OLDER AMERICANS FIGHTING THE FEAR OF CRIME

HEARING

BEFORE THE

SPECIAL COMMITTEE ON AGING
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

WASHINGTON, D.C.

SEPTEMBER 22, 1981

Printed for the use of the Special Committee on Aging

U.S. GOVERNMENT PRINTING OFFICE
86-411 O WASHINGTON : 1981

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

SPECIAL COMMITTEE ON AGING

JOHN HEINZ, Pennsylvania, *Chairman*

PETE V. DOMENICI, New Mexico
CHARLES H. PERCY, Illinois
NANCY LANDON KASSEBAUM, Kansas
WILLIAM S. COHEN, Maine
LARRY PRESSLER, South Dakota
CHARLES E. GRASSLEY, Iowa
DAVID DURENBERGER, Minnesota

LAWTON CHILES, Florida
JOHN GLENN, Ohio
JOHN MELCHER, Montana
DAVID PRYOR, Arkansas
BILL BRADLEY, New Jersey
QUENTIN N. BURDICK, North Dakota
CHRISTOPHER J. DODD, Connecticut

JOHN C. ROTHER, *Staff Director and Chief Counsel*
E. BENTLEY LIPSCOMB, *Minority Staff Director*
ROBIN L. KROPF, *Chief Clerk*

CONTENTS

	Page
Opening statement by Senator John Heinz, chairman	1
Statement by Senator Charles H. Percy	3
Statement by Senator Lawton Chiles	4
Statement by Senator Charles E. Grassley	7
Statement by Senator David Pryor	8
Statement by Senator David Durenberger	10
Statement by Senator William S. Cohen	22

CHRONOLOGICAL LIST OF WITNESSES

Cunningham, Harriet, Chester, Pa	12
"X," Hattie, Chicago, Ill	13
Hickman, William and Constance, Philadelphia, Pa	15
Dills, Holland, Bronx, N.Y	16
Hedges, Albert M., community organizer, York, Pa	24
Olmstead, Dorothy, Sun City Posse, Sun City, Ariz	28
Battcock, Elizabeth, Project CARE, Yonkers, N.Y	30
Hayakawa, Senator S. I. (Sam)	32
Bethell, Sister Annunciata, executive director, Bedford Park Multi-Service Center for Senior Citizens, Inc., Bronx, N.Y	40
Banks, Detective Thomas, community programs, Metro-Dade Police Department, Dade County, Fla	44
Robinson, Sally, director, Yonkers, N.Y., Office for the Aging	48
Harris, Jeffrey T., Washington, D.C., Deputy Associate Attorney General, and former Executive Director, Attorney General's Task Force on Violent Crime, accompanied by Terry Russell, Assistant U.S. Attorney, Washington, D.C., and Deputy Director, Attorney General's Task Force on Violent Crime	55
Sunderland, George, Washington, D.C., senior coordinator, criminal justice services, National Retired Teachers Association/American Association of Retired Persons	69
Jaycox, Victoria H., Washington, D.C., director, criminal justice and the elderly program, National Council of Senior Citizens	71

APPENDIXES

Appendix 1. Material related to hearing:	
"Analysis of the Final Report on the Economic, Social, and Psychological Impacts on the Elderly Resulting From Criminal Victimization," submitted by Detective Thomas Banks, Metro-Dade Police Department, Dade County, Fla	79
Dade County Public Safety Department senior citizens' programs, submitted by Detective Thomas Banks	93
"Your Personal Guide for Burglary Prevention," submitted by Detective Thomas Banks	100
"Fear: An Age-Old Problem; Let Wisdom, Not Fear, Be Your Guide," submitted by Detective Thomas Banks	124
"Senior Citizen Referral Guide," submitted by Detective Thomas Banks	144
Excerpts from the final report, Attorney General's Task Force on Violent Crime, submitted by Jeffrey T. Harris	152
"The Crime Victims Legal Advocacy Institute: A Victims' Legal Rights Organization Is Formed in Virginia," submitted by Frank Carrington	158
"Crime Against the Elderly in the United States," submitted by George Sunderland	167

Page

Annual Report, 1980, of the Senior Safety Project, Inc., Media, Pa., submitted by Patricia Johnstone, director 239
Statement of Idelle Goode, director, Office for Senior Citizens and Handicapped, city of Chicago, Ill 246
Appendix 2. Material submitted by Senator S. I. (Sam) Hayakawa:
Letter from Allan Sonin, State of California Commission on Aging, to Senator S. I. Hayakawa 251
Letter from Stuart Harder, chairman, Crimes Against the Elderly Committee, California Commission on Aging, to Senator S. I. Hayakawa 253
Letter from Stan Harkness, Lodi, Calif., to Senator S. I. Hayakawa 257
Letter from John D. Duncan, Bolinas, Calif., to Senator S. I. Hayakawa 259
Letter from Sally A. Schultz, program coordinator, Contra Costa County, Calif., Area Agency on Aging, to Senator S. I. Hayakawa 260
Letter and enclosure from Harry Stein, Oakland, Calif., Community Safety Patrol, to Senator S. I. Hayakawa 262
Letter and enclosures from Sterling W. O'Ran III, program manager, California Victim-Witness Assistance Program, to Senator S. I. Hayakawa 270
"Crimes Against the Elderly Issues," submitted by Herb Goldblum, Congress of California Seniors, San Jose, Calif 289
Letter and enclosure from Robert P. Lindeborg, chairperson, Santa Clara County, Calif., Violence Prevention Task Force, to Senator S. I. Hayakawa 292

OLDER AMERICANS FIGHTING THE FEAR OF CRIME

TUESDAY, SEPTEMBER 22, 1981

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C.

The committee met, pursuant to notice, at 9:08 a.m., in room 6226, Dirksen Senate Office Building, Hon. John Heinz, presiding.

Present: Senators Heinz, Percy, Cohen, Grassley, Durenberger, Chiles, Melcher, and Pryor.

Also present: John C. Rother, staff director and chief counsel; E. Bentley Lipscomb, minority staff director; Joseph P. Lydon and David Holton, professional staff members; Carnie C. Hayes, minority professional staff member; Ann Gropp, communications director; Robin L. Kropf, chief clerk; Nancy Mickey, clerical assistant; and Eugene R. Cummings, printing assistant.

OPENING STATEMENT BY SENATOR JOHN HEINZ, CHAIRMAN

Senator HEINZ. Today, the Special Committee on Aging will take up an issue of great importance to our Nation's 23 million elderly Americans: The fact and the fear of crime. Each year, hundreds of thousands of elderly are victimized by purse snatchings, muggings, burglaries, and the violent assaults often associated with these crimes.

While it is conventional wisdom—and true—that crime has dramatically increased in the last 10 years, it is also conventional wisdom—but false—that the elderly are less adversely affected than others in the population.

More simply put, some have alleged that since the elderly may have a reduced incidence of crime in certain categories, they have less to fear. This conclusion is totally misleading. Older persons are much more likely than others to be victims of crime committed by those criminals who stalk the streets in search of easy prey. They are more likely to have their checks stolen from their mailboxes, or snatched from their hands before they can get to the bank.

Crime is a pervasive and serious fact of life for older persons today, and we cannot permit this to continue. But the crime statistics are misleading for another reason—they do not show the impact that the fear of crime has on the daily lives of older Americans.

Public opinion polls show that the fear of crime is ranked by many older persons as the most serious problem they face. In some communities, 80 percent—four out of five—of the elderly say they live in constant fear.

In community after community, elderly persons live in fear of purse snatchers, live in fear of burglars, live in fear of loss of property, and indeed, their lives. And because of that fear, older persons must change their entire daily living patterns to minimize the chance of a violent encounter.

And because of their fear, the elderly are more likely to be cautious, to take precautions so that they will not become the next crime statistic. One study said that most elderly persons interviewed reported they are afraid to be out on the streets at 3 in the afternoon when school is out.

In many neighborhoods, especially in our inner cities, older persons know that if they did not take extensive precautions, they would suffer. To claim that these people have no more fear from crime than the average American, is like claiming that people who are so afraid of cars that they never cross the street have nothing to worry about, based on their low accident rate.

This fear became very evident to me during our first field hearing held by this committee in Philadelphia this year. Many elderly persons arrived late and obviously agitated. What had happened was that their bus had broken down and they were forced to take the subway, an event that terrified them, even in the morning. I instructed the committee staff at that point to investigate this issue. I wrote to the Attorney General, urging him to do so as well as part of the work of his Task Force on Violent Crime.

All of us look forward to the day when older Americans can become full and productive partners in the work that remains to be accomplished in our society. We need older persons to help in this task, but today they are locked out from participating in our society, and when it comes to the fear of crime, they are almost literally locked into a "dark age"—an age of fear.

One of the reasons for this high level of fear is the severe consequences the elderly persons faces if he or she becomes a victim of a crime.

The elderly are much more likely than other age groups to suffer broken bones and other injuries as a result of crime. Nearly half of the crimes against people over 65 resulted in injury or hospitalization. Older people require a much longer recovery period, and tragically, many never fully recover from an injury caused by an assault.

The economic consequences are also severe. One study indicated that the elderly purse-snatching victim lost on the average 93 percent of a month's income when victimized. This type of crime takes away money desperately needed for food, for doctors' bills, clothes, and heating bills.

There is another—and fortunately, brighter—side to this picture. Older Americans themselves are fighting back with their own resources. In many communities, they are providing the leadership, organizational skills, and daily efforts needed to create an environment that is free and safe.

Steps have been taken, but much remains to be done.

The purpose of this hearing is to examine what has been done and what can be done with both public and private resources to aid in the fight against crime and to make the public aware of success-

ful community efforts in crime prevention and victim assistance to older citizens.

In October, funding for a major portion of the Law Enforcement Assistance Agency, which has supported research and programs directed toward crime against the elderly, will be cut off. We must, therefore, design new strategies to utilize State and local resources to insure the continued survival of successful programs.

Today, we will focus on three sets of issues. First, the fear of crime and its impact on older people. Second, the role of older Americans in self-help efforts. And third, the role of Government in the effort to reduce crime, alleviate fear, and aid victims.

In preparing for this hearing, the committee staff has researched numerous things that older people can do for themselves to prevent them from becoming victims of crime. To inform people about these recommendations, the Special Committee on Aging has prepared a booklet entitled, "Crime and the Elderly—What You Can Do," which we are releasing today. We believe this booklet, which is available from the staff and was printed yesterday, will be a useful aid to individuals, families, and community groups in the fight against crime.

Before I welcome our first panel of witnesses, I want to call on my distinguished colleagues, Senator Percy and Senator Grassley. Senator Percy was the ranking minority member of this committee for many years and did so very much to enhance its activities and reputation. Senator Grassley was a member of the Select Committee on Aging in the House of Representatives. We are very honored and pleased to have them both here.

Senator Percy, do you have any opening statements you would like to make?

STATEMENT BY SENATOR CHARLES H. PERCY

Senator PERCY. I have no prepared statement, Mr. Chairman, but I would like to say that when you mentioned membership on this committee, I have been on it for many years, and I know of no committee that has been more satisfying. The other committees, you deal in principles and so forth, and this, you deal in really, human lives, and we are going to see a lot of those human lives today.

I will have to leave at 9:30 to chair another hearing, but I did want to be here for the opening and I will try to return.

I would just like to sum up in 30 seconds the whole philosophy that I have had toward the elderly and crime. Franklin D. Roosevelt said in 1933, "We have nothing to fear but fear itself." That was about the economic problem that we had, and it was a self-fulfilling prophecy. If we were gloomy and doomed, then we would get worse. But there is a real basis for fear in crime. This is not in our minds. This is something that really exists. Mayor Byrne of Chicago dramatized this by moving into a public housing project. She moved in with 30 or 40 bodyguards. She would not have moved in unless she had 30 or 40 bodyguards. That symbolized what was necessary to live without fear. And I am not so sure she rested comfortably those nights that she did stay there, even then.

We had, in the Robert Taylor homes in Chicago, appropriation for some $20 million. What did they use it for? To fix up the faulty

plumbing? To repair some of the appliances, leaky faucets, and so forth? No. Every dime of it was put into security measures—two TV sets, lighting, everything to try to make it possible for people to live in public housing.

We have with us here today a woman—I will not mention her age; she can if she wants to—Hattie "X" who, last month, was brutally raped in her own apartment. This symbolizes what can happen and why fear pervades so many of our people. It makes them captives in their own homes. Even when they are in their own homes, they do not feel safe.

So your calling these hearings, is commendable. And the staff's preparation of this booklet, is extremely valuable. I intend to send it out to every public housing project, and every library frequented by the elderly, help people help themselves. We have got a big job, and once again, this committee, which is one of the great committees in the U.S. Senate, is going to take the leadership in trying to address itself to a problem that does pervade our society and is an absolute disgrace to the American way of life. This is something we must remove, fear of crime, and it begins with the elderly.

I thank you, Mr. Chairman, very much indeed, for once again having the foresight, together with the staff and our distinguished ranking member, Senator Chiles, to look ahead and put us to work on a problem that is a very, very serious problem in American life today.

Senator HEINZ. Let me recognize the presence of the ranking minority member of the committee and former chairman of the committee, who has done such an excellent job on the committee over the years, Senator Chiles of Florida.

Lawton, do you have any opening statements you would like to make?

STATEMENT BY SENATOR LAWTON CHILES

Senator CHILES. Thank you, Mr. Chairman, I do. Again, I want to congratulate you on holding these hearings. I am certainly pleased to participate because of the magnitude and importance of this crime problem to the elderly.

Obviously, a hearing like this is not a happy occasion. I am sure that seeing and hearing directly from senior citizens who have been victimized is going to be a painful experience for all of us, and their testimony is going to be representative of experiences of thousands of older Americans of what happens in this country every year. It will be particularly unpleasant in the light of what we want for our older citizens, a productive, meaningful, and secure lifestyle.

The very real crisis in our society is going to become more real for us today. It becomes more real to me every time I travel in the State of Florida. Every senior citizens' group that I meet with talks about crime and their fear of crime as being one of the greatest obstacles in their lives.

But we can take heart that there is also a growing awareness of this crisis and that awareness is being translated into action by dedicated people and organizations all across the country.

Today, I am delighted that we are also going to hear the efforts of these groups to help the elderly protect themselves and to be at

the older persons' sides when the tragedy of crime touches their lives.

I want to share some statistics from one city in my State. Violent crime has increased by 68 percent between 1979 and 1980 in Miami, compared to a nationwide increase of 11 percent. Miami was at or near the top of the Nation in murder, rape, robbery, and assault, with 32.7 murders per 100,000 people, an increase of 64 percent; burglaries and rapes were up 35 percent. Miami was the leader in crimes per capita, with 11,581 crimes per 100,000 people, and 1,919 violent crimes. That means that a Miami resident had over a 1 in 10 chance of being a victim of crime and a 1 in 50 chance of being victimized in a very violent crime. When you add to this, Mr. Chairman, the fact that Dade County has over 300,000 senior citizens, more than 19 States in our Nation have, then there is no question that the elderly are being increasingly victimized. If you transfer those polls further, you find that the strongest percent of people will not go out of their house by night, and over 34 percent are afraid to go out in the daytime because they are afraid of crime.

In Miami, the tragedy of crime is apparently showing us dramatically that we can no longer turn our heads, ignoring the need to get to the root of the problem. These statistics are an extreme example of what is happening all over our Nation. I grew up in a small town where we did not lock our doors; no one worried about the kids when they went out at night; you did not have to look over your shoulder if you took an evening walk. And that, of course, is what we need for our country and the kind of thing that we are looking for for our people.

The current era that we have is particularly disconcerting because of crime's impact on the elderly, for two reasons: The older persons are too often seen as easy prey for the criminal element, whether we are talking about mail fraud and con artists or the violent crime perpetrators. But also, the elderly usually suffer a greater amount of financial, physical, and psychological loss when they are victimized. The younger people can recuperate both financially and physically, in many cases, but the older people heal much more slowly.

Today, we will not only hear of these tragic effects of crime on older citizens, but also the positive, creative, and innovative steps that local citizens and committees are taking to prevent the crime or mitigate its effects.

Even though it is not within the scope of this hearing, we have all got to remember that preventive and victim assistance are only half of the battle. We have a stake nationally in getting at the root causes of crime. And you do not come up with statistics like I have given you from Miami without trying to determine where that crime comes from. We see that in that area, it is coming from the tremendous influx of drugs that we have coming into the country. It is also coming from the very, very high numbers that we have had in regard to refugees in which there has been no adequate place to house, there has been no place to find jobs, or find places where they could subsist, and they have all been turned loose in the community.

We have got to make our criminal justice system work, and to do that, we have got to modify the bail-bond system so that violence-prone people are not put back on the streets while they are waiting to go to trial; we need to eliminate the ways that criminals can beat the system through the legal technicalities, and lengthy, frivolous appeals. The sentences given to these hardened criminals must be strong enough to keep them behind bars and act as a deterrent, and we have got to take the profit out of crime.

The international drug trade is a multibillion-dollar enterprise and has grown to a $7-billion industry in Florida alone. This tax-free underground economy is costing us all. You can imagine the inflationary impact on homes in south Florida. Mobsters can pay for cars and homes with suitcases full of cash. But of course, the older person, if lucky enough to avoid being robbed or assaulted, is still being victimized by the price of food, housing, and life's other necessities which have been artificially raised up by all these illegal drug profits that come back into the community. So certainly, we have got to tackle that problem, and one of the ways is to be able to strike at drugs at their source in the host countries. We have an amendment to the Foreign Assistance Act that would allow us to do that, and I hope that we will be able to pass that.

We need a sound, rational immigration program. We must have enforced quotas where we can allow oppressed people to come to these shores, but also we must be able to determine who is going to come before they come, and determine where we are going to have them settle.

These are the reasons why I have joined a number of my colleagues in sponsoring a legislative package aimed at taking the profit out of the multibillion-dollar drug enterprise, modifies the tax laws on the books so that we can protect law-abiding citizens without shielding the mobsters, who are getting rich for illegal activities, and it strengthens the means for Federal, State, and local law enforcement officials to cooperate with each other, the military, and the IRS in tracking the national and international crime problem. I have also addressed the weaknesses in our judicial system, and I am pleased to have joined Senator Pryor and the chairman of this committee in sponsoring comprehensive legislation to tackle the mail fraud problem. I am anxious for Congress to act on the immigration bill which I have introduced.

As we turn to the subject of today's hearing, I hope we will come away with both a determination to get to the root of the problem and to provide the necessary support to local preventive and victim assistance efforts.

Mr. Chairman, again, I congratulate you on holding these hearings and look forward to a beneficial result.

Senator HEINZ. Senator Chiles, let me thank you for an excellent statement and many good suggestions for the committee and for other committees that have jurisdiction over our justice system. You have over the years been a great leader in this area, and you are a great resource to the committee and to all the people that we work with.

Senator Grassley.

STATEMENT BY SENATOR CHARLES E. GRASSLEY

Senator GRASSLEY. Thank you, Mr. Chairman.

I think that without exception, I can associate myself with the previous remarks of you, Mr. Chairman, the Senator from Florida, and the Senator from Illinois.

I would say that you have done a fine job in your opening statements and in holding this hearing, and for focusing on a very immediate problem and one obviously that must be addressed by those of us in the Senate, out of concern for the elderly victims of crime.

However, I would like to bring attention to the fact that many of the things that we talk about that are problems now for the elderly in America are a symptom of a greater, overall problem that faces America, and I would say that this was brought to my attention forcefully this morning. While listening to the radio, the question was raised of whether or not two young people, not quite 22, who a year or so ago, bludgeoned a 64-year-old man to death, whether or not they ought to be sentenced as juveniles or as adults. What this tells me is that in the last quarter of a century, we have developed a judiciary in this country and probably an attitude on the part of a majority of the people, an attitude of permissiveness that has had as its heaviest toll those who are least able to defend themselves, the elderly of America.

So obviously, it is our responsibility in this committee and for this immediate meeting, and the immediate time that we are here, to address the problem of just how violent crime and the fear of that crime affects the elderly of our country. If we were to address this issue in isolation of the general, permissive attitude that is permeating American society and the attitude that we should somehow be soft on criminals and not be concerned about the innocent victim, then of course, I think our work here in this meeting would be, at least for the long term, for naught. This committee is not in a position to deal with this overall problem, but as Senators, we have that responsibility, and I hope that we will look to the cause of the problem rather than the results of the problem.

And of course, this administration is addressing this to some extent as it deals with the subject of violent crime, and the work of its task force and the report that has now come out, and the Judiciary Committee, of which I am a member, will be dealing with that, and we are also going to be dealing with the whole subject of reform of the Criminal Code, and in the process, I hope that we, as Senators, can overcome the attitude in this country that has caused hearings like this today to be held.

Then, too, I hope that the President, in his appointment of people to the judiciary, is going to appoint a breed of person with previous past experience and a reputation for holding the criminal responsible as a deterrent—to the type of crimes we will hear of today.

So I look forward to this hearing and to see how we can deal with the immediate problem, but I do not look at this meeting or even solving the problem of crime against the elderly as a solution to the underlying problems that face American society and the innocent victims.

In closing I wish to point out that most, or all, we learn here today will involve urban elderly. Despite the presence of many residents, public housing projects, in large urban areas, seem to offer little protection to tenants, especially elderly ones.

On the other hand, rural areas and small farming communities have not been noted as particularly unsafe for seniors. This speaks well for the spirit of "looking after each other" that exists in these places; now whether this spirit can become more prevalent in urban areas remains to be seen. Maybe this hearing will generate some sociological study to check into this tendency for rural areas to be safer places for the elderly to live.

Thank you Mr. Chairman.

Senator HEINZ. Senator Grassley, thank you very much.

Senator Pryor.

STATEMENT BY SENATOR DAVID PRYOR

Senator PRYOR. Thank you, Mr. Chairman.

I, too, would like to join my colleagues in thanking you, Mr. Chairman, for holding these hearings. You and Senator Chiles have been most forthright in attempting to address the issues that face our society, and I think it is a sad commentary on this country when we see that today the elderly in America are basically paralyzed by fear of crime.

I will just summarize a brief statement I have, Mr. Chairman.

Last year, I had the opportunity to chair hearings on mental health and the elderly. And I think that these hearings very graphically illustrated the point that much of the worry and mental anguish of the elderly in America today springs from one basic cause, and that cause is insecurity. First, there is the financial insecurity of moving from the work force to a fixed income. Then, there is the uncertainty that many older citizens face as their role within the family and the community changes dramatically upon retirement. Then there is the insecurity over health, one of the most common fears of elderly Americans, not being able to be healthy and independent.

But I think the greatest fear that we find today in our country with the elderly is an insecurity that we find because of fear of their own safety, not only safety in a way that they want to and desire to protect themselves from violent crime, but also safety to protect themselves from what we might term nonviolent crime.

Senator Chiles has mentioned legislation that we are involved with, with the chairman of this committee and others—Senator Pepper in the House—relative to one area of nonviolent crime that we have all been very concerned about, and that is mail fraud. There is a cold and hard fact today that mail fraud today is perpetrated on massive sections of our country and society. The group that is getting hit the hardest is the elderly. In fact, 60 percent of the victims today of these mail frauds are elderly people, most of whom are living on a fixed income and are literally counting their pennies. Being bilked by a con artist through the mail can be as financially devastating to an older citizen as being victimized in a direct confrontation. Crime, nonviolent and violent crime, of course, is the subject of our hearing today.

Once again, Mr. Chairman, thank you for calling these hearings, and I would like to ask the consent of the committee to allow my longer statement to be printed at this point in the record.

Senator HEINZ. Thank you very much, Senator Pryor. I would just like to recognize your leadership on the issue of mail fraud and the kinds of schemes bunko artists have perpetrated on so many of our unsuspecting, the elderly, and others. Your leadership in that area is very much appreciated, I am sure, by us all, and I speak for myself included.

[The prepared statement of Senator Pryor follows:]

PREPARED STATEMENT OF SENATOR DAVID PRYOR

It is very important that we are holding these hearings today and I thank the chairman for calling them. Crime is never a pleasant subject, and the idea of older people in our country being beaten, robbed, raped, and murdered is repugnant to all of us. But the problem is not going to go away by itself. We cannot just turn our heads and hope it will get better.

The current state of the economy and the growing proportion of elderly in our society must give us concern that the problem could get worse. That is why I appreciate the chairman bringing us together today to hear about how older Americans are fighting crime in their lives and how we can reduce this threat.

Last year the hearings I chaired on the mental health of the elderly graphically illustrated the point that much of the worry and mental anguish of older persons springs from insecurity. There is the financial insecurity of moving from the work force to a fixed income. There is the uncertainty many older persons face as their role in the family and the community changes. There is the insecurity over health, since one of the most common fears of older Americans is of not being healthy and independent.

I believe that the worst insecurity for the elderly must be when they have to fear for their safety.

And, when crime strikes older persons, their finances, their health, and their roles as active participating members of the community are jeopardized. We not only do not want our older citizens threatened by violent crime, we also do not want them to be so paralyzed by fear that they feel they must barricade themselves in their homes.

That is what this hearing is all about. We have an excellent committee publication ready for groups who are trying to help senior citizens protect themselves. It has a number of useful tips on how to make one's home safer and feel more secure on the streets. We have today a number of witnesses who will tell us about peer counseling activities and efforts of local police both to prevent crime and respond to the older person when it happens. I hope that we will all leave here today with ideas about how we can multiply these efforts at the local level and better direct our Federal efforts.

One issue I have been greatly concerned with lately is the problem of mail fraud, which hits the elderly so hard. In fact, over 60 percent of the victims of these frauds are elderly, most of whom are living on fixed incomes and are literally counting their pennies. Being bilked by a con artist through the mails can be as financially devastating to an older citizen as being victimized in a direct confrontation.

I participated in hearings with Chairman Claude Pepper and the House Aging Committee earlier this month on the con games and frauds that are perpetrated on older Americans and I've sponsored legislation to give the Postal Service more weapons to fight mail fraud which I hope will be enacted soon.

Crime affects people of all ages and all economic brackets. It is one of the biggest problems we face today. In fact, this summer Senator Chiles and I went to the White House with a dozen other Senators to ask the President for his help in enacting a package of crime legislation. However, crimes against the elderly, whether we are talking about mail fraud or violent crimes, are especially threatening to the security and peace of mind of our aging population.

As we hear from these witnesses today, I hope that anyone who feels complacent about the safety and security of older Americans is shocked out of complacency. At the same time, I hope older persons will hear the hopeful message that many people care and are tackling the problem and that there is much they can do to protect themselves.

Senator HEINZ. Senator Durenberger.

STATEMENT OF SENATOR DAVID DURENBERGER

Senator DURENBERGER. Thank you, Mr. Chairman.

I will be brief, and begin by congratulating you on having a hearing without a bill. I think that is one of the things that I particularly enjoy about this committee, because I think as chairman of this committee, you have concentrated on the problems and concentrated our attention, and to a degree, the Nation's attention, on the people who are involved in these problems. Today is one good example of that. We are not going to pass any piece of legislation that magically takes the insecurity out of the lives of aging persons in this country.

What we do in this kind of a setting is learn, and we learn that there is some safety in numbers, and there is some safety in association with other people, and there is some safety in knowing that there is somebody else who is as concerned as I am and has found some way to help. I come from a State that is always very, very concerned about inventing new ways to help people, the State of Minnesota, and with regard to this problem, we have done a variety of things. In my prepared statement, I have set out some of the projects that are going on at the local level, like some of the projects we are going to hear about from the Hickmans, Hattie "X", Holland Dills, and Harriet Cunningham. At a State level we set up a victims' reparation board. We have done a variety of things, particularly with regard to the elderly, that are helpful in solving the crime problem.

I am concerned about the sense that people have of giving some direction to their own lives and their own security. I think the importance of this hearing is that we have the opportunity to share with each other, some ideas, perhaps some local programs, and so forth, and then some sense of what we, as political leaders in this country, can do to help marshal public opinion in favor of the kinds of things that are done at a local level to solve these problems.

I would ask consent that my full statement be made a part of the record, and I look forward to the hearing.

Senator HEINZ. Without objection.

[The prepared statement of Senator Durenberger follows:]

PREPARED STATEMENT OF SENATOR DAVID DURENBERGER

Mr. Chairman, there are few families in this country who haven't been touched, either directly or indirectly, by some form of crime. Certain people are more vulnerable than others. But the aging are by far the most vulnerable, and the reasons for that vulnerability are unlikely to change significantly.

Many seniors live in centralized housing developments, often in inner-city areas where crime rates are higher.

Elderly people are more likely to be alone, and the natural handicaps of age make seniors more vulnerable to crime. Statistics show that for reasons I find difficult to comprehend, criminals are more likely to use force on the elderly—and of course the elderly are more susceptible to injury.

Because of their lower income, the elderly find it far more difficult to compensate for losses suffered at the hands of criminal elements.

For this segment of the population, statistics greatly understate the impact of the problem. They can't measure the fact that many senior citizens alter their lifestyles, sometimes drastically, in a direct response to the fear of crime. The fault, theft, and the threat of violent crime are literally keeping many seniors captive in their own homes.

Minnesota has played a leadership role in fashioning ways to reduce both the victimization levels and the fear of violent crime. Like many localities, we're reach-

ing out to help prevent crimes against the elderly, and to ease the trauma of crime when it occurs. In Minneapolis, the Southside Neighborhood Housing Service sponsors "premise security surveys" to crime-proof senior citizens' homes against burglary and theft. Police found that 47 percent of the burglaries affecting senior citizens were through unforced entry—that is, folks had left a door or window open allowing easy access to crime.

In response, Southside sponsors police officers who will visit a senior's home and evaluate it for security. Any security hardware needed, such as double-bolt locks or window pins, are provided free of charge. Though the service is available to everyone, it's especially helpful to seniors, many of whom grew up in an era when people never locked their doors and crime was a problem that happened somewhere else. These simple precautions cost very little, yet they can prevent a burglary loss in the thousands of dollars. And remember that even when seniors have insurance, most policies do not consider the replacement cost of items, a serious problem when one is living on a fixed income. Prevention programs such as Southside's residence checks are playing an essential role in reducing personal and financial loss through crime. They also reassure seniors that they can be safe and secure in their own homes.

It is essential to recognize, Mr. Chairman, that preventing the crime is only one part of the challenge. Cushioning the impact of crime on the victim is another. When crime strikes the elderly its force is debilitating. Many elderly are poor, and ill-equipped to handle the loss of property or money due to theft. The violence and abuse of criminal assault strikes hardest on seniors, who are weak and slow to heal. Injuries suffered from violent crime may be the motivating force which sends an elderly person into a nursing home and ends the opportunity for independent living.

Minnesota is addressing these problems through a statewide victim compensation program. The Minnesota Crime Victims Reparations Board, helps fill the gap between private insurance plans and the real loss resulting from violent crime. The $100 deductible is large for many senior citizens on limited resources, but the benefit helps with doctor and hospital bills, insuring that crime victims aren't left to fend for themselves. Programs like the Reparations Board address the tangible and psychological loss that follows a criminal attack.

I'm hopeful, Mr. Chairman, that today's hearing will be the catalyst for information sharing on the State, local, and community programs that have the greatest impact on elderly crime. We also need to examine how programs like the crime victims reparation program can be expanded on a national basis. A society that cannot protect its most vulnerable segment from loss and fear of loss fails in its essential purpose. Today we are failing, Mr. Chairman, and I hope this hearing will mark the beginning of a successful effort to turn that situation around.

Senator HEINZ. Senator Durenberger, I want to say that you made a very significant and I think appropriate comment that this is a hearing without any bill, and indeed that is true, not just because we are not a legislative committee per se but because, as I said a few minutes ago, the biggest concern that this Senator has is that most of the law enforcement officials that you talk to, if you take a sampling of them—not all, but most—will say that the crime statistics on the elderly, that the elderly experience crime less than most other groups. But those statistics simply do not reveal the extent of the problem. They do not reveal, as we will hear in a minute, I think, how entire neighborhoods are literally plunged into an age of fear, which I characterize as a return to the Dark Ages for those people who live in those entire neighborhoods. They do not reflect the tremendous physical problems that can happen when a crime of greed is committed on a senior citizen. In nearly 9 out of 10 cases, an assault also accompanies the purse-snatching, the theft, the burglary, the housebreaking. With younger people, it is maybe 1 in 3 times as opposed to 9 out of 10. And when the elderly are hurt, they are hurt much more seriously, and have much longer time to recover.

I emphasize that point, and I know it is somewhat redundant from what I said before, because our local law enforcement people,

our State law enforcement people, and our Federal people must recognize those essential differences, that all is not a statistic.

So it is with that in mind that I am especially pleased to welcome our first panel of witnesses. I would say as they come forward, if they would come forward, that it is not easy for a victim of a criminal and of a crime to relive the terrible experience by talking about it. And yet, the witnesses we have today, Ms. Cunningham, Mr. Dills, Hattie "X" from Chicago, and the Hickmans, have volunteered to share their experiences with us. We are deeply grateful to you, because we believe that it will help prevent others from becoming, as you have, the victims of crime. So we thank you, and we appreciate your being here so very much.

I am going to call first on Harriet Cunningham, a resident of Chester, Pa., to be our first witness.

Let me welcome you, Ms. Cunningham, and thank you.

Please proceed.

STATEMENT OF HARRIET CUNNINGHAM, CHESTER, PA.

Ms. CUNNINGHAM. Good morning.

My name is Harriet Cunningham. I am 77 years old. I live in a trailer park in Delaware County, Pa.

On August 24, 1979, I had to sign papers for taxes in Chester. Usually, I go to Chester with someone, because it is not a safe place. But I had lived in the area for over 60 years, and nothing had ever happened to me, and I was not afraid, so I went by myself.

I got out of my car, locked the door, and dropped the keys into my shoulder bag. I did not zipper the bag, because I was only going across the street. As I started across the street, someone grabbed my bag, wrapped the strap around my neck, and threw me down against the curb. The only thing I remember is opening my eyes and seeing my left hand lying on the curb. I knew it was my hand only because the rings were mine. I had no feeling. I did not remember anything else until nearly 2 weeks later.

On September 6, I woke up in the hospital as if I had just been asleep, but I have been aware of what happened from then on. I found out that my shoulder had been operated on and totally replaced with metal. A friend took me home but had to leave me by myself. The pain was so bad that I had to finally call an ambulance to go back to the hospital at 5 in the morning for emergency care.

That was the first indication I had of the pain that I was going to have to live with. Since then, I have had almost constant pain and I have never regained the use of my arm. I have had extensive therapy as an inpatient for 18 days. I had surgery on my hand. I figure that I was in the hospital for a total of 49 days. I then had therapy as an outpatient twice a week for 11 months.

The young man—he was 19 at the time he injured me—was arrested in late September. I found out that he was an amateur boxer.

I went to two hearings in Chester. I discovered that a 10-year-old boy was the main witness who could identify my assailant. He had also found my wallet; it had fallen out of my unzipped bag. The first hearing was postponed because the boy's mother took him out

of town. She was afraid because the defendant's family told her he would be killed if he testified. But he did testify, and the defendant was held for trial.

At about this time, the girls from the senior safety project got in touch with me. I do not know what I would have done without them. They took me to the later hearings and have helped me with expenses by filing a claim for me with the Pennsylvania Crime Victims' Compensation Board. And they talk to me whenever I am feeling low.

The trial was held in January and lasted 2 days. I testified and told what happened to the jury. They found him guilty of assault and robbery.

I went to the sentencing hearing in June and told the judge what had happened to me. I also told him that I had been harassed at my home since the trial. I feel that the defendant had been harassing me. I knew that he had been out of jail since the trial. He was sentenced to 4 years on each count—assault and robbery. The judge said he would probably serve less time, but that he would serve at least 2 years on each count before he would be eligible for parole.

The assistant district attorney arranged to have restitution paid to me before any court costs would be paid. Since then, I have heard that he will be out in February 1982. I am really worried and afraid that he will come to my place when he gets out. I have not yet received any restitution.

As a victim of a crime, I am concerned that many older people are afraid to testify. I might not have gone as far as I did without the support of the people from the senior safety project. Not everyone has that kind of support available.

I am still afraid to go outside. I am also concerned that people who commit crimes and are convicted of them do not serve long enough jail sentences. If a person commits a crime, he or she should know they have to pay for it.

Thank you.

Senator HEINZ. Ms. Cunningham, thank you for a very courageous story.

Ms. CUNNINGHAM. I was scared to death.

Senator HEINZ. You have become a movie star. Thank you so much.

Ms. CUNNINGHAM. That is the only thing that worries me.

Senator HEINZ. Our next witness is Hattie "X." The reason that Hattie has withheld, and we are withholding her last name, is because she was the victim, as Senator Percy noted, of a very brutal assault. Her assailant has not yet been apprehended, so we are trying to protect her by withholding her real last name. Her real last name is not "X."

Hattie, would you please proceed?

STATEMENT OF HATTIE "X," CHICAGO, ILL.

Ms. "X." Good morning.

My first name is Hattie. I live in a housing project for the elderly in a large city.

It happened to me on August 3. I was asleep in my apartment when, at 2 a.m., I heard someone knocking at my door. I was worried because it was so late and thought it might be my next

door neighbor, needing help. I went to the door and said, "Who is it?" A high, weak voice said, "Me." I said, "Who?" The voice said, "Me. It is me." I thought it was my friend next door, needing help, so I opened the door, but kept the chain on the door. It was a man I did not know. I asked him, "Who are you looking for?" He told me his auntie was real sick and he needed to make an emergency call. I said, "How sick?" and he said, "Real sick, a heart attack, and I need to make a phone call for her."

So I opened the door and said, "I guess you could." When he got in, he looked around and picked up the phone, and he pretended he was making a call; I guess he had his hand on the phone, holding it down. He said, "Yes, she is real sick, a heart attack." He then put down the phone, and he came up to me and slapped me across my face and said, "Get your money." I screamed, and he hit me on my hip, and said, "Don't panic. Just get the money."

I was so scared, I could not see. I started looking for my purse in a drawer right there in the kitchen. I opened the drawer, and he got some scissors, and said, "Get your money."

I went to the bedroom and found my purse. He came with me and saw my great grandchildren asleep there. Then he asked, "Who is that?" and I said, "Those are my little grandkids," and he asked how old they were, and I said 3 and 4 years old. And he said, "Keep quiet, because if you don't, I am going to hurt them." And I was so afraid he was going to kill them.

Then, he took all my money out of the pocketbook, and then said something really nasty that I do not want to say here. I said, "No, no, I would rather die." And I said it again. I said, "I am a good Christian lady." And he said, "You know something about sex." Then he pushed me around. I reached over and got the Bible, and I begged him to leave me alone. I said, "I am too old for you to bother." And he said, "How old?" And I said older than I was just to pretend; I thought he would leave me alone. He said, "That's all right," and it did no good. He got what he wanted. He bothered my body.

When he was done, he started yelling, "I don't have no money, no job, women put me down, and I am desperate." That is what he said. He yelled all this. Then he started going through my money again and said, "I will leave you some money." He left me 5 cents. Then he goes to the bedroom and takes my ring. All this time, I was so afraid he was going to kill the kids in the room.

Before he left, he pulled the phone off the wall. I just did not know what to do. I only had 5 cents, so I could not call the police. I was so upset I could not talk. Finally, I went to some neighbors and told them to call the police.

The police have not found him yet. I looked at some pictures at the criminal court. I did go down there, and I could not recognize him. He was about maybe 22 or 23—he could have been younger.

I am afraid all the time. I am afraid that the man who had his way with me might come back if he heard my name on TV or saw it in print. It is for that reason that I have asked that it not be used here. I decided to come here to tell my story because maybe it can do some good for someone else. It is too late for me.

Senator HEINZ. Thank you very much, Hattie. We very much appreciate your bravery in coming here.

I would like to call on Mr. and Mrs. Hickman, Constance and William Hickman.

STATEMENTS OF WILLIAM AND CONSTANCE HICKMAN, PHILADELPHIA, PA.

Mrs. HICKMAN. At the beginning of the year, my husband and I had a terrible experience. We live in Philadelphia. My husband will tell you about it.

Mr. HICKMAN. Good morning. We are William and Constance Hickman.

It happened on New Year's evening. We arrived home from a dinner party about 10 o'clock at night. We had forgotten our galoshes and left them in our host's vestibule.

When we arrived home, I told my wife to stay seated in the car until I checked the trunk to see if our second pair of galoshes were in there. As I started toward the trunk of the car, another car coming from the opposite direction stopped beside my car. I thought the driver was going to ask me for directions. Instead, he jumped out of his car and draped a butcher knife around my neck and said, "Lay down, lay down." In the meanwhile, another man jumped out on the other side of the car and came around between the two cars and sprayed Mace in my face. Fortunately, it did not hit my eyes. They took my watch, wallet, and keys.

During this time, my wife was still sitting in the car, thinking that the voices she heard belonged to neighbors giving me New Year's greetings. When she did not recognize the voices, she opened our car door on the curb side and got out. Being shocked at seeing the second car, not seeing me, and hearing voices telling me to "Keep still," she peered over the trunk of our car and saw a man between the two cars pointing a large butcher knife at her.

Robber No. 1 asked her if she had a pocketbook. She said, "Yes." He told her to throw it to him. Then, in a squatted position, robber No. 1 leaped around the back of our car. He demanded that my wife take off her furcoat. While she was complying, he reached over and yanked the coat off of her. Seeing a long gold chain around her neck, he yanked it off. Then he directed her to get back in the car, and then to close the door. In a few seconds, they drove away.

While my wife was being attacked by robber No. 1, the second robber kept me down between the two cars. All the while, though, I was inching toward the back of the robbers' car to get their license number, which I did.

Since we could not get into our own house, we went to some neighbors and said, "We have been robbed." They called the police, and then we began a long ordeal of dealing with the police and all. My wife kept a diary of everything.

First, the police came that night and took me down to the station house to give a description. I was able to identify one guy, George. We then had a visit from the detectives, who brought some mug shots with them, and we had two lineups to go to.

Because I had managed to get the license number of the car, and because they found some of my identifications, later on they were able to identify him out of the career criminal group. We then had to go to a preliminary hearing, but the public defender asked for a

delay, so we had to come back again. The trial was June 19, and he pleaded guilty, because the prosecutor had all the witnesses, all the facts lined up against him. Now we understand he will be sentenced on October 1.

No words can describe the terror we went through. We were caught offguard. Even if you are 9 feet tall, if they catch you offguard, you cannot do anything. Some people say carry a gun or get Mace. But it would not have done any good. No words can describe how terrible this made us feel. We are lucky because we had some financial resources. We had money to have our locks changed; we had insurance. But you would not believe the trouble you have to go through.

The people who really suffer are those at the poverty level.

I also want to say that it is very important to have a program there to help the victims. I know that the police and the court people have to be very careful so as not to jeopardize the trial. They cannot give you information. One little mistake and the whole case is thrown out. But the victim does not have anyone to turn to. The district attorney is representing you, but he has to be careful. That is why a witness program is very beneficial. Someone to tell you what is going on. Someone to care about you.

I am glad to know that a new program has started in Philadelphia, the action alliance for senior citizens. This program will provide peer counseling and rides to and from court. This should help future victims.

Senator HEINZ. Mr. Hickman, thank you for an extremely articulate and accurate summary of what you went through and what you learned. It is extremely valuable.

Mr. Dills, would you be our cleanup witness on the panel?

STATEMENT OF HOLLAND DILLS, BRONX, N.Y.

Mr. DILLS. I was born in Kentucky, the bluegrass, of course. My father was a horse-and-buggy doctor, my mother, a Christian woman in all that the name implies. I have lived in New York City for over half a century. The apartment I now occupy has been my home for 17 years.

I have often said, living where I do, I have seen more of the police than when I was a police reporter. People mugged in the building lobby. An elderly man given the treatment by a bevy of young heathens. The old having become game for the young hoodlums. But you hang on. You hope it will not happen to you. But it did.

Two young males followed me into my own elevator, throttled me, and went through my pockets. I cooperated, handed over a 10-spot, then begged for my oldtime, good leather pinseal wallet, in which I never carry money, but everything else of a fiscal sort—and got it back—along with a warning that did I report the incident, they would see me killed.

I carry on. Have the locksmith put a second lock on the door for $75, and, to get my money's worth, proceed to tell him that I used to drive my doctor father on his morning rounds and that I could not recall ever seeing him ring a bell or knock on a door. He simply opened the door and walked in. Today, when I go to the incinerator, having left my door ajar, I feel guilty.

One bitter cold day, I was waiting for the light to turn when a car eased up with a driver, Hispanic, who was a double for my building super, and offered me a lift. Now, I am in no condition to offend my super, so I stepped in the front seat. Looking close at his companion, I knew I was in for a ride. These were professionals.

They set me down at the exact spot I had designated, where I visited a shutin, and then went to the grocery store to discover I had no money. Then I went home, wherein taking off my jacket, I discovered I had no wallet.

I prayed for a clear head. Soon the telephone rang. The desk sergeant was speaking. A youngster had found my wallet on the street and turned it in. Two cops ushered it home, and the only thing missing was my senior citizen card. My wallet is a charmed relic.

One night, I heard a woman's scream, and a second scream, but cut off by a door slam. Hearing the door slam, I turned over and went back to sleep. That morning, the police began to pour in. What had happened was next door to me, a young woman opening her door had been sprung upon by a young male who himself lived on the other side of her apartment, pushed her back into her own apartment, slammed the door, raped, robbed, and stabbed her to death. He ran away. Came back highly charged and offered his services to the police, declaring the neighborhood was going downhill fast.

I am 93. Yesterday or so, on the street, I noticed ahead of me a jam session of boys and one girl, if you looked sharp. I changed course and crossed the street, knowing that every step I took made me a "walking target," for those urchins were loaded in every sense of the word. This is the new wrinkle in the new Dark Ages.

Senator HEINZ. Mr. Dills, that is so vivid and told with such clarity and, I might add, an amazing sense of humor for someone who has had as many close shaves as your wallet has had. That is quite a story. Indeed, I think all of you have given us some special sense of the wide variety of problems.

You, Ms. Cunningham, suffered grave physical injury, and you still suffer from it; I gather you are still in pain.

You, Hattie, have found the uncertainties of living with a criminal at large very, very worrisome and frightening.

The Hickmans have recounted at some length the extent to which, if you do not understand what is going on in the court system, if you do not understand what witnesses go through, and maybe you are not as well to do or as well educated how rough it can be, bringing someone to justice.

And you, Mr. Dills, have discovered that you can get knocked over many times and go about always worrying whether your next step will lead you to a car, to a robbery, to a murder, or to a mugging.

And I think all of you have told the committee an incredibly human, understandable tale, and one which I wish—in fact, I kind of wish none of you were able to tell these stories, because if you were not able, it would mean you would not have experienced them.

Let me ask you, Ms. Cunningham, after what happened to you, have you had to change your lifestyle? Have you had to live a very different kind of life?

Ms. CUNNINGHAM. Yes; I really do not have a lifestyle. I can only at certain times do things that I have done all my life. I had to give up a lot of things, and that will continue the rest of my life, because there is nothing they can do for my shoulder at all; I will never have the use of it.

Senator HEINZ. Now, you not only have been going through the terrible aftermath of this, but you also have testified and were involved in sending your assailant to jail. Did you need some help getting through that redtape?

Ms. CUNNINGHAM. Yes, I had a lot of help.

Senator HEINZ. If you had not had the help, do you think you could have made it?

Ms. CUNNINGHAM. I do not know. Maybe I would have made it if I had had to, but it was so much easier with the help that I had.

Senator HEINZ. Do you think there is a need for programs to assist victims of crime?

Ms. CUNNINGHAM. Yes, I do, and the kind of help that you get from the senior safety project, the girls that are in control of that cannot be beat; they are wonderful.

Senator HEINZ. How did they find out about you? Did you call them, or did they call you?

Ms. CUNNINGHAM. No; I had talked in the hospital to different people before I left there. They told me about the project. But the people who were talking to me said, "Do not worry, do not even worry about it. You will not get anything from them. They will help you in a way, but there is no money there to take care of anything." So I did not bother. After I got home, it seemed that the district attorney's office in Chester had talked to one of the girls from the project about another case, and he brought up the subject of my case, and she got in touch with me, or her office got in touch with me. In fact, the boss of that project brought me down to Washington. She is sitting out in the audience now.

Senator HEINZ. Well, that is a very supportive organization.

Ms. CUNNINGHAM. She drove me down, and she has been with me the entire time. They have been with me through a lot of hard times.

Senator HEINZ. I think that is a very good indication of just how vital that is, and I gather it has been terribly meaningful to you, personally.

Ms. CUNNINGHAM. Yes; I do not know what I would have done.

Senator HEINZ. Hattie from Chicago has had no such assistance, I gather, from anybody.

You were a victim of a crime, a very serious crime, and as far as I can tell, you have not had any special help from anyone, have you, Hattie?

Ms. "X." No, except from the retired policeman and Ms. Melcher from the safety patrol.

Senator HEINZ. Let me ask you this. You were assaulted with your great-grandchildren in your apartment, and obviously, their parents and your children must have been very shocked. How has all of this changed the way you and your family get along and the

way you and your family live together? How has your life changed as a result of your terrible experience?

Ms. "X." Well, the kids were asleep, you know. They could not see all of it. After he said, "Don't scream, or I will hurt you, because I can hurt you"—that is what he said—and I was so scared, because I was screaming, and then I started to try to push, and he hit me, hit my shoulder. And he said, "I will hurt you. I can do it."

And I thought about the kids, and I thought I do not want the kids to see this; it will scare them to death. Their daddy is a minister, and they just left the kids with me for about an hour or two, for a little while. And then, after all this happened, I had almost rather die. He pushed me, and the little girl woke up and walked to the door, and I said, "Baby, lay down," just like that. And he kind of looked, and he said, "Who are those kids?" And I said, "They are little kids." And he wanted to know how old they were, and I was afraid he would bother them, so I just tried to take everything I could to keep him from bothering them. And the little boy was still sleeping, and she went right on and lay back and went to sleep.

Senator HEINZ. After all of this happened, how did your family feel about the incident?

Ms. "X." They did not know what to think. They were just shocked. They knew it was nothing I was doing; it was not me. They were just shocked. They could not think hard of me.

Senator HEINZ. What could be done to make you, your family, and the people in that building both feel safer and be safer?

Ms. "X." They don't have no police and no guard—is that what you are talking about?

Senator HEINZ. Yes; they do not have any police or any guard in the building? They do not have any security in the building?

Ms. "X." There are some people who are volunteers, and I guess they get sleepy, and then they go upstairs. There is no one to be in there after 2 a.m., probably; that is when he was in, and that is when these kinds of folks come in, a little late. Other people probably feel so sleepy. They volunteer all through the day, but it would seem like you would not need them then. They would sit over in the chair and buzz somebody, and probably some youngster could hide in the day. They leave a paper for you to sign your name and where you are going to; they have got that close to it. And they sign something down, and sometimes it is not these names, but they look at it afterwards. It seems like these are senior citizens, too. "We do not get any pay. We are just volunteering anyway." That is the way I guess they feel.

Senator HEINZ. Let me come back to you. My time is about to expire, and I want to ask the Hickmans a question. You live in the Mount Airy section of Philadelphia. I gather you felt pretty safe there before; is that right?

Mrs. HICKMAN. After our ordeal, our neighborhood was very aroused, and our immediate neighborhood had a large neighborhood meeting, including many blacks, at the Jewish Center that is nearby. And the police captain of our district and a police officer who was in community relations attended the meeting. The captain

said that in our area, we have less than 1 percent crime. But the only thing, when you are the 1 percent, it hurts.

The neighbors asked for more police protection and whatnot. But since it is a quiet area, only occasionally do the police cars go about, because they are usually in the areas where there is high crime rate.

Senator HEINZ. After the robbery, after you and your husband's experience, did you and your husband's habits change, and did any of your neighbors, any of the people in your community's habits change?

Mr. HICKMAN. It changed to the extent that we are very careful going in and out of the front at night.

We put an automatic door opener on the garage, which is located under the house. Then we had a door cut through a wall and put in a fire door, so we can now drive into the garage and go directly into the house without coming outside. I think with that we feel safer now. It keeps us from being shut up in the house. Our experience has made everyone in the neighborhood more alert and watchful.

Senator HEINZ. But you had to go to some trouble, spend some money——

Mr. HICKMAN. Oh, yes. We had to spend quite a bit of money.

Senator HEINZ. I know those garage door openers are not free.

Mr. HICKMAN. No.

Mrs. HICKMAN. And we did not get 100-percent reimbursement from the insurance. Our insurance company, the homeowners' policy, paid for some things. We were locked out 4 hours before we could get a locksmith. It was New Year's night, it was a snowy night, and it took time for the locksmith to get there. The insurance company would reimburse the locksmith for gaining entry for us, but then the next day, we had to have the locks changed throughout the house, and the insurance did not cover all of that. I did not get full reimbursement for my furcoat, but insurance did help smooth the way.

But we are very alert. When we go into a multilevel garage to park our car to go shopping in center city or whatnot, we are always very careful, and both of us try not to be in the same spot at the same time.

Senator HEINZ. I understand.

I want to yield now to Senator Pryor and then to Senator Cohen.

Senator Pryor.

Senator PRYOR. I guess I am like you, Mr. Chairman. I have been so infatuated with the stories, because it is so seldom that we can find people who are brave like yourselves who will voluntarily come before a committee in the Congress or the Senate and tell us your personal experiences. But those personal experiences are those experiences that we hope will translate or will result in some action or some legislation, perhaps, that will help to solve at least part of the problems that we are dealing with.

So we thank you so much. We appreciate deeply what you have done. I know that it was an act of courage on your part.

But second, and that leads me to my question, and I might start off asking Mr. Hickman this. If you were a Senator on the Senate Committee on Aging, and we were looking at ways to help to solve

the overall problems of crime as it relates to the elderly specifically, how would you respond, and what type of legislation or what type of action would you take as a Senator or would you, in your case, recommend to us as Senators?

Mr. HICKMAN. It is very hard, because if the witness against the criminal does not appear, it is very hard. And this has been our biggest trouble, trying to get people to appear and to prosecute. Almost anyone that you would talk with would say, "Oh, no, I am not going to prosecute. He may come back and get me." And with our case, if the witnesses had not appeared, this man would have been free, and he had 45 connections with the police before he was apprehended, in our case. And the only reason that he was convicted is because our witnesses appeared and we prosecuted. This is the big thing. That is your big stumbling block, is getting people to testify.

Senator PRYOR. Ms. Cunningham, I might ask you this, if you do not mind answering. Your assailant was one who evidently is incarcerated or in jail or in prison at this time, but I think you have stated that in February of next year, which is not a long time away, he is going to be free.

Ms. CUNNINGHAM. Yes; the district attorney's office said they were fighting against it, but the parole board was going to release him in February.

Senator PRYOR. And how long has he been incarcerated?

Ms. CUNNINGHAM. Since June 1980.

Senator PRYOR. So roughly about 1 or 1½ years would be the period of his incarceration?

Ms. CUNNINGHAM. Yes, a little over; less than 18 months, it would be.

Senator PRYOR. I would imagine that you are checking off the days until February 1982 because of your fear?

Ms. CUNNINGHAM. No; I am trying to forget it. I am trying, right at the present time, not to worry about it, to take 1 day at a time. At my age, you learn to do that. You cross bridges you never come to if you worry about it.

Senator PRYOR. What about if we enacted legislation that made it mandatory that any individual who committed a crime against a citizen over 60, there was an automatic 10-year sentence—I am not saying I propose that, but I am just asking that.

Ms. CUNNINGHAM. Well, the way I look at it, when they sentence them, put them in jail, do not let them out in a few months. This boy has never had a work detail since he has been in there. He is on their boxing team. Now he knows that he is going to get out in February, and the thing that I am here talking about, I don't want to see him kill the next person he attacks. He came very near doing that to me, and the rest of my life, I will live with one hand and one arm. I have the hand there, but I cannot do anything with it.

And I would like to see them try to make them serve enough time to keep them from committing another crime.

Senator PRYOR. Thank you.

Thank you, Mr. Chairman.

Senator HEINZ. Thank you, Senator Pryor.

Senator Cohen.

STATEMENT BY SENATOR WILLIAM S. COHEN

Senator COHEN. Thank you, Mr. Chairman. Just a couple of questions.

Mr. Hickman, I think you expressed how difficult it is going to be to fashion any sort of legislative remedies to the kinds of problems that we have. I know that when I first came to Congress, for example, and served on the Aging Committee in the House, we were considering legislation at that time, trying to integrate our ideas on the Aging Committee with those on housing. In the early 1970's, for example, it was fashionable, or at least in vogue, to talk about integrating older people with younger people. We wanted to have a balanced community. We did not want to isolate our senior citizens from younger people. So whenever we talked about federally sponsored housing projects, we talked about setting aside 20 or 30 percent for the elderly.

Then, during the mid-1970's and the latter part of the 1970's, we found out that that was not particularly conducive to the safety of some of our senior citizens, and it was not working out.

And now we have come full cycle, saying perhaps we ought to have a little more segregation in the sense that we should put our older people away from the kinds of problems they might have with younger people who are not employed, who do not have jobs, who do get in trouble, who prey upon the elderly people who live nearby.

So it is not always easy to fashion a legislative remedy to deal with certain social problems.

I was particularly interested in your comment about what would you do. One thing I was going to ask was, it seems to me that all of you reported the crimes immediately, and I assume that you had good cooperation from the police departments. But many people do not report the crimes because of fear that they might be retaliated against. And Mr. Hickman, you indicated, for example, that that particular individual had 45 connections. I assume you meant from that that he had been either apprehended or investigated on 45 other separate occasions, but no prosecution ever took place.

Part of the difficulty is with our court system. For example, I was one of those who sponsored the so-called Speedy Trial Act of 1974, and that caused a great deal of concern with our judiciary system, because what we tried to do was to mandate the trial of criminal cases within a 90-day period after the arrest of the particular suspect. And that was not only consistent, we thought, with the Constitution, where a person has a right to a speedy trial, but it also deals with a problem that you touched upon, and that is, the more time that goes by, the less likelihood there is of a successful prosecution. That is, witnesses tend to move on, witnesses tend to forget. The greatest asset of a criminal lawyer, a defendant's lawyer, is that if enough time goes by, his chances of attacking that witness' credibility are greatly enhanced. So you see a situation in which people have the trials delayed and delayed, or they show for a court date and it gets postponed, and it takes months, and then it runs into years. And then eventually, the system is so overloaded that the cases are dismissed in any event. So this tends to undermine any credibility about our law enforcement system.

So there is no single solution, certainly, that this committee is going to propose, or that this Congress is going to propose. Obviously, we can talk about increasing safety precautions, we can talk about new lock systems, we can talk about having neighborhood patrols—and there are a lot of them in this area that are very successful. But in terms of actually legislating something from this level, it is going to be very, very difficult.

So I wanted to point that out that we are exploring what remedies are available. But I think it is also going to depend a good deal upon the local community, that you are not going to mandate it from the Federal level without enhancing, I think, a neighborhood sense of safety and security about raising the consciousness of our people by saying, "We have got a real problem here." Our elderly are becoming victims in a disproportionate amount to any other segment of our society—not only once, but twice, and many times over—and they are more likely to be assaulted violently; even though they pose no physical threat to their attacker, they are more likely to be abused.

So it is important that we hold these hearings, and it is important to get your recommendations. I think it is also important that we try to point out that it has got to be a community involvement and not simply a legislative solution, mandated from here.

That is all I have.

Senator HEINZ. Senator Cohen, thank you.

I want to ask Mr. Dills just two last questions. First, did you find that the local law enforcement people, be they police or anybody else, were sympathetic and helpful to you when you were victimized?

Mr. DILLS. Oh, yes, yes. I have never had the experience of a policeman, even in trivial things, giving me the brushoff.

Senator HEINZ. And in spite of the fact that you found them extremely helpful in every way, you have recounted to us a history where you were victimized twice, plus somebody right next door to you was murdered.

Mr. DILLS. Senator, Mr. Chairman, I am a pessimist as to the present. I am an optimist as to the long run. And we are in a wave of iniquity, and we must carry on. And eventually, one of us is going to win.

Senator HEINZ. I think anybody who says, "I am a pessimist at age 93, but when I turn 94 or 95, I am really an optimist," is what is best about this country and best about our people.

My second question is this. I want to ask you the same question that Senator Pryor asked the Hickmans. What recommendations would you have to a Senator or the U.S. Senate or, more specifically, this committee; what should we do, what should the U.S. Government do, to try and not only make our neighborhoods safer for our senior citizens, but to alleviate some of the fears that you and others here today have so eloquently testified to?

Mr. DILLS. Mr. Chairman, that is a big question. And frankly, I do not know.

Senator HEINZ. Well, we have our work cut out for us. We would not tell you that we have the answers at this point, but it is thanks to the record that all five of you have helped make here today that I think we may draw a little more national attention here in the

Senate, downtown, over in the House, in the local neighborhoods, throughout the country, to these kinds of problems. I personally feel they have been swept under the rug and ignored. And all five of you have performed an invaluable service to your country, and we are extremely grateful to you.

Excuse me. I want to recognize Senator Melcher of Montana, who is here.

Senator MELCHER. Thank you, Mr. Chairman.

I want to echo just exactly what you have said. I want to thank the witnesses for appearing here today. The very fact that you are here is a courageous effort on your part, a diligent effort on your part, to help us in formulating plans that will alleviate the problem of crime and the elderly.

Thank you very much, Mr. Chairman.

Senator HEINZ. Senator Melcher, thank you.

Ms. Cunningham, Mr. Dills, Hattie, Mr. and Mrs. Hickman, I want to thank you very much for being here. Thank you for coming. You have been extraordinarily helpful.

Our next panel is also a group of senior citizens who have been involved in self-help.

Albert Hedges is a community organizer from York, Pa., and he has some experiences and pretty good advice, I understand.

Dorothy Olmstead, is a pistol-packing, legal senior citizen vigilante from Sun City, Ariz.

Mrs. Battcock is with Project CARE in Yonkers, N.Y.

We have three senior citizens who are engaged not only in helping themselves, but indeed, helping others in their community, including senior citizens, to live a safer life with a lot less fear in it.

I would like Mr. Hedges of York, Pa., to lead off. Mr. Hedges, would you please proceed?

STATEMENT OF ALBERT M. HEDGES, COMMUNITY ORGANIZER, YORK, PA.

Mr. HEDGES. Good morning, Mr. Chairman, and members of the committee.

My name is Albert Hedges. I am an active retired senior citizen, 70 years old, and married to my one and only wife, Frances, for 47 years. We have reared 7 children, and we have 22 grandchildren, and 2 great-grandchildren. My wife and I own our very modest rowhome in the city of York, Pa.

I am glad to be here. It strikes a strong note of interest with me because it is about crime. I am deadset against crime, and I am involved as a volunteer citizen, you might say, up to the hilt, in neighborhood crime prevention.

Fear of crime in our part of the country is foremost in the minds of our senior citizens, and it is not a fantasy, it is real. Every day, every night, every hour, almost every second, this country suffers from crime—muggings, murder, burglaries, rapes, con artists, juveniles running wild—the whole gamut is very real and tragic.

Well, 2 years ago, I decided to do something about it in our neighborhood, in the 600 block of West King Street in York, Pa., where my wife and I have lived for the past 29 years. There are 72

households on the 600 block of West King Street, and most of us own our own property.

I went to our police department with my indignations about the presence of crime in our city and the horror it was creating. They told me about the neighborhood block watch program and how many blocks were organizing their citizenry in a program for the prevention of crime. That sounded good to me because I am an oldtimer who came up the hard way. I had been taught that "an ounce of prevention is worth a pound of cure."

My visit to our police department started off my career of crime prevention in 1979, at the age of 68. Today, at the age of 70, and still going strong, I quit griping and started doing. I feel very good about it, and it is helping with a bad situation. I want to tell you about it.

I organized our block watch and began our monthly meetings. At each meeting, a crime prevention police officer was there with films, instructions, and counsel. We really learned how to prevent crime on our block. We learned and practiced it so well that the Governor of Pennsylvania made a special trip to York where he gave a speech and presented us with a letter of recognition. I have brought this letter with me, as well as a picture from the ceremony.

Senator HEINZ. Without objection, I would like to make the letter a part of the record.

[The letter referred to above follows:]

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, Pa.

To: Albert M. Hedges.

As Governor of the Commonwealth of Pennsylvania, I want to commend you for your work in support of the York Crime Prevention Program and Pennsylvania Crime Watch.

You have given unselfishly of your time and talents in promoting a concept that, in just a very short time, has reduced the crime threat to you and your neighbors. I particularly commend your efforts with the senior citizens of York. Your efforts serve as an example to all Pennsylvanians that it is possible to have a successful partnership between law enforcement agencies and individual citizens.

On behalf of all the citizens of the Keystone State, I offer best wishes for continued success.

DICK THORNBURGH, *Governor.*

Mr. HEDGES. The Governor's presentation made my neighbors and me feel real good. We did a good job of putting crime prevention into practice and it worked. Now our block is at the low end of the crime scale.

I want to say that there cannot be any police crime prevention staff anyplace in the United States that is more qualified and more dedicated than our police staff in York, Pa. They taught us what to do, and they taught us well. Now they have instructed 160 other blocks in the city of York and are still going strong.

Some of their instructions included: One, how to prevent mugging on the street; two, what to do about locks on our entry doors; three, proper window security; four, engraving of valuables, and five, citizen unity in neighborhood disturbance matters. Above all, they taught us to call the police immediately for help; not to delay.

You might gather by now that I am one of the ringleaders in crime prevention on our block and maybe throughout the York area. I am called a captain, and I am on duty almost 24 hours a

day with no pay. But I do derive a deep satisfaction in doing something worthy and constructive about the prevention of crime. I do not know of any better way of preventing crime at the neighborhood level than by having an active neighborhood block watch program. All it takes is willing neighbors, crime prevention training sessions, and remaining alert. Being alert is the key to crime prevention, and that is where almost every senior citizen can make a worthy contribution if they have a telephone.

I will give you rule No. 1. If you see or hear anything suspicious day or night, do not hesitate. Call the police immediately. Let them confront or investigate the matter, and there will be a good chance of stopping something before it starts. That is what prevention is all about.

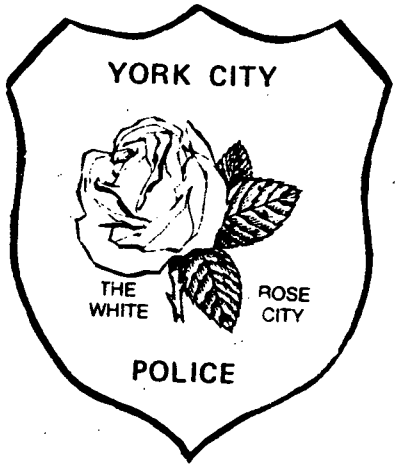
I am also the founder and chairman of the senior citizen Past 60 Club of York, Pa. This club is very active in matters relating to crime prevention, local government, and laws that affect the well-being of senior citizens. If I remain in good health, you will be hearing more about the Past 60 Club, maybe even on a nationwide basis.

I have just one other thing to mention to you Senators. This is a word from senior citizens at large and people I have talked with. They would like me to tell you their feelings about crime. They feel that crime is inhumane, cruel, and unjust. It is taking its toll among senior citizens. They feel that crime will not slow down until punishment is more severe and law enforcement is more diligently handled.

Now I would like to show you some of the tools we use in the crime prevention trade, if I may, that I have with me here.

These stickers are important. When a block organizes the neighborhood watch, then neighbors put these stickers into their windows, and that tells the "punk," if you do not mind calling them so-and-so, that we are trained on our block, and we are alert on our block; we are watching out.

YORK'S NEIGHBORHOOD WATCH

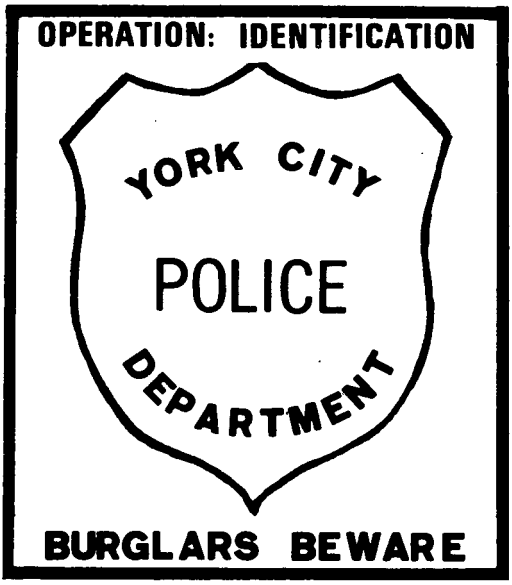


"YORKS CITIZENS and POLICE WORKING TOGETHER as a TEAM for PEACE and SAFETY."

Now, another tool. This engraver is a very simple device. It is used very easily. All you do is plug it into the household current,

then the little jigger here reciprocates very fast, and you can engrave numbers, social security numbers or driver's permit numbers, on your valuables, such as stereos, TV's, monitors, and other equipment in your home that is apt to be taken out if you have a burglary.

Now we go one step further. We put this little yellow sticker on our doors, so we tell that prospective robber we have our possessions identified with numbers, and that will deter crime. No robber wants to steal equipment that has identification on it.



I just have one other thing here. I want to point out that this type of a lock is an old lock, and lots of old people—it makes me shudder at the number of old people who still have these locks on their doors. They say they hold; they do hold. But they can also be very easily opened. They have a beveled face which these punks, again, put plastic cards through and retract that spring-loaded lock part.

So we are encouraging, and the police highly recommend this. We are encouraging everyone, if they have that old type of lock, to put on what we call the deadbolt type of lock. This one here happens to be the kind that we would put on a door—they are surface-mounted—that does not have glass on it, because it is thumb-operated on the inside and keyed on the outside. But they are also made double cylinder so that they can be keyed both inside and outside where there is glass in the door.

So I am just mentioning some of these things we have found that helps prevent crime, and we practice them on our block in York, Pa.

I want to thank you very much.

Senator HEINZ. Mr. Hedges, thank you. You made an excellent presentation. You clearly are extremely well-organized in every sense of the word.

Mr. HEDGES. Yes, sir, we are, and we are proud of it.

Senator HEINZ. I want to call on another representative of an organized group, Dorothy Olmstead, of Sun City, Ariz.

STATEMENT OF DOROTHY OLMSTEAD, SUN CITY POSSE, SUN CITY, ARIZ.

Ms. OLMSTEAD. My name is Dorothy Olmstead. I am 72 years of age and a member of the sheriff's posse of Sun City, Ariz., holding the rank of sergeant. I am pleased to be here today to speak about a unique law enforcement program that was initiated out of a need to supplement the manpower of the Maricopa County Sheriff Department.

Sun City, Ariz., is located in Maricopa County, which covers an area of 9,226 square miles—an area larger than the States of Connecticut, Rhode Island, and Delaware combined. The sheriff is the chief law enforcement officer responsible for all of the unincorporated areas, which is 95 percent of the county. Two main responsibilities of the sheriff's office are search and rescue and crime prevention.

Currently, there are 40 posses comprised of about 200 volunteer reserve deputies and 2,000 possemen available on call anyplace in the county for search or for an emergency in which the sheriff needs additional manpower and equipment.

Volunteers in the posses have a variety of specialties, including: Mounted, jeep, motorcycle, airplane, desert survival, scuba divers, and emergency medical technicians. All volunteers furnish their own equipment.

Crime prevention is an important function of the 12 posses in Maricopa County. There are regular shift patrols of specific areas, premises survey teams, and citizen awareness promotion of neighborhood watches, operation identification, and operation notification.

The Sun City Sheriff's Posse originated in 1973 as a civil defense unit when a group of Sun Citians realized the sheriff did not have a sufficient number of deputies available to provide the necessary security or to assist in emergencies in Sun City. Later, members started patrolling the streets of Sun City in their own private vehicles. Possemen were identified by their bubble hats, whistles, and magnetic signs on their cars. In 1976, following a successful financial campaign, the Sun City Posse purchased a 50-watt, single-channel base station, 12 30-watt mobile units, and 18 5-watt portable radios. Boswell Memorial Hospital permitted a remote antenna to be erected on its roof to extend the radio operating range.

Sheriff Jerry I. Hill issued a permanent "call to duty" to the Sun City Posse in 1977. It was no longer necessary for the sheriff to call the posse to duty whenever a patrol was scheduled. The posse purchased station wagons especially equipped for patrolling for hours in the extreme heat at slow speeds.

To avoid being considered prowlers or burglars while checking residences, members of the Sun City Posse were permitted to purchase brown uniforms, the same as worn by regular deputies but with a Sun City Posse patch for identification when they had completed a formalized training program. New members are given a yellow jumpsuit with the required patches for identification.

The Sun City Posse base station has both telephone and radio contact with the sheriff's office. Patrol cars used by the duty officers have direct radio contact with the sheriff's office if an emergency arises.

The vacation watch program of the posse is well organized, and with the cooperation of alert neighbors, many attempted burglaries have been aborted. Over 4,600 vacation watch cards have been received from Sun Citians so far in 1981. These cards indicate who has keys as well as other pertinent information which at some later date might be needed during emergencies.

The Sun City Posse serves as the eyes and ears of the Maricopa County Sheriff. All activities of the posse are within the Sun City limits unless specifically requested by the sheriff's office.

In addition to the vacation watch program, the posse patrols the streets, controls traffic at special functions, conducts search and rescue missions for disoriented residents who have wandered away from private or convalescent homes, assists the fire department, and assists citizens as the need arises. For example, during the floods 2 and 3 years ago, the sheriff requested and received assistance from the possemen to perform all-night duty to guard against looting of residences far from Sun City.

Originally, possemen were not permitted to wear firearms while in uniform, although private citizens in Arizona may wear unconcealed weapons. Currently, members of the Sun City Posse who have completed all prerequisite training may carry firearms provided they requalify annually and observe all strict rules and regulations in the use and handling of firearms.

Membership in the Sun City Posse is limited to not more than 300 adult male and female residents of the city. Currently, there are 260 members, of whom 40 are female. Sgt. Don Blankenship of the sheriff's office has provided valuable support to the members of the Sun City Posse.

Sun City has approximately 45,000 residents living in one-story condominiums, apartments, and individual homes. Our residents come from all walks of life, but share a common resentment of ripoffs, destruction of property, and crimes committed by drug addicts and burglars.

I believe the Sun City Posse has added a vital dimension to the law enforcement efforts of our community. Its contributions have been significant.

Thank you.

Senator HEINZ. May I ask, Ms. Olmstead, a special favor. You are wearing the brown uniform that you were permitted to purchase. Would you mind standing up, so that we might all see it?

Ms. OLMSTEAD [standing up]. We even wear this in 112° temperatures.

Senator HEINZ. You are brave in more ways than one. Now, beside you there is one of the yellow jumpsuits, I understand, that you give your apprentices in the posse; is that right?

Ms. OLMSTEAD. That is correct.

Senator HEINZ. Would you mind showing us the jumpsuit?

[Ms. Olmstead stood up and displayed jumpsuit.]

86-411 O—81——3

Senator HEINZ. Thank you. How long do people have to be in your apprenticeship program before they can become a posse member?

Ms. OLMSTEAD. As soon as they are cleared by an oral board, they are sent to the sheriff's office for identification; they are fingerprinted, and they must be cleared by the FBI. At that time, as soon as they have the clearance and receive their identification card, then they are granted a jumpsuit. This identifies them when they are out, going up to homes to try the doorknobs and windows to see whether it has been locked carefully or not; someone else might assume that they were robbing the place.

Senator HEINZ. Let me observe, while I turn to Ms. Battcock, that the Sun City Posse got word that a bank was being robbed about a mile away from where they were undergoing a training exercise, and the Sun City Posse, which included some people who had qualified with firearms rolled out. There was alleged to be a senior citizen shootout with the bank robbers, and the senior citizens did not get hurt, but the bank robbers did. Is that essentially correct, Ms. Olmstead?

Ms. OLMSTEAD. They arrived—there was not a shoot-out——

Senator HEINZ. Oh, they thought the better of it when they saw what they were confronted with.

Ms. OLMSTEAD. Actually, they were in trouble because they got there before the regular deputies. The sheriff does not want our possemen being shot; they are too valuable.

Senator HEINZ. I believe that.

Ms. Battcock, would you please proceed?

STATEMENT OF ELIZABETH BATTCOCK, PROJECT CARE, YONKERS, N.Y.

Ms. BATTCOCK. I am Elizabeth Battcock from the city of Yonkers, 350,000 population, which is slightly larger than Sun City. I have been attacked twice, but after that, I felt I had graduated as a victim, and became a very avid volunteer.

The first time I was attacked, I pleaded with my assailants. I said, "Take my money, but give me my medication," as I had a heart condition. Nevertheless, he ran away with it. The police were marvelous. One of the detectives recovered my purse with everything in it except the money, of course.

The second time I was attacked was in our parking lot at noon. There were two of them. They grabbed my bag, and I immediately began to blow my police whistle. I blew it with such force, and calling out, "muggers, muggers," that a neighbor in the building upstairs evidently heard it and immediately put in a police call. In the meantime, a retired policeman was driving through and heard my whistle, and I pointed the direction in which the muggers were running; he caught up with them and retrieved my bag. The police caught two of the muggers, whom we both identified. I went to court for the hearing and followed it to the grand jury in White Plains at the county seat.

I learned that fighting back could make a difference. But now, I was mad. Twice was just too much for me. It is a very traumatic experience to be attacked like that, have everything taken from you—your keys; you feel you cannot get back into your apartment.

It is a great feeling to have someone come home with you, to call you up, to give you a word of consolation, and that is where volunteers come in.

The newspapers wrote a story about me at the time, headlined, "She Blew a Whistle on the Muggers." This article came to the attention of a Debbie Matystik, who is director of crime in the Office of the Aging, and I was honored and invited to an annual crime prevention seminar. It was supported with the assistance of the Westchester County District Attorney's Office, the Yonkers Police Department, municipal court judges, and through hard work on the part of the district attorney, I helped organize a CARE team—community advocacy resource for the elderly.

And just as big oaks from little acorns grow, so our little CARE, from a group of six older adults, grew in its proportions. We initiated a court observation program so that older citizens could be in the courtroom when a mugger was having his first hearing. Sitting thus in dignity, but quietly, did make an impression on the jurists, and we found that they were a little stricter in their questions with them and in the prosecution.

CARE team members provide peers with a variety of ongoing assistance and much needed emotional support. CARE has expanded its services from the courtroom into the homes of older adult victims. Volunteers escort victims to and from banks, stores, hospitals, or court; make reassuring phone calls, friendly visits, help with entitlements from the compensation board.

I am 83, against Mr. Hedges' 73. I do not know whether he stole my thunder, or I stole his. But we do have the locks put on our doors any time we want a new lock. We also have covers put on the cylinders of the locks so that the cylinders cannot be removed. We have the engraving of valuable articles and the stickers on our doors. Who stole from whom, I do not know.

As New York State Crime Victims Compensation, we got that going, and we began to recruit new volunteers from the older adults. We were given a course, through the cooperation of the district attorney, in criminal justice.

What is needed is citizen alertness. If, every time an ordinary citizen suspects something, such as the person who heard me blowing the whistle, would call the police, we would get our victims much easier.

I see my time is running short, but as a personal conclusion, I would like to see three things: (1) The family court rid itself of the very soft "sob sisters"; (2) the judges should be more responsive to the need of stiffer, mandatory sentences, and no plea bargaining; and finally, programs such as the one I participate in should receive the support of each and every citizen of the community.

Thank you.

Senator HEINZ. Ms. Battcock, thank you.

Before we turn to the questions, I want to recognize Senator Hayakawa of California. Senator Hayakawa is scheduled to testify at 11. It is 11. I want to give him that option, because I know he has a very busy schedule.

Sam, we are delighted to have you here. I do not know if you are a senior citizen yet——

Senator HAYAKAWA. Getting there.

Senator HEINZ. I want you to know that there was somebody here just a few minutes ago who really is in your spirit. Mr. Holland Dills of New York, N.Y., said that he is 93, and while he is a pessimist about the present, he is an optimist about the future.

STATEMENT OF SENATOR S. I. (SAM) HAYAKAWA

Senator HAYAKAWA. I guess I am senior enough to appear before your committee. I not only have my own experience at the age of 75, but my mother is alive and well at 97. So we have lots of problems of this kind.

Thank you, Mr. Chairman, for the opportunity to testify. As I say, this is a subject of great concern to me, and I am pleased that the Senate Aging Committee is investigating successful prevention and victim aid programs, as well as the Federal Government's role in reducing such crimes.

I would like to submit with your permission, Mr. Chairman, for the hearing record, testimony written by the following Californians who were not able to be here today. I would appreciate this testimony appearing at the conclusion of my remarks.

Senator HEINZ. Without objection, Senator Hayakawa, the entire testimony of your witnesses will appear in the record. Would you care to identify the witnesses for the record?

Senator HAYAKAWA. Yes; they are Allan Sonin and Stuart Harder, of the Crimes Against the Elderly Committee, California Commission on Aging; Stan Harkness and John Duncan, delegates to the 1981 California State House Convention on Aging; Sally Schulz of the Contra Costa County Area Agency on Aging; Harry Stein of the Oakland Community Safety Patrol; Sterling W. Oran, program manager for the California State Victims' Program Assistance; Herb Goldblum, Congress of California Seniors; and Robert Lindeborg, Santa Clara County Violence Prevention Task Force.

[The material referred to above can be found in appendix 2, beginning on page 251.]

Senator HAYAKAWA. One of the problems about focusing on the reduction of crime against the elderly is the lack of statistics—that is, the Crimes Against the Elderly Commission of the California Commission on Aging cites this as the No. 1 problem. From the data we do have, it is generally agreed that the elderly are not the most victimized population, but they are the most impacted when attacked. A purse-snatching against a healthy young person is serious and may involve physical injury and financial loss, but the effects are much more extensive on an elderly person with brittle bones, poor circulation, and a fixed income. Physical injury can be devastating for an older person and the financial loss irreparable.

More importantly, such an attack causes fear, and people become prisoners in their own homes. Fear can also arise from the extensive coverage by the media. Seldom do I pick up a newspaper or turn on the television without running into further stories on this subject. It is enough to encourage all of us, not only senior citizens, to bolt and lock our doors.

Now, how do we overcome this fear of crime that is aroused by constant reminders in the media? Well, one answer is to let the criminal element know that private citizens, our neighbors, care

about each other and participate in community groups to deter crime.

I strongly believe that community involvement should be coordinated with local police and sheriffs' departments. I also believe that law enforcement agencies are doing their best to enforce the law.

But private citizens and their participation are essential to crime prevention. What do we do as private citizens to evict criminals from our neighborhoods? Are the current community self-help groups receiving adequate publicity?

I live in southeast Washington, just about a mile from here, and I notice with great pleasure that a community organization there has been formed. They are holding regular meetings, and they already have reported some success in reducing instances of crime in that area.

One program that is especially effective is the Crime Resistance Involvement Council in Pasadena, Calif. It is an excellent model of public and private cooperation with funding through the local police department and manpower provided by the Fuller Theological Seminary students and senior volunteers. It is a comprehensive program, providing home security assistance, a media team to provide and publicize preventive services and victim assistance. The victim assistance program sends out senior volunteers to refer recent victims to legal and social services and help the client cope with personal concerns and fears resulting from the crime.

One of the keys to the success of this program is using senior volunteers, most of whom are former victims and who can empathize and form peer relationships with the victims.

I am also impressed by the growing participation between private citizens and law enforcement officials in successful prevention and victim assistance programs.

CRIC, the organization I referred to in Pasadena, receives all referrals for victim assistance from police officers who are investigating crimes. Referrals are dropped into CRIC mailboxes in the station house and collected daily by CRIC to insure prompt follow-up.

In Oakland, Calif., the community safety patrol was organized, staffed, and maintained by the neighborhoods involved. The patrols were begun in 1979, in response to increasing attacks on senior citizens attending functions at the local Jewish community centers. Safety patrols are designed to make the criminal think twice before striking.

High visibility of this patrol, clearly identified with a jacket or a badge, and carrying a walkie-talkie and shriek alarm, can stop a thief in his tracks. The result has been a substantial reduction in crime in the patrolled areas.

Initial funding was modest, but important. For the community safety patrol, it was a $3,500 award from Kaiser Aluminum & Chemical Corp. in Oakland. It also received funds from the city of Oakland. I think it is interesting that the community safety patrol bypassed the Federal Government funds because of the enormous paperwork involved in applying for them and opted instead for the initial private grant.

I commend Kaiser and other corporate groups which are interested in diminishing crime in their neighborhoods. The Kaiser grant is only the beginning of a partnership between manpower and community citizen groups and the financial resources of the business community.

I am encouraged by the interest shown by the administration for reducing and preventing violent crime. I look forward to opportunities to work with the administration, Congress, the corporate community, private citizens, and the committee to diminish crime. Together, by joining our efforts, we can all strive for the common goals of freedom from fear that our senior citizens have, and we can work toward safe neighborhoods for all Americans.

Let me add, as part of my unprepared remarks, that one of my disappointments with the American Civil Liberties Union is that there is one basic civil liberty they do not seem to care about, and that is the civil liberty to go outside your house and walk around the block in the evening. I do not know why this is so. I have had this experience in Tokyo, I have had it in Hong Kong, and I have had it in Bangkok—you go out in the street at 11 o'clock at night and wander around for a while, just to get the air. You are always perfectly safe. In Tokyo, especially, I notice you walk out of the hotel and down a side street. And what is amusing about Tokyo is that there are side streets off side streets off side streets, until they get smaller and narrower and obscurer. But you never feel unsafe at any time. I do not know why this is, but there is a kind of profound community identity and community organization, so that people know each other and watch each other and keep track of each other. It is built into the history of Japanese cultural organization, I am sure, but it is the startling thing, to find yourself on a dark, dark, narrow street in the middle of a big city and not have a thing to worry about.

This is the condition that I would like, among the many other agencies, the American Civil Liberties to help us achieve.

Senator HEINZ. Thank you very much, Senator Hayakawa. That is a very fine statement. I think you were particularly correct to point out the fact that although the statistics, if you take them as a whole, do not seem to point to the very serious problems the elderly have with crime, being victimized, the fact is, you put your finger on it when you said that the consequences of crime are much more serious, and the consequences of the fear of crime are more serious still.

Let me observe that all three of you have testified to efforts of self-help which you are either the instigators of or very involved in the growth of. Second, in each instance, you had apparently outstanding understanding and cooperation from local law enforcement officials.

Each of the organizations, the volunteer organizations, that you are a part of, function, I gather, with very little in the way of financial assistance; it is all done by volunteer help. There is a little difference with the Sun City Posse.

Ms. OLMSTEAD. Yes; we have lots of financial assistance from Sun Citians. We send out one letter a year, and thousands and thousands of dollars pour in to us through the mail.

Senator HEINZ. Let that be a lesson to Mr. Hedges and Ms. Battcock if they ever need to do that.

Ms. OLMSTEAD. That is the respect they have for the posse, appreciation for the past work, and hope that we will continue in all our efforts with them.

Senator HEINZ. Now, what I am driving at, and what I am wondering, is the extent to which either existing Federal demonstration projects or existing Federal funding of law enforcement assistance through LEAA has been helpful or necessary either to you directly or to your local law enforcement people with whom you have worked.

Mr. Hedges, from your understanding of the way the York City Police Department has worked with you and your own experiences, has this been pretty much strictly a community self-help effort?

Mr. HEDGES. Well, it has been mostly volunteers—all-volunteer support—but there is one item of expense that I know is in the picture, and that is the literature that we distribute. I was just reaching for a piece here that is a very valuable piece of literature. It reads here, "How to make crime more trouble than it is worth." This sort of summarizes the approach to neighborhood block-watch work, and we try to get one of these in the hands of every one of our neighbors.

Senator HEINZ. Who prepared that? Where did that come from?

Mr. HEDGES. Well, we get it from our police department, and it is part of the program of the Commission on Crime and Delinquency of the Governor's Office, Commonwealth of Pennsylvania.

Senator HEINZ. My understanding is that that activity, the Governor's Justice Commission, is funded—is or was; I do not quite know what the status is as of October 1—funded by the Law Enforcement Assistance Administration's block grant program to the States. So that is a joint undertaking by LEAA and the State.

Mr. HEDGES. Well, there are many pieces of literature that we do use in our training for the neighborhood block-watch, and I know it costs money, and I think it is supplied by our State offices.

Senator HEINZ. Did you get the idea for your block-watch program from some of those materials, or did you pick it up all by yourself?

Mr. HEDGES. No, I did not originate the neighborhood block-watch program, by any means. I was the one who was very concerned about this coming onslaught of crime, and I went to the police department, and they explained to me about the block-watch program, which we immediately went to work with.

Senator HEINZ. They knew about it, but it did not exist in York, or it did exist, but only a little bit?

Mr. HEDGES. It did exist, but not to any great extent. But now it has developed all over the city of York. If I may drop this one comment, again, about something that might be provided, I know that the crime prevention staff in York needs to be larger. I do not know if there is any possibility along that line. Maybe that same problem prevails in other cities who are utilizing the neighborhood block-watch program. They do need officers. We happen to have a good one, as you might recall from the few comments I made. We have a good staff. There are only three people on that staff, and they are scheduled every night of the week to appear in some

certain area in our city to deliver a training session. But it seems like their funds are short so far as having more officers trained to do thae job.

Senator HEINZ. But it is kind of a self-fulfilling prophecy. If you are doing a good job, keeping crime down by preventing it, somebody eventually arrives at the erroneous conclusion that there is no need for the officers who are training you and keeping this going, and someone says, "Well, there is no crime in those 150 blocks in York; therefore, we do not need as many people preventing crime." And I am not saying that that is what is happening in York. I am just saying that the more successful you are, the more the seeds of some frustration are going to be sown.

Mr. HEDGES. Well, we do not want to leave the wrong impression. We have not eliminated crime. We have a lot of provoking things going yet. But like I did mention, we are at the bottom of the staff so far as crime rates are concerned by having this program in our midst, you know.

Senator HEINZ. Mr. Hedges, thank you.

I want to yield to Senator Cohen, because my time has expired.

Senator COHEN. Just a couple of observations, perhaps, Mr. Chairman. I have some ambivalent emotions about participating in this hearing. The last hearing we had on crime was conducted by the Governmental Affairs Committee, and we had a real, live car thief come in and demonstrate how easy it is to break into cars. And lo and behold, I was going up to Maine, made the mistake of stopping overnight in New York with my son as I was taking him to college, and within a matter of minutes, the same tool that was demonstrated on television was used on my car, the total contents gone, my radio, and so I have some ambivalent emotions about showing devices on television.

Mr. Hedges, let me go back to your statement. You said:

> Every day, every night, every hour, almost every second, this country suffers from crime—muggings, murders, burglaries, rape, con artists, juveniles running wild. The whole gamut is very real and tragic.

And it struck me as you were reading that statement that things have not really changed over the centuries. I want to read a quote to you that I recalled and had my staff go down and bring back out of the files. It was written nearly 2,000 years ago by the satirist, Juvenal, a Roman satirist, and he was talking about Rome, to which we are frequently compared. Let me read this to you.

> And this is not all you must fear. Shut up your house or your store. Bolts and padlocks and bars will never keep out all the burglars. Or, a hold-up man will do you in with a switchblade. If the guards are strong over the Pontine marshes and pinewoods near Falterno, the scum of the swamps.

You called them punks.

> The scum of the swamps and the filth of the forest swirl into Rome, that great sewer, their sanctuary, their haven. Furnaces blast and anvils groan with the chains that we are forging. What other use have we for iron and steel? There is danger, we will have little left for hoes and mattocks and plowshares. Happy the men of old, those primitive generations under the tribunes and kings, when Rome had only one jailhouse.

That was written nearly 2,000 years ago, and crime was as rampant then as it is today, and we have to consciously deal with it. I think what the chairman of the committee was saying is that we have sort of swept it under the rug and ignored the gravity of

the problem, and of course, if you add to that the increase in the use of drugs and what the drugs are doing to our society, the violence that drug addiction is itself spawning, we have a much greater degree of crime, even than when Juvenal was talking about the crime in Rome itself.

I happen to support what you have been saying. Our family is a member of a local neighborhood citizen alert group, and I would add one thing to it. In addition to the stickers in the windows, what this group does, we have a sticker that we put on every car in the neighborhood, and that car has to carry it on both bumpers, in the front and in the rear, so that when that neighborhood patrol comes by and they see a car in the neighborhood that does not have a sticker on the car, it immediately alerts them that there is a stranger in the neighborhood. And it might be quite legitimate, but nonetheless, it raises the level of consciousness on the part of the citizens' alert group.

So, in addition to having the home with a sticker in the window saying that we are on watch, it might be a good idea also to have something to identify new cars in the area as far as potential burglaries, and so on.

Mr. HEDGES. I appreciate that idea.

Senator COHEN. But I just want to take this opportunity to thank all of you for testifying. I think, as I mentioned earlier, that the only successful way we are going to deal with the problem that we have is to have increased citizen participation at the local level, a very aggressive citizen participation, coupled with what you were suggesting, Mr. Hedges, a much stricter law enforcement. This comes to punishment being swift and sure and avoiding the kind of delays that I was talking about that we have in our criminal justice system, in which cases are extended for years and years and finally dismissed, and there is no incentive for people to report crimes if they feel there is no legitimate expectation they will ever be prosecuted and no legitimate expectation if they are prosecuted that people will ever go to jail, or if they go to jail, as one witness said this morning, they will be out in a matter of months. That all undermines respect for the rule of law and in essence yields us up to a state of anarchy, and that is something that we cannot allow to take place.

Senator HEINZ. Senator Cohen, thank you very much.

I would just like to observe and make some generalizations about the interesting differences in what all of you are involved in. Mr. Hedges, you might say you are involved in what I will call passive prevention—very thorough, very comprehensive, but essentially passive. You do not have anybody out, for the most part, on the beat. Whereas Ms. Olmstead is into a very much more active kind of prevention, both very effective, from what I gather.

Ms. Battcock, you and your group, CARE, are active at the court level. You are on the positive side, and you are trying to improve people's attitudes. You are trying to——

Ms. BATTCOCK [interrupting]. So many refuse to go to court.

Senator HEINZ [continuing]. What you are doing is also a form of prevention, because you are making it possible for prosecutors to be more effective. We all hear the stories about someone who is arrested, and if they are arrested, they go to trial, and maybe if

they do go to trial, they get off, or if they do not get off, they get a sentence but it is suspended, or if it is not suspended and it goes through, they get out on parole within, as one of our previous witnesses testified, just a very short time. And what you are doing, through changing the attitude, through being supportive of senior citizens, is getting them to be first, witnesses, second, better witnesses. And I suspect that the way you all sit in that courtroom, you are also doing a little bit of long overdue intimidation of the muggers or, as Senator Cohen has said, "the scum of the swamps," because that is what these muggers are, of a very significant kind.

Now, let me ask you this. Do you feel that the present resources in your communities or at the State level are adequate, or do you think the Federal Government should be doing more in this area to help local police departments and the States deal more with these areas? Do you have an opinion on that, Ms. Battcock?

Ms. BATTCOCK. Yes; I think the Government should do more. At their April meeting, I think, they had three areas listed in which there were concerns about senior citizens, and crime was not on the list. So they seem to ignore it.

Now, we get very little money because the Federal Government allows so much for the State. Then the State will allow so much for the county. And finally, the county dribbles down a little bit to us. So we are handicapped in maintaining an office, or mailing list, or calling meetings, or anything like that, and then we are handicapped by the way the prisoners are released.

I have a friend whom I have known for about 40 years, and she was mugged at knifepoint. A passerby frightened the culprit off. Well, she came home a nervous wreck, and of course, came to me. And she would not go to court, she absolutely would not go to court. Well, knowing her that long, I said, "If you do not go, I am going to kill you." So I finally got her to go to a hearing. First, having been through this so often myself, I rehearsed with her the questions that would be asked, warned her about the tricky questions by the prosecutor, and she did go to the initial hearing. Then she was referred to the grand jury, and I insisted, and took her to White Plains to appear before the grand jury. He was indicted—this was his fourth or fifth crime—and sent to Rikers Island to jail. Within 6 days, an article in the paper said that he escaped. She said, "Now, what good did all that do? I went through so much agony and aggravation, and here, he is out in 6 days."

Senator HEINZ. How did you answer that?

Ms. BATTCOCK. I did not.

Senator HEINZ. Ms. Olmstead, you apparently can raise all the money you need, is that right?

Ms. OLMSTEAD. Well, Sun Citians recognize that we do not pay ourselves anything. Any money that is raised is used for our volunteer services—expensive radios, our patrol cars. One of the things, when our patrol cars are out and they spot a suspicious person or vehicle, they will follow that vehicle until it leaves town, or they hang around, and in the meantime, they have radioed or called our base, for the base to notify the sheriff's department. If it looks like a real problem, they will at that moment check the license number out and find out whether it is some stolen car or not.

Senator HEINZ. I gather it is fair to say, then, that speaking for yourself, not for the organization, you would say that the Federal Government does not at this point need to do more in this area—or would you disagree with that statement?

Ms. OLMSTEAD. In our area, they do not need to. Perhaps, in a very deprived area, it would be necessary. I think the type of building——

Senator HEINZ. You are, I gather, a growing, thriving Sun Belt community. Yonkers has been around for a while, a long while.

Ms. OLMSTEAD. Yes.

Senator HEINZ. May I just state for the record that Ms. Olmstead is a certified sharpshooter with a .38 revolver, and she has won awards, so watch yourselves on the way out.

Mr. Hedges, do you have any comments on the question I was asking?

Mr. HEDGES. I do have a suggestion I would like to make about national level approach, and that is, this fear among people—they do fear. Now, it takes something to eliminate that fear. And we know that if people are advised about a matter, they have less fear. We need involvement. We need people to show their hand that I am a lawful person, and that is what I believe in, is preserving the law. Is there some way that a national program of propaganda, mind you, with commercial artistry attached, psychologically prepared, over this country of ours to emblazon in the population's mind, look, in most areas, 90 percent of the people believe in law and order; it is only 10 percent that are causing the problems. Now, do not be afraid. Get yourselves involved. I would hope that there might be a national approach over the TV airways, the radio airways, the newspapers, to instill in the people's minds, look, there are 90 percent of us who are for law and order, who believe in honesty. Now, we can make it rough, certainly, on the 10 percent who are giving us all these problems—national publicity on that angle that would remove that feeling of fear on the part of so many people.

Senator HEINZ. You know, there is no reason why something like that could not be done. Indeed, there are many totally private efforts—at least, I think it is largely private—the Alliance To Save Energy, which has national public service announcements; many of our national volunteer programs, RSVP, VISTA—you see their public service announcements. Certainly, in my judgment, something could and should be possible in that area. That is a very excellent suggestion.

Mr. HEDGES. This is a great problem that this lady mentioned, and that is, we need people who are willing to witness incidents.

Senator HEINZ. There is almost an opportunity and a responsibility for the media here—and I am conscious that we have a lot of media in the room, happily—which is this, that the stories that our witnesses have told—and we are not through, because we have another panel of people who have been involved, in a sense, on the training end, as you have been on the volunteer, acquired the expertise—and there is a story that needs to be told to the country that is a true story. It is a story we have received here today, about people who were victimized, about people like yourselves who have done something about it, and about the need to mobilize communi-

ty resources to make it all happen. Part of it is understanding, part of it is attitude—your positive attitude. Some people might say, "I am sick and tired of it, and I am not going to let it happen anymore." Others might say it is just a spirit of caring about this country and being committed to our principles, which you clearly all are. And then, there is the component of trying to make sure that our local, expert support organizations, whether they are the area agency on aging, or the district attorney's office, or the police department, are also equally well informed and committed to doing what you are doing. And if that story could be made into a documentary, if it could be told, that documentary, whether it is by public or commercial television, could eventually make its rounds many times over, I think we might begin to be able to tell—this is not merely a little 30-second public service announcement. What we are learning today is much deeper than that.

Ms. Battcock, you had a final comment?

Ms. BATTCOCK. Yes. Most of the people are afraid to go to court because they fear reprisal. That is a great fear in the victim's mind.

And may I add something to Mr. Hedges as one thing that we have that he didn't mention amongst the locks, engraving, and so on. We have instituted a "vial of life." It is a small plastic tube, and you get a piece of paper with your name, your doctor's name, the name of the medications you are taking, your nearest of kin, and where your medications are kept, and that plastic tube, which is only about 4 or 5 inches, is taped to the inside of the door of your refrigerator, so if an officer is called in, whether it was a mugging or someone was ill and passing out, the police know to look there and see where medications are, or what is the chief physical condition of the person.

Senator HEINZ. That is another very good suggestion.

You have been superb witnesses. We thank you for the many long distances you have come, and Mr. Hedges, thank you for coming down from York, and lest anybody get the wrong idea, it is a lovely community and getting more and more lovely, thanks to people like you.

Mr. HEDGES. Thank you.

Senator HEINZ. Thank you all very much.

I would like to call our next panel of witnesses, Sister Annunciata Bethell, the director of the Bedford Park Multi-Service Center in the Bronx, N.Y.—the Bronx is very vell represented here today. Also, Detective Thomas Banks, community programs, Metro-Dade Police Department in Dade County, Fla., or the Miami area, as some would say. And, Sally Robinson, the director of the Yonkers Office for the Aging in Yonkers, N.Y.

May we thank all of you for being here. I would like to ask Sister Annunciata Bethell to please proceed.

STATEMENT OF SISTER ANNUNCIATA BETHELL, EXECUTIVE DIRECTOR, BEDFORD PARK MULTI-SERVICE CENTER FOR SENIOR CITIZENS, INC., BRONX, N.Y.

Sister BETHELL. Good morning, Mr. Chairman, and members of the committee, my name is Sister Annunciata Bethell, and I am

the executive director of the Bedford Park Multi-Service Center for Senior Citizens, Inc., Bronx, N.Y.

I am submitting my full statement for the record, and in the interest of time, will keep my oral presentation brief.

Senator HEINZ. Without objection, your entire statement will be a part of the record.[1]

Sister BETHELL. Nine years ago, the Bedford Park Multi-Service Center was founded with the hope that it would develop into a multifaceted service agency for the elderly. Thus, when crime crept closer to the northwest Bronx, the staff initiated the ongoing program known as, safety and security for senior citizens.

This three-pronged program grew out of the pressing needs in the community, the first of which was felt to be education for the elderly. To this end, we organized a series of seven lectures, held weekly. The lectures covered such topics as: How to best secure windows and doors; how to identify a criminal and the escape car for the police. They were also taught how to report a crime and the necessity for doing so if the community expects appropriate police coverage based on statistics.

Another lecture addressed court monitoring, for it has been proved that the quiet presence of senior citizens in the courtroom is most effective.

The normal trauma expected in a victim of crime, the shame at having been "conned," of not having exercised caution, as well as the need for a neighbor or friend to accompany the victim to the police station or to the emergency room, were discussed by staff of Montefiore Hospital and Medical Center and members of the 52d precinct in another presentation.

One of the last sessions was devoted to an explanation of block watchers and tenant patrols. As a result, requests were made by the senior citizens for training. Staff of the United Associations of Bedford Park, a neighborhood-based agency, gave the training. Here is where the first cuts in LEAA funding were felt. For, as of February 1981, their staff was cut from seven to three.

Five years ago, some of our center members arrived in the mornings frightened, bewildered, and often speechless at what had happened to them. It was because of this crisis that the senior citizens daytime patrol was formed.

The center, unable to procure its own security car, joined forces with a well-established neighborhood security patrol. Center members supply the manpower from 10 to 12 noon, Monday through Friday. Men and women, ranging in age from 67 to 83, have been trained by officers of the 52d precinct—and I have some of their pictures here with me, Senator, if you would like us to leave them.

Senator HEINZ. Thank you very much.

Sister BETHELL. A driver and a communications person ride in the car while two other seniors monitor the base unit at the center, logging all calls. If a suspicious person is seen, a robbery is in progress, or the car comes upon the scene of an accident, or any other alarming and unusual situation arises, it is reported to the center, from which 911 is contacted immediately.

As may be imagined, it is very costly to operate such a program. Three years ago, we were able to procure moneys from LEAA for

[1] See next page.

operating expenses—approximately $1,500 a year. In spite of these depleted funds, the operation is continuing, due to some reserve funds, large fundraising campaigns, and to CDA funding, which expires probably in December.

Are there statistics to prove that the senior citizens' daytime security patrol has made the neighborhood safer? This and other related questions were discussed with Detective Joel Distler, who agreed that there are certain achievements which are not measurable numerically. The fact, however, that seniors are coming in even greater numbers and that there have been no muggings during the hours of 10 to 12 noon speaks for the success of the program. To quote the commanding officer of the 52d precinct, Capt. Anthony Cepaglia, "The presence of the security patrol car is a definite deterrent to crime and a substantial contribution to the peace of mind of all community residents."

The third segment of the safety and security program which we sponsor was the institution of the crime victims' referral program. In July 1977, this service was initiated by the New York City Police Department.

At the center, the program was set up with a senior citizen as coordinator. Through the cooperation of the police department, crimes are reported to us immediately. A form letter is mailed to each crime victim. This letter states the services we can deliver and the counseling that is available at the center.

What monetary demands are made upon the center to operate this program? At a minimum cost, 1,370 senior citizens were serviced in the last 12-month period. This, too, was funded by LEAA. Presently, we receive funds from Senior Security Services, through the Department for the Aging. For fiscal year 1980–81, we spent $4,200. This July, when negotiating the new contract for moneys for direct services to the elderly, we were given $3,000 in spite of having been assigned another precinct to service.

These services for the senior citizens are their entitlements, and are necessary if our elderly are to survive in our large cities. They cannot afford to move. In reality, where is it any safer? Wherever they go, they are living prey for the ruthless and often desperate members of our society.

I plead with you, Mr. Chairman and members of the Special Committee on Aging to find a way to either restore the funds we have lost or to find another way for us to make these desperately needed programs continue.

Thank you.

Senator HEINZ. Sister Bethell, thank you very much.

[The prepared statement of Sister Bethell follows:]

PREPARED STATEMENT OF SISTER ANNUNCIATA BETHELL

Good morning, Mr. Chairman and members of the committee. My name is Sister Annunciata Bethell. I am the executive director of the Bedford Park Multi-Service Center for Senior Citizens in the Bronx, N.Y. I am submitting my full statement for the record and, in the interest of time, will keep my oral statement brief.

Nine years ago, the Bedford Park Multi-Service Center for Senior Citizens was founded with the hope that it would develop into a multifaceted service agency for the elderly. Thus, when crime crept closer to the northwest Bronx, the staff initiated the ongoing program known as safety and security for senior citizens.

This three-pronged program grew out of the pressing needs in the community, the first of which was felt to be education of the elderly regarding personal and property safety. To this end we organized a series of seven lectures, held weekly.

The lectures covered such topics as: How best to secure windows and doors; how to carry one's purse; what to do if come upon suddenly in the vestibule, hallway, on the stairs, or in an elevator of one's apartment; how to identify a criminal and the escape car for the police. They were also taught how to report a crime and the necessity for doing so if the community expects appropriate police coverage based on statistics. Another lecture addressed court monitoring, which encouraged several participants to join a group which went to the Bronx County Courthouse. There they were present at the trial of a perpetrator for an offense against a senior citizen. It has been proved that the "quiet" presence of senior citizens in the courtroom is most effective. The normal trauma expected in a victim of crime, the shame at having been "conned," of not having exercised caution, as well as the need for a neighbor or friend to accompany such a victim to the police or to the emergency room were discussed by staff of Montefiore Hospital and Medical Center and members of the 52d precinct.

One of the last sessions was devoted to an explanation of block watchers and tenant patrols. As a result, requests were made by the senior citizens. for training in order to participate in one or both of these activities. Staff of the United Associates of Bedford Park, a neighborhood-based agency, gave the training. Here is where the first cuts in LEAA funding were felt. For, as of February 1981, their staff was cut from seven to three.

An evaluation of these safety and security series, held every 2 years, has shown that the knowledge gained, the exchange of experience with peers, has made the senior citizens more cautious, less nervous and more community-minded. They have come to realize that they are capable and willing to contribute their time, energies, and talents to make the neighborhood a safer place in which to live.

Five years ago, some of our center members arrived at the center in the mornings frightened, bewildered, and often speechless at what had happened to them. From some, bags had been snatched, others were mugged, or they were followed by strange, threatening nonneighborhood individuals. It was because of this crisis that the senior citizens' daytime patrol was formed.

The center was unable to procure its own security car, so it joined forces with the Villa Assumption Patrol, a well-established neighborhood security patrol. Center members supply the manpower from 10 to 12 noon, Monday through Friday. Men and women, ranging in age from 67 to 83 have been trained by officers of the 52d precinct. A driver and a communications person ride in the car, while two other seniors monitor the base unit at the center, logging all calls. If a suspicious person is seen, a robbery is in progress, traffic light is out, or the car comes upon the scene of an accident, or any other alarming and unusual situation arises, it is reported to the center from which 911 is contacted immediately.

As may be imagined, it is very costly to operate such a program. Three years ago we were able to procure moneys from LEAA for operating expenses and for the insurance on the car, which all amounted to $1,500 per year. In February 1981, these funds were depleted. How have we been able to continue this valuable service to the community? The operation is continuing due to some reserve funds, to large fundraising campaigns, and to CDA funding, which expires December 1981.

Are there statistics to prove that the senior citizens' daytime security patrol has made the neighborhood safer? This and other related questions were discussed with Detective Joel Distler who helped set up the program initially. We agreed that there are certain achievements which are not measurable numerically. The fact, however, that seniors are coming in even greater numbers and that there have been no muggings during the hours of 10 to 12 noon speaks for the success of the program. To quote the commanding officer of the 52d precinct, Capt. Anthony Cepaglia, "The presence of the security patrol car is a definite deterrent to crime and a substantial contribution to the peace of mind of all community residents."

The third segment of the safety and security program, sponsored by the Bedford Park Multi-Service Center for Senior Citizens, was the institution of the crime victims' referral program. Operation order No. 57 says the following of the program: "The service consists of the designation of a single social agency or community group within each precinct, which, upon notification from this department or upon direct request from a senior citizen, will, on behalf of the senior citizen, make any necessary applications to the appropriate agency for services required."

At the center the program was set up with a senior citizen as coordinator, salaried by title V of the Older Americans Act. Through the excellent cooperation of the police department, the 61's are reported to us the day after the crime is reported to them. That very day a form letter is mailed to each crime victim from Sister Annunciata Bethell, executive director of the center, and from Viola Miller, coordinator of the program. This letter states the services we can deliver, the counseling that is available at the center, and most importantly that we in the

community empathize with them in their misfortune. We are there to support them in their period of adjustment.

What monetary demands are made upon the center to operate this program? Telephone, postage, emergency communications service (comprising a beeper, telephone answering service, weekend emergency coverage), and office supplies are some of the resources we use to make the project effective and efficient, at a minimum cost of $2,800 per year. 1,070 senior citizens were serviced by our agency in a 12-month period. This too, was funded by LEAA until February 1981.

We also rely upon Senior Security Services, from the Department for the Aging, for moneys for hardware, eyeglass replacements, rent and/or telephone bills, and dignity moneys. For fiscal year 1980-81, we spent $4,200 on such items. This year when negotiating the contract for fiscal year 1981-82, we were given $3,000 as the figure to work with, this in spite of having been assigned another precinct to service.

Two other agencies which we worked with are Residential Repairs and Victims' Service Agency. The former has been so drastically cut that it is no longer able to service us with lock replacements, gate installations, etc. VSA has received some funds from the city but they have had to cut the level of services drastically. There is money for neither research nor for the solution of immediate needs that arise, viz., help for child victims.

What are community-based organizations doing in the face of such crises? We at Bedford Park went to local banks for moneys to cover our services from June 15 through August 15, during which time Senior Security Services had no moneys at all. These services for the senior citizens are their entitlements, are necessary if our elderly are to survive in our large cities! They cannot afford to move, nor in reality is it any safer in some parts than in others of a city or the country. Wherever they go, they are a living prey for the ruthless and often desperate members of our society.

I plead with you, members of this committee, to find a way to either restore the funds we have lost or to find another way for us to make these desperately needed programs subsist.

Senator HEINZ. I will now call on Detective Banks.

STATEMENT OF DETECTIVE THOMAS BANKS, COMMUNITY PROGRAMS, METRO-DADE POLICE DEPARTMENT, DADE COUNTY, FLA.

Mr. BANKS. Good morning. You have heard from several elderly victims here today, and I think that what they have brought before you is a very, very valid issue.

The Metro-Dade Police Department, which was formerly the Dade County Public Safety Department, was under the same impression that most other police departments were. We look at statistics to determine what our crime rates are. Based upon our statistics, we see what our needs are. We felt for a long time that the elderly were not victimized as much as the rest of the population, so what seems to be the problem.

Back in 1978, we had 100 to 150 senior citizens assembled in the lobby of our building, and they were singing unity songs, and they were asking—in fact, they were demanding—for things to change. So we looked again, and we wanted to find out exactly what their problems were.

We selected a committee of elderly, and we sat down, and they expressed what their particular needs and problems were.

We were also contacted by the University of Miami, which was conducting a research project into the economic, social, and psychological impacts on the elderly resulting from criminal victimization. We stated that we would volunteer and we would do the interviews. I have personally talked with well over 150 elderly victims of crime, and I am probably more aware of the impact that it is having upon them. I am including before the committee an

analysis of the final report, but due to the time, I do not want to go over the report in its entirety. But I will read my summation, on page 4 of that report, which kind of summarizes what we have found, based upon this study.

Senator HEINZ. Without objection, we will make the full report a part of the record.[1]

Mr. BANKS. Thank you.

Although street crime does occur to the elderly, and is potentially more likely to result in injury to the victim, the major vulnerability of the aging population is not street-related, but is rather vulnerability at or near their home. This increased vulnerability of the home should be of major concern. If the elderly are not safe at home, there are few options remaining for them. This directly influences the psychological and sociological effects on the elderly.

The victimization study found that 50 percent of those immediate victims who were interviewed indicated that the crime did have some impact, and 35 percent reported a subjective feeling of severe impact. These impact victims also expressed a direct relationship to the psychosocial effects of the crime and their feelings of being vulnerable.

Based upon the 1977 6-month sample of police reports which totaled 2,092, to 1 year, a total of 4,184, there were 1,255 incidents resulting in serious impact over 1 year's time, and to elderly persons in just those police jurisdictions in Dade County which was utilized as the sample area—and that was unincorporated Dade County and Miami. If you multiply this across the Nation, it becomes clear that crimes against the elderly does have a serious, immediate, and lasting impact. When coupled with the effects of the anticipation of victimization in such areas as protective behavior, mobility reduction, and fear and suspicion, the problem of crime for the elderly can be considered as a serious one, even though rates of victimization for the elderly are significantly lower than for other groups.

In summation, the main problem facing the elderly is not so much the crime itself but rather, the after-the-fact impact. It is the opinion of this writer that any efforts to assist the elderly should be aimed at those advocate and victim compensation programs which would assist elderly victims of crime to regain their losses, both cash and property. It is also necessary that programs be developed and improved that will decrease the anticipation that the elderly have to being a victim. The elderly need to have certain security devices, such as locks, security surveys, et cetera, in order that no large monetary burden be placed on their limited income.

The Metro-Dade Police Department, through the crimes against the elderly program (CATE),[2] has been directing its resources toward those areas which will assist the elderly in dealing with crime. This has been an effective program within Dade County and one which should be promoted throughout the country in order to reduce the psychological and sociological effects of crime on the elderly.

In 1978, we began a training session, and selected 100 of our best-trained officers who had dealt with social problems within our

[1] See appendix 1, page 79.
[2] See appendix 1, page 97.

86-411 O—81——4

community, and we brought them before a committee of elderly citizens, and we sat down together and worked out what those particular problems were and what those needs were. We then, in turn, utilized those officers to train the remainder of our police officers on the street as to the particular needs of the elderly. We also conducted major surveys for all the HUD complexes for the elderly. We went to the complexes and talked to every citizen who lived there. We brought literature to them, and we made recommendations to HUD as to how to improve security measures and preventive measures within those complexes. But again, we were restricted because of the amount of funding. There were only so many things they could do with the money that was available.

We also asked our police officers, if they had to write reports or initiate phone calls, that they do this within those complexes. In other words, take their police cars, drive them into those complexes and remain there while writing those reports and handling those phone calls in order to increase high visibility within those complexes. This was a program that worked very, very well within Dade County.

We also initiated this year, beginning in January 1981, our crimes against the elderly program. At this point, I would like to read the following to the committee:

The following is the suggested timetable for the implementation of the program, along with some of the working elements. All uniformed officers will be encouraged to present a symbol of high visibility in and around senior complexes. The high visibility should be in the form of making phone calls and writing reports. Printing of quick referral guides for seniors, effective immediately. Crime prevention seminars designed for senior citizens, effective immediately. Assignment of one or two officers from each district general investigation unit to handle followup investigations involving burglaries, larcenies, and assaults. The numbers of officers assigned will depend on senior citizen victimization in the designated area, effective January 1, 1981. And the assignment of robbery investigations will follow the same criteria. The crime analysis unit will be utilized to pinpoint target areas.

In other words, we are getting monthly reports and taking a look at where our problem areas are and redirecting our resources toward those areas.

The director will issue a memo to all personnel announcing the implementation of the program, and the supervisor of community programs will have the functional responsibility of assuring that the various units and districts are coordinating and cooperating in efforts to investigate crimes against the elderly. The supervisor of community programs will be kept advised of the effectiveness of the program, via monthly reports from the affected units. These reports will also be used as a gage to determine if there is a reason to increase or decrease the number of officers assigned to the program. The report should include a number of cases and demographic data as it relates to the victim. As a point of clarification, it should be indicated that the present system utilized by district general investigation units as it relates to assignment of cases will be adhered to, with the exception of cases involving seniors as victims, will be tagged by the administrative sergeant. Once tagged, they will be assigned to the detective involved in the program.

We sent each of these detectives to a specially trained session where they met with people from the University of Miami and Marty Falletti from an aging project, and they were trained as to the particular needs of the elderly.

An added feature of the program will be needs assessment by the investigator who, after determining need, will refer the senior citizen to the proper agency.

In other words, we established a referral program which we could refer those senior citizens to.

I have also included in my report a copy of the monthly report [1] and how it is outlined, of which you have a copy, and I have also included the statistics [2] that we have found from January 1981 through July 1981. I think particular emphasis should be noted that, under "Other" category, which includes the con games, the mail fraud, those are the areas in which we record a 22.2 percent victimization rate for the elderly, which is very, very high. Again, robbery also scored very, very high in that area. So we are taking a look at this on a monthly basis.

I have also included in my packet several brochures that we have produced. And again, I would like to emphasize that every piece of literature that we produce, we produce out of the budget that we have assigned to the Metro-Dade Police Department. We have taken a look at our budget for the new fiscal year 1981-82, and we are finding that we are going to be pretty much restricted, and funding is necessary for these programs, for the literature that we produce. Not only do we produce literature for our organization that we distribute as a public service, but we have an active citizens' crime watch in Dade County, of which we have 150,000 citizens involved, and they are actively working for senior citizens, too, and we are producing their materials as well, so we are pretty well spread out.

The first book is called, "Your Personal Guide for Burglary Prevention," [3] which we have made available for every citizen within Dade County. We also produced a book entitled, "Fear: An Age-Old Problem. Let Wisdom, Not Fear, Be Your Guide." [4] And in the publication of this booklet, we have concentrated on those areas which affect the elderly, those types of crimes that affect them, how they can prevent those crimes. We have an opening statement, and in the back, we have some contact numbers that they may need. And finally in 1980, we produced a pamphlet called, "Senior Citizen Referral Guide," [5] of which we have listed every agency within Dade County that can meet the needs of the senior citizens through the programs that are available to them, of which I have also made a copy available to the committee.

So this is basically our program. But as far as Dade County is concerned, as you well know, we have a tremendous crime problem, and I do not have to highlight the statistics, because they have already been made available to you from Senator Lawton Chiles. But you do have to understand that these victimization rates are highly publicized in our news media and in our papers, and this is what the senior citizens look at, and this is what they read. This has a tendency to increase their fear rather than decrease that fear. And unless we actively participate in programs that will reduce the criminal victimization within Dade County, we are not going to be able to reduce that fear element. So this is what I have to present to the committee, and I hope that through your active involvement that somehow we can get legislation passed that will alleviate these problems.

Again, thank you.

---

[1] See appendix 1, page 98.
[2] See appendix 1, page 99.
[3] See appendix 1, page 100.
[4] See appendix 1, page 124.
[5] See appendix 1, page 144.

Senator HEINZ. Thank you.
Ms. Robinson.

STATEMENT OF SALLY ROBINSON, DIRECTOR, YONKERS, N.Y., OFFICE FOR THE AGING

Ms. ROBINSON. Thank you. Good morning, Mr. Chairman.

I want to thank you on behalf of Yonkers City government and Yonkers' older residents for this opportunity to share with your committee our experience in developing a citywide response to crime against older people—a response which has involved not only the office for the aging, but many older adults, community groups, and concerned individuals, as well as key city departments, such as police and buildings.

Our program has been built on the premise that financial resources would be minimal. The primary resource would be older people themselves, who were determined, with a little help from their friends, to walk the streets of their neighborhoods without fear, secure their homes, and if victimized, cooperate diligently with the criminal justice system in order to put criminals and would-be criminals on notice that Yonkers' older adults would take direct and persistent action to pursue their rights through the courts. Their friends have proved to be many.

Initial program efforts were entirely volunteer-based, and volunteers of all ages have continued to have a major role.

Our first strategy was to combat the fear of crime felt by older people by redirecting their response to this fear from self-imposed isolation to positive actions to secure their residences and persons. With the help of the Yonkers Kiwanis Club and the Law Explorer Scouts, composed of young people in their late teens, Project Identification was launched. The Scouts, trained by office for the aging staff and the Yonkers Police Department, surveyed residences of older people in high crime neighborhoods. The demand for this service was immediate and overwhelmed the capability of our volunteers. It was apparent that this volunteer initiative would have to be supplemented by a paid staff.

Through the Westchester County and the New York State Offices for the Aging, the Yonkers Office for the Aging received a special purposes demonstration grant of $5,000 under title III of the Older Americans Act to implement a 6-month pilot crime prevention program, called Project Secure, which expanded our services to include entitlements counseling, casework services, and a fire safety check, along with security surveys of residences. Victim/witness assistance was also included as an important component in reducing fear and isolation.

It became quickly apparent that fear of the aftereffects of victimization is certainly as great as fear of the criminal act itself. Crisis intervention provided to victims in a timely, understanding manner has reduced this fear.

The response to Project Secure grew to a point at which the waiting list for services was over 100 older people and culminated in an all-day crime prevention seminar cosponsored by our office and the Yonkers Police Department, and attended by over 200 older people and many others. Elizabeth Battcock, who has testified today, was a featured speaker at the conference.

The community interest in further crime prevention activities by the office for the aging which was expressed at the conference resulted in the award by the New York State Division of Criminal Justice Services and the New York State Office for the Aging of 2,000 deadbolt locks to the city of Yonkers as one of five target areas in the State for a crime awareness and security hardware program targeted to low-income elderly residing in designated high crime areas.

The grant provided administrative funds only to cover the installation of the locks, so that it was necessary to initially include the other phases of the program's administration in the office for the aging's III-B effort. Since III-B funds are allocated to us in a block grant, it was and is possible to set local priorities and be flexible in our program design. However, funding from this source was not and is not sufficient to encompass and sustain an intensive effort in every area of need. Fortunately, LEAA funding became available and enabled us to hire a full-time project director to insure the timely implementation of the security hardware program and the expansion of associated safety and security services, including the recruitment and training of our volunteers. LEAA funds will terminate in May. Our program has been funded for a 12-month period thereafter by the Crime Victims Compensation Board of New York State to insure the continuation of service. We in Yonkers will explore the potential of once again applying III-B funds to our program efforts in the future, should New York State funds prove to be only interim support. We will also emphasize expansion and strengthening of the CARE team as key to current program success and future performance.

Public concern and perception of the problem continues to be widespread, and we will concentrate on additional strategies to translate this awareness into volunteer-based action.

However, although local commitment certainly does exist, this commitment requires some financial backing if we are to continue services at an adequate level. The Older Americans Act would seem to be a most appropriate vehicle for the articulation of crime prevention and victims assistance programs as a priority for local action. Again, however, good intentions cannot be translated into an effective service response without some funds to capitalize on the human resources that unquestionably exist.

Thank you.

Senator HEINZ. Ms. Robinson, thank you very much.

Sister Annunciata, I think you have explained quite effectively how LEAA in particular was of great importance in the Bronx to the efforts that you have successfully brought about there.

Ms. Robinson, you have testified both to the use of Older Americans Act III-B funds, as well as some LEAA money that came in through the equivalent of the justice commission in New York.

And I believe, as I recollect, Detective Banks said there was some LEAA money that was of some use to you; is that correct?

Mr. BANKS. Well, we have a grant right now which we are utilizing, but we are utilizing it mainly in one particular area, not for the entire part of Dade County, as to the particulars of that grant. Most of the funding that we have gotten, we have utilized a lot of it through our own county government. But as I stressed, the

way our budget sits right now, we are going to be pretty much restricted as to what we can do.

Senator HEINZ. Now, just thinking of LEAA for a moment, if we cut off LEAA funds, as is proposed, what will be the effect, as you see it?

Sister.

Sister BETHELL. Well, our LEAA funds have been cut, Senator. We have none right now. We have gone to the banks, and they are feeling the same crunch everyone else is. We will just have to continue to resort, as we have been doing the last 6 months, to fundraisers in the community. We are not as successful as Sun City—would that we were.

Senator HEINZ. Do you think you will be able to make it? Do you think you will be able to sustain——

Sister BETHELL. We will have to. We are determined that what we have started as a service for the seniors cannot cease. And I think if we get exposure on TV, and we are aiming at that in the city, and on radio, that help will come to us at a local level.

Senator HEINZ. Ms. Robinson, the levels in the Older Americans Act have pretty much been frozen for the next several years. Given the demands that titles III and III-B already have to accommodate, what is the meaning of that for your efforts?

Ms. ROBINSON. Well, it will not be easy to apply title III-B funds to any expanded program effort or to sustain services at the existing level.

I think the problem in the level of funding that has been available and in any future funding is providing services at an adequate level. We have certainly had tremendous impact, I feel, as do the volunteers who have worked with us, on the older people who have been fortunate enough to receive our victim assistance services and participate in crime prevention services.

However, we have 50,000 older adults in Yonkers, and we have certainly not reached the potential of people who need this kind of a service.

Senator HEINZ. As you say, demand exceeded supply.

Ms. ROBINSON. Certainly. And I think the demand can be met if more departments such as HUD or the Department of Transportation also share in this priority to develop responses to the problem of crime against the elderly.

I think Detective Banks mentioned services in publicly subsidized housing complexes. I think the responsibility for designing these services and initiating them should not just be that of volunteers and offices for the aging or social service agencies. I think the developers who are receiving the subsidies in these projects should have a mandated requirement to provide certain services, and certainly, an appropriate service would be in the area of crime prevention and security awareness.

Along with the integration, or consolidation, of Older Americans Act titles (including those for training and model projects) for the purpose of optimizing program effectiveness by fostering and facilitating the individuation of local response to local need, I think that efforts to reduce crime against the elderly would be strengthened further by a legislatively mandated sharing of responsibility among a wide range of federally authorized and funded programs, includ-

ing not only public housing and transportation strategies under HUD and the Department of Transportation, but the ACTION programs (VISTA and RSVP especially), and title XX and the medicaid programs of the Social Security Act.

Cooperation and coordination between Federal and other public agencies expending Federal funds for human services has long been a legislative and administrative goal, but this goal has been largely unrealized because its attainment has not been a condition for funding, nor has there been specificity as to its articulation at the local program level. To a certain extent, the exchange of information has been encouraged under this goal, but, as far as I know, ongoing dialog and/or partnerships, or coalitions in the application of funds have not been developed. Department heads have signed off on each others' action plans without definitive, if any, input from local service providers. Legislation mandating the integration of program strategies and funds in shared programmatic responsibility and response to problems of the elderly as well as other health and welfare service populations would be very helpful to all of us who must grapple with the problem of sustaining and, hopefully, upgrading our efforts with decreasing public funds to do so. I think a legislative initiative of this kind will become even more important, in order to insure efficient and equitable application of Federal funds for social services, as these funds are decategorized and provided to the States in block grants.

Senator HEINZ. Would you support our amending the Older Americans Act to make criminal victim assistance or crime prevention on behalf of the elderly a priority-authorized service under title III or III-B?

Ms. ROBINSON. I certainly would. However, I do not feel that that amendment will have much impact unless it is accompanied by additional funds. I feel that III-B is hard-pressed right now in providing many needed services—transportation services and the whole range of community support services. And, yes; I think crime against the elderly and responses to this problem should be prioritized, but then there should be money appropriated to make that a reality.

Senator HEINZ. Some of us believe that there should be more consolidation in, if you will, the subtitles of title III. Do you think that you would use, for example, any of your title C money if that was permitted? In the bill that has been reported by the Human Resources Committee, a 20-percent transfer between B and C, as I recollect, is permitted. Would you use any of the title C money, or is it all committed?

Ms. ROBINSON. We try to consolidate and integrate our older Americans effort now. Title III-C money can only be spent on food, primarily. And it really does not make any difference. A certain amount of money is needed for food and is spent on food, and title III-B supports title III-C, and title III-C, the nutrition centers are wonderful focal points and access points for all community resources, including III-B services. I would like to see the whole thing lumped and communities required to go through a certain process of needs assessment to insure that they are using these moneys in a way that is needed. The division of titles, to me, is a bureaucratic means to insure the application of Older Americans

Act funds in accordance with nationally defined needs and program priorities. I do not think that this approach has facilitated differentation of local need and capability to respond to that need. A more efficient and effective method would be, to allow consolidation of funds across titles with the requirement by the Administration on Aging, that every locality, as part of its application for older American dollars, complete a needs assessment process, as developed by AoA in consultation with direct service providers and national older adult advocacy groups, to document and justify local proposals for allocation of these funds.

Senator HEINZ. Many of us would agree with you on that, but we haven't been able to get everybody in the Congress to see it our way as yet. But we are working on it.

Let me yield at this point to Senator Chiles.

Senator CHILES. Thank you, Mr. Chairman.

Detective Banks, I am interested to know what prompted the Metropolitan Dade County Police Department to start its community service program of prevention training and victim assistance for the elderly.

Mr. BANKS. Well, mainly, it was because of the pressures that we received from senior citizens' groups within Dade County. As I expressed earlier to Senator Heinz, for a long time we had looked at statistics and we had realized that victimization was not high for the elderly and they were underreported, but where were the problems. We found out, by talking with senior citizens and sitting down with them, that fear was the problem, and their vulnerability, and how they look at society, and how they feel at home. So this was what we began to concentrate on, on those particular areas. And we did so by doing it every week, and practically every day of the week. We are going out to senior citizens' complexes, and we are presenting programs to them, of which we have approximately 100 to 150 senior citizens attending these everyday programs, and we are presenting them with the literature that we have available, media presentations that we have, and we are just trying to reach every senior citizen within Dade County and trying to alleviate, with whatever resources we have available, those problems that they are faced with.

Senator CHILES. So you are saying that it was the vocal reaction of the older citizens themselves that prompted the starting of the program.

Mr. BANKS. Most definitely.

Senator HEINZ. So one way for older citizens who care for their safety, to help themselves, in other communities, is to be vocal to their police about the need for this protection?

Mr. BANKS. Yes, Senator.

Senator CHILES. Are you getting any direct Federal funding for your program?

Mr. BANKS. No, we are not. Everything we are doing with our program, we are trying to do with the funds that we have available out of our own budget. The printing of our literature, again, is produced out of our own budget. But we are beginning to feel the crunch, like everybody else. And to be very frank with you, we were receiving a lot of our materials from the office of the attorney general in Florida but from what I understand, a lot of their

materials are federally funded. And we have found that we have not been able to get those materials, so we are producing our own. And again, we are going to feel this, unless we can get some support for the literature we are producing and the programs that we are doing.

Senator CHILES. In that you have not received any Federal funding, the Federal cuts that are kind of going on in programs now will not affect you, then?

Mr. BANKS. Not as far as our department goes, but it will affect the programs that we are trying to initiate within the complexes, because the security measures that we recommend are restricted because of the funds that they have available for initiating these things—the locks that we recommend, the security devices, and security procedures. And another thing is that most of the developments that we have, the HUD developments, as you well know, are located in high crime areas, and this is presenting, again, a problem. And the reason they are put in high crime areas is funding. We had a major issue going on in Dade County where they were going to put a senior citizens complex in a middle- to upper-income level area, and it presented quite a controversy. But this is, it seems to me, the only course we can take, because if these complexes are built within high crime areas, they are going to be continued targets for crime.

Senator CHILES. Have you got any data, or are you collecting any, on the impact that your program is having on the rate of crime against the elderly?

Mr. BANKS. Yes, we are. Since we initiated our program in January of this year, I have presented to you a copy of statistics, and I think special note has to be made as to "con" games, which include mail fraud and things like this. The elderly are becoming proportionately higher in rates of victimization, and I think it is because they are vulnerable, and they are on fixed income, and these temptations to make money quick and to alleviate some of their problems is having a tremendous effect upon them. We do monitor these things on a monthly basis, and we will continue to, and then we are redirecting all of our resources to those areas of concern. In unincorporated Dade County, we have six metropolitan stations, and each station is doing a monthly study, and they forward it to us, and we compile those studies, and then we redirect our resources to those areas. If there is an area within Dade County which is having an increased amount of burglaries as far as the elderly are concerned, or larcenies, or vandalisms, or assaults, or frauds, then we try and concentrate on those areas.

Senator CHILES. What would you say would be the best thing the Federal Government could do if it were going to attempt to address this problem?

Mr. BANKS. Well, basically, just making the funds available to keep our programs going. And I am not so sure that we are going to be able to do that. As you well know, in Dade County, we have a manpower shortage now, as far as our police agencies go, and it is getting a little bit better, but proportionately, we are still kind of restricted due to budgetary problems and things like that. And I think that our county needs some funding in this area, we need some funding to carry through with our programs and some of our

training sessions, and some of the materials that we need to make these complexes more secure.

Senator CHILES. Ms. Robinson, what would your response be to that question?

Ms. ROBINSON. I certainly think, as I have stated, money is very important, but I also think that a really high-class public education effort should accompany the provision of direct services. I would like to see a national in scope public education effort to alert people to the problem of crime for all groups, but also to alert the public that older people are not helpless, that they understand and will utilize the criminal justice system, that they are not as vulnerable as they have been presented in the past, and that they are quite capable of fighting crime against themselves and other people. Of course, such an educational effort would presume and require the maintenance of crime prevention and victims' assistance to older adults.

Senator CHILES. Sister.

Sister BETHELL. I would reiterate what the other gentleman and lady have said. We need money to continue what we have begun. It is terrible to begin a service to senior citizens and then to have to drop it. I think, too, there is a whole piece of service that we are not able to give—namely, the installation of gates and locks before the crime. I mean, if someone on the fifth floor has been burglarized and the people downstairs are elderly, they know they are going to be next, in all likelihood. They cannot afford a gate, which runs anywhere from $140 to $185, or a new lock, which runs from $80 to $90. On a limited budget, that is just almost impossible. And yet, we cannot help them, we cannot prevent the trauma that is going to be theirs if they become victims, because we have no money for it. We barely have money to help those who are already victims. I would like also to see stricter law enforcement. The revolving door, I think, that senior citizens and all of us are aware of is, why some of them do not want to take the case to trial because they say: "Well, he will be out." And that is very true.

Second, the terrible fear they have is recrimination. They are not selfish. They are truly unselfish in not wanting this to happen to someone else, but the fear overcomes them very often.

Senator CHILES. Thank you, Mr. Chairman.

Senator HEINZ. Senator Chiles, thank you.

Sister Annunciata, Ms. Robinson, and Detective Banks, thank you very, very much for a very effective presentation of the efforts that you all are undertaking to try and make the people in your area feel more secure. It is a tough job, and you are doing a great job.

Our next witness will be Jeffrey Harris, who is the Deputy Associate Attorney General. He is also just the former Executive Director of the Attorney General's Task Force on Violent Crime that was appointed by President Reagan in the spring of this year.

I might add that the committee, myself, and the members of the staff, have been in touch with the Commission on a number of occasions going back to the spring, to interest the Commission in the particularly unique problems of the elderly.

Mr. Harris, I look forward to your testimony and hope that you had a chance to hear some of the witnesses here today. They were indeed quite illuminating. If you have not, we will be happy to send you probably a lot more testimony than you have time to read, but it might be valuable to you or your staff, in any event.

Please proceed. We are glad to have you here.

STATEMENT OF JEFFREY T. HARRIS, WASHINGTON, D.C., DEPUTY ASSOCIATE ATTORNEY GENERAL AND FORMER EXECUTIVE DIRECTOR, ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME, ACCOMPANIED BY TERRY RUSSELL, ASSISTANT U.S. ATTORNEY, WASHINGTON, D.C., AND DEPUTY DIRECTOR, ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME

Mr. HARRIS. Thank you, Mr. Chairman, and Senator Chiles.

With me this morning is Terry Russell, who is an assistant U.S. attorney in the District of Columbia and also the Deputy Director of the Attorney General's Task Force on Violent Crime.

First, Mr. Chairman, I would like to submit my full statement for the record and would propose to summarize it, if that is acceptable to the committee.

Senator HEINZ. Without objection, your full statement will be a part of the record.[1]

Mr. HARRIS. Thank you, Mr. Chairman.

As you mentioned, I recently have been the Executive Director of the Attorney General's Task Force on Violent Crime, and as such, had the opportunity to take part in a comprehensive and extensive study of violent crime in America. What I saw in detail is what is readily apparent to virtually every citizen in this country, that violent crime has reached epidemic proportions and is continuing to increase. It extracts a tremendous toll in terms of physical injury and death, financial well-being, and emotional health and happiness. It also is readily apparent that no one in this country is immune from the problem of crime. It can strike the rich, the poor, the young, the old, persons of every race, color, and creed.

Last year, about one out of every three households in this country was victimized by some form of serious crime. If this trend continues, in a few years, almost every American family will personally experience the outrage of violent crime.

As I mentioned earlier, crime can strike everyone in America, and the elderly are certainly no exception. A general statement cannot be made, however, that the elderly are victimized to a greater or lesser extent than that of the general population. It depends on what type of crime you are talking about.

On July 22, 1981, the task force held hearings in Miami, Fla. One of our witnesses was George Sunderland, the national director of criminal justice services for the American Association of Retired Persons and the National Retired Teachers' Association. Mr. Sunderland, who will testify before you, told us that compared to other groups, the elderly are less frequently the victims of murder, rape, assault, and auto theft, and yet at the same time, are more frequently the victims of such crimes as purse-snatching, robbery, strong-arm robbery, burglary, vandalism, and confidence games.

[1] See page 57.

These facts demonstrate, as Mr. Sunderland stated, that older persons have special vulnerabilities toward certain crimes because they are not in as good physical condition as they once were. Since they are less physically robust than younger people, they generally are much more apt to receive injuries which frequently take longer to heal and cause additional complications.

Often on fixed income, the elderly can be much more seriously affected by financial loss. The emotional damage that often affects the victims of crime can be devastating on the elderly, who are often alone and subject to depression, loss of hope from loneliness, and having to live alone in fear.

The elderly are also very heavily victimized by the fear of crime. Prof. Albert Reiss of Yale testified before the task force that the consequences of the psychic harm are probably as great or greater from nonvictims as for the actual victims. While fear can be a nuisance to young people, it has virtually imprisoned many elderly in their homes. It is because of this fact that sensational news stories and publicity about brutal beatings, rapes, and murders of our senior citizens often do a disservice to them. It can heighten their fear level tremendously about a crime that statistics show they are extremely unlikely to suffer.

The task force in its recommendations directly addressed the plight of victims including the elderly. Again, just as elderly victims may suffer physical consequences far more serious than a younger person, they also may be unable to obtain transportation to come to court to assist in the investigation and the prosecution of their case. Being mindful of such things, the task force recommendations were designed to insure that the victim is accorded his proper status in the criminal justice system through Federal standards for the fair treatment of victims.

While the problems of victims in general and the elderly in particular have historically received very little attention, a great deal has been accomplished in recent years to ameliorate these problems. Largely as a result of funding through the Law Enforcement Assistance Administration, research and development in the victim/witness area has brought about the creation of model programs that successfully implement and then can be replicated throughout the country. Some of these model programs, such as those that exist in Pasadena, Calif., and Tampa, Fla., deal specifically with problems of the elderly. It is programs such as these that the task force had in mind when it recommended that Federal funds be provided for the implementation of programs of proven effectiveness.

The Task Force on Violent Crime was mindful of the extent of violent crime and the adverse impact it has on the elderly, the young, the poor, and all groups in our society. Moreover, this led to a recognition that an effective approach to combating violent crime would not be found in viewing the problem as only involving the elderly or the inner-city poor or the young. Crime affects us all, and the results of an effective crime program will inure to the benefits of all citizens.

As George Sunderland stated when he testified before the task force:

I do not plead as another representative of a special interest group, the elderly. I plead for all noncriminal people in the United States, because I believe those things that are done in the criminal justice system to help all noncriminals are going to help equally those older Americans that I represent.

All of the task force recommendations have been submitted to the Attorney General, who will conduct a thorough study of them in order to fashion a comprehensive legislative and fiscal program to combat crime. These recommendations provide a proposed framework for a coordinated program to help insure domestic tranquility for all our citizens. As you are aware, the President is taking a hard look at budgetary resources. The Attorney General's review of the task force recommendations must be done in the context of the need to reduce the Federal budget. Thank you, Mr. Chairman.

I will be pleased to answer questions.

Senator HEINZ. Thank you very much, Mr. Harris.

[The prepared statement of Mr. Harris follows:]

PREPARED STATEMENT OF JEFFREY T. HARRIS

Good morning, Mr. Chairman and members of the committee, I am pleased to be here to testify concerning crime and the elderly. I am presently the Deputy Associate Attorney General.

As the Executive Director of the Attorney General's Task Force on Violent Crime, I recently had the opportunity to take part in a comprehensive and extensive study of violent crime in America. What I saw in detail is what is readily apparent to virtually every citizen in this country: That violent crime has reached epidemic proportions and is continuing to increase, and that it exacts a tremendous toll in terms of physical injury and death, financial well-being, and emotional health and happiness.

It was also readily apparent that no one in this country is immune from the problems of crime. It can strike the rich and the poor, the young and the old, and persons of every race, color, and creed. Last year, about one out of every three households in the country was victimized by some form of serious crime. If the trend continues, within a few years almost every family in America will personally experience the outrage of violent crime.

While there are fortunately a number of us who have never been a victim of violent crime, it is also quite probably true that none of us has managed to escape one of the most insidious and pervasive products of crime—fear. How many of us can go out at night without the nagging fear of being attacked, or leave our house without fear of it being burglarized? I would venture to say that virtually all of us at some time have experienced this terrifying and debilitating aspect of crime. While one of the primary goals of our Government has always been "to insure domestic tranquility," it is clear that the high level of crime in our society has created an environment which is far from tranquil and totally unacceptable.

As I mentioned earlier, crime can strike anyone in America, and the elderly are certainly no exception. A general statement cannot be made, however, that the elderly are victimized to a greater, or lesser, extent than that of the general population; it depends on what type of crime we are talking about. On July 22, 1981, at the Miami meeting of the Task Force on Violent Crime, George Sunderland, the national director of criminal justice services for the American Association of Retired Persons and the National Retired Teachers' Association testified that compared to other age groups, the elderly are less frequently the victims of murder, rape, assault, and auto theft. At the same time, however, he noted that they are more frequently the victims of such crimes as purse-snatching, robbery pickpocket, strong-arm robbery, burglary, vandalism, and confidence games.

These facts demonstrate, as Mr. Sunderland stated, that older persons have special vulnerabilities toward certain crimes. Mr. Sunderland testified: "We don't hear as well as we did before. We don't see as well as we did before. We don't fight as well as we did before. We don't run as fast as we did before. All these vulnerabilities become an asset to the criminal, and we are victimized in many cases out of proportion by very young criminals. . . ."

While the elderly are not heavily victimized in proportion to the general population by some of the most serious offenses, when they are victimized they frequently suffer consequences far more serious than the average citizen. This problem of the

fragility of the elderly was addressed at the Detroit meeting of the Task Force on Violent Crime on June 18, 1981. Albert J. Reiss, Jr., the William Graham Sumner Professor of Sociology and Law at Yale University testified that: "It is also true that because the elderly are fragile, they are more likely to be harmed and that is even true of things like purse-snatching. You snatch a purse from an elderly woman and she falls, she is apt to hurt herself, break a hip, and so on. You snatch it from a younger person, they fall down and are bruised, so that is that fragility that we need to bear in mind when we think of the elderly as victims."

Since they are less physically robust than younger people, they generally are much more apt to receive injuries, which frequently take longer to heal or cause additional complications. Often on fixed incomes, the elderly can be much more seriously affected by financial loss. The emotional damage that often affects victims of crime can be devastating on the elderly, who are often alone, and subject to depression and loss of hope.

The elderly are also very heavily victimized by the fear of crime that I mentioned earlier. Professor Reiss testified before the Task Force on Violent Crime that the consequences of the psychic harm are probably as great or greater for the nonvictims as for the victims. While fear can be a nuisance to young people, it has virtually imprisoned many of the elderly in their homes. Afraid of the night, the doorbell, strangers, and necessary trips to the grocery store the elderly are frequently paralyzed by fear of crime. It is because of this factor that sensational news stories and publicity about brutal beatings, rapes, and murders of our senior citizens really do a disservice to them. It can heighten their fear level tremendously about a crime that statistics show they are extremely unlikely to suffer.

It was in response to the tragically high level of violent crime in America that Attorney General William French Smith appointed on April 10, 1981, his Task Force on Violent Crime. It consisted of eight individuals with a wide range of expertise in criminal justice at the Federal, State, and local level, and was cochaired by former U.S. Circuit Court Judge and Attorney General Griffin Bell and Gov. James R. Thompson of Illinois. Its goal was to determine in the relatively brief period of 4 months what the Attorney General could do at the Federal level to help combat violent crime.

The task force recognized that under our Federal system of Government, violent crime is primarily a State and local responsibility. This is not to say, however, that the Federal Government doesn't have an extremely important role to play—first, in discharging its responsibility to combat crime that is national in scope, and second, in assisting State and local governments in areas where the Federal Government's expertise and resources are particularly beneficial.

As the task force of the Attorney General, its purpose was to determine what the Attorney General could accomplish to help combat violent crime. It was not the mission of the task force to delve into the root causes of crime and its social and economic factors, unless such an examination suggested a law enforcement intervention for the Attorney General. Moreover, the task force was not convinced that a government, by the invention of new programs or the management of existing institutions, can by itself recreate those familial and neighborhood conditions, those social opportunities, and those personal values that in all likelihood are the prerequisites of tranquil communities.

It is clear that the problems of all victims of crime, including the elderly, are in direct proportion to the number of victims, and that by reducing crime, you can consequently save innumerable individuals from becoming victims in the first place. The task force realized that the greatest single deterrent to cime is swift and certain punishment for the guilty, and this realization provided the basis for many of its recommendations.

The task force made a total of 64 recommendations to the Attorney General as to how the Federal Government can combat serious crime. It is far beyond the scope of my testimony here to describe them in detail. To assist you in understanding the full range of the task force's work, I would like to submit a copy of their final report to you with my testimony.

There are, however, a few recommendations that I would like to highlight. First, we are all aware of the terrible toll that narcotics addiction takes on our fabric of society, not only on the lives of addicts, but more importantly on innocent citizens, including the elderly, that addicts victimize in order to obtain the vast sums of money neccessary to purchase drugs. A study by Dr. Nurco, of the University of Maryland, showed that only 250 addicts were responsible for over 500,000 crimes in the city of Baltimore over an 11-year period. Obviously, the reduction of available drugs in this country must be a top priority of any effort to reduce crime. This task uniquely falls on the Federal Government, since it has the sole responsibility over our foreign policy and the control of our borders. The task force made a series of

recommendations in this area, asking the Attorney General to support the implementation of a clear, coherent, and consistent enforcement policy with regard to narcotics and dangerous drugs, reflecting an unequivocal commitment to combat the drug trade. These recommendations extended to a foreign policy to help eradicate drugs at their source, a border policy, including the appropriate use of the military, to help intercept drugs on their way into this country, and a legislative program to reform the criminal justice system to enhance the ability to prosecute drug-related cases.

The legislative program recommended by the task force would apply to all Federal crimes, and not just those that are drug related. It advocates modification of the bail laws to allow judges to consider the danger that a particular defendant poses to the community in setting or denying bail, as well as other changes that are necessary to protect the community. The task force also concluded that the exclusionary rule must be modified to allow into evidence items that had been seized by a police officer in the reasonable good faith belief that he was acting in accordance with the fourth amendment to the Constitution. The task force also recommended alteration of the Federal sentencing structure, to provide for more certain and uniform sentences, instead of the present unpredictable system in which judges and the Parole Commission have virtually unlimited discretion. This recommendation, modeled after the proposed Federal Criminal Code, would abolish the Parole Commission.

Since violent crime is primarily a State and local responsibility, the task force made numerous recommendations designed to assist those governmental bodies in their fight against crime. They included increased Federal assistance in locating fugitives, providing increased technical assistance in the areas of fingerprint identification, laboratory analysis of evidence, and exchange of criminal history information and statistics. They also recommended increased financial assistance for training State and local law enforcement personnel, prosecutors, and corrections officials.

One of the most pressing criminal problems is the presently overcrowded condition of most State prison systems, which affects the entire criminal justice system. In this connection, the task force recommended that $2 billion be provided by the Federal Government over a 4-year period to assist States in building and renovating prisons, with a 75/25 match requirement.

Since approximately 25 to 33 percent of crime today is committed by juveniles, the task force made a series of recommendations to improve the way in which the criminal justice system deals with offenses committed by juveniles.

One of the prime methods by which the Federal Government can assist in the fight against crime is through research and development of innovative programs designed to deal with crime. The task force was informed that a large number of very successful programs have been created, tested, and implemented through funding by the Law Enforcement Assistance Administration, including victim/witness assistance, the prosecutor's management information system, and the "sting" initiatives. They were also advised, however, that LEAA made a number of mistakes in its operation, and that you can't make crime go away by simply throwing money at it. Accordingly, the task force recommended that Federal funds be made available for research and development, but that funds be limited to the implementation of only those programs which have been proven effective by independent evaluation, with strict adherence to a reasonable time and match requirement.

Finally, the task force directly addressed the plight of victims. Again, just as an elderly victim may suffer physical consequences far more serious than a younger person, they may also be unable to obtain transportation to come to court or assist in the investigation and prosecution of a case. Being mindful of such things, the task force's recommendations were designed to insure that the victim is accorded his proper status by the criminal justice system through Federal standards for the fair treatment of victims.

While the problems of victims in general and the elderly in particular have historically received very little attention, a great deal has been accomplished in recent years to ameliorate these problems. Largely as a result of funding by the Law Enforcement Assistance Administration, research and development in the victim/witness area brought about the creation of model programs, that were successfully implemented and then replicated throughout the country. Some of these model programs, such as those that exist in Pasadena, Calif. and Tampa, Fla., deal specifically with the problems of the elderly. It is programs such as these that the task force had in mind when it recommended that Federal funds be provided for the implementation of programs of proven effectiveness.

The Task Force on Violent Crime was mindful of the extent of violent crime and the adverse impact it has on the elderly, the young, the poor, and all groups in our society. Moreover, this also led to a recognition that an effective approach to combating violent crime would not be found in viewing the problem as only involving the elderly, or the inner-city poor, or the young. Crime affects us all, and the

results of an effective crime program will insure to the benefit of all citizens. As George Sunderland stated when he testified before the task force: "I do not plead as another representative of a special interest group—the elderly. I plead for all noncriminal people in the United States because I believe those things that are done in the criminal justice system to help all noncriminals are going to help equally those older persons that I represent."

All of the task force's recommendations have been submitted to the Attorney General, who will conduct a thorough study of them in order to fashion a comprehensive legislative and fiscal program to combat crime. These recommendations provide a proposed framework for a coordinated program to help insure domestic tranquility for all of our citizens. As you are aware, the President is taking a hard look at budgetary resources. The Attorney General's review of the task force recommendations must be done in this context of the need to reduce the Federal budget.

Senator HEINZ. Mr. Harris, let me ask you if you are in agreement with the proposition, the statement, that although from an overall standpoint, the incidents of victimization of the elderly might be lower depending on the particular crime, whether or not you agree with the assertion that the consequences of being a victim to an elderly person are much more severe than they are to somebody else.

Mr. HARRIS. There are, of course, exceptions, but I do agree with that proposition as a general rule, yes.

Senator HEINZ. Second, in terms of what I will call crimes of greed, as opposed to crimes of passion, would you not agree that the elderly do suffer at least as high, if not higher, a victimization rate than other groups?

Mr. HARRIS. Yes; as to the classes of crimes of greed that I mentioned in my testimony, I agree——

Senator HEINZ. I do not mean bank robbery, obviously. I mean robbery, purse-snatching, burglary.

Mr. HARRIS. Yes, Senator, I agree with that.

Senator HEINZ. Would you agree that the elderly are, because of a variety of reasons, essentially much more fearful of crime than any other segment of our population?

Mr. HARRIS. Yes; if I had to pick one characteristic that would distinguish the elderly as a group, I would say it is the fear of crime in much greater proportion to other segments of the population.

Senator HEINZ. Could you single out what you believe in your task force report is the most single important recommendation to the President or to the Congress that deals with the elderly; and what has a positive effect on the circumstances you and I have just discussed and agreed upon.

Mr. HARRIS. I believe that the recommendations that deal with victims of crime, which include the elderly, are the most important, because what is contemplated, basically—and I guess I can put it in its most general terms—is a shift in the balance between the rights of individual criminal defendants and the rights of law-abiding citizens who often become the victims. Our society has been concerned with criminal defendants, and rehabilitation of defendants, and the defendant's plight, and have largely ignored victims, who are asking nothing more than to be able to live in their communities and not feel at risk, and I think that a recognition that the victims of crime and the potential victims of crime in this country have rights equal to those of any individual defendant are important, and those are embodied in the recommendations dealing with victims.

Senator HEINZ. You, I suspect, are referring to recommendation No. 13 and recommendation 64. Recommendation 13 reads:

The Attorney General should take a leadership role in ensuring that the victims of crime are accorded proper status by the criminal justice system.

Which a moment ago, you characterized as standards of fairness for both witnesses and victims, and recommendation 64 says that:

The Attorney General should order that a relatively inexpensive study be conducted of the various crime victim compensation programs and their results.

Are those the principal recommendations?

Mr. HARRIS. Senator, I would add two others, 62, which reads:

The Attorney General should establish and promulgate within the Department of Justice, or support the enactment of legislation to establish Federal standards for the fair treatment of victims of serious crime.

And also, Senator, No. 63, which deals with:

The Attorney General should study the principle that would allow suits against appropriate Federal Government agencies for gross negligence involving early release or the failure to supervise obviously dangerous persons, or the failure to warn expected victims of such dangerous persons.

Senator HEINZ. That would be a Federal statute applying to the Federal courts.

Mr. HARRIS. That is correct.

Senator HEINZ. Would that have much relevance to the muggers, rapists, and robbers, all of whom are convicted under State laws, for the most part?

Mr. HARRIS. I think that the effect that we would hope it would have is that there would be leadership and a role taken by the Congress in endorsing such a proposal that would hopefully find its way into the statehouses very quickly.

Senator HEINZ. We had testimony today that there is a great problem that our senior citizens have, either when they have been victimized, just as victims trying to recover, or even more difficulty when they are prospective witnesses; that it is not that anybody, per se, treats them unfairly, but that they actually need some supportive services, some of which are, and presumably others of which are not, available, generally speaking, in the country.

What in your recommendations, No. 62, or any other, will address that?

Mr. HARRIS. In the commentary of recommendation No. 62, Senator, which deals with the fair treatment of victims, we list several model provisions that we believe are indicative of the kind of fair treatment that victims should receive, and let me just read a few which might be illustrative.

To be kept informed by law enforcement agencies of the progress of their investigation. Once the subject is apprehended, to be kept informed by the district attorney as to the progress of the case, including any final disposition, when the victim so requests. This expectation also includes notification that the defendant has been released from custody. To be notified of any proposed discretionary disposition, that is, plea bargaining, and the terms thereof, including the plea and sentence bargain arrangement involving the accused perpetrator of the crime and any agreement by the prosecutor to accede to an insanity defense. After conviction, to be notified of any release of the defendant if such defendant was incarcerated, et cetera.

Senator HEINZ. We will put the entire thing in the record. Do you have a particular one you wanted to read?

Mr. HARRIS. Yes, there is one more I would like to read and then I will cease.

To be informed of financial and social service assistance available to crime victims. This includes receiving information on how to apply for such assistance and services.

There are others, and I will just submit them for the record.[1]

Senator HEINZ. Now, which of these cost money?

Mr. HARRIS. Well, most of them. The provision of services costs money. I believe that we can accomplish the notification and be more sensitive to the needs of people to be apprised of when court proceedings are going on without much money. I think it is a question of sensitivity more than funds.

Senator HEINZ. Well, the financial and social services that you are going to inform them about cost somebody—it may or may not cost the Federal Government money; it probably costs the State or local government money. The same thing is true of adequate witness compensation. As I understand the recommendation, you are saying that the State should have such programs; indeed, many of them do. They are quite different—they are more different than they are alike, from what I understand. But what you are saying is most of the price tag should be picked up by State and local governments, is that right?

Mr. HARRIS. What we said with regard to the funding of programs is that the Federal Government has a unique role to play in doing research and development of such programs, in putting on demonstration projects to prove that they work, in providing seed money for communities which would like to adopt them, and also providing technical assistance and know-how to communities, and in fact, to implement proven effective programs for a limited period of time, to demonstrate their worth in a particular community, and once demonstrated, the local community would be required, if they liked the program, to then assume the financial burden.

Senator HEINZ. But we agree on the following. No. 1, there sure is a need, right, there are real problems that our elderly have. Second, there are some pretty successful programs around. You have discovered that in the course of your investigation, and we have had some testimony here. Third, although in some instances, such as the case of the Sun City Posse, it is possible for these efforts of community self-help and other efforts to be self-supporting; in many cases, it is not possible, and therefore, most of these efforts, particularly in large urban areas, none of which are terribly well-off, cost money. And the question is who is going to pay for it.

Now, in Pennsylvania, the Governor of Pennsylvania last week announced that because of the budget cuts that we voted in August, he was going to have to cut funding for every single program in the State of Pennsylvania by 1 percent. That is not exactly additional funding for these necessary activities. If it is not going to come from the State, and if the tax base of our cities is not what we wish it was, and if we are cutting back on the budget, how

[1] See appendix 1, page 152.

are we going to implement any of these existing or future research and demonstration projects?

Mr. HARRIS. I think what we are really talking about is making some very difficult choices. The problem with the elderly is as follows: When taxpayers in local communities are deciding whether they would like a new library or hospital, or this or that or the next thing, the problems of the elderly are easy to ignore. Frankly, I think the way elderly are treated in this society is largely a disgrace, compared with some other societies in this world. And I believe that it is impossible for the Federal Government to provide the funding for all these programs. I think it is necessary to make some very difficult choices at the State and local level which say a lot about where we place the values in our society.

Senator HEINZ. Just as an observation, you mentioned libraries and hospitals. For the most part they are, in most communities, privately funded. I will be going to a dedication Saturday morning of Allegheny General Hospital in Pittsburgh. It cost $104 million to put up a brandnew wing of Allegheny General Hospital. The reason they had to put up the wing is not that they wanted to, but that the old wing became outdated by Federal regulations, and if they had not replaced it, medicare and medicaid payments would have been eventually cut off. All $104 million is from private sources. There is not a single sou, a penny, a centime, of Federal, State, or local money.

Crime enforcement is a Government responsibility; we all recognize that. Indeed, we do a lot of things, maybe rightly or maybe wrongly, to discourage individuals from getting involved in the criminal justice process. That is supposed to be part of the social contract, that we are going to keep our streets safe.

Now, philosophically, I am not going to disagree with anything that you have said, but given the fact we have a real problem, which we have just talked about, and given the fact that the Federal Government is cutting back on money to the State and local governments, and given the fact that they are having, therefore, to cut their budgets because of this, what do we do today, as opposed to 3 or 4 years from now, when hopefully, the country, and each community and each State will be better off.

Mr. HARRIS. I think the route that the task force recommended, the one that I will describe in a moment, is as follows. That we identify those areas that the Federal Government can peculiarly make a contribution, that it is not cost-effective for the States or local governments to spend money. That is, research and development, demonstration projects, seed money, and the implementation of these proven programs for a period of 3 to 5 years, after which, if a community says, "Yes, this is of value to the community, and we like it," then they will have to find the money to assume it.

What we are saying is that the Federal Government ought to go through the entire development, ought to provide the program if it is a proven effective program, ought to fund the operational funding for several years and then say, "Look, we have now demonstrated to you that this can do something for your community, and you now have to fish or cut bait."

There are no easy answers. I wish there were more money for this.

Senator HEINZ. How much is there for that, come October 1, which is about a week or so away? Let's have it out.

Mr. HARRIS. As you know, the 1982 budget has nothing in it for LEAA; it has $50 to $70 million in it for Office of Juvenile Justice and Delinquency Prevention, and very frankly, it would be very nice if we could use that juvenile justice money which the administration, as you know, did not request, for programs which we feel are more important in the law enforcement function, namely, programs of proven effectiveness.

Senator HEINZ. If you got that money transferred, would you actually spend it for these purposes?

Mr. HARRIS. What we propose is the fairest way to deal with the money that is available is to take all programs that will make our communities safer and say to communities, "Here is a list of programs of proven effectiveness. You decide which of them you would like in your community."

Senator HEINZ. A menu.

Mr. HARRIS. That is right. But all the programs on the menu would have been be proven to be effective. As you know, there is an awful lot of anecdotal evidence about what works and does not.

Senator HEINZ. One of the reasons LEAA, in my judgment, lost political support, one of the reasons the administration, I think, got its way in cutting LEAA, is that an awful lot of money went to hardware, went to things that did not, per se, have an impact on the quality of life. They were just objects. They might have been radios, they might have been squad cars, they might have been riot control vehicles back in the middle seventies. They might have been cartons of mace. Lord knows what they were. And the problem is that out of all that came not as much as we needed in terms of the management of our criminal justice system and the protection of our people, and that was the largest single problem, I think, that LEAA had, and let me tell you, we are paying for those problems many times over.

Mr. HARRIS. Senator, I think you have hit on the single greatest deficiency in law enforcement, and that is management. If the practices that major corporations have to apply to profitmaking ventures in order to be successful in a competitive environment were applied to law enforcement, we would be a lot better off than we are by investing in hardware. I could not agree with you more on that, Senator.

Senator HEINZ. Since you agree with me on that, let me try one other one and see how far we get on that. [Laughter.]

The somewhat newly elected Governor of Wisconsin ran on the platform that the job of the Federal Government was to, "Deliver the mail, defend its shores, and stay the hell out of our lives." It seems to me that Ronald Reagan ran on a somewhat similar platform. Now, we are in the process of spending a huge additional amount of money to defend the shores—$1.5 trillion over the next 5 years to defend the shores. Presumably, what we are doing is defending ourselves against foreign, hostile powers. But we have got hostile powers literally roaming our streets, whether they are a 16-year-old punk or some other, to quote Senator Cohen, "Scum of the swamp."

Now, isn't to permit the continued victimization of the elderly, No. 1, just morally repugnant, given what we know about them, and No. 2, isn't it just totally irresponsible for us, as we are turning our attention to all the foreign threats, to ignore the domestic threats to the security, and it is security, just as truly as any Soviet threat is a threat to our national security—of senior citizens, or the blind, or the disabled, or those people who are least able not only to defend themselves, but to survive after they have been attacked?

Mr. HARRIS. Senator, I think that domestic defense is equally as important as international defense. There is no question about that. I find myself to be a bit of a pessimist. I think that the promise in the Constitution of domestic tranquility is largely, in today's society, a hollow one. But I can go further than that. We were in Los Angeles for task force hearings when the people of Los Angeles voted down a proposition to provide themselves with more police officers. For the longest time, I could not understand how people who claimed to be so concerned with crime could at the same time go to the polls and vote that down. Finally, the answer that I arrived at after asking a lot of people, is that the people do not disagree that domestic defense is important; they just are not convinced that their money is being spent in a way which will really make them safer. And I believe that—to take the Los Angeles example—if they felt that 100 extra policemen in Los Angeles would somehow add to their own safety, they would have voted for it.

Senator HEINZ. I have to caution you that there are those of us who feel that when you have the largest metropolitan area in the United States, one without any noticeable mass transit system whatsoever, that it may not be typical of the United States of America. Los Angeles is, of course, a great city, but it is certainly different. It has the largest city limits of any metropolitan area on Earth, not an inconsiderable reputation.

Mr. HARRIS. But I should tell you also that the fact of voting down money issues for law enforcement is not just a phenomenon that we found in Los Angeles. And you have to ask yourself if the citizenry who elects the legislators and the like find this problem to be so important, why are they unwilling to commit funds. And I really believe that they, too, lived through the LEAA experience, and they do not believe that the money was spent in a way which really made them safer.

Senator HEINZ. Well, you may have touched on a very important problem, which is why are those referendums, or whatever they are, failing. I do not know the answer to that, and maybe you really have the answer, maybe you do know, maybe you can help do something about it.

Mr. Harris, thank you very much for your time, for your work, and for your answers. I think they are quite candid, and I appreciate that.

Mr. HARRIS. Thank you. I appreciate the opportunity to testify, Mr. Chairman.

Senator HEINZ. For witnesses George Sunderland and Victoria Jaycox, you will be pleased to know that it is now your turn. We appreciate your patience. We have obviously had a very full sched-

ule of witnesses. And I know that in many respects that you have a really important overview of all of this. You have been enormously helpful to my staff and me in preparing for these and other hearings.

I would only note that Frank Carrington, executive director, Crime Victims Legal Advocacy Institute, Virginia Beach, Va., will not be appearing. He has an emergency in his family, and he had to return to Virginia Beach. We will receive his statement and make it part of the record.

[The statement of Mr. Carrington follows:]

STATEMENT OF FRANK CARRINGTON, EXECUTIVE DIRECTOR, CRIME VICTIMS LEGAL ADVOCACY INSTITUTE, INC., VIRGINIA BEACH, VA.

Mr. Chairman, my name is Frank Carrington from Virginia Beach, Va. I appear today in my capacity as executive director of the Crime Victims Legal Advocacy Institute, Inc., Virginia Beach, Va.

By way of personal background, I am an attorney (LL.B., University of Michigan, LL.M., Northwestern University) and I am a member of the bars of the Supreme Court of the United States, and the States of Virginia, Ohio, Colorado, and Illinois.

I spent 10 years as a law enforcement officer, first as a U.S. Treasury agent, then as a legal advisor to the Chicago and Denver Police Departments, as well as serving as a criminal investigator in the U.S. Marine Corps.

I have had the honor to serve as Chairman of President-elect Reagan's Advisory Task Force on Victims; as Assistant Director for Policy Coordination (Criminal Justice) on the Reagan/Bush Transition Team; and, most recently as a member of the Task Force on Violent Crime of the Attorney General of the United States.

I also serve as vice chairman of the Victims Committee of the American Bar Association and as a founding director of the National Organization for Victim Assistance.

Mr. Chairman, I would like to keep my verbal testimony as brief as possible, because I am well aware of the demands on a Senator's time. For this reason I respectfully request that an article that I wrote for the Virginia Bar Journal, "The Crime Victims Legal Advocacy Institute: A Victims' Legal Rights Organization Is Formed in Virginia," VI Va. Bar J., No. 3 (spring 1980) at 4, be inserted in the record of these hearings.[1] The article is a résumé of the functions of the Crime Victims Legal Advocacy Institute and the entire concept of third party victims rights litigation, with which the institute is particularly concerned, and which will be the major thrust of this presentation today.

Before discussing this, Mr. Chairman, I would like to make myself clear for the record that, aside from the fact that I recently became a grandfather, I claim no specific expertise in the problems of the aging and the elderly. As my remarks about my background indicate, however, I have been working in the area of the victims of crime for some years; and, I believe that it takes no particular expertise to know that the elderly, especially the poor and powerless elderly—the inner-city dwellers—are probably the most vulnerable to victimization by the lawless and violent.

You have heard eloquent and articulate testimony about the plight of elderly victims—both actual victims, and those who live in constant fear of crime, to the point of being made prisoners in their own homes. I don't think I need to dwell on this further; however, I do take the liberty of applauding this committee for focusing public attention on one of the most shameful failures of our criminal justice system—the protection of those who need it most.

One final comment, if I may, before turning to specifics: One of the brighter spots on the horizon involving crime and crime victims, including, of course, the elderly, is that, for the first time in some years, this country has an administration that is deeply concerned with the problems of lawlessness and violence and particularly with the rights of victims.

Then-Governor Reagan set up an Advisory Task Force on Victims before he was even elected; President Reagan was the first to proclaim National Victims Rights Week in April of this year. Attorney General William French Smith, in one of the first acts after assuming office set up his Task Force on Violent Crime and I know from personal experience, as a member of it, that the plight of victims was one of our primary concerns. You have heard testimony to this effect from Jeffrey Harris,

[1] See appendix 1, page 158.

the executive director of the task force who seemed to believe that 18 hours comprised a normal working day, 7 days a week, as he directed the task force.

This concern for victims, I believe, emanates from the very top of the executive branch. Two of the highest ranking members of the President's staff, Edwin L. Meese III, Counselor to the President and Herbert E. Ellingwood, Deputy Counsel to the President spent their entire careers in the field of criminal justice and I know, again, from personal experience in working with them that they are totally dedicated to improving the system so that a proper balance is struck between the rights of the accused and the rights of law-abiding citizens who might become crime victims.

We also see enhanced interest in the rights of victims in the Congress of the United States, as these hearings so clearly demonstrate. Additionally, Senator Paul Laxalt is preparing, at this moment, an omnibus bill to advance the rights of victims, and Congressman Hamilton Fish of New York has created his own grassroots organization dealing with victims rights on the national level. In sum, Mr. Chairman, although the plight of victims, and, as noted, particularly elderly victims remains acute, there appears to be a very definite attempt on the part of the administration and the legislative branch, exemplified by these hearings, to do something constructive to alleviate the problem.

Turning now to specifics, Mr. Chairman, I will address several areas in which the Federal Government can act, without any major expenditure of funds, to deal with the plight of all crime victims, which, by definition would include elderly victims.

First, I recommend that this committee endorse recommendations 13, 53, 62, and 63 of the Attorney General's Task Force on Violent Crime, each of which deals directly or indirectly with the rights of victims.

Recommendation 13 simply states that: The Attorney General should take a leadership role in insuring that the victims of crime are accorded a proper status by the criminal justice system.

Attorney General Smith has already done so and to my knowledge is working with the White House on implementing various victim assistance programs. Additionally, the Attorney General, under questioning from Senator DeConcini during his confirmation hearings, avowed his concern for victims. I suggest to this committee an endorsement of recommendation 13 only to indicate that a concern for victims is bipartisan and embraces both the legislative and executive branches of government.

Recommendation 53 provides: The Attorney General should insure that: (a) Adequate resources are available for the research, development, demonstration, and independent evaluation of methods to prevent and reduce serious crime; for disseminating these findings to Federal, State, and local justice agencies; and for implementing these programs of proven effectiveness at the State and local level. (b) Grant awards for implementing such demonstrated programs require a reasonable match of State or local funds and be limited to a reasonable time period.

One of the programs of "proven effectiveness" was the victim/witness program in which LEAA made grants to State and local law enforcement agencies and prosecutors' offices to establish programs whereby victims and witnesses would be assisted in their trial and tribulations within the criminal justice system. This concept was pioneered by Hon. Donald E. Santarelli when he was Administrator of LEAA, and the record of the task force hearings indicates that this was one of the most stunningly successful programs that LEAA ever came up with.

The theory of victim/witness assistance by elements of the system is based, in the final analysis, on the enlightened self-interest; it is patent that if victims and witnesses perceive the system as caring for them, as individuals, they will be more willing to report crimes and to cooperate with the police and the prosecution. Since elderly victims are, as noted, perhaps the most vulnerable, and in addition have a tendency to be more retiring because of the problems of aging, it would appear to be obvious that any program that helps to smooth the way of victims through the system would have a particular beneficial impact on elderly victims.

I realize, Mr. Chairman, that fiscal austerity is the watchword today; but, I respectfully suggest that money expended to assist victims of, and witnesses to crime is money that, in view of the current crime crisis in this country, we cannot afford not to appropriate and spend.

Recommendation 62 of the task force report is: The Attorney General should establish and promulgate within the Department of Justice, or support the enactment of legislation to establish, Federal standards for the fair treatment of victims of serious crime.

This recommendation creates what might be called a "victims bill of rights." There was some semantic argument by the members of the task force whether we

should actually entitle the recommendation as a "bill of rights"; but, the members were in unanimous agreement as to the substantive provisions.

Basically, this recommendation would guarantee to the victims of Federal crimes certain actions in their behalf to be taken by U.S. attorneys. The listing of these actions to be taken is rather comprehensive; I request, in order to save time, that pages 88 and 89, "Federal standards for the fair treatment of victims of serious crime" of the Violent Crime Task Force, attached herein, be incorporated into and made a part of this testimony.

Recommendation 62, in brief summary, simply requires that victims and witnesses be kept advised of proceedings at every step of the criminal justice process in cases in which they are involved: Investigation; prosecution; plea and sentencing negotiation; release, under any condition of the perpetrator; and of any social services, such as restitution or compensation available to them. The recommendation also provides for such things as employer and creditor intervention by the prosecuting authorities; secure witness waiting areas during trial; protection from intimidation, and so on.

The task force members felt that, in view of the lavish safeguards for criminal suspects and convicted criminals in our system, the standards in recommendation 62 were a bare minimum of services that should be accorded to victims and witnesses. We also hoped that if the Federal standards are implemented, through Senator Laxalt's omnibus victims legislation mentioned above, they would serve as a model for State legislation to the same effect. Indeed, New York, Oklahoma, and several other States have already begun to implement them.

Here again, the implementation of the standards, or "bill of rights," whatever they may be called, would have a direct and very beneficial impact on the elderly who are victims or witnesses. For example, it might appear, on the surface, to be a small thing to require separate and secure witness accommodations for victims; but, to an 83-year-old female victim who is in a wheelchair because she was assaulted and robbed by three young hoodlums, it might be a very big thing, while awaiting to testify, she is not required to share the same witness room with the family and friends of her assailants.

Recommendation 63 is as follows: The Attorney General should study the principle that would allow for suits against appropriate Federal governmental agencies for gross negligence involved in allowing early release, or failure to supervise obviously dangerous persons, or for failure to warn expected victims of such dangerous persons.

This is an "accountability" provision, which, in turn, leads into the issue of "third-party victims rights litigation." The latter appears, at first blush, to be a highly technical, legalistic term; but, in actuality, it only defines the principle that the victim of a crime should have a right of recovery not only against the perpetrator of the crime (who is usually uncollectable) but also against a third party whose gross negligence made it possible for the perpetrator to commit the crime in the first place.

A recent case decided by the U.S. Court of Appeals for the Fifth Circuit, now being reheard by an *en banc* court, illustrates this principle dramatically. The case is *Payton* v. *United States,* 636 F.2d 132 (1981), and it involves a certain Thomas Whisenant, a member of the Air Force who was sentenced to 20 years in Federal prison in 1966 for the assault with intent to murder of a female member of the Air Force.

Despite almost unanimous psychiatric evaluation that Whisenant was a homicidal psychotic, he was released after serving about one-third of his sentence, whereupon he kidnaped, assaulted, murdered, and mutilated the bodies of three women. The husband of one of the victims sued the U.S. Board of Prisons and the Federal Parole Board under the Federal Tort Claims Act for gross negligence in the release of Whisenant and the panel of the court held that the victim's husband had stated a cause of action.

This holding broke new ground in the area of third-party accountability to victims; but, as noted above, it is being reheard by an *en banc* court. Recommendation 63 merely seeks to institutionalize, in the U.S. Code, the principle that gross negligence in the handling of prisoners which causes victimization of others should be actionable.

Opponents of this measure say that it would lead to a multiplicity of lawsuits and deter "independent" and "fearless" decisions whether or not to release by correctional officials. Those who favor the measure, of whom I am one, counter by pointing out that: (1) Liability would be limited to cases of gross negligence, so there would be a rather well-defined standard of liability; (2) if Federal correctional officials were put on notice that their gross negligence could cause governmental liability, they would have a decided incentive (if only in their own self-interest) to

tighten up procedures in the handling and release of prisoners thus actually preventing lawsuits, but, of far more importance, preventing victimization such as happened in the Whisenant situation where three women were brutally murdered.

Mr. Chairman, I was the member who suggested this recommendation to the task force and I yield to no one in my unqualified admiration for our professional correctional officials who have, in my opinion, the most difficult job in criminal justice today. The thrust of recommendation 63 is not to "second-guess" the good faith dispositions of correctional officials; on the contrary, it addresses only those cases of gross negligence, cases in which reasonable minds could not differ that the disposition in question jeopardized the safety of society to such an extent that innocent parties, which of course would include the elderly, were victimized.

Finally, Mr. Chairman, it should be noted that the record of the task force hearings reflect that the four correctional experts who appeared before us: Norman Carlson, Director of the Federal Bureau of Prisons; Allen Breed, Director of the National Institute of Corrections; Amos Reed, director of corrections for the State of Washington; and John Manson, director of corrections for the State of Connecticut, all stated that they favored some sort of accountability provision such as recommendation 63.

This concludes my testimony, Mr. Chairman. I fear that it has not shed much light on the problems of aging and the elderly as such; however, if it has been helpful in pointing out some ways that the plight of the elderly as victims of crime might be alleviated, then I hope that it has accomplished its purpose.

Senator HEINZ. Mr. Sunderland, would you be your leadoff witness, and we will save Ms. Jaycox for "clean-up."

STATEMENT OF GEORGE SUNDERLAND, WASHINGTON, D.C., SENIOR COORDINATOR, CRIMINAL JUSTICE SERVICES, NATIONAL RETIRED TEACHERS ASSOCIATION/AMERICAN ASSOCIATION OF RETIRED PERSONS

Mr. SUNDERLAND. Thank you, Mr. Chairman. I know you are pressed for time. It has been a very tiring day.

I am George Sunderland. I am in charge of the criminal justice services. We are one of the biggest organizations in the world, NRTA-AARP.

Senator HEINZ. Before you proceed, I think it is worth noting that you have had a little bit of Hill experience. You were head of the White House Police Force, as I understand it.

Mr. SUNDERLAND. Yes, Senator, I was a captain of the White House Police, and I was on the city police force prior to that.

I do commend the committee, Mr. Chairman, and particularly the devotion of your staff to this subject. I think you are an inspiring leader, because they have been diligent in prying into our files and into what we have in trying to get some background information for these hearings. I respectfully commend you and your committee for your efforts into this worthwhile and very important area.

I have submitted a report, Mr. Chairman, and I would like to have that inserted into the record.

Senator HEINZ. Mr. Sunderland, without objection, your report will be made a part of the record.[1]

Mr. SUNDERLAND. Thank you, sir.

Now, with the press of time bearing upon me, I would like to cover just a few items. You have already heard the controversy, which grieves me, as to whether older people are most or least victimized. Now, I am not concerned particularly if they are the most or the least, but I am concerned in getting accurate information, for only with that can we develop the appropriate responses,

[1] See appendix 1, page 167.

as we do in my office, training programs for police and community programs, and things of that nature.

And I might say this, as Mr. Harris briefly touched upon, we are the most victimized by specific crimes, and we are the least victimized by other crimes. And it is important when, whatever direction you take, to bear that in mind, to have good information so that we do not misdirect our efforts.

As an example, in St. Petersburg, Fla., when we conducted a study of that city, fewer than 20 percent of the population sustained 78 percent of the purse-snatchings for one particular year. Now, that is not identified in the FBI UCR, because purse-snatching is buried either in larceny or in robbery. You must split them into either subgroups, because we are principally victimized by mugging or strong-arm robbery, and by purse-snatching, both of which we classify as robbery.

Senator HEINZ. Would it be fair to divide crimes into street crime and all other kinds of crime, if one could do that statistically, and then say that the elderly are more victimized by street crime other than homicides, than any other group?

Mr. SUNDERLAND. Generally speaking, we would be. Those crimes that are practiced on the street bear heavily upon us where you have older populations; yes, I would say that.

Another point that I think may cause you some particular notice because of the conflict, our population does suffer the most heavily by what we call in the trade "vicarious" victimization.

For example, we had an aberration in Columbus, Ga., not too long ago, where seven older ladies were rape-murdered. But it was very local, and we know from experience, it is almost undoubtedly one or two psychotics. Now, the whole State and adjacent States were paralyzed. Older ladies were moving in with their children. We call that vicarious victimization, and there are ways to deal with this kind of problem.

The programs that I recommend do not require large dollars, and I am sure that that is good news for your ears. Some money is required, and I do think there is a distinctive Federal role.

Community efforts for the prevention of crime have been so effective for reducing the kinds of crime that prey the most heavily upon our population, and these are crimes of opportunity. These community-based crime prevention programs are indeed very effective.

Now, we have another class of criminal which I think requires a larger Federal role, and that is the serious habitual offender. Statistics, in study after study, show conclusively that a very few people commit an extremely large amount of crime. They are not capable of rehabilitation. They have chosen crime as a career. And I would like to see such programs, the Federal programs as the integrated criminal apprehension program and the STING program as models, until they are institutionalized into local departments.

I am pleased that we are placing emphasis on the victim. I think for too long, the victim has been left out of the criminal justice system.

I think that summarizes my high points, and I appreciate the opportunity, Mr. Chairman, and after additional testimony, I would be pleased to answer whatever questions you may have.

Senator HEINZ. Mr. Sunderland, before I turn to Ms. Jaycox, let me make sure I understand something you said. Did I understand you to indicate that you felt that there was a good deal of progress being made in crime prevention, but that vicarious victimization was taking a very heavy toll, and that you had a specific recommendation in that regard?

Mr. SUNDERLAND. Yes, and I am sorry if my brief testimony may be misleading in some aspects. A well-structured community program will deal effectively with vicarious victimization. And if it is based on accurate information, I think the best way to deal with people is to tell them the facts, and quite often, the facts are not as bad as what they perceive them to be.

Senator HEINZ. Thank you. Ms. Jaycox.

STATEMENT OF VICTORIA H. JAYCOX, WASHINGTON, D.C., DIRECTOR, CRIMINAL JUSTICE AND THE ELDERLY PROGRAM, NATIONAL COUNCIL OF SENIOR CITIZENS

Ms. JAYCOX. I am Victoria Jaycox. I am director of the criminal justice and the elderly program, which is sponsored by the National Council of Senior Citizens. The council is a network of about 3,800 clubs and chapters across the country, which comprise about 4 million older members.

Our program has been working with projects across the country for the past 4 years to try to tell people how to do something about what has turned out to be an increasingly severe problem for older people.

I am not going to duplicate what other people have said about the problem of crime against the elderly and what should be done today to combat that problem.

Senator HEINZ. That is a tall order.

Ms. JAYCOX. A lot of my prepared statement, you will find, does that. I think that it is only good news that many of us have a lot of similar things to say.

Senator HEINZ. Well, let me assure you we will put your entire testimony in the record.

Ms. JAYCOX. That is fine.

[The prepared statement of Ms. Jaycox follows:]

PREPARED STATEMENT OF VICTORIA H. JAYCOX

Thank you, Mr. Chairman, for inviting me to testify before this committee on the subject of crime against the elderly.

I am representing today the National Council of Senior Citizens, a network of nearly 3,800 clubs with almost 4 million older members, and its criminal justice and the elderly program.

The CJE program is designed to address a devastating problem in the lives of many older Americans, who, studies show, consider crime one of their most fearsome concerns, often ranking it above inflation, inadequate health care, loneliness, and other sources of distress in old age. Our program conducts research and provides information to others on how to reduce the harm which crime and the fear of crime is of major concern to senior citizens.

For the past 4 years, the CJE program has worked with and studied local projects across the country which provide services to potential and actual elderly victims of

crime. Our research and the testimony you have heard today indicate that there clearly are a number of constructive services and strategies which can be employed to counter crime's impact. Pilot projects have shown, for example, that crime prevention techniques, especially those techniques where neighbors look after neighbors and where youth work with seniors, can help to reduce both crime and the fear of crime among senior citizens. The evidence is also beginning to accumulate on the benefits of emergency assistance for older victims of crime—assistance which can help them to overcome the intense fear they feel after victimization and to resume a normal life. And perhaps most important of all, seniors have demonstrated their capacities to take their places as volunteer and paid organizers, leaders, and workers in local efforts against crime.

Much of the credit for the initial experimentation in this area should go to the Law Enforcement Assistance Administration. LEAA, through its citizens' initiative program and its community anticrime program, provided the seed money for two innovations which have proved to be especially beneficial for older persons—community crime prevention and victim assistance.

Three other Federal agencies have also contributed to research and development of anticrime programs for the elderly: The Community Services Administration; the Administration on Aging; and the Department of Housing and Urban Development.

In 1977, in an unusual coordinated effort, these four agencies and two private foundations joined in funding a $5 million, 3-year research and demonstration program in seven sites, aimed at learning about and reducing the incidence and impact of crime against senior citizens. An evaluation of this program was in great part favorable. It found that the elderly "seem to be genuinely interested in and receptive to crime prevention information and prepared to change their behavior as a result of this information," that the "education and prevention measures in these communities indicated considerable success," and that "the initial experiences of the victims with the program were highly favorable." [1]

Beneficial or not, though, these anticrime service programs face hard times ahead, brought on in great part by the termination in Federal funding for criminal justice services which LEAA provided. Thus, not only is there little prospect of launching new anticrime programs modeled on these exemplary strategies, but the models themselves are falling prey to wholesale cuts in funding.

To continue to exist, anticrime programs are now looking toward sources of funding which have traditionally gone to other social services, at the same time that these social services are struggling to keep afloat because of budget cuts of their own. Clearly, there is not enough money even to continue successful anticrime services at their current levels. And so a larger number of them are being gutted at a time when their services are still too few and far between to reach the average elderly person, much less those seniors most in need—the isolated elderly, and those living in our center cities.

For programs like ours, which have advocated to make anticrime programs available in every community as a normal public service, these current cuts are calamitous.

But simply bemoaning this fact is not enough. Being realists, we are looking for new solutions which fit with the current economic realities.

One avenue we are pursuing has not only some promise as a stopgap solution to this problem, but also the potential for assuring that anticrime services are available over the long run to a greater number of older persons. Our idea is that, even in today's climate, it is not unrealistic to expect persons who work with the elderly on a daily basis to be able to recognize and deal with the crime-related concerns of their clients. This is possible because, as many projects have demonstrated, the skills of crime prevention and victim assistance are not difficult to master and are well within the competence not only of professionals but also of paraprofessionals and volunteers who provide services to the elderly.

For example, people who work one-on-one with the elderly (such as visiting nurses, homemaker aides, counselors, and the like) can use their "crime resistance" and victim assistance knowledge in the course of their work without becoming overwhelmed with new responsibilities. And those who work with the elderly in groups—notably senior center staff—can find it rewarding to add the crime-related concerns to their service programs—properly organized and run, a crime prevention education program, for example, will be very well received by the center's participants, and will noticeably brighten the outlook of some of them.

---

[1] George F. Bishop et. al., "An Impact Evaluation of the National Elderly Victimization Prevention and Assistance Program," Behavioral Sciences Laboratory, University of Cincinnati, 1979.

With few exceptions, though, the elderly service network does not include these kind of anticrime services today. In great part, this is because those who deal most often with the elderly know little about the malignant role crime plays in the later years, or how the dread or suffering caused by crime can be eased.

The reasons for their notable lack of concern and expertise are not difficult to imagine. The academic and work experience of persons in the aging-service network focuses on those subjects covered in the Older Americans Act: Home care, nutrition, recreation, health care, employment, and the like. In fact, a reading of the Older Americans Act will find that not once, under any of its titles, are crime prevention or victim assistance mentioned as desirable components of a comprehensive package of social services for senior citizens.

It is not surprising, then, that our recent review of fiscal year 1979 training conducted in the United States under title IV-A funds found that only two area agencies on aging offered courses in crime prevention for the elderly. Further, out of the 200 programs in gerontology in this country, only a handful now offer a course which deals with the problem of crime against the elderly.

Because of this neglect, integrating crime prevention and victim assistance services into existing services for the elderly would require a major effort on the part of a number of Federal agencies, aimed at reorienting and educating their constituencies about this topic.

Recognizing this need, the members of the National Council of Senior Citizens voted at their 15th constitutional convention in support of the following recommendation: Resolved that: *The widespread public neglect of the elderly as actual or potential crime victims should be reversed through a program of education to increase understanding of the problem and what can be done about it.*

This NCSC resolution went on to specify that:

The 1981 White House Conference on Aging should treat crime against the elderly as a separate topic for discussion because it ranks very high on the list of seniors' concerns, and with ample reason.

The Administration on Aging should insure that schools of gerontology and training institutes teach the staff of senior-serving agencies to understand both the problem of crime in their clients' lives, and how their own agencies can reduce that problem.

The Department of Housing and Urban Development should provide a similar kind of training for the staff and tenant leaders of the federally assisted housing projects with a large number of elderly residents.

The Department of Justice should provide widespread training for police, prosecutors, judges, and staff of existing crime prevention and victim assistance projects on the special needs of the elderly with respect to crime.

The National Institute of Mental Health should begin a program of education for staff of community mental health centers describing the major impact which crime has on the mental health of senior citizens and the benefits to be gained from crime prevention services and from crisis counseling for elderly victims.

We are encouraged that the first of these suggestions is now being pursued and that crime will be one of the topics for discussion under two separate workshops at the White House Conference on Aging.

We firmly believe, then, that education for persons who work with senior citizens so that they can do their jobs more effectively is one possible solution.[2]

A second possibility that we are pursuing shows great promise of expanding, or at least maintaining, anticrime services at a relatively low cost. It is to develop within existing crime prevention and victim assistance programs a corps of trained, reliable, productive older volunteers.

Of the many qualities about older Americans which make them excellent prospects to enlist as volunteers in the war on crime, perhaps the most important springs from their deep concern about crime. Study after study has shown us that fear of crime is a major cause of stress in old age, even among older persons who in most respects lead active, involved lives. Among these concerned, active seniors are many who would leap at an opportunity to do something positive to fight crime and the suffering it induces.

But the motives for volunteering go beyond the elderly's justifiable outrage about crime. As one project director in Tampa said of her elderly victim counselors: "They are not only performing a great service to others—they are getting a lot in return.

---

[2] To aid in this education, our criminal justice and the elderly program has developed a course curriculum on, "Effective Responses to the Crime Problem of Older Americans." It describes the whole range of services which can be brought to bear on this problem. In addition, the Criminal Justice Services of the National Retired Teachers Association/American Association of Retired Persons has developed and tested a comprehensive training program for use with police departments entitled "Law Enforcement and Older Persons."

There are a lot of needs being met there." [3]—needs like restoring power and dignity to older people, and a sense that their contributions to society did not end with retirement. And there appears to be an added benefit for older persons who are involved in neighborhood self-help efforts, according to recent research. They tend to be less afraid of crime once they are involved than are their senior neighbors who stay inactive.

Another noteworthy quality about America's elderly is that a great many of them are active in centers, clubs, and organizations of all kinds. For anticrime programs, it is well to note that they do not have to recruit seniors one volunteer at a time. Rather, a large number of them can be reached in a recruitment effort aimed at their already-existing organizations. The 3,800 clubs and chapters of the National Council of Senior Citizens, comprised of nearly 4 million members, are good evidence of the kind of "senior power" that can be consistently tapped in response to a demonstrated community need.

The merit of staffing anticrime programs for seniors with older volunteers is evident. What is more, because we are already beyond the experimental stages in developing such programs, there is little need for Government to be involved in extensive research or model development. What is needed from governmental and private sources, though, is help with promoting the idea of self-help anticrime programs for the elderly, and backup assistance and support for those who want to put similar programs into place.

And once again, education and training are critical elements. Because the success or failure of volunteer programs is mainly dependent on the adequacy of the planning for and management of these programs, new resources need to be put into in-depth training for program administrators and leaders on the what, why, and how of planning and managing an anticrime program using older volunteers.

Our judgment is that the logical sponsors of anticrime services for the elderly are the Administration on Aging and the network of State and area agencies on aging set up under the Older Americans Act. To enable this network to take on the task, though, the commitment of the U.S. Congress should be made clear in two fashions.

First, at the earliest possible opportunity, the Older Americans Act should be amended to include crime prevention and victim assistance as essential social services which can be supported with OAA funds.

This legislative permission for anticrime services will have little weight, though—and might even take away from other equally critical social services—if additional funds are not provided to give teeth to the new language.

And so our second recommendation is to include in the appropriation for the Older Americans Act funding for a national demonstration program to provide education for professionals, paraprofessionals, and volunteers on self-help anticrime services for the elderly. Such a demonstration program could be administered by a federally funded National Center on Criminal Justice and the Elderly, which could, once established, carry on permanently the education which is so vitally needed if we are to make any headway against the kind of problem you have heard about today.

Ms. JAYCOX. I do want to make a couple of points. One thing that has not been talked about today, and something, I think, which needs to be considered, is that there is a real funding crisis occurring in the country right now. You have seen today, programs which are very successful, many of which have succeeded in getting local funding, to become institutionalized in their communities. But there are hundreds and hundreds of other programs out there, some of them attached to police departments, but most of them attached to community organizations, which are undergoing major budget crises. There is no more LEAA money to support them, so we have to ask ourselves: What are we going to do to get through this dry period of funding for such programs? And I hope it is only a dry period and is not a permanent drought.

One of the ideas that our program has been studying for the past year is that of getting service providers in the aging network more concerned about and more able to deal with this problem. There

[3] "Tampa Seniors Help Peers Recover from Crime," Criminal Justice and the Elderly Newsletters, John H. Stein, ed., fall 1979, page 8.

are two reasons that elderly services do not presently give crime the same priority that their clients do, I believe. First if you will look at the Older Americans Act, nowhere in any of the titles is there anything mentioned about the problem of crime and the elderly. Nowhere in the lists of all the kinds of services, legal and social services, that can be provided, are crime prevention or victim assistance even mentioned. In other words, the act does not even give permission to the aging network for these services, other than under the category of "any other services." This is obviously not much of a mandate for people who provide services to older people to do anything about crime.

The second reason, I think, is that there is not enough money to go around for the basic services which are already being provided in the aging network, let alone to add new anticrime services. In order to add new services without new funding, it is going to be necessary for agencies to integrate these new services into ones they are already providing. In other words, people who already deal with senior citizens on a daily basis need to learn how to provide some services in the areas of crime prevention and victim assistance. For example, a visiting nurse who is in someone's home can go around and check for security risks and call in the police department for help, perhaps, if she finds any; or a homemaker's aide, who finds an older person in great distress because she has been a victim of crime, will know how to counsel that person and to refer them to the proper services in the community. Obviously, people who work with the elderly know what the existing services are; that is their job. But they are not focusing in on the problem of crime, and they are not doing very much about it. So our idea, basically, is to get a massive educational effort underway to inform service providers about how to deal with crimes against the elderly.

To stimulate such an effort, I would second what Sally Robinson recommended earlier—an amendment to the Older Americans Act, which would include the explicit permission to spend OAA money on crime prevention and victim assistance.

Senator HEINZ. On that point, I will be moving to amend the Older Americans Act, introducing legislation to make that change in it to make the provision of victim/witness assistance and other criminal justice services a priority service, eligible service, under title III. I think it is absolutely essential. We just cannot sit by and watch this tidal wave of fear engulf our senior citizen population. For us to do so, I think, as I indicated to our last witness, would be morally repugnant and frankly, would be an insult to our national consciousness, just to sit by and do nothing.

Ms. JAYCOX. I am very glad to hear that.

Senator HEINZ. I also intend to work with Senator Pryor, and he and I hope to come up with a much tougher sentencing bill for those who prey upon the elderly, the blind, the disabled, or other people who are much more likely to be victimized because they are thought to be less able to defend themselves.

Ms. JAYCOX. I am very pleased to hear about the Older Americans Act amendment. But in making this recommendation, I want to make it clear that I am not naive enough to think that there is currently enough money in the Older Americans Act to permit new services to be added to existing ones. In fact, I think in order to

make this thing possible, there is going to have to be some kind of additional provision made for a national demonstration program in this area. My idea in this respect—and I hope you will get some ideas from some other people who are working in the aging network—is to fund a national center on criminal justice and the elderly which could have several functions. It could educate people in the aging network about this topic; it could reach out to older people, to try to promote the idea of how much they themselves can do; and it could provide advice on how to plan and manage these kinds of anticrime programs. I think that is the kind of help that is needed. So my suggestion would be for a demonstration program in this area, in addition to legislative permission in the Older Americans Act, so that crime prevention and victim assistance services could become fully integrated into the services already available to older persons.

Senator HEINZ. On your last suggestion—and I think it is probably your most important suggestion—we do have a National Institute of Justice. Is there any reason why the National Institute of Justice could not be directed to perform exactly the same kinds of duties that you would see given to a national center for crime and senior citizens?

Ms. JAYCOX. I am a little concerned about that idea. Now that there is so little money left for criminal justice, I don't know that we should try to push onto what is essentially a research shop, the National Institute of Justice, all the other kinds of nonresearch projects which are now being ignored or abandoned.

In fact, I was an employee of the National Institute of Justice and know the kinds of pressures for funding and the kinds of needs for research they face. I wonder if this ongoing kind of education program is something that they should be involved in. I cannot answer that. I think someone should be given a mandate in the area of crime against the elderly. It will take some money, though, and I think that the money needs to be earmarked for it.

Senator HEINZ. It would certainly seem so. Universities are always engaged in research, education, and outreach, in a sense demonstrating that what they are teaching has some validity in the world. Is there something about the National Institute of Justice that would make it inherently the wrong institution upon which fold out of there——

Ms. JAYCOX. No; NIJ would probably be quite surprised, though, to be given this kind of a task. I think that, because we are talking about special services in the aging network for older persons, such services and education should be provided for in the Older Americans Act, under titles III or IV.

Senator HEINZ. Mr. Harris suggested that there really ought to be a menu from which people could choose at the local level of demonstration programs. He and you were saying programmatically—I do not know about financially—the same thing, that there should be some general agreement and effort to implement demonstration programs that have merit. And I gather there is really a lot of agreement between you on that point.

Ms. JAYCOX. It is really just disagreement about in fact——

Senator HEINZ. Where the money comes from and maybe even when.

Ms. JAYCOX. Yes; he talks about taking money out of juvenile justice programs, which are of critical importance, in my judgment, and putting all that money in another pot, just to satisfy whatever other whims of the moment there are. I cannot agree with that. I think there are some very important problems. One of them is juvenile justice. And I do not really agree with the idea of taking money out of say, nutrition services or juvenile justice services, to meet other needs. I think more money should be provided if we are serious about getting into new areas.

Senator HEINZ. Well, I think that we should be very candid and frank about that. The fact that we may make criminal justice services an eligible priority service somewhere under title III is not going to increase the amount of money for all the other services that have to be provided out of title III.

Ms. JAYCOX. Right, right.

Senator HEINZ. I would not want anybody to be misled. There may be some communities where that would be helpful, where they have felt a little constrained by the past and even the present strictures of the Older Americans Act, but as you quite properly point out, it would be a mistake to assume that this is some major change and that it is going to be the way of the future.

Ms. JAYCOX. I agree.

Senator HEINZ. Well, Mr. Sunderland and Ms. Jaycox, you have been extraordinarily valuable to us. I thank you for your patience.

Ms. JAYCOX. It has been a pleasure.

Senator HEINZ. You heard a lot of testimony that was similar to yours, but your testimony has given a considerable amount of weight to suggestions you have made that builds very effectively upon the testimony of our other witnesses. We are grateful to you.

As we do with our other witnesses, we look forward to working closely with you in the future. Thank you so very much.

Mr. SUNDERLAND. Thank you, sir.

Senator HEINZ. The hearing is adjourned.

[Whereupon, at 1 p.m., the committee adjourned.]

86-411 O—81——6

A P P E N D I X E S

Appendix 1

MATERIAL RELATED TO HEARING

ANALYSIS OF THE FINAL REPORT

ON

THE ECONOMIC, SOCIAL, AND PSYCHOLOGICAL

IMPACTS ON THE ELDERLY RESULTING FROM

CRIMINAL VICTIMIZATION

INFORMATION PROVIDED FROM THE FINAL REPORT (JULY, 1980) PRODUCED BY THE PROGRAM IN APPLIED SOCIAL SCIENCES AND LABORATORY FOR BEHAVIORAL RESEARCH ON AGING, UNIVERSITY OF MIAMI

Paper presented at the Special Committee on Aging of the U. S. Senate, Washington, D. C., September 21-22, 1981, by Detective Thomas Banks, Metro-Dade Police Department, Dade County, Florida.

INTRODUCTION

While there has been a high level of interest in the effects of crime on the elderly, there has been almost no data on the problems with the exception of information on rates of victimization, which are almost uniformly reported to be lower than those for persons under age 65. Rate data does not provide any information as to the actual impact of those crimes which do victimize the elderly, nor do such figures reveal anything in regard to differential impact of types of crimes on subgroups of older persons.

The University of Miami Institute for the Study of Aging (now the Laboratory for Behavioral Research on Aging), through a Grant from the Administration on Aging (Department of Health, Education and Welfare - DHEW) had worked collaboratively with the Dade County Public Safety Department (now the Metro-Dade Police Department) and the City of Miami Police Department to determine the psychological, sociological, and economic impact of victimization of the elderly.

The focus of the study was aimed at elderly victims of crime as it pertained to the impact they suffered, and the relation of reported impact to the nature of the crime and the socio-demographic characteristics of the victims.

Crucial areas pertaining to the elderly victim - psychologically, socially, and economically - resulting from particular types of crime and the consequences of these impacts on the lives of these victims were examined. For example, a victim may suffer certain kinds of psychological trauma, economic loss, or social withdrawal as a result of being victimized. These are problems which cannot be understood by looking at rates of crimes or types of crimes occurring with the elderly population. These are areas of concern which directly relate to the victim and his/her experience. What is the impact on the elderly person, the one robbed of his money derived from a social security check, who has no other financial resources to carry him? What is the impact of sexual assault on an elderly woman who must live alone or even after victimization must continue to travel in high risk areas because of work or some other necessity? What is the impact of the burglary which violates the elderly person's last safe haven, the home?

The study sought to distinguish between impact, as discussed earlier, and the more general problems of rate and fear of crime. The study sought to collect information on a number of aspects involving crime and the elderly which have not been extensively treated in other research. One of the most significant of these aspects was to focus on all types of crime, not just "Index" crime. The seven major Class I Crimes (Index Crimes) are the categories of crime most frequently looked at; however, Class II Crimes, something which have rarely been examined in studies involving the elderly, include simple assault, vandalism, and various fraud and confidence schemes which are the types of crimes having potentially serious consequences for the elderly.

The victimization study involved the collection and analysis of police reports on 2,092 elderly victims in Dade County, Florida; interviews of about one hour's duration with 384 victims, and the subsequent analysis of more than 300 responses and items of demographic information from each victim. The final report contained 128 pages, including 39 tables. Thus, this paper will only highlight the findings and major implications of the report.

TYPES OF CRIMES AGAINST THE ELDERLY

For the 2,092 cases which involved complete data, the Uniform Crime Reporting (UCR) Codes indicated the following breakdown of elderly victimizations: 32% Larceny, 25% Burglary, 17% Vandalism, 9% Robbery, 6% with no UCR Code (lost/stolen property), 4% Assault, 4% with other Class II UCR Codes, and 3% Motor Vehicle Theft.

Something not recognized in other data dealing with Class I Crimes is the significant experience of vandalisms impacting on the elderly. Since vandalism, as it occurs with the elderly, is most often directed against the residence, it seems likely that there may be a significant amount of impact on the elderly victim suffered as a result of these intrusions on not only their privacy, but their basic security within their homes.

RATES OF REPORTED VICTIMIZATION FOR ADULTS AGED 65 YEARS AND OLDER IN DADE COUNTY, FOR THE MONTHS OF JANUARY, FEBRUARY, AND MARCH, 1978

DATE	ELDERLY VICTIMIZATIONS	TOTAL REPORTS OF VICTIMIZATION	RATE PER 100 REPORTS
Jan. 1978	254	14,206	2/100
Feb. 1978	262	14,510	2/100
Mar. 1978	281	16,575	2/100

These figures reflect all types of crimes reported to Metro-Dade Police, including vandalisms, fraud, and other Class II Crimes, as well as Class I offenses such as breaking and entering, robbery, assault, etc.

PERCENTAGE OF CLASS I AND II CRIMES IN THE INITIAL SAMPLE AFFECTING ELDERLY VICTIMS

CRIME	NUMBER	PERCENTAGE OF ALL ELDERLY CASES
CLASS I		
Murder/Manslaughter	-	--
Rape	2	less than 1%
Robbery	51	6%
Assault (aggravated)	22	3%
Breaking & Entering	179	22%
Larceny	261	32%
Auto Theft	22	3%
CLASS II		
Fraud/Confidence	11	1%
Vandalism	171	21%

(Other Class II Crimes account for remaining cases)

The data seems to indicate that breaking and entering, larceny, and vandalism seem to account for the largest portion of victimizations.

VICTIM CHARACTEPISTICS

Elderly victims were mostly male (53%), rather than female (47%). The proportion of male to female persons over 65 in the population in Dade County is approximately 36% male and 64% female. This is, however, probably a function of the way reports to the police are made, rather than an accurate estimate of who is victimized. That is, the male as head of the household reports crime against the house or against his business. Most of the victims were Anglo (80%), Hispanic (11%), and Black (9%).

The ethnic distribution in the 65 and up population in Dade County is Anglo (74.5%), Hispanic (18.0%), and Black (7.5%).

LOCATION OF VICTIMIZATION

The predominant location of victimizations involving elderly victims was the residence and areas in or near the residence. The majority of crime impacting on the elderly impacts upon them at their resident setting (60% were home victimizations). The remainder of the victimizations occurred either on the street or in other public buildings. The majority of the incidents occurred at the freestanding single family home. Over 50% of all reported crimes were on the victim's residence property and, of these, half were inside the actual dwelling unit. This information indicates that a major problem for the elderly appears to be the invasion of the residence, usually in the commission of a crime targeted against property (breaking and entering, and vandalism). Since 63% of all victimizations involved no face-to-face contact between the victim and subject (that is, property was discovered missing or evidence of a break-in was found), this lack of contact, rather than minimizing impact, may add to anxiety over the apparent loss of the home as a "safe" place.

VICTIM INJURIES

Overall, only 9% (183) of the cases examined resulted in some injury to the victim. Further, most were not severe (e.g., no hospitalization required). Injuries were more likely to occur in situations involving robbery, assault, and personal larceny.

SUMMARY

Although street crime does occur to the elderly, and is potentially more likely to result in injury to the victim, the major vulnerability of the aging population is not street related but is rather vulnerability at or near the home. This increased vulnerability of the home should be of major concern. If the elderly are not safe at home, there are few options remaining for them. This directly influences the psychological and sociological effects on the elderly.

The victimization study found that 50% of those immediate victims who were interviewed indicated that the crime did have some impact, and that 35% reported a subjective feeling of severe impact. These impact victims had also expressed a direct relationship to the psycho-social effects of the crime and their feelings to being vulnerable. Based upon the 1977 six-month sample of police reports (2,092) to one year (4,184), there were 1,255 incidents resulting in serious impact, over a year's time, to elderly persons in just those police jurisdictions in Dade County utilized as a sample area. Multiplying this across the nation, it becomes clear that crime against the elderly does have a serious immediate (and lasting) impact.

When coupled with the effects of the anticipation of victimization in such

areas as protective behavior, mobility reduction, and fear and suspicion, the problem of crime for the elderly can be considered as a serious one even though rates of victimization for the elderly are significantly lower than for other groups.

In summation, the main problem facing the elderly is not so much the crime itself, but rather the after-the-fact impact. It is the opinion of this writer that any efforts to assist the elderly should be aimed at those advocate and victim compensation programs which would assist elderly victims of crime to regain their losses, both cash and property. It is also necessary that programs be developed and improved that will decrease the anticipation that the elderly have to being a victim. The elderly need to have certain security devices such as locks, security surveys, etc., in order that no large monetary burden be placed on their limited income.

The Metro-Dade Police Department, through the Crimes Against The Elderly Program (C.A.T.E.), has been directing its resources towards those areas which will assist the elderly in dealing with crime. This has been an effective program within Dade County, and one which should be promoted throughout the country in order to reduce the psychological/sociological effects of crime on the elderly.

DESIGN OF THE IMPACT STUDY

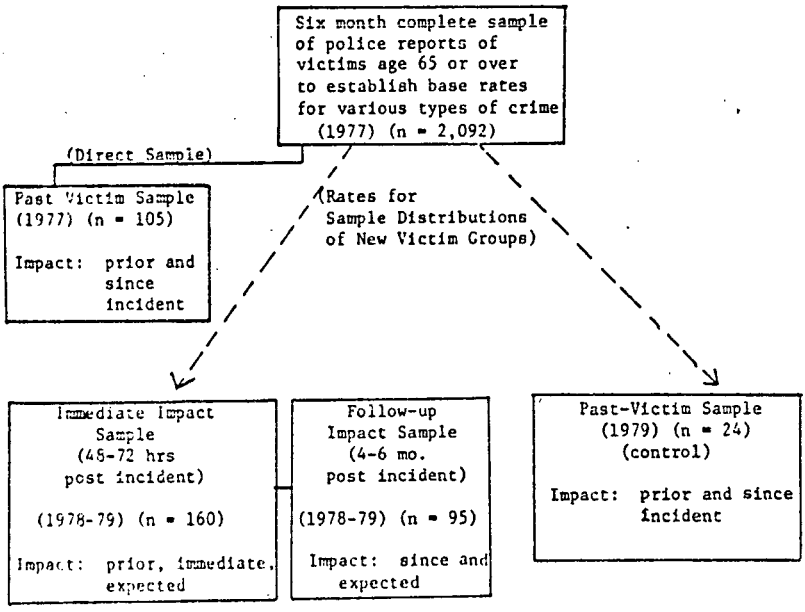


TABLE I

MEANS AND STANDARD DEVIATIONS OR PERCENTAGE DISTRIBUTIONS FOR SOCIO-DEMOGRAPHIC VARIABLES FOR THE IMMEDIATE IMPACT SAMPLE

Variable	Characteristic	Proportion of Sample
Sex	Male	39.1
	Female	60.9
Ethnicity/ Religion	Black	15.6
	Hispanic	10.0
	Jewish	16.2
	Catholic Non-Hispanic	13.7
	Wasp	18.1
	(Ethnicity/Religion Other and Unclassified)	26.2
Marital Status	Married	47.7
	Widowed	41.9
	Single, Divorced	10.3
Work Status	Working Full or Part-time	22.5
	Retired	77.5
Income Source	Unreported	30.6
	No Social Security	28.7
	Social Security plus Other Source	19.7
	Other Source Exceeds Social Security	21.0
Home Ownership	Owner	53.7
	Renter	20.6
	Other Arrangement	10.0
	Not Reported	15.6

Variable	Mean	SD
Age	72.4	6.22
Years of Education	10.7	4.25
Occupation (Duncan SEI)	38.3	21.7
Estimated Income ($)	$5410.0	$3812.
Housing Index	2.33	2.07

TABLE II

TYPES OF CRIMES EXPERIENCED BY THE IMPACT SAMPLES: PROPORTIONS OF CASES

	Type of Crime (Proportion in Base Rate Sample)	Past Victim Control	Immediate Interview	Follow-up Interview
Personal Crimes	Assaults (7.2)	9.5	3.7	6.3
	Robbery (3.4)	1.9	18.8	15.6
	Personal Larceny (14.6)	12.4	13.7	9.4
	Fraud (1.1)	1.0	3.7	4.2
Property Crimes	Burglary (24.6)	34.3	35.6	39.6
	Property Larceny (27.5)	26.7	14.4	14.6
	Vandalism (15.7)	11.4	7.5	9.4
Unclassified	Unclassified (5.8)	2.9	2.5	1.0
		N = 105	N = 160	N = 95

TABLE III

IMPACT RESPONSE DISTRIBUTIONS: GLOBAL ASSESSMENT OF EFFECT

Scale Values	Pre-Incident	Immediate Impact	Sustained Impact	Future Expected
Ø (No impact)	N/A	6.9	16.8	27.2
1 Slight - some problem		23.1	37.9	35.9
2 Moderate - problems		35.0	23.2	26.1
3 Severe - worst that has happened		35.0	22.1	10.9

TABLE IV

RESPONSE DISTRIBUTIONS FOR SCALE 1: DIRECT HEALTH CONSEQUENCES

	Current Victim Sample				Past Victim Sample
Scale Values	Pre-incident	Immediate Impact	Sustained Impact	Future Expected	1977 Post Only
Ø (no impact)	N/A	87.5	89.5	97.9	81.0
1		5.6	2.1	2.1	10.5
2		3.1	6.3	Ø	2.9
3		3.1	2.1	Ø	3.8
4		.6	Ø	Ø	2.0

TABLE V

RESPONSE DISTRIBUTIONS FOR SCALE 3: VULNERABILITY-FEARFULNESS

	Current Victim Sample				Past Victim Sample
Scale Values	Pre-incident	Immediate Impact	Sustained Impact	Future Expected	1977 Post Only
Ø (no impact)	38.1	28.1	29.5	64.2	35.6
1	33.1	20.6	26.3	15.8	17.3
2	16.9	20.6	26.3	9.5	19.2
3	7.5	8.1	11.6	2.1	10.6
4	1.2	14.4	3.2	Ø	3.5
5	.6	5.0	Ø	Ø	1.9

TABLE VI

RESPONSE DISTRIBUTIONS FOR SCALE 4: VULNERABILITY-INDIVIDUAL SELF PROTECTION

	Current Victim Sample				Past Victim Sample
Scale Values	Pre-incident	Immediate Impact	Sustained Impact	Future Expected	1977 Post Only
∅ (no impact)	27.5	58.7	40.0	74.7	51.4
1	28.1	14.4	32.6	10.5	8.6
2	8.7	8.7	7.4	8.4	7.6
3	21.2	10.0	9.5	4.2	16.2
4	14.4	8.1	10.5	2.1	15.2

TABLE VII

MONETARY LOSSES BY CRIME TYPE

	PERSONAL CRIME					PROPERTY CRIME			
	Assault	Robbery	Personal Larceny	Fraud/ Confidence	No Code*	Burglary	Property Larceny	Vandalism	(Row)
Mean (SD) Raw dir. loss in $	60. (134.)	170. (297.)	137. (419.)	2818.* (3,669.)	331. (454.)	455. (963.)	221.. (258.)	57. (97.)	
Total raw loss in $ (all cases) No. cases	300. (5)	4,935. (29)	3,061. (22)	14,093.* (5)	1,324. (4)	25,500. (56)	4,871. (22)	685 (12)	54,724* (153)
Mean (SD) Adj. loss in $	50. (111.)	147. (273.)	52. (63.)	978.* (1,019.)	276. (485.)	198. (293.)	135. (171.)	50. (84.)	
Total adj. loss in $ (all cases) No. cases	250. (5)	4,285. (24)	1,110. (21)	4,893* (5)	1,104. (4)	10,314. (52)	2,844. (21)	605. (12)	25,405* (149)
% with no insurance coverage (N)	Ø (Ø)	60% (18)	59% (13)	80% (4)	50% (2)	39% (22)	44% (10)	25% (3)	

*Excludes $25,000 loss in single fraud

DADE COUNTY PUBLIC SAFETY DEPARTMENT

SENIOR CITIZENS' PROGRAMS

In a continuing attempt to upgrade the quality of our Departmental programs and to meet the needs of the various segments of the population of Dade County, the Dade County Public Safety Department has developed and is participating in several programs which have been designed primarily to address the problems confronting our senior citizens. A number of professionals representing both governmental and private agencies have been invited to participate in some of the programs as well as senior citizens themselves. As a result of our cooperative efforts, development of additional educational, as well as action-oriented programs to effectively deal with the problems of victimization of the elderly, will be realized.

The Public Safety Department has always made an effort to keep the citizens of Dade County aware of its ongoing programs and to this end, we offer the following summary of the above-described activities:

Without additional manpower or expense to taxpayers of Dade County, the Public Safety Department will initiate a training program for police officers relating to senior citizen victimization. Approximately 100 officers will receive specialized training in regard to special problems of the elderly. Areas of study will include the physical, mental, behavioral and economic situations of the elderly. As a result of this program, officers of the district Crime Prevention Units, Safe Streets Units and Community Service Section will enhance their sensitivity in dealing with senior citizens in Crime Prevention by identifying the types of crimes in which they are more vulnerable. This block of instruction will be expanded to all police officers of the department (1,754). In-service training for police officers will include a panel discussion by representatives of senior citizen groups discussing their needs.

The Public Safety Department has committed its resources (Data Systems Bureau), Safe Streets, Community Service Officers, and District Officers) to the University of Miami's Institute for The Study of Aging, which is currently doing a study on Elderly Victimization. Police officers are assisting by interviewing persons 65 years and older,

who have been victimized. Victims from all segments of Dade County will be contacted during this study.

The Department is currently working with Housing and Urban Development (H.U.D.) and other law enforcement agencies involving security surveys and environmental impact studies. As a result of these efforts, recommendations will be made to H.U.D. in hope that a federal grant can be obtained regarding security.

The Public Safety Department has increased efforts in an already-continuing program of having our uniform patrol officers increase their patrols in areas of senior citizen concentration both in the public and private sectors.

A two-hour block of instruction entitled "Sensitivity to Senior Citizens" is being taught to police recruits at the Criminal Justice Institute.

Departmental personnel have recently completed the first draft of a booklet designed for senior citizens. The layout of the booklet is very unique and should appeal directly to the needs of seniors. Its purpose is to assist the senior in his day-to-day activities and to dispel some of the common myths concerning senior citizen victimization. The entire tone of our overall senior citizen project will be "Let Wisdom, Not Fear, Be Your Guide".

Members of our staff have also worked with "Help Stop Crime!," a statewide project, in developing a discussion leader's guide entitled "Crime Against Older Floridians". This guide is now a part of Crime Prevention Programs of all participating agencies in the State. The guide addresses itself to real and imagined fears that seniors may have regarding victimization.

This Department maintains excellent liaison with Dade County Citizen's Crime Watch which presently has 50,000 plus members and has obtained a $201,000 federal grant. To this end, we coordinate efforts and programs for senior citizens both in the private and public sectors.

Due to heavy concentration of Latin senior citizens in Dade County, we have established specific programs dealing with some of the special problems which confront this group. We have presentations on an ongoing basis at the Hot Meal Programs, Mental Health Programs, etc. In addition, we are presently working at having many of our Crime Prevention movies translated into Spanish.

Each citizen regardless of age is the first line of defense against crime. The police can not be everywhere at once. In order to reinforce this concept we are continuing to promote our educational programs through lectures, speeches, and audio-visual programs relating to the following:

A. Con Games/Flim Flam
B. Home Security (Burglary Prevention)
C. Residential Security Surveys
D. Operation Identification (Electric engravers are available at no charge)
E. Major Security Surveys - Apartment complexes, HUD, etc.
F. Personal Protection

    1. Sexual Assaults
    2. Purse Snatch (Muggings)

G. How to Report Crimes

In addition, we display our "Help Stop Crime" Bus and give related talks for which we have purchased the film "Senior Power."

On July 19, 1978, Director E. Wilson Purdy, met with representatives of various senior citizen's groups regarding needs of the elderly. As a result of this meeting, an advisory council comprised of representatives from the following organizations was formed:

Institute for the Study of Aging (University of Miami)
National Association of
Spanish Speaking Elderly
Dade County Elderly Services Division
HUD (Housing & Urban Development)
Safety & Security Office
Congress of Senior Citizens
Citizen's Crime Watch

This council will work with law enforcement officials in addressing problems and concerns as they relate to crimes against the elderly. Director Purdy states: "The complexity of Dade County with its multi-ethnic and varied economic strata presents the challenge to this department to approach the problems in a responsible manner. This newly formed council will enable us to understand and solve these problems."

Dade County Public Safety Department
Community Service Section
Crime Prevention Unit
1320 N.W. 14 Street
Miami, Florida 33125
(305) 547-7496

THE C.A.T.E. PROGRAM

THE CRIMES AGAINST THE ELDERLY PROGRAM

The following is the suggested timetable for the implementation of the program, along with some of the working elements.

A. All uniform officers will be encouraged to present a symbol of high visibility in and around senior complexes. The high visibility should be in the form of making phone calls and writing reports.

B. Printing of quick referral guide for seniors -- effective immediately.

C. Crime Prevention Seminars designed for seniors -- effective immediately.

D. Assignment of one or two officers from each District General Investigation Unit to handle follow-up investigations involving burglaries, larcenies and assaults. The number of officers assigned will depend on senior citizen victimization in the designated area -- effective January 1, 1981.

   The assignment of robbery investigations will follow the same criteria as above.

E. The Crime Analysis Unit will be utilized to pinpoint target areas.

The Director will issue a memo to all personnel announcing the implementation of the program and the Supervisor of Community Programs will have the functional responsibility of ensuring that the various units and districts are coordinating/cooperating in efforts to investigate crimes against the elderly. The Supervisor of Community Programs will be kept advised of the effectiveness of the program via monthly reports from the affected units. These reports will also be used as a gauge to determine if there is reason to increase and/or decrease the number of officers assigned to the program. The reports should include number of cases, and demographic data as it relates to the victims.

As a point of clarification, it should be indicated that the present system utilized by District CIU's as it relates to assignment of cases will be adhered to, with the exception that cases involving seniors as victims will be tagged by the Administrative Sergeant. Once tagged, they will be assigned to the detective involved in the program.

An added feature of the program will be a needs assessment by the investigator who, after determining a need, will refer the senior to the proper agency. Investigators will obtain the ability to make these referrals after completing the training session.

C.A.T.E.

MONTHLY REPORT

DISTRICT _____ DATE _____

A. TOTAL NUMBER OF CASES: _____

B. TYPE AND NUMBER OF CASES:

Assault _____

Burglary _____

Robbery _____

Larceny _____

Sexual Battery _____

Other
(Con Games, etc.) _____

C. DEMOGRAPHIC DATA OF VICTIM:

	Male			Female		
Age	B	W	L	B	W	L
60 - 65 years	____	____	____	____	____	____
65 - 75 years	____	____	____	____	____	____
75 years & older	____	____	____	____	____	____

D. NUMBER REQUIRING REFERRALS TO SOCIAL AGENCIES: _____

E. REMARKS: _____

_____

_____

_____

COUNTY WIDE

JANUARY, 1981 THROUGH JULY, 1981

	ELDERLY VICTIMS (60 yrs & older)	ACTUAL CRIMES	PERCENTAGE OF ELDERLY
ASSAULTS	85	7,372	1.1%
BURGLARY	720	14,597	4.9%
ROBBERY	384	3,415	11.2%
LARCENY	684	20,075	3.4%
SEXUAL BATTERY	1	308	.003%
OTHER (CON GAMES,etc)	237	1,064	22.2%
TOTAL	2,111	46,831	4.5%

Your Personal Guide For Burglary Prevention

Dade County Public Safety Department, Dade County, Florida

Dear Resident:

We are requesting your assistance in reducing burglaries in our community. The single most frequently recorded major offense is burglary, constituting almost six out of every ten reports for a major crime.

Unfortunately, too many citizens regard crime as a "police problem"—until they are affected by it. In reality, crime is not a problem for the police alone — **IT IS A COMMUNITY PROBLEM.**

The cost of crime in personal injury, property losses, high insurance rates and the necessary expense of maintaining a large police force to reduce crime is a burden carried by every tax paying citizen. The social costs are staggering.

What can you as an individual do to help the police fight crime?

This booklet will advise you of many security precautions you can take to insure the safety of your home. It is to your advantage to follow the recommended precautions in this booklet. Statistics from burglaries in Dade County show that many citizens have adequate locks on their homes, however, they do not use them. Do not allow yourself to become a victim in this category.

IF YOU HAVE GOOD SECURITY IN YOUR HOME USE IT, IF YOU DO NOT HAVE ADEQUATE SECURITY, CHANGE IT.

* * * * *

This booklet is distributed as a public service by the Dade County Public Safety Department.

YOUR HOME IS AS SECURE AS YOU MAKE IT

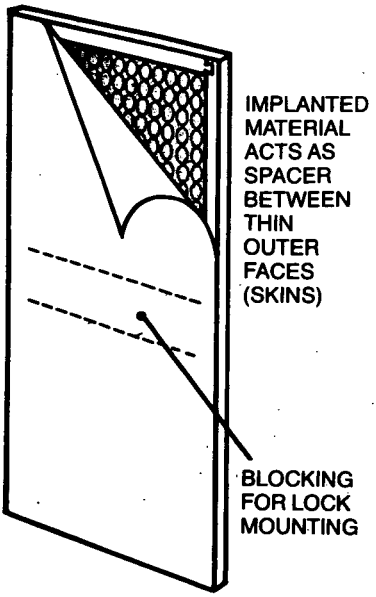
Most residential burglars are opportunists — taking advantage of *your* lack of simple precaution. The opportunist-burglar uses common household items such as screwdrivers, hammers, pliers and credit cards to gain easy entry to your home. If you're like most people, chances are that the locks in your home are inferior in quality or inappropriate to adequately secure your doors and windows. If you follow the simple instructions and suggestions in this booklet, you can easily tip the scale in *your* favor rather than to the burglar.

Most residential burglaries can be prevented if adequate locks are installed and the recommended security measures followed. When you consider the cost of your home and the contents, isn't it worth investing a few extra dollars in the best lock protection available? Add up what you have to lose, and you'll see how low the cost of good security really is!

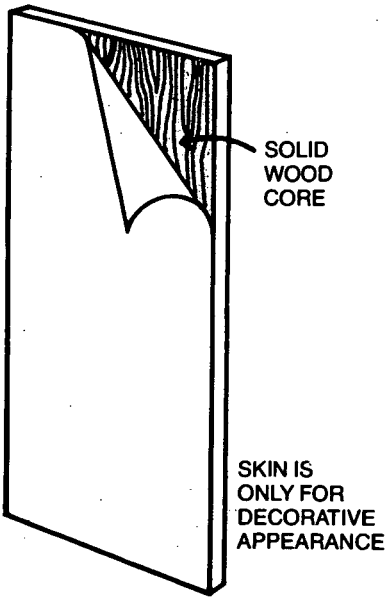
CLOSING YOUR DOORS TO BURGLARY

Doors

- The most common door type used in homes and apartments is the hinge door. It is important that all exterior doors be of solid wood core construction or that metal clad doors be used. Hollow core or composition board doors are not effective deterrents because they can be easily battered or bored. It is defeating the purpose of a good deadbolt lock to mount it on a hollow or foam core door.

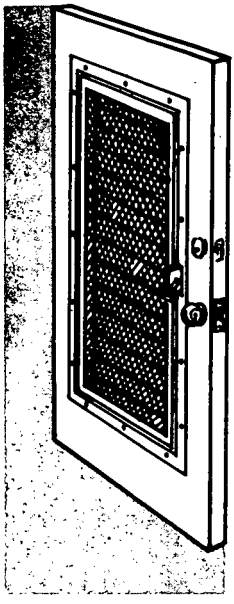


HOLLOW CORE DOOR
(Poor security)



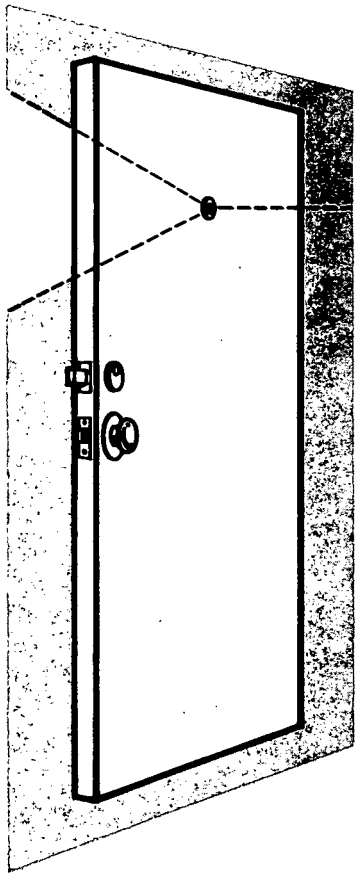
SOLID CORE DOOR
(Good security)

Lock all doors even when gone momentarily—down the street, to the store, visiting neighbors, etc.



Jalousie Doors

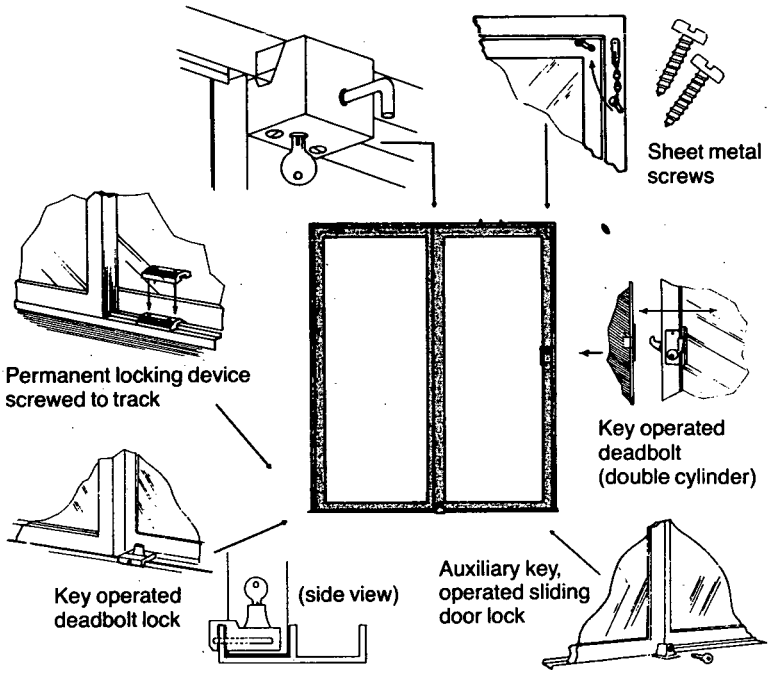
Jalousie doors are a poor security risk because a burglar can easily gain entry through them. The best solution is to replace them with solid wood core doors. If this is not feasible, the door can be covered on the inside with heavy gauge expanded metal mesh, through-bolted to the door with carriage bolts.

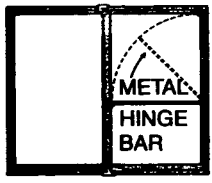


- A solid wood core front door should have a wide angle viewer (180°) installed in it for easy viewing of visitors without opening the door. It is inexpensive and easy to install. Do not rely on a chain latch. **It is not a security device.**

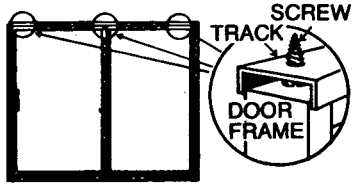
Sliding Doors

Sliding glass doors and windows by their very nature are extremely vulnerable to attack by burglars. Pictured are several locks and locking devices which will greatly supplement the security of these doors.





- A metal bar that attaches to the side frame and fits across the middle of the sliding door, running parallel to the floor, can be used to prevent opening of the door.



- To prevent removal of doors, install 1¼" pan head (large head) sheet metal screws in upper track at both ends and the middle so frame just clears the head of the screws.

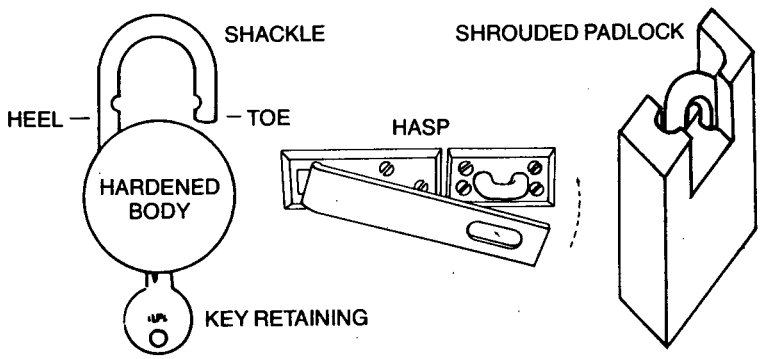
Garage Doors

- A good, case hardened padlock, on which both ends of the shackle engage, should secure your garage door. (See Padlocks and Hasps illustration).
- If the garage door rolls on tracks, a hole should be drilled in the track so that the padlock can be utilized as a brace. Steel pins can also be used.
- Electronic garage door openers with automatic locking devices offer good security.
- The door leading from a garage to the house should be a solid wood core door and should have a good quality deadbolt lock on it. This door is another favored access point for burglars because it offers concealment and access to your tools.

Padlocks

Of the hundreds of padlocks available on the market today, no more than five or six are worthy of the term "High-Security Padlock". As a general guide, the following rules may be followed:

1. Cost: Approximately $8.00 (or more)
2. Body and shackle made of case-hardened or hardened steel.
3. Shackle at least 9/32" thickness.
4. Double-locking mechanism, locking *both* the heel and toe.
5. Heel and toe have rounded cuts, rather than right angle cuts.
6. Five-pin tumbler.
7. A key retaining feature, allowing you to remove the key only after locking the padlock.



Hinge Protection

If the hinges of an entry door are on the outside, non-removable hinge pins are recommended. There is also a simple way to prevent removal of the door once the pins are extracted. Remove the two center screws from the hinge and insert a headless screw in such manner that when the door is closed the screw will engage the other hinge as illustrated.

To protect your door from being lifted from its hinges by pulling the hinge pin, follow these simple steps:

Illustration (a)

1. Drill a small hole through the hinge and inside pin.
2. Insert a second pin or small nail flush with the hinge surface. The pin or nail can be made removable or permanent as desired.

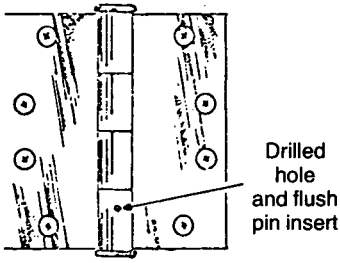
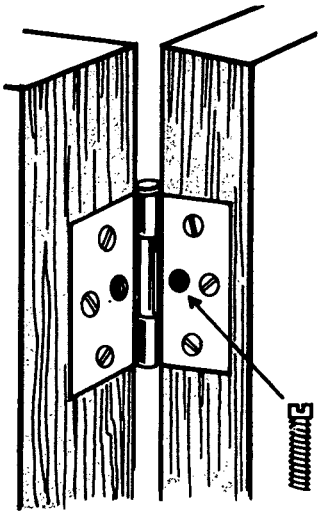


Illustration (a)



Drill a hole in the center of the hinge and insert a headless screw or nail in the door frame side, allowing it to protrude approximately one half inch.

- If door hinges are exposed on the exterior of the door, non-removable hinge pins should be used. To prevent removal of a door that has removable hinge pins, you can employ a headless screw or nail. Drill two holes opposite each other in the center of both leaves of the hinge. Insert headless screw or nail into the leaf on the door frame side. Allow screw or nail to protrude ½''. When the door is closed, the screw will engage the other hinge leaf.

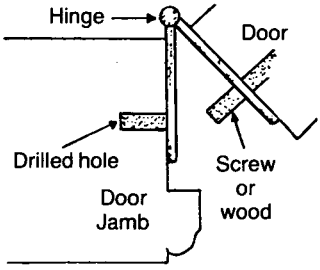


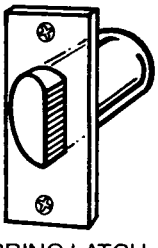
Illustration (b)

LOCKING OUT TROUBLE

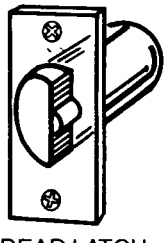
Sound locking devices cannot make a residence completely impregnable, but they can deter a burglar. They can force him into a situation in which he must break glass in order to enter — something he would probably like to avoid.

The amount of money spent on security hardware should be proportional to what is being protected. But by the same token, purchasing security hardware which meets the minimal technical requirements listed below could also protect your family from bodily injury. Since prices for security hardware vary depending on the area, the manufacturer and differences in cosmetic features, the buyer should "shop around."

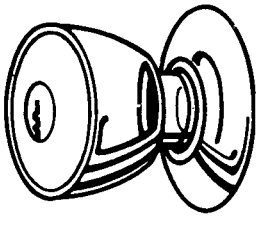
- A chain latch on your door offers **no security at all.** Chain latches can be readily ripped off the door with minimum pressure. The best way to check a caller's identity is to use a wide angle viewer or peephole.
- A common type of lock in many homes and apartments is the key-in-knob or spring latch type. This particular lock is easily defeated by the most amateur burglar with a credit card or screwdriver inserted between the latch and the strike plate. This lock offers no security and should be supplemented by a single or double cylinder deadbolt lock or rim type or surface mounted lock. The dead latch is similar to the spring latch lock but has a small bar or plunger which will not permit opening with a shimming device. This is a poor security device since the plunger is very short and weak and should be supplemented by a quality deadbolt lock.



SPRING LATCH LOCK



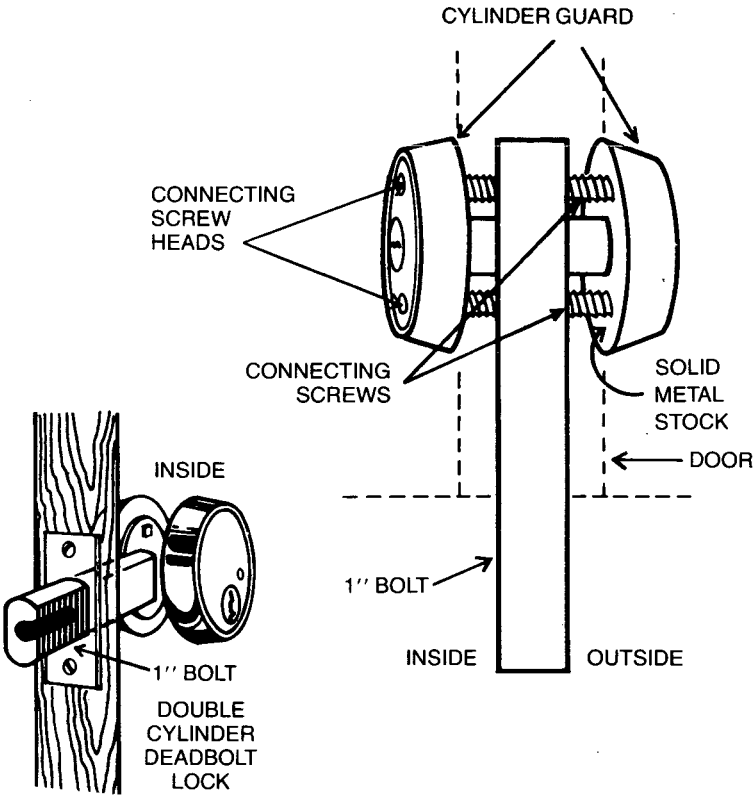
DEAD LATCH LOCK



KEY-IN-KNOB

(These locks do not offer adequate security.)

Security For Outside Doors



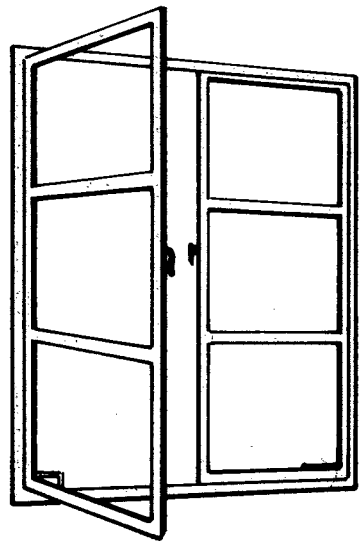
1. The bolt must extend a minimum of 1" and be case hardened and contain a hardened insert.
2. The cylinder guard must be tapered or spherical in design to make it difficult to grip with pliers or a wrench. It must be made of solid metal — not a hollow casting or stamped metal — and preferably be able to turn freely.
3. The connecting screws that hold the lock together must both be on the inside. There must be no exposed screw heads on the exterior of the door.
4. The connecting screws must be at least ¼" in diameter and screw into solid metal stock — not screw posts.

86-411 O—81——8

- A double cylinder deadbolt lock, which is key operated from both the interior and exterior, should be used when there is glass within 40 inches of the interior locking mechanism. **(Caution:** The use of a double cylinder deadbolt lock can be a fire escape hazard. If this type of lock is used while the home is occupied, either leave a key in the lock or hanging somewhere near the lock. Children should be trained in the use of this lock and know the exact location of the key. When the dwelling is unattended, the key should be hanging out of the reach of a burglar who may break the glass.)

  When shopping for a deadbolt lock, you may wish to take the diagram and description to a locksmith or hardware store to be sure the lock you buy meets all of the requirements.

Do not allow children to open the door to strangers!

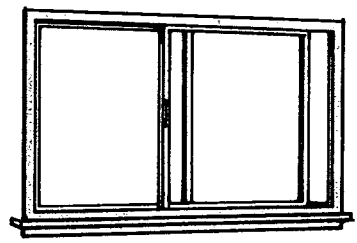


Casement Windows

Casement windows provide good security. Keyed locks are also available for this type window for additional security. Make sure the latch works properly and the operator handle has no excess play.

Sliding Glass Windows

Sliding glass windows can be secured in the same manner as sliding glass doors. Pins through the frame, screws in the track or keyed locks can all be used. Many inexpensive auxiliary locks are available.

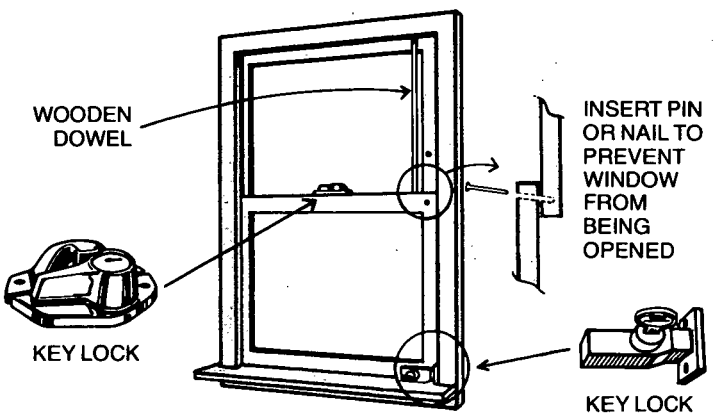


SECURING YOUR WINDOWS

Double Hung Windows

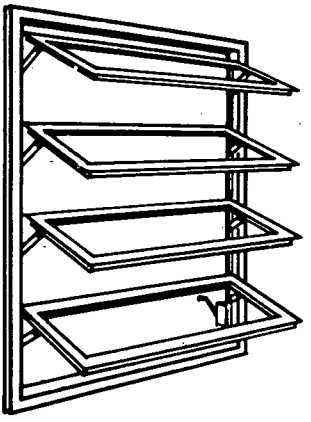
The latches on many double hung windows can be easily jimmied or pried open. This type of window can be simply and inexpensively made secure, however

- The window can be pinned by drilling a hole at a slight downward angle through the first sash and into but not through the second sash. The window can then be pinned with a strong nail. Additional holes may be drilled for pinning the window in a slightly open position for ventilation.
- Several types of keyed locks which offer effective protection are available for double hung windows. They are inexpensive and easy to install. But remember to master key all window locks for convenience and train children in their use.
- The thumb turn locks in the center of most double hung windows offer very little security.
- A stick or wood dowel can be securely wedged between the top and bottom portions of the window. The stick can be secured to the inside of the window frame with pieces of hook and loop material. In this way, the stick can be shortened to allow for window ventilation.



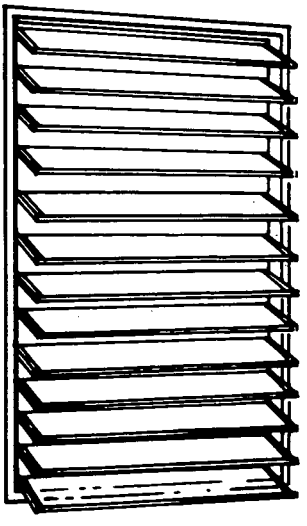
DOUBLE HUNG WINDOW

Don't hide keys under a mat, over the doorsill — or anywhere outside!



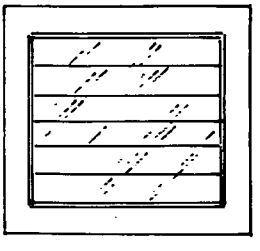
Awning Type Windows

The removal of the inside operator handle adds some security, but keep the handle handy in case of emergency. Awning windows should be tightly closed to enhance security.

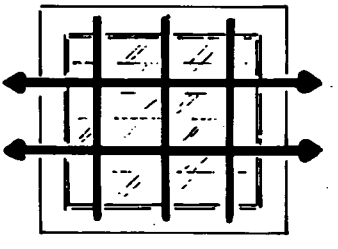


Jalousie Windows

Jalousie windows are a very high security risk and should be replaced if at all possible. They can be secured by installing metal grating on the inside of the window area with a quick release feature in the event of fire. At a comparable cost to installing grating, the windows can be replaced with another type which offers better security.

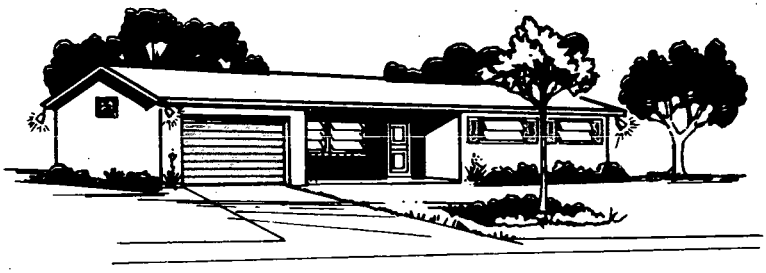


Jalousie window unprotected



Jalousie window with ornamental bars

OUTSIDE YOUR HOME

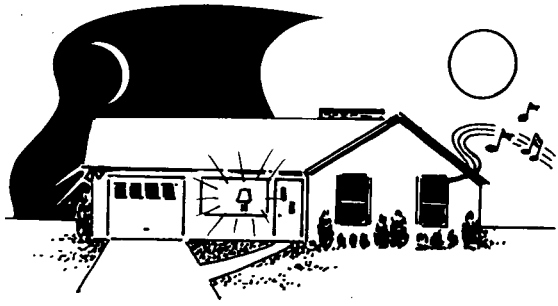


The exterior of your home should be free from offering concealment to a burglar. A house with doors and windows in full view is a psychological deterrent because an intruder is forced to work in the open where he risks detection. Here's how you can discourage a burglar:

- Keep shrubs trimmed away from windows and doors so you don't provide a convenient hiding place for a burglar.
- Maintain adequate exterior lighting, especially on vulnerable access points to your home. (Some power companies offer a bright security lamp and post at a nominal monthly charge.)
- Don't leave ladders around the exterior of your house where they can be used by a burglar to gain entrance.
- Don't leave valuables such as lawnmowers, bicycles or tools in the yard or in an open or unlocked garage or shed. Your tools could be used to break into your home.
- Keep garage door closed and locked at all times. The door leading from the garage to the house is a favorite access point for a burglar.
- Display house number conspicuously and have it well illuminated. This will aid the police, medical or other emergency vehicles in finding your home quickly if summoned. Urge your neighbors to do the same—you may be calling for them or vice versa.

Never leave notes that can inform a burglar that your house is unoccupied.

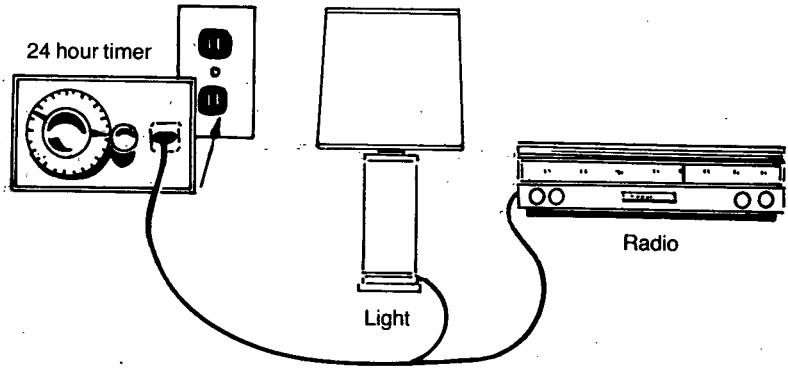
Security With Lighting



Maintaining an appearance of occupancy, even when your residence is vacant, is essential to thwarting burglary attempts. Timers which automatically regulate the interior lighting of a home can create such a deception. Timers should be used not only while on vacation, but when you're out to dinner, or even during the day while you're at work.

One type of automatic timer has a 24-hour dial and allows you to set an on-and-off time to coincide with normal light usage in your home. These timers simply plug into the wall, and the lamp you want to use is plugged into the timer.

For the most realistic deception, several timers and lamps should be used to simulate occupancy. For instance, a radio and lamp in the living room might be on from 6:30 p.m. until 11; at 11 a lamp might go on in the bathroom until 11:30, then a bedroom lamp would be on from 11:30 to midnight. This would indicate to anyone watching the house that it was occupied and the residents were going to bed.

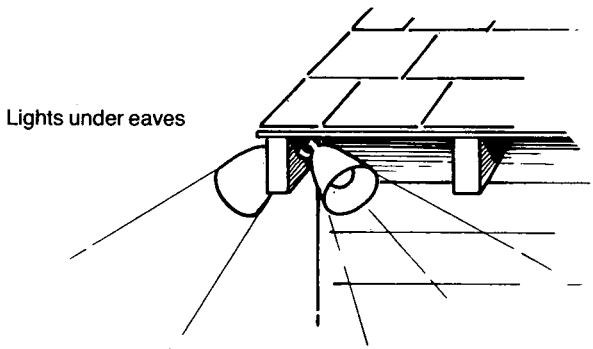


The photo-electric cell is another automatic device for controlling lights in the home. This device is equipped with a light-sensitive photo-electric eye, which at sunset automatically activates an attached lamp and shuts off the lamp at the approach of daylight. The photo-electric unit is particularly appropriate for regulating exterior lighting systems installed around a home.

Since a photo-electric cell keeps the lights on during the entire night, it is not as realistic a control of interior lamps as a timer. It should only be utilized as an interior device when you expect to return home that evening.

Exterior Lighting

Good exterior lighting is important, especially when the yard area is obscured by shrubbery or entrances are shielded from the street. The best possible location for outside lights is under the eaves. All possible points of entry should be illuminated at night. Also floodlights should be aimed at walls of the home.

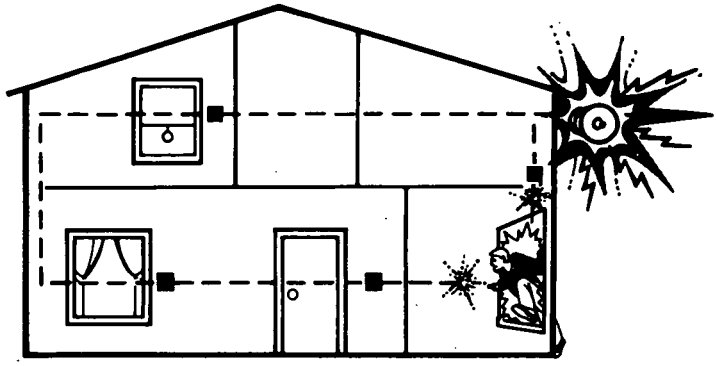


Vacation Time

Whenever you're going to be away from your home, even for one night, you should:

1. Be sure all doors and windows are properly secured.
2. Set up interior lighting and a radio on timers.
3. Stop all deliveries, have lawns mowed, shrubbery trimmed.
4. Notify your Police Department of your absence.
5. Leave a key with a trusted neighbor and have him check the home daily; have him change the position of shades and drapes to give a lived in appearance.

BURGLAR ALARM SYSTEMS



Some residential systems are designed to ring a bell and /or illuminate the area to scare off an intruder. These local systems send a signal from a sensory device directly to a light system or to a bell or siren located in your attic or on the outside of your home.

When a sensory device detects an intruder, the sounding device is activated and /or the house lights are turned on. It is hoped that the lights or sound will alert the homeowner (if at home), a neighbor or a cruising police unit. Since the typical residential burglar is not a professional, a local system will scare him from the premises.

Many companies will install a combination system which includes a local alarm (bell and /or lights) and a central reporting alarm. An advantage of having the central reporting system is that it is being constantly monitored by an alarm company. If the alarm goes off, the alarm company notifies the police department.

It is a good idea to have at least one smoke detector built into your alarm system. Smoke is the primary killer in fires and a smoke detector placed in a hallway between bedrooms can save lives.

Added protection is provided by a back-up power supply in the event of a power failure and a built-in ability to test the system regularly.

You get what you pay for. In this regard, be sure that the sensor devices (magnetic contacts, motion detectors, pressure mats, screens, etc.) to be installed are Underwriters Laboratories (UL) approved for burglary protection.

There are usually two costs involved when dealing with an alarm company: an installation charge and a monthly service charge. It is not recommended that you buy or lease a system from a company which does not offer a contract for continuing maintenance and service.

Once the alarm company representative has made an appraisal of your security needs, ask him for a written proposal and a copy of the contract you will have to sign. Take some time, look it over, think about it. Check the alarm company's reputation by calling the information department of the Better Business Bureau.

Never sign a contract which does not list all points of protection and does not itemize the equipment to be installed.

There are laws in some areas that prohibit anyone from having a device attached to their telephone that will automatically call the police or fire departments in an emergency situation. A system that calls a security company is legal and they in turn will notify the police.

Remember: A good alarm system is an investment in your security and personal well being. The mere presence of an alarm is often a deterrent. Advertise the fact that your premises are alarmed by using warning decals.

When going out for the evening make your house appear to be occupied by leaving lights on in different rooms and perhaps a radio playing. A bathroom is a good place to leave a light on.

GENERAL GUIDELINES FOR PURCHASING AN ALARM SYSTEM

	YES	NO
1. Is the company a local business?		
2. Is repair service readily available?		
3. Is there a warranty or maintenance contract?		
4. Is the company a member of any local business or merchants' organization?		
5. If they are, did you check with the organization for their length of time in business and past performance?		
6. Is the system electrically or battery operated? If electrically operated, does it switch automatically to battery power without activating the alarm in the event of a power failure?		
7. If the alarm system is activated, will it automatically shut off after a reasonable alert period (10-15 minutes?)		
8. After the system is activated will it automatically reset if attacked again?		
9. If the control switch or box is exposed will it activate the alert if attacked?		
10. If it is a hardwire system (wires connecting sensor to control to alert), are the wires protected from attack and unnecessary wear by the elements?		
11. If it is a local system (audible in the immediate area) does it ring loud enough to attract the attention of your neighbors?		
12. If the system is for a commercial premise, will the company have someone respond to the location in order to assist the police by opening the building?		
13. Does the system have time delay, if appropriate, to activate and deactivate the alarm system without setting off the alert?		
14. If the system is monitored by a central station, is it a tape recording or person? Remember, in Dade County if the system is monitored the call for assistance to the police cannot be made by a taped message.		
15. Is the entire system Underwriters Laboratories, Inc. (U.L.) approved?		

THE NEIGHBORHOOD AWARENESS CONCEPT

Citizen participation is one of the most effective tools against crime because the job of stopping burglary, robbery or sexual assault is impossible for the police to accomplish alone. Crime watchers are networks of neighbors trained by crime prevention officers in home and self-protection, suspect identification and how to serve effectively as additional eyes and ears for law enforcement agencies in their communities.

Neighborhood awareness or crime watcher groups provide a way for neighbors to help one another by keeping an eye on each other's homes and property. A telephone chain is set up to enable neighbors to keep one another informed of any criminal activity and to receive information from the police concerning descriptions of suspected criminals and other pertinent information.

When a member of a network sees a suspicious person or vehicle, one that meets the description given through the telephone chain, or a crime in progress, they call the police "Hot Line" to report.

You should **never** attempt to apprehend a suspect. This is the law enforcement officer's job.

OPERATION IDENTIFICATION

Operation Identification is the engraving of your valuables with your Florida driver's license number to deter burglars and also to prove ownership should the article be stolen and recovered by the police. Permanently marked valuables are more difficult for the burglar to dispose of and many times he won't bother stealing these items.

Do not mark valuables with your Social Security number. Federal regulations governing the identity of Social Security registrants make the numbers next to impossible to trace.

- Electric engravers or diamond tip pens are usually available from your local law enforcement agency or can be purchased inexpensively from a hardware store. You should mark your valuables FL followed by the 12-digit alpha-numeric code number on your driver's license. If you are not a driver and are over 18 years of age, any Florida Driver's License Issuing Station will issue a Department of Motor Vehicles I.D. card. This I.D. card will have the same alpha-numeric code number for purposes of identification as a driver's license. This number can then be traced back to you in the event that marked stolen property is recovered by the police.
- Valuables that cannot be marked, such as antiques, silver, china, coins, etc. should be photographed in detail with a complete description of the article on the back of the photograph.

- After you have marked your valuable property, display an Operation Identification sticker on all exterior doors to advertise the fact. This may act as a deterrent to a potential burglar. Stickers are available from your local law enforcement agency.
- Make sure you have a record of all marked valuables and their serial number, make, model and the location of your marking.

OPERATION IDENTIFICATION RECORD

SUGGESTED ITEMS FOR MARKING: Bicycles, T.V.'s, stereos, tape recorders, cameras, appliances, sporting goods, guns, typewriters, sewing machines, clocks and watches, power tools, lawnmowers, outboard motors, golf clubs, etc. Credit card numbers should also be recorded.

Property marked with your Drivers License Number FL DL _____

ARTICLE	MANUFACTURER AND MODEL	SERIAL NUMBER	LOCATION MARKED

Report suspicious persons or activities in your neighborhood to the police. The police would rather check out 10 reports of a suspicious car or person than spend days and weeks following up on a burglary that could have been prevented! Remember, a burglar doesn't look like a burglar.

MESSAGE FROM THE DIRECTOR OF DADE COUNTY PUBLIC SAFETY DEPARTMENT

This booklet is designed to give you knowledge on how to assist your local police department "HELP STOP CRIME."

A burglary occurs somewhere in Florida every three minutes. Before a crime can be committed, three elements are necessary. These are, desire, ability and opportunity. Desire and ability are elements which cannot be readily neutralized. Opportunity, however, through the concentrated efforts of the police and citizenry can be dealt with effectively.

The Public Safety Department has made a forthright effort in this area by promoting the adoption of a Building Security Ordinance in Dade County. This new Building Code of November, 1973, states that buildings must have recommended hardware and designs included upon completion of the building.

The Public Safety Department has officers available to perform an on-site security survey of your residence or business to insure the protection of older buildings not affected by the security ordinance.

The federal government as well as private insurance companies are now offering lower rates on crime insurance to citizens who follow security precautions.

There is no greater approach to the crime problem than a concept of citizen participation. You, the citizens are the first barrier against crime. If you make sure that you are well protected and join other citizens in reporting crime, this along with the professional efforts of your police department will form a united front to "HELP STOP CRIME."

Bobby L. Jones

BOBBY L. JONES, Director
Public Safety Department

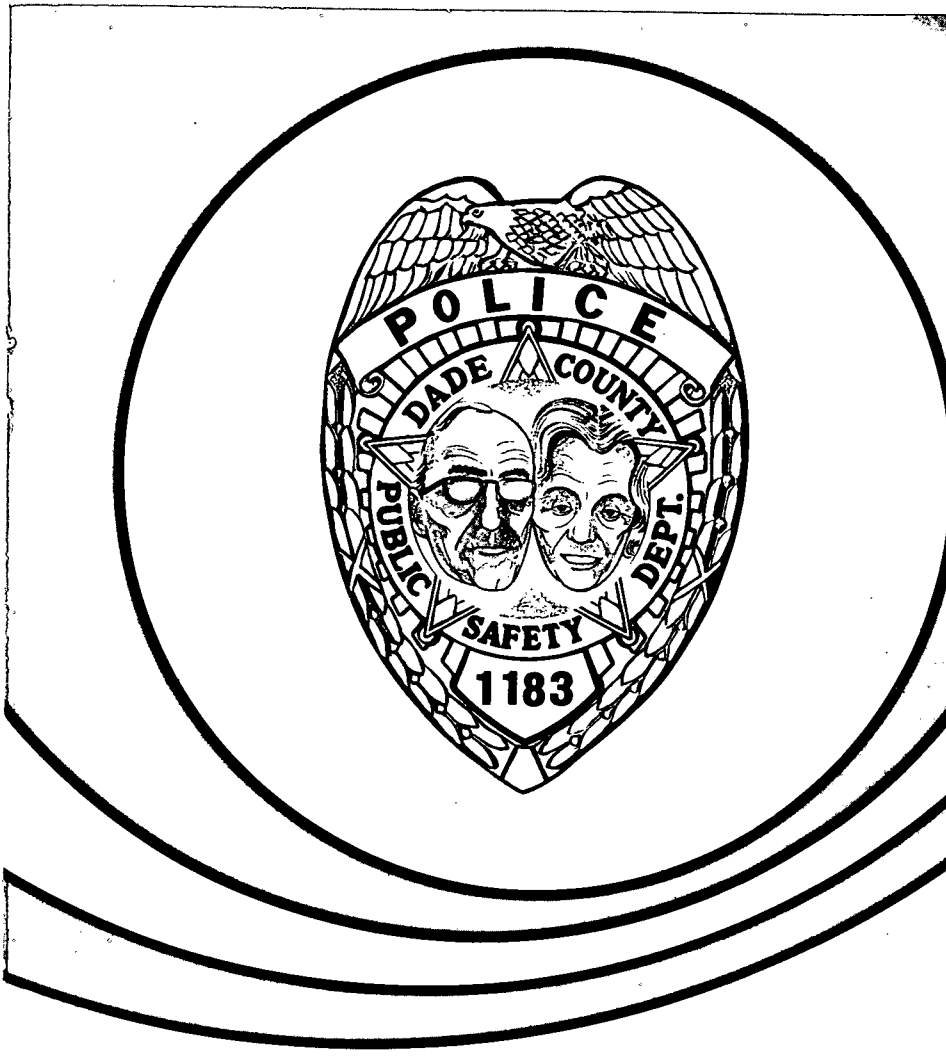
What is "Operation Identification?"

Operation Identification, which has proven very effective in some cities, actually has two parts. First, you mark all your easily stolen valuables so they can be identified as yours. Second, you display a sticker which tells burglars that you have done so.

The idea is based on the fact that marked valuables are very hard for the burglar to dispose of. And they can be traced back to you. In addition, if the burglar is caught with them in his possession, the marked valuables constitute solid evidence of possession of stolen goods.

The marking you should use in Operation Identification is your Florida driver's license number. This is now a permanent number which will be yours as long as you hold a Florida license. And it has been constructed according to an alphanumeric code that immediately tells a police officer certain facts about you, including your sex and age. Thus, the policeman who stops a suspicious person carrying a portable TV set knows he's on to something if the set is marked as belonging to a 45-year-old woman and the suspect is a 20-year-old man.

For further information regarding free home security survey and other free crime prevention services, contact the Public Safety Department, Community Programs Section at 547-7496.



FEAR: AN AGE OLD PROBLEM

LET WISDOM, NOT FEAR, BE YOUR GUIDE

DADE COUNTY PUBLIC SAFETY DEPARTMENT
DADE COUNTY FLORIDA

TABLE OF CONTENTS

A MESSAGE FROM THE DIRECTOR 1
VIOLENT CRIMES 3
PURSE SNATCHERS & PICKPOCKETS 4
ROBBERY & WALKING 5
PHYSICAL LIMITATIONS 6
SAFETY IN THE CAR 7
BANK DEPOSITS & CHECK CASHING —
OBSCENE PHONE CALLS 9
INTRUDERS TO HOMES AND APARTMENTS 10
CITIZENS' CRIME WATCH & OPERATION
IDENTIFICATION 12
CONFIDENCE "CON" PERSONS & TYPES OF
FRAUDS & CONFIDENCE GAMES 13
MINI QUIZ 15

86-411 O—81——9

A MESSAGE FROM THE DIRECTOR

DIRECTOR
BOBBY L. JONES

THE LATTER PART OF THE 20TH CENTURY HAS BROUGHT WITH IT SOME PARTICULAR PROBLEMS AS THEY RELATE TO SENIOR CITIZENS. HAVING SURVIVED A TIME WHERE THE PRIMARY CONCERNS OF THE WORLD WERE GENERALLY POLITICAL IN NATURE, WE NOW FIND OURSELVES IN AN ERA IN WHICH THE EMPHASIS IS ONE OF HUMAN RIGHTS. FOR MANY OF US, HOWEVER, IT IS VERY DIFFICULT TO MAINTAIN A HUMANISTIC OUTLOOK ON LIFE WHEN WE SEE SOME MEMBERS OF OUR SOCIETY FLOUNDERING IN THEIR EFFORTS TO DEAL WITH PROBLEMS RELATED TO INFLATION, MALNUTRITION, STARVATION, CRIMINALITY AND AN ASSORTMENT OF OTHER SOCIAL MALADIES.

YOU AS THE SENIOR ADVISORS OF OUR TIME MUST ENDURE. YOU MUST SEEK TO RECONCILE THESE PROBLEMS THROUGH YOUR PERSISTENCE, YOUR PERSEVERANCE AND YOUR EXERCISE OF YOUR RIGHTS AS CITIZENS OF THIS GREAT NATION. YOU MUST MAKE YOUR VOICES HEARD IN ALL FACETS OF LIFE. YOU WILL GET RESULTS.

WE OF THE DADE COUNTY PUBLIC SAFETY DEPARTMENT OFFER TO YOU, AS AN AID IN YOUR COLLECTIVE EFFORT, A GUIDE WHICH WE SINCERELY HOPE WILL ASSIST YOU IN YOUR DAY-TO-DAY STRUGGLE TOWARD THE ACHIEVEMENT OF INDIVIDUAL PEACE AND HAPPINESS. WE DO NOT INTEND FOR THE BOOKLET TO BE THE ANSWER TO ALL OF YOUR PROBLEMS BUT IT IS OUR INTENTION TO PROVIDE YOU WITH SOME GUIDELINES WHICH WE HOPE WILL ALLEVIATE SOME OF YOUR COMMON FEARS AND HELP YOU TO MEET YOUR DAILY CHALLENGES AS YOU INTERACT IN TODAY'S SOCIETY.

AS A GREAT PHILOSOPHER ONCE SAID, "LET US THEN SHAPE OUR VIEWS OF EXISTENCE INTO LOVELINESS, FRESHNESS, AND CONTINUITY, RATHER THAN INTO AGE AND BLIGHT."

REMEMBER, LET WISDOM, NOT FEAR BE YOUR GUIDE! BE YOUR OWN PERSON, AND UTILIZE YOUR INDIVIDUAL AND COLLECTIVE RESOURCES TO OVERCOME AND REMEDY SOME OF THE INEQUITIES SOCIETY HAS PLACED IN YOUR PATH TOWARD HAPPINESS. IF WE DO NOT SUCCEED IN THIS EFFORT, WE SHALL ALL SURELY SUFFER FROM OUR FAILURE.

SINCERELY,

Bobby L. Jones

BOBBY L. JONES, DIRECTOR
DADE COUNTY PUBLIC SAFETY DEPARTMENT

THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE RELATES THE FOLLOWING AS PERTAINS TO PHYSICAL ASSAULTS AND CRIMES OF VIOLENCE IN GENERAL:

- OUR WORST FEARS ARE OVER REACTIONS
- THE PUBLIC FEARS MOST CRIMES THAT OCCUR LEAST OFTEN — CRIMES OF VIOLENCE.
- MOST MURDERS AND ASSAULTS ARE COMMITTED BY PEOPLE WHO KNOW THEIR VICTIMS, I.E., RELATIVES, FRIENDS, OR ACQUAINTANCES.
- FEAR OF INTERRACIAL CRIME — IN MOST CASES ASSAILANT AND VICTIM ARE OF SAME RACE & SOCIO-ECONOMIC CLASS.
- MANY PERSONS FEAR SEXUAL ASSAULT AND SUFFER UNTOLD AGONIES OF IMAGINATION, HOWEVER — WE ALL, BOTH MEN AND WOMEN — HAVE TO REMAIN AWARE OF THE FACT THAT WE ARE ALL POTENTIAL VICTIMS AND WE MUST REMAIN ALERT TO OUR TOTAL ENVIRONMENT.
- SEXUAL ASSAULT IS A CRIME OF VIOLENCE, NOT A SEXUAL ACT.
- EXAMINE REALITIES OF LIFE AND PRACTICE PRUDENT HABITS.

PURSE SNATCHERS

EXPERIENCE SHOWS THAT PERSONAL INJURY SHOULD BE MINIMIZED IF YOU DO THE FOLLOWING:

— CARRY PURSE TUCKED UNDER YOUR ARM WITH OPENING FACING DOWN . . .

— IF ATTACKED, LET CONTENTS FALL TO THE GROUND . . .

— SIT DOWN ON SIDEWALK BEFORE YOU ARE KNOCKED DOWN .

— DO NOT CARRY ALL OF YOUR MEDICATION AT ONE TIME, LEAVE SOME AT HOME . . .

— REMAIN ALERT AT ALL TIMES . . .

PICKPOCKETS

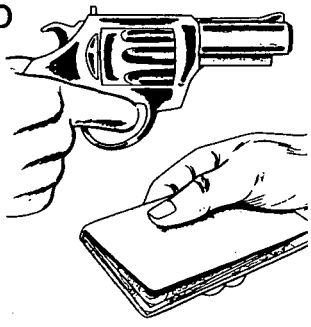
— CARRY VALUABLES IN A FRONT TROUSER POCKET . . . . . .

— PIN POCKET CLOSED ABOVE WALLET WITH SAFETY PIN . . .

— PUT LARGE RUBBERBAND AROUND WALLET SO IT WILL NOT FALL THROUGH POCKET IF CUT BY A RAZOR BLADE . . .

— FOLD POCKET UNDER WITH CONTENTS IN IT . . .

ROBBERY



PERSONAL INJURY SHOULD BE REDUCED IF YOU:

— MINIMIZE YOUR ATTEMPTS TO FIGHT OR RESIST . . .

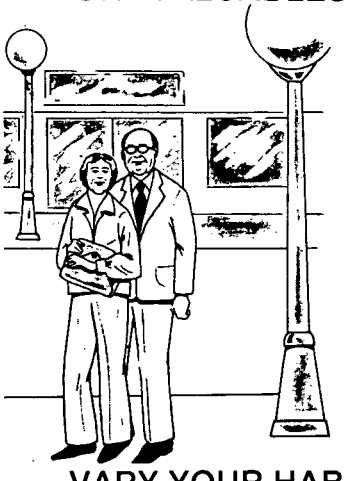
— VOLUNTARILY GIVE UP MONEY OR PROPERTY REQUESTED . . .

— REMEMBER UNUSUAL FEATURES AND CLOTHING FOR A GOOD DESCRIPTION . . .

— REMAIN CALM!!!

WALKING

— NEVER CARRY LARGE AMOUNTS OF CASH OR VALUABLES . . .



— PLAN YOUR ROUTE . .

— STAY IN WELL-LIGHTED AREAS . . .

— REMEMBER — THERE IS SECURITY IN GROUPS . . .

— REMAIN ALERT TO EVERYTHING AROUND YOU . . .

— VARY YOUR HABITS — DO NOT BECOME A "CREATURE OF HABIT". . .

— LET SOMEONE KNOW WHEN YOU ARE LEAVING, YOUR DESTINATION AND ESTIMATED TIME OF RETURN . . .

PHYSICAL LIMITATIONS

— EVERYONE HAS LIMITATIONS, BOTH PHYSICAL AND MENTAL, AND IT IS IMPORTANT TO KNOW YOURS . . . . . .

— AVOID ISOLATION, PARTICULARLY AT NIGHT . . . . . .

— DO NOT RESIST IF CRIMINALLY ACCOSTED UNLESS YOU ARE PHYSICALLY AND MENTALLY PREPARED . . . . . .

— DO NOT CARRY ANYTHING LETHAL AS IT COULD BE USED AGAINST YOU . . . . . .

— MANY AUTHORITIES SUGGEST, A LUSTY, SHRILL SCREAM FOR HELP OR SOME TYPE OF SOUND DEVICE AS A FORM OF DEFENSE. . . . . .

— IF YOU LIVE ALONE, HAVE SOMEONE CONTACT YOU ON A DAILY BASIS ENSURING THAT MEDICAL HELP OR ASSISTANCE WILL NOT BE DELAYED OVER AN EXTENDED PERIOD, I.E., BUDDY SYSTEM . . . . .

SAFETY IN THE CAR

— REMAIN ALERT AT ALL TIMES . . . . . .

— KEEP CAR DOORS LOCKED . . . . . .

— KEEP WINDOWS ROLLED UP FAR ENOUGH TO KEEP ANYONE FROM REACHING INSIDE . . . . . .

— TRAVEL WELL-LIT AND BUSY STREETS . . .

— AVOID SHORT CUTS—PLAN YOUR ROUTE...

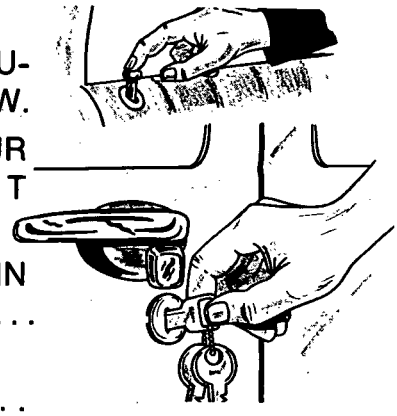
— IF YOU HAVE AN OCCASION TO BLOW YOUR HORN IN ORDER TO ATTRACT ATTENTION, DO SO IN SHORT QUICK BLASTS . . . . . .

— DO NOT LEAVE VALUABLES IN OPEN VIEW.

— NEVER LEAVE YOUR CAR WITHOUT LOCKING IT . . . . .

— PARK YOUR CAR IN WELL-LIT AREAS . . . . .

— NEVER PICK UP HITCHHIKERS . . . . . .



— DO NOT LEAVE KEYS IN AN UNATTENDED VEHICLE, AS IT COULD BE GONE IN A MATTER OF SECONDS. . . . .

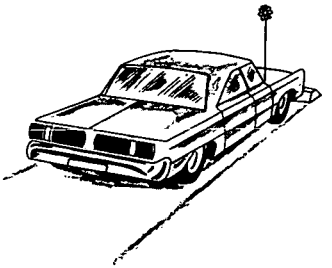
— PLAN YOUR TRAVEL ALONG BUSY ROUTES AT NIGHT.

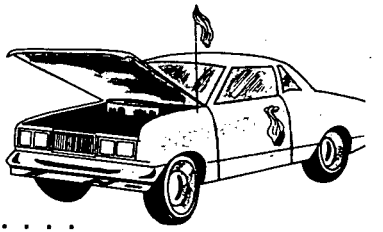
— IF YOUR CAR BREAKS DOWN:

— PULL CAR OFF ROADWAY TO A SAFE POSITION . . . . . .

— TURN ON EMERGENCY FLASHERS . . . . . .

SAFETY IN THE CAR (CONTINUED)





— RAISE THE HOOD. . . . . .

— TIE A HANDKERCHIEF TO THE AERIAL OR DOOR. . . . . .

— GET BACK IN YOUR CAR AND WAIT FOR HELP TO ARRIVE

— KNOW WHO YOU ARE ACCEPTING HELP FROM. . . . . .

— WOMEN & MEN — REMAIN IN VEHICLE AND CRACK WINDOW TO TALK UNTIL YOU ARE SURE WHO YOU ARE DEALING WITH. .

— IF YOU SEE A CAR THAT APPEARS TO BE IN TROUBLE, DO NOT STOP, HOWEVER, DO ATTEMPT TO CALL POLICE AND ADVISE. . . . . .

— IF YOU PARK IN A SHOPPING CENTER OR GARAGE, MAKE SURE IT IS A WELL-LIT AREA AND WRITE DOWN THE LOCATION OF YOUR CAR AND CARRY IT WITH YOU. . .

— ATTACH A PLASTIC FLOWER OR SOME OTHER RECOGNIZABLE OBJECT TO THE TOP OF YOUR ANTENNA SO YOU CAN SEE IT AT A DISTANCE. . . .

BANK DEPOSITS & CHECK CASHING

— NEVER GO TO THE BANK BY YOURSELF.

— DO NOT CARRY LARGE SUMS OF MONEY. . . . . .

— IF YOU GO TO THE BANK OR CASH CHECKS ON A REGULAR BASIS, VARY YOUR DEPOSIT AND CASHING DAYS. . . . . .

— DO NOT "FLASH" YOUR MONEY OR VALUABLES IN PUBLIC VIEW. . . . . .

— TRANSACT AS MUCH OF YOUR BANKING BUSINESS BY MAIL AS POSSIBLE. . . . . .

— TAKE ADVANTAGE OF THE FREE SERVICES YOUR BANK OFFERS TO SENIOR CITIZENS. . . . . .

OBSCENE PHONE CALLS

— DO NOT AGITATE THE CALLER. . . . . .

— IF YOU LOSE YOUR TEMPER THIS MAY BE WHAT THE CALLER WANTS. . . . .

— CALMLY HANG UP GIVING NO RESPONSE AND NOTE DATE & TIME. .

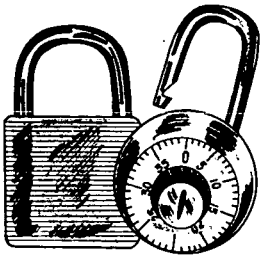
— NOTIFY YOUR POLICE DEPARTMENT. . . . . .

— IF CALLS CONTINUE, REPEAT ABOVE PROCEDURE. . . . . .

— THESE CALLS MAY BE CLASSIFIED AS EITHER OBSCENE, THREATENING OR HARASSING. . . . . .

INTRUDERS TO HOMES & APARTMENTS

— NEVER SACRIFICE YOURSELF TO INJURY TO SAVE PROPERTY. FOLLOW THESE PRINCIPLES TO DISCOURAGE POSSIBLE INTRUDERS:



— **DENY OR REMOVE THE RISK . . . . . .**

— IF POSSIBLE, DO NOT KEEP EXCESSIVE MONEY OR OTHER VALUABLES IN YOUR HOME. . . . .

— UTILIZE A SAFE DEPOSIT BOX AND/OR A REPUTABLE STORAGE COMPANY. . . . . .

— **SPREAD THE RISK;** DO NOT PUT ALL OF YOUR VALUABLES IN ONE PLACE. . . . . .

— REMEMBER, BURGLARS KNOW ALL THE PLACES WHERE PEOPLE HIDE VALUABLES IN THEIR HOME TOO. . . . . .

— **DETER OR DELAY**— REDUCE THE RISK

— MAINTAIN GOOD LIGHTING OUTSIDE OF YOUR HOME OR APARTMENT. . . .

— MAINTAIN A "LIVED-IN" APPEARANCE TO YOUR HOME OR APARTMENT. . . .

— TRIM AWAY SHRUBBERY THAT OBSCURES DOORS AND ACCESSIBLE WINDOWS. . . . . .

— WHEN YOU ARE AWAY FROM HOME, LEAVE A RADIO AND/OR LIGHT ON, ATTACHED TO A TIMING DEVICE. . . . . .

— A SMALL DOG THAT BARKS AT NOISES IS A GOOD ALARM. . .

(INTRUDERS, CONTINUED)

— HAVE ADEQUATE DOORS, LOCKS, WINDOWS & SCREENS AND **USE THEM**. . .

— CONTACT THE DADE COUNTY PUBLIC SAFETY DEPARTMENT AT 547-7496 AND REQUEST OUR FREE SECURITY SURVEY OR ADDITIONAL INFORMATION. . .

— **TRANSFERRING THE RISK:**
OBTAIN ADEQUATE INSURANCE COVERAGE FOR YOUR PROPERTY AND BELONGINGS. . .

— **ACCEPTANCE OF THE RISK:**
THERE ARE CERTAIN THINGS WHICH DO NOT HAVE MONETARY VALUE. . .

— ACCEPT THE FACT THAT YOU STAND THE POSSIBILITY OF LOSING CERTAIN ITEMS IF YOUR HOME IS INADEQUATELY SECURED.

— MAKE SURE YOUR HOME IS FREE OF FIRE HAZARDS AND OBTAIN SMOKE DETECTORS IF POSSIBLE. . .

— IF A STRANGER REQUESTS TO USE YOUR RESIDENCE TELEPHONE IN ORDER TO SUMMON ASSISTANCE, TAKE THE PHONE NUMBER AND **MAKE THE CALL** FOR THEM.

— **REQUIRE AND EXAMINE IDENTIFICATION** FROM PEOPLE WHO SAY THEY ARE POLICE OFFICERS, INSURANCE MEN, UTILITY MEN, ETC. . .

— DO NOT OPEN YOUR DOOR TO STRANGERS. . .

— KEEP ALL DOORS LOCKED. . .

CITIZENS' CRIME WATCH

— YOU ARE THE **EYES AND EARS** OF YOUR COMMUNITY: THE FIRST LINE OF DEFENSE AGAINST CRIMINALITY. . . . .

— DO NOT BECOME PHYSICALLY INVOLVED IN ANY TYPE OF CONFRONTATION, HOWEVER, NOTIFY YOUR POLICE DEPARTMENT AS SOON AS POSSIBLE. . . . .

— BECOME ACTIVELY INVOLVED IN YOUR NEIGHBORHOOD'S CITIZEN CRIME WATCH PROGRAM BE YOU EITHER A HOME OR AN APARTMENT DWELLER. . . . . .

— IF YOU DO NOT HAVE A CITIZENS' CRIME WATCH IN YOUR AREA — START ONE. . . . .

— GET INVOLVED AND INVOLVE YOUR NEIGHBORS. . . . .

— FOR MORE INFORMATION CALL 547-7496 . . .

OPERATION IDENTIFICATION

— MARK VALUABLE PROPERTY WITH YOUR FLORIDA DRIVERS LICENSE NUMBER OR FLORIDA I.D. NUMBER, WHICH YOU CAN OBTAIN FROM THE STATE. . . . .

— ENGRAVERS CAN BE OBTAINED ON A LOAN BASIS FROM THE DADE COUNTY PUBLIC SAFETY DEPARTMENT SUBSTATIONS. . . . . .

WARNING

Property protected by permanent marking

CAN BE TRACED!

OPERATION IDENTIFICATION

CONFIDENCE "CON" PERSONS

— NO ONE GIVES YOU ANYTHING FOR NOTHING. . . . . .

— CONFIDENCE PERSONS ARE GOOD ACTORS AND USUALLY EXPERIENCED IN WINNING YOUR TRUST; THEY GAIN YOUR TRUST, THEN YOUR MONEY. . . .

— CONFIDENCE PERSONS COME IN ALL SIZES, SHAPES, AGES, RACES AND NATIONALITIES. . . . .

— BEFORE YOU BECOME INVOLVED WITH ANY TYPE OF BUSINESS VENTURE, CHECK WITH YOUR CHILDREN, BUSINESS ADVISOR, CONFIDANT OR FRIEND. . .

— **CALL POLICE IF IN DOUBT. . .**

TYPES OF FRAUD OR CONFIDENCE GAMES:

— **PIGEON DROP:** PERSON FINDS A WALLET FULL OF MONEY AND OFFERS TO SHARE IT WITH YOU IF YOU WILL PUT UP A LIKE AMOUNT AS "GOOD FAITH". . . . .

— **BANK EXAMINER:** YOU ARE ENTICED TO WITHDRAW YOUR MONEY FROM YOUR BANK ACCOUNT IN ORDER TO HELP CATCH A DISHONEST BANK EMPLOYEE. . .

— **MAIL FRAUDS:** BE LEERY OF ANY UNSOLICITED MAIL. . . . . USUALLY TAKES THE FORM OF CONSUMER INQUIRIES, BUSINESS OPPORTUNITIES, MEDICAL HELP, AND SELF-IMPROVEMENT. . .

— **CONTRACTS:** NEVER SIGN A CONTRACT UNTIL YOU HAVE HAD IT LOOKED OVER BY YOUR LAWYER, BANKER OR OTHER EXPERT. . .

— **FEAR-SELL:** THIS IS HIGH PRESSURE SALESMANSHIP. . . . . .GET IT NOW OR NEVER — YOU DON'T NEED IT. . . . . .NEVER BE FORCED INTO MAKING ANY PURCHASES THAT YOU WILL REGRET AT A LATER TIME. . . .

— **TELEPHONE SOLICITATION:** NEVER PURCHASE ANYTHING OVER THE TELEPHONE UNLESS YOU KNOW WHO YOU ARE DEALING WITH AND HAVE MADE PRIOR ARRANGEMENTS. . . . . .THEN GET A NUMBER AND CALL THE PARTY BACK OR INSIST ON PERSON TO PERSON CONTACT.

— **DOOR TO DOOR SALESPERSONS:** DO NOT PATRONIZE THEM. . . .

— IF THEY ARE EXPECTED CHECK I.D. BEFORE ALLOWING THEM IN. . . .

— CALL THEIR COMPANY FOR VERIFICATION. . . . . .

— **RETIREMENT PROGRAMS:** ONLY DEAL WITH REPUTABLE OR WELL-KNOWN AND ESTABLISHED PROGRAMS. . . . . .USE A GREAT DEAL OF CAUTION WHEN LOOKING INTO PROGRAMS INVOLVING TOTAL RESIDENTIAL LIVING WHICH ENCOMPASSES PAID MEDICAL EXPENSES, FOOD, ROOM, AND BOARD. . . . .

— THERE ARE MANY DIFFERENT TYPES OF CON GAMES AND ALSO DIFFERENT VARIATIONS OF THE ONES IDENTIFIED. . . .

— **REMAIN ALERT AND AWARE. . . . . .**

MINI-QUIZ

1. PEOPLE FEAR MOST. . . . .
   A. WHAT THEY KNOW. . . . .
   B. WHAT THEY DO NOT KNOW. . . .
   C. WHAT THEY HAVE HEARD. . . . . .

2. AS A SENIOR CITIZEN, WHO OBSERVES A CRIME OR POTENTIAL CRIME, YOU SHOULD. . . . . .
   A. GET PHYSICALLY INVOLVED
   B. DO NOT GET INVOLVED AT ALL
   C. CALL POLICE IMMEDIATELY AND DO NOT BECOME PHYSICALLY INVOLVED. .

3. IN GOING ABOUT YOUR DAILY ROUTINES, ONE MUST. . . . . .
   A. MIND ONE'S OWN BUSINESS
   B. REMAIN ALERT AND PRACTICE PRUDENT HABITS
   C. BE A "BUSY BODY"

4. WHEN CONFRONTED BY THE PERPETRATOR OF A CRIME, MOST AUTHORITIES SUGGEST WHICH OF THE FOLLOWING THAT WOULD BEST MINIMIZE PERSONAL INJURY. . . . .

   A. NOT RESIST IN ANY WAY AND SUBMIT TO THE DEMANDS OF THE PERPETRATOR. . . . .

   B. RESIST IN ANY WAY POSSIBLE WITH TOTAL DISREGARD FOR YOUR PHYSICAL AND MENTAL LIMITATIONS. .

   C. SCREAM FOR HELP. . . . . .

5. WHILE DRIVING IN YOUR CAR, ONE MUST. .

   A) REMAIN ALERT AT ALL TIMES
   B) KEEP YOUR DOOR LOCKED
   C) DO NOT LEAVE VALUABLES IN OPEN VIEW
   D) ALL THE ABOVE

6. TRUE OR FALSE

   NEVER SACRIFICE YOURSELF OR BE INJURED TO SAVE PROPERTY

7. TRUE OR FALSE

   CONFIDENCE PERSONS, IN ORDER TO ACCOMPLISH THEIR GOALS, MUST RELY ON A PERSON'S FEELINGS OF GREED AND SELFISHNESS

ANSWERS

1 - B, 2 - C, 3 - B, 4 - A, 5 - D, 6 - TRUE, 7 - TRUE

86-411 O—81——10

TEAR HERE

RESOURCE PAGE

DADE COUNTY PUBLIC SAFETY
DEPT. — COMPLAINT DESK 324-4100
STA. #1 — 16770 N.W. 37 AVE. 624-8581
STA. #2 — 2950 N.W. 83 ST. 638-6721
STA. #3 — 1850 N.W. 66 AVE. 526-6185
STA. #4 — 10800 S.W. 211 ST. 253-4421
STA. #5 — 7707 S.W. 117 AVE. 271-4421
STA. #6 — 15665 BISCAYNE BLVD. 947-4421
COMMUNITY SERVICE SECTION
1320 N.W. 14 STREET 547-7496
MUNICIPAL POLICE _____
FIRE RESCUE & FIRE DEPARTMENT
(CO-WIDE) 279-1441
BETTER BUSINESS BUREAU 757-3446
DADE COUNTY BAR ASSOCIATION 379-0641
CONSUMER PROTECTION DIVISION ... 579-4222
CITIZENS CRIME WATCH 547-7496
CITIZEN REFERRAL SERVICES 579-5656
ELDERLY SERVICES DIVISION 579-5335
FEDERAL INFORMATION 350-4155
POISON INFORMATION CENTER 325-6799
SOCIAL SECURITY ADMINISTRATION .. 944-2011
STATE ATTORNEY'S OFFICE 547-5200
SWITCHBOARD (24 HR. CRISIS LINE) ... 358-4357
DOCTOR ..... _____
HOSPITAL ..... _____
PHARMACY ..... _____

DIAL

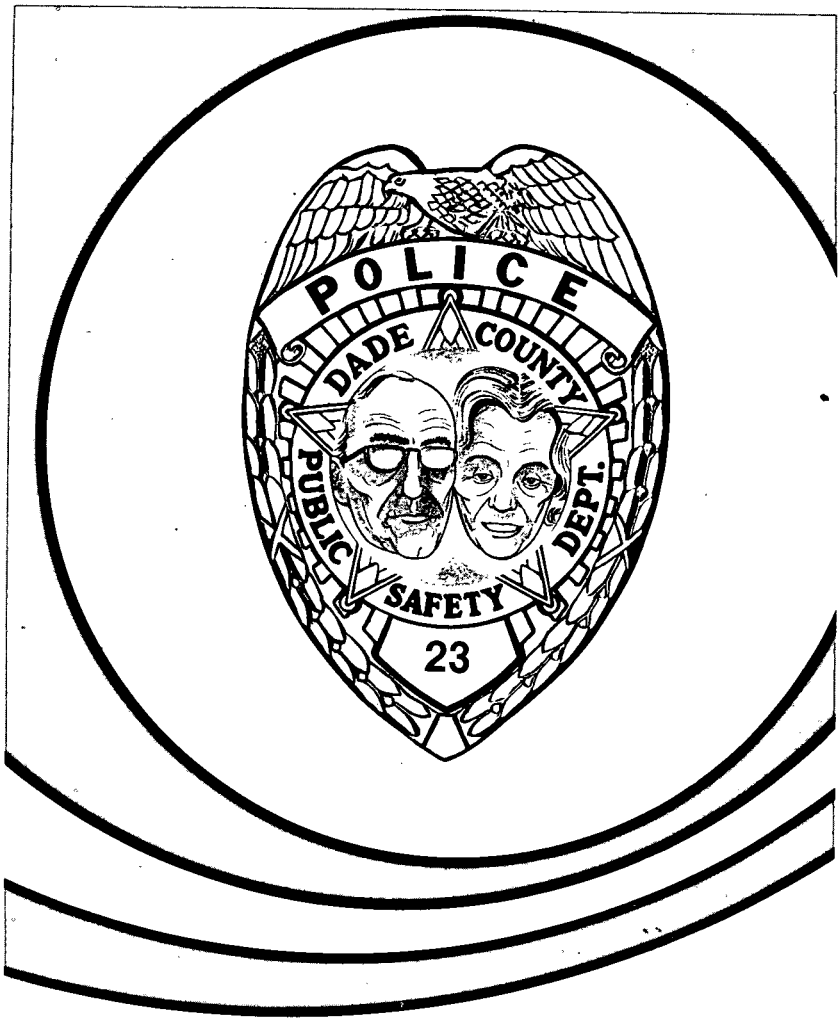
911

EMERGENCY
POLICE
FIRE/RESCUE

_____

ADDRESS

SHOULD BE USED FOR
MEDICAL EMERGENCY
and/or
CRIME-IN-PROGRESS
CALLS ONLY



SENIOR CITIZEN REFERRAL GUIDE

DADE COUNTY PUBLIC SAFETY DEPARTMENT
DADE COUNTY FLORIDA

A MESSAGE FROM THE DIRECTOR

DIRECTOR
BOBBY L. JONES

THE LATTER PART OF THE 20TH CENTURY HAS BROUGHT WITH IT SOME PARTICULAR PROBLEMS AS THEY RELATE TO SENIOR CITIZENS. HAVING SURVIVED A TIME WHERE THE PRIMARY CONCERNS OF THE WORLD WERE GENERALLY POLITICAL IN NATURE, WE NOW FIND OURSELVES IN AN ERA IN WHICH THE EMPHASIS IS ONE OF HUMAN RIGHTS. FOR MANY OF US, HOWEVER, IT IS VERY DIFFICULT TO MAINTAIN A HUMANISTIC OUTLOOK ON LIFE WHEN WE SEE SOME MEMBERS OF OUR SOCIETY FLOUNDERING IN THEIR EFFORTS TO DEAL WITH PROBLEMS RELATED TO INFLATION, MALNUTRITION, STARVATION, CRIMINALITY AND AN ASSORTMENT OF OTHER SOCIAL MALADIES.

YOU AS THE SENIOR ADVISORS OF OUR TIME MUST ENDURE. YOU MUST SEEK TO RECONCILE THESE PROBLEMS THROUGH YOUR PERSISTENCE, YOUR PERSEVERANCE AND YOUR EXERCISE OF YOUR RIGHTS AS CITIZENS OF THIS GREAT NATION. YOU MUST MAKE YOUR VOICES HEARD IN ALL FACETS OF LIFE. YOU WILL GET RESULTS.

WE OF THE DADE COUNTY PUBLIC SAFETY DEPARTMENT OFFER TO YOU, AS AN AID IN YOUR COLLECTIVE EFFORT, A GUIDE WHICH WE SINCERELY HOPE WILL ASSIST YOU IN YOUR DAY-

TO-DAY STRUGGLE TOWARD THE ACHIEVEMENT OF INDIVIDUAL PEACE AND HAPPINESS. WE DO NOT INTEND FOR THE GUIDE TO BE THE ANSWER TO ALL OF YOUR PROBLEMS BUT IT IS OUR INTENTION TO PROVIDE YOU WITH SOME INFORMATION WHICH WE HOPE WILL ALLEVIATE SOME OF YOUR COMMON FEARS AND HELP YOU TO MEET YOUR DAILY CHALLENGES AS YOU INTERACT IN TODAY'S SOCIETY.

AS A GREAT PHILOSOPHER ONCE SAID, "LET US THEN SHAPE OUR VIEWS OF EXISTENCE INTO LOVELINESS, FRESHNESS, AND CONTINUITY, RATHER THAN INTO AGE AND BLIGHT."

REMEMBER, LET WISDOM, NOT FEAR BE YOUR GUIDE! BE YOUR OWN PERSON, AND UTILIZE YOUR INDIVIDUAL AND COLLECTIVE RESOURCES TO OVERCOME AND REMEDY SOME OF THE INEQUITIES SOCIETY HAS PLACED IN YOUR PATH TOWARD HAPPINESS. IF WE DO NOT SUCCEED IN THIS EFFORT, WE SHALL ALL SURELY SUFFER FROM OUR FAILURE.

SINCERELY,

BOBBY L. JONES, DIRECTOR
DADE COUNTY PUBLIC SAFETY DEPARTMENT

ADULT DAY CARE

A social program for the frail, moderately handicapped or slightly confused older person, or disabled adult 18 years of age or older. Transportation, snacks, lunch and suitable recreational and educational activities are provided.

LOCATION: 140 West Flagler Street, Suite 1605
HOURS OF OPERATION: 8am—5pm, Monday—Friday
TELEPHONE NUMBER: 579—5335

COMMUNITY RESOURCE FACILITATION

A program which maintains liaison with community services which can be tapped for additional assistance to Elderly Services Division programs. They distribute literature which helps older people locate available services, including: A Division brochure, a mini-directory of services, and educational pamphlets such as "Myths and Facts" and "Food Without Fuss For Senior Adults".

LOCATION: 140 West Flagler Street, Suite 1605
HOURS OF OPERATION: 8am—5pm, Monday—Friday
TELEPHONE NUMBER: 579—5335

IMPACT PROGRAM

A multi-service program comprised of four components:

- ★ Senior Centers (Jack Orr Center, 550 N.W. 5 Street, and Musa Isle Center, 2501 N.W. 16 Street Road): Providing meals, social services and educational, cultural and leisure time activities.
- ★ Downtown Outreach: Identifying and assessing the needs, and referring isolated elderly living in downtown Miami to services avaiable to them.
- ★ Community Organization: Organize new services and programs in areas of needs.
- ★ Coordinated Transportation System: Administering a fleet of 10 vans and 1 bus in transporting elderly to adult day care and senior centers meal programs, to recreational events, and volunteer activities and shopping.

LOCATION: Jack Orr Center, 550 N.W. 5 Street
Musa Isle Sr. Center, 2501 N.W. 16 St.Rd.
HOURS OF OPERATION: 8am—5pm, Monday—Friday
TELEPHONE NO.: 579—5588 (Jack Orr Center)
638—6684 (Musa Isle Senior Ctr.)

LEGAL SERVICES OF GREATER MIAMI

A program which provides free civil legal assistance to the elderly who are facing landlord/tenant disputes, possible denial of their rights in institutionalized settings, and other legal assistance.

LOCATION: Senior Citizens Law Center, 833— 6 St., Miami Beach
HOURS OF OPERATION: 9am—5pm, Monday—Friday
TELEPHONE NUMBER: 531—0537

PROJECT RENEW PROGRAM

A program which offers persons 55 years of age and older the opportunity to obtain practical on-the-job training to upgrade unused skills and to learn new ones.

LOCATION: 1001 Ocean Drive, Miami Beach
HOURS OF OPERATION: 8am—5pm, Monday—Friday
TELEPHONE NUMBER: 672—1609

RESIDENTIAL HOMEMAKER SERVICES

A program providing assistance with personal care, meal preparation, shopping, laundry and light housekeeping, escort to doctor or clinic appointments, social services, referrals to other agencies, and food stamp recertification.

LOCATION: 140 West Flagler Street, Suite 1605
HOURS OF OPERATION: 8am—5pm, Monday—Friday
TELEPHONE NUMBER: 579—5335

RETIRED SENIOR VOLUNTEER PROGRAM (R.S.V.P.)

A program which creates meaningful opportunities for persons of retirement age to participate more fully in the life of their communities through volunteer services.

LOCATION: 140 West Flagler Street, Suite 1605
HOURS OF OPERATION: 8am—5pm, Monday—Friday
TELEPHONE NUMBER: 579—5335

★ ★ ★ REMEMBER! ★ ★ ★
LET WISDOM, NOT FEAR BE YOUR GUIDE

RESOURCE DIRECTORY

POLICE AND FIRE:

Emergency Number for Police and Fire Rescue	911
Dade County Public Safety Dept. – Complaint Desk	324 – 4100
Station #1 – 16770 N.W. 37 Avenue	624 – 8581
Station #2 – 2950 N.W. 83 Street	638 – 6721
Station #3 – 1850 N.W. 66 Avenue	526 – 6185
Station #4 – 10800 S.W. 211 Street	253 – 4421
Station #5 – 7707 S.W. 117 Avenue	271 – 4421
Station #6 – 15665 Biscayne Boulevard	947 – 4421
Community Programs Section – 1320 N.W. 14 St. Rm. 301	547 – 7496
Municipal Police	_____
Fire Rescue & Fire Department (County-Wide)	279 – 1441

RESOURCE AGENCIES:

American Red Cross	576 – 4600
Better Business Bureau	757 – 3446
Catholic Service Bureau	754 – 2444
Christian Community Service Agency (Sea Gull)	545 – 5276
Citizens' Crime Watch	756 – 0582
Citizen Referral Service	579 – 5656
Consumer Protection Division	579 – 4222
Dade County Bar Association	379 – 0641
Dade County HUD Comm. Serv. (HUD Residents **only**)	547 – 5306
Elderly Services Division	579 – 5335
Federal Information	350 – 4155
Florida Medi-Car, Inc.	634 – 8614
James E. Scott Comm. Assoc. (J.E.S.C.A.)	638 – 4070
Jewish Family and Children Services	445 – 0555
Miami Beach Social Services	673 – 7458
Poison Information Center	325 – 6799
Social Security Administration	944 – 2011
Spanish American Basic Education & Rehabilitation (S.A.B.E.R.) – Manpower	545 – 6060
State Attorney's Office	547 – 5200
State of Florida Health & Rehabilitative Services	325 – 2990
Switchboard (24-hour Crisis Line)	358 – 4357

GENERAL INFORMATION:

DOCTOR	_____
HOSPITAL	_____
PHARMACY	_____

DIAL

911

EMERGENCY
POLICE
FIRE/RESCUE

ADDRESS

SHOULD BE USED FOR MEDICAL EMERGENCY and/or CRIME-IN-PROGRESS CALLS ONLY

EXCERPTS FROM THE FINAL REPORT, ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME, SUBMITTED BY JEFFREY T. HARRIS

Chapter 5

Victims of Crime

Violent crime has increased tremendously over the past two decades in this country. In spite of the fact that federal, state, and local police and prosecutors have made tremendous efforts to stem the flow of violent crime, it remains at extremely high levels. As an example, statistics from the National Crime Survey show that from 1973 to 1979 there were an estimated 40,035,000 rape, robbery, and assault victimizations in this country. During that same period, the Uniform Crime Reports show that there were 118,096 victims of homicide. Although these figures are staggering, it should be remembered that these "statistics" represent human beings.

While we of course must continue to do everything feasible to try to prevent crime in the first place and bring to justice those who commit it, it is clear that the country owes a duty to the victims of crime. Such effort should be directed at two specific areas: first, to make the victims whole again to the greatest extent possible and, second, to improve the criminal justice system in order to prevent victims of violent crime from being victimized twice.

Federal standards for the fair treatment of victims of serious crime

Recommendation 62

The Attorney General should establish and promulgate within the Department of Justice, or support the enactment of legislation to establish, Federal Standards for the Fair Treatment of Victims of Serious Crime.[1]

Commentary

Our society is based on the rule of law rather than individual anarchy and personal vengeance. Members of society have given up the right to personally enforce the law and to collect their own retribution in favor of our federal, state, and local governments performing those roles. As a result, government owes a duty to protect law-abiding members of society.

Moreover, experience has shown that victims and witnesses are much more apt to report crimes in the first place and, secondly, to cooperate with the authorities once a case is brought to their attention, if they perceive that the government cares about them and will do everything feasible to protect their rights. If victims and witnesses cooperate fully with the criminal justice system, it will be much easier to bring to justice and punish those responsible for breaking the law. Our society will thus become much safer.

The importance of victims to the criminal justice system has been recognized at the highest levels. While a candidate for President of the United States, Ronald Reagan created an Advisory Task Force on Victim's Rights. After taking office, President Reagan proclaimed the week of April 19 through 25, 1981, "Victim's Rights Week."

There have been a number of offices in this country, such as D. Lowell Jensen's former office in Alameda County, California, and Michael McCann's office in Milwaukee, Wisconsin, that have made tremendous progress in recognizing and attending to the problem of victims and witnesses. However, the overall response to those problems has been inconsistent and in some cases practically nonexistent. While most violent crime is prosecuted in state and local courts, some violent crime, particularly assaults on federal officials, robbery of federally insured financial institutions, and violent crime associated with organized crime, is prosecuted in federal courts. No U.S. Attorney's Office has set up a victim/witness assistance unit.[2] This may be due in part to the fact that the U.S. Attorney's Offices prosecute relatively few cases involving violent crime and civilian victims. On the other hand, it may well be that at least the larger offices or those that prosecute cases involving offenses that occur on federal reservations do have a need for such a unit. Accordingly, we recommend that the Attorney General provide for the funding of victim/witness assistance units in those offices that have a need for such a unit.

A federal standard for the fair treatment of victims of violent crime would serve as a model toward which all prosecutors' offices throughout the country could strive.

It should be noted that a federal standard would not, in and of itself, afford victims any substantive rights that, if violated, would give them a cause of action. It was out of concern that the public or courts might construe the adoption of a "Victim's Bill of Rights" as the creation of a new cause of action that we declined to accept that label in our recommendation. However, we do support the general concept that is embodied in recent proposals for better treatment for victims. One such proposal is now pending enactment in New York. That bill, with slight modifications, is set forth below in order to illustrate this issue. We wish to point out, however, that by including it for illustrative purposes, we do not necessarily suggest that this list is a definitive set of standards. The actual federal standards that would be established would be up to the Attorney General. Under the New York proposal, citizens would have the following expectations:

- To be protected from criminal violence and crime.
- To be kept informed by law enforcement agencies of the progress of their investigation.
- Once a suspect is apprehended, to be kept informed by the District Attorney as to the progress of the case including any final disposition, when the victim so requests. This expectation also includes notification that the defendant has been released from custody.

- To be notified of any proposed discretionary disposition, and the terms thereof, including any plea and sentence bargain arrangement involving the accused perpetrator of the crime and any agreement by a prosecutor to accede to an insanity defense.
- After conviction, to be notified of any release of the defendant if such defendant was incarcerated, including a temporary pass, furlough, work or other release, discharge, or an escape.
- To be notified of any change in a defendant's status when such defendant has been committed to the custody of the Department of Mental Hygiene as a result of being found not guilty by reason of insanity or being found unable to stand trial due to mental infirmity. A change in status would include the transfer to any less secure facility, a temporary pass, furlough, vacation, work or other release, discharge, or an escape. Other interested parties, such as the court and the District Attorney, should also be notified.
- To be informed of financial and social service assistance available to crime victims. This includes receiving information on how to apply for such assistance and services.
- To be provided with appropriate employer and creditor intercession services to ensure that employers of victims will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
- To be provided with adequate witness compensation and to be informed of such compensation and the procedure to be followed to obtain such witness fees.
- To be provided with, whenever possible, a secure waiting area, during court proceedings, that ensures that the victim/witness will not be in contact with defendants and families and friends of defendants.
- To receive adequate protection from any threats of harm arising out of cooperation with law enforcement and prosecution efforts. This right includes receiving information as to the level of protection available.
- To have any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible (photographs should be taken whenever possible).
- To be represented by an attorney, not necessarily at public expense, in certain types of cases (rape, etc.) where the reputation or right of the complaining victim/witness is at stake.
- To be made whole through restitution and/or civil recovery wherever possible.
- To have perpetrators prevented from being enriched, either directly or indirectly, by their crimes or at a victim's expense.

Two additional proposed features are, first, that victims and witnesses should expect that they will be treated with dignity and compassion and, second, that they should expect that a translator will be provided where necessary and practical.

Notes

1. We also address victims of crime in Phase I Recommendation 13.

2. The U.S. Attorney's Office for the District of Columbia has recently set up a victim/witness unit but it is based in the District of Columbia Superior Court, which handles local, not federal, prosecutions.

Third-party accountability

Recommendation 63

The Attorney General should study the principle that would allow for suits against appropriate federal governmental agencies for gross negligence involved in allowing early release or failure to supervise obviously dangerous persons or for failure to warn expected victims of such dangerous persons.[1]

Commentary

In the past, there have been a number of occasions where extremely dangerous criminals have been precipitously released into society by prison officials, parole boards, and mental institutions. Once at large in society, they have brutalized and even murdered persons. Since these victims and their survivors have had no real recourse to redress the wrongs visited upon them, they have, with some justification, felt that their government had failed in its obligation to protect them. In an effort to find some redress, the survivors of one such victim brought a suit against the Federal Bureau of Prisons and the U.S. Board of Parole under the Federal Tort Claims Act. The facts of this case, *Payton* v. *United States*, 636 F. 2d 132 (5th Cir. 1981), are briefly set out below in an effort to elucidate the issue of third-party accountability.

A member of the U.S. Air Force, Thomas Whisenhant, was sentenced in 1966 to 20 years in federal prison on a charge of assault with intent to murder a female member of the Air Force, whom he severely and brutally beat almost to death. While in prison he manifested his continued homicidal tendencies by threatening the life of a female penitentiary employee. He was repeatedly diagnosed in prison as a paranoid, schizophrenic psychotic who had tendencies toward brutal assaultive behavior. One psychiatrist concluded that he was in dire need of long-term psychiatric treatment. Nonetheless, his sentence was inexplicably reduced to 10 years and he was released. This release, according to the testimony of a psychiatrist, was a grievous error bordering on gross negligence.

After his release, he brutally beat and murdered two women and kidnapped, raped, murdered, and mutilated a third woman, whose survivors brought suit under the Federal Tort Claims Act against the Federal Bureau of Prisons and the U.S. Board of Parole. This suit was dismissed by the trial court, but the dismissal was reversed by the Fifth Circuit Court of Appeals. There is presently a motion for rehearing en banc pending.

The public expects vigorous governmental efforts to protect it against such occurrences as took place in the *Payton* case. A growing body of authority recognizes the duty to properly supervise parolees and patients who are dangerous, to advise appropriate officials of their release, and to warn potential victims. Such accountability would act as an incentive for professional and efficient administration and would tend to act as a deterrent to grossly negligent actions that result in the release of obviously dangerous persons into our society. As the scope of government grows, the potential for harm due to its negligence increases. When injury results from the grossly negligent actions of government under the circumstances herein described, there is a need to compensate the victims. Since there is no real method in existence now, it should be created.

We are of the opinion that any cause of action in this area should be a limited one. One definite advantage of having legislation is the ability to set out the parameters of the cause of action and thus restrict it to the relatively rare situations to which it should apply. There is a careful balancing that must be performed: first, to allow for governmental responsibility in those situations that call for it and, second, not to foster a public perception that the government is responsible in money damages for every dereliction, however minor, that its employees commit. A carefully crafted legislative proposal which sets out these parameters would accomplish this end.

It is clear that allowing this type of suit against governmental agencies would require additional manpower and financial resources. In addition, arguments have been made that such judicial scrutiny would be a burden on governmental activity and would inhibit the exercise of governmental decisionmaking, although it should be noted that the proposal involves governmental, not individual, liability and is limited to gross negligence involving obviously dangerous persons who later commit acts of criminal violence. Nonetheless, fears have been expressed that allowance of this type of suit would open the door to broader, more inclusive litigation and governmental liability. However, as we have pointed out, liability could be narrowly drawn.

Because the need for compensating victims of crime under the type of circumstances outlined in the *Payton* case is so great and because we think that the existence of governmental liability for acts of gross negligence would have a beneficial effect on the performance of governmental duties, we recommend that the Attorney General study the principle of establishing governmental liability for acts of gross negligence that result in injury under conditions such as we have described in this section.

Note

1. We also address victims of crime in Phase I Recommendation 13.

Victim compensation

Recommendation 64

The Attorney General should order that a relatively inexpensive study be conducted of the various crime victim compensation programs and their results.[1]

Commentary

In an effort to compensate victims of crime, 34 states have enacted crime victim compensation laws. The subject of victim compensation is an extremely complicated one, involving a myriad of issues ranging from funding and financial considerations to eligibility requirements. The programs in the states are quite different, and each has its own advantages and disadvantages. A federal crime victims compensation bill has been introduced in the last eight sessions of Congress, where it has failed to achieve passage.

It seems apparent that the state of the art in crime compensation has not advanced to the point where it could be said that a model program could be recommended that would quiet the extensive controversy that surrounds this issue. It would appear that a thorough study is necessary that is outside the scope of this Task Force. Accordingly, we recommend that the Attorney General direct that a relatively inexpensive study of the various programs and their results be conducted.

Note

1. We also address victims of crime in Phase I Recommendation 13.

Recommendation 13

The Attorney General should take a leadership role in ensuring that the victims of crime are accorded proper status by the criminal justice system.[1]

Commentary

In the past several years, the realization has grown that victims of violent crime all too frequently are twice victimized: first, by the perpetrator of the violent criminal act and, second, by a criminal justice system unresponsive to the particular needs of violent crime victims. Although we recognize that violent crime is primarily a state and local responsibility, we believe the Attorney General has an extremely important leadership role to play in advocating that victims of violent crime, whether at the federal, state, or local level, be afforded proper status in the criminal justice system.

Victims of violent crime are particularly vulnerable because of the physical, emotional, and financial stresses they are subject to as a result of their unique status in the criminal justice system. Our concern in this area extends to witnesses of criminal conduct as well, since they, too, often endure many of the same hardships that victims do. Both victims and witnesses play a crucial role in the criminal justice system, and neither victims nor witnesses should have to suffer as a result of their contribution to the cause of justice in America.

In the past, neglect of victims by the various components of the criminal justice system has taken many forms. First, there has been a lack of assistance to the victim who has suffered emotional trauma as a result of the violent crime. Victims and witnesses have frequently found that police officers, prosecutors, and court personnel have ignored or been insensitive to their needs. Many victims and witnesses know little about the court system and what will be expected of them. Matters that may affect them, such as the return of stolen property or the availability of financial and social services and victim compensation, have not been explained. Timely notification of court dates, continuances, and case dispositions have been spotty. When they have come to court, they have found transportation, parking facilities, child care services, and waiting areas unsatisfactory. Their attendance at court has occasionally caused problems with employers, and witnesses who are not fluent in English have had problems in communicating with court personnel.

Victims of violent crime have also frequently found that the defendant in their case has pled guilty to a lesser offense than the original charge, without opportunity for participation by the victim or explanation as to why the action was taken. Such dispositions can increase the victim's frustration and sense of alienation. When the defendant is sentenced, the crime's full impact on the victim has frequently not been presented to the judge by either the probation officer or the prosecutor, resulting in an imbalance in the sentencing process.

In recent years, many jurisdictions have instituted necessary changes to alleviate these problems. Crisis intervention services and victim/witness assistance units have been created to address many of the victim's needs. Prosecutors have adopted policies to obtain the views of violent crime victims before plea negotiations take place. Although such information does not control the final decision of what plea to offer, the process signifies that the victims' rights are protected. Finally, many prosecutors' offices review information that is routinely provided to judges prior to sentencing and supplement it where necessary, thus ensuring that the full impact of the crime on the victim is presented.

We view these efforts as commendable but note that their adoption has not been universal throughout the country. To ensure that victims of and witnesses to violent crime are protected everywhere, we recommend that the Attorney General play a leadership role in victim advocacy.

Note

1. We also address victims of crime in Phase II Recommendations 62 through 64.

86-411 O—81——11

FRANK CARRINGTON

The Crime Victims Legal Advocacy Institute: A Victims' Legal Rights Organization is Formed in Virginia

Introduction: A Personal Note

It is an intriguing coincidence that an idea which germinated purely as an academic legal exercise in Virginia should, four years later, after having been developed completely outside of the Commonwealth, have returned to Virginia as a full-fledged substantive program—the first of its kind in the nation—the Crime Victims Legal Advocacy Institute in Virginia Beach.

Towards the middle of 1976, Professor Charles Friend, Acting Dean of the University of Richmond Law School, asked me to write a law review article on victims' compensation, presumably because I had authored a recent book about crime victims[1] and was engaged in rather extensive research on this subject at the time.

I was at that time Executive Director of Americans for Effective Law Enforcement, Inc. (AELE) in Evanston, Illinois, and was in the process of trying to develop a Legal Center, under the auspices of AELE, which would be concerned solely with the legal rights of crime victims. As I had been raised in Lynchburg and still considered Virginia "home" (albeit after an absence of some twenty years), I readily agreed to write the article.

After a considerable amount of research, however, a consensus between Richmond and Evanston was reached that, on the subject of *victims' compensation* as such, there was simply not enough substantive material to justify a lead law review article. The topic lends itself very easily to the disciplines of sociology, criminology, victimology and so on, but there was a dearth of actual *law* that you could get your teeth into in the area of victims' compensation.[2]

After much consultation back and forth, we decided that compensation was an inappropriate subject; the question remained: was there an area of victims' law that might be developed, for the first time in the literature, into a cohesive legal theory? We resolved to attempt this on a theory of victims' rights *litigation*. Certainly some crime victims were turning to the civil courts in order to vindicate their rights, but was there a pattern to this kind of litigation, and, if so, was it worth writing about?

We discovered that there was indeed a pattern to be found in victims' rights litigation; that the pattern was very neatly sub-categorized into its component elements; and, that it might even presage a new area of tort law.

Victims' Rights Litigation

As is true in any area which purports to be "new," definitional concepts are important. What we are referring to in this article is a classification of cases in which victims of crimes (usually violent crimes against the person) have utilized the *civil* courts in an attempt to obtain redress against either the person who actually victimized them or against third parties whose negligence was responsible for their being victimized. The topic under discussion does not include the *criminal* cases against the perpetrators nor does it include such state-oriented victims' programs as compensation and restitution.

At this point the question might legitimately be asked: what is so special about victims' rights litigation; isn't it, after all, simply an extension of the law of personal injury? The response to this is twofold. First, at least with regard to third-party victims' litigation, this is the only area of the law in which the plaintiff seeks to hold the defendant liable for the conscious, wilful acts of *another person*. This raises complications, in a legal sense, that might not arise in other cases; for example, those in which an inanimate object is the offender, a defectively manufactured automobile, a toaster that blows up in somebody's face, and so on.

Second, and perhaps more importantly from the perspective of the practitioner, while victims' rights

litigation is a very rapidly developing field of law, *there is no coordinated source of law that the victim's attorney can turn to when he begins to research his case.* It is a sort of sorry commentary on our society that counsel seeking guidance in the area of the legal rights of such groups as criminal defendants, prisoners, homosexuals, racial minorities, and so on can turn to any number of comprehensive treatises and resource volumes on the particular subject, whereas counsel for the victim of a crime finds a void. West's does not have a key note number for victims, CJS and Am. Jur. do not list victims as a topic in their indices. Apparently victims just don't "rate" in the legal literature.

This contention is borne out by comments from attorneys who have been exposed to victim-related cases for the first time. The author has consulted with hundreds of victims' attorneys over the past few years; consider the following statements communicated by victims' attorneys, whom, we may presume, were quite capable of doing effective legal research:

> . . . I would appreciate any assistance that is available since, as you are well aware, case law in this area is somewhat lacking.—*Scottsdale, Arizona*
>
> . . . .We have been researching the issue and have found very little in the way of case law for guidance in this matter.—*Brunswick, Maine*
>
> . . . .This is a new area of law, as far as third party actions are concerned, and this attorney has not handled any cases of this nature previously.—*Yazoo City, Mississippi*
>
> . . . If you have any information, case citations or other materials which has *anything* to do with these areas I'd be most welcome to get a copy.—*Reston, Virginia*

The ironic factor is that the case law *is* there; it has simply not been categorized to fit the needs of a busy trial attorney. Against this background, we turn now to a brief description of the categories of substantive law on victims' rights.

I. Classification of Victims' Lawsuits.

In the author's experience it is most expedient to break down the various types of victim lawsuits according to who is the defendant. This, in turn leads to three sub-classifications: (1) Victim versus perpetrator; (2) Victim versus negligent third parties; and in a rather unbelievable class of cases, (3) Perpetrator versus victim.

Frank Carrington is a graduate of the University of Michigan Law School and has a Masters of Law degree in Criminal Law from Northwestern University Law School.

He is Vice Chairman of the Victims Rights Committee of the American Bar Association, a Director of the National Organization for Victim Assistance, a member of the Attorney General's Commission on Victims, State of California, and has been a visiting lecturer in criminal law at the University of Michigan and Northwestern University Law Schools.

He is a co-author of *Evidence Law for the Police*, Chilton, 1972 and is the author of *The Victims*, Arlington House, New Rochelle, New York, 1975. He has also co-authored *The Defenseless Society*, Green Hill, 1976 and has authored *Neither Cruel Nor Unusual: The Case for Capital Punishment*, Arlington House, 1978.

This last area of lawsuits can be dealt with expeditiously at the outset because the cases are few and far between. Nevertheless they are worth mentioning because, as incredible as it may seem, an attorney may find himself *defending* in civil court a crime victim who has been sued by the perpetrator of the crime against his client.

This type of lawsuit can be again subdivided: (1) Cases in which there is little or no doubt about the guilt of the perpetrator and the lawsuit is filed simply

to harass the victim; and (2) Cases in which the victim identified or initiated prosecution against the suspected perpetrator—now the plaintiff—*in good faith and without malice,* but for various reasons the suspect was not convicted of the crime, or the charges against him were dismissed.

An example of the "pure harassment" type of case arose in Chicago in 1976. Two men raped, sodomized and tortured a woman. She escaped, reported the crime and later identified and testified against her assailants. They were convicted and received stiff prison sentences; their conviction was affirmed by the Illinois Court of Appeals.[3]

The perpetrators then *sued their victim* in federal district court for allegedly "conspiring with the police to violate their civil rights."[4] The effect of this lawsuit on the victim was traumatic in the extreme; she became so reclusive that she would only rarely communicate with her defense counsel *(pro bono)* of which this writer was one.

Fortunately not much communication was necessary. The lawsuit was dismissed on motion, significantly on a motion made under Rule 1915(d), F.R. Civ. P., which permits a federal district judge to dismiss a case if it is ". . . satisfied that the action is malicious or frivolous."

This case is a classic example of those in which prisoners to whom "... with much idle time and free paper, ink, law books and mailing privileges, the temptation [to file a complaint] is especially strong."[5] There was very little motivation other than harassment in the filing of this lawsuit. Most judges, however, recognize such cases for what they are and dismissal is not difficult to obtain.

The "mistaken identity" cases present a more difficult problem. In these instances the victim has made a good faith identification of the suspected perpetrator, but for one reason or another he or she is not convicted. The person originally charged with the crime may or may not have been guilty of it, but the fact remains that no criminal conviction ensued, perhaps because of lack of sufficient evidence to prove the case beyond a reasonable doubt, suppression of evidence or of a confession, or simply because the victim made a good faith mistake. The person charged now sues the victim for false imprisonment, false arrest, malicious prosecution or some other related tort.

Unlike the "pure harassment" cases, where there is little doubt about the factual guilt of the perpetrator, in "mistaken identity" cases the plaintiff has, at least arguably, been aggrieved—arrested for a crime of which he was not convicted. On the other hand, the victim, now defendant, acted in completely good faith when he or she initiated the criminal prosecution. How can this dilemma be resolved?

Fortunately for crime victims, the courts have almost invariably found for the victim/defendant in such cases, the key issue being the subjective good faith of the defendant. Illustrative of this is the case of *Shires* v. *Cobb*,[6] decided by the Supreme Court of Oregon in 1975. In *Shires* defendant made a good faith but mistaken identification of the plaintiff as the man who had robbed her. In holding for the defendant, the court relied primarily on the important public policy consideration that victims should not be liable for good faith mistakes; it noted:

> It is the law in this state (and we have found no cases from other jurisdictions to the contrary) that public policy will protect the victim of a crime who, in good faith and without malice, identifies another as the perpetrator of the crime, although that identification may, in fact, be mistaken.[7]

This kind of ruling is important to the victim's attorney but it is even more important to the effective functioning of our criminal justice system. Anyone who has taken more than a passing glance at the system knows that one of the major areas of difficulty is getting victims and witnesses to report crimes and testify thereto. If the law were otherwise—if the victim were required to act at his financial peril every time he made an identification of a suspected perpetrator—there would be even less incentive to report crime. (Of course, if someone wilfully fabricates an unjustified criminal complaint against another, he should be held liable; the kind of cases discussed herein, however, presuppose that the victim was acting in good faith).

2. Suits By Victims Against Perpetrators.

These are not difficult lawsuits to win. If A assaults or rapes B, or if A murders B's husband, common law or statutory tort remedies sounding in assault and battery or wrongful death are available. If a guilty plea or a conviction has resulted from the criminal act, the police will usually have done most of the victim's attorney's investigation for him; and even cases resulting in no conviction for the perpetrator are not an absolute bar to a civil lawsuit due to the differences in the burden of proof: beyond a reasonable doubt to sustain a criminal conviction but only by a preponderance of the evidence for a civil judgment.

The principal problem in victim v. perpetrator lawsuits is *collectability;* as one writer has noted: "Crimes of violence are not ordinarily committed by the rich."[8] If the perpetrator happens to be indigent, particularly an indigent who has just been given a nice long sentence to the penitentiary for the crime, the realities of the situation may dictate that the recovery of a judgment against him is, in actuality, a futile exercise.

Some victims have persisted in spite of these obstacles, if only as a form of catharsis. Mrs. Mary Knight of Montgomery County, Maryland, for example, recovered in 1976 a $365,000 judgment against two men who had raped her. She was quite candid in a newspaper account of her case about the remoteness of her collecting anything; but, she said:

> [T]he purpose of this trial wasn't to collect. The purpose of this trial was that it's high time somebody got off their tail and did something about "rape" ..[9]

Basically, Mrs. Knight was expressing, through the civil courts, the outrage which she so strongly felt.

Conceding that in the majority of cases the defendant/perpetrator will be uncollectable, this does not mean that most such cases should be rejected out of hand. A little creative investigation by the plaintiff's attorney might develop any of the following factors which would lead to the conclusion that the defendant might not be as judgment-proof as matters would appear on the surface:

a. *The defendant/perpetrator might actually have some hidden assets.*

Some street criminals may be capitalists at heart, especially those who engage in vice activities (narcotics, prostitution, gambling, etc.) as well as the occasional robbery, strong-arm mugging or rape. There just might be a Cadillac (paid for with cash to avoid embarrassing questions from the Internal Revenue Service) lying around for the victim to levy on. These assets will be difficult to trace, but it is at least worthy of some preliminary inquiry.

b. *Not all perpetrators engage solely in a life of crime.*

It has long been dogma, accepted without question among students of criminal justice, that joblessness and crime go hand in hand; opposite sides of the same coin, as it were. A recent study by the Vera Institute casts some doubt on the absolutism of this belief. Some individuals work both at legitimate jobs *and* at criminal endeavors. *Washington Post* columnist William Raspberry, in an article about the Vera study, noted that some sixty inmates of Rikers Island prison in New York were questioned about why they committed crimes:

> According to project director James Thompson, only three or four of the inmates said they committed crimes because they had lost or could not find jobs. Several said they engaged in criminal activity to supplement their legitimate income; some said they had given up work because the benefits of crime were more attractive; many said they either worked or stole to support themselves, though not at the same time.[10]

Neither the fact that the perpetrator may have put something away during his periods of legitimate employment (if any) nor the fact that civil judgment can often be satisfied by garnishment of wages should be overlooked by the victim's attorney.

c. *Future Collectability.*

A great deal of crime (some estimate as much as half) is committed in this country by juveniles. These youthful criminals may have well-to-do parents or other relatives, and it is not beyond the realm of possibility that at some future date they may come into some money. A properly perfected and renewed judgment in favor of a victim against a young perpetrator, uncollectable at the time that it is obtained, might become quite collectable at some later date. Additionally, a civil suit against a juvenile perpetrator may stir the loving parents into a suitable settlement at the time of the crime in order to spare their little darlings any further "trauma."

d. *The "Son of Sam" Cases.*

People love to read stories about the most horrifying and grisly crimes and there is currently a market for books about them. A good writer can make a fortune on such a book (In Cold Blood, Blood and Money, The Executioner's Song) and there is nothing wrong with this—the public has a right to know about such things. There is something *very* wrong, however, if the perpetrator of the crime is allowed to profit through royalties paid to him for his story, or for books written by him; e.g. the fallout of Watergate authors.

New York has already enacted such an anti-profit law,[11] and other states have evinced an interest in them.[12] Familiarly known as the "Son of Sam" law because its passage was fueled by media speculation

over the profits that might be reaped by David Berkowitz, the "Son of Sam" killer who murdered seven people, the New York law requires that all royalties and other emoluments received by a convicted criminal as a result of telling his story shall be put into escrow and shall inure to the benefit of the victim or his or her survivors.

Even without such a law, if there is any possibility that the criminal will profit from literary, movie or television exploitation of the crime, then a civil lawsuit should almost automatically be filed in order to be able to levy on such monies in satisfaction of the victim's judgment.[15]

e. *"Windfall Cases."*

A certain Henry Tucker was convicted in Virginia in 1964 with breaking and entering with intent to rape; he received a forty-year sentence to the state penitentiary. In 1979 Mr. Tucker received a $518,000 settlement as a result of a lawsuit filed on his behalf by the ACLU alleging that he was partially paralyzed by the improper use of an anti-psychotic drug by prison medical authorities.

One can certainly sympathize with Mr. Tucker, and it goes without saying that nothing in the victims' movement should call for inhumane treatment of prisoners. One can, however, speculate that, if Mr. Tucker's original victim had had a judgment against him for the crime committed against her, some of this large settlement might well have gone to satisfy that judgment.

The foregoing are examples of instances in which there is at least a *potential* for collectability in victim v. perpetrator cases. They are probably the exception rather than the rule, but they do indicate that the barrier of "uncollectability" in this class of cases may not be as impenetrable as it might first appear.

3. Victim *v.* Negligent Third Parties.

Up to this point the idea of victims' rights litigation probably seem singularly unpreposessing to the trial attorney who has to earn a living practicing law. Perpetrator v. victim lawsuits are purely defensive in nature and can hardly be characterized as large fee-generating cases. Victim v. perpetrator actions are easy enough to win, but the major obstacle, sometimes insurmountable, of uncollectability remains a major negative factor.

None of the above is true in the area of third-party victims' lawsuits. Usually the defendant, whether government or private party, will be eminently collectable and, from a societal point of view, these cases present an opportunity to prevent future victimization by putting potential defendants on notice that they can and will be sued if their negligence has caused another to be victimized.

In third-party lawsuits the victim, in effect, bypasses suing the perpetrator of the crime and elects to sue a third party whose negligence, or gross negligence, put the actual criminal in a position to victimize the plaintiff, thus proximately causing the injury.

Examples of this include, but are not limited to:

a. *Government Entities*

(1) Law enforcement agencies whose responsibility it is to protect the community but who are alleged to have failed in this duty;

(2) Custodial officials who, having taken charge of dangerous individuals, negligently release, fail to supervise or warn of the dangerous propensities of persons in their custody.

b. *Private Parties*

(1) Landlords and innkeepers who owe a specific duty to provide secure premises for their tenants and guests;

(2) Owners or possessors of private property who fail to prevent reasonably foreseeable criminal injury to invitees or others on their premises.

Space limitations do not permit an exhaustive examination of every one of these classes of cases. This article will cover only the highlights of this kind of litigation citing major case decisions both *pro* and *con* to the victims' point of view*; however, even with this rather cursory treatment the litigator will be able to discern the trend in third-party victim rights lawsuits.

4. Suits Against the Government.

Long ago our society gave up the notion that criminal wrongs were a private matter and that it was up to the aggrieved party (or his family) to do something about it. The government has assumed this function through its law enforcement agencies, prosecutors courts and correctional authorities; we look to the state to protect us from crime, to apprehend and prosecute criminals and to safely confine the same. Now, suppose that the government fails in one or

*A rather extensive Memorandum of Law, containing some 150 cases on third-party victims' rights litigation is available, at no cost, to both plaintiffs' and defense attorneys involved in such cases from the Crime Victims Legal Advocacy Institute, Virginia Beach, VA (see next section of this article).

more of these protective functions, and an innocent individual is victimized. Does that victim have a right of action against the government?

The answer is "yes," but only to a limited extent. An immediate hurdle that the victim's litigator faces is the doctrine of sovereign immunity. The common law had it that "the king could do no wrong," and this immunity was also accorded to the king's servants, agents and ministers employed in his business. A great deal of this traditional immunity inheres in our law today; judges,[14] prosecutors[15] and legislators[16] are absolutely immune from liability, provided they are performing their official functions.

In third-party victim lawsuits against the government the issue usually revolves around immunity granted to the *executive* branch: law enforcement officers, prison wardens, parole and probation officers and parole boards. This often involves rather difficult legal concepts, and the victim's attorney is well advised to check out the sovereign immunity situation in his jurisdiction at the outset of any third-party case involving government officials.

A government entity can, by statute, waive sovereign immunity for some or all actions against it;[17] some have, which makes the task of the victim's litigator a great deal easier; others have codified sovereign immunity into a blanket protection for state officials. For example, California Government Code, Section 845.8(a) provides that no public entity or public employee is liable for "any injury resulting from determining whether to parole or release a prisoner ..." and this provision has been upheld as constitutional by the United States Supreme Court.[18]

The Supreme Court has recognized limited immunity for good faith actions taken by executive officials.[19] Some state courts (including Virginia)[20] have made a distinction in immunity cases between "discretionary" and "ministerial" acts, the former being immune, the latter not.

Assuming that the victim's litigator is able to overcome the doctrine of sovereign immunity, he must then allege and prove all of the elements of negligence—duty, breach, proximate cause and damages—in order to prevail.[21]

a. *Failure to Protect.*

In this class of cases the plaintiff alleges that the defendants, usually a law enforcement agency or its officers, failed to act to prevent a crime or to apprehend a criminal, which failure caused the plaintiff to be victimized. These are difficult cases to win because the prevailing rule is that while the police owe a duty of protection to the *public in general* they owe no such duty to specific individuals.[22]

There is an exception to this general rule, however: if the plaintiff can show that a "special relationship" existed between himself or herself and the defendant law enforcement agency, then liability can be predicated on negligent failure to protect. Courts have determined that a special relationship did exist in cases involving informants and undercover agents,[23] court orders of protection,[24] negligent return of a firearm,[25] promises of police protection relied on by the plaintiff,[26] and where the police are instrumental in bringing the plaintiff/victim into contact with the perpetrator,[27] among other situations.

There appears to be a trend in the appellate courts towards finding the requisite "special relationship" to permit the plaintiff to prevail. This raises an issue which, frankly, causes problems for this writer; that is that, while successful lawsuits involving failure to protect are very useful for the victim, if this theory is carried too far it can work an unfair and undeserved hardship on our law enforcement agencies. Policemen, unlike, say, parole boards, to be discussed in the next section, must often make their decisions on the spur of the moment, under the exigencies of the day-to-day battle with crime on the streets. If we add to this the fact that policemen are constantly being sued for such things as false arrest, excessive force, and civil rights violations when they *do* take some sort of affirmative law enforcement action, we may come up with the situation wherein the officer is "damned if he does; and damned if he doesn't." Hopefully, as the law develops in failure to protect cases a balance can be struck between these two competing interests.

b. *Negligence in Handling of Prisoners.*

The targets of these lawsuits are usually parole boards, parole and probation officers and other custodial officials charged with the duty of handling prisoners. Their job is not an easy one, indeed it may be the most difficult and demanding in criminal justice today. One should think twice about "second guessing" the activities of these dedicated public servants; but, on the other hand, when a prisoner who has negligently been released or is permitted to go unsupervised or to escape into society victimizes some innocent third party, should that victim be denied a remedy?

Again, the issue is a volatile one and it calls for a balancing of the equities in any given case. Suffice it to say for the purposes of this article that courts have

found liability for negligence, often gross negligence, in the handling of prisoners (providing the initial hurdle of sovereign immunity has been overcome or otherwise circumvented).

Third-party lawsuits by victims against custodial officials have been successful in a number of jurisdictions for: negligent release of prisoners,[28] negligent failure to supervise parolees and probationers,[29] negligence in permitting a prisoner to escape[30] and failure to warn foreseeable victims of the harm that might be done them by dangerous individuals.[31]

Other courts have pretty well foreclosed recovery in such lawsuits, either on the theory that rehabilitation is the *only* goal of our correctional system and that to permit the victims to prevail sets back all of our rehabilitative efforts, or on grounds of sovereign immunity.[32]

As is true with most victim rights cases, those involving negligence on the part of custodial officials are complicated and highly-charged emotionally. There is not enough case law at this time to lay down any hard and fast rules; however, it can be stated that at least some courts are lending a sympathetic ear to plaintiffs who have brought third-party actions against government entities.

5. Suits Against Private Third Parties.

Here the doctrine of sovereign immunity rarely creates a problem, private parties having no claim to the protection of such a defense. All of the other traditional defenses to a negligence action—no duty owed to the plaintiff; duty was not breached; lack of foreseeability of injury, hence no proximate cause, and so on—are available to the defendant, and such cases are not the easiest in the world to win. This is particularly true because some courts have difficulty with the question whether it is right, legally and morally speaking, to hold a third party, who did not himself injure the plaintiff, liable for the acts of a criminal assailant.

Nevertheless, there is a very definite trend towards liability in third-party victims' rights cases against private persons. The victim's theory is that the defendant private party had control over a given situation (owner or operators of premises, employees, etc.), that only the defendant had the power to prevent the crime complained of; that injury to the plaintiff/victim was reasonably foreseeable and, as a result, the defendant's negligence in failing to prevent harm was the proximate cause of plaintiff's injury.

a. *Landlords and Innkeepers.*

For years it was standard case law that a landlord had no duty to protect his tenants from criminal harm on his leased premises.[33] This doctrine was rocked by the case of *Kline* v. *1500 Massachusetts Avenue*[34] decided by the U.S. Court of Appeals for the District of Columbia Circuit in 1970. In this case the court held a landlord liable for the rape of a tenant in a common hallway of an apartment building, primarily because (1) the landlord had notice of repeated criminal assaults and robberies on the premises; and (2) the landlord had exclusive power to take preventive action against such assaults.

The *Kline* rule has since been adopted by a number of courts and it is safe to say that there is now, in the law, a very definite trend towards landlord liability.

Innkeepers, because of the transitory nature of the use of their premises, are held to an even higher standard of care to protect their guests than landlords, a standard that stops just short of declaring innkeepers to be insurers of their guests' safety.[35]

The issue of innkeeper liability rose to national prominence when the noted singer, Connie Frances, was raped in a Long Island, New York motel. She sued the motel chain alleging a failure of security in that the rapist was able to gain entry to her room merely by "jiggling" the latch on the sliding glass doors. A jury awarded her 2.5 million dollars.[36]

b. *Owners, Operators and Custodians of Premises.*

These cases usually involve business premises and the plaintiff/victim's business invitees. The courts appear to be split on whether the owner or person in charge of the premises has a duty to protect against criminal harm. Liability has been found in some cases,[37] but denied in others.[38] Foreseeability of criminal assault is a key issue in most such actions, and it is incumbent on the victim's litigator to determine whether or not the owner or operator was on notice that the crime was likely to occur. Common carriers have also been held liable for failure to provide proper security.[39]

c. *Employment Related Suits.*

An employer has a duty to provide a reasonably safe place for his employees to work, and this has been held to apply to safety from criminal acts.[40] Additionally, employers are under a duty to make some sort of background checks on their employees, particularly those who will be going into people's homes,[41] or who are in intimate contact with others, such as guests in motels.[42]

From the foregoing it can readily be seen that the field of victim's rights law is one of great potential for the litigator. This is what puzzled this writer and the people at the University of Richmond Law Review: why had nobody attempted to develop this body of law into one cohesive legal theory?

Theory Translated Into Practice: The Formation of the Crime Victims Legal Advocacy Institute

Since almost every other legal cause in this country has one or more not-for-profit legal centers or public interest law firms to serve as a resource service for it, it seemed anamolous that there was no such entity devoted to the legal rights of crime victims. The Crime Victims Legal Advocacy Institute (hereafter "Institute") was created in 1979 to fill this void.

Located in Virginia Beach, Virginia, the Institute is set up for research, education and assistance to attorneys handling victims' lawsuits and other practitioners in the victim's field. The Institute is privately funded and is tax-exempt under Section 501(c)(3) of the Internal Revenue Code; no charge is made for its service.

Programs of the Institute involve direct research services, on request, for victims' attorneys, including the filing of *amicus curiae* briefs in support of the victim's position;[43] public education through the publication of books and articles;[44] consultation with policy makers such as judges, legislators and victim advocates on matters concerning victims' legal rights, and the presentation of workshops, lectures and seminars on the same subject.

The Institute maintains the closest possible liaison with other victim-oriented organizations and activities. For example, this writer, who is executive director of the Institute, also serves as Vice Chairman of the Committee on Victim, Criminal Justice Section, American Bar Association; a founding director of the National Association for Victim Assistance, and as a member of the Commission on Crime Victims, office of the Attorney General, State of California.

The Institute has received national publicity as the only organization in the country which deals specifically and exclusively with victims' legal rights.[45] It is located in Virginia, and as a consequence has a special interest in the problems of Virginia's crime victims; however, the Institute's activities are truly national in scope, and we have consulted with attorneys and others concerned with the rights of crime victims from every state in the union.

The Institute is strictly a service organization, and it is hoped that we may be of service to attorneys and other victim advocates in Virginia.

Footnotes

1. Carrington, *The Victims*, New Rochelle, NY, Arlington House (1975).

2. There is some case law on victims' compensation but it is mostly procedural. See: e.g.: *Hughes v. North Dakota Crime Victims Reparations Board*, 246 N.W. 2d 774 (Supp. Ct., N.D., 1976), victim can claim compensation for injuries but not for time lost from work while testifying against the perpetrator; attorney fees awarded to victim; *Hartaway et. al. v. State*, App. 137 Cal. Rptr. 190 (1976), victim's failure to timely file for compensation excused because city police failed to provide victim with claim forms.

3. *People v. Henderson*, 36 Ill. App. 3d 355, 344 N.E. 2d 239 (2d Dist. 1976).

4. *Sims v. "Anonymous,"* No. 76 C 981; *Henderson v. "Anonymous,"* No. 76 C 765, U.S. District Court, N.D. 2U. (1976). The victim requested the author not to use her surname in writing about the case. Full details about this case can be obtained from the author.

5. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1973) at 463-4.

6. 534 P. 2d 183 (1975).

7. Id., at 189. See also: *Turner v. Mellon*, 41 Cal. 2d 45, 257, P. 2d 14; *Armistead v. Escobedo*, 488 F. 2d 509 (5th Cir. 1974).

8. Schultz, "The Violated: A Proposal to Compensate Victims of Violent Crime," 10 St. Louis U.L.J. 238, 243, M. 2 (1975).

9. *Washington Post*, Feb. 1, 1976, Section B, at 1, Col. 6.

10. William Raspberry, "Jobless and Criminal?," *Washington Post*, March 28, 1980.

11. N.Y. Exec. Law No. 632-a (McKinney Supp. 1978).

12. E.g.: California Assembly Bill No. 2365 (filed Feb. 27, 1978), which died in the criminal justice committee.

13. See: Wand, "Criminals as Authors: Victims' Rights v. Freedom of Speech," now, 54 Ind. Law J. No. 3, Spring 1979, at 443.

14. *Stump v. Sparkman*, 435 U.S. 349, 98 S. Ct. 1099 (1978).

15. *Imbler v. Pachtman*, 424 U.S. 409 (1976).

16. U.S. Const., Art. 1, Sec. 6.

17. *See: e.g.* The Federal Tort Claims Act, 28 U.S.C. 1346 which allows suits for certain torts committed by its officers and agents.

18. *Martinez v. California*, 100 S. Ct. 553, 26 Cr.L. 3061 (1980; But see: *Grimm v. Arizona Board of Pardons and Paroles*, 564 P.2d 1227 (1977) in which the Arizona Supreme Court held that the state parole board members could be held liable for the negligent release of a prisoner who murdered plaintiff's deceased.

19. *Schenet v. Rhodes*, 416 U.S. 232 (1974); *Wood v. Strickland*, 420 U.S. 308 (1975); *Butz v. Economou*, 438 U.S. 478, 57 L. Ed. 2d 895 (1978); *Monell v. New York City Department of Social Services* 436 U.S. 658 (1978).

20. *Lawhorne v. Harlan*, 214 Va. 405, 200 S.E. 2d 569 (1973), cited in *Semler v. Psychiatric Institute*, 538 F. 2d 121 (4th Cir., 1976), *cert. den.* 97 S. Ct. 83 (1976).

21. An excellent discussion of this is to be found in *Semler v. Psychiatric Institute*, supra, n. 20.

22. *Massengill v. County of Yuma*, 104 Ariz. 518, 456 P. 2d 376 (1968). Accord: *Henderson v. St. Petersburg*, 247 So. 2d 23 (Fla. App. 1971); *Huey v. Cicero*, 41 Ill. 2d 361, 243 N.E. 2d 214 (1968); *Isereau v. Stone*, 5 App. Div. 2d 243, 160 N.Y.S. 2d 110 (1956); *Hartzler v. San Jose*, 46 Cal. App. 3d 6, 120 Cal. Rptr. 5 (1975).

23. *Swanner v. United States*, 309 F. Supp. 1183 (D.C. Alabama 1970); *Schuster v. New York*, 5 N.Y. 2d 75, 180 N.Y.S. 2d 265, 154 N.E. 2d 534 (1958).

24. *Baker* v. *New York*, 25 App. Div. 2d 770, 269..N.Y.S. 2d 515 (1966).

25. *Benway* v. *Watertown*, 1 App. Div. 2d 465, 151 N.Y.S. 2d 485 (1956).

26. *Parr* v. *United States*, 234 F. 2d 288 (5th Cir. 1956); *Morgan* v. *County of Yuma*, 230 Cal. App. 2d 958, 41 Cal. Rptr. 508 (1964); *Zibbon* v. *Town of Cheektowaga*, 382 N.Y.S. 2d 152. But see: *contra Henderson* v. *St. Petersburg*, n. 22, *supra*.

27. *Gardner* v. *Chicago Ridge*, 71, Ill, App. 2d 373, 219 N.E. 2d 147, later app. 128 Ill. app. 2d 157, 262 N.E.2d 829, *cert. den.* 403 U.S. 919 (1966); *Sawyer* v. *Town of Southport*, 179 N.Y.S. 2d 897 (App. Div. 1958); *Christy* v. *Baton Rouge*, 282 So. 2d 724 (La. App. 1973). *Contra, Farley* v. *Stone*, 5 App. Div. 2d 810, 160 N.Y.S. 2d 340 (1957).

28. *Grimm* v. *Arizona Board of Pardons and Paroles*, 564 P. 2d 1227 (Ariz., 1977); *Semler* v. *Psychiatric Institute*, 538 F. 2d 121 (4th Cir. 1976); *Rieser* v. *District of Columbia*, 563 F. 2d 462 (D.C. Cir. 1977), *aff'd, en banc*, 589 F. 2d 647 (1978).

29. *Rieser, supra, Valeu* v. *California*, Cal. App. 2nd Appellate District, Division 5, 2nd Cir., No. 42554, (non. pub. op.); *Patricia J.* v. *Rio Linda Union School District*, App. 132 Cal. Rptr. 211 (1976).

30. *Webb* v. *State*, 91 So. 2d 156 (La. App. 1st Cir. 1956); *Geiger* v. *State Department of Institutions*, 242 So. 2d 606 (1970).

31. *Tarasoff* v. *Regents of the University of California*, 529 P. 2d 553 (1974); *Hicks* v. *United States*, 537 F. Supp. 434, aff'd. 167 App. D.C. 169, 511 F. 2d 407 (1975); *Johnson* v. *State*, 69 Cal. 2d 782 (1968); *Morgan* v. *County of Yuba*, 230 Cal. App. 2d 931 (1964).

32. *Martinez* v. *California*, 100 S. Ct. 553, 26 Cr.L. 3061 (1980); *Reiff* v. *Commonwealth of Pennsylvania*, 397 F. Supp. 345 (E.D. Pa. 1975); *Pate* v. *Alabama Board of Pardons and Paroles*, 409 F. Supp. 478 (D. Ala. 1976); *Whitcombe* v. *County of Yolo*, App., 141 Cal. Rptr. 189 (1977).

33. *Goldberg* v. *Housing Authority of Newark*, 38 N.J. 578, 186 A. 2d 291 (1962); *Applebaum* v. *Kidwell*, 56 App. D.C. 311, 12 F. 2d 846 (1926); *Hilligoss* v. *Cross Companies*, 228 N.W. 2d 585 (Minn. 1975).

34. 141 App. D.C. 370, 439 F. 2d 477 (1970). See also: *Ramsay* v. *Morrissette*, 252 A. 2d 509 (D.C. App. 1969); *O'Hara* v. *Western Seven Trees Corp.*, 75 Cal. App. 3d 798, 142 Cal. Rptr. (1977); *Duarte* v. *State of California*, App. 148 Cal. Rptr. 804 (1978).

35. *Kline* v. *1500 Massachusetts Ave., supra; Tobin* v. *Slutsky*, 506 F. 2d 1097 (2d Cir. 1974).

36. *Garzilli* v. *Howard Johnson Motor Lodge*, 419 F. Supp. 1210 (1976). The case was later settled for 1.5 million dollars.

37. *Quinn* v. *Smith*, 57 F. 2d 784 (5th Cir., 1932); *Taylor* v. *Centennial Bowl*, 52 Cal. Rptr. 569, 416 P. 2d 793 (1966); *Earle* v. *Colonial Theatre*, 82 Mich. App. 54 (1978).

38. *Atamian* v. *Supermarkets General Corp.*, 146 N.J. Supp. 149, 369 A. 2d 38 (1976); *Cornpropst* v. *Sloan*, 528 S.W. 2d 288 (Tenn. 1975); *Fancil* v. *Q.S.E. Foods*, 60 Ill. 2d 552 (1975).

39. *Neering* v. *Illinois Central Rail Co.*, 385 Ill. 366 (1943); *Kenney* v. *Southeastern Pennsylvania Transportation Authority*, 581 F. 2d 351, 23 Cr.L. 2474 (1978).

40. *Lillie* v. *Thompson*, 332 U.S. 459 (1947); *Circle K, Corp.* v. *Rosenthal*, 574 P. 2d 856 (1978); but see: *Murrey* v. *Osenton*, 126 So. 2d 503 (Fl. App. 1961), *McMillan* v. *Barton-Robinson Convoy Co.*, 182 Okla. 553 (1938).

41. *Tobin* v. *Slutsky, supra*, n. 35; *Food Fair Stores, Inc.* v. *Morgan*, 338 So. 2d 89 (Fl. App. 1976). *Kendall* v. *Gove Properties*, 236 F. 2d 673 (D.C. Cir. 1956); *Thahill Realty* v. *Martin*, 388 N.Y.S. 2d 823 (1976).

42. *Tobin* v. *Slutsky*, supra.

43. The address of the Institute is: Suite No. 9, F & M Building, 210 Laskin Rd., Virginia Beach, VA 23451. Telephone 804—422-2692; nights, holidays, etc., 804—428-6547.

44. E.g. Carrington, "Victims' Rights Litigation: A Wave of the Future," 11 U. Rich. Law Rev. No. 3, Spring 1977, at 447; Carrington, "Victims' Rights: A New Tort?," *Trial Magazine*, June 1978; Carrington, "Martinez Ruling Won't Bar Suits on Negligent Custodial Releases," National Law Journal, Feb. 11, 1980, at 26, Col. 1. The writer of this article is currently writing a legal text on the subject: Victims' Rights Litigation, MICHIE/BOBBS MERRILL LAW BOOK PUBLISHING COMPANY, Charlottesville, VA; anticipated publishing date is late 1980.

45. See: Fred Barbash, "Victims' Rights: New Legal Weapon" *Washington Post*, Dec. 17, 1979, p. 1, col. 1. K. Connie Kang, "Angry Victims of Parolees Demand Justice," *San Francisco Examiner & Chronicle*, Jan. 20, 1980, Section A, p. 7; Dan Rottenberg, "Crime Victims Fighting Back," *Parade Magazine*, March 16, 1980, p.1.

CRIME AGAINST THE ELDERLY IN THE UNITED STATES

Part I: A Practitioner's Overview

Introduction

Preamble

Early Data

Level of Concern

The Problem

Pattern of Victimization

Increase in Violence

Need for Crime Analysis

Age Correlations - Impact, Fear, Vulnerability

Part II: A Practitioner's Rationale and Response

Crime Causation - The Search for the Elusive "Roots"

Rehabilitation - The Reformer's Dream

Courts and Cops - Performance and Problems

Victims - The Forgotten Element

Career Criminals - Crime DOES Pay

Changes - Necessary But Improbable

PART I

OVERVIEW

INTRODUCTION

It was not until the decade of the 1970's that national attention in the United States was drawn toward the problem of the criminal victimization of older persons. Some of the factors contributing to the heightened interest were:

Factors

- The increase in fear-provoking and bothersome crimes victimizing older persons. These crimes included strong-arm robbery, purse-snatching, burglary, larceny from person, theft of checks, fraud, vandalism and others.
- The as yet unexplained growth of unprovoked violence in stranger-to-stranger crimes. More and more older persons were assaulted when such action was entirely unnecessary to the completion of the criminal act.
- A general rise in those crimes touching the victims directly. This rise increased personal alarm, and resulted in focusing attention on those groups vulnerable to such crimes, including the elderly.
- A greatly expanding number of studies and surveys which brought about a still imperfect, but better

understanding of criminal activity. Their more accurate definitions of crime patterns and frequencies drew attention to the vulnerability of the aging population.

- A rapid rise in actual crime introduced the factor of vastly more perceived fear caused, in part, by the vicarious victimization suffered especially by older age groups. Their elevated levels of concern were repeatedly confirmed by polls and surveys.
- An expansion of general national awareness and interest in the needs, concerns and problems of the older population. A major indicator of this trend is that about one-third of the Federal budget of the United States is spent on the elderly. In the past twenty years, Federal spending for our older population has increased 17% and State and local spending has increased 48%.
- An increase in the general disillusionment with the Criminal Justice System's ability to protect society, and the admission within the System itself of its inability, led to searches for alternatives to the conventional avenues of crime control. These searches beamed attention upon groups such as the elderly.

Preamble

In 1900 in the United States there were three million persons 65 years of age or older. In 1977, this figure had increased to 23,494,000. Life expectancy in 1900 was 47 years of age; by 1976, this had been increased to 74 years. A person in America today who reaches the age of 65 years can expect to live on an average about 16 more years (14 for males, 18 for females).[2]

In general citizens of the United States are living longer, are healthier, and are more involved in community activities than their forebears.

During the 1960's there was an explosion of the types of crime perpetrated by young males in the United States. Unfortunately, these kinds of crimes bore heavily upon older persons. The reaching of adolescence by large number of males, coinciding with radical changes in, and perceptions of, our society probably contributed the most to this explosion. In some of these common "street crimes" the offender profiles were 85% teen-agers and 96% males.

The vast majority of older persons today were born, went to school and worked in a society relatively free of street crime which so bothers them now. The early American work ethic prevailed, the most deprived believed hard work would bring personal rewards in the spirit of Heratio Alger, and the belief that "crime does not pay" was widespread. And criminals were to be punished--

not rewarded or rehabilitated. These virtues, most thought, pulled the United States out of the Colonial wilderness into the modern technologically sophisticated world.

This present older generation expresses desires to return to harsher punishment of the criminal offender, wants the "return" of the death penalty (as high as four out of five), strongly supports strict law enforcement and decries the leniency of the Criminal Justice System.

We must generate better data to arrive at better policy decisions. This data must be more specific and more localized to be more effective.

The crime types that bother older persons the most are so "opportunistic" that they can be controlled by simple, low-cost easily implemented programs. If the facts are presented and crime prevention programs are instituted, perceived fear stemming from vicarious victimization will be reduced to realistic levels.

The zealous pursuit of "crime causation", "perfect justice" and "ideal solutions" to the exclusion of the pragmatic crime reduction efforts known to us will leave us with the crime we deserve.

Early Data

Until recent years there has been a paucity of valid data upon which to more precisely define problems, design programs and develop crime reduction plans. For the past fifty years, our basic source of national data has been the Federal Bureau of Investigation's Uniform Crime Reports -- a compilation of crime statistics from approximately 15,000 police agencies.[3] While these reports led to the acquisition of much useful information, there were serious deficiencies, in that they reflected only reported crimes, they omitted vital information such as the ages of the victims in most crime categories, and they used crime categories that inaccurately reflected the special problems of particular groups, such as the elderly.

More recently the massive National Crime Surveys,[4] other studies, and localized surveys have given us a better basis for action. While general conclusions are useful in making some determinations, the ecology of crime is such that each locality must conduct local crime analyses to ensure the collection of the most accurate and complete data possible upon which action can be taken and programs can be built. We are not doing as much of this as we should. We are finding that even in some statewide programs the wrong clientele are considered and the wrong offenders are targeted.[5]

Level of Concern

Relentlessly, over the past twenty years crime has moved closer to the forefront of concerns of older persons in the United States. In 1973, after this concern had emerged near the top, the National Retired Teachers Association and the American Association of Retired Persons commissioned the University of Southern California to undertake the most massive poll ever conducted on the needs and concerns of older persons. Crime was revealed to be number two, only after income. In 1976, the United States Conference of Mayors, in convention assembled, resolved that crime was the number one problem of the urban elderly.

In 1975, President Ford stated that crime is "making us fearful of strangers and afraid to go out at night". The President's concern was corroborated by the findings of the then latest nation-wide Gallup poll, which placed crime far ahead of everything else, including unemployment and the rising cost of living.

This continues until today. To illustrate, the report issued in June, 1979 by the Mayor of St. Louis, Missouri -- in the very heart of the United States -- stated that in a study conducted in that city, income was listed as the greatest concern, and crime was second.[6] Leaving this urban setting, we move into two Missouri counties, where we find that a poll conducted by the Area Agency on Aging (one of a Federal network of agencies serving the needs of the aging) in St. Louis and St. Charles Counties, Missouri, reported in June of 1979 that 97.8 percent

of persons over the age of 60 years responded that crime was a "very serious" problem.[7]

While I am primarily concerned with the problem of crimes committed against the elderly, by necessity I wander into other fields. In the general population, crime first appeared at the top of national concerns in 1968.[8] At that time the newspapers widely publicized the findings of the Gallup poll of February of that year when the pollster reported that for the first time since modern polling methods had been employed, a period of almost forty years, crime had risen to the top.

Another measure of the fear of crime was the January, 1972 poll conducted by LIFE magazine. Of the 45,000 readers who responded, 78% felt unsafe in their homes at one time or another, 80% of the big city dwellers were afraid to walk the streets at night, and 30% kept guns for self-defense.[9]

For the elderly, these fear levels were much higher and had greater impact upon their behavior. Many did not venture out onto the streets at night. I have compiled much anecdotal information on this. "I am afraid to walk across the street to mail a letter", "I pay a boy downstairs to get my groceries so as to avoid venturing out onto the streets", "Before I returned from the courthouse, the mugger was at the same street corner to sneer at me" -- all these are statements made to me as I talk to those imprisoned in their homes.

At the same time we speak endlessly of protecting our constitutional rights, of due process, of our day in court, we deny such rights and privileges to the non-criminal population who suffer all these deprivations at the hands of hoodlums.

THE PROBLEM

It would be expected that with the vastly increased number of major studies, surveys and analyses, the realities of crime against the elderly could quickly and easily be determined. Not so. It seems that the controversy has increased. After reviewing volumes of such information, making hundreds of on-site inspections, conferring with thousands of persons engaged in similar quests and conducting numerous examinations of police offense reports, I have arrived at conclusions which appear to be as sound as existing data permit.

The concise conclusions of the Attorney General of the State of Washington, while flawed by the imprecision of brevity, do reflect the general problem. His statement follows:

"Most studies and polls on the concerns of older people show that the fear of crime ranks as the first or second cause of worry.

"This concern can be healthy if it leads to positive steps to reduce being victimized.

"At the same time, unjustified fear can become a very negative influence which mars one's enjoyment of life.

"Here are some facts we should know about crime today:

- Older people are not victimized to a greater extent than the rest of the population, with a few exceptions, such as purse snatching.
- The crimes we all fear the most are crimes of violence, but those are the ones that happen the least often.

- Most murders and assaults are committed by relatives or friends as the result of a dispute, and not by strangers.
- Despite widespread fear, the crime of rape almost never happens to women over 65. In fact, only about one percent of all known rape victims are women over 50.
- The most frequent crimes are property crimes, and they are most likely to happen when you are away."[10]

PATTERNS OF VICTIMIZATION

Patterns of criminal victimization of the older American emerged as NRTA/AARP studied the offense reports of a number of police jurisdictions. The good news is that in nearly every locality older persons have very low rates in the three most serious crimes; i.e., homicide, rape and aggravated assault. Factually, the older person has far greater risk of injury or death from other common hazards than from these three crime types, As an example, automobile fatalities are the leading cause of accidental death in the 65-74 year old age group.[11] A person over 65 years of age has twenty times more chances of dying by the six leading causes of accidental death--automobile accidents, falls, fires, choking, poisoning and drowning--than by death at the hands of a murderer. And since most murders (between 70% to 85%) are committed by persons known to the victim, the most fear-provoking stranger-to-stranger cases are even less.[12] Should we consider only those, then an older person has about one hundred more chances of dying by the above common accidents than at the hands of a stranger. From another perspective, an older person has seven times more chances of choking to death than of being killed by a stranger. Yet, in a survey of persons 60 years of age or older conducted during 1979, murder was ranked second by the respondents, among fifteen types of crimes committed against the elderly, as being of great concern.[13-14-15]

Another very important point is revealed when we look behind the statistics to determine how these serious crimes are committed.

Most begin as lesser crimes, most often burglaries that are escalated, upon confrontation, to higher crimes. We know from experience that burglaries can be controlled but, unfortunately, not many burglary-specific crime reduction programs are put into practice. If they were, we could reduce the modest number of homicides, rapes, and aggravated assaults against the elderly to an even lower number.

Unfortunately, the older person is the principal target of the common swindler. The "Bank Examiner", "Pigeon Drop", retirement estates, quick medical cures, et al, are directed mostly toward the older age group. Strong-arm robbery, burglary, purse-snatching, pick-pocket, check thefts and vandalism are disproportionally directed at the elderly.

A survey that most nearly matches our experience was conducted by the International Association of Chiefs of Police. In 1976 one hundred eighty representative police agencies were asked to list the five crimes most frequently committed against the elderly. The ranking order and percentage of agencies so noting are as follows:[16]

Confidence Games	83%
Purse-snatch & Pick-pocket	72%
Burglary	68%
Vandalism	55%
Theft of checks	55%
Robbery	37%
Telephone Harrassment	18%
Threats	15%
Theft from auto	12%
Aggravated assault	11%
Forcible rape	1%

Despite the considerable attention currently being paid to the criminal victimization of older persons, and vast amounts of

new data that are being generated, there remains heated controversy over victimization, sometimes because of simple statistical comparisons which lead to shallow and erroneous conclusions. In other instances, the forced conclusions are drawn to protect self-interests. Specifically, in a widely circulated argumentation, the author clearly was fearful that funds would be diverted from juvenile programs, in which he had a long-standing personal interest, and diverted to programs for the protection of the elderly.

It is not the purpose of this presentation to argue that older persons are more frequently victimized, or less frequently victimized. Older persons are most frequently victimized by particular crimes just as young persons are most frequently victimized by other particular crimes. If we choose purse-snatch, a fear-provoking crime to older persons, we find the elderly are the principal victims. Another important consideration is the initiation of the crime. From a review of police offense reports, we find that many of the teen-age males are "guilty" victims. A victim who initiates a confrontation by swinging a pool stick, a beer bottle, a knife or a fist and finishes the altercation as a victim because he is bested in the encounter certainly should not be equated with a women in her 70's peacefully proceeding to market in the afternoon, who has her purse snatched, is knocked down and stomped by three or four young assailants. Statistically, these two aggravated assaults are equal.

We must begin to talk about those crime types that are committed in particular localities against particular victims.

Increase in Violence

A crime trend that has caused widespread concern in recent years has been the increase in the fear-provoking "street crimes" associated with crime-prone young males. These are the crimes that have such great impact upon urban life -- restricting the mobility of the individual, impairing the qualities of life, reducing property values, and causing extensive debilitating effects.

During the decade of 1960-1970, a period during which our population increased 13% -

- Reported robbery increased 224%. This is a crime to which the elderly are disproportionally vulnerable.
- Reported purse-snatching, a crime with strong older age correlation, increased 332%.
- Reported larceny, another crime that bears heavily upon the older persons, was up 245%.
- Reported daytime residential burglary -- again, the older person is disproportionally victimized by this crime -- increased an astronomical 337%. It is disturbing to think in terms of actual crimes committed. For example, surveys consistently reveal that burglary is only 45% reported.
- Reported murder, rape, robbery and aggravated assault increased 156%.[17]

In the five years between 1970 and 1975, when our population increased only 5%, and above the the increases of the 1960's.

- Reported robbery, rape, aggravated assault and murder increased 39%.
- Reported rape increased 48%.
- Reported aggravated assaults increased 45%.
- Reported burglary increased 47%.
- Reported daytime residential burglary increased 60%.[18]

All of these increases are in reported crime which must be adjusted to determine the actual crime being committed. Reported-to-actual crime relationships vary widely by crime types, age and sex of the victim, locality and other factors. National surveys produce reasonably reliable bases for extrapolation. The relationship in the reported-to-actual crime in the types just noted are:[19-20]

Robbery.....53%

Aggravated Assault.....55%

Purse Snatch.....34%

Rape.....20%

Criminal Fraud..... 8%

To provide an international perspective, the following brief tabulation of the fear-provoking crime of robbery is shown in selected cities, for the years 1970-72:[21]

City	Population	No. of Robberies	Rate per 100,000
New York	7,895,000	78,702	991
Tokyo	8,800,000	472	5
Detroit	1,511,000	17,170	1,136
London	7,739,000	2,372	32
Oakland	362,000	2,907	803
Vienna	1,600,000	275	17

Again, the above reflects reported which is, in the United States, only about 53% of the actual robberies.

As stated earlier, the increase in violence has not yet been satisfactorily explained. A study conducted by the Institute for Law and Social Research in January, 1979 found that offenders intentionally inflicted violence beyond that necessary to gain money or property. Such gratuitous violence, unprovoked by the victim, was described as "recreational" in nature by the press.

So often the perceived problem is the basis for action but many times the perception is at variance with the facts. Thus the most accurate information must be uncovered on actual criminal victimization, so as to be effective in evaluating and managing the problem.

The Need for Crime Analysis

While it may be useful, even necessary in some cases, on a national basis to build victim profiles, and to develop crime type correlation to age, time, location and other factors, it is more desireable to conduct crime analyses for particular localities on specific crime types. While there may be no typical victim, gross profiles may be necessary for program development, tactical counter-measures, budgetary considerations and other valid reasons especially if more precise data are not available.

The need for crime analyses on specific crime types and particular localities is illustrated in the few examples that follow:

- Oakland, California was selected for a prolonged study of the fear-provoking crime of robbery since that city had one of the highest frequencies of this crime in the United States. The University of California, Davis, was funded to accomplish this study. The specific crime types examined were street robberies, muggings, yokings, stick-ups, stompings and all forms of the taking of property in face-to-face confrontations. In the three year period studied, two-thirds of the city had no robberies or purse-snatches at all. From this it can be seen that clearly, residents of the "safe" areas should not be concerned about robbery, that clearly, the police should concentrate their efforts

on the trouble spots and that clearly the need for proper analysis was demonstrated.[21]

- Florida, because it has the highest percentage of older persons to state population of any of the states, understandably has built-in concerns for this major segment of its population. A state-wide rape-specific program was instituted targeting the secondary age group, the elderly. Crime analyses quickly alerted the director of the program to the error and the emphasis was shifted to the under 30 years old age group.[22]
- The city of Richmond, California conducted a study of purse-snatch over a period of eight months. No victim was under the age of 45 years and every victim was walking alone. Again the crime analyses focused the counter-measures toward the right target.[23]
- A retail merchandizing chain directed a robbery specific program since this was conceived to be a high loss crime. Analyses of the losses revealed them to be distributed as follows: 70% internal; 29% shop-lifting; .5% burglary; .5% bad checks and .5% robbery. Obviously, the emphasis was shifted although the robbery counter-measures were retained because of the employees' high fear level of robbery--not because of the high losses.[24]

- The city of Wilmington, Delaware initiated a program in response to the high level of concern about street crimes committed against older persons. These crimes included purse-snatch, strong-arm robbery, and armed robbery. Prior to conducting an in-depth crime analysis, it was anticipated that one of the recommendations would be to improve the street lighting, based upon the assumption that high percentages of street crimes were committed during the hours of darkness. Fortunately, no action was taken before surveys, data collections, and analyses were conducted. It was then found that the peak hours were between ten and four during the day, with very low rates at night.[25]

By these few examples, briefly stated, it should be clear that a local crime analysis is essential to avoid mistakes so often observed in dealing with crime problems. The products of crime analysis are innumerable. Aside from the essentiality to crime reduction programs, information can be developed to assist in planning, administration and management. Some of the "intangibles", such as impact and fear, become more tangible through good crime analysis.

Age Correlations - Impact, Fear, Vulnerability

Impact

Some relationships between old age and criminal victimization are clear, in terms of both negative and positive aspects. Older persons in the United States have very low rates of victimization in the very serious crimes of homicide, rape and aggravated assault. This is true in every locality I have examined, except for the rare and special circumstance when a psychotic rapist targets older women. Many localities even of moderate to large size do not experience, for periods of five, ten and fifteen years, a stranger-to-stranger homicide in which the victim is over 65 years of age. On the other hand, older persons are disproportionally victimized by certain crimes. In some localities, older persons representing only one-fifth of the population suffer three-fourths of the victimization.

Statistics are but one dimension of criminal victimization, yet, unfortunately, this dimension is the only one considered by many who write about victimization. The physiolocal, psychological, economic, and sociological impacts vary greatly between age groups and crime types. Precise comparisons are difficult because of poor data, poorly understood intangibles and imponderable variables.

In this technological era we often expect machines to do what they are not capable of doing. We force solutions into neat packages for ease of measurement and understanding, resulting in conclusions that are attractive to managers but of

little substance upon inspection. Under such circumstances, we tend to rely less upon observation and uncommon common sense, we reject anecdotal information and we employ convoluted and intricate methodology to arrive at intriguing but misleading conclusions. Arriving at arithmetical comparisons for victimization ignores the scene behind the statistics and overlooks factors vastly more important than the numbers. Because the intangible effects of criminal victimization are not capable of measurement, I intend to rely mostly upon experiential information gained over many years as a practitioner.

Fear

Fear, whether it be justified or not, is one of the most devastating effects of crime. Often the residual fear is worse than the crime itself in that when the injuries are healed and the economic loss absorbed, the lingering fear inhibits and debilitates.

A review of current literature on the subject of the residual fear following criminal victimization offers little for the practitioner. The information presented, and the conclusions drawn are not as useful as the information developed by talking with the victims. Clemente and Kleiman[26] report that the female, the black and the metropolitan resident expressed the highest fear rates. Sundeen and Methieu[27] report the central city residents manifest the most fear. Cook et al[28] report that older victims suffer the least victimization but express the highest fear levels. This clearly illustrates my earlier point that researchers, unfortunately, often pore over flat,

one-dimensional statistics and do not salt their conclusions with human factors. To illustrate, in some localities teen-age males sustain five times the number of aggravated assaults as older persons. The researchers appear to conclude that older victims should not be as fearful as younger victims since the victimization is so much less. The statistical comparison I cannot dispute. But the researchers should look behind the statistics to see how the crimes were committed. Many teen-age aggravated assaults are victim-initiated or are the result of the victim's actions. An example is the youth who becomes exhuberant at the senior prom, starts a beer bottle fight and lands in the hospital to have his wounds stitched. The youth does not look upon this as a crime -- it was a fight. The incident probably would not have come to the attention of the police were it not a requirement that doctors, nurses and hospital workers report such altercations. Another example is the youth who frequents taverns known to be involved in criminal activity or frequent, serious altercations. Another example is the serious injuries sustained by young males in wars between street gangs. The injuries may be serious, even fatal, but these cases cannot be equated with the victimization of the older woman, walking peacefully to the grocery store in the afternoon, who is set upon, robbed, knocked down and stomped. In comparing crime victimization statistics, one plus one <u>does not always</u> equal two.

I find little that guides the practitioner in such writings as Skogan & Klecka[29], Richard Harris[30], Hahn[31] or Goldstein,

et al.[32] Perhaps it was not their intention to provide guidance. Reviewing Conklin,[33] Gubrium,[34] Pope,[35] Gross[36] and Goldsmith,[37] again I am forced to conclude that the basis for dealing with fear will rest more solidly upon the anecdotal information than upon information thus far committed to print.

For the practitioner, providing security to protect the elderly from actual crime and to remove the criminal activity is the end objective. Methodology, conjecture and intellectual exercises are of little value to the victim of crime. Relief from the torment is needed. We have the knowledge and the techniques to achieve both objectives.

Factual presentations of actual crime frequencies are the best antidote for the reduction of elevated perceived fear, generated by vicarious victimization.

Vulnerability

There are strong correlations between certain crime types and frequencies with age, sex, economic status and other factors. Some factors associated with the vulnerability of the older person are noted here.

Physical - Owing to the aging process, the physical capabilities and sensory perceptions of older persons may be less than those of younger persons. This increases their chances of victimization because they

- may be less aware of their surroundings,
- may not see or hear approaching danger,
- may not realize initial contact with an attacker and thus be unable to react,
- may not be able to identify the offender, if

apprehended,

- may not be able to read and understand the terms of a fraudulent contract.

They may have experienced loss of musculature and coordinating capabilities. They

- are less able to defend themselves from attack,
- are less likely to retaliate with physical force,
- are less likely to pursue an assailant,
- are less able to protect their property from attack.

They may have reduced reaction times. They

- may not react to a crime situation immediately.
- are less able to understand a fast-talking bunco artist. [36]

Phsychological- Again, because of the aging process and the circumstances which surround it, older persons experience psychological changes which can increase their vulnerability to crime. Increased vulnerability occurs because

- they may be preoccupied with economic, physical or other personal problems. This would reduce their internal warning signals of a confrontation with a potential attacker, or a bunco artist.
- They may occasionally lose contact with the immediate situation or circumstances. This could lead to danger in the street environment, or make the older person an easier mark for exploitation by a con artist.

- they may be lonely. They may welcome a stranger into their homes for the opportunity for conversation, unknowingly inviting physical harm or property loss.
- they may be depressed. This can significantly alter the behavior of an otherwise normal person, and cause erratic and sometimes detrimental decisions.
- they may be afraid. The fear of reprisal affects reporting crimes to police.
- they may be trusting. This is a luxury many can no longer afford, but older persons have difficulty changing, having grown up during an era of trust.[38]

Environmental - Many older persons live in central city areas where crime is rampant. In 1970, 34% of persons 65 or over lived in central cities.

They have been either unable or unwilling to move from their old neighborhoods, or they may have been placed in central city neighborhoods by social welfare programs. In either case their risks of victimization are increased because

- central cities are generally high crime areas with less than adequate police protection.
- as neighborhoods change, their older residents become removed from the mainstream.
- they may have to rely upon public transportation through areas they normally would avoid, and have to stand at transportation stops for extended periods of

time.

- the chances of repetition of crimes are likely. Much of the problem is area-related, and definite patterns develop.[38]

Situational - Great numbers of older Americans live alone. This can have negative consequences, since

- they face greater risk of physical attack, and less chance of adequate defense.
- no one is present to protect their homes or property when they leave, even for short periods.
- they have little opportunity for consulting others concerning possible fraud, when being pressed for immediate decisions.

Also, many older persons find comfort in scheduling their daily activities with regularity. Set patterns and routines can be identified, and regular activities discerned. Because of this

- muggers and purse or wallet snatchers soon learn through observation when older persons are likely to be carrying large amounts of cash (such as for grocery-buying or pension check-cashing) and they also learn the points and routes of travel.
- the burglar knows when and for how long the older person's residence will likely be vacant.
- the con artist knows the best times and places to encounter the older person.[38]

Cataloging age-correlated vulnerabilities to criminal victimization is not difficult to do and much more could be set down if it were necessary to advance the arguments herein. Impact and fear, on the other hand, are different matters. Studies thus far are conflicting, confusing and misleading and they are of little practical use to the practitioner. In many studies, the conclusions are based on "flat" statistics devoid of the emotional and social aspects of the victimization. Others are the result of convoluted methodology which most practitioners cannot validate because of lack of time. Too often policy decisions and other actions are based on studies that overwhelm the practitioner with their sophistication and complexity, notwithstanding the validity or lack thereof in the studies' conclusions. Determination of their worth requires analysis as time consuming as conducting the studies.

In the matters of impact and fear, I submit that anecdotal and experiential information are more valuable to the practitioner. A classic example in support of this is a statement made by Police Chief Clements when he was President of the International Association of Chiefs of Police. Chief Clements said that we cannot fully appreciate the effect of criminal victimization of some older persons unless we re-enact their behavior. He suggested to the audience that each person, for a period of one month, lock the doors of his home at night and refrain from going to the movies, the restaurants, the bowling alleys, the church services or any other activity during the hours of darkness. His suggestion dramatically illustrates the effects of crime on some elderly victims.

REFERENCES - PART I

1. THE COSTS OF AN AGING AMERICA, Robert J. Samuelson, National Journal, Feb. 18, 1978

2. FACTS ABOUT OLDER AMERICANS, U.S. Dept. of Health, Education and Welfare, Wash., D.C.

3. CRIME IN THE UNITED STATES/UNIFORM CRIME REPORTS, Fed. Bureau of Investigation, Dept. of Justice, Wash., D.C., 1978

4. NATIONAL CRIME SURVEYS, Law Enforcement Assistance Admin., Dept. of Justice, Wash., D.C. 1972-76

5. PROGRAM HINTS, speech by Don Thieme, Director, Help Stop Crime, Office of the Att. Gen., Tallahasse, Fla. Conference, National Crime Prevention Institute, University of Louisville, Ky. - 1977

6. NEEDS ASSESSMENT SURVEY, Area Agency on Aging, St. Louis, Mo., April 1979

7. NEEDS ASSESSMENT, St. Charles, St. Louis Counties, Mid-East Area Agency on Aging, Brentwood, Mo., June, 1979

8. GEORGE GALLUP POLL REPORTS, Feb., 1968

9. Life Magazine, January, 1972

10. Slade Gorton, Attorney General, State of Washington, Olympia, Washington, 1978

11. Reports, National Safety Council, Chicago, 1977

12. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, U.S. Gov. Printing Off., Feb.,1969

13. NEEDS ASSESSMENT SURVEY, Area Agency on Aging, St. Charles and St. Louis Counties, Mo., June, 1979

14. CRIME IN THE UNITED STATES, Fed. Bureau of Investigation, Dept. of Justice, 1960 through 1978

15. SOURCE BOOK, Criminal Justice Statistics, National Criminal Justice Information & Statistical Service, U.S. Dept. of Justice, Wash., D. C. , 1978

16. Police Chief (Survey), International Association of Chiefs of Police, Gaithersburg, Md., Feb. 1976

17. CRIME IN THE UNITED STATES, Fed. Bureau of Investigation, U. S. Dept. of Justice, Wash., D. C., 1971

18. CRIME IN THE UNITED STATES, Fed. Bureau of Investigation, U. S. Dept. of Justice, Wash., D.C. 1976

19. Institute for Law & Social Research (Survey), 1125 Fifteenth St., N.W., Wash., D. C.

20. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, U. S. Gov. Printing Off., Wash., D. C., 1967

21. THE PREVENTION AND CONTROL OF ROBBERY, Center on Administration of Criminal Justice, Univ. of California, Davis, 1974

22. Help Stop Crime Project, Off. of the Attorney General, Tallahassee, Fla., 1977

23. REPORT ON PURSE SNATCH, Police Department, Richmond, California, 1974

24. Chief O. C. Foster, Director, National Crime Prevention Institute, Univ. of Louisville, Ky., 1975 (class presentation).

25. Wilmington Crime Resistance Project, Police Dept., FBI, Wilmington, Delaware, Gov. Printing Off., Wash., D.C. 1977

26. FEAR OF CRIME AMONG THE AGED, Clement & Kleiman, The Gerontologist, Vol. 16, No.3, 1976

27. THE FEAR OF CRIME AND ITS CONSEQUENCES AMONG ELDERLY, Sundeen & Mathieu, The Gerontologist, Vol. 16, No. 3, 1976

28. CRIMINAL VICTIMIZATION OF THE ELDERLY, Cook, et al, Gerontologist, Aug. 1978

29. THE FEAR OF CRIME, Skogan & Klecha, American Political Science Assn., Wash., D. C. 1977

30. THE FEAR OF CRIME, Richard Harris, Frederick A. Praeger, New York, NY, 1969

31. CRIMES AGAINST THE ELDERLY, Paul H. Han, Davis Publishing Co., Inc., Santa Cruz, California 1976

32. POLICE AND THE ELDERLY, Goldstein, Hoyer & Monti, Pergamon Press, New York, NY, 1979

33. ROBBERY, THE ELDERLY & FEAR, John E. Conklin, Center for Criminal Justice, Harvard Law School, 1970

34. APPREHENSIONS OF COPING INCOMPETENCE AND RESPONSES TO FEAR IN OLD AGE, Jaber F. Gubrium, Aging & Human Development, 1973

35. THE EFFECTS OF CRIME ON THE ELDERLY, Carl E. Pope and William Feyerherm, The Police Chief, Feb., 1976

36. LAW ENFORCEMENT AND THE SENIOR CITIZEN, Philip J. Gross, The Police Chief, Feb., 1976

37. CRIME AND THE ELDERLY, Jack Goldsmith, D. C. Heath & Co., Lexington, Mass., 1976

38. Research Project: "Law Enforcement and Older Persons- A Training Mannual: National Retired Teachers Association-American Association of Retired Persons, Wash., D. C. , 1979

# # #

CRIME AGAINST THE ELDERLY IN THE UNITED STATES

Part II: A Practitioner's Rationale and Response

Crime Causation - The Search for the Elusive "Roots"

Rehabilitation - The Reformer's Dream

Courts and Cops - Performance and Problems

Victims - The Forgotten Element

Career Criminals - Crime DOES Pay

Changes - Necessary But Improbable

Merely to relate the response to the problem of criminal victimization of the older person would be to overlook the in-depth examination that was undertaken to arrive at the operational segments of our response. The response position would be discounted by many as a superficial, "band-aid" approach unless the alternatives were examined in the light of practicality.

CRIME CAUSATION - The Search for the Elusive "Roots".

"The most natural and frequent question people ask about crime is 'why?'. They ask it about individual crimes and about crime as a whole. In either case it is an almost impossible question to answer. Each single crime is a response to a specific situation by a person with an infinitely complicated phychological and emotional makeup who is subject to infinitely complicated external pressures. Crime as a whole is millions of such responses. To seek the 'causes' of crime in human motivations alone is to risk losing one's way in the impenetrable thickets of the human phyche." This statement is taken verbatim from the Report of The President's Commission on Law Enforcement and the Administration of Justice, released in 1969.[1] This conclusion is reaffirmed over and over again by other studies.

Since the persistent demand for finding the "roots" of crime is the most frequent obstacle faced by practitioners of crime reduction efforts, it must not be dealt with lightly.

Over the past eight years, I have carried out an intensive review of the literature on the subject. My review culminated more than forty years in the Criminal Justice System. There is no more hope today of finding the "elusive roots" than there has been in the past. Bright new theories advance convincingly over the horizon to shine briefly and disappear in disillusionment, many times after millions of dollars have been spent to implement them unsuccessfully.

While some crime causation theories may apply to specific individuals, none yet have general or even widespread application.

In the beginning it was simply stated that demons caused crime and the expediency of drilling a hole in the skull to allow the demons to depart solved the problem-- which it did by reducing recidivism commensurate with the life expectancy of the offender. As criminology advanced to the status of a widely practiced science, through the five basic fields of causation marched those who based their theories upon the length of the limbs, the pressures of poverty, the effects of the environment, the characteristics of the chromosomes, the color of the complexion, the chemistry of the corpus, the influence of intelligence, the bumps on the head, the madness for money, and on and on. In random review, let's briefly comment on some causation theories.

Dr. Karl Menninger, a renowned psychiatrist, writes that we have crime because we enjoy it, we obtain pleasure from it and we need it to satisfy our guilt feelings. His book, "The Crime of Punishment",[2] is interesting reading.

Dr. Eric Fromm, author of a number of widely read books on psychiatry, says boredom causes crime.

Another states that inequality of opportunity causes crime.

It was reported not too long ago that there is a direct correlation between crime and the Gross National Product. When the GNP goes up--so does crime.

A speaker at a conference in Washington, D.C. on Crime and the Minority Community blamed crime on a "racist, exploitive, money-conscious society".

At a recent seminar, a state legislator stated that she viewed all the inmates in the state penitentiary as her children who had unavoidably gotten involved in crime because they were the products of society. In other words, all criminals should be excused since they are bent out of shape by the pressures of a callous, uncaring society. I have heard this expressed many times. I am curious, though, as to why this explanation is never advanced to excuse the occasional offenses of prison guards or policemen or the seduction of a student by a teacher or the embezzlement of funds by a bank president. All of them are also members of the same society which, by the same argument, bent them out of shape.

Charles E. Silberman writes in "Criminal Violence, Criminal Justice"[3] (an effort that took more than five years and more than a half million dollars) that poverty, inequality and racial discrimination cause crime. Yet in another chapter the author cites case after case of bank presidents, politicians, wealthy businessmen, lawyers, doctors and many others committing large amounts of crime, but these certainly are not suffering from poverty, inequality or racial discrimination.

Others blame crime on the lawmakers. We make crime whatever we say it is and unmake it by saying it is no longer a crime. So, many argue, unmake it by removing it from the statute books.

Dr. Richard Blum, of Stanford University, after an exhaustive inquiry into the subject, searching for the predictors of crime, observed that many youngsters get into trouble from having too much too soon, from lack of religiosity, from parents who are contemptuous of authority and transmit this contempt to their children, from lack

of discipline and too much permissiveness. His inquiries covered a period of more than a decade and resulted in significant findings for those of us in this line of work -- preventing crime.

It is enticing to follow a course of "pure reason" and believe that a person who is not poor, and lives amid plenty, has no reason to steal or commit crime for monetary gain. Following this, if we eliminate poverty, we eliminate economic crimes. This is attractive to consider, but let's look at a few facts. Most poor people are not committing serious crime. During our period of greatest affluence, crimes have increased dramatically. In this country we have observed poor people, living under the most destitute conditions, performing the most menial tasks, committing very little crime. One example was the immigrant Jewish population coming into New York City in the 1800's. Another was the poor Chinese who came to this country in the last century. The Chinese lived under such abominable conditions, suffered such affronts by society that the saying,"He doesn't have a Chinaman's chance" became popular and widespread. Yet, these immigrant Chinese committed very little serious crime. And until they became Americanized in recent years, their progeny committed very little crime. If poverty causes crime why is it that recent youth surveys reveal that rich kids proportionally commit as much or more crime than poor kids?

And if poverty, deprivation, racial discrimination, and inequality caused drug addiction and its resultant crime, why is it that medical doctors, certainly among our most affluent, intelligent and privileged, have the highest level of illegal drug usage of any of our occupations?

It sounds so plausible. If you have plenty, why steal? Or commit other crimes for economic gain? Ask that of members of Organized Crime. They have the most and steal the most. Or presidents of banks and large corporations who embezzle funds.

While one prominent person stated, "Higher incomes will reduce crime just as surely as lower speed limits reduce highway deaths."[4] another states, "It is observable around the world, that as affluence rises so does crime."[5]

An interesting observation on crime in the slums was made by Professor Ernest van den Haag, author of a widely read book called, "Punishing Criminals,"[6] in which he said the crime rate is high in such localities, but so is death in a hospital. "Slums, like hospitals, attract people selectively. Both are locations not causes."

Among serious students of crime causation, the poverty theory is seldom voiced. In the book, "Crime",[7] there is stated, "in the 19th Century, slum poverty was blamed, in the 20th, a childhood without love. Today, most authorities have abandoned the attempt to isolate any one cause, recognizing that the causes are many, and difficult to separate."

Probably the most widely held belief today is that criminal behavior is learned behavior. Edwin H. Sutherland, in his book "Criminology",[8] develops a persuasive argument. He states that the principal part of the learning of criminal behavior occurs within intimate personal groups and that impersonal agencies of communication, such as movies and newspapers, play a relatively unimportant part in the genesis of criminal behavior. This is supported by a major study reported in Crime Control Digest recently wherein

it was concluded that peer group pressure had the greatest influence in causing juveniles to become delinquent.

In its excellent condensation on the causes of crime, the book "Crime",[9] states "Freud called 'guilt the real motor of crime.' He believed that most people are plagued by an 'obscure sense of guilt' stemming from the Oedipus complex: 'the two great criminal intentions of killing the father and having sexual relations with the mother'". Crime, Freud thought, provides substitute gratification of these forbidden wishes and at the same time gives the lawbreaker something to feel guilty about that he can easily understand. Freud's views are not widely accepted beyond the narrow band of his disciples.

A number of psychiatrists tend to believe that "guilt" or "the forbidden fruit" motivates criminals. This seems believable when we consider the penchant little boys have for stealing apples from the neighboring farmer. If we are going to accept this, one solution leaps to mind for our crime problems. If we forbid nothing would crime cease? Although there can be no violation of non-existent penal statutes, I doubt that human behavior would change very much.

A few decades ago, as psychiatry reached adolescence, it was widely believed by the fraternity that criminals were sick. Unfortunately, much of the "sickness" could not be defined, could not be diagnosed, was not responsive to treatment and, a few years ago, this slid quietly into oblivion. A few criminals <u>ARE</u> sick but most are no more sick or crazy than the general population.

The search for physical clues to criminal propensities took many turns, among the most recent serious inquiries being the three year investigation by the National Institutes of Health into the XYY chromosomal abnormality.[10] The existence of large numbers of white males in the prison population, all over six feet tall, with this characteristic, gave rise to hopes that XYY was the key to predicting criminal behavior. This was discounted after prolonged and careful investigations, mainly because there are large numbers of white males, all over six feet tall, with this abnormality -- who are in the general population outside of prisons, and not committing crime.

A former Attorney General of the United States wrote that we must all love and understand each other for the lack thereof causes crime.[11] This is certainly a laudable goal but how do we accomplish it?

In "The Crime Victims' Book"[12] Professor Morton Bard has written "Unfortunately a great deal of misunderstanding about causes of crime has been encouraged by the academic community, the police, departments of justice and public officials at all levels. The truth is that no one knows very much about why crime happens, and so we have been able to do very little about it."

Professor James Q. Wilson of Harvard, in a very popular book entitled, "Thinking About Crime,"[13] stated, "If we regard any crime-prevention or crime-reduction program as defective because it does not address the 'root causes' of crime, then we shall commit ourselves to futile acts that frustrate the citizen while they ignore the criminal.

In a crime prevention course that I wrote in 1972, I stated: "Finding the causes of crime--why a person becomes involved in criminal activity--and finding solutions are among the most pressing social needs of today. Our nation and the world have spent and are spending thousands of millions of dollars in this quest. We know the consequence of crime, but the causes and cures remain elusive." [14]

Most practitioners are action and operations oriented. If they were not, they would be in other lines of work. We must pursue those things that can be done now, imperfect as they may be, in lieu of no action whilst seeking the perfect solution. Much like medical practitioners who use whatever therapy is available to treat cancer notwithstanding the progress being made to find the "cure", we must use whatever means are presently available in our crime reduction efforts and not defer action while awaiting the "cure" of the disease called crime.

More and more as we probe deeper into the quagmire of the causes of crime, we are coming to the realization that the well-founded, widely believed and heavily funded applications of past theories, have not proved worthwhile. As our options are narrowed, we turn to those practical things that can be done, including imprisonment for incapacitation as an acceptable and legitimate course of action.

Those of us who are practitioners in crime prevention and who are thwarted by the "crime causation" proponents decrying any efforts other than the pursuit of the elusive "roots" of crime, may seek some solace in the knowledge that expedient therapy is gradually coming into grace. I quote from the publication, "Crime" [15]

86-411 O—81——14

"But if causes cannot be pinned down and better understood, much about crime can be, with potentially useful results. Many criminologists now bend their major efforts toward learning how criminals operate and how those operations might be prevented."

In summary:

- We have observed the abandonment of the most popular and widely held beliefs as to what causes crime.
- It is likely that most currently held beliefs will likewise be abandoned as more knowledge and experience is accumulated.
- Despite the fact that thousands of millions of dollars have been expended in this elusive search, we have advanced little in our quest.
- The promises of the engineers of social change have gone unfulfilled.

It may seem that too much has been presented here on crime causation, but there are reasons. Much too often in my crime prevention efforts, my effectiveness has been thwarted by those who place all their hopes on finding the "root" causes. For those trained to seek the cause first before finding the cure, short-term but effective expediencies are difficult to accept. We must prevail over these obstacles if even partial relief from victimization is to be achieved.

REHABILITATION - Does It Work?

Since it is now a consensus of serious investigators that we do not know what causes crime, we must turn to other avenues leading to crime reduction. One is the long and deep felt idealism that reform is the answer and rehabilitation is the only salvation. This makes sense; a cure is better than symptomatic treatment. In the words of Professor Rotham, the Jacksonian reformers of the 1820's and 1830's shared these innovative and grandiose ambitions. They would not merely deter but eliminate crime. They would not punish but would reform the criminal. Prisons should be places of rehabilitation.[16]

It is only reasonable to give new therapies an opportunity to develop and mature. After one hundred and fifty years and mountains of money, how does rehabilitation work? Not very well, according to the experts in the field.

Norman Carlson, Director of the Federal Bureau of Prisons, a man with long experience and considerable responsibility, has recently stated that "most persons in the corrections field are now willing to admit that no one knows how to rehabilitate a criminal and that crime is a disease for which society has no cure".[17] The chairman of the U.S. Parole Board has made virtually the same statement. Not only have practitioners been driven to this conclusion but also noted scholars. Robert Martinson made an exhaustive investigation of 231 rehabilitative programs covering the period from 1945 through 1967 and concluded that the programs had had no appreciable effect on recidivism.[18] These conclusions are not all of recent origin. In 1933 Michael and Adler reported on their analysis of then current reformative experiments and reported "We know nothing about the deterrent or reformative effects of any mode or variety of treatment."[19]

Increasingly, practitioners and scholars of national repute have admitted our inability to change criminal behavior to non-criminal behavior against the will of the offender.

Sociologist Gwynn Nettler writes in "Explaining Crime",[20]

"A first fact is that arrest 'reforms' some offenders, in the sense that their behavior is 'corrected'. The offensive behavior stops.

"Despite this fact, many observers do not regard a change of conduct after arrest and upon the threat of additional penalty as 'rehabilitation.' What they seek is not just a change in behavior, but a change of heart that leads to the change in behavior.

"Whether or not one requires that a change of character accompany a change in conduct before a person can be deemed to have been 'rehabilitated' a second fact deserves reporting. Efforts to rehabilitate offenders do not work well.

"There is no science of personality change which has yet been verified or which in its experimental phases, has proved successful".

"Marvin Wolfgang notes that within the past two decades careful studies have begun to evaluate the efficacy of the rehabilitation model, employing increased statistical sophistication and arriving at negative conclusions.[21]

Yochelson and Samenow, a psychiatrist and a psychologist, in a study lasting more than 15 years concluded with such statements as, "Psychiatric concepts and techniques don't work with criminals because most diagnoses of mental illness result from the criminal's fabrication. ... They are fooling us.." [22]

The eminent jurist, Macklin Fleming writes:

"The reformative theory crested in the late nineteenth century, but the high hopes of its early enthusiasts never materialized, and their efforts met with repeated failure. Endless combinations of discipline and environment have been tried in attempts to restructure the criminal's behavior--yet nothing seems to work. But like classical laissez-faire economists advocates of sanction as reformation argue the basic soundness of their theory and attribute lack of results to the fact that their theory has never been properly applied. They continue to search for the exact combination of regime and surroundings that will bring about the magic of the criminal's reformation. But reformation through treatment continues to elude proponents of the theory, and recidivism in criminals remains more or less unaffected by varying patterns of treatment and environment. Two-thirds of criminals released after serving prison terms are rearrested within three years."[23]

We should place the most reliance upon the statements of those who have the most experience and who bear the heaviest responsibilities. Hopes and dreams of theorists having no responsibility for the problem of crime should not be decisive in determining our practices. A sociologist who bears one of our heaviest burdens and who has a position of great responsibility is the Director of the Federal Bureau of Prisons. He admits we do not have the key to correcting.[24]

These failures are not because of a lack of good will, good intentions, professional counsel or funds allocated. The National

Council on Crime and Delinquency reported that it cost $26,000 to maintain one prisoner during 1976 in New York City. In the State of Maryland, during the early 1970's, three persons could be sent to Harvard University in Boston for the cost of maintaining one juvenile delinquent, and some individual costs have been reported as high as $80,000 in one year. One of the most intensive and costliest criminal treatment programs in the United States was the Patuxent Experiment.[25] For 22 years until it was terminated in 1977, in-depth individual therapies of wide varieties were tried. The result was disillusionment and abandonment.

Observable failures are everywhere and have long been noted by police. They see the same offender committing crime repeatedly. In the Nashville, Tennessee "sting" operation,[26] of 304 persons arrested, 88% had a prior arrest record. This 88% or 269 offenders, had 2155 total prior arrests. These "career criminals" have been the subject of much study in recent years. In a 1978 NILE&CJ study,[27] 49 habitual offenders were reported committing 10,500 crimes, all of a serious nature. What has been long observed by police is now being confirmed by studies. During a lunch I had some time ago with the former chief of the Washington, D.C. police, Jerry Wilson, he stated that if he could remove about 500 habitual offenders from the streets of Washington he could make the city one of the safest in the country.

Despite overwhelming evidence that we do not know how to rehabilitate criminals, there are vast numbers of influential persons in and out of the criminal justice system who still vigorously defend the practice of reform --- but at the present, theory is all

it is. As recently as 1978 a conference of circuit court judges expressed belief that rehabilitation should be the primary reason for incarceration.[28] In fact, there are many jurists and legislators who believe the primary purpose of the Criminal Justice System is the rehabilitation of offenders and not the protection of society. But the mood appears to be changing. Senator Edward Kennedy has sponsored a major revision of the Federal Penal Code wherein rehabilitation has clearly been subordinated to deterrence, punishment and the protection of the public.[29] Norman Carlson noted the "get tough" mood of America in a recent speech[30] and his observation is backed up by the abandonment of reliance upon rehabilitation and increased dependence upon incapacitation.

At this state it may appear to be overkill to marshall additional authorities who have concluded that rehabilitation has not been effective in diverting the criminally inclined to non-criminal behavior. But the reform movement is so deeply entrenched that overkill is necessary if we have any hope of avoiding more endless trips down that primrose path. Certainly the head of the National Institute of Corrections would be a person to be heeded. When Dr. Sherman Day was director of that institute he stated in a speech,[31] "Most of these groups, led by the scholars and researchers, have concluded that rehabilitation in corrections has not worked and it needs re-evaluation." Later in his speech he added, "The words punishment, deterrence, retribution and incapacitation have achieved new respectability and occur frequently in the writings of such respected scholars as Norval Morris,[32] James Q. Wilson,[33] Andrew von Hirsch, as well as the

speeches of major Presidential candidates."

A comprehensive review of pertinent writings of recent years in the Law Enforcement News noted that the most important development of the last decade is the revival of the classical theory of criminal responsibility. With the failure of the rehabilitative ideal of imprisonment acknowledged by virtually all serious students of the subject, conclusions are that the pursuit of the causes of crime has thus far been fruitless, that courts are not successfully removing captured offenders from society and that incapacitation by imprisonment is a proper reason for incarceration.[34]

"Rehabilitation is something we do not know how to do."[35]

The Courts and the Cops--Performance and Problems

If we do not know what causes crime and if we have yet to learn how to rehabilitate criminals, can we assume that at least we can catch them, convict them and incarcerate them? Let's take a look at our performance.

The first obstacle is the lack of system-wide information. The criminal justice system is really not a system but is made up of independent components which many times are operated as fiefdoms. Tracing a criminal through the system is not easy. The Philadelphia Bulletin once observed that if the government can trace a hog from farm to market, it ought to be able to trace a criminal from the streets through the whole criminal justice system.[36] Not so. In the biggest business in the country we lose track of the criminal inside the system. Even though a Deputy Attorney General of the United States[37] has stated that the Department of Justice has more people at work on statistical programs than in the Criminal and Civil Divisions combined we still cannot get the information necessary to evaluate our system proficiency. Not until such organizations as the Institute for Law and Social Research (INSLAW) conducted studies, were we able to get a true system-wide picture in those jurisdictions that were studied.

It is startling!

In a series of revealing reports by INSLAW[38] we find that from Ashtabula to Washington, D.C. our proficiency is dismal. Confirmation of this conclusion can be limitless. In Washington, D.C., choosing a crime type that should have a very high conviction rate, commercial robbery, we see that in 1973 there were 2070 reported, which projects to 2300 actual incidents. There were 86 juvenile

arrests and these disappeared into the murky obscurity of the juvenile justice system. Of the 220 adult arrests there resulted 108 convictions. A review of post conviction disposition reveals that of these about 20% were released immediately to probation or suspended sentences.[39]

Examining INSLAW's[40] performance perspectives for commercial burglary in Washington, D.C., we find a conviction rate of about 1%. Again, the post conviction disposition reveals about 1/3 were immediately released to probation or suspended sentences.

In a metropolitan suburb with a well trained police department,[41] the burglary performance was about .82% convictions. Again, using national survey data,[42] for each 45 reported burglaries we can estimate that about 100 were actually committed. In the instant case, 9 apprehensions were made per 100 offenses for an overall less than 1% conviction rate. Most departments would not do any better.

In 1977 over 3 million burglaries were reported to the police.[43] The surveys for that year revealed almost 7 million actual burglaries in the 76-1/2 million households;[44] again fewer than half were reported to the police. For that year in one representative major city, more than 16,000 burglaries were reported which, using the above survey data, would indicate an actual number of about 39,000. This city assigned 11 full time detectives to the investigation of burglary or 1 police officer to each 3550 burglaries. With such a crushing case load, can we expect the police to do more?

It is not only in Washington, D.C. but in other locations we have examined, that the performance does not seem much improved.

As an example, the Battelle[45] report of rape in the United States examined two cities, Seattle, Washington and Kansas City, Missouri. Of 635 rapes reported, 45 suspects were charged and 10 were convicted. Post conviction disposition is not available at this time. Using the best available survey data, if we multiply the 635 reported cases by 5 to arrive at an approximation of the actual crimes committed, the total is 3175. This means one conviction for every 318 rapes.

Using a 1972 report of the Chicago Crime Commission, and again estimating the actual crimes committed, a conviction rate of .00087 for the crime of rape is determined. And for burglary in Chicago, Gregory Krohm estimated that one adult is imprisoned for each 412 burglaries and 1 juvenile for each 659.

Arson is one of the fastest growing crimes in the country. Because of the nature of the crime, it is difficult to determine its extent. Experts estimate this crime has increased more than 500% in the past 15 years.[46] About three-quarters of the school fires are arson and about one-third of all fires are arson. The arsonist is rarely arrested and even less often imprisoned, fewer than 1%.

Vandalism damage exceeds $2,000,000,000 annually of which about $600,000,000 is in the schools.[47] In this crime by very young people, few are apprehended, and because they are juveniles, the extent of action against the offender is the inconvenience of a hearing, rarely anything more.[48]

Even in the capital crime of homicide, using the data set forth by former United States Attorney General Ramsey Clark, only about 25% of the reported murders result in convictions and of the convictions, 19% are reduced to lesser crimes. Again, if we use as a base the actual

number of murders, not just those that come to the attention of the police, our conviction rate, including those that result in less than a murder conviction, is less than one fifth of the total murders. Post conviction data is not easily determined but even should the conviction result in a life sentence, this may average out to only six years as it does in our most populous state.

We have dealt only with the more serious and troublesome crimes. When we review how we are performing in our lesser crimes the results plummet off the bottom of the chart. The criminal justice system is too cumbersome and is not operating to cope with the volume of crime committed. Crime and the criminal justice system is the biggest business in the United States today. It is biggest as to the amount of money involved, it is biggest as to the number of people involved and it is biggest as to the amount of territory it covers. First, everyone, having committed a criminal act, is a criminal. This does not mean that we have large numbers of bad people it just means that we legislated so many commonly committed acts into crimes. Depending on where you are standing at the time, you can get arrested for holding a church service in a residence, carrying a mixed alcoholic beverage in a tavern, drinking whiskey whilst flying over certain regions, drinking whiskey out of a bottle, working as a conductor on a railroad before first serving as a brakeman, and on and on ad infinitum.

As difficult as it may be to accept, the courts and the police cannot cope with the present magnitude of criminal activity. Criminals are not easy to apprehend and are even more difficult to convict. A review of readily available data makes a convincing case

that the performance of the criminal justice system is dismal.[49] No increase in personnel nor streamlining of administration will change this. The system itself is inefficient and it is not likely to change within our lifetime if the past century or so is an indicator.

Only about 15% to 20% of total police personnel is directed toward crime reduction efforts. Doubling or tripling police agencies, an impossible dream under current trends toward fiscal austerity, would have but a minute effect.

In metropolitan jurisdictions 1% of the criminal cases will fully occupy 15 to 18 judges. Given that the police "clearance" rates are low, even so the police arrest far more persons than the courts can handle. Were the police to greatly increase their efficiency, if measured by apprehensions, the court system would collapse. Former Commissioner of Police in New York City, Patrick Murphy, has stated that of 97,000 felony arrests made by his department in one recent year, fewer than 500 went to trial. Using national survey data as a basis for extrapolating felony arrests to actual crimes committed, we could arrive at more than 7 million felonies committed each year in New York City. And fewer than 500 cases go to trial.

We must set different priorities and deal with those crimes and those persons that bother us the most. The violent stranger-to-stranger criminals and repeat offenders.

Victims - The Forgotten Element

It is clear to practitioners, scholars and researchers that the victim is all but forgotten in our criminal justice system.[50-51-52] This unfortunate turn is of relative recency for in the infancy of criminal law, making the victim whole, consideration for the victim over the offender and common compassion were paramount.[53]

The victim is not even accorded the position of being offended against since it is the "state" versus the offender. The king, now the state, is offended against and the victims are mere pawns seldom receiving restitution, rarely participating in the criminal proceedings and most often left to shift for themselves.

The workings of the criminal justice system and the prevailing penal philosophy has left the victim "the Cinderella of the criminal law."[54] It is difficult to place oneself in another era but as I read the journals of the last century there is nothing but compassion, concern and feeling for the victim whilst the community and the sheriff bent every effort to bring the criminal to the bar of justice.

The mammoth study of the President's Commission on Law Enforcement and the Administration of Justice[55] devoted time and space to this phenomenon, noted that the victim was indeed forgotten, but it gave us little insight as to why.

In September 1977 Earl Haas, District Attorney for Multnomah County (including Portland) Oregon, said it succintly with this statement of his outrage:

> "...the rights of victims have been ignored by prosecutors, by police, by defense counsel, by the

> bar and by all of us who should be out seeing to it that they have equal rights with the criminal defendant. I won't live long enough to see the day when the victim has equal rights with the perpetrator of the crime." 56-57

It is my personal observation that the majority of police officers and prosecutors I have encountered feel concern and sympathy for the innocent victims of crime, but the system provides no place for their expression.

The victim has little participation in the criminal justice process. As noted earlier, in New York City where more than 97,000 felony arrests per year result in fewer than 500 trials, the chances of the victim being called to testify may be one in three or four thousand crimes. Most crimes are not reported and of those that are, a small percentage of them are cleared by arrest. Of those offenders arrested, few go to trial. The victim, indeed, has a very small chance of being called to testify. This is one obvious reason why the victim is forgotten -- most often the victim is not needed in the process.

We can only conjecture on other reasons. The victim is not organized and organization of groups is necessary to achieve any national or large scale objectives.

Urbanization tends to insulate individuals from their neighbors and, to some extent, reduces concern for their fellow man.

Certainly fame and fortune lies on the side of the defense and economics attracts legal talent.

There may be a few bright spots in the dim future of crime victims in that now there are twenty-four states that have legislation to compensate the victims of crime. A recent force and one that may be far more dramatic in results are the "third party suits" now being successfully pursued.[57] These suits, which have been unsuccessful prior to the 1970's are now receiving wide attention, particularly by the American Bar Association. Recent large dollar awards flowing from civil litigation brought by victims of crime against those responsible for releasing dangerous criminals back into society will add economic incentive to representation of the victims or their heirs and at the same time inhibit the release of violence-prone individuals. Beyond these paltry crumbs, little consideration has fallen to the "forgotten" victims.

Career Criminals - Crime Does Pay

Crime does pay and practitioners within the criminal justice system have long observed this--in fact, some have been enticed to crime as a preferred career choice. Crime is an exciting career, most of the risks have been removed, it is profitable, working hours are set by the criminal, the nagging nuisances of supervision are not present, aggressions can be vented, power exercised, the "establishment" flouted, the chains of oppressive work routine cast off, the rewards of private entrepreneurship enjoyed. Crime does not require much training, or very high skill levels as opposed to the long periods of training to be an electrician, a technician, a teacher, a lawyer or about any other occupation that can be mentioned. The criminal receives encouragement and support from his peers and, if he excels, moves into a position of prestige in the community. Rewards are instant and not deferred. Crime does pay. Crime is an occupational choice that offers more rewards for the investment than most other lines of work. Criminals are not often caught and, when caught, not often convicted. When convicted a good one-third or more do not go to prison and, the few who are imprisoned tolerate that as the risk of the profession.

Sociologist Gwynn Nettler writes, "Given the low risk of penalty and the high probability of reward, given the absence of pangs of guilt and the presence of hedonistic preferences, crime is a rational occupational choice for such individuals." [58]

Barnett and Hagel in, "Assessing the Criminal" comment on the "conscious" choice of crime as an occupation. [59]

RAND, in a major study of habitual robbers, determined that

86-411 O—81——15

most were of average or above average intelligence, they came from homes that were not divided by divorce or absent fathers and had by a thoughtful process taken up crime as a preferred occupation. These offenders were five times less likely to be arrested, convicted or imprisoned than the sporadic criminal. They were more knowledgeable in their profession and, if arrested, knew how to avoid conviction.

A study of habitual offenders in one prison facility determined that approximately 80% had an intelligence level of normal or bright normal, that they had started their criminal careers on the average at the age of 14 years, and broken homes and low economic status were not characteristic of the sample.[60]

Professor Frank Schmalleger sums it up by stating, "The professional criminal lives in a world with its own rules and values, and today's rehabilitation programs won't reach him. The habitual offender considers himself a legitimate professional who has chosen to be a burglar or an armed robber the way a conformist might choose to be an engineer."[61]

I recently had a conversation with a prison guard holding the rank of Major in a state prison. He recalled a conversation of a week before with an inmate who was serving three years for robbery. Upon comparing incomes, the after taxes income of the Major was one-sixth the tax free income of the convicted felon. In fact, the robber claimed to have made in one bank stick-up, an equivalent to the annual salary of the prison guard.

Crime is not only profitable it is so easy. During inmate interviews to determine the modus operandi of house burglars, one

stated the ease of burglarizing a residence was a temptation he could not resist. Even a debilitated common street "junkie" in Washington, D.C. today must steal an amount that places him in the top one per cent of wage earners. Should we pity or envy them?

Serving time is part of the occupational hazard and it is not all that bad. I visit many prisons, talk with many officials and very often eat prison food. I have not yet been in a prison in this country that is nearly as bad as the hazards, inconveniences or lack of freedom of ordinary military service during periods of national emergencies. The food in every prison I have visited is at least as good as military food, which is nutritious and tasty. No hard work is required as is imposed by the necessities of the military. Movies, radio, TV and other entertainment is now demanded as a right and is found everywhere that I have inspected. Most systems have work release and school release programs. In a survey conducted in the prison housing inmates from the District of Columbia, the prisoners were spending two-thirds of their time back on the streets in these or other programs. In fact, except for the undesirable neighbors, most prisons in this country would provide a better retirement life than that endured by those older persons presently trapped within the center cities. And some prisons can be described only as luxurious. Private rooms, college trained recreational directors, professional nutritionists, entertainment and conjugal visits - not necessarily by spouses - are almost an inducement to seek imprisonment. It is clear that today's society demands far more responsibility of the non-criminal members than it imposes upon the convicted felon. Statistics prove that the pain of imprisonment is not sufficient to deter the habitual felon from the pleasures of crime.

Our prisons may be a crushing and traumatizing experience for the sporadic criminal who gets put away but for the most habitual offenders it is an occupational risk and not a deterrent.

"There is no evidence that the bulk of criminal behavior is the result of some pathological, mental or somatic condition which distinguishes criminals in general from non-criminals." This is a quotation from the distinguished criminologist, Norval Morris.[62]

Clearly, most crimes are crimes of opportunity committed mostly by amateurish "opportunists"[63] or by professional habitual criminals who have made conscious and considered choices of crime as a career.[64] We can remove the opportunities and reduce these crimes by the practice of the police science known currently as "Crime Prevention". For the habitual criminal our only proven "deterrent" at this time is incapacitation by imprisonment.

Common criminals, such as shoplifters or street "junkies" will most often be in the top 5% of earnings when compared to wage earners in legal occupations and the habitual felon will usually be in the top 1%. The economic inducements are apparent and the psychological inducements are not measurable. Together they form a powerful attraction.

CHANGES - - NECESSARY BUT IMPROBABLE

Summary - Response

Crime Causation:

We must accept certain facts. This may be difficult, since it requires some to relinquish deep felt and long held beliefs based on sound practices --find the cause and eliminate the problem. The great affluence of the United States during post World War II years has permitted the luxury of infusing masses of money into such inquiries as to what causes crime. Rather than finding the solution we have disproved many theories which failed in implementation. We are farther from the solution than earlier since many theories which we "knew", given the funds, would provide the solution to this perplexing social problem, failed in practice. It is impractical and imprudent to defer any crime reduction effort while continuing investigations into the causes of crime. This has been a major obstacle to practitioners and the resistance has been principally from the scientific and academic communities.

Rehabilitation:

The idealistic dreams of the reformer have not been realized despite more than a century of trials and amounts of money that stagger the imagination. The penal philosophy prevailing in the prison system of the United States has rested upon the bedrock of reform and behavior modification. It has not been effective. Those having the greatest responsibility now admit they do not know how to reform a person against his will--and if he is willing, rehabilitation programs are largely unnecessary. Again we cannot permit this dream to bar the employment of practical crime reduction efforts as it has for many years.

Crime Prevention

This police science defined as the anticipation, recognition and appraisal of a crime risk and the initiation of action to reduce or remove the risk, is one of the most promising palliatives afforded to us at the moment. In a way it is fortunate that the crime types that bother us the most are so "opportunistic" in nature that crime prevention techniques will reduce criminal activity by reducing criminal opportunity. These crimes--the common "street crimes"--are largely committed by young males having low skill levels and attacking easy targets. We have numerous successful models wherein substantial reduction of crime types such as residential burglary, auto theft, purse-snatch, criminal fraud, theft of checks has been achieved.

Career Criminals

It has been conclusively determined that a relatively small number of habitual felons commit an astronomical amount of serious crime. These criminals have made a conscious career choice from which they will not be disuaded against their free will. Rather than being disadvantaged they are among the privileged few. Their earnings are within the top 1% of wage earners in the United States and the fringe benefits of their chosen occupation are much greater than those of most lawful endeavors. Skill levels, knowledge and training required are minimal. The rewards of their occupation are substantial and immediate. No rehabilitation program can be imposed upon them since they have a right to remain a criminal if they so choose. These professionals are seldom arrested and even less often convicted. If on occasion they are imprisoned they know how to make the system work for them. They respond with the "right" answers to prison officials and psychiatrists to achieve the best benefits

for themselves. Imprisonment is an occupational risk much the same as accidents in construction trades or injuries in the military.

Our only choice in dealing with these habitual felons is to concentrate on their apprehension, conviction and incapacitation even to the exclusion, if necessary, of the sporadic offender.

Violent Offenders:

The violent stranger-to-stranger confrontations are the most fear provoking of crimes. These are the crimes that cause our central cities to be wastelands, our parks to become barren, our property values to plummet, the tax base to shrink and the productive non-criminal population to flee. While these crimes are proportionately small in number their effects are enormous.

The violent criminal must be targeted for separation from society. We can no longer await the never yet achieved behavioral changes long promised.

Juvenile Justice:

Most of our bothersome street crimes are committed by young males. It is a problem that has been long observed and it has been of crises proportions for a number of years. It is a clear example of the too often experienced chasm between idealism and realism. With good intentions, the juvenile system is operated to avoid stigmatizing the offender with a criminal record and to afford a "second chance." as many studies have disclosed, the second chance has extended into hundreds and even thousands of chances. There is seldom a "first offender"; it is first time caught for, depending on the location, a juvenile may commit from several hundred to a thousand burglaries before being caught and before the system imposes sanctions. Numerous other crimes, such as vandalism, theft, shoplifting and many lesser

crimes are sprinkled between the crimes of burglary, purse-snatch and strong arm robbery. It is believed at the present time that criminal patterns of behavior begin between 10 and 12 years of age, yet, until the youthful offender reaches adulthood, seldom are meaningful sanctions imposed by the juvenile justice judges. It is incredible to believe that the youthful offender will suddenly cease criminal activity upon reaching adulthood after a number of years of rewarding youthful criminal activity. In fact, the juvenile justice system encourages criminal behavior and reinforces the youthful offender.

There are no signals at this time to indicate a change in the treatment of these criminals. The least we could do, and these suggestions can be accomplished without ponderous procedures or lengthy legislation, is to impose some responsibility upon the offender. Restitution in the form of work to repay the offended is certainly non-stigmatizing while being efficacious. This has proved to be a deterrent to criminal conduct where it has been tried. We should bring the victim back into the system, out of the cold so to speak, by forcing the offender to personally witness the damage or injury inflicted. Too often juvenile judges see only the dramatics displayed by the offender and fail to see the havoc wreaked upon the victim. And if a juvenile is adult enough to use a gun or a knife, he should be adjudged an adult and treated as such.

The Courts and the Police

Police productivity, when measured by apprehensions against total actual crime is miserably low but, even at that, the caseload has overwhelmed our court system. Traditional police crime reduction efforts are much like preventing a flood by putting a finger in a sprinkling dam. To illustrate this, in any jurisdiction compare the police manpower hours available to the total crimes committed. In metropolitan areas it is not unusual to have one investigator for every 3500 to 4500 burglaries. In lesser crimes, such as larceny, we often have one investigator for each one-tenth of one per cent of the actual larcenies. These comparisons of personnel to actual crimes committed are not difficult to approximate in any jurisdiction. It is my firm conclusion, after hundreds of on-site inspections, that it is not realistic to expect an increase in police personnel of sufficient numbers to cope with crime in our traditional fashion. But even should we achieve dramatic increases in police productivity, the courts, already severely overburdened by the present level of productivity, could not possibly cope with the influx of new cases.

It is unrealistic to expect changes in the courts that could cope with these increased burdens.

Community Assistance

Our one great hope for the reduction of these crimes of opportunity is the total commitment of the community in support of well structured crime prevention programs -- programs based upon in-depth analyses and structured to gain public support

to remove as many opportunities for criminal activity as possible. This will not deter the professional career criminal, who must be dealt with by other means. Communities have reduced burglary to near zero, eliminated theft of checks, stopped auto thefts, curbed vandalism, and they have demonstrated that it can be done with little effort or money.

Projections

As a practitioner I cannot afford the luxuries of dreaming about what might have been, nor awaiting the uncertain future of utopian, unfulfilled ideals that could be. The practitioner implements and manages what is now, or at the most, what will be in the next five years.

While shadow-boxing the spectres of scant substance -- disguised as safeguards against a "police state" or preventing our system from nurturing "slave camps" -- we ignore the real dangers of public distrust and general disrespect for the justice system.

The Criminal Justice System has become burdened with too many self-serving abuses which have been nurtured under the all-encompassing cloak of our "constitutional rights". Endless appeals, interminable continuances, countless useless and harassing motions and similar tactics all fall within such disguises.

The philosopher, Will Durant, once said that when liberty destroys order, the hunger for order will destroy liberty. That is a real danger.

We now have so many successful models of effective low cost crime prevention that it baffles me as to why this police science is not more widely practiced by communities and law enforcement agencies. I have made hundreds of on-site inspections throughout the United States over the past eight years. I will cite a few. I inspected a garden-type public housing project in Albuquerque, New Mexico. By preference of the elderly tenants, the project was age segregated. During afternoons, when the elderly tenants were away on social visits and shopping trips, a number of burglaries were being committed. A simple hardware change--from spring latch to deadbolt on exterior doors--completely solved their burglary problem. I conjecture that the offenders were very young teen-agers, with low skill levels, who were deterred by the increased security afforded by deadbolt hardware.

Another example is a mobile home retirement complex in Tucson, Arizona. I made a security check of the premises and every conceivable deficiency was present. No perimeter barriers, poor lighting, profuse shrubbery, no premises police, situated in a moderately high crime area, adjacent to much through traffic and so on. The project manager stated that there had not been a single case of vandalism or other crime for a period longer than five years despite the fact that the occupants had high concentrations of pilferable possessions and despite the fact that many of the homes were vacated during the hot summer months. Many were unoccupied for months at a time. The answer

was a highly effective but unstructured neighborhood watch program. The tenants looked out for each other with great diligence. Another example is Sun City, Arizona which is unincorporated and handles most of its police problems, excepting criminal apprehensions, by the use of resident volunteers under the direction of the county sheriff. In that same county, Maricopa County, Arizona, another unincorporated city coming under the police jurisdiction of the county sheriff, complained to the sheriff about the high levels of burglary and vandalism. The sheriff explained that he had about 9600 square miles of county with fewer than 500 deputies to handle the patrol, jail and civil divisions of his department. However, he agreed to send a sergeant with crime prevention training to organize and direct crime reduction efforts. That community has experienced but one burglary in the past 56 months.

Why do we resist a practice that we know is so effective?

Samuel Johnson, the English curmudgeon who delighted many students with his writings, said, in 1769, that the American Colonials, "are a race of convicts and ought to be thankful for anything we give them short of hanging."[65] Do we have this level of crime because we deserve it? Henry Rhodes observed that "The important thing is the social milieu. The social milieu is the soup of the culture of criminality. The microbe, that is the criminal, is an element whose only importance is the day when he finds the soup that he ferments...society has the criminals it deserves."[66]

We have local and national models of crime reduction efforts that have proved effective in practice. If we do not choose to use them, we will have the criminals we deserve.

REFERENCES - PART II

1. THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, A REPORT, U. S. Gov. Printing Off., Wash., D. C. Feb. 1967

2. THE CRIME OF PUNISHMENT, Karl Menninger, 1968

3. CRIMINAL VIOLENCE, CRIMINAL JUSTICE, Charles E. Silberman, Random House, New York, NY, 1978

4. Speech by Margaret Bush Wilson, Member, Board of Directors, National Association for the Advancement of Colored Persons,

5. Speech by Gerhard Mueller, Professor of Law, Consultant to the United Nations, NYC, before Annual Conference of National Crime Prevention Associates, Univ. of Louisville, Ky., Nov. 1978

6. PUNISHING CRIMINALS, Concerning a Very Old and Painful Question, Ernest van den Haag, Basic Books, Inc., New York, NY, 1975

7. HUMAN BEHAVIOR: CRIME, Virginia Adams and the Editors of Time-Life Books, Time-Life Books, New York, N.Y., 1976

8. CRIMINOLOGY, Edwin H. Sutherland and Donald R. Cressey

9. HUMAN BEHAVIOR: CRIME, Virginia Adams and the Editors of Time-Life Books, Time-Life Books, New York, NY, 1976

10. Report on XYY CHROMOSOMAL ABNORMALITY, National Institutes of Mental Health, Chevy Chase, Md., Oct. 1970

11. CRIME IN AMERICA, Ramsey Clark, Pocket Books, New York, NY 1971

12. THE CRIME VICTIM'S BOOK, Morton Bard and Dawn Sangrey, Basic Books, Inc., New York, NY 1979

13. THINKING ABOUT CRIME, James Q. Wilson, Basic Books, Inc., New York, NY, 1975

14. Crime Prevention Program, George Sunderland, NRTA/AARP, 1909 K St., NW, Wash., D. C. 1972

15. HUMAN BEHAVIOR: CRIME, Virginia Adams and the Editors of Time Life Books, Time-Life Books, New York, NY 1976

References - Page Two Part II

16. PUNISHMENT: A HISTORICAL PERSPECTIVE, Professor David J. Rothman, Law Enforcement Journal, June 1978

17. Testimony, by Norman Carlson, Director, Fed. Bureau of Prisons, before subcommittee of the House Judiciary Committee, April 10, 1978

18. WHAT WORKS-QUESTIONS AND ANSWERS ABOUT PRISON REFORM, Robert Martinson, The Public Interest, 1974

19. CRIME, LAW AND SOCIAL SCIENCE, Jerome Michael & Mortimer H. Adler, Harcourt Brace, New York, NY, 1933

20. EXPLAINING CRIME, Gwynn Nettler, McGraw-Hill, New York, NY 1978

21. RETHINKING CRIME AND PUNISHMENT, Across The Board, Marvin E. Wolfgang, Sept. 1978

22. THE CRIMINAL PERSONALITY, Samuel Yochelson and Stanton Samenow, Jason Aronson, Inc., New York, NY 1977

23. OF CRIMES AND RIGHTS, THE PENAL CODE VIEWED AS A BILL OF RIGHTS, Macklin Fleming, W. W. Norton & Company, Inc., New York, NY 1978

24. A MORE BALANCED CORRECTIONS PHILOSOPHY, Norman A. Carlson, FBI Law Enforcement Bulletin, Jan., 1977

25. PATUXENT EXPERIMENT, P.P. Lejins, Univ. of Pittsburgh Law School, Pittsburgh, Penn., 1977

26. NASHVILLE STING, Crime Control Digest, Dec. 11, 1978

27. CRIMINAL CAREERS OF HABITUAL FELONS, Joan Petersilia, Peter W. Greenwood and Marvin Lavin, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Admin., U.S. Dept. of Justice, Wash.,DC, July, 1978

28. "Circuit Court Judges Meet", Washington Star, Oct. 13, 1978

29. "Sen. Kennedy-Sponsors Federal Code Reform", Washington Star, Jan. 31, 1978

30. Speech by Norman Carlson, Director, Federal Bureau of Prisons, before the 47th Annual Criminal Justice Institute, Florida Council on Crime and Delinquency, reported in the LEAA Newsletter, July-August, 1976

31. TRENDS IN CORRECTIONS AND CORRECTIONAL INSTITUTIONS, speech by Dr. Sherman R. Day, Director, National Institute of Corrections before 16th Annual Kentucky Council on Crime, September 17, 1976

32. THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL, Norval Morris and Gordon Hawkins

33. THINKING ABOUT CRIME, James Q. Wilson, Basic Books, Inc., 1975

34. Book Review Section, Law Enforcement News, May 3, 1977 Reviewer Isadore Silver

35. THE INSOLUBLE PROBLEMS OF CRIME, Robert F. Rhodes, John Wiley and Sons, New York, NY 1977

36. Editorial, Philadelphia Bulletin, Sept. 7, 1976

37. Foreword to PROMIS Research Project, Pub. #2, by Howard R. Tyler, Jr., Deputy Attorney General of the United States, Jan. 1977

38. EXPANDING THE PERSPECTIVE FOR CRIME DATA, Institute for Law and Social Research, Wash., D. C. 1977

39. INSTITUTE FOR LAW AND SOCIAL RESEARCH, reported in Crime Control Digest, Jan 8, 1979

40. Institute for Law and Social Research, 1125 15th St., NW, Wash., D. C.

41. Police Department, Montgomery County, Md., 1975

42. SOURCE BOOK OF CRIMINAL JUSTICE STATISTICS, National Criminal Justice Information and Statistical Service, U.S. Dept. of Justice, Wash., DC 1978

43. CRIME IN THE UNITED STATES, Federal Bureau of Investigation, Dept. of Justice, Wash., DC 1978

44. National Criminal Justice Information & Statistical Service, U. S. Dept. of Justice, Wash., DC 1978

45. FORCIBLE RAPE, Final Project Report by Battelle Memorial Institute Law & Justice Study Center, U. S. Gov. Printing Off., Wash., D.C. March, 1978

46. CRIME CONTROL DIGEST, July 2, 1979

47. "Cost of Juvenile Crime", Washington Star, Sept. 3, 1972

48. SOLUTION TO VANDALISM, Perennial Education, Inc., 477 Roger Williams, Highland Park, Ill.

49. Report - PROMIS Project, Crime Control Digest, Jan. 8, 1979 Institute for Law & Social Research, Wash., DC

50. THE VICTIMS, Frank G. Carrington, Arlington House Publishers, New Rochelle, NY, 1975

51. THE CRIME VICTIM'S BOOK, Morton Bard & Dawn Sangrey, Basic Books, Inc., 1979

52. VICTIMS, J. L. Barkas, Charles Scribner's Sons, New York, NY 1978

53. THE CRIMINAL, SOCIETY AND THE VICTIM, Gerhard Mueller and H. H. A. Cooper, National Criminal Justice Reference Service, Law Enforcement Assistance Admin., Wash.,DC

54. COMPENSATION AND RESTITUTION TO VICTIMS OF CRIME, Stephen Schafer, Patterson Smith, Montclair, New Jersey, 1970

55. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, U.S. Gov. Printing Off., Wash, DC, Feb., 1967

56. American Bar Association Annual Conference, Section of Criminal Justice, Chicago, Ill, Aug. 10, 1977

57. VICTIMS OF CRIME OR VICTIMS OF JUSTICE?, American Bar Association, Annual Meeting Aug. 10, 1977, Chicago, Ill.

58. EXPLAINING CRIME, Gwynn Nettler, McGraw Hill Book Co., New York, NY, 1978

59. ASSESSING THE CRIMINAL, Barnett and Hagel, Ballinger Publishing Co., Cambridge, Mass, 1977

86-411 O—81——16

60. CRIMINAL CAREERS OF HABITUAL FELONS, J. Petersilla, M. Levin and P.W. Greenwood, National Institute of Law Enforcement and Criminal Justice, LEAA, Dept. of Justice, 1978

61. WORLD OF THE CAREER CRIMINAL, Frank Scmalleger, Human Nature, March, 1979

62. THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL, University of Chicago Press, Chicago, Ill., 1970

63. CRIME PREVENTION AND THE DISPLACEMENT PHENOMENON, Thomas A. Reppetto, Professor, John Jay College, New York, NY

64. THE CRIMINAL PERSONALITY, VOLUME I: A PROFILE FOR CHANGE, Samuel Yochelson and Stanton E. Samenow, Jason Aronson, Inc., New York, NY, 1976

65. ARISTOCRATS AND MISFITS, Franklin Folsom, Mainliner, July 1975

66. THE CRIMINALS WE DESERVE, Henry T. F. Rhodes, Oxford University Press, New York, NY, 1937

# # #

The Key To Safety Is Prevention.

ANNUAL REPORT

1980

Senior Safety Project, Inc.
103 N. Jackson Street
Media, PA 19063
565-4518

The Senior Safety Project, Inc. is a private, non-profit organization that provides services to victims of crime aged 55 and over in Delaware County. These services include:

** telephone counseling and home visits.
** medical and court accompaniment and transportation.
** support throughout the judicial process.
** assistance with crime victim compensation claims.
** referral to other agencies when needed.
** public education programs.

HISTORY

In 1976 a grant proposing victim services for the elderly and for abused spouses in Delaware County was submitted to the Pennsylvania Governor's Justice Commission by the Women's Action Coalition, Inc. The services of the two distinct programs--the Senior Safety Project and the Marital Abuse Project--were modeled after those of an existing Coalition program, Women Against Rape. Trained volunteers provided telephone counseling, hospital accompaniment, court accompaniment, and educational programs.

Long before the criminal justice system began to recognize that the victim had special needs and rights--previously all attention went to the offender--women around the country gave support to the victim of rape, who had to deal with an unresponsive and bureaucratic system. The Women's Action Coalition recognized a need to extend these services to other groups of victims who needed specialized treatment. The Senior Safety Project was an outgrowth of this concern for crime victims.

The reason for focusing attention on the elderly victim is the profound impact of crime on the older person's life and the vulnerability with

aging to becoming a victim. Factors making older persons likely targets for criminal activity include the following:

1. decreasing physical strength and agility to resist attack;
2. living and traveling alone;
3. dependence on walking or public transportation, which makes them highly visible and accessible;
4. general knowledge of delivery dates of social security checks;
5. living on low, fixed incomes increases the susceptibility to fraud schemes;
6. low incomes force many older people to remain in older, decaying neighborhoods where there is a higher crime rate.

These same factors also make the effect of crime more serious. Even the fear of crime can be a problem, causing the older person to literally put himself under "house arrest."

Services first became available to the public on February 15, 1977. Funds were furnished by the Law Enforcement Assistance Administration for a period of 3 years. For the period October 1, 1977 to September 30, 1978 the S.S.P. worked with 145 victims; during the same period the following year, 283 new victims were served. However, at the same time the Project's LEAA funding ended, and services were being provided by volunteers and a Senior Aide from the Title V Senior Community Services Program.

The achievements of 1980 have promoted the stability of the Senior Safety Project. A fairly solid financial base has been established; again a paid staff provides services. The work of the S.S.P. has become regarded in Delaware County as important, necessary, and competent, as evidenced by our close relationships with the police and courts and our contract with the County Office of Services for the Aging.

On a day-to-day basis the workload of the Pro-

ject has increased dramatically. We dealt with a greater number of victims and with each victim over a longer period of time in 1980.

DURING 1980:

We continued receiving victim referrals from the police and courts of Delaware County.

We distributed 15,000 copies of the "Elder Source Book," a pamphlet on crime prevention for senior citizens.

We spoke before the Pennsylvania District Attorneys' Association.

We served as consultants for a workshop in Philadelphia sponsored by "Criminal Justice and the Elderly," a Washington-based program.

We spoke at a conference on Crime and the Elderly sponsored by the New Jersey Council on Crime Victims.

We continued to participate on the Delaware County Victims Task Force.

We were awarded a contract by the Delaware County Office of Services for the Aging.

We received funds from:

- Archdiocesan Campaign for Human Development
- Criminal Justice and the Elderly
- Delaware County Office of Services for the Aging
- First Pennsylvania Bank
- Pew Memorial Trust
- Philadelphia Foundation
- Philadelphia National Bank
- William Penn Foundation

in addition to individual community residents.

** Our audit is available upon request.

SERVICES 1980:

1. Victims Served.....287
   Number of Incidents.....264
2. Sex of Victim:
   Male.....111

Female.....176

3. Age of Victim:

Under 50.....1	70 - 74.....52
50 - 54.....2	75 - 79.....38
55 - 59.....14	80 - 84.....20
60 - 64.....48	85 - 89+.....10
65 - 69.....63	No info.....39

4. Type of Offense:

Abuse.....13
Arson.....2
Assaults (includes all types).....67
Burglaries (includes all types).....93
Burglary is the entering either of a house or business in order to commit a crime.
Fraud.....4
Harrassment.....5
Murder.....6
Robbery (includes all types).....54
Robbery is the taking of another's property by force or the threat of force (includes purse-snatching).
Theft.....16
Theft is the unlawful taking of another's property.
Vandalism.....4

5. Offenders apprehended.....81

Age 25 and over.....18
Age 18 - 24.....12
Under 18.....44
No info.....7

6. Judicial Proceedings attended by staff and/or volunteers:

<u>Adult Court</u>

A. Trials.....7
Convictions.....7
B. Preliminary Hearings.....26
Offender held over.....12
Continued (postpned).....12
Charges dropped.....2
C. Suppression Hearings.....2
D. Sentencing Hearings.....4
E. Hearings where judge accepted a guilty plea.....4

F. Accelerated Rehabilitation Disposition (ARD) hearings.....3
ARD granted.....2
Charges dismissed.....1
G. Hearings to dismiss charges.....1
Charges dismissed.....1

Juvenile Court
A. Adjudication Hearings.....13
Adjudicated delinquent.....11
Charges dismissed.....1
Juvenile fled.....1
B. Disposition Hearings.....4
C. Chester Juvenile Hearings.....2

7. Injuries sustained by victim:
Death.....6
Broken Bones.....9
Other major physical injuries.....10
Minor physical injuries (sprains, scratches, bruises).....44
Shock and trauma.....27

8. Medical treatment:
Hospital Admission.....13
Emergency Room only.....25
Tended by private physician.....1

9. Crime Victim Compensation:
Claims filed during 1980.....8
Claims settled during 1980.....4
$ amount awarded.....$6,424
Claims pending.....9

10. Dollar Cost of incident for the victim:
Nothing.....25
Less than $50...53
$50 - $99.....19
$100 - $199.....24
$200 - $500.....17
$500+.....35
No info.....114

11. Programs presented.....20
Attendance.....1,600

BOARD OF DIRECTORS 1980:

Paul Burt, President
Dana Breslin, Secretary
Daniel McBride, Treasurer
Jane Bonner
Wayne Lewis
Nancy Magro
George McCormick*
Michael Nagle
Charles Roberts
Joan Schrider-Sgro*
Thomas Webster
Donald Weeden

*Have resigned

STAFF:

Patricia Johnstone, Director
Heidi Setz, Assistant Director
Rachel Warner
William Henderson
Karen Bellopede

STATEMENT OF IDELLE GOODE, DIRECTOR, OFFICE FOR SENIOR CITIZENS AND HANDICAPPED, CITY OF CHICAGO, ILL.

My name is Idelle Goode. I am the Director of the Office for Senior Citizens and Handicapped (OSC/H) in Chicago, Illinois.

I welcome this opportunity to discuss with you the problems of crime and fear of crime as they relate to older persons. A 1975 poll conducted by Louis Harris and Associates for the National Council on Aging, The Myth and Reality of Aging in America, reports that nationwide the highest concern among older people is the problem of crime. Another study conducted the same year for the City of Chicago, Office for Senior Citizens and Handicapped by Bild and Havighurst, Senior Citizens in Great Cities: The Case of Chicago, indicates that the fear of crime concerns older people more than income, health, transportation or any other problem. To support these findings, the Office for Senior Citizens and Handicapped has conducted numerous public meetings wherein crime and the fear of crime has been cited by Chicago's older population as a major problem.

Crime and the fear of crime have a devastating impact upon older persons. Even though the statistical data indicates that older persons are victimized less frequently than younger persons, the physical, emotional and financial impact of crime to the individual or to a neighbor or family member is far greater.

A substantial number of urban elderly residents become crime victims. In 1980, there were approximately 20,000 incidences of reported crime against persons age 60 and over in the city of Chicago. It must be kept in mind that such figures on the number of older people victimized by crime represent only those crimes that were reported to the police and of those, only the police reports on which the age of the victim was noted. The types of crime involving senior citizens in Chicago include homicide, rape, serious

assault, robbery, burglary, and theft.

Studies have shown that crime has a greater impact on older people than younger victims because of their decreased physical and emotional resilience, isolation, and limited financial resources. Poor eye sight, impaired hearing, physical weakness and loss of coordination, and greater vulnerability to physical injury (whether accidentally or intentionally inflicted), heightens both their fear of crime and their reluctance to make full use of neighborhood services. In addition, displacement from their previous homes to new neighborhoods in which senior citizens buildings are located, creates new problems due to their unfamiliarity with stores, transportation, social services and loss of friends and familiar faces. The fear of crime causes many older persons to isolate themselves because they are afraid to leave their homes. The experience of being a victim of crime further isolates many older persons, adding to the physical and emotional problems that often arise. These problems often result in the inability of the older person to continue living independently in the community. The repercussions of criminal victimization of the elderly are in fact greater than for younger populations. Victimization frequently results in greater, more permanent physical injury and associated higher medical costs; greater financial loss based on percentage of monthly fixed income; and serious, sometimes irreparable, psychological and emotional damage. Crime against older persons must be prevented. At least, steps must be taken to reduce the impact of victimization where it cannot be prevented. Steps must also be taken to reduce the fear of crime cited by senior citizens.

It has been apparent for some time that the elderly consider crime or fear of crime to be one of their most serious concerns. The National Committee on Crime was formed by representatives of agencies and organi-

zations interested in encouraging federal support for crime prevention programs for the elderly. The Committee succeeded in convincing four federal agencies: Administration on Aging, Community Services Administration, U.S. Department of Housing and Urban Development, and the Law Enforcement Assistance Administration, to fund seven model projects in six cities. One of the programs funded was Chicago's Senior Citizen Community Safety program, sponsored by the Mayor's Office for Senior Citizens and Handicapped. The primary objectives of the project were:

1. to reduce the incidence of elderly victimization through special intensive education, special neighborhood and intergenerational assistance programs, i.e., community education and community organization,
2. to reduce the impact of crime on elderly victims by providing immediate and comprehensive assistance to these victims,
3. to improve the response of the criminal justice, social services, and related systems to the elderly crime victim and potential crime victim, i.e., to effect institutional change and,
4. to mobilize and develop the necessary resources to maintain productive activities through these systems after project termination.

Unlike the crime prevention programs developed in the other five cities, the Chicago program chose to concentrate its efforts on the crime related needs of the entire city as opposed to selecting target areas, and chose to hire retired police officers and firemen.

The decision to provide city-wide services is a reflection of the philosophy of the OSC/H as a municipal agency to serve all of the senior citizens and handicapped residents of the City. This approach to dealing with problems leads to a greater visibility to the services and programs

of the Office and consequently to the needs of our constituency.

Retired police officers and firemen were hired in order to take advantage of 1) the expertise and experience that these individuals had developed during the course of their daily contact with the criminal justice and public safety systems, 2) the natural tendency of senior citizens to appreciate peer contact and to improve the one-to-one relationship between the client and the service provider and 3) the opportunity to demonstrate the capability of the older worker in providing human services.

Since the awarding of funds for this Model Project on Aging, the Office for Senior Citizens and Handicapped has gained extensive experience in administering safety programs aimed at reducing the fear, incidence, and impact of crime against the elderly, and at improving the response of the criminal justice, social service, and related systems to the elderly crime victim and potential crime victim. The OSC/H has undertaken a number of steps toward these objectives including the development of crime prevention presentations to senior citizens, provision of victim assistance to elderly crime victims, development of fraud avoidance assistance for older individuals through financial institutions, and effecting institutional change through training/orientation of recruits who are being trained to become police officers. The programs and services were developed in cooperation with the Chicago Police Department which granted a leave of absence to an officer from its Preventive Programs Division to work for the OSC/H Safety Program.

During 1980, the retired police officers made 533 crime prevention presentations that were attended by 27,805 older persons. These crime prevention presentations cover the topics of residential and personal security, safety in the streets, confidence games. The presentations

To improve the response of criminal justice,social service and other service systems through institutional change, the OSC/H entered into negotiations with the Chicago Police Academy to develop specialized training for police officers and recruits in 1978.

The rationale presented was that police officers who understand the special problems and concerns of the elderly and handicapped will be prepared to serve elderly and handicapped victims and the probability of whether or not a victim will follow through with court appearances may well be related to their experience with the police after the crime.

After serious deliberation, the Chicago Police Academy agreed to provide a two hour instructional package as part of the training offered to new recruits and continue to provide these sessions with the assistance of my staff.

The Model Project program ended in 1980, and the Senior Safety program was continued by the Office through Title III-B of the Older Americans Act. Funding was also secured through the Illinois Law Enforcement Commission (funded through the Crime Control Act of 1973). Due to a reduction in funding for FY 1982, however, the victims assistance component will be dropped. The Office will therefore no longer be able to provide these essential services which reduce the impact of crime on the elderly victim.

The serious problem that affects senior citizens throughout the country whether they live in cities or in rural areas deserves the attention of Congress. I am pleased that the Senate Special Committee on Aging recognizes the severity of the impact that crime and fear of crime has upon the elderly of this nation.

I support your efforts in seeking a solution to the problem and pledge my Office's continued efforts to address this issue.

Appendix 2

MATERIAL SUBMITTED BY SENATOR S. I. (SAM) HAYAKAWA

State of California
Commission on Aging

1819 K STREET, SUITE A
SACRAMENTO, CALIFORNIA 95814
(916) 322-5630

September 8, 1981

Senator S. I. Hayakawa
Attention: Anne Moore
6217 Dirksen Senate Building
Washington, D. C. 20510

Dear Senator Hayakawa:

This is in response to your letter dated September 3, 1981, concerning the elderly victims of violent crime in our country.

Since there is no time to go thru the process of having the entire Commission on Aging take an official response position to the request, I am responding both as an individual American and as vice-chairman of the Crimes Against the Elderly Committee of the California Commission on Aging.

Because crimes of violence against the elderly are frequently committed against frail women living alone they are often referred to as "crib jobs" because they are as easy as taking candy from a baby and the fear of retribution and punishment is almost non-existent. Elderly persons living alone become increasingly withdrawn and isolated and after a violent assault upon them are often so shocked and frightened they do not know where to turn for help. Most police jurisdictions do not keep records of violent crimes by age groups and thus because crimes against lonely elderly living alone are frequently not reported there is a tendency on the part of many law enforcement agencies to feel that crime against seniors is less than it actually is. One of the reasons crime goes unreported is the threat of vengeance by young criminals against seniors if they do, indeed, go to the police. In California, from the office of the Attorney General down to local sheriffs and police chiefs the response to requests for statistics on the age of crime victims is that it is too costly.

While a purse-snatching against a healthy young female may involve being thrown to the sidewalk and bruised, in the case of an elderly person with the typical brittle bones and poor circulation being thrown to the sidewalk can and frequently does result in broken bones, loss of and cuts from eyeglasses. Frequently such injuries cause the development of pneumonia and death in the senior citizen.

Decisions must be made about how far back we wish to go to decrease crime against senior citizens--such matters as provision of jobs for the young unemployed persons--some limit on how many out-of-wedlock children a young welfare mother can have--prompt trials and just and certain punishment for criminals--more discipline in the home and school, and so on endlessly.

State of California
Commission on Aging

1819 K Street, Suite A
Sacramento, California 95814
(916) 322-5630

Senator S. I. Hayakawa
September 8, 1981
Page 2

Victim assistance programs are a major source of help in combatting crime because they tend to limit somewhat the problems of delays caused caused by over-crowded court calendars and the delaying tactics of criminal lawyers to wear down witnesses and victims. These programs are critically important to the low-income elderly person who has trouble coping to the endless delays often encountered in criminal trials, understanding how the laws operate and who often fear to stay alone in their place of residence after a violent crime. The chief problem in California and, I am fairly sure, in other areas is that such assistance programs run out of funds too early in the year.

Community self-help programs such as one in operation in Ventura County in California in which the sheriff furnishes county cars or pays mileage to senior volunteers with portable radios in the cars for patrolling are excellent. Such volunteers watch and check homes while occupants are away, report via radio to regular sworn officers either crimes in progress or suspicious activities and the sworn officers investigate and make arrests where they are called for. The volunteers NEVER make arrests or have direct contact with the criminals. Another program being utilized in some high-crime areas of Los Angeles is the use of amateur radio operators who are stationed in cars, on rooftops or parking lots where they are under cover and monitor for criminal activities. A command post is set up in precinct stations with a licensed amateur radio operator taking the calls and relaying them to the police dispatcher who in turn alerts the nearest police patrol car to take appropriate action. Neighborhood Watch and other programs of this nature are excellent for bringing a community together in a common effort. It is important that there be good staff help from police agencies to keep interest alive in these programs after the shock of a neighborhood crime has diminished.

Several years ago the federal L.E.A.A. assisted states with training programs for police officers. As a lecturer at several of such seminars at Cal Poly, Pomona, California, I was surprised by how little the average police officer or sheriff understood the special problems of the elderly crime victims. They were all eager to learn.

Best wishes in your effort to diminish crimes against seniors.

Sincerely,

Allan Sonin

Allan Sonin

State of California
Commission on Aging
1819 "K" Street
~~926 "J" Street, Suite 914~~
P.O. Box 350
Sacramento, California 95802
(916) 322-5630

3350 Addison St.
San Diego, Ca. 92106
September 10, 1981

Senator S.I. Hayakawa
Attention Anne Moore
6217 Dirksen Senate Building
Washington, D.C. 20510

Honorable S.I. Hayakawa:

Thank you very much for the opportunity to present testimony to your Committee. We wish to send you our report to the California Assembly's Committee on Aging and to add some comments in the three specific concerns you mention in your letter. We feel that leadership and/or coordination is lacking. So many are doing so much but sharing of experiences is not the rule. All agencies and levels of government must play a role or the result is less than the amount of effort expended.

Our committee is deeply concerned because the "FEAR" of crime among the elderly is so great, the other facets of their lives are affected to the point many are locked in their homes, where they are necessarily safe. The California Department of Aging has always felt that this is a field in which they lack expertise and should be administered by some other agency. One of the provisions of the Older Californians Act is for the CDA to have a Specialist on Crime in 1982.

The number one priority of our committee is to make everyone aware that there are no reliable statistics from which to make plans and base any request for funding. The Federal Government has two sets of statistics from which they quote figures on crime. The California Attorney General says that it will cost 3/4 quarters of a million dollars to gather statistics on crimes against the elderly in California. We hear that there are fewer victims of crimes among the elderly than among any other age group, but, the impact of crimes is far great-

ii.

er physically, emotionally, and financially.

Our second priority is to improve the Band-aid approach to crime. We believe the law enforcement agencies are doing a great job of enforcement. We advocate the use of some lesser known but successful practices some of which are designed to prevent crimes rather than enforcement. We believe it to be true that citizens are reporting crimes more often than they have in the past. We are of the opinion that the number of criminals are increasing each year. A few suggestions are, Alerts, victim/witness assistance, informers, volunteers such as Explorer Scouts, Guardian Angels, Coordinators to do recruitment, training and maintaining the enlistees. Direct mailing and alternatives to carrying money would reduce the number of "Muggings".

The courts are in need of reform in order that punishment swiftly follows arrest and conviction. We wonder if giving a second chance is not a mistake. We think it possible some punishment might have more effect as a deterrent than saying sin no more. Justices of the Peace, referees, arbitrators, etc. might be used to speed-up the disposition of cases. JAILS; a greater variety are indicated, maximum, minimum, and medium security and some special purpose security types. Camps, military camps are frequently little used. Military Camps such a Hunter Field, Ga. were staffed by P.O.W.'s as the labor force, during World War II. Rehabilitation, restitution, vocational training, prison labor, work release jobs. Prisoners should pay for their "Keep". Two Federal Prisons have had significant success with rehabilitation of incorrigibles. Willie Brown, Speaker of the California Assembly, has said that the Legislature must go farther than just building jails but also provide a long range plan to provide education and jobs.

Our third priority is education. Education for seniors to protect themselves. Education for youth in order that the potential criminal may become a useful citizen. Early detection of deviants is possible in the primary grades and programs set up to meet their needs. We believe that Teen-agers have be-

III.

come the largest segment of the criminal population. We believe that curriculum and schools can be developed to successfully educate these young persons to hold a job. One example is the Maywood School and it's program "PROVE". Gangs should be used as a positive force in society. The Blackstone Gang in Chicago and the Philadelphia Program(just started in L.A.) are examples.

Our fourth priority, JOBS. Again for lack of statistics we can only state our belief that the cost of maintaining a person in prison is greater than supplying them with a job. If in addition their family must go on welfare or is on welfare, the cost is significantly higher. A lower rate of recidivism is very desirable and prevention should receive first priority. Rehabilitation is perhaps more possible than is generally supposed. Job skills, vocational guidance, half way houses, counseling, and jobs are some of the musts in such a program. The alternative is to build more jails and at some point most of theae criminals are turned out on the street again. Too frequently he is angry when convicted and becomes more angry as his sentence progresses. If, in the period of confinement we do not reduce the anger and equip them to function successfully in society(with a job) our having kept them off the street is a dubious accomplishment. They will probably be better equipped to seek revenge. Many of the ex-cons would be excellent faculty members and councellors.

In conclusion, we refer to the article in the L.A. Times of Saturday, April 4, 1981, titled "Look Beyond Punishment to Prevention" that contained an interview with Willie Brown, Speaker of the California Assembly. In a letter to GOP leader Carol Hallett, the issues she raised are a "Post facto response to criminal activity." "It is my belief that the people of this state would much prefer the elimination of crime, rather than the enlargement of our costly and cumbersome penal system." He noted that various studies have indicated "that severe penalties do not serve as a deterrent to crime, and that lengthy prison sentences serve to educate young criminals rather than rehabilitate". "It is imperative that the Assembly look beyond punishment to prevention of crime".

IV.

The three specific concerns you mentioned are:

Victim assistance programs are victim Witness/Assitance in California. There are problems involved in getting victims to act as witnesses but we believe it to be part of the "fight back" program. California has a victim assistance program and the Department on aging monitors approximately 30 of these. I can say with some knowledge that San Diego has a fine program. The two criticisms of the state program is few persons ~~that~~ are able to be assisted due to the limitations of eligibility and the other complaint is that the funds run out before the year is over.

Successful community self-help programs. The L.A. Explorer Scouts under the direction of the L.A.P.D. supervise Scouts to watch an area an report any unusual happenings and they in turn call the L.A.P.D. The L.A . and S.F. "SAFE" program. Some cities pay informers that give information that leads to conviction. The Philadelphia Program to work with gangs.

The Federal Government has not developed reliable statistics nationwide, nor has it assumed the leadership to get states, counties, and cities to fill in this void. I believe that the Federal Government should determine which is of greater importance, enforcement or prevention. Enforcement seems not to be working in preventing crime any better in the rest of the world than it is in the U.S. Restitution in Mississippi seems to be more meaningful to the victim and may have something worthwhile to add to the enforcement program.

Best wishes in your efforts to diminish crimes against the elderly. How can we be of further help.

Stuart Harder

Stuart Harder, Ch.
Crimes Against the Elderly Committee
California Commission on Aging

700 Cardinal
Lodi, Calif. 95240
Sept. 11, 1981

Hon. S. I. Hayakawa
United States Senate
6217 Dirksen Senate Building
Washington, D. C. 20510

Att: Anne Moore

Dear Senator:

This is in response to your letter of September 3, 1981 and is regarding 'Elderly as Victims of Violent Crimes.'

It is my believe prevention is the answer to most violent crimes against the elderly and should be approached thru 're-education' of the elderly. I mention this as re-education because of constant changes in the criminals 'MO'.

I am not referring to physical encounter by the elderly but to the education of the elderly on how not to be the victim of of violent crime and how not to become the 'TARGET' for a crime. This education should not be a one-shot thing but should be a continuing educational program to keep the elderly informed of changes in the criminals 'MO'.

This should cover not only how to protect themselves against violence by not being a 'Target' but against all types of fraud that may be perpetrated against the elderly. Teach them to remove the target which is either themselves personally or their valuables, mainly their money. If the 'TARGET' is removed then there is vey little likelihood a crime will be committed.

Better transportation for the elderly, especially after dark, is another form of prevention. Neighborhood Watch is another prevention and when tied with good transportation is very good prevention as has been proven in many of our cities. We should return to the 'Old' system where friends and neighbors watched out for their fellow man and assisted them when the need arose.

Recently some of the banks, credit card companies and now an oil company have come up with new plans for extending credit that I think is going to have an impact on the elderly that could very well increase the violence against the elderly.

Master Charge (Citibank of New York for one) and some others have added a service charge, called a membership fee, that is in addition to their excessive interest charges for the use of their cards.

Texaco just recently announced a per gallon charge for use of their credit cards in charging their products. In this area very few service stations accept personal checks any more.

Hon. Senator Hayakawa
September 11, 1981

Page 2:

Just think of how much cash the elderly will now have to carry at all times in order to conduct normal day to day business and purchases. This will also make service stations more of a 'Target' due to the additional cash they will have on hand.

Just to maintain a small savings account ($200.00) many of the banks have now instituted a service charge allowing you but one withdrawal per month. For any more withdrawals a charge of $1.00 per withdrawal is charged. With small fixed incomes this will mean the elderly will be keeping their meager savings in the 'Cookie Jar' at home. These are nice ripe pickings for some eager 'Punk'. Any resistance on the part of the elderly in a push or shove resulting in a fatal fall or the victim being struck on the head ending in the same result. There have been numerous deaths in this area in the past few months as the result of they being 'Targets'.

This could also discourge savings for the 'Rainy Day' not only for the elderly but for their grand children. Many grandparents get a certain amount of satisfaction out of starting bank accounts for their grandchildren just to start them on savings 'habits'. These of course are again mostly small accounts subject to this service charge.

In these instances, Banks, Credit card companies and the oil companies, new Targets are being created for which there is no ready answer at this time other than education of the elderly in eliminating the 'Target' as much as possible.

I believe all or any programs of this type should be Federally financed in order that the programs can be standarized and do not turn into 'Gestapo' type of operation. It should be flexible enough to fit all local problems. The elderly should be encouraged to participate to cut down the costs. There are many retired police we could be used on a volunteer basis.

I want to thank you for the opportunity to express my views and to hope that you and your committee will be successful in this timely and much nededaction. If I can assist in any way please call on me.

With kindest regards,

Stan Harkness

11 September 1981
303 Cherry Rd.
Bolinas CA 94924

Senator S. I. Hayakawa
% Anne Moore
6217 Dirksen Senate Bldg.
Washington, D.C. 20510

Dear Senator:

In response to your letter of 3rd September I have the following comments to make:

As to the three specific concerns you mention the County of Marin as a whole is involved in the Federally funded victim assistance program for all ages.

Being a Member of the County Commission on Aging I am in a position to be informed about violence against the elderly. No reports of such violence has been brought to the Commission.

Questioning of the Sheriff's Department and local newsmen showed no evidence of violence.

I happen to be a Founding Director for the West Marin Senior Services. This was formed to assist older citizens remain in their own homes. In providing live-in attendants and housekeepers we feel our frail elders can present to would-be violent people an air of being looked after. This should deter violence makers.

However we find that occasionally there may be a case of neglect by children of their elderly parents. But no violence. While there is a strong attitude of independence in West Marin the most indpendent life is that of our seniors.

I hope I have not been too brief and that I can be of further assistance at any time, I remain

John D. Duncan

John D. Duncan

AREA AGENCY ON AGING
OFFICE ON AGING
2425 Bisso Lane, #110
Concord, California 94520
(415) 671-4233

Contra
Costa
County

Social Service Department
R.E. Jornlin
Director

September 14, 1981

Senator Sam I. Hayakawa
Dirksen Senate Office Bulding
Washington, D.C. 20510

Dear Senator Hayakawa:

I am writing at the request of Mrs. Juanita Bartlet, President of our Advisory Council on Aging regarding your upcoming testimony on September 22, 1981 before the Senate Select Committee on crimes against the elderly. In this county we have an established victim/witness assistance program, and will be starting a senior volunteer support program on September 21, 1981. This program will be sponsored by our Area Agency on Aging, Retired Senior Volunteer Program, and the District Attorney's office. We will train senior citizens to counsel and advise victims/witnesses who are also senior citizens.

As to statistics, Senator, there are none! That in itself is a crime. Between the District Attorney's office and our office we have contacted the State Bureau of Criminal Statistics, State Department of Justice, and the State Division of Law Enforcement for numbers of older people who are victims of crimes. They keep no age records. We can't do a very good job of promoting programs if we have no statistics. I have just talked with the Director of our County Crime Prevention Committee and she agrees that this is a very wide gap in crime prevention services. I believe that law enforcement agencies do keep records of ages of juveniles, but not of senior citizens. May I suggest that your staff contact the National Clearinghouse on Aging, SCAN Social Gerontology Resource Center, P.O. Box 231, Silver Spring, Maryland, 20907. Their telephone number is (301) 565-4269 or toll free (800) 638-2051. This agency can run a computer search for you and produce some national statistics, at least.

Because of your interest in the elderly, it seems that you could perform a much needed service for the 22 million people over the age of 60 in the United States by introducing legislation requiring all law enforcement agencies to keep records as to age. As you know the Older Americans Act defines a senior citizen as anyone age 60 or over, and that would be a figure that all agencies could work with.

Another area of concern, that is rapidly growing, is elder abuse. Again, not many statistics because it tends to be a hidden crime. Those of us who deal with the senior and general community on a daily basis are hearing more and more about it. So far not much can be done. Our office will certainly work to try to change that situation.

I hope I have been of some help to you, and please call on me if I may be of further assistance.

Sincerely,

Sally A. Shultz

Sally A. Shultz
Program Coordinator

dc

Enclosures

September 11, 1981

The Honorable S. I. Hayakawa
Attention: Anne Moore
6217 Dirksen State Building
Washington, D.C. 20510

Dear Senator Hayakawa:

Enclosed are several pages from a training manual that was sent to California State Attorney General George Deukmejian. The first three pages give a brief history of the Community Safety Patrol; one page is on finances; one covers volunteer placement, and there is an article about one of our volunteers.

The patrol was introduced by me and was a pilot project in the Dimond Area of Oakland. It has since expanded to four areas and we hope to have ten places within six months to a year. Many people want this type of organization but are not given the equipment until they are well organized. The fifteen radios we now have are excellent; however, they are barely sufficient for five patrols.

We do lack a civilian coordinator; the police coordinator is excellent, but he has so many other duties. The Community Safety Patrol is endorsed by the Oakland City Council and the Oakland Police Department. Many community-based organizations, the press, radio and television medias are continually supporting us locally and nationally. Crime has decreased substantially in the areas where the patrols are established due to the teamwork and cooperation of the police and the community.

We have some problems which can be resolved. Although some of our volunteers have been with us since the inception of the program, many have dropped out in time.

My recommendations for aiding the Community Safety Patrol on a City-wide basis follow:

1. Have a paid coordinator.

2. Give a stipend to volunteers that will cover their travel and food expenses.

3. Money is needed to purchase sixteen additional radios at a cost of $650 each. Funds are also required to purchase uniform jackets, emblems, and shriek larms.

I am honored that you have asked for my assistance. Please notify me of your results so that I can report back to my people. Thank you.

Sincerely,

Harry Stein

Harry Stein
P.O. Box 55
Oakland, California 94604

HS:vp

Enclosure

CITY OF OAKLAND

POLICE DEPARTMENT

COMMUNITY SAFETY PATROL

For further information contact:

Officer Curt Wengeler
Commercial Security
Room 900
(415) 273-3069

GEORGE T. HART, CHIEF OF POLICE

POLICE ADMINISTRATION BUILDING, 455-7TH ST., OAKLAND, CALIFORNIA 94607

History of Community Safety Patrol

In July 1979, Mr. Harry Stein addressed the Oakland City Council on behalf of a group of Oakland residents who were concerned with the crime problem in the Dimond Area. Of major concern was the increasing number of attacks on senior citizens attending functions at the Jewish Community Center frequenting the surrounding bus stops. It was proposed that a force of ten security guards, equipped with walkie-talkies, shriek alarms, mace and identifiable uniforms, be employed to protect various areas having a high density of senior citizens.

In August 1979, Deputy Chief Joseph L. Colletti met with Mr. Stein to discuss this proposal and to see how it might interface with any of the Department's Community Services Division's programs. After background research was completed, it was determined that although LEAA funds could be used for this type of program, private funding would be both faster to implement and would require less administration. A written proposal was submitted to the Corporate Contributions Committee of Kaiser Aluminum and Chemical Corporation.

On November 8, 1979, Dimond Community Safety Patrol received a $3,500 award from Kaiser Aluminum and Chemical Corporation. In order to institute the program as quickly as possible with limited funding, it was decided that citizen-band radios would be utilized to complete the communications from the base station to field units. Members of the Oakland Police Department perceived the use of CB

radios to be a potential problem, and this was later proved to be factual.

On March 4, 1980, the Dimond Community Safety Patrol began its operation from the Jewish Community Center, located in the Dimond District of Oakland. As time went by, interest grew, along with problems associated with the use of CB radios. Once the area juveniles discovered that CB radios were being utilized, they mimicked the patrollers, causing problems and confusion.

During this same time frame, the City of Oakland was involved with the Comprehensive Crime Prevention Program (CCPP), which had a City-wide Coordinating Council. The Community Safety Patrol was discussed at many of their meetings and the council fully supported the program. It was decided that the project be expanded City-wide if there were sufficient funds remaining in the CCPP Grant.

There was adequate funding to allow the purchase of sixteen hand-held radios, which operate on public safety frequencies, along with sufficient battery chargers, battery packs and base station antennas.

When a given areas has decided to operate a patrol, the Community Services Division becomes involved. A series of neighborhood meetings are used to gauge both the need for the safety patrol and

the willingness of area residents to volunteer the necessary time. The citizens are then referred to Volunteers for Oakland, which coordinates all local volunteers; the registered volunteers are also covered by insurance. The next step is to train the volunteers on how to be a patroller and how to operate the radios. Once the patrol is functional, a coordinator is elected who is responsible for both the equipment and operation of the patrol. Any technical assistance or other requests are handled by the Community Safety Patrol Coordinator of the Oakland Police Department.

CITY OF OAKLAND
Interoffice Letter

To: O.P.D. Community Services Division Attention: Lt. Frank Morris Date: June 10, 1981

From: Volunteers for Oakland

Subject: 1979-80/1980-81 Fiscal Year Volunteer Statistics

In response to your request, here is a list of the volunteer contributions made to the Community Services Division, and registered through our office, since July 1979. Attached are copies of reports which will give you an overview of the Volunteers for Oakland operation on behalf of the City in general and the Police Department in particular.

Volunteer Assignments	Number of Volunteers	Hours Contributed	Cost Benefit
July 1979-June 1980			
Community Safety Patrol	28	892	$4,906.00
Crime Data Aide	1	119	892.50
Merchant Liason	1	78	780.00
Total:			
3 job classifications	30 volunteers	1,089 hours	$6,578.50
July 1980-May 1981			
Community Safety Patrol	49	2,956	$16,258.00
Merchant Liason	1	50	500.00
Public Information Intern	1	189	1,417.50
Receptionist	1	57	313.50
4 job classifications	52 volunteers	3,252 hours	$18,489.00

Darcy

Darcy Hunnicutt

cc: Sgt. Nishihara

CODE:

CITY OF OAKLAND

CITY HALL • 14TH AND WASHINGTON STREETS • OAKLAND, CALIFORNIA 94612

Volunteers For Oakland

VOLUNTEER PLACEMENT DESCRIPTION

DEPARTMENT: _____ DIVISION/AREA: _____

JOB LOCATION: Jewish Community Center, 3245 Sheffield Ave.

MINIMUM AGE/ 18 yrs.

EDUCATION: HIGH SCHOOL STUDENT _____ COLLEGE STUDENT _____ ADULT _____

VOLUNTEER JOB TITLE: Community Safety Patrol Equipment Supervisor

BRIEFLY DESCRIBE THE NATURE OF YOUR PROGRAM AND IDENTIFY THE SPECIFIC TASKS OR PROJECTS TO BE PERFORMED BY VOLUNTEER:

The Community Safety Patrol is a Senior Citizen escort Project developed by the Fruitvale Crime Task Force, the Jewish Community Center and the Oakland Police Department. Patrolers will be responsible for escorting Seniors attending the center to and from bus stops, nearby residences or shopping areas. Seniors come to the cneter between the hours of 9am and 3pm to attend classes or eat at the meal site located there. Patrolers will wear identifying jackets, and carry radios which can reach a base station located at the cneter in case an ambulance or the police are required. Patrolers will also carry shriek alarms. Patrolers will operate in two shifts from 9am to 12:30 pm, and from 12:30 pm to 3pm.

This ovlunteer would be responsible for managing the usage of equipment condition. Activity log.

STATE OF CALIFORNIA EDMUND G. BROWN JR., Governor
OFFICE OF CRIMINAL JUSTICE PLANNING
9719 LINCOLN VILLAGE DRIVE, SUITE 600
SACRAMENTO, CALIFORNIA 95827

September 15, 1981

Honorable S. I. Hiyakawa
United States Senate
6217 Dirksen Senate Building
Washington, D. C. 20510

Attention: Anne Moore

Re: Elderly Victims of Violent Crime

Dear Senator Hiyakawa:

Thank you for your request for information regarding the State of California's involvement in providing assistance to elderly victims of crime.

Enclosed you will find copies of information pertaining to the State-wide operation of Victim/Witness Assistance Programs. Also within these documents are copies of state legislation which authorizes the establishment, operation and funding of these programs.

Of particular interest is the fact that the legislation requires that all programs provide assistance to elderly crime victims.

The State of California, this office and the 34 county programs now in existence are quite proud of the comprehensive model of victim assistance now in operation within this State. These programs are demonstrating that such services can be implemented as an integral part of the criminal justice system to meet the needs of elderly and all types of victims and witnesses.

Also enclosed is a document pertaining to the operation of California's Community Crime Resistance Program. This program emphasizes community efforts in crime prevention and focuses on comprehensive crime prevention programs for the elderly.

I hope that this information is of benefit to you. If I can be of any further assistance to you, please feel free to call me at (916) 366-5377.

Sincerely,

STERLING O'RAN III
Program Manager
California Victim/Witness
Assistance Program

SWO:jl
Enclosures

STATE OF CALIFORNIA EDMUND G. BROWN JR., Governor
OFFICE OF CRIMINAL JUSTICE PLANNING
9719 LINCOLN VILLAGE DRIVE, SUITE 600
SACRAMENTO, CALIFORNIA 95827

FOREWORD

This document sets forth the revised FY 1981-82 program and administrative guidelines for California's Victim/Witness Assistance Program as authorized by Chapter 713 of the 1979 Statutes.

This program demonstrates the commitment of the Legislature and the Governor to assist local government deal more effectively with victims and witnesses of all types of crime. The program is developed to encourage and strengthen the coordinated participation of criminal justice agencies toward meeting the needs of these sometimes neglected persons.

There are many individuals who have shared responsibility for development of this program. Assemblyman Gage, who authored legislation (AB 1434, Chapter 1256, 1977 Statutes) to establish local assistance centers for victims and witnesses, laid the groundwork for the design of this program. More recently, Senator Smith, who authored SB 383 (Chapter 713, 1979 Statutes); Assemblywoman Moore, who authored AB 493 (Chapter 530, 1980 Statutes); and the members of the California Victim/Witness Advisory Committee, deserve particular recognition.

The Advisory Committee, composed of judges, prosecutors, law enforcement officials, victim/witness coordinators, legislative staff, county government representatives, other criminal justice system representatives and State Board of Control staff, provided valuable assistance to OCJP in developing and implementing this local assistance program.

Questions dealing with this program should be directed to Sterling W. O'Ran III, Program Manager, (916) 366-5377, or Nathan W. Manske, Deputy Director, (916) 366-5304.

Sincerely,

Doug Cunningham

DOUGLAS R. CUNNINGHAM
Executive Director

Telephone: (916) 366-5304

DRC:SWO:jr

PROGRAM GUIDELINES

VICTIM/WITNESS ASSISTANCE PROGRAM

I. INTRODUCTION

When crime strikes, the chief concern of the criminal justice system has been apprehending, prosecuting and treating the offender. All too often citizens who become involved with the criminal justice system, either as victims or witnesses to crime, are treated shabbily by that system. Authoritative studies consistently demonstrate that more than two-thirds of all crimes are never reported to the police. In surveys, the reasons people give most for not reporting indicate that they are disenchanted with the criminal justice system.

Recognizing these facts, the California Legislature identified the need to develop methods to reduce the neglect and inconvenience often experienced by victims and witnesses in the wake of crime. In response to that need, the Legislature has passed two bills which provide for the establishment and operation of programs to assist victims and witnesses of crime. They are:

- Assembly Bill 1434 (Gage) Local Assistance Centers for Victims and Witnesses, Chapter 1256, 1977 Statutes. (Copy of Statute is in Appendix A)

This legislation was designed to fund pilot project centers for victims and witnesses in order to provide ways of improving attitudes of these citizens toward the criminal justice system and to provide for faster and more complete recovery from the effects of crime. Responding to this legislative mandate, the Office of Criminal Justice Planning (OCJP) funded six full service assistance centers with a supplemental award from the Law Enforcement Assistance Administration (LEAA) to California's 1978 Part C Block Grant. Additionally, ten more agencies developed and began operating victim/witness centers with LEAA funds administered by OCJP.

With the success of these pilot projects, it became apparent that a need existed to provide financial aid to local comprehensive programs for victims and witnesses of all types of crime. To answer this need, the California Legislature enacted a second statute which also focused on victims and witnesses.

- Senate Bill 383 (Smith) Victims and Witnesses of Crime; Fines and Assessments, Chapter 713, 1979 Statutes. (Copy of Statute is in Appendix B)

This legislation provides that a person convicted of a crime of violence committed in this state which results in the injury or death of another person shall pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars ($10), but not to exceed ten thousand dollars ($10,000). These funds are then deposited into the indemnity fund of the State Treasury.

- Assembly Bill 493 (Moore) Courts: Fees and Penalties. Chapter 530, 1980 Statutes. (Copy of Statute is in Appendix C)

This legislation provides that there shall be levied an assessment in an amount equal to three dollars ($3) for every ten dollars ($10) upon every fine, penalty or forfeiture imposed and collected by the courts for criminal offenses. The assessments collected by each county are then deposited into the Assessment Fund of the State Treasury. Once a month a percentage of the Assessment Fund is transferred into the Indemnity Fund.

Funds generated under this legislation which are deposited in the Indemnity Fund in the State Treasury are divided to indemnity victims of violent crimes filing claims for reimbursement and to provide assistance to local comprehensive programs for victims and witnesses.

During the first year of operation, FY 1980-81, three million dollars were appropriated to OCJP for funding comprehensive programs within the State of California. Based upon recommendations of the California Victim/Witness Advisory Committee, guidelines were adopted which provided funding for 30 centers within as many counties. The guidelines provided specific allocations for each county having a 1980 population of 200,000 or more and created a "Balance of State" fund for the support of programs in less populous counties. Provisions were also made for ensuring the support of existing programs at the then existing budget levels where formula amounts were less in what was identified as a "Transition Year" for those programs. Table 3 on Page 13 reflects the distribution of funds under that statewide formula.

Similarly, a request for three million dollars has been included in the Governor's proposed budget for use in funding comprehensive Victim/Witness Assistance Programs during FY 1981-82. These guidelines also set forth a system for allocating these funds among California counties. Under this system specific allocations are made for each county having a 1980 population of 100,000 or more and create a "Balance of State" fund for support of programs in less populous counties. This system also provides that no program within a county of over 100,000 population receive less than an established amount in an effort to maintain a minimum level of service responsive to the requirements of authorizing legislation.

II. BACKGROUND

The concept of providing help to victims has been in existence in California since 1965 when the state developed the nation's first Victim Indemnification Program. It was not long before additional needs of both victims and witnesses and the criminal justice system became apparent.

In late 1977, the California Council on Criminal Justice (CCCJ) identified victim/witness assistance as one of its top program priorities. A survey conducted by the OCJP in 1978 identified nineteen projects delivering a multiplicity of services and found that they were funded by a variety of sources. It was also determined that these programs were delivering different kinds of services to victims and witnesses, and were employing various methods of delivery of such services.

Consistent with the passage of the aforementioned legislation, the program priorities set by CCCJ and the rapid development of victim/witness service programs, OCJP has been charged with the responsibility of selecting and supporting local assistance programs.

These Program Guidelines are intended to serve as a guide for developing, implementing and assessing the impact of Victim/Witness programs established pursuant to SB 383. They were initially written and have been revised with the help and advice of a broad-based Advisory Committee made up of representatives from the Judiciary, Legislature, local government, prosecutors, defense, law enforcement and Victim/Witness program directors. Recommendations of the Victim/Witness Advisory Committee, which were particularly helpful, dealt with such key issues as the two-part formula (population and major crimes reported) for allocating funds to counties. A roster of Committee members is included in Appendix D.

III. PROGRAM OBJECTIVES

Based on expressions of legislative intent and program purposes contained in the statutes described above, the objectives of this program are to:

A. Provide financial aid to establish and maintain comprehensive programs for victims and witnesses of all types of crime.

B. Improve the understanding of the needs of victims and witnesses on the part of the criminal justice sytem, and increase their participation in the administration of justice. In carrying out this objective, centers should be designed to undertake activities that:

   1. Provide a model for other community-based efforts to aid victims and witnesses.

   2. Sensitize law enforcement officials, communications technicians, and supervisors to the needs of victims of crime and reinforce a concerned approach to these victims.

3. Attempt to decrease the incidence of unreported crimes.

4. Assure that victims and witnesses are informed of the progress of the case in which they are involved.

C. Provide for faster and more complete recovery from the effects of crime through the services of centers for victim and witness assistance.

D. To increase the role of victim and witness programs in assisting victims of violent crime to prepare applications for state compensation.

IV. ELIGIBILITY CRITERIA AND PROGRAM COMPONENTS

Section 13967(d) of the Government Code (contained in SB 383) sets forth requirements or eligibility criteria for programs which receive funding. The purpose of this guideline section is to describe the program components eligible for funding under this program.

A. Eligibility Criteria

The basic eligibility for funding is set forth in Government Code Section 13967(e) which provides that:

"(e) Funds shall be made available through OCJP to those established public or private non-profit programs for the assistance of victims and witnesses which:

(1) Provide comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type or types of crimes.

(2) Are recognized by the county board of supervisors as the major provider of comprehensive services to such victims and witnesses.

(3) Are selected by the county board of supervisors as the eligible program to receive such funds.

(4) Assist victims of violent crimes in the preparation and presentation of the claims to the State Board of Control for indemnification pursuant to this article.

(5) Cooperate with the State Board of Control in obtaining and verifying data required by this article."

B. Program Components

Applications for funds appropriated pursuant to SB 383 must, as a minimum, respond to the criteria set forth above. To assist applicants in developing their programs, this section of the Guidelines contains further discussion of the eligibility criteria, setting forth program elements that should be included in each application.

1. Definition of "Comprehensive". While SB 383 does not contain a definition of the word "comprehensive", Section 13835.6 of the Penal Code (added by AB 1434) enumerates a list of minimum services to be provided by Victim/Witness Centers. In reviewing applications, OCJP will be guided by Section 13835.6 in determining whether the proposed project will give an adequate range of services to satisfy the comprehensiveness requirement. Service elements listed in that section are:

"(a) *Receipt by victims of crime of more local benefits and state compensation awards through assistance to the victims in preparing complete and detailed claims and assistance to the state by providing local verification and evaluation.*

(b) *Establish a means for volunteers to work with criminal justice agencies to achieve community support.*

(c) *Provide follow-up support services to victims and their families in order to insure that they receive necessary assistance through available community resources.*

(d) *To provide elderly victims of crime with services appropriate to their special needs.*

(e) *Provide liaison and referral systems to special counseling facilities and community service agencies for victims.*

(f) *Provide transportation and household assistance to those victims and witnesses participating in the criminal justice process.*

(g) *Notification of friends, relatives, and employer of victim, if requested.*

(h) *Arrangement for verification of medical benefits and assistance in applying for state victim compensation.*

(i) Notification of witnesses prior to their being subpoenaed in criminal cases and of changes in the court calendar to avoid unnecessary trips to court and unnecessary time at court.

(j) Provision of reception and guidance at the courthouse, including and explanation of unfamiliar procedures and bilingual information."

2. Other Services. In addition to those service elements set forth above, applicants may include other services in their programs. Examples of such elements include:

   a. Witness Protection

      If the organization designated by the County Board of Supervisors to operate the program is a prosecution or law enforcement agency, a reasonable amount, not to exceed ten percent of the project budget, may be used for witness protection. Applicants who wish to budget funds for this purpose will be required to establish written guidelines for their use consistent with those of the California Witness Protection Program of the State Department of Justice.

   b. Emergency Victim Fund

      If the organization designated as eligible by the County Board of Supervisors is a permanent public agency, the project budget may establish a fund for the payment of emergency needs of crime victims, not to exceed five percent of the project total. Authority to pay out of this fund must rest with the Chief Executive of the designated public agency. Applicants budgeting funds for an emergency fund will be required to establish a detailed written procedure, subject to OCJP approval.

3. Program Selection by the County Board of Supervisors

   As set forth in the statutory eligibility criteria, the Board of Supervisors must recognize a program's comprehensiveness and then select it as the one eligible to receive funding. OCJP will accept only one application from each county. Evidence of Board designation must accompany the application, and may be in the form of a Board resolution or letter from the Board Chairman, Clerk or County Administrative Officer.

   Recognition and selection of the single applicant by the County Board of Supervisors must be made on a basis that ensures:

(a) the availability of these services to victims and witnesses of all types of crimes, and

(b) equitable distribution of such services among residents of substantially the entire county.

In certain jurisdictions, the county's application must recognize that prosecution of misdemeanor cases may be handled by City Attorney offices, and provide for services to those victims and witnesses through subcontract or other means. Witnesses for the defense in criminal cases may not arbitrarily be excluded from the services of witness assistance programs.

4. Cooperation with State Board of Control

Assistance and cooperation with victims and the State Board of Control shall constitute the provision of assistance in submitting claims for reimbursement from the Victims of Violent Crime Fund and the obtaining of verification documentation necessary to process those claims in a timely manner. During FY 1981-82 not less than 40 percent of compensation applications received from each county participating in this program should reflect the assistance of its victim witness center.

V. FUNDING GUIDELINES

A. Grant Duration

Participating programs will be funded for a twelve-month period. Projects are subject to a continuation review and must submit timely fiscal and progress reports and adhere to evaluation requirements, in accordance with contract requirements.

B. Funding Guidelines and Allocations

Consistent with Section 13967 of the Government Code, the Governor's Budget asks that $3 million be appropriated for FY 1981-82 out of the Indemnity Fund for the Victim/Witness Assistance Center Program. The amount was arrived at after consultation with the Department of Finance and the Legislative Analyst's Office.

It should be noted that the availability of these funds for allocation to local programs is contingent upon their appropriation by the Legislature in the State's FY 1981-82 Budget Act, and upon adequate revenue being derived from the funding source.

In developing an allocation plan for this program OCJP, with the help of the Victim/Witness Advisory Committee, took into account several issues:

1. Since the amount of funds for this program are limited, the allocation plan should assure adequate funding for counties experiencing the greatest need, as measured by relative population and level of crime activity.

2. While it is anticipated that State Special Funds will be available to support Victim/Witness Centers at the local level, local government should also be encouraged to make a financial investment in them. Although local matching funds will not be required, indirect costs will be limited to 10 percent.

3. Since some counties have already established Victim/Witness Centers, reasonable efforts should be undertaken to assist these programs, if they meet all the eligibility criteria and are selected by the County's Board of Supervisors, to transition to funds made available as a result of this program.

C. Allocation Plan

After consulting with its Advisory Committee, OCJP has adopted an allocation plan that contains the following provisions:

1. Counties of 100,000 Population or more

Counties with a population of 100,000 or more will be eligible to apply for a specified amount of funds. The amount that each county may apply for will be determined by a two-part formula. This formula gives equal weight to the county's share or percent of the State's:

(a) Population, as estimated by the Department of Finance, and

(b) Seven major crimes, as reported to the Bureau of Criminal Statistics.

The same formula will determine the amount of the total balance-of state share. By following the allocation plan, counties accounting for over 96 percent of the State's population and reporting over 97 percent of the State's seven major offenses are assured an opportunity to participate. Individual county population and crime rates are represented on Table 1 on page 11 of these Guidelines.

For Fiscal Year 1981-82, OCJP is setting aside $150,000 to ensure that no eligible program within a county of over 100,000 population receives less than $30,000. The $30,000 figure is shown as a base amount in the column of total allocations in Table 2 on page 12. This base was established in an effort to maintain a minimum level of service responsive to the requirements as set forth in the authorizing statute.

Those counties eligible to apply for a specified amount must

submit applications as requested, which will be reviewed by OCJP staff for compliance with the established eligibility criteria as set forth within these guidelines. In the event that eligible counties do not comply with that criteria or do not request the maximum specified amount of funds, the remaining funds will be used to provide increased augmentations to those previously funded programs whose FY 1981-82 allocation is less than the amount received during FY 1980-81

The results of applying the statewide formula to the balance available, $2.85 million, are set forth in Table 2 on page 12. Table 3, on page 13, reflects the distribution formula for FY 1980-81.

2. Balance-of-State

In addition to funds set aside for allocation to counties over 100,000 population, approximately $108,000 will be available for awards to counties with less than 100,000 population. This allocation, referred to as Balance-of-State, will be made available to pay for Victim/Witness Center Programs through a competitive Request-For-Proposal (RFP) process. Those Balance-of-State counties submitting proposals may request no more than $30,000.

Each proposal will be completely evaluated by OCJP staff to determine compliance with the eligibility criteria. The amounts awarded will be based upon this compliance on a case-by-case basis. Counties eligible for a formula allocation will not be eligible for funding out of Balance-of-State funds. Details of the Balance-of-State program are set forth within the RFP for that category.

3. Disposition of Excess Funds

As shown on Table 2, seven counties receiving 1980-81 formula allocations and two counties receiving competitive Balance-of-State awards in 1980-81 will receive reduced amounts in 1981-82. Generally, those reductions are the result of population changes revealed by 1980 data. In the event any funds remain available at the close of the 1981-82 application process, those counties experiencing such reductions will be given priority for additional allocations.

VI. SELECTION PROCESS

OCJP has incorporated these Program Guidelines and administrative requirements within the attached RFP. These Guidelines and RFP have been distributed and made available to established Victim/Witness Programs, eligible agencies, local regional planning units and other interested organizations.

Proposals submitted in response to the RFP will be evaluated by OCJP staff for responsiveness to these Guidelines and the RFP. Final selection of applicants and approval of proposals will be made by OCJP after an analysis of proposals and review of the results of the initial screening process. Specific attention will be directed toward the identification and responsiveness to the problem, objectives, activities and eligibility criteria as set forth within these Guidelines.

VII. PROGRAM START DATE

Program implementation is scheduled for July 1, 1981, subject to receipt of funds appropriated as a part of the new budget year. In order to assure the continued operation of those existing Victim/Witness Assistance Programs of over 100,000 population whose present funding expires on June 30, 1981, OCJP plans to expedite the review, approval and processing of these proposals to allow for funding decisions by June 29, 1981. These applications must be submitted by June 26, 1981. All Balance-of-State counties must also submit proposals by June 26, 1981 to assure the competitive process results in funding decisions being made prior to the beginning of FY 1981-82 on July 1, 1981.

All other eligible applicants of over 100,000 population counties, must submit a complete application no later than July 24, 1981. These counties may elect to defer actual drawdown of funds until later in the fiscal year. This option may be of particular interest to counties with existing programs which have sufficient funding to carry them into FY 1981-82. In such cases, OCJP intends to deal flexibly with applicants in terms of operating dates for initial grant contracts, so applicants will have, in effect, the benefit of carrying funds over into the fiscal year beginning July 1, 1982.

VIII. EVALUATION

An evaluation of the Victim/Witness Program will be conducted by the Office of Criminal Justice Planning at the end of each funding year. It will be both a process and impact evaluation designed to measure the objectives of the legislation. All projects must comply with the data collection and reporting requirements established by OCJP which are necessary for the completion of the evaluation.

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

EDMUND G. BROWN JR.
GOVERNOR

916/445-4571

June 11, 1981

TO: MEMBERS OF THE CALIFORNIA LEGISLATURE

I am pleased to present this report which describes the success of the California statewide Victim/Witness Assistance Program during the first six months of its operation. California has led the nation in responding to the special needs of crime victims and witnesses, beginning in 1965 with the nation's first program of financial compensation for victims of violent crime.

This program, begun on a pilot basis under legislation developed by my Administration in 1977, now provides comprehensive services in thirty counties. Based on this report's findings, the Victim/Witness Assistance Program is delivering necessary services. It is a good example of the type of program needed to improve our criminal justice system.

Sincerely,

EDMUND G. BROWN JR.
Governor

STATE OF CALIFORNIA EDMUND G. BROWN JR., Governor

OFFICE OF CRIMINAL JUSTICE PLANNING
OFFICE OF THE DIRECTOR
9719 LINCOLN VILLAGE DRIVE, SUITE 600
SACRAMENTO, CALIFORNIA 95827

June 22, 1981

The Honorable David A. Roberti
President Pro Tempore of the Senate
State Capitol
Sacramento, CA 95814

The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol
Sacramento, CA 95814

Dear Senator Roberti and Speaker Brown:

I am pleased to present this Preliminary Report on the operation of the California Victim/Witness Assistance Program. This program is funded persuant to Chapter 713 of 1979 Statutes (SB 383, Smith) and under the requirements of Chapter 1256 of 1977 Statutes (AB 1434, Gage). This report discusses the program's implementation and a preliminary assessment covering the period through December 30, 1980.

The basic goal of this program is to encourage and strengthen efforts to assist victims and witnesses of all types of crime. This report details the history of this concept and the innovative efforts undertaken in California to meet this goal. Assistance Centers in thirty counties provide services aimed at meeting this goal, and current plans include expanding the program to implement additional programs.

Presentation of this report was primarily the responsibility of OCJP's Deputy Director for Planning and Operations, Nathan Manske, and members of his staff Sheila Anderson, Mary Wandschneider, Sterling O'Ran III, and Carolyn Ortiz.

Cordially,

Doug Cunning

DOUGLAS R. CUNNINGHAM
Executive Director

Telephone: (916) 366-5304

EXECUTIVE SUMMARY

This report represents a preliminary description and assessment of the California Victim/Witness Assistance Program. Financial support for the program began in July 1980, as a result of the passage of Senate Bill 383 "Victims and Witnesses of Crime: Fines and Assessments," (Chapter 713, Statutes of 1979, Smith). Since that time, grant awards to local assistance programs in thirty of the fifty-eight counties in California have begun. The Office of Criminal Justice Planning (OCJP), which has administrative responsibility for the program, is conducting a multi-year evaluation of the Victim/Witness Assistance Program. As a part of the evaluation effort, this preliminary report has been prepared to describe and analyze the program's implementation and first six months of operation from July 1, 1980 until December 30, 1980.

The establishment of the Victim/Witness Assistance Program marked the most recent in a series of legislative acts designed to lessen the impact of crime upon the individual citizen. These enactments represent a major shift in emphasis by the criminal justice system. Traditionally, the criminal justice system has centered its activities around the crime incident, focusing on the apprehension and conviction of the criminal. Gradually, over the past 15 years, the scope of concern has been enlarged to include the innocent victims and witnesses of crime.

The Legislative reponse to the needs of victims began in 1965 when California led the nation with the enactment of the first Indemnity Fund designed to provide compensation to victims of violent crime. Then in 1977 a pilot program of six model victim/witness assistance centers was established with Law Enforcement Assistance Administration (LEAA) funds under provisions included in Assembly Bill 1434 (Chapter 1256, Statutes of 1977, Gage). The success of this experimental program contributed to the passage of Senate Bill 383, authorizing funding for local victim/witness assistance centers. At present there are thirty centers.

In conjunction with its Victim/Witness Advisory Committee, made up of representatives from the judiciary, Legislature, local government, prosecution, defense, law enforcement, and assistance centers, OCJP established guidelines, goals and objectives for the program. The overall goal is to encourage and strengthen the coordinated participation of criminal justice agencies toward providing more effective assistance to victims and witnesses of all types of crimes. This program represents the first comprehensive effort to permanently build victim/witness services into the criminal justice system so that they are viewed not as an "extra" service, but as an integral part of the system. In addition to the goal, four program objectives were adopted.

Objective A: Provide financial aid to establish and maintain comprehensive programs for victims and witnesses of all types of crime.

The preliminary data from four months (September through December 1980) of program operation indicate that the projects are developing the means to provide comprehensive services. Comprehensive services have been defined to include assistance with financial compensation claims, use of volunteers, follow-up support services through community agencies, special services for the elderly, referral services, transportation and household assistance, notification of the victim's friends or relatives of the crime incident, verification of medical benefits, notification of case progress and court schedules. Projects are required to establish the capacity to provide clients with the full range of services during the two-year program. The evaluation will assess the program's overall progress in achieving its goal and stated objectives.

86-411 O—81——19

Objective B: Improve the understanding of the needs of victims and witnesses on the part of the criminal justice system, and increase their participation in the administration of justice. In carrying out this objective, centers should be designed to undertake activities that:

1. Provide a model for other community-based efforts to aid victims and witnesses.

2. Sensitize law enforcement officials, communications technicians, and supervisors to the needs of victims of crime and reinforce a concerned approach to these victims.

3. Attempt to decrease the incidence of unreported crimes.

4. Assure that victims and witnesses are informed of the progress of the case in which they are involved.

Local centers are working with all elements of the criminal justice system to increase awareness of problems facing victims and witnesses. As one indicator of better coordination with other agencies, the evaluation is tracking the numbers of referrals to the centers from other agencies. Thus far, there has been evidence of increased cooperation. For example, referrals from law enforcement agencies increased from an average of twenty-two per month for each center in September to thirty-one per month in December 1980. As another indicator of growing cooperation, presentations to make criminal justice agencies aware of the centers' services totaled almost 300 for the period September through December 1980.

Increased participation of victims and witnesses in the administration of justice is being sought by the program through direct services to witnesses. From September through December, 58,000 separate services were provided by the program to witnesses. These have included the issuance of subpoenas by mail, notifying witnesses of the progress or disposition of the cases in which they are involved (20,000 cases),

and informing them of changes in the court calendar (12,000 instances). In addition, services such as translation, court escort, and transportation have been made available.

Objective C: Provide for faster and more complete recovery from the effects of crime through the services of centers for victims and witness assistance.

During the first four months of the evaluation, victims received 37,000 separate services through the assistance projects. In addition to the direct services, the centers attempted to develop cooperative relationships with other local service providers such as shelters, legal aid societies, service groups and counseling centers. During the same four-month period, almost 8,500 services were provided to victims and witnesses by local agencies upon referral from the assistance projects.

Objective D: To increase the role of victim and witness programs in assisting victims of violent crime to prepare applications for state compensation.

Consistent with the mandate that the Legislature placed on OCJP's budget, the Advisory Committee and OCJP established program standards which require that each project assist in the preparation of at least twenty percent of the claims submitted from its county. This standard will be increased to forty percent in the second year. The Board of Control reports that in the months of December 1980, and January 1981, approximately 30 percent of the claim applications submitted were assisted by the local centers. The early indications are that, in spite of the fact that all the local centers are not yet fully operational, the program is exceeding expectations in this area.

In summary, recognizing that the 30 local victim/ witness assistance centers were in varying stages of implementation during the period covered in this report, some general assessments can be made.

- Assistance cneters were operational in twenty-six counties by the end of December 1980. The additional four counties approved for funding were scheduled to have centers operating by February 1981.

- Local criminal justice agencies have referred an increasing number of clients to assistance centers.

- Centers have informed witnesses of case progress or disposition in an increasing number of cases.

- By working with the State Board of Control, a standardized format for the submission of Indemnification Claims has been adopted.

- The State Board of Control reported that during January in excess of 30 percent of the Indemnification Claim Applications received reflected the assistance of a victim/witness center.

- If the collection level remains unchanged, fines and penalties collected which may fund this program may seriously jeopardize the amount originally estimated that would be available for expenditure.

CRIMES AGAINST THE ELDERLY ISSUES

SUMMARY

- Crimes against the elderly are set apart as a special category for two reasons: the older person's general vulnerability to crime, and the disproportionate impact of crimes on the pattern of daily life and on the economic, physical, and emotional well-being of older persons. Several dimensions of the distinctive nature of crimes against the elderly are apparent.

- Relatively minor physical injuries often weigh more heavily on the older victim of crime due to physical vulnerabilities such as bones being easily broken due to brittleness, longer recovery periods, susceptibility to pneumonia, etc. Falls sustained in a purse snatch may result in immobility, prolonged dependence, hospitalization, permanent confinement, and even death.

- Older persons are generally dependent upon diminished and fixed incomes. They generally have fewer economic resources than younger persons. Thus, the loss by theft of even a relatively small amount of money or property often results in extreme hardships given the general inability to recoup the losses.

- Since criminals are attracted to the easy prey, the reduced physical capacities of older people can act as incentives

CONGRESS OF CALIFORNIA SENIORS
REGION IV
P. O. Box 5015, San Jose, CA 95150

for victimization. Reduced physical capacity combined with economic factors such as poor transportation and housing in high crime neighborhoods produce increased vulnerability among the elderly.

- Fear of crime is particularly pervasive among older persons. With increased vulnerability to crime and the relatively greater impact of victimization, an often exaggerated sense of helplessness and pervasive fear may result. Often the response of the older person to the fear of crime is withdrawal from community life in order to remain "secure" behind locked doors. Such a response, however, results in the loss of personal freedom and the deterioration of the quality of life and a burden to the Welfare Fund

- It should be noted that available data indicate that there are no crimes committed exclusively against the elderly. Furthermore, for many crime categories, older persons as a group are generally less frequently victimized than younger persons. However, even given these findings, there are a number of important issues to be examined in light of the increasing age of the population and the apparent differential impact of crime upon the elderly.

- In several categories of crime, current information on the rate and type of victimization of older persons is seriously deficient at local, state and federal levels. There

CONGRESS OF CALIFORNIA SENIORS
REGION IV
P. O. Box 5015, San Jose, CA 95150

CRIMES AGAINST THE ELDERLY ISSUES

- The low income urban elderly, often of minority races, may be forced by financial necessity, by the need to be near various support services, by the lack of transportation, and by other related circumstances to live in high crime areas.

- Poor urban housing conditions often prevent the proper implementation of home security devices and limited income may prohibit their purchase, again contributing to easy victimization.

- Vandalism and harassment perpetuated by youth on the elderly often creates daily living problems for the urban elderly.

- Physical abuse of the elderly seems to be more and more apparent both in the home (domestic/family violence) and in institutional settings. Physical and financial dependency of older persons may place them in settings where they are subject to physical violence, psychological abuse and even extortion.

CONGRESS OF CALIFORNIA SENIOR
REGION IV
P. O. Box 5015, San Jose, CA 95150

The County Executive
Office of Management and Budget
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
299-2424 Area Code 408

County of Santa Clara
California

September 16, 1981

Honorable S. I. Hayakawa
United States Senate
Washington, D.C. 20510

Dear Senator Hayakawa:

I am writing on behalf of the Domestic Violence Committee of the Santa Clara County Violence Prevention Task Force. This citizens' task force was established with the assistance of the State Commission on Crime Control and Violence Prevention.

The Domestic Violence Committee was informed by one of its members, Mr. Herb Goldblum, that you plan to testify before the Senate Select Committee on Aging on September 22, 1981, relative to "Elderly as Victims of Violent Crime." The Domestic Violence Committee of the Santa Clara County Violence Prevention Task Force offers, for your consideration for inclusion in testimony, the following recommendations developed by region or area in preparation for the Statehouse Conference on Aging:

Congress should enact laws to safeguard elderly persons in their body and property by:

- Providing necessary funding in order for local authorities to supply increased protection to seniors;
- Protecting seniors in their housing through greater tenant protection;
- Increasing consumer protection.

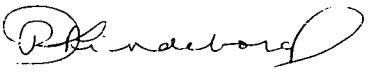
Other recommendations include the following:

- That additional funds be allocated to strengthen the compensation program for victims of violent crimes;
- That, through legislation, there be guaranteed access to care facilities and homes where there is suspected abuse of the elderly;
- That agency advocates for older persons be increased;
- That legal aid be provided to assist the elderly through aiding in acquiring funding for programs that would address the areas of counseling/listening, conservatorship, and finance-related crime.

I have enclosed for your information a report which includes the above and other recommendations developed regionally and which were developed in preparation for the Statehouse Conference.

I hope the attached information will be useful in your testimony before the Senate Select Committee on Aging. Thank you for your concerns relative to the aged.

Very truly yours,



Robert P. Lindeborg, Chairperson
Santa Clara County Violence Prevention Task Force

RPL:lml

Enclosures

CALIFORNIA STATE HOUSE CONFERENCE
AREA AND REGIONAL CONFERENCE
PRIORITY RECOMMENDATIONS BY AREA

CRIMES AGAINST THE ELDERLY

ISSUE J P. S. A. 2 PSA 2

Findings:

Because of their physical vulnerability, greater likelihood of being victimized, greater and natural fear, greater likelihood of more severe injury, greater damage caused by their dependence on a fixed or diminished income:

Recommendations:

Congress should enact laws to safeguard elderly persons in their body and property, by:

1. necessary funding that local authorities can provide increased police protection to seniors.

2. protecting seniors in their housing through greater tenant protection.

3. increased consumer protection.

P.S.A 6 PSA 6

Crime & Security

1. Protection of senior citizens should have a city-wide priority.

2. Senior deputies should be appointed, trained, and issued identification.

3. Coordination between landlords and police should be developed for increased crime prevention.

4. More guards and other protective measures should be provided for seniors in housing projects and on buses.

5. On buses, the rules setting aside special seating for seniors should be enforced.

6. Senior escorts should be made available to seniors in all parts of the cities.

7. Crime prevention programs should involve seniors everywhere in learning how to secure better protection for themselves.

5. ISSUE: FEAR OF BEING VICTIMEZED BY YOUTH

Recommendation:	County/State/National/Action
DEVELOP PROGRAMS TO REGAIN COMMUNICATION AND RESPECT BETWEEN ELDERLY AND YOUTH	COUNTY
DEVELOP POSITIVE PEER GROUP INFLUENCE AMONG YOUTH	COUNTY
MORE JOBS FOR YOUTH	COUNTY/STATE/NATIONAL
MORE DRUG EDUCATION FOR YOUTH	COUNTY/STATE/NATIONAL

6. ISSUE: HOW SENIORS CAN HELP THEMSELVES

Recommendation:	County/State/National Action
TRIM BUSHES AROUND HOMES	COUNTY
ADVOCATE FOR BETTER STREET LIGHTING	COUNTY
MORE COMMUNICATION WITH LOCAL POLICE	COUNTY
CLASSES IN CRIME PREVENTION	COUNTY
CRIME PREVENTION COMMITTEES IN SENIOR GROUP	COUNTY/STATE

PRIORITY 7 (Tie) P.S.A 15 PSA 15

P.S.A. 17 PSA 17

Crime Prevention

1. Need financial support to local communities for fraud and crime prevention.

2. Need education in the use of tear gas and other methods to repel muggers.

3. Need more law enforcement personnel.

P.S.A 21 PSA 21

Crimes Against the Elderly

1. Stiffer penalties for those who victimize older persons.

2. Older persons should become more active in politics. - hold office, attend council meetings, etc.

3. Additional compensation for victims of crimes against the elderly.

PSA 4 P.S.A. 4 CRIME

YOLO-SAC

Crime

The discussion on crime focused on ideas for program development rather than development of policy recommendations.

PSA 9 P.S.A 9

Crimes Against the Elderly

1. Elderly should be educated to look out for frauds and con games, and should enlist assistance from the business community.

2. Seniors should be protected from assault and white collar crimes.

3. Elderly persons should be compensated for hospital and medical costs which result from criminal attacks; in case of death, victim's family should be reimbursed for expenses.

4. Criminals who prey on the elderly and receive Social Security and other government benefits should not receive such benefits while in jail.

5. An escort service would discourage or reduce crimes against the elderly.

6. California Dept. on Aging should fund Community Safety Patrol.

7. Alarms should be installed in homes for the elderly to reduce instances of attacks and break-ins.

8. Police should patrol neighborhoods where large number of seniors live and encourage neighborhood citizen participation.

9. Tougher penalties should be imposed on those who commit crimes against the elderly.

10. Young persons coulld be used as escorts for the elderly.

11. Block or street wardens should be used throughout Alameda County to protect frail and vulnerable elderly who desire to walk to their destinations.

especially older persons and that community affairs provide a specialist to work with older persons.

7. That additional funds be allocated to strengthen the compensation program for victims of violent crimes; that criminals be made to make restitution to the victims, and that there be increased use of witness programs.

8. That through legislation there be guaranteed access to care facilities and homes where there is suspected abuse of the elderly; that agency advocates for older persons be increased; that legal aid become more involved in assisting the elderly through aiding in the acquisition of funding for programs that would address the areas of counseling/listening, conservatorship and finance-related crime.