juvenile and adult sex offenders. The first steps are the development of more institutional treatment capacity and a continuum of treatment for offenders in transition from institutional to community settings. These recommendations parallel those of the Governor's Task Force on Rape and Sexual Assault, which issued its report four years ago. An interagency work group should be established to develop a comprehensive strategy for the delivery of treatment to all sexual offenders.

Other measures to reduce recidivism among sex offenders have been proposed by legislators. They include plea bargain restriction which would prohibit persons indicted on sex offenses from pleading guilty to non-sex offenses, and mandatory treatment of sex offenders in prison. Such legislation should be enacted subsequent to planned expansion of treatment capacity.

The Division for Youth has been at the forefront of developing effective means of reducing violence and sexual aggression among its youth population. These programs should be expanded within the Division and incorporated into the treatment of juvenile offenders in the community.

The DFY sex offender program should develop more discrete treatment units, provide more service capacity for Juvenile Delinquents placed in limited secure residential care, expand staff training, and develop a continuum of treatment for youths reentering the community. Approximately 30 more treatment slots are needed to accommodate the treatment needs of DFY youth adjudicated as sex offenders. This year, the State has allocated an additional \$250,000 toward expansion and improvement of the program.

In some instances, youth involved in sex offending are adjudicated for non-sex offenses. The ability of DFY to treat these youth is diminished absent the youth's willingness to admit to the aberrant behavior. To address this problem, juveniles arrested for sex offending should be prohibited from receiving an adjudication for a non-sex offense in satisfaction of the petition for sex offending.

Enhance the Surveillance of Violent Offenders in the Community. Sex offenders and others at high risk of committing violence should be provided close supervision when released to the community. The Special Offender Unit of the Division of Parole should be expanded to maintain intensive surveillance of parolees judged to be at high risk of violence, as well as those with records of firearms use, sale or possession.

The movement of sex offenders also should be tracked through a central registry. The Governor has introduced legislation to establish a registry of persons convicted of certain sex offenses. Twenty-five other states already have similar practices. Upon commencement of parole or probation, the offender's address would be filed with DCJS. Thereafter, DCJS would update the last known address by mail annually for 10 years. The onus would be on the offender to file notification of change of address. Enforcement action by community supervision agencies would be triggered by the lack of response to the mailed update.

Expand Drug Abuse Treatment. The cooperative venture between DFY and OASAS for the delivery of substance abuse treatment for DFY youth will significantly enhance these services. Moreover, the State has allocated almost one million dollars for development of DFY substance abuse services in the coming year.

DFY and OASAS should pursue the development of a model substance abuse treatment program for youth. Traditionally, substance abuse treatment targets adults whose behavior has often caused such hardship that it reduces their resistance to change. Therapeutic communities have worked well with the adult population as they provide both pressure and support for change. Drug abuse treatment for juveniles, in contrast, has assumed a more psychoeducational

approach, providing youth with social skills and refusal skills and teaching them alternative life styles. It may be valuable to merge elements of those and other modalities to provide the most effective treatment for DFY youth.

ENDNOTES

1. Felson, R.B. and H.J. Steadman (1983). "Situational Factors in Disputes Leading to Criminal Violence, *Criminology*, 21(1): 59-74.
2. Brownstein, H.H., P.J. Goldstein, H.S. Baxi and P.J. Ryan (1990). The Involvement of Drugs, Drug Trafficking, and Drug Traffickers in Homicide, paper presented at the annual meeting of the Association for Humanist Sociology, Cincinnati, Ohio.
3. Chaiken, J. and M. Chaiken (1990). "Drugs and Predatory Crime," pp. 203-239 in M. Tonry and J.Q. Wilson, eds., *Drugs and Crime (Crime and Justice: A Review of the Literature*, Vol. 13, Chicago: University of Chicago.
4. Greenberg, D.F. (1981). "Methodological Issues in Survey Research on the Inhibition of Crime," *Journal of Criminal Law and Criminology*, 72: 1094-1108.
5. Reiss, A. J., J.A. Roth (1993). *Understanding and Preventing Violence*, Washington, D.C.: National Academy Press, pp. 189.
6. Block, C.R., R.L. Block, M. Wilson and M. Daly (1990). Chicago Homicide From the Sixties to the Nineties: Have Patterns of Lethal Violence Changed? Paper presented at the meeting of the American Society of Criminology, Baltimore, Maryland, November 5; Brownstein, et al. (1990) supra note 52.
7. Glick, Barry and A. Goldstein (1987). "Aggression Replacement Training," *Journal of Counseling and Behavior*, 65(7): 356-362.
8. Reiss, A.J. and J.A. Roth, eds. (1993). *Understanding and Preventing Violence*, Washington, D.C.: National Academy Press. p. 10.
9. Straus, M.A. and R.J. Gelles (1980). *Behind Closed Doors: Violence in the American Family*, Garden City, New York: Doubleday.
10. Bowker, et al., "On the Relationship Between Wife Beating and Child Abuse," In: K. Yollo and M. Bograd (Eds.) *Feminist Perspectives on Wife Abuse*, pp. 158-174. Newbury Park, CA. Sage Publications. 1988.
11. Pillimer, K. and S. Fienkel (1988). "Domestic Violence Against the Elderly," pp.158-163 in M. L. Rosenberg and J. A. Mercy, eds., *Violence in America: A Public Health Approach*, New York: Oxford University Press.
12. Sherman, L.W. (1992). *Policing Domestic Violence: Experiments and Dilemmas*, New York: Free Press.
13. Zuravin, S.J. (1989). "The Ecology of Child Abuse and Neglect: Review of the Literature and Presentation of the Data," *Violence and Victims* 4(2): 101-120.

14. Reiss, A.J. and J. A. Roth, *supra* note 19, p. 234.
15. Section 413, Social Services Law.
16. Davis, G.E. and H. Leitenberg (1987). "Adolescent Sex Offenders," *Psychological Bulletin*, 101:41-427.