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# Habilitation or Harm: Project Greenlight

*by James A. Wilson, Ph.D.*

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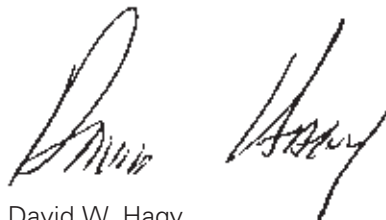
Four decades ago, the President's Commission on Law Enforcement and Administration of Justice issued its groundbreaking recommendations on how to improve public safety in America. Interestingly, one of the recommendations in the Commission's 1967 report, *The Challenge of Crime in a Free Society*, led to the creation of the National Institute of Justice (NIJ).

In this issue of the *Journal*, we celebrate the 40th anniversary of this seminal study. We consider the reflections of two researchers on how the Commission's report has guided criminal justice research and practice over the years, and we pause to celebrate the career of Professor Alfred Blumstein, who led the Commission's Task Force on Science and Technology.

As we reflect on the past, we also take a hard look at the current state of criminal justice in this country. It is noteworthy to observe that the title of the Commission's report, *The Challenge of Crime in a Free Society*, applies as much today as it did 40 years ago. Threats to our public safety change. So, too, must our solutions and responses evolve.

In this issue, we highlight some of our current challenges—prisoner reentry, hate crime, agroterrorism—and explore the new technologies, research, and evaluation that NIJ offers to meet these challenges on behalf of Americans. Our cover story, "Habilitation or Harm: Project Greenlight and the Potential Consequences of Correctional Programming," examines the surprising and important outcomes of a prison-based reentry program, offering some crucial lessons learned as we gain greater understanding about what works and what does not work in correctional interventions. "Hate Crime in America: The Debate Continues" discusses the state of hate-crime research and legislation, identifying areas for future research. In "Agroterrorism—Why We're Not Ready: A Look at the Role of Law Enforcement," we investigate what could happen if there was a terrorist attack on the Nation's food supply.

Whether we are seeking new tools to meet new challenges or discovering new approaches to old problems, NIJ always tries to focus on the big picture. As we work with our partners at the State and local levels, we are ever-mindful of history—history as revealed, for example, in our story on the 40th anniversary of the first-ever report to the Nation on crime. I hope you enjoy this issue of the *Journal* and find valuable discussions and ideas to help you serve your communities.



David W. Hagy  
Deputy Assistant Attorney General, Office of Justice Programs  
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### David W. Hagy

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# Habilitation or Harm: Project Greenlight and the Potential Consequences of Correctional Programming

by James A. Wilson, Ph.D.

## About the Author

Dr. Wilson is an assistant professor of sociology at Fordham University in New York.

Not long ago, I facilitated a discussion among policymakers, criminal justice professionals, and representatives from community organizations about the large number of incarcerated individuals, the recidivism rate after release, and the effect of both on resources, especially local jails.

As we discussed what we know about effective rehabilitative programming, one attendee could not contain his ire. He strongly asserted that the individuals in his jails had been in program after program after program until they had been programmed nearly to death, and it had not made a whit of difference.

I believe he took offense when I asked him what evidence he had that they actually were good programs and that they worked.

“We know they’re good programs—and they don’t work,” he responded.

His response is emblematic of the continuing nationwide debate on rehabilitation and correctional programs. The perceived failure of prison to deter criminal behavior—as evidenced by high recidivism rates and the substantial costs associated with an increasing number of ex-prisoners who unsuccessfully return to the community—has renewed interest in promising rehabilitative approaches. Nothing has fueled this renewed interest like the recent discussions on Project Greenlight.

Project Greenlight was a short-term, prison-based reentry demonstration program. It was jointly operated by the New York State Department of Correctional Services and the New York State Division of Parole and administered by program developers from the Vera Institute of Justice. Here, I offer a basic overview of the program and, most

importantly, discuss the somewhat controversial findings from an evaluation sponsored by the National Institute of Justice.<sup>1</sup>

## What Did Project Greenlight Offer?

Offenders tend to leave prison much as they enter: lacking practical and interpersonal skills and possessing few economic and social resources. They tend to encounter significant barriers, both formal and informal, when they return to the community.<sup>2</sup> In an effort to help offenders meet some of these challenges, Project Greenlight was designed as an intensive, prison-based reentry program to be delivered during the 8 weeks immediately preceding an inmate's release from prison.

The developers of the Project Greenlight program drew extensively from the literature on correctional interventions and from anecdotal evidence about the services that offenders need to succeed when they return home. The key elements of Project Greenlight were:

- **Cognitive-behavioral skills training.** The foundation of the Project Greenlight program was cognitive-behavioral skills training because the research indicates that this type of program shows the most consistent results in reducing offender recidivism.<sup>3</sup> Cognitive-behavioral programming is based on the theory that if offenders commit crime due to poor socialization, they can be resocialized toward more prosocial thinking and behavior.
- **Employment.** Project Greenlight employed a job counselor to work with program participants on how to write a résumé and improve their interview skills. If inmates were perceived to be job-ready, the counselor matched them with employment opportunities that might lead to stable work upon release.
- **Housing.** Because homeless shelters generally do not provide good living situations, the program worked with the New York City Department of Homeless Services to find short- and long-term housing for inmates who did not have a place to go upon release.
- **Drug education and awareness.** Participants were required to attend drug education or relapse prevention classes to help them deal with addictive behaviors.
- **Family counseling.** When a person returns home after a long absence, the adjustment can be difficult for the entire family. A counselor worked in the evenings with some Project Greenlight participants and their families to help them prepare for the inevitable strains that arise when an absent family member returns home.
- **Practical skills training.** Classes in practical skills offered guidance to Project Greenlight participants on a wide variety of tasks—some straightforward, such as how to use a subway card; some complex, such as how to open and manage a bank account, access emergency sources of food or cash, and regain voting rights. The program also helped participants obtain proper identification documents and Medicaid coverage before leaving prison.
- **Community-based networks.** Project Greenlight developed a network of community-based organizations to provide participants with social support after they were released.
- **Familiarity with parole.** Participants were introduced to parole officers and familiarized with the parole process to promote greater adherence to the conditions of parole.
- **Individualized release plan.** Project Greenlight staff worked one-on-one with participants to develop an individualized release plan. At its most basic level, this plan was akin to a “day planner,” reminding offenders what they planned to do upon release and when they would do it. The plan also attempted to provide a degree of structure to the participants’ postrelease activities, helping them add order to what was likely to be a very disorienting time. The release plan was given to the participants’ parole officers to make them aware of the goals and tasks established by parolees before their release.

## The Greenlight Study

In the Project Greenlight Study, 735 inmates were divided into three groups and followed for at least 1 year (some for 2 years) after release. The intervention group of 334 inmates received the Project Greenlight programming. One comparison group (referred to as the UPS group) comprised 113 inmates who were released directly from prisons in upstate New York without any pre-release services. The second comparison group comprised 278 inmates who participated in the transitional services program (TSP) already in existence at the facility (in the same prison as the Greenlight participants).

Project Greenlight was designed to emphasize specific services that would improve certain interim quality-of-life outcomes and, as a result, would affect subsequent criminal behavior. The developers believed, for example, that helping parolees (who would otherwise end up in a homeless shelter) find stable housing would reduce criminal behavior. The program also had a job counselor to help participants develop their interview skills and connect with potential employers, with the goal of better employment, gained more quickly, for a longer duration.

### Interim Quality-of-Life Outcomes

Data from evaluation surveys of participants and parole officers indicated:

- **Employment, family relationships, and use of homeless shelter.** There were no differences between the Project Greenlight group and the control groups.
- **Parole knowledge and adherence.** Although Project Greenlight participants demonstrated significantly more familiarity with parole conditions and were more positive about parole, there was no difference in adherence to parole conditions between the Project Greenlight group and the control groups.
- **Service referrals and contacts.** Project Greenlight participants received more service referrals and reported more contacts with community services after release.

## Recidivism Outcomes

Project Greenlight participants showed worse outcomes for every type of recidivism at 6 and 12 months after release. The chart on p. 5, “Percent of Participants Who Recidivated at 6 and 12 Months,” shows the percentage of each group that experienced any kind of arrest (misdemeanor or felony), felony arrest only, and parole revocation. It is especially noteworthy—because it is statistically significant—that the overall arrest rate for the Project Greenlight group was 10 percent higher than that for the TSP group at 12 months post-release (34 percent versus 24 percent). Also statistically significant is the 12 percent more parole revocations experienced by the Project Greenlight group than the UPS group at 12 months post-release (25 percent versus 13 percent).

Several findings of the evaluation were at odds with program expectations. Most notably, Project Greenlight participants’ postrelease outcomes were significantly worse than those of the TSP and UPS groups. The evaluation found that the Project Greenlight program had no effect on the interim outcomes that it was designed to address—including housing, employment, and parole—and that Project Greenlight participants fared significantly worse than the two control groups in rearrest and parole revocation rates at the 1-year mark. In addition, although Project Greenlight participants displayed greater knowledge of parole conditions, showed more positive attitudes toward parole, received more service referrals, and reported greater contact with service providers after release, none of these translated into better outcomes.

## Why Did Project Greenlight Participants Do Worse?

Project Greenlight had been viewed positively by many people: program developers and staff, participants, corrections officials, policymakers, and community advocates. Why, therefore, were the results so different from the perceptions? Why did the Project Greenlight intervention fail to reduce recidivism? Indeed, why did



### Percent of Participants Who Recidivated at 6 and 12 Months

Recidivism Outcome	Project Greenlight (344 inmates)	TSP (278 inmates)	UPS (113 inmates)
<b>All arrests</b>			
6 months	17.2	13.0	14.4
12 months	34.1*	24.2*	26.8
<b>Felony arrests</b>			
6 months	8.3	6.6	7.2
12 months	18.0	13.0	12.0
<b>Parole revocations</b>			
6 months	9.8	9.4	7.4
12 months	25.1*	21.0	13.2*

\* Difference in the indicated pairs (by row) is statistically significant at  $p < .05$ .

participants show substantially worse outcomes than both of the control groups?

Although selection bias is always a potential concern—did more crime-prone individuals end up in the Project Greenlight group than in the control groups?—the strength of the evaluation (both design and methodology) suggests that selection bias was not responsible for the negative outcomes. A more likely explanation is that something associated with the program or its implementation contributed to the negative findings. There are several potential explanations.<sup>4</sup>

Obviously, Project Greenlight's curricula had the potential to yield positive outcomes. It also had the potential to result in no difference among the three groups, but it is difficult to imagine that the program's practical-skills or cognitive-behavioral training, for example, were somehow inherently criminogenic. The same curricula have been used extensively elsewhere, under a variety of conditions with a diversity of populations, with positive outcomes. It is therefore highly unlikely that the program's content was responsible for the negative results.

It seems equally unlikely that referrals to community organizations, housing providers, and other community services would lead the Project Greenlight group to be rearrested at higher rates. In short, the program curricula seem relatively innocuous in their potential for creating negative outcomes.

There are reasons to suspect, however, that program implementation, including program design, might have resulted in the negative outcomes.

First, the standard cognitive-behavioral program that, in the past, has produced robust results in reducing offender recidivism was radically restructured in the Project Greenlight program. The recommended class size for cognitive-skills training is 10 to 13 participants; the Project Greenlight class size was 26. Given that many incarcerated people have limited interpersonal skills and education and are likely to be impulsive, a small class size is considered crucial in helping them maintain attention and helping instructors deliver material.

The cognitive-behavior model upon which Project Greenlight was based typically delivers services twice weekly for 4–6 months. The Project Greenlight program compressed the delivery of services, however, into daily classes for 8 weeks. These and other changes to the standard cognitive-behavior program model raise questions about how effective Project Greenlight could have been considering the deviations from what has long been considered the optimal program. In addition, participants in the Project Greenlight group were transferred from one prison to another—and were required to participate—suggesting the possibility that they could have been overwhelmed and perhaps even frustrated and angry about their participation.

The relatively short nature of the program might not have given participants enough time to get past any negative emotions and resistance generated by coerced participation.

Although the developers of Project Greenlight drew elements from the literature on correctional interventions, there were some key failures—most notably, ignoring the treatment principles that form the foundation of effective programming. There is general agreement that interventions should be directed toward high-risk participants and that assessing risk and needs should be a part of any intervention protocol. Project Greenlight staff found, however, that the assessment tool was too cumbersome and time-consuming to administer and therefore dropped it.

Another basic treatment principle is that interventions should target participants' specific needs. Project Greenlight was a broad-based intervention in which everyone in the group was exposed to the same program elements. Postrelease interviews indicated that some participants felt significant frustration and anger about being forced to attend drug education sessions when they had no history of substance use. It should also be noted that an emerging body of evidence suggests that the delivery of intensive services to low-risk individuals may be counterproductive.<sup>5</sup>

In addition to program design problems, Project Greenlight could have been poorly implemented. As a general proposition, implementation has clearly been identified as one of the most significant obstacles to an effective intervention.<sup>6</sup> The evaluation found a correlation between Project Greenlight participants who worked with specific case managers and the program's negative outcomes. Additionally, some participants in the Greenlight group were observed to be disengaged and appeared uninterested.

Project Greenlight attempted to create a comprehensive intervention by pulling together diverse program elements to address the multiple needs of participants. The program was clearly attractive to

policymakers and corrections officials because of its short duration and the large number of individuals who could receive the programming. Based on the evaluation, however, one can seriously question whether Project Greenlight was a "hodgepodge of unproven and unstandardized clinical interventions" all lumped together.<sup>7</sup> Although this may seem to be a harsh characterization, it might be an accurate portrayal of the program that was finally implemented.

## What Have We Learned?

I considered beginning this article, as many discussions of corrections do, with the standard description of the U.S. social experiment in mass incarceration: the consequences to our society, communities, and families of having more than 2 million people incarcerated and nearly 700,000 admitted to and released from prison every year. I hope, however, that the experience I described in the opening of this article demonstrates the frustration of many criminal justice professionals. We do not really know about many of the programs currently being used, and some real lessons can be learned from the negative outcomes of a program like Project Greenlight.

First, whenever an intervention is contemplated and implemented, there is always an implicit assumption that "good" is going to come of it. Human behavior is complex, however, and we are still trying to understand it in a variety of ways, from the biological to the sociological to the philosophical. Perhaps we should also hold the assumption that an intervention program might do harm. Clearly, the implementation of every program should have precisely stated outcomes and a way to assess those outcomes on a regular basis.

Second, the "what works" literature on correctional interventions discusses programming that is known to work. Often, these discussions focus on the programs themselves without exploring why they work. The treatment principles that underlie effective programming were often ignored in Project Greenlight. This opened the program developers to the critique that they created a "kitchen sink" program<sup>8</sup>—and one with negative outcomes at that.

Third, although Project Greenlight was labeled a reentry demonstration program, it had in fact no real reentry component. It was prison-based, with no structured followup in the community. Given what the reentry literature says about the need for postrelease services, it appears that an individualized release plan such as the one developed for Project Greenlight participants does not provide the necessary structured followup. Some States recognize the potential for structured postrelease assistance—for example, although still untested, Connecticut’s Building Bridges program allows parolees to work with a case manager for up to 1 year after release.<sup>9</sup>

Finally, it is crucial to recognize that if Project Greenlight had not been evaluated, the program would be regarded as an unqualified success, based solely on the positive perceptions of those involved. Despite all the promise and positive perceptions, the program resulted in more harm than good. Could there be a clearer example of why program evaluations are needed?

I can understand the frustration expressed by the professional I mentioned in the opening of this article. We might continue to talk about the positives of rehabilitation, but when practitioners and the public see the constant churning of individuals through the criminal justice system, they see a failed system based on programs that do not work. If we continue to place offenders in programs that are positively perceived but that remain untested, we might continue to produce outcomes similar to Project Greenlight. Without effective evaluations of our programs, we run the risk of programming offenders nearly to death—and it still will not make one whit of difference.

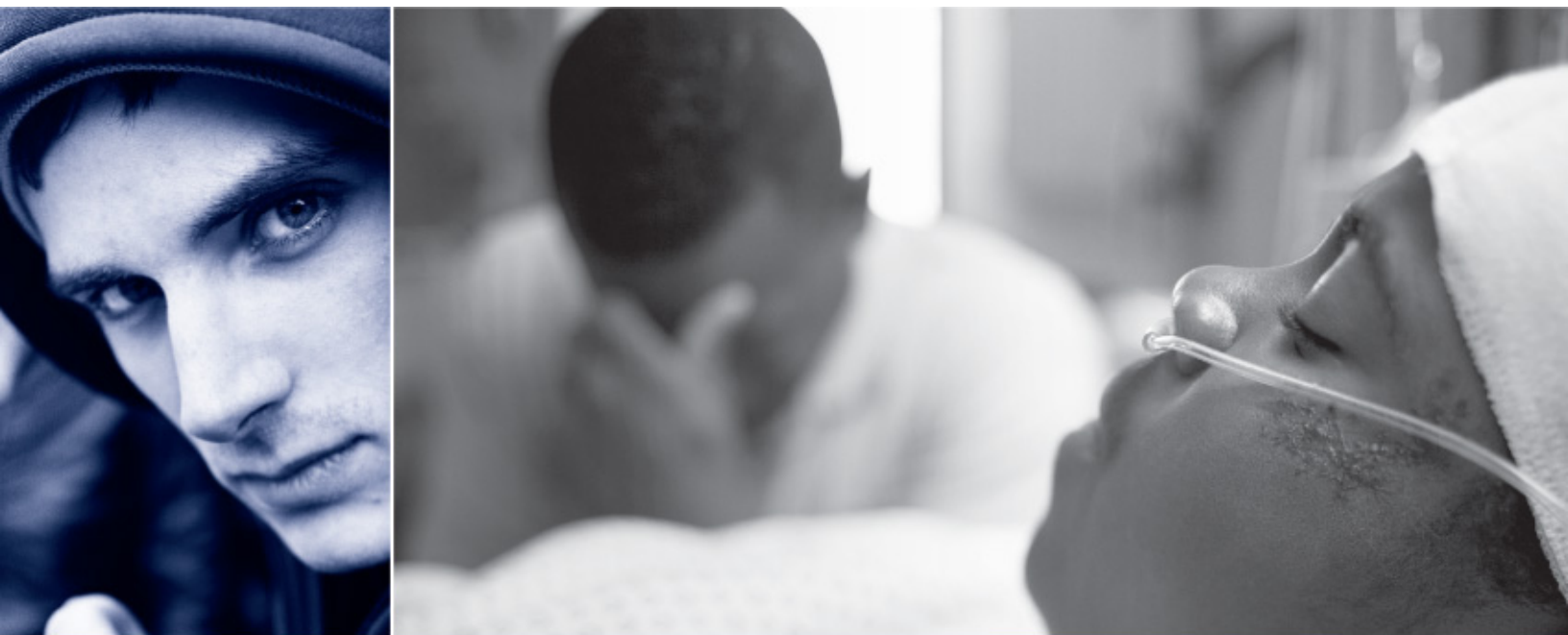
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### For More Information

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- Brown, B., R. Campbell, J.A. Wilson, Y. Cheryachukin, R.C. Davis, J. Dauphinee, R. Hope, K. Gehi, *Smoothing the Path From Prison to Home*, final report submitted to the National Institute of Justice, Washington, DC: 2006 (NCJ 213714), available at [www.ncjrs.gov/pdffiles1/nij/grants/213714.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/213714.pdf).

### Notes

1. The JEHT Foundation contributed the initial funding to begin the Project Greenlight evaluation. For more information on the JEHT Foundation, visit [www.jehtfoundation.org](http://www.jehtfoundation.org).
2. This literature has grown extensively. See Travis, J., A. Solomon, and M. Waul, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*, Washington, DC: Urban Institute, 2001, available at [www.urban.org/UploadedPDF/from\\_prison\\_to\\_home.pdf](http://www.urban.org/UploadedPDF/from_prison_to_home.pdf).
3. More information on cognitive-behavior research is included in Andrews, D.A., I. Zinger, R.D. Hoge, J. Bonta, P. Gendreau, and F.T. Cullen, “Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis,” *Criminology* 28 (1990): 369–404.
4. Frank Porporino, codeveloper of the Reasoning and Rehabilitation program—a multifaceted cognitive-behavior program used throughout Canada and the United States to teach juvenile and adult offenders cognitive skills and values—assisted me in clarifying some of my explanations of the negative findings.
5. Lowenkamp, C.T., and E.J. Latessa, “Increasing the Effectiveness of Correctional Programming Through the Risk Principle: Identifying Offenders for Residential Placement,” *Criminology and Public Policy* 4 (2) (2005): 263–290.
6. Rhine, E.E., T.L. Mawhorr, and E.C. Parks, “Implementation: The Bane of Effective Correctional Programs,” *Criminology and Public Policy* 5 (2) (2006): 347–358.
7. Marlowe, D.B., “When ‘What Works’ Never Did: Dodging the ‘Scarlet M’ in Correctional Rehabilitation,” *Criminology and Public Policy* 5 (2) (2006): 342.
8. *Ibid.*
9. For an overview, see the Council of State Governments Web site at [www.csgeast.org/pdfs/justicereinvest/BuildingBridges.pdf](http://www.csgeast.org/pdfs/justicereinvest/BuildingBridges.pdf) or [www.csgeast.org/pdfs/justicereinvest/BuildingBridgesReportUpdate.pdf](http://www.csgeast.org/pdfs/justicereinvest/BuildingBridgesReportUpdate.pdf).



# Hate Crime in America: The Debate Continues

by Michael Shively, Ph.D., and Carrie F. Mulford, Ph.D.

## About the Authors

Dr. Shively is an associate in the Center for Crime and Drug Policy at Abt Associates Inc. Dr. Mulford is a social science analyst at the National Institute of Justice.

In December 2000, in Brooklyn, New York, Mohammad Awad punched Chaim Spear while yelling obscenities and anti-Semitic remarks.<sup>1</sup> In nearby Queens, Nicholas Minucci, a Caucasian, fractured the skull of African American Glenn Moore with a baseball bat and robbed him in June 2005. Witnesses testified that Minucci used a racial slur before and during the attack.<sup>2</sup> In October 1998, near Laramie, Wyoming, Russell Henderson and Aaron McKinney robbed, beat, and tied Matthew Shepard, a gay man, to a fence. Five days after the attack, Shepard died from his injuries.<sup>3</sup> In Houston, Texas, David Tuck attacked and sexually assaulted a Hispanic teenager in April 2006. Tuck shouted “white power” and racial slurs during the attack.<sup>4</sup>

Awad and Minucci were each convicted of a hate crime. Wyoming, where Shepard was murdered, does not have a hate-crime

statute. Houston authorities did not charge Tuck with a hate crime because the charges against him already carried a life sentence.<sup>5</sup>

In many cases, hate may be seen or perceived by the victims, their families, witnesses, and even law enforcement to be the motivation for a crime, but perpetrators may not be charged with a hate crime for a variety of reasons—many of the same reasons that the debate on hate-crime laws continues in this country.

Legislators, law enforcement officials, prosecutors—and the American public—continue to grapple with fundamental questions in the hate-crime debate:

- How do we define—and identify—hate crime?
- How prevalent are these types of crime?
- How do we prosecute, punish, and, ultimately, prevent hate crime?
- How do we meet the needs of hate-crime victims?

In a study funded by the National Institute of Justice, Michael Shively, Ph.D., of Abt Associates Inc., conducted a comprehensive analysis of the literature and statutes on hate crime to determine how Federal and State legislation and programs are wrestling with these issues.<sup>6</sup>

## Scope of the Problem

Accurate estimates of the prevalence of hate crime remain elusive. National hate-crime data come from two primary sources: the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Program and the Bureau of Justice Statistics (BJS) National Crime Victimization Survey (NCVS). Unfortunately, the types of data collected by these agencies differ, which creates difficulties in accurately assessing the prevalence of hate crime.

In a study of law enforcement agencies, the FBI found that 7,163 hate-crime incidents, affecting 8,795 victims, were reported in 2005 to police departments that participated in the study.<sup>7</sup> Estimating incidents involving elements of hate crime during an earlier time period—July 2000 through December 2003—BJS coupled results from victim interviews with additional factors such as offender use of derogatory language or hate symbols to estimate an annual average of 191,000 incidents, affecting 210,000 victims.<sup>8</sup>

The disparity in these two estimates stems, in part, from an important difference in the data collected: the FBI counts only crimes that are reported to the police. For the NCVS, BJS collects information from victims, who are asked if they think hate played a role in the crime. The potential for overreporting and underreporting incidents involving elements of hate crime must also be considered. For instance, only 44 percent of the alleged incidents in the NCVS database were reported to the police,<sup>9</sup> so underreporting may account for at least some of the disparity in these estimates of the prevalence of hate crime in this country. One study indicates that people may be reluctant to report for fear of police insensitivity and abuse.<sup>10</sup>

### States With Laws for Protected Groups

Protected Group	No. of States
Ethnicity	45
Race	45
Religion	45
Gender	31
Disability	30
Sexual orientation	27
Age	14
Political affiliation	7

All of this suggests that despite progress in methods of data collection, the current data may not be sufficient to gauge the true scope of the problem.

## Laws and Legislation

The Federal Government and all but one State (Wyoming) have specific hate-crime laws. The laws vary significantly from State to State, however, and there is no standard legal definition of hate crime. For example, although nearly all States specify race, religion, or ethnicity as characteristics of protected groups, other characteristics are not always included. (See above chart, “States With Laws for Protected Groups.”)

Hate-crime laws may define:

1. Groups that are protected (e.g., religion, race or ethnicity, gender, disability, and sexual orientation).
2. A range of predicate or underlying crimes (e.g., assault).
3. A requirement that hate or bias motivated the offense.
4. Penalty enhancements.
5. Provisions for civil remedies.
6. Requirements for data collection.
7. Training requirements for law enforcement personnel.

Although most States allow broad categories of predicate or underlying offenses to be charged as a hate crime

### WHERE DID THE TERM 'HATE CRIME' COME FROM?

The term “hate crime” was coined in the 1980’s by journalists and policy advocates who were attempting to describe a series of incidents directed at African Americans, Asians, and Jews. The Federal Bureau of Investigation defines hate crime—also called bias crime—as “a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.”

(such as assault, vandalism, and a wide variety of misdemeanors and felonies) and provide for penalty enhancements, only about half the States have enacted statutes that require data collection and offer victims a specific recourse for recovering damages. Statutory provisions addressing the training of law enforcement personnel to deal with hate crime exist in only 12 States. On the Federal level, a 1994 law mandates longer sentences for hate crime committed under Federal jurisdiction. These differences in laws from State to State—and on the Federal level—make it difficult to ensure consistency in the prosecution of hate crime.

One of the most significant issues in the debate is the lack of national consensus that hate crime should be considered a separate class of crime. In addition, even supporters of hate-crime legislation disagree about how the statutes should be written. Other major questions in the debate include:

- Should hate or bias motivation be considered when the underlying offense, such as assault or vandalism, is already covered by criminal law?
- Do hate-crime laws punish thoughts rather than actions?
- What are the ramifications of basing additional penalties upon the thoughts that motivate offenders rather than on the behavior itself?
- Is it possible to determine with legally acceptable certainty the motive behind a person’s criminal acts?
- Do hate-crime laws result in more severe punishments for crimes against certain groups of people than for equivalent crimes committed against other groups?

- Are hate-crime victims more traumatized than other victims of the same underlying offense because they feel personally targeted?
- Does hate crime increase fear in the community beyond what might exist for similar crimes that are not motivated by hate?

Some States have struck down hate-crime statutes as too broad or vague. Most of the highest State courts that have heard challenges on First Amendment grounds to the penalty enhancement provision of hate-crime laws have upheld bias as a rationale for harsher punishments. The U.S. Supreme Court upheld the Wisconsin hate-crime penalty enhancement, ruling that it did not suppress free speech because the statute is motivated by the State’s desire to redress a greater societal harm that is inflicted by bias-inspired conduct, not by an attempt to suppress thoughts.<sup>11</sup>

### Other Responses to Hate Crime

Many jurisdictions have established hate-crime units in their police departments, and some regional task forces are devoted to investigating hate crime. Some States have increased law enforcement training on hate crime and implemented school- and community-based prevention programs. California and Massachusetts are notable for including these and other strategies in their efforts to combat hate crime.

Nonprofit organizations have also directed resources to prevention programs, services to victims, and civil lawsuits filed on behalf of victims against hate-crime perpetrators.

Although these initiatives have generated anti-hate-crime “best practices,” based on experience and backed by expert opinion, they have not been rigorously evaluated to determine if they are successful in increasing arrest and prosecution, preventing hate crime, or supporting victims.

## Current Research on Hate Crime

Information about the characteristics of hate-crime offenses is based primarily on NCVS victim reports and on police reports filed through the National Incident-Based Reporting System. Both indicate that bias regarding race is the most common motivation behind a hate crime. African Americans, for example, are targeted twice as often as Caucasians, according to these databases. “Victim Reports of Hate-Crime Motivations,” the chart on this page, lists the “motivations” behind hate crimes as reported by victims who participated in a 2000–2003 NCVS survey.

A large body of research exists on prejudice and bias, but it does not explain why prejudice prompts people to commit a hate crime.<sup>12</sup> Only a few studies have attempted to examine the characteristics of hate-crime offenders, and these have not been definitive. A North Carolina study found that perpetrators of hate crime were more likely than other citizens to express bigoted attitudes,<sup>13</sup> but this conclusion comes as no surprise. The North Carolina researchers were unable to statistically distinguish hate-crime perpetrators from other citizens based solely on attitudes, thus suggesting that there are factors beyond attitude that cause individuals to commit hate crime. To date, there simply has not been sufficient research to identify the characteristics that distinguish perpetrators of hate crimes from people with bigoted attitudes who do not engage in such acts.

Another way of analyzing criminal behavior is through offender typologies or categories.<sup>14</sup> The most widely discussed and accepted

### Victim Reports of Hate-Crime Motivations

Motivation	Percent of Incidents
Race	55.4
Association*	30.7
Ethnicity	28.7
Sexual orientation	18.0
Perceived characteristic	13.7
Religion	12.9
Disability	11.2

Source: Harlow, C.W., *Hate Crime Reported by Victims and Police* (2005) p.3, available at [www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf).

Note: Percentages in this exhibit add up to more than 100 percent because some respondents indicated more than one motivation.

\* Association with people who have certain characteristics, for example, a multiracial couple.

of these was formulated by Jack McDevitt, Jack Levin, and Susan Bennett.<sup>15</sup> Based on a study of 169 cases in Boston, these researchers identified four major categories of hate-crime motivation:

- **Thrill-seeking.** Offenders who are motivated by a desire for excitement (66 percent).
- **Defensive.** Offenders who commit hate crime to protect their turf or resources in a situation that they consider threatening (25 percent).
- **Retaliatory.** Offenders acting to avenge a perceived insult or assault (8 percent).
- **Mission.** Offenders who are so strongly committed to bigotry that hate becomes their career (less than 1 percent).

No attempt has been made to validate or replicate these typologies even though they are widely used in training law enforcement officers to identify and investigate hate crime. Another study investigated self-reported antigay aggression in the San Francisco Bay area and identified four categories of offenders similar to those proposed by McDevitt.<sup>16</sup> That study corroborates, but does not scientifically validate, McDevitt’s typologies.

## Suggestions for the Future

The Abt Associates report identifies the need for more research in the following areas:

- A method for more accurately estimating the prevalence of hate crime.
- An evaluation of the impact of hate-crime legislation on deterrence, punishment, enforcement, training, and reporting.
- The motivations behind hate crime and the development of empirically based offender typologies.
- How membership in or affiliation with hate groups (or exposure to their literature) affects the commission of crime.
- The effect of hate crime on victims and communities.
- An evaluation of programs designed to prevent and respond to hate crime and to assist hate-crime victims.

The American Society of Criminology has supported these recommendations.

The Abt Associates report also recommends the development of a Federal central repository of hate-crime information to help resolve inconsistencies in how hate crime is defined and how data are collected and analyzed. The report maintains that such a repository could disseminate research findings and information on programs, and thereby lead to a better use of resources in preventing and developing responses to hate crime.

NCJ 218259

### For More Information

This article is based on:

- Shively, M., *Study of Literature and Legislation on Hate Crime in America*, final report submitted to the National Institute of Justice, Washington, DC: June 2005 (NCJ 210300), available at [www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf).
- *Hate Crime Statistics 2005*, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, October 2006, available at [www.fbi.gov/ucr/hc2005/index.html](http://www.fbi.gov/ucr/hc2005/index.html).

- Harlow, C.W., *Hate Crime Reported by Victims and Police*, Special Report, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, November 2005 (NCJ 209911): 1, available at [www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf).

Other resources include:

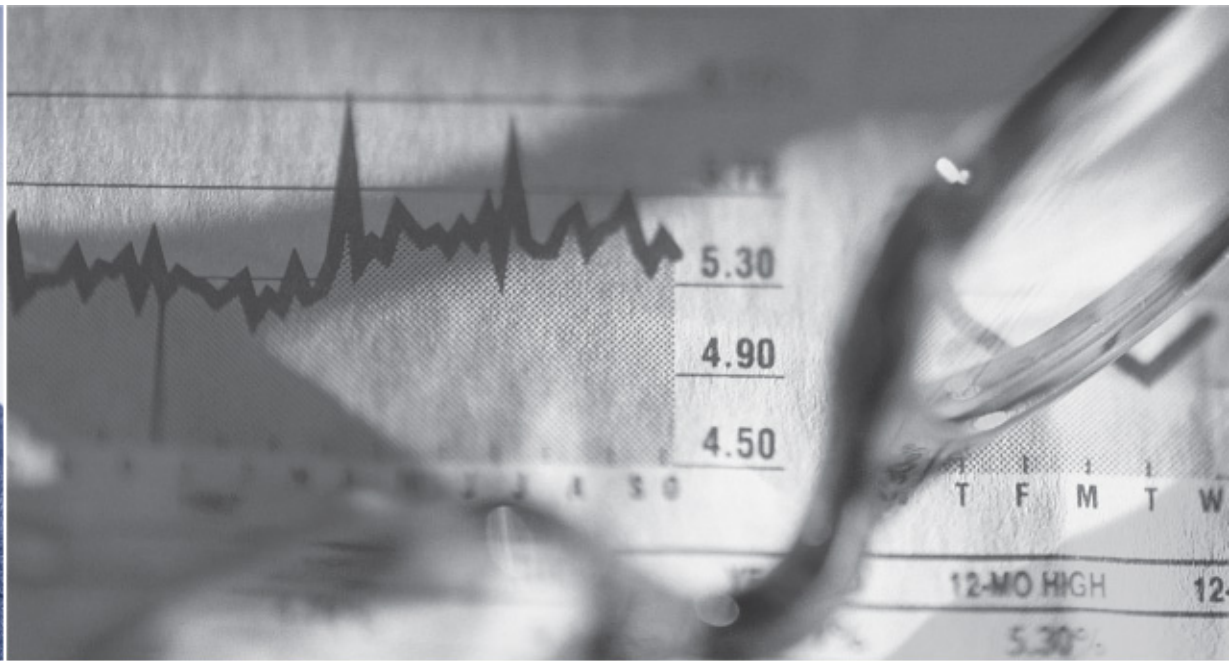
- Bureau of Justice Assistance, *Addressing Hate Crimes: Six Initiatives That Are Enhancing the Efforts of Criminal Justice Practitioners*, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, 2000.
- Federal Bureau of Investigation, *Crime in the United States 2004: Hate Crime*, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, 2005.
- D.C. Bias Crimes Task Force, *Prevention of Bias/Hate Crimes Starts With You!* Washington, DC: U.S. Attorney's Office for the District of Columbia, available at [www.usdoj.gov/usao/dc/Partnerships/Files/HateCrimes.pdf](http://www.usdoj.gov/usao/dc/Partnerships/Files/HateCrimes.pdf).

## Notes

1. Awad pled guilty to assault as a hate crime. He received 5 years' probation and was required to attend an anger-management course. Bahrapour, T., "Metro Briefing—New York: Brooklyn: Hate-Crimes Prosecution," *New York Times* [online], June 27, 2001 (accessed January 31, 2007).
2. A Queens, New York jury convicted Minucci of second-degree assault as a hate crime. He was sentenced to 15 years in prison. "Fat Nick Gets 15 Years for Bat Attack," *New York Daily News*, July 17, 2006, available at [www.nydailynews.com/front/story/435818p-367135c.html](http://www.nydailynews.com/front/story/435818p-367135c.html) (accessed February 2, 2007).
3. Henderson pled guilty to felony murder and kidnapping. A Laramie jury found McKinney guilty of two counts of felony murder. Both are serving two consecutive life sentences without the possibility of parole. Cart, J. "Killer of Gay Student Is Spared Death Penalty; Courts: Matthew Shepard's Father Says Life in Prison Shows 'Mercy to Someone Who Refused to Show Any Mercy,'" *Los Angeles Times*, November 5, 1999.



4. A district court in Houston sentenced Tuck to life in prison for aggravated sexual assault. Anti-Defamation League, "Texas White Supremacist Receives Life Sentence," December 1, 2006, available at [www.adl.org/learn/extremism\\_in\\_the\\_news/White\\_Supremacy/racistskinhead\\_texas\\_1106.ht](http://www.adl.org/learn/extremism_in_the_news/White_Supremacy/racistskinhead_texas_1106.ht) (accessed February 2, 2007).
5. Ibid.
6. Shively, M., *Study of Literature and Legislation on Hate Crime in America*, final report to the National Institute of Justice, Washington, DC: June 2005 (NCJ 210300), available at [www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf).
7. *Hate Crime Statistics 2005*, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, October 2006, available at [www.fbi.gov/ucr/hc2005/index.html](http://www.fbi.gov/ucr/hc2005/index.html).
8. The NCVS contained interviews of 243 hate-crime victims. BJS then used a statistical method to estimate that this figure represents an annual, nationwide average of approximately 210,000 hate-crime victims. Harlow, C.W., *Hate Crime Reported by Victims and Police*, Special Report, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, November 2005 (NCJ 209911): 1, available at [www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf).
9. Ibid.
10. Nolan, J.J., and Y. Akiyama, "The Hate Crime Statistics Act of 1990: Developing a Method for Measuring the Occurrence of Hate Violence," *American Behavioral Scientist* 46 (2002): 136–153.
11. *Wisconsin v. Mitchell*, 508 U.S. 476 (1993).
12. Green, D.P., L.H. McFalls, and J.K. Smith, "Hate Crime: An Emergent Research Agenda," *Annual Review of Sociology* 27 (2001): 279–504.
13. Green, D.P., R.P. Abelson, and M. Garnett, "The Distinctive Political Views of Hate-Crime Perpetrators and White Supremacists," in *Cultural Divides: Understanding and Overcoming Group Conflict*, ed. D.A. Prentice, and D.T. Miller, New York: Russell Sage Foundation, 1999: 429–464.
14. Although a typology is not a formal theory, it provides a useful way of organizing observations.
15. McDevitt, J., J. Levin, and S. Bennett, "Hate Crime Offenders: An Expanded Typology," *Journal of Social Issues* 58 (2002): 303–317. The researchers analyzed 169 cases handled by the Community Disorders Unit of the Boston Police Department in 1991–1992.
16. Franklin, K., "Antigay Behaviors Among Young Adults: Prevalence, Patterns, and Motivations in a Noncriminal Population," *Journal of Interpersonal Violence* 15 (2000): 4, 339–362.



## Al Blumstein: 40 Years of Contributions to Criminal Justice

*edited by Nancy Ritter*

**H**e brings reason and practicality to scientific discussions—and an ability to examine evidence that is the envy of prosecutors.”

This is how a former director of the National Institute of Justice described Alfred Blumstein, Ph.D. From crime trends to sentencing guidelines, the impact of Blumstein’s work is evident in the criminal justice policies and practices of 21st century America. His research has covered a stunning range of criminal justice phenomena and policy: crime measurement, criminal careers, sentencing, deterrence and incapacitation, prison populations, demographic trends, juvenile violence, and drug-enforcement policy. Put simply, few in the Nation possess Blumstein’s understanding of the links between violence, public health, and criminology. In the mid-1960’s, Blumstein was asked to lead a task force on science and technology for a presidential commission

that produced *The Challenge of Crime in a Free Society*, a 1967 report that shaped criminal justice agendas in this country for years. Now, on the 40th anniversary of that landmark report, Blumstein is receiving the 2007 Stockholm Prize in Criminology, given for significant contributions to criminological research or practices that combat crime and promote human rights. He shares this award with Terri E. Moffitt, Ph.D., currently at the University of London, whose social, psychological, and biological studies of crime and human development have had international impact.

Blumstein has been instrumental to our understanding of violence as both a criminological and a public health concern. His epidemiological research, for example, demonstrated how the growth of illegal drug markets and the prevalence of illegal weapons among youth influenced violent crime in the 1980’s and 1990’s. Here are a few highlights of his work:

- **Carnegie Mellon University.** For more than 35 years, he has been the J. Erik Jonsson University Professor of Urban Systems and Operations Research and the director of the National Consortium on Violence Research at Carnegie Mellon's H. John Heinz III School of Public Policy and Management. He was dean of the Heinz School from 1986 to 1993.
- **President's Commission on Law Enforcement and Administration of Justice.** He led the Commission's Task Force on Science and Technology, working with some of the best criminal justice minds in the country. Out of the Commission's work came *The Challenge of Crime in a Free Society*. (See related story, "The 40th Anniversary of the Crime Report," p. 20.)
- **National Consortium on Violence Research (NCOVR).** Under Blumstein's leadership, NCOVR created a unique framework for research on violence. He pulled together a remarkable group of scholars and policymakers to serve on NCOVR's advisory committee.
- **Awards and honors.** A page of Blumstein's résumé could be devoted to leadership positions he has held and awards and honors he has received. Here are three: the American Society of Criminology's Sutherland Award (1987), the President's Award from the Operations Research Society of America (1993), and the Wolfgang Award for Distinguished Achievement in Criminology (1998).
- **Body of written work.** Blumstein has coauthored and edited many notable works, including *The Crime Drop in America* (2006); *Exploring Recent Trends in U.S. Homicide Rates* (1998); and *Youth Violence, Guns, and the Illicit-Drug Industry* (1995). He is regularly published in journals, such as *Law and Society Review*, *Journal of Criminal Law and Criminology*, *Journal of Criminal Justice*, and *Criminology*.

This is just a glimpse of Blumstein's résumé. Behind it, of course, are the lives he has touched. Countless people have been affected by Blumstein's work on

youth violence, for example. Then there are the hundreds of students, coworkers, policymakers, researchers, and in-the-trenches law enforcement professionals who call him advisor and friend. To offer *Journal* readers a flavor of the man behind the accomplishments, we asked a few of these people, "How has Al Blumstein enriched or influenced your life?" Here are their responses.

Al's international recognition for contributions to research on criminal justice comes as no surprise to those of us who have benefited from his insights over his long and productive career. During my service as governor of Pennsylvania, Al served as chairman of the Commission on Crime and Delinquency. His wisdom on sensitive issues involving police, courts, and corrections contributed greatly to a safer Pennsylvania. Al was always inquisitive, respectful of the views of others, but true to his core beliefs in equal justice under the law—a true champion of the value of solid research in the development of sound policy.

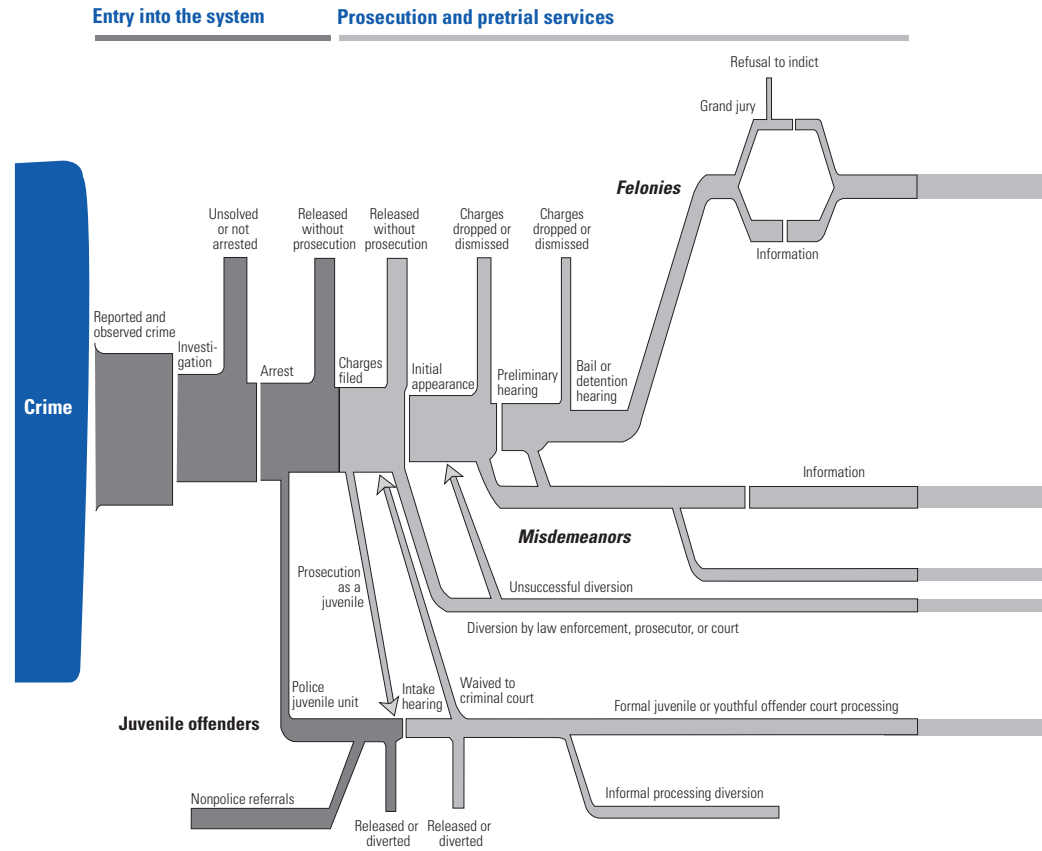
*Dick Thornburgh  
Former U.S. Attorney General  
Former Governor of Pennsylvania  
Attorney, K&L Gates LLP*

I first met Al within weeks of my arrival at graduate school in 1974. I poked my head into his office and asked, "How much can age explain the crime rise during the 1960's?" His response was not a bunch of intimidating queries about whether I had read this or that paper or considered how hard a question this was or, even worse, how badly I framed the research question. Instead, he said, "Don't know. Why don't we work on it?" That's how my career in crime began. It typifies Al's enthusiasm for plowing ahead, unafraid, with youthful optimism and enthusiasm.

*Daniel S. Nagin  
Professor, Carnegie Mellon University*

### SYSTEMS ANALYSIS FLOWCHART

As director of the Science and Technology Task Force (part of the President's Commission on Law Enforcement and Administration of Justice), Al Blumstein was instrumental in creating a "systems analysis" portrayal of criminal justice in



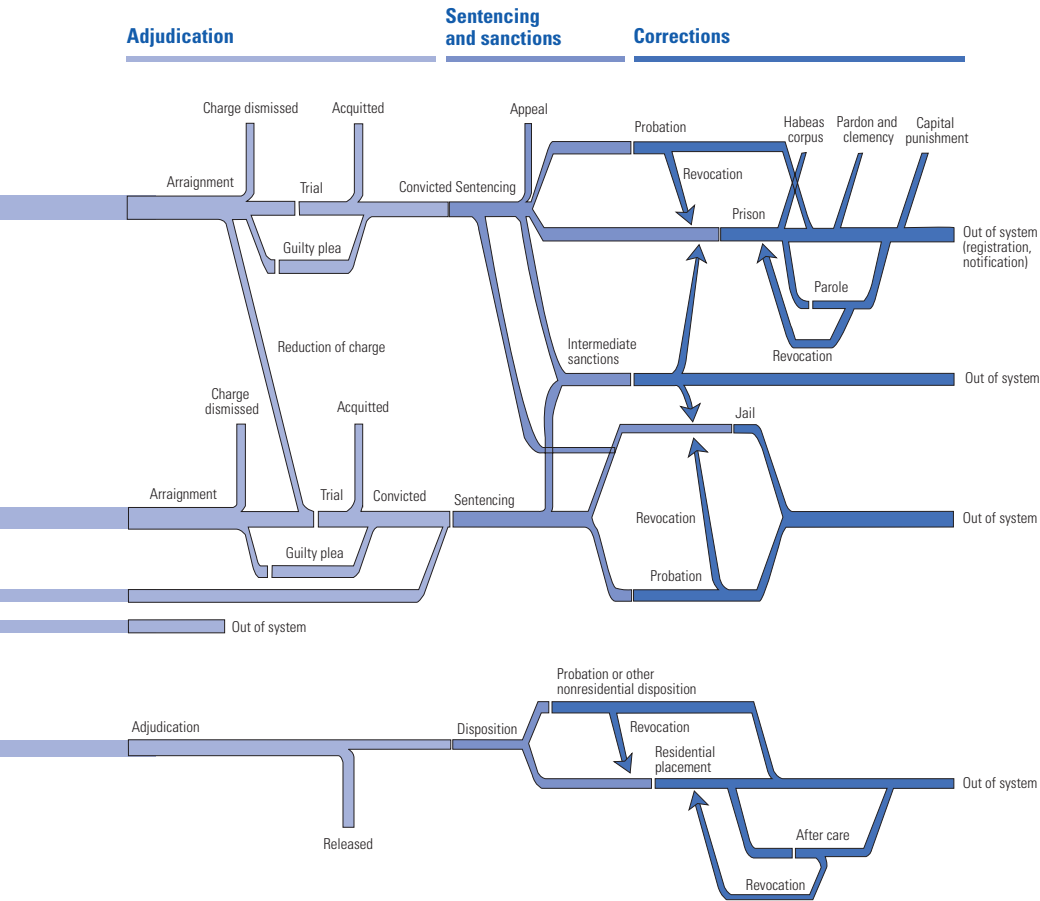
Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

In 1966, Al brought 'systems analysis' to the President's Commission on Law Enforcement and Administration of Justice. For better or worse, he is the person most responsible for the widespread use of the term 'system of justice.' I remember telling him the data that were needed to put numbers to his justice system flowchart simply did not exist. Not to be deterred, Al and his staff produced a chart *without* numbers that has been so useful as a teaching tool that it has been printed in every major criminology text since 1970. He is one of our country's most influential and productive criminologists.

Roland Chilton  
Professor, University of Massachusetts

He's 5'9" yet the NIJ staff referred to Blumstein, the dean of criminologists, as 'Big Al.' When he grudgingly welcomed me to the NIJ directorship, he said it was a strange irony, indeed, when the Nation's most important crime research portfolio is handed over to a police officer without a Ph.D. or a long list of juried publications. Big Al's sarcastic welcome was tongue-in-cheek—he has an engineering background and is not a traditional social scientist by education or training. That was 25 years ago. Al continues to challenge policymakers and researchers to be more serious about understanding the causes and correlates of crime in America. With a magic marker

the United States. In 1997, the Bureau of Justice Statistics published the flow-chart shown here, which is an updated version of the one that first appeared in the Commission's 1967 report, *The Challenge of Crime in a Free Society*. To download or order a copy of this chart, visit [www.ojp.usdoj.gov/bjs/justsys.htm](http://www.ojp.usdoj.gov/bjs/justsys.htm).



and an overhead projector, Al can be very persuasive in using data analysis to demonstrate how misinformed, wrong, and dangerous the conventional wisdom about crime rates can be.

*James K. (Chips) Stewart  
Former Director, NIJ  
Senior Fellow, CNA Corporation*

Today, a mathematician helping police to solve crime—like in the hit TV series *Numb3rs*—seems ordinary. But in 1966, finding a scientist within the criminal justice system was rare. By some stroke

of luck, Al Blumstein, a Ph.D. in operations research, was chosen to be the director of the first national-level criminal justice Science and Technology Task Force. Al's systemic view of the interactions between the courts, police, and corrections has proven to be a seminal and lasting contribution. This came about not by theoretical musing in the office, but by Al's scientific philosophy: learning and assimilating everything he could of the system . . . short of getting arrested, prosecuted, and tried.

*Saul I. Gass  
Professor, University of Maryland*

Serving simultaneously as the U.S. Attorney for Western Pennsylvania and in national posts for the U.S. Department of Justice has required me to travel frequently between Pittsburgh and Washington, DC. An unexpected joy in this aerial commute has been the opportunity for ongoing, onboard collaborative discussions with Al Blumstein, who also travels frequently between the two cities. Just as a window seat affords a view of the big picture that can never be gleaned from ground level, Al's leading-edge scholarship has lifted criminology issues to the perspective of public policy solutions.

*Mary Beth Buchanan  
U.S. Attorney for Western Pennsylvania  
Acting Director,  
Office on Violence Against Women,  
U.S. Department of Justice*

In 1966, Al hired me as the youngest fulltime member of the Science and Technology Task Force of the President's Commission on Law Enforcement and Administration of Justice. I was 23 years old and had just completed my first year in graduate school at MIT. In other words, I was wet behind the ears—with virtually no professional experience in applying operations research to crime. Al was my mentor. He showed me how to think, how to structure problems, even how to write. He encouraged me to continue this as a doctoral research topic—I did, and it changed my career. His encouragement, patience and support were remarkable, given all the other responsibilities he had at the time.

*Richard C. Larson  
Director, Center for Engineering Systems  
Fundamentals,  
Massachusetts Institute of Technology*

At the Centers for Disease Control and Prevention (CDC), we looked to Al as a member of the Research Agenda Steering Committee for the CDC Injury Center, a group that has helped define priorities for CDC research on public health and violence prevention since 1999. I also recall—with much gratefulness—Al's wise counsel during the preparation of the Surgeon General's report on youth violence in 2001. I asked for his help in identifying a scientist of sufficient stature (Al was too busy to take the job himself) to serve as editor of this report, which had a tremendous impact on U.S. public health research and program polices on youth violence.

*W. Rodney Hammond  
Director, Division of Violence Prevention,  
National Center for Injury Prevention  
and Control,  
Centers for Disease Control and  
Prevention*

When Al asked me to join the National Consortium on Violence Research (NCOVR) Advisory Board, I did not realize how important a role NCOVR would play in this country's criminal justice system. Al has a knack of sitting at a table—sleeves rolled up and scratching at his left elbow—while imparting pearls of wisdom and challenging everyone present to think a little broader and deeper about the problem. He has made me a better judge by challenging me to think dispassionately about very serious issues within the criminal justice system. Without Al, neither Carnegie Mellon University nor NCOVR would have attained the high level of respect that is now taken for granted.

*Justin M. Johnson  
Judge, Pennsylvania Superior Court*

## OFFICE FOR VICTIMS OF CRIME

## International Terrorism

Victim Expense Reimbursement Program  
(ITVERP)

As part of its mission to enhance the Nation's capacity to assist crime victims and to provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims, the Office for Victims of Crime (OVC), part of the U.S. Department of Justice's Office of Justice Programs, has implemented the International Terrorism Victim Expense Reimbursement Program (ITVERP).\*

**Eligible Reimbursement Expenses**

If eligible, victims of international terrorism may be reimbursed for expenses directly associated with that victimization. These include:

- Medical, including dental and rehabilitation costs (up to \$50,000)
- Mental health care (up to \$5,000)
- Property loss, repair, and replacement (up to \$10,000)
- Funeral and burial costs (up to \$25,000)
- Miscellaneous expenses, such as temporary lodging, local transportation, telephone costs, and emergency travel (up to \$15,000)

**Eligibility**

- U.S. Nationals
- U.S. Government Officers or Employees

The law requires that the victim must have suffered "direct physical or emotional injury or death as a result of an act of international terrorism occurring abroad on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing or was commenced after April 21, 1996." In the case of a victim who is a minor, incompetent, incapacitated, or killed, a family member or

legally designated representative of the victim may receive expense reimbursement on behalf of the victim. Claimants may include:

- Spouse of victim
- Parents of victim
- Children of victim
- Siblings of victim
- Legally designated victim representative

**Costs Not Covered**

- Attorneys' fees and legal expenses
- Pain and suffering
- Loss of enjoyment of life or of consortium

**Deadlines**

The deadline for making a claim is 3 years from the date of the act of international terrorism. For claims related to acts of international terrorism that occurred after December 21, 1988, but before the establishment of ITVERP, the deadline is 3 years from the effective date of the program regulations (October 6, 2006). At the discretion of the OVC Director, this may be extended to a date not more than 3 years from a determination that there is a reasonable indication that an act of international terrorism occurred.

OVC works with international, Federal, tribal, State, local, and military victim assistance and criminal justice agencies and other professional organizations to promote fundamental rights and comprehensive services for crime victims.

Office for Victims of Crime  
ITVERP Resource Center

810 Seventh Street, N.W.

Washington, DC 20531

1-800-363-0441

[www.ovc.gov](http://www.ovc.gov)

\*ITVERP was authorized by Congress to reimburse eligible direct victims of acts of international terrorism that occur outside the United States for expenses associated with the victimization.



# The 40th Anniversary of the Crime Report

by Thomas E. Feucht, Ph.D., and Edwin Zedlewski, Ph.D.

## About the Authors

Dr. Feucht is the deputy director for research and evaluation and Dr. Zedlewski is the associate deputy director for research and evaluation at the National Institute of Justice.

**Editor's Note:** *More than four decades ago, the President of the United States established the Commission on Law Enforcement and Administration of Justice to examine public safety in the United States. An overarching question guided its work: What should be the role of the Federal Government in fighting crime and enhancing public safety? That question remains as important today as it was then. The Commission's answers form the history, character, and mission of today's National Institute of Justice and its sister bureaus in the Office of Justice Programs.<sup>1</sup> On the 40th anniversary of the Commission's seminal report, *The Challenge of Crime in a Free Society*,<sup>2</sup> the Journal asked two of the National Institute of Justice's (NIJ) most senior researchers to commemorate the leadership and vision of the President's Crime Commission and to celebrate the accomplishments of NIJ's State and local criminal justice and research partners.*

The 1960's were a tumultuous decade. The United States faced increasing social unrest at home, as it fought a war overseas. Lyndon Johnson, who had risen to office following the assassination of John F. Kennedy, was confronted with significant challenges as he began his 1964 presidential campaign. Johnson brought to his campaign—and ultimately to his presidency—a vision of America that would help meet those challenges. Believing that the Nation could become a “Great Society,”<sup>3</sup> he outlined his commitment to fight poverty, improve education, and end racial inequality.

The President's ambitious agenda envisioned that the Federal Government would address a broad spectrum of social problems. For all its breadth, however, Johnson's plan paid little attention to the issue of crime. His failure to include any new significant Federal role in fighting crime was not surprising. Early in the 1964 campaign, Johnson had declared that crime was a local problem and that the



Federal Government did not have the power—nor should it have—to deal with it.

His opponent, Barry Goldwater, raised the issue repeatedly during the campaign. Goldwater decried the Nation's crime problem and challenged what he characterized as Johnson's disregard for public safety.

Although Johnson was elected in a landslide, his position on the issue of crime would soon recognize that crime really was a national problem, and the Federal Government needed to provide new leadership to combat it.

### 'The Blueprints to Banish Crime'

As interest in the debate grew, it became clear that the Nation lacked even the most basic information about crime and crime trends. It was nearly impossible to say just how bad crime really was because there were no reliable, comparable data on crime across jurisdictions.<sup>4</sup> A lack of operational data on the police, courts, and other justice agencies made it impossible to measure what was being done to fight crime.

Soon after his inauguration, Johnson acknowledged the need for a Federal response to crime and public safety. In a March 1965 address to Congress—the first by a president on the issue of crime—Johnson called for legislation to create an Office of Law Enforcement Assistance.<sup>5</sup> He also established the President's Commission on Law Enforcement and Administration of Justice, charging the members to draw up "the blueprints that we need . . . to banish crime."<sup>6</sup>

The task—breathhtaking in scope—reflected not only the "can do" attitude of Johnson's Great Society, but also a growing confidence in the ability of science and technology to solve problems. The Nation was already improving public health, harnessing atomic energy, and putting a man on the moon. Why not unleash that same creative power to eliminate crime?

With Attorney General Nicholas Katzenbach at the helm, the 19-member Commission

## THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE

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Richardson White, Jr.

greeted the assignment with enthusiasm and energy. It created task forces and committees around major crime issues, such as juvenile delinquency, policing, courts, corrections, organized crime, and drugs. It collected data and analyzed statistics on an unprecedented scale. It created the first crime victimization survey, the first composite picture of State correctional populations, and the first conceptualization—

in the form of a schematic diagram—of the criminal justice system *process*. (See related story, “Al Blumstein: 40 Years of Contributions to Criminal Justice,” p. 14.) Never before had anyone examined police, prosecution, defense, the courts, and corrections in a single frame of reference.

Only 18 months after receiving Johnson’s mandate, the Commission issued its report, *The Challenge of Crime in a Free Society*.

## The Past Informs the Future

The Commission was extraordinarily prescient about technology. Its recommendations included separate radio bands for police communication, automated fingerprint systems, and investments in computing and information systems—this, at the very advent of the computer age.

The overarching need for research was also acknowledged: “The Commission has found and discussed throughout this report many needs of law enforcement and the administration of criminal justice. But what it has found to be the greatest need is the need to know.”<sup>7</sup>

One of the Commission’s recommendations was that Congress create a new office in the Justice Department devoted to assisting State and local law enforcement departments. The Law Enforcement Assistance Administration, and within it the National Institute of Law Enforcement and Criminal Justice—known today as the Office of Justice Programs and the National Institute of Justice, respectively—continue to deliver Federal support to what remains a locally determined and managed justice system. These agencies demonstrate the unique Federal role in fighting crime—not by usurping the rights or responsibilities of local jurisdictions, but by leveraging the power of the Federal Government to add value to the efforts of local criminal justice and law enforcement agencies across the Nation.

The President’s Crime Commission thrust “ordinary street crime” irreversibly into policy discussions and provided the framework for the Federal Government to take new responsibility for fighting crime and enhancing public safety in neighborhoods and communities across the country. No one was under the illusion that crime could easily be banished. In fact, when Johnson accepted the *Challenge of Crime* report in 1967, he cautioned that the war on crime would take generations to wage. Nevertheless, the Commission, with its diligent analysis and farsighted recommendations, laid the groundwork for a coherent national policy to combat crime that has stood the test of time.

Happy 40th, Commissioners.

NCJ 218261

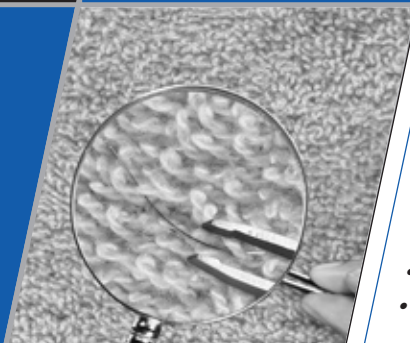
## Notes

1. Since 1984, the Office of Justice Programs (OJP) has provided Federal leadership in developing the Nation’s capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims. OJP’s bureaus and offices are the National Institute of Justice, the Office of the Assistant Attorney General, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Community Capacity Development Office, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.
2. *The Challenge of Crime in a Free Society*, which was accompanied by nine task force reports, was 308 pages long and contained 202 recommendations to control crime and improve criminal justice in America. In addition to chapters dealing with the major crime issues, the report discussed such issues as the role of science and technology, crime research, and the problem of drunkenness, and outlined a national strategy for action on individual, local, State, and Federal levels. The President’s Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, DC: Government Printing Office, February 1967, available at [www.ncjrs.gov/pdffiles1/nij/42.pdf](http://www.ncjrs.gov/pdffiles1/nij/42.pdf).

3. Lyndon B. Johnson first discussed his goals for the Great Society in a speech at the University of Michigan in Ann Arbor on May 22, 1964 (*Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1963–64*, Volume I, entry 357, pp. 704–707, Washington, DC: Government Printing Office, 1965, available at [www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/640522.asp](http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/640522.asp)). Once elected, he initiated a set of domestic programs that focused on a variety of issues, including education, health care, civil rights, and poverty.
4. The Uniform Crime Reports, or UCR, had been collected since 1930, first by the International Association of the Chiefs of Police, then later by the U.S. Department of Justice, through the Federal Bureau of Investigation. The UCR provided the only national crime trend data at the time of the Crime Commission. Even into the 1990's, the UCR data contained gaps in jurisdictions reporting, missing data, and likely errors in reporting.
5. This became the Law Enforcement Assistance Act, which led to the establishment of the Law Enforcement Assistance Administration, the forerunner of the Office of Justice Programs, the U.S. Department of Justice agency within which the National Institute of Justice resides.
6. Woolley, J., and G. Peters, *The American Presidency Project*, Santa Barbara, CA: University of California (hosted), Gerhard Peters (database), available at [www.presidency.ucsb.edu/ws/?pid=27242](http://www.presidency.ucsb.edu/ws/?pid=27242).
7. *The Challenge of Crime in a Free Society*, 273.

# TRACE EVIDENCE SYMPOSIUM

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NIJ and the FBI Laboratory Division invite all who investigate and solve crime—trace evidence examiners, prosecutors, defense attorneys, violent crime investigators—to the Trace Evidence Symposium. Participants will attend educational workshops, listen to plenary sessions and case presentations, and learn more about the field.

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## Study Reveals Unique Issues Faced by Deaf Victims of Sexual Assault

by Lauren R. Taylor with Nicole Gaskin-Laniyan, Ph.D.

### About the Authors

Ms. Taylor is a freelance writer. Dr. Gaskin-Laniyan is a social science analyst at the National Institute of Justice.

Sexual assault victims who are deaf face unique issues not encountered by the hearing, according to a recent study funded by the National Institute of Justice.<sup>1</sup> Researcher Jennifer Obinna and colleagues at the Minneapolis Council on Crime and Justice interviewed 51 deaf citizens, 15 service providers (both deaf and hearing), and 10 police officers in their investigation of the impact of sexual assault on members of the deaf community.<sup>2</sup> In their final report on the project, the researchers offered recommendations for improving the relationship between law enforcement and the deaf community.

“Deaf people face specific barriers,” said Obinna, the lead researcher on the project. “It’s important to distinguish their experiences as sexual assault victims from other sexual assault victims.”

Obinna noted, for example, that when deaf people report sexual assault, they encounter stereotypes about being a sexual assault victim *and* being deaf. Rape victims often have feelings of guilt and embarrassment because of the social stigma frequently attached to rape. These feelings can be compounded due to the small and generally close-knit nature of the deaf community, which, said the researchers, can contribute to a hesitancy to report a sexual assault. The closeness of the deaf community can compromise a victim’s anonymity and erode privacy. In addition, the researchers found, many deaf victims of sexual assault perceive a lack of support within the deaf community, particularly if the perpetrator is also deaf. Consequently, deaf victims can experience a profound sense of isolation.

The researchers found that another impediment to deaf victims seeking help is a lack of awareness about deafness and deaf culture among hearing people. Many view deafness from a medical perspective,

focusing on hearing deficits rather than viewing deaf people as members of a linguistic and cultural community. In fact, the researchers found that many of the deaf women interviewed do not view themselves as disabled, but rather as having a culture and way of communicating not recognized by the dominant hearing culture.

## Recognizing Deaf Culture

“Part of being in the deaf community is deaf culture,” Obinna says. “We can’t always make assumptions about how a particular culture experiences violence. Even though the experience and many of the reactions are similar, there are cultural differences that service providers and law enforcement must pay attention to. Making decisions about who to tell—or even whether to tell—is all filtered through a cultural lens.”

Many hearing people do not know how to initiate a conversation with a deaf person, which can make encounters awkward and frustrating and can contribute to a hesitancy among deaf sexual assault victims to reach out for help. Also, interpretations between American Sign Language (ASL) and English are inherently imperfect. Finally, the researchers point out that victims may have different communication styles: some lip-read and write; others are more comfortable with ASL; still others may have minimal language skills, which requires communication to be more visual or tactile.

Many deaf victims may be reluctant to reach out to agencies that serve sexual assault victims because most of the providers are hearing and do not have systems for effectively communicating with deaf people. For example, deaf sexual assault victims cannot count on service agencies having access to a TTY (teletypewriter), much less a staff member who knows how to operate it. Even if a social service or law enforcement agency has an interpreter, deaf victims, like hearing victims, may be reluctant to divulge intimate details to yet another stranger.

Some deaf victims of sexual assault also believe they cannot rely on interpreters to accurately represent their words and experiences. Service agencies that do not have

*The closeness of the deaf community can compromise a victim’s anonymity and erode privacy. Many deaf victims of sexual assault perceive a lack of support within the deaf community, particularly if the perpetrator is also deaf. Consequently, deaf victims can experience a profound sense of isolation.*

qualified interpreters on site often use the victim’s family or friends to assist in interviews, which can further inhibit a sexual assault victim’s candor.

## Improving Police Response

Victims who were interviewed in the Minneapolis study had varied opinions on how helpful police could be after a sexual assault. Although most said they regarded law enforcement as a resource, few had actually called the police after they were victimized. Many related frustrating experiences when dealing with the police department, including 911 call-takers who could not operate a TTY machine and police officers who mislabeled a deaf person as drunk or mentally ill or who misread body language as aggressive when a deaf person was simply moving closer to lip-read.

Service providers and deaf community members agreed that law enforcement must improve its methods for communicating with the deaf community, whether they are victims, witnesses, or suspects. They also suggested that police officers need training, interpreters, and more clearly defined agency policies. For example, although this research project revealed that the Minneapolis Police Department has policies for locating an interpreter, its officers know very little about how to identify if a person is deaf or how to communicate with him or her in the field.

Despite these challenges, the researchers regard the Minneapolis Police Department as a model for other jurisdictions when it

## USING THE 'PAR' METHOD

Jennifer Obinna and her colleagues at Minneapolis' Council on Crime and Justice used the Participatory Action Research (PAR) method to recruit deaf participants into the study. Using PAR, the hearing-dominated team of researchers collaborated with deaf people to connect with deaf community members. The researchers reported great success in using the PAR model, attributing the success to several factors, including the participation of an advisory group with a diverse membership of law enforcement officials, hospital workers, and deaf and hearing service providers. Using the PAR model, they also recruited and trained deaf interviewers and a hearing interpreter and used a videotaped consent form and scenario-based interviews.

comes to serving the deaf community. The researchers cited the department's "Crime Prevention and Safety for People Who Are Deaf" program as fostering communication between law enforcement and deaf citizens. This community policing program is based on the premise that the deaf community is not identified by geography, but by a distinct language and culture. The program covers a variety of crime and safety issues for the deaf community and for families, churches, businesses, nonprofit organizations, and State and local agencies, including a 10-week course on ASL for police officers.

## Additional Recommendations

The researchers offer other suggestions for improving the relationship between law enforcement and the deaf community, including:

- Revising police report forms to include a category to track interactions with members of the deaf community.
- Developing the capability for querying databases to identify cases involving deaf people.
- Putting TTY links on police department outreach materials and Web sites.
- Training dispatchers on TTY protocols and etiquette.

Although more research is needed to help policymakers and service providers meet the needs of deaf people—the researchers note, for example, that sexual abuse at residential deaf schools must be addressed—the findings of this study should lead to a greater understanding of how law enforcement and other service providers can better address the needs of deaf people who have been sexually assaulted. Understanding deaf victims' perspectives on sexual assault, their help-seeking patterns, and the gaps in services is vital to improving the community response to sexual violence.

NCJ 218262

## Notes

1. Obinna, J., S. Krueger, C. Osterbaan, J.M. Sadusky, and W. DeVore, *Understanding the Needs of the Victims of Sexual Assault in the Deaf Community*, final report submitted to the National Institute of Justice, Washington, DC: February 2006 (NCJ 212867), available at [www.ncjrs.gov/pdffiles1/nij/grants/212867.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/212867.pdf).
2. *Editor's Note*: Within the deaf population in this country, there is a community that strongly identifies itself from a cultural—as opposed to a medical—perspective; this community uses a capital "D" when referring to the Deaf community. Nevertheless, in an effort to minimize any sense of exclusion among deaf citizens who do not identify as part of the Deaf community, this article uses "deaf" to embrace all deaf people.

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- **The Forensics Lab.** Participate in interactive presentations led by national experts, ranging from the basics of forensics to DNA analysis to evidence collection and preservation.
- **The Courtroom.** Learn how to prepare for court appearances, testify as an expert witness, and interact with prosecuting and defense attorneys.

Funded by the Office on Violence Against Women and the National Institute of Justice and produced by Dartmouth Medical School's Interactive Media Laboratory, the training will be based on the U.S. Attorney General's National Protocol for Sexual Assault Medical Forensic Examinations.

Stay tuned to [www.safeta.org](http://www.safeta.org) for updates on the availability of the training.



## LAPD Chief Bratton Speaks Out: What's Wrong With Criminal Justice Research—and How to Make It Right

*edited by Nancy Ritter*

**Editor's Note:** *Bill Bratton has never been one to mince words. He has managed six police agencies in the United States, including three of the Nation's largest. Chief Bratton currently runs the Los Angeles Police Department. Before that, he was commissioner of the Boston Police Department, and from 1994–1996, commissioner of the New York City Police Department. The National Institute of Justice invited Chief Bratton to speak at its annual conference last year. He discussed the sometimes rocky relationship between criminal justice practitioners and criminal justice researchers. Here are excerpts from those remarks.*

For most of the last half of the 20th century, the relationship between police practitioners and researchers was, at best, one of agreeing to disagree on the causes of crime and the best ways to respond to and prevent crime. At worst, we talked past each other and didn't connect at all.

I'm a proponent of more intimate partnerships and collaboration between practitioners and academics. I'm convinced that these partnerships are particularly important as we enter the new paradigm of the 21st century, where intelligence-led policing and the uncertainties of under-researched issues like terrorism and cybercrime begin to confront us.

\* \* \*

I understand research for research sake and believe that it has its place; but in order to be useful to the practitioner, researchers need to understand practitioners' needs and should consider the potential impact of their study on the audience. Otherwise, we might just end up having academics writing to impress each other with no long-term lasting effect on what is actually happening in the field. Practitioners and researchers often think in different time frames. The police



executive has to deliver results in a much more immediate time span and is constantly in need of even more timely and accurate information upon which to make allocation decisions. Researchers oftentimes cannot meet these needs. The sometimes enormous lag between research being conducted and its eventual application is frustrating to those charged with delivering fairly immediate results where lives are quite literally at stake. Knowing what happened 2 years ago—let alone 5 or 10—is often of no value and is not included in the decisionmaking processes of practitioners.

\* \* \*

I can remember during my time in New York City that once we had a plan, we did everything everywhere all at once because with 38,000 cops—for the first time in my career—I could do that. According to the experts, this type of approach did not allow for valid experiments or a perfect research setting. Well, I'm sorry, but I'm sure that the thousands of people whose lives were saved are grateful that we didn't wait to experiment here and there. This difference in mindset contributes to what I believe is part of the divide between some researchers and some practitioners.

## Bratton on Crime

For most of the time between the 1960's and the 1990's, many of our most influential politicians, researchers, the media, and even some well-intentioned police leaders sought to limit the role of the police to 'first responders' rather than that of 'first preventers.' We were also told that the causes of crime were economic and social and that we could have no impact on these so-called causes. Rather, we were encouraged to focus on response to crime and to measure our success by arrest numbers, clearance rates, and response time . . . Focusing on the response tended to hold police officers less accountable. Fortunately, there were some researchers and police leaders, like me, who—because of our experience in the neighborhoods of our cities—embraced a different approach. We understood quite

*'The sometimes enormous lag between research being conducted and its eventual application is frustrating to those charged with delivering fairly immediate results where lives are quite literally at stake.'*

simply that the so-called causes were, in most environments, strong influences and not causes.

\* \* \*

I believe strongly that the single most important cause of crime is human behavior, not social, economic, demographic, or ethnographic factors. All of those factors may act as influences on crime, in some instances significant influences, but the real cause is behavior. The one thing I have learned—and now strongly advocate—is that the police, properly resourced and directed, can control behavior to such a degree that we can change behavior. My experiences in Boston and in New York and now in Los Angeles has borne this out. I have seen nothing in the way of hard evidence to dissuade me from this simple truth.

\* \* \*

Many social scientists are wedded to what I believe to be the failed and never proven idea that crime is caused by the structural features of a capitalist-based democratic society—especially demographics, economic imbalance, racism, and poverty. They assume that true crime reduction can come only as the result of economic reform, redistribution of wealth, and elimination of poverty and racism—all worthwhile goals. Indeed, they speak of crime as a sort of disease that criminals are at risk of catching, through no culpability of their own, and for which the police have no responsibility or ability to prevent. I hold that these proponents are very much removed from the reality of the practitioners' experiences and cannot possibly see what we see, up close

*‘We need theories that are understood and embraced by law enforcement leaders like me, who can take the thoughts and theories of criminal justice researchers and validate or refine them in the petri dish of our departments and cities.’*

and personal, every day. We, the police, helped create a huge and positive impact in the 1990’s. We began to achieve historic crime reduction and improved quality of life. Our new focus remains primarily on measures of effectiveness, not just activity and response.

**Bratton on the Role of Police**

Quite simply, cops count. We are one of the most essential initiators and catalysts in the criminal justice equation. Crime may go up or down to some degree when influenced by many of the old so-called causes—which I prefer to describe as influences—but the quickest way to impact crime is with a well-led, managed, and appropriately resourced police force that embraces risk taking and not risk adversity, and a policing structure that includes accountability-focused COMPSTAT management principles, “broken windows” quality-of-life initiatives, and problem-oriented community policing that is transparent and accessible to the public, the profession, the media, and the research community.

**A Challenge to Researchers**

I challenge criminal justice researchers to aggressively respond to increasingly conflicting theories and arguments—and to an almost mean-spiritedness of some criminologists, academics, and sociologists who diminish, or dismiss outright, the contributions and effectiveness of our police officers and practitioners. Some seek to assert—with what to me and my fellow practitioners sometimes appear to

be specious data, faulty assumptions, or ivory tower perspectives—that the police play little or no role in the prevention of crime. I’m sorry. We do.

\* \* \*

We need more ideas and more research into what works, especially on how the police can make a difference—our role, our impact. So much of what has been done seems intent on disproving that we count. I also want to encourage researchers to be introspective and to think about their audience. Much of the social science research that I encounter appears to be written by academics for academics. It does not appear to be grounded in and validated by solid field experience. So, as a result, it is not viewed as credible by many police leaders. Some of it appears to me and to other cops as coming from a decidedly anti-police biased perspective . . . Absent clear-cut results or at least research that is intelligible and useful to the field and to practitioners like me, researchers risk being shut out, cut off, and ultimately reduced to the point of irrelevance.

\* \* \*

I’m asking that more researchers begin to work with us and among us in the real-world laboratories of our departments and cities to help us prove or disprove the beliefs and practices that I, as a practitioner, and most of my colleagues deeply believe, espouse, and practice. Researchers don’t need to look at us and analyze us like a far-away galaxy through a telescope. We are right here and more researchers need to work among us rather than just observing and commenting about us in language that is seen as disparaging or dismissive. We don’t need theories that appeal to—and are understood fully by—a limited few among them. We need theories that are understood and embraced by law enforcement leaders like me, who can take the thoughts and theories of criminal justice researchers and validate or refine them in the petri dish of our departments and cities.

## Publications of Interest From NIJ

### Digital Evidence in the Courtroom: A Guide for Law Enforcement and Prosecutors January 2007

Law enforcement may discover critical evidence on a suspect's computer, such as e-mails, browser history, and financial or personal information related to a crime. This *Special Report* offers guidelines on how to properly collect and handle digital evidence, and explains how this evidence should be prepared and presented to a jury. It also applies these techniques in a "real world" example of a child pornography case. This publication is available at [www.ncjrs.gov/pdffiles1/nij/211314.pdf](http://www.ncjrs.gov/pdffiles1/nij/211314.pdf).

### Asian Transnational Organized Crime and Its Impact on the United States January 2007

This *Special Report* discusses a study that preliminarily assessed the impact of Asian transnational organized crime on the United States and U.S. interests. The study also determined high-priority areas for further research and identified potential research partners and additional sources of information in Asia. This publication is available at [www.ncjrs.gov/pdffiles1/nij/214186.pdf](http://www.ncjrs.gov/pdffiles1/nij/214186.pdf).

### Investigations Involving the Internet and Computer Networks January 2007

Criminals use the Internet for many reasons, including trading or sharing information (e.g., documents, photographs), concealing their identity, and gathering information on victims. This *Special Report* is a resource guide for investigators of high-technology crimes. It covers cases involving the Internet, e-mail, instant messaging services, chat rooms, file sharing networks, bulletin and message boards, and the legal issues associated with collecting evidence. This publication is available at [www.ncjrs.gov/pdffiles1/nij/210798.pdf](http://www.ncjrs.gov/pdffiles1/nij/210798.pdf).

### NIJ 2005 Annual Report December 2006

In today's world, offenders are more technologically savvy, and the law enforcement community must have access to the

latest information and tools. The relationships among Federal, State, and local law enforcement, and between researchers and practitioners, also play a key role in combating and preventing crime. NIJ's *2005 Annual Report* discusses its recent contributions—in forensics, policing and corrections, victimization, and international crime—centering on these two principles. This publication is available at [www.ncjrs.gov/pdffiles1/nij/213267.pdf](http://www.ncjrs.gov/pdffiles1/nij/213267.pdf).

### Agroterrorism—Why We're Not Ready: A Look at the Role of Law Enforcement December 2006

Currently, law enforcement, especially agencies in rural areas, is financially and strategically unprepared to respond to an agroterrorism attack. This *Research for Policy* considers what would happen if the American cattle industry were exposed to foot-and-mouth disease, an event that would require slaughtering millions of animals and could cost the United States up to \$60 billion. The publication outlines why law enforcement is not ready for such an attack and offers guidance on prevention and preparation. This publication is available at [www.ncjrs.gov/pdffiles1/nij/214752.pdf](http://www.ncjrs.gov/pdffiles1/nij/214752.pdf).





# Factories Behind Fences: Do Prison ‘Real Work’ Programs Work?

*By Marilyn C. Moses and Cindy J. Smith, Ph.D.*

## About the Authors

Ms. Moses is a social science analyst at the National Institute of Justice. Dr. Smith is the chief of NIJ’s International Center.

When someone is in prison, does having a real job with real pay yield benefits when he or she is released? Findings from an evaluation funded by the National Institute of Justice (NIJ) suggest that this might be the case.

Offenders who worked for private companies while imprisoned obtained employment more quickly, maintained employment longer, and had lower recidivism rates than those who worked in traditional correctional industries or were involved in “other-than-work” (OTW) activities.

“Factories behind fences” is not a new idea. Traditional industries (TI)—in which offenders are supervised by corrections staff and work for a modest sum—have been a mainstay of corrections for more than 150 years. Examples of traditional industries include the manufacture of signs, furniture,

and garments, as well as the stereotypical license plates. By obtaining work experience in these industries, inmates acquire the skills they need to secure gainful employment upon release and avoid recidivism.

Another program—the Prison Industry Enhancement Certification Program (PIECP)—allows inmates to work for a private employer in a “free world” occupation and earn the prevailing wage. Created by Congress in 1979, PIECP encourages State and local correctional agencies to form partnerships with private companies to give inmates real work opportunities.<sup>1</sup> Over the years, PIECP operations have included the manufacture of aluminum screens and windows for Solar Industries, Inc.; circuit boards for Joint Venture Electronics; street sweeper brushes for United Rotary Brush Corporation; corrugated boxes for PRIDE Box; gloves for Hawkeye Glove Manufacturing, Inc.; and the manufacture and refurbishment of Shelby Cobra automobiles for Shelby American Management Co. Other PIECP operations include alfalfa

production for Five Dot Land and Cattle Company; papaya packing for Tropical Hawaiian Products; potato processing for Floyd Wilcox & Sons; and boat-building for Misty Harbor.

PIECP seeks to:

- Generate products and services that enable prisoners to make a contribution to society, offset the cost of incarceration, support family members, and compensate crime victims.
- Reduce prison idleness, increase inmate job skills, and improve the prospects for prisoners' successful transition to the community upon release.

More than 70,000 inmates—an average of 2,500 per year—have participated in PIECP since the program's inception. By the end of 2005, 6,555 offenders were employed in the program. Although this number reflects a 285 percent increase in PIECP positions in the past decade, it represents only a small fraction of the total number of inmates in our Nation's State prisons and local jails.

## Does the Program Work?

In a sense, PIECP can be thought of as a grand experiment. After 28 years, the obvious question is: Does it work?

To find out, NIJ teamed with the U.S. Department of Justice's Bureau of Justice Assistance to fund the first national evaluation of PIECP. Researchers at the University of Baltimore compared a group of post-release inmates who worked in PIECP with inmates from two other groups—those who worked in TI and those involved in OTW activities, including idleness.<sup>2</sup> Cindy J. Smith, Ph.D., one of the authors of this article, was part of that research team. Then at the University of Baltimore, Smith and her colleagues considered two questions:

- Does PIECP participation increase post-release employment more than work in TI and OTW programs?
- Does PIECP participation reduce recidivism more than work in TI or OTW programs?

## A WORD OF CAUTION: SELECTION BIAS

Although the results of the Prison Industry Enhancement Certification Program (PIECP) study are positive—showing better outcomes for participants in the PIECP group compared to the traditional industries (TI) and the other-than-work (OTW) groups—they do not definitively show that the better outcomes were due to PIECP itself. This is because the participants in the three groups were not randomly assigned to the groups, a process that ensures that the differences in results are due to the program, rather than to preexisting differences among the participants.

How then were participants in this study assigned to the different groups? First, prisoners volunteered to participate in a work program. They were then interviewed by prospective employers in both the TI program and PIECP. Therefore, inmates who worked in either the TI program or PIECP were “self-selected” and may have had different motivations and backgrounds than the OTW inmates, the third group studied, which may have led to better outcomes. This concern, known as selection bias, can be definitively ruled out only by random assignment to groups that are going to be compared. In this study, selection bias seems a larger concern when comparing the volunteers (that is, PIECP and TI participants) to the non-volunteers (the OTW group) than in comparing the results of the two employment (PIECP and TI) groups.

The researchers in this study attempted to ensure that the groups were comparable by matching inmates in the three groups using a number of factors, including demographics and time served. Nevertheless, this matching may not have completely eliminated the selection bias. Therefore, the results should be interpreted with caution.

Although the findings are not conclusive, they are positive. (See sidebar, “A Word of Caution: Selection Bias.”) Researchers found that, after they were released, PIECP participants found jobs more quickly and held them longer than did their counterparts in the TI and OTW groups. Approximately 55 percent of PIECP workers obtained employment within the first quarter after release. Only 40 percent of their counterparts found employment within that time.

Nearly 49 percent of PIECP participants were employed continuously for more than 1 year, whereas 40.4 percent of the offenders in TI and 38.5 percent of the offenders in OTW programs were continuously employed for that length of time.

**Length of Continuous Employment Postrelease**

Length of Employment	Percent of PIECP Group	Percent of Traditional Industries Group	Percent of Other-Than-Work Group
1 year+	48.6	40.4	38.5
3 years+	13.7	10.3	10.3

Three years out, PIECP participants performed better than releasees from the TI or OTW groups. Almost 14 percent of PIECP releasees were employed for 3 continuous years, but only 10.3 percent of the other offenders maintained constant employment for that same period of time. (See chart above, “Length of Continuous Employment Postrelease.”)

Examining wages earned by the participants after they were released, the researchers found that the PIECP group earned more than the TI and OTW groups. Of all the releasees, however, 55 percent did not earn wages equal to a full-time job at the Federal minimum wage. Because the data available to the researchers reported total earnings only and not the number of hours worked, it was impossible to determine whether this was because the releasees were: (1) working part-time, (2) working intermittently, or (3) earning less than the Federal minimum wage.

**Recidivism**

The researchers measured recidivism rates for all three groups using the traditional yardsticks: new arrest, conviction, and incarceration.<sup>3</sup> The results showed that PIECP releasees had lower rates of rearrest, conviction, and incarceration than offenders who were in the TI or the OTW groups.

At the end of the first year postrelease, 82 percent of PIECP participants were arrest free. The average amount of time from release to first arrest for PIECP participants was approximately 993 days (slightly less than 3 years). At 1 year postrelease, offenders in the TI and OTW groups remained arrest free at approximately the same rate (77 percent and 76 percent, respectively) as PIECP participants. By

3 years out, however, the arrest-free rates for all three groups declined to 60 percent for the PIECP participants and 52 percent for offenders in the TI and OTW programs.

Looking at conviction and reincarceration rates, the researchers found that 77 percent of PIECP participants were conviction free during the followup periods, compared to 73 percent of the OTW group. Ninety-three percent of PIECP participants remained incarceration free during the followup periods, compared to 89 percent of the OTW participants.

**Inmate PIECP Wages**

Wages earned by PIECP participants in prison benefit taxpayers in addition to helping the inmates themselves. Although the program requires a percentage of PIECP wages to be saved to assist the inmate when he is released, the remaining wages make their way back into the national economy, either directly or indirectly. A significant portion of the wages earned by prisoners in the program, for example, goes directly to the State to cover the cost of prisoner room and board. PIECP wages also provide child support and alimony to family members, as well as restitution to crime victims. (See chart on p. 35, “Distribution of PIECP Wages.”)

**An Underutilized Rehabilitation Option?**

The research suggests that PIECP has been successful. Inmate PIECP wages benefit inmates, taxpayers, victims, families, and States. PIECP participants also acquire postrelease jobs more quickly, retain these jobs longer, and return to the criminal justice system less frequently and at a lower rate than inmates who worked in traditional

**Distribution of PIECP Wages**

**INDIRECT TAXPAYER BENEFITS**

Net Pay\*  
\$205,714,532

Inmate mandatory savings†  
\$14,401,263

**DIRECT TAXPAYER BENEFITS**

Taxes paid (Federal, State, local)  
\$48,213,823

Federal victims fund  
\$34,233,344

Room & board  
(reimbursed to the State)  
\$101,043,422

Family support (child support,  
alimony, and other restitution)  
\$22,223,943

Source: Data compiled (under OJP/BJA grant number 2006-DD-BX-K010) by Sahra Nadiir, program coordinator of the National Correctional Industries Association's PIECP, based on information submitted to the Bureau of Justice Assistance by PIECP certificate holders.

\* An inmate's net pay covers his living expenses, such as food and toiletries, and some health care costs, such as co-pays and prescription drugs. Typically, the money to pay for such expenses would come from taxpayers.

† Under PIECP, 10 percent of a PIECP participant's wages is set aside for the inmate's use upon release.

industries or engaged in other-than-work activities. These findings suggest that PIECP is an underutilized rehabilitation option and that additional efforts to increase the number of PIECP jobs could have an important impact on the Nation's prison and jail populations.

NCJ 218264

**For More Information**

- Smith, C.J., J. Bechtel, A. Patrick, R.R. Smith, and L. Wilson-Gentry, *Correctional Industries Preparing Inmates for Re-entry: Recidivism and Post-release Employment*, final report submitted to the National Institute of Justice, Washington, DC: June 2006 (NCJ 214608), available at [www.ncjrs.gov/pdffiles1/nij/grants/214608.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/214608.pdf).
- Petersik, T., T. Nayak, and M.K. Foreman, *Identifying Beneficiaries of PIE Inmate Incomes*, The National Correctional

Industries Association, July 31, 2003, available at [www.nationalcia.org/researchfullrpt.pdf](http://www.nationalcia.org/researchfullrpt.pdf).

**Notes**

1. With the exception of PIECP, U.S. jail and prison inmates are prohibited, under the Amhurst-Sumners Act of 1935, from producing goods for sale in open interstate commercial markets; PIECP-certified programs are exempt from the \$10,000 limit on the sale of prisoner-made goods to the Federal Government.
2. The sample size included 6,464 inmates, with subjects nearly equally divided among groups. The sample included offenders released from 46 prisons in 5 States that implemented PIECP from January 1, 1996, to June 30, 2001. The followup period began on the day the inmate was released and ranged from slightly under 2 years to 7.5 years.
3. Technical violations were not considered new arrests.



# Agroterrorism—Why We’re Not Ready: A Look at the Role of Law Enforcement

by Glenn R. Schmitt

## About the Author

Mr. Schmitt is the director of the Office of Research and Data at the U.S. Sentencing Commission and the former acting director of the National Institute of Justice.

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This article first appeared in the May/June 2006 issue of *Sheriff* magazine, a bimonthly publication of the National Sheriffs' Association ([www.sheriffs.org](http://www.sheriffs.org)). It is reprinted here with permission.

**T**errorists trying to damage the U.S. economy need look no further than the country's heartland for "soft" targets. Farms, ranches, and feedlots are open and generally unprotected. The majority of State and local law enforcement agencies are financially and strategically unprepared to respond to agroterrorism.

Public health officials may seem like the logical leaders for responding to an attack on the food supplies. However, the laws of many States require that agroterrorism be handled as a crime investigation, giving law enforcement primary responsibility.

State and local law enforcement officials should be asking:

- Are the farms, fields, and feedlots in my jurisdiction protected?
- Do I have a strategy to prevent agroterrorism?
- Do I have a partnership with ranchers, farmers, meatpackers, truckers, veterinarians, and public health officials?
- Is my agency prepared for agroterrorists?

Agroterrorism experts are especially concerned about the introduction of foot-and-mouth disease into the food supply. Twenty times more infectious than smallpox, the disease causes painful blisters on the tongues, hooves, and teats of cloven-hoofed animals—cattle, hogs, sheep, goats, deer—rendering them unable to walk, give milk, eat, and drink. Although people generally cannot contract the disease, they can carry the virus in their lungs up to 48 hours and



transmit it to animals. The animal-to-animal airborne transmission range is 50 miles.

With millions of farms, open fields, and feedlots in the United States, the introduction of foot-and-mouth disease would require the mass slaughter and disposal of infected animals. An outbreak could halt the domestic and international sale of meat and meat products for years. Foot-and-mouth disease in 2001 in the United Kingdom affected 9,000 farms and required the destruction of more than 4,000,000 cows. Researchers believe that a similar outbreak in the United States would cost taxpayers up to \$60 billion.<sup>1</sup>

The National Institute of Justice (NIJ) recently funded research into how an agroterrorist attack with foot-and-mouth disease in Kansas would affect the State and the country.<sup>2</sup> The Kansas Bureau of Investigation, the Ford County Sheriff's Department in Kansas, and the National Agriculture Biosecurity Center at Kansas State University conducted the 21-month study. Findings were based on simulated exercises, field surveys, and interviews with law enforcement, livestock producers, meat packers, truckers, feedlot managers, researchers, politicians, and animal health officials.

Of course, agroterrorism is not meant to be an act of violence against livestock but an attack on the economic stability of the United States. The study funded by NIJ identified five groups that could pose threats to our agricultural industry:

1. International terrorists. (Although many animal diseases have been eradicated in this country, they flourish overseas. The foot-and-mouth virus is easily accessed, transported, and transmitted.)
2. Domestic terrorists, including anarchist or antigovernment groups.
3. Militant animal rights groups.
4. Economic opportunists seeking financial gain as a result of a change in market prices.
5. Disgruntled employees seeking revenge.

*Agroterrorism is not meant to be an act of violence against livestock but an attack on the economic stability of the United States.*

## Law Enforcement's Role Post-Attack

How would law enforcement be expected to respond to agroterrorism? How would jurisdictional issues be overcome as local, State, and Federal authorities collaborate? Research by NIJ suggests some preliminary best practices.

The first priority of a law enforcement agency would be to establish and enforce a strict quarantine around the affected area. In the case of foot-and-mouth disease, the quarantine would cover a 6-mile radius, 113 square miles, from the point of virus introduction. Experts say that the quarantine would have to be enforced for at least 30 days.

The second priority likely would be State-wide roadblocks to help contain the disease. Local law enforcement, working with the State highway patrol, would stop vehicles at every roadblock. Vehicles that have had contact with livestock would be sent back to their point of origin, and that site would have to be tested for the virus. Other vehicles would be diverted for testing on the spot. Some semitrailers may be allowed to detach the trailer—which would be held for testing—while the cab is decontaminated. Passenger cars would be stopped and the drivers interviewed to determine whether they have traveled through a contaminated area. If they have, the car and the passengers would have to be decontaminated to minimize the risk of transmission.

Law enforcement also would be responsible for primary crime-scene investigation, including collection of tissue from infected animals and an attempt to identify suspects. If not established before the incident, the roles of local, State, and Federal officials

*The paradigm for protecting the Nation changed after 9/11, focusing attention on all aspects of infrastructure that require greater security. Preventing an agroterrorism attack will require a concerted, coordinated effort by all levels of law enforcement.*

would have to be quickly agreed upon. All cloven-hoofed animals—domestic and wild—within the affected area would have to be destroyed and disposed of.

### **Preventing an Attack**

Every level of the food chain is vulnerable: farms, feedlots, chemical storage facilities, meatpacking plants, and distribution operations. Because terrorists rely on a lack of preparedness, law enforcement agencies should develop a plan to prevent agroterrorism and to minimize the results of an attack.

Special FBI Agent David Cudmore says, “Identifying threats of agroterrorism and stopping them before they happen are obviously vital roles for law enforcement.” Cudmore, a weapons of mass destruction coordinator, adds, “But protecting the Nation’s agricultural industry will take combined efforts of the agriculture industry, government, law enforcement, and academic and scientific communities working together to minimize both the likelihood of an attack and the severity of its impact.”

Local law enforcement should gather intelligence, for example, by working with livestock producers to identify vulnerable farms and feedlots. Partnerships—the best way to prevent an occurrence of

agroterrorism and the only way to contain one—must be created among the local sheriff and farmers, ranchers, meatpackers, truckers, feedlot owners, and other critical members of the food-supply chain in the jurisdiction. Meetings with local chapters of livestock associations and other industry groups can encourage the exchange of ideas. Also, local law enforcement must establish a working relationship with veterinarians and animal and plant health inspectors.

Ron Snyder, program director of AgTerror Emergency Responder Training, in Cedar Rapids, Iowa, says, “Because law enforcement officials perform critical functions in an agriculture emergency, it is vitally important that they become knowledgeable in all aspects of this unique type of emergency response. State and local officers are responsible for the establishment and oversight of quarantine areas to control the further spread of disease and maintain order as the response efforts unfold.”

In our post-9/11 world, the sharing of information among law enforcement agencies is more important than ever. State and Federal intelligence-gathering groups must collaborate to provide local law enforcement with the information it needs to deal with suspected terrorists. When it learns of a potential threat, for example, the FBI contacts the sheriff in that area. The FBI is also in the process of training experts—a rapid response team with criminologists and epidemiologists. However, local officials should also keep up-to-date on threats of bioterrorism. The World Organization for Animal Health, for example, coordinates information on animal diseases. (See [www.oie.int](http://www.oie.int).)

### **Resources**

Cudmore says, “Seeing, hearing, and reporting are critical steps to gathering the intelligence that would hopefully prevent an attack. There are five countermeasures that are recommended to prevent this type

of threat to our economic infrastructure: intelligence, surveillance, rapid diagnosis capabilities, rapid incident response, and training.”

The U.S. Department of Homeland Security maintains information on potential terrorist threats. The FBI runs the Terrorism Threat Investigation Center, where names and license information can be checked. Local law enforcement agencies have access to both databases. The U.S. Department of Agriculture has a number of programs that concentrate on identifying foreign animal diseases. Nationally recognized experts can also help local law enforcement agencies create a prevention and response plan. Undersheriff James Lane, of the Ford County Sheriff’s Department in Kansas, often visits local law enforcement agencies to work with their response teams.

Several colleges around the country offer training to improve law enforcement’s ability to respond to agroterrorism. Resources are available from the federal government—especially the U.S. Department of Justice and the U.S. Department of Homeland Security—to help local agencies with training. For example, Homeland Security, working with Iowa’s Kirkwood Community College, has developed the first accredited course for law enforcement officers and other first responders to prepare them for agroterrorism. The course is available at [www.agterror.org](http://www.agterror.org). Kirkwood also offers a “train-the-trainer” program on foreign animal diseases.

The FBI hosts an international gathering of law enforcement officials, scientists, academics, and agricultural professionals to discuss intelligence sharing and agroterrorism. For more information on the International Symposium on Agroterrorism, go to [www.fbi-isa.org](http://www.fbi-isa.org).

The National Institute of Justice sponsored the Terrorism Research Symposium on June 12–13, 2006, which covered a wide range of research on antiterrorism.

The paradigm for protecting the Nation changed after 9/11, focusing attention on all aspects of infrastructure that require greater security. Preventing an agroterrorism attack will require a concerted, coordinated effort by all levels of law enforcement. The National Institute of Justice is committed to helping sheriffs and other local law enforcement first responders develop a prevention plan and a response plan to mitigate the impact of agroterrorism.

NCJ 218265

## Notes

1. USDA, *Economic Impact of a Foreign Animal Disease (FAD) Outbreak Across the United States*. U.S. Department of Agriculture, Washington, DC: 2004.
2. Knowles, T., J. Lane, G. Bayens, N. Speer, J. Jaax, D. Carter, and A. Bannister, *Defining Law Enforcement’s Role in Protecting American Agriculture from Agroterrorism*, final report submitted to the National Institute of Justice, Washington, DC: 2005 (NCJ 212280), available at [www.ncjrs.gov/pdffiles1/nij/grants/212280.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/212280.pdf).



# Helping Inmates Obtain Federal Medical Benefits Postrelease

by David Fialkoff

## About the Author

Mr. Fialkoff is a senior writer/editor with the National Criminal Justice Reference Service.

**T**housands of ill or disabled inmates are incarcerated in Federal, State, and local correctional facilities across the United States. The challenge of helping them obtain medical treatment and services after they are released is not a new one, but a recently released report looks at three programs that are assisting inmates in applying for such benefits.

*Helping Inmates Obtain Federal Disability Benefits: Serious Medical and Mental Illness, Incarceration, and Federal Disability Entitlement Programs*—cosponsored by the National Institute of Justice (NIJ) and the Centers for Disease Control and Prevention—reveals that many experts believe that continuing treatment after inmates are released results in a more successful return to society and could prevent the spread of tuberculosis,

hepatitis C, HIV/AIDS, and drug-resistant strains of viruses, thus minimizing the cost to community and corrections health care systems. It also could reduce crime—and hence recidivism—by releasees who continue to receive the medical and mental health treatment they need.

Federal disability benefits—Medicaid, Social Security Disability Insurance (SSDI), Supplemental Security Insurance (SSI), and veterans' compensation funds—offer one solution. Unfortunately, as many officials know, the process of applying for Federal benefits is often complex, and incarceration makes it difficult for inmates to collect their medical information. Three programs investigated in the NIJ study demonstrate, however, that assisting severely ill inmates with applying for these benefits before they leave prison may dramatically increase their chances of receiving benefits postrelease and ease their transition back into the community.

## Three Benefits Assistance Programs

The study looked at benefits assistance programs in three jurisdictions:

- **Philadelphia.** The Coordinating Office for Drug and Alcohol Programs, part of the Philadelphia Behavioral Health System, offers services in behavioral health, case management, and job training to inmates through the Forensic Intensive Recovery Program.
- **New York.** Through a memorandum of understanding with the New York State Division of Parole, the Social Security Administration helps inmates apply, prior to their release, for SSI and SSDI benefits.
- **Texas.** The Texas Correctional Office on Offenders with Medical or Mental Impairments assists inmates who are elderly, terminally ill, mentally ill or disabled, or physically or developmentally disabled. Along with other State and local entities, the Office funds transitional, case management, and medical support for these individuals.

## Recommendations for Implementing Programs

Recognizing the challenges of discharge planning for severely ill inmates, the researchers offered six recommendations for agencies that want to implement similar programs:

- 1. Partnerships keep the process alive.** Whether a benefits applications process operates through a formal interagency agreement (as in Texas and New York) or an informal accord (as in Philadelphia), inmates receive better assistance when many agencies, organizations, and individuals work together to ensure that applications do not fall through the cracks and that benefits are distributed.
- 2. Dedicated staff is important.** Specialized staff members who help offenders access benefits can streamline the

*Many experts believe that continuing treatment after inmates are released results in a more successful return to society and could prevent the spread of tuberculosis, hepatitis C, HIV/AIDS, and drug-resistant strains of viruses, thus minimizing the cost to community and corrections health care systems.*

process, provide complete applications for more individuals, and establish stronger working relationships with disability decisionmakers. In Texas, for example, the primary burden of gathering medical and mental health documentation shifted from corrections medical staff to benefits eligibility specialists, resulting in medical staff becoming more willing to assist in preparing applications.

- 3. Filling the gaps until benefits commence is essential.** The benefits for many severely ill inmates do not begin immediately upon release. The Texas and Philadelphia programs pay for services during the period between an inmate's release and the start of disability or health benefits.
- 4. Tracking outcomes is beneficial.** Collecting outcome data on the benefits process allows staff to evaluate the progress of the program and garner additional financial support to offset costs. For example, the Texas program assesses which eligibility specialists were successful in obtaining benefits for inmates, and then uses these assessments in staff training. In contrast, New York does not maintain data on Social Security applications, so staff members in that program often assumed their efforts were largely unsuccessful, making it difficult for them to feel motivated when filing applications.

**5. Centralizing operations reduces delays and improves communication.**

All three sites discovered the benefits of centralizing the medical and cash assistance claims processes. Philadelphia's use of partnerships in the medical assistance applications process reduced the number of people involved in decisionmaking and significantly reduced the time until enrollment began.

**6. Assisting mentally ill offenders poses special challenges.**

Some individuals interviewed for the study suggested that disability-determination staff appeared to be more cautious when approving benefits for mentally ill inmates. A number of complex situations may account for this: Offenders also may suffer from substance abuse, which can make it difficult to determine the primary illness; offenders may feign mental illness to obtain more favorable treatment; and truly mentally ill offenders may appear more stable within the structured environment of prison.

## Benefits Are Only One Aspect of Planning

Helping inmates apply for medical and cash assistance is an important way to support the return of severely ill inmates to the community, according to the report. The researchers recommended, however, that such assistance should be part of a more extensive discharge plan that includes case management and housing services.

NCJ 218266

### For More Information

- Conly, C.H., *Helping Inmates Obtain Federal Disability Benefits: Serious Medical and Mental Illness, Incarceration and Federal Disability Entitlement Programs*, final report submitted to the National Institute of Justice, Washington, DC: Abt Associates Inc., November 2005 (NCJ 211989), available at [www.ncjrs.gov/pdffiles1/nij/grants/211989.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/211989.pdf).

## Publications in Brief

### ***Social Science Computer Review: Symposium on Crime Mapping***

**Ronald Wilson, ed.**  
**Volume 25, No. 2, Summer 2007**

Crime mapping continues to help criminal justice practitioners and researchers perform higher quality, more efficient, more responsive work. Geographic information systems (GIS) and spatial data analysis techniques are well-established tools for analyzing criminal behavior and its effect on the criminal justice system and society.

In a special issue of the *Social Science Computer Review*, experts discuss the history of crime mapping and the software advancements that shape the current field. Edited by Ronald Wilson, program manager of the National Institute of

Justice's Mapping and Analysis for Public Safety Program and Data Resources, this journal issue explores the "automation of geography" through software and how it enables law enforcement to better understand the spatial elements of crime.

Topics include the use of GIS and other spatial analysis software programs to:

- Visualize the distribution of sex offenders.
- Study crime around substance abuse treatment centers.
- Examine the travel patterns of bank robbers.
- Explore local crime patterns in urban areas.

For more information, visit <http://hcl.chass.ncsu.edu/sscore/sscore.htm>.

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