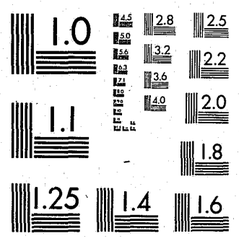
If you have issues viewing or accessing this file contact us at NCJRS.gov.

National Criminal Justice Reference Service

ncjrs

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

DATE FILMED

8/25/81

National Institute of Justice
United States Department of Justice
Washington, D.C. 20531

RESEARCH INTO VIOLENT BEHAVIOR: OVERVIEW AND SEXUAL ASSAULTS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL SCIENTIFIC
PLANNING, ANALYSIS AND COOPERATION

OF THE

COMMITTEE ON
SCIENCE AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

JANUARY 10, 11, 12, 1978

[No. 64]

Printed for the use of the
Committee on Science and Technology

55729-
55744

RESEARCH INTO VIOLENT BEHAVIOR: OVERVIEW AND SEXUAL ASSAULTS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL SCIENTIFIC
PLANNING, ANALYSIS AND COOPERATION

OF THE

COMMITTEE ON
SCIENCE AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

JANUARY 10, 11, 12, 1978

[No. 64]

Printed for the use of the
Committee on Science and Technology

NCJRS

MAR 23 1979

ACQUISITIONS

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

27-584 O

COMMITTEE ON SCIENCE AND TECHNOLOGY

OLIN E. TEAGUE, Texas, *Chairman*

DON FUQUA, Florida
WALTER FLOWERS, Alabama
ROBERT A. ROE, New Jersey
MIKE McCORMACK, Washington
GEORGE E. BROWN, JR., California
DALE MILFORD, Texas
RAY THORNTON, Arkansas
JAMES H. SCHEUER, New York
RICHARD L. OTTINGER, New York
TOM HARKIN, Iowa
JIM LLOYD, California
JEROME A. AMBRO, New York
ROBERT (BOB) KRUEGER, Texas
MARILYN LLOYD, Tennessee
JAMES J. BLANCHARD, Michigan
TIMOTHY E. WIRTH, Colorado
STEPHEN L. NEAL, North Carolina
THOMAS J. DOWNEY, New York
DOUG WALGREN, Pennsylvania
RONNIE G. FLIPPO, Alabama
DAN GLICKMAN, Kansas
BOB GAMMAGE, Texas
ANTHONY C. BEILENSON, California
ALBERT GORE, JR., Tennessee
WES WATKINS, Oklahoma
ROBERT A. YOUNG, Missouri

JOHN W. WYDLER, JR., New York
LARRY WINN, JR., Kansas
LOUIS FREY, JR., Florida
BARRY M. GOLDWATER, JR., California
GARY A. MYERS, Pennsylvania
HAMILTON FISH, JR., New York
MANUEL LUJAN, JR., New Mexico
CARL D. PURSELL, Michigan
HAROLD C. HOLLENBECK, New Jersey
ELDON RUDD, Arizona
ROBERT K. DORNAN, California
ROBERT S. WALKER, Pennsylvania
EDWIN B. FORSYTHE, New Jersey

CHARLES A. MOSHER, *Executive Director*
HAROLD A. GOULD, *Deputy Director*
PHILIP B. YEAGER, *Counsel*
JAMES E. WILSON, *Technical Consultant*
WILLIAM G. WELLS, JR., *Technical Consultant*
RALPH N. READ, *Technical Consultant*
ROBERT C. KETCHAM, *Counsel*
JOHN P. ANDELIN, JR., *Science Consultant*
JAMES W. SPENSLEY, *Counsel*
REGINA A. DAVIS, *Chief Clerk*
PAUL A. VANDER MYDE, *Minority Staff Counsel*

SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION

JAMES H. SCHEUER, New York, *Chairman*

JAMES J. BLANCHARD, Michigan
STEPHEN L. NEAL, North Carolina
ANTHONY C. BEILENSON, California
DAN GLICKMAN, Kansas
ALBERT GORE, JR., Tennessee
DALE MILFORD, Texas

CARL D. PURSELL, Michigan
ROBERT S. WALKER, Pennsylvania
EDWIN B. FORSYTHE, New Jersey

CONTENTS

WITNESSES

	Page
January 10, 1978	7
Opening statement of Congressman James Scheuer	
Hon. Nicholas Scoppetta, deputy mayor for criminal justice of the city of New York, accompanied by Stewart Holzer	17
Hon. Stanley Fink, majority leader, New York State Assembly	32
Dr. Marvin Wolfgang, director of criminology, Center for Studies in Criminology and Criminal Law, University of Pennsylvania	83
Dr. Lynn Curtis, Special Assistant to the Secretary of the Department of Housing and Urban Development	134
Dr. Alfred Blumstein, director, Urban Systems Institute, Carnegie-Mellon University	155
Dr. John Monahan, assistant professor, Department of Psychiatry and Human Behavior and Program in Social Ecology, University of California at Irvine	264
January 11, 1978:	
Dr. Martha R. Burt, Minnesota Center for Social Research, Minneapolis, Minnesota	305
Dr. Carolyn Swift, director of training, Wyandot Mental Health Center, Lawrence, Kans	351
Dr. Anne Wolbert Burgess, professor nursing, Boston College; and chairperson, Department of Health, Education and Welfare's Rape Prevention and Control Advisory Committee	376
Nancy McDonald, Center for Urban Ethnic Affairs, Washington, D.C.	409
Jan BenDor, C.S.W., Ypsilanti, Mich	426
January 12, 1978:	
Dr. Nicholas Groth, director, Forensic Mental Health Department, Harrington Memorial Hospital, Southbridge, Mass	452
David Rothenberg, executive director, The Fortune Society, New York, N.Y.; accompanied by Sergio Torres, staff counsel, The Fortune Society	475
Mary Ann Largen, former coordinator, National Organization for Women's Task Force on Rape	499
Elizabeth Kutzke, Chief, National Center for the Prevention and Control of Rape, Department of Health, Education and Welfare, accompanied by Dr. Gloria Levin, Deputy Chief, National Center for the Prevention and Control of Rape	530
Dr. Gene Abel, professor psychiatry, University of Tennessee Center for the Health Sciences, Memphis, Tenn	605
Yolanda Bako, National Organization for Women, Rape Prevention Committee, New York, N.Y.; Caroline H. Sparks, Women's Action Collective, Columbus, Ohio, Dr. James Selkin, psychiatrist and team leader of the Department of Psychiatry, Denver General Hospital	650

APPENDIX

Additional submissions for the record:	
Fuller, William, incarcerated prisoner at Lorton Prison, Lorton, Va.; organizer, Prisoners Against Rape	675
Kriesberg, Lois Ablin, associate professor anthropology and sociology, College of Health Related Professions, Syracuse University, "On Supporting Women's Successful Efforts Against Violence"	681
Supplemental Material:	
Abel, Gene, M.D	746
Bako, Yolanda	741
Burgess, Ann Wolbert, R.N., D.N.Sc	691
Groth, A. Nicholas, Ph. D	715

55732

Statememt of

ALFRED BLUMSTEIN
Professor, School of Urban and Public Affairs
Director, Urban Systems Institute
Carnegie-Mellon University

at the Hearings of the
SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL
SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION
HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

January 10, 1978
New York, N.Y.

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to testify today before this Subcommittee on a subject of such great importance. I have been impressed at the thoroughness with which these hearings have been organized, and the thought that has gone into their structure. I hope I can shed some light on the basic question of what we know about the effects of the criminal justice system on crime.

Before I discuss the substantive issues, I would like to note that the last decade has seen some impressive advances in research on crime and the criminal justice system. It is all too easy to denigrate research in this area, especially in comparison to some of the recent marvels of physical technology - moon landings, intercontinental missiles, etc.

But we have to examine where we start from and what is feasible in the field. Discussions on the subject of crime and criminal justice are most often debates, which have been dominated by rhetoric, and knowledge that was claimed has always been highly suspect. A significant turnaround in that process began ten years ago, stimulated largely by the creation of a research program in the National Institute of Law Enforcement and Criminal Justice, an institution that was conceived by Congressman Scheuer, who first introduced a bill to create that Institute in 1966. I know that he, along with many others of us, is less

than fully satisfied with all that has happened to his Institute, but I believe that many of the developments over the past few years are attributable as direct and indirect consequences of the creation of that Institute, and we are all grateful for at least that much.

Let me begin my discussion of how the criminal justice system controls crime by noting that it can do so in only three ways: rehabilitation, deterrence, and incapacitation. Here, rehabilitation refers to the expectation that people who have somehow been "treated" by the criminal justice system should subsequently display reduced criminality. Deterrence, often referred to as "general deterrence," is the preventive mechanism of the criminal justice system: when sanctions are imposed on some people, others are thereby deterred from becoming criminals or from committing crimes. Incapacitation refers to the crimes averted by isolating an imprisoned person from the rest of society.

In addition to these three modes, the criminal justice system engages in punishment for less utilitarian reasons - people are punished as retribution and to express a sense of outrage at certain behavior, and that would be done even if it had no effect on other crimes. In my discussion today, I would like to focus on the utilitarian aspects of the actions taken by the criminal justice system, and to provide a very brief summary assessment of what we know, and how well we know it. I hope that will give rise to some sense of where we have to go from here in order to make our policies in this area better informed than they have been, to assure that the rhetoric is at least tempered by some sense of empirical validity and to see to it that the actions taken are at least informed by what effects they do have rather than by those we might wish them to have.

The research over the past decade has focused most intensively on the question of "rehabilitation" in a search for treatment programs intended to reduce subsequent criminality by those who come into contact with the criminal justice system. This area of research was pursued for two primary reasons.

First, the evaluation of these various treatment programs was relatively easy to carry out, since the evaluation is accomplished simply by some form of experimental design, whereby the new treatment is administered to one group and a more traditional treatment (or no treatment at all) is administered to a similar "control" or "comparison" group (ideally one which has been randomly selected from the candidates for the treatment).

Second, there was a widespread ideological commitment to a strategy of rehabilitation. If it works, then everyone would be pleased: we would all have less crime, the identified rehabilitated offenders would be enabled to function more effectively in the legitimate society, and the world would thereby become a better place.

Unfortunately, all those good intentions were not enough. The results of these evaluations of rehabilitation programs have been strikingly consistent. Wherever the evaluation has been rigorous, the evaluators appear to have found no discernible difference in the post-treatment recidivism of the treatment group compared to the control group. This is not to say that some programs do not help some people, but it does emphasize that we still do not know enough to be able to target specific programs at specific offenders with the confidence that those programs will "rehabilitate" them to a sizeable degree. No "silver bullets" have yet been identified that are potent enough to cure large numbers of offenders, at least within the confines of what the criminal justice system is able to do.

The accumulation of pessimistic findings on this question of rehabilitation appears to have had an extremely important influence on public policy. This perhaps illustrates a body of research can become useful to policy makers: when a number of separate, independent studies that are individually valid show consistent results, then their aggregate implications must be pursued. No single study can or ever should be sufficient to bring about a direct policy action. Social science research is too often plagued by sensitivity to the particular setting or features of an individual research study, or by the assumptions inherent in a particular analysis to warrant any such action. But the use of this body of research on rehabilitation does demonstrate that the accumulation of specific studies can force an underlying pattern to emerge, and this can provide very valuable policy guidance.

I would like to turn now to the more punitive kinds of effects that the criminal justice system also pursues - deterrence and incapacitation. Working to achieve these kinds of effects inevitably raises some fundamental ethical and value conflicts. There is little argument against rehabilitation, providing that it works. When we deal with punishment, some fundamental disagreements arise. These can be characterized most simply - and inevitably simplistically - as a disagreement between the political left and right. The left tends to be very concerned about the possible abuse of power in the hands of government, and the CJS in particular. The right tends to be much more willing to encourage punitive actions; compared to the left, they tend to be less concerned with the problems of the offenders. The left tends to view criminality as much more of a continuum between angels and devils, and they are concerned with who draws the boundary line, and how he draws it. The right, in the other hand, is more likely to take the dichotomized "white hat/black hat, good guys/bad guys" model, and, of course, we all know where <u>we</u> fit in that.

Regardless of one's position on this ideological spectrum, however, it is important that we learn just what effect any degree of punishment might have on crime. If we can bring such information to the political process, then I am confident that we will move to a more appropriate tradeoff between the social costs associated with crime, on one hand, and the social costs associated with crime control. I would like to see that debate more informed and less dominated by ideology. Research has a major role in illuminating that policy debate so that the differences in values can then take their appropriate place in the debate.

Over the past year, I have been privileged to chair an extremely important Panel created by the National Academy of Sciences. That Panel, the Panel on Research on Deterrent and Incapacitative Effects, was charged with assessing what we now know about the deterrent and incapacitative effects of the sanctions of the criminal justice system. The report of that Panel covers 433 pages, and will be released at the end of this month. Thus, it would be presumptuous of me to try to cover that report at this session. I would like, however, to summarize some of the highlights of the report, more for its implications for the use of research in the areas of concern of these hearings than for providing definitive solutions to the serious problems of violence we all face.

With respect to deterrence, let me say that the research issues are quite complicated, much more complicated than the experimental comparisons involved in studies of rehabilitation. This is because the deterrence researchers are looking for crimes that don't happen and such non-events are difficult to measure. The most common approach to such studies is a statistical one. Most typically, the analysts compare crime rates in different jurisdictions, using statistical techniques to control for some of the differences in crime-causing factors across the various jurisdictions. Then, the researchers look to find the statistical association between crime rates and the sanction level or

amount of punishment delivered. This sanction level is typically measured by the "certainty" or the risk of being punished and by the "severity" or the length of sentence.

If deterrence is working, there will presumably be a negative association between crime rate and sanction level; that is, those jurisdictions with higher sanction levels should have less crime, and vice versa. And indeed this negative association has been found in many studies. This has prompted many observers to conclude that deterrence does work and that the research proves that it works. They then estimate the number of crimes that can be averted by a particular percentage increase in the punishment policy in a particular jurisdiction.

Unfortunately, however, the issue is rather more complicated. Finding the negative association is important, but it still leaves open some critical questions of causality. All that we really know is that higher sanctions are associated with lower crime rates; and there are many possible explanations for this association, only one of which is the deterrence effect. For example, those jurisdictions which have high crime rates (which could be generated by demographic differences or socioeconomic differences, totally apart from anything involving the criminal justice system) are more likely to find their police prosecutors, courts, and prisons saturated, and so they may lack the resources to punish more. Or, their high crime rates may simply inure them to the minor kinds of offenses. It is difficult to know, for example, whether the low crime rate in North Dakota compared to New York, for example, results from the high imprisonment risk in North Dakota or whether the high crime rate in New York simply inhibits the imposition of punishment in New York.

Thus, unfortunately, the available research cannot yet provide

useful information for policy decision. It is not simply a question of being a good enough approximation; rather, the results could be appreciably in error. Thus, at this time, we can make no sensible statement about the number of crimes averted by deterrence. This is not to say that the research can be used to disprove the deterrence argument, because the evidence is certainly no better on the other side. It simply means that the contributions of science are not yet ready to be made on this issue. The scientists who have studied this question are thus no better able to aid the policy judgment than any informed lawyer, or Congressman, by bringing his own personal judgment to the situation.

Let us now turn to the question of incapacitation, where the research questions are somewhat different. We all can calculate that if we imprison a man who commits five crimes per year for three years, then we would avert 15 crimes. The most critical question limiting that calculation is the great difficulty in knowing how many crimes a person commits. We may have reasonably good records on how many times he has been arrested, but only he knows how many crimes he committed between arrests. We could ask him, but he may have difficulty remembering, and we are not sure we can totally believe him if he tells us.

The problem is further compounded by the fact that the individual crime rate varies across the criminal population, and the risk of getting arrested may also vary, but probably in an inverse way; that is, the criminal population might be viewed as comprising two major groups - a few "pros" with high crime rates and low arrest vulnerability, and many more "chumps" with low crime rates but high arrest vulnerability. If that is the case, then the criminal justice system can expect to see many "chumps" for each of the "pros." Locking <u>them</u> up does not go very far in achieving our purposes of reducing crime. We would much prefer to populate our prisons with the repeat offender, but we have

difficulty in identifying them even when they are arrested. Furthermore, there are vigorous equity arguments against even attempting to estimate an individual's crime rate in making the incarceration decision; he is supposed to be punished for the specific offense he committed, and not for others he might commit in the future.

Even in the face of all these problems, it is possible to make a very rough calculation that all the people in prison today - which is the largest prison population in our nation's history - might contribute on the order of 10 percent more crime if they were let out tomorrow. This implies that major changes in prison populations would be required to make a major impact on crime through an incapacitative effect. Furthermore, the impact - in terms of percentage increase in prison population to achieve a 10 percent reduction in crime - would be felt most severely in those jurisdictions which now punish the least. And, to our frustration, it turns out that those are the jurisdictions like New York with the highest crime rates. Thus, while there is certainly an incapacitative effect, it is not extremely large, and attaining a major reduction in crime through incapacitation is likely to require a significant increase in prison populations, which we appear most unliksly to undertake.

In these few minutes, I have tried to summarize extremely briefly where we stand in a very large and growing body of research on the effects of the criminal justice system on crime. The picture does not look extremely bright for those who are looking for a panacea from the overburdened criminal justice system. But that is not the fault of the research; it is a tribute to the stability of much of human behavior in the face of our many efforts to manipulate it.

The picture is bright, however, from the perspective of knowing much better the effects of the actions taken by the criminal justice system. The past decade has seen a significant growth in understanding the effects of the criminal justice system. Learning that the effects are not strong should force us to turn our attention to other solutions; that is much better than acting like King Canute in ordering the tide to turn when we have no control over it.

Compared to where we were ten years ago, we are now much closer to understanding what works and how much, even though we still have a long way to go.

I would also like to take this opportunity to call your attention to some more optimistic information. I have included here present projections of arrests (and, presumably, the related crime rates) and prison populations in Pennsylvania. These projections were derived from some studies we recently completed on the effects of demographic changes on arrest rates and on prison populations. As you can see, we project arrest rates to peak out in the late 70's, and prison populations to reach their peak somewhat later, in the mid-80's. This peaking out is a consequence of aging out of the high-crime ages of the large number of people born during the post-war baby boom. Thus, we can anticipate reduced crime rates in the immediate future (and reports from the FBI's Uniform Crime Reports already indicate that), with prison population declines to follow some years later.

In concluding this testimony, I would like to emphasize the importance for informing policy of developing a strong cumulative program of research pursuing the kinds of issues discussed today. It is absolutely essential that that

research program be directed at learning the effects of various policy actions, and not at justifying a specific policy line. This requires quality in the research and integrity in the research process. I know these issues are of fundamental concern to the Subcommittee, and wish it well in its efforts to assure that such a program of research is established.

PROJECTED ARRESTS 1975-2000

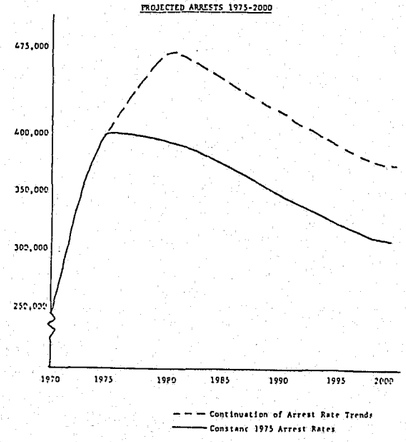


Figure 1.

PROJECTED ADULT PRISON POPULATION
1975-2000

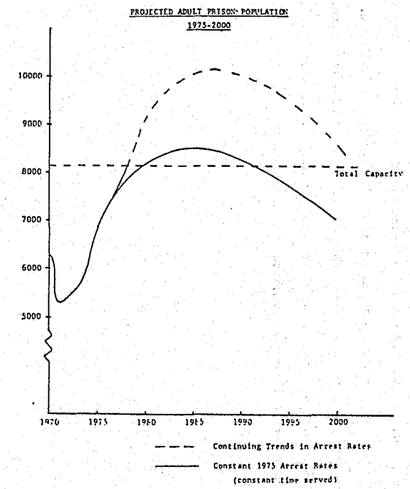


Figure 2

END