

Course Organization continued

- DRUGS, SO's, SPECIAL ISSUES – week five
- Lt. Col. James Whitley, FCSheriff's Office – week six
- Derwin Overton, Executive Director, OAR of Fairfax County – week seven
- REFORMS, MEDIA, POLITICS. YOU BE THE JUDGE – week eight



Why Our Grandparents were Happier Than We Are

- A bottle of Bayer's heroin. Between 1890 and 1910 heroin was sold as a non-addictive substitute for morphine. It was also used to treat children with a strong cough.

Drugs in 1907

- Marijuana, heroin, and morphine were all available over the counter at the local corner drug stores. Back then pharmacists said "Heroin clears the complexion, gives buoyancy to the mind, regulates the stomach and bowels, and is, in fact, a perfect guardian of health."
- Coca-Cola and a smile.



Cocaine cheaper than lager and wine as drug price falls by half

- London Telegraph 12 Feb. 2009
- According to Drug Scope a gram of cocaine can make between 10 and 20 lines for snorting depending on its strength. At 25 L per gram for cocaine, a line can cost as an average 2 to 4 L. The average cost of a pint of lager is around 2.75 L and a glass of wine typically is 3.50 L.
- The Home Office suggested that drug prices are falling because fewer persons are buying drugs. Class A drug use in the past year fell from 3.4 to 3.0 percent.

Drug Arrests

- For 2008 there were 1,702,537 drug arrests, down about 10% from 2006. One-half the arrests were for marijuana but only 11 percent of these were for dealing and trafficking..

DRUGS Virginia State Police 2008 Arrests and Offenses Reported

- "Crack Cocaine" 3,646, Cocaine 2,577, Hashish 18, Heroin 771, Marijuana 19,911, Morphine 71, Opium 28, Other Narcotic 1,139, LSD 7, PCP 45, Other Hallucinogens 58, Amphetamines/Methamphetamines 312,
- Other Stimulants 81, Barbiturates 23, Other Depressants 112, Other Drugs 622, Unknown Drug Type 3508. Total Drug Arrests 32,929. Drug Offenses Reported 46,115.
- Age Range Under 10 one, 65 and over 91, peak age 19 = 2,530.

Annual Causes of Death in the United States

- Journal of the American Medical Association. March 2004
- Tobacco 435,000
- Alcohol 85,000
- Adverse Reaction to Prescription Drugs 32,000
- Incidents Involving Firearms 29,000
- Motor Vehicle Crashes 26,347
- An Illicit Drug Use, Direct and Indirect 17,000
- Non-Steroidal Anti-Inflammatory Drugs Such as Aspirin 7,600
- Marijuana 0

2000

Tobacco-Related Mortality

- More deaths are caused each year by tobacco use than by all deaths from human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, suicides and murder combined.
- Cigarette smoking causes about 1 of every 5 deaths in the United States each year.
- Malignant Neoplasms (cancer) 160,848
- Cardiovascular Diseases 128,497
- Respiratory Diseases 103,338
- Grand Total 392,683 including men 237,406, women 155,277
- Additional 49,400 from secondhand smoke exposure.
- For every person who dies from smoking there are 20 people who have smoking caused disease and disability
- Center for Disease Control

Alcohol Related Mortality

- Alcohol related deaths are now 1 in 25 around the world (3.8%) and close to tobacco in overall impact. Alcohol-related causes of death include accidents, violence, poisoning, mouth and throat cancer, breast cancer, suicide and many others.
- In the United States the Center for Disease Control estimates alcohol causes 25,000 deaths a year. Overall 100,000 deaths occur each year because of alcohol consumption. Alcohol can be blamed for deaths from: 5% of circulatory system diseases, 15% of respiratory system diseases, 30% of accidents by fire and flames, 30% from accidental drowning, 30% of suicides, 40% of accidental falls, 45% in automobile accidents and 60% of homicides.

Drug-Related Deaths 1

- According to the CDC some 39,000 people suffered drug related deaths in 2006. About 90% of the deaths were classified as overdoses and most of the remainder were from damage to their organs due to long term drug use. This includes deaths from dependent and nondependent use of legal or illegal drugs, but also poisoning from medically prescribed and other drugs. It excludes unintentional injuries, homicides, and other causes indirectly related to drug use, as well as newborn deaths due to mothers drug use.
- Researchers found a sharp increase in deaths tied to cocaine and to opioid analgesics, a class of drugs, used medically for pain treatment that includes fentanyl, methadone, morphine, and popular pain relievers like Vicodin and Oxycontin.

Drug Related Deaths 2

- 2006 estimates:
 - Cocaine-related 7,000
 - Methadone-related 5,000
 - Other opioid 6,000. Brand names such as Buprenex, Stadol, Tylenol with codeine, Duragesic, Vicodin, Dilaudid, Dolophine, Astramorph, OxyContin, and Darvon.
 - In the general population marijuana use is not associated with increased mortality. There is no record in the extensive medical literature describing a proven, documented cannabis-induced fatality.
 - By contrast aspirin causes hundreds of deaths each year. Source: Drug War Facts.org

Alcohol vs Drug Policy

- Drunk drivers are predominantly white males and if arrested are generally charged as misdemeanants and typically receive sentences involving fines, license suspension and community service. Persons convicted of drug possession are disproportionately low-income and African-American and Hispanic: they are usually charged with felonies and frequently sentenced to incarceration.

Drugs and Politics

- Promise politicians love to make to assuage the sense of moral panic that has been the hand maiden of prohibition for a century. Intended to reassure parents of teenagers across the world. It is a highly irresponsible promise because it cannot be fulfilled.
- The war on drugs has been a disaster, creating failed states in the developing world as addiction has flourished in the rich world.

Drug Policy

- The “least bad” policy is to legalize drugs. “Least bad” does not mean good. Many vulnerable drug-takers would suffer. But in the view of the *Economist*, more would , gain.
- Two hundred million people take drug equal to 5 percent of the worlds population, about the same a decade ago; cannabis has increased, cocaine has declined gradually.

Economics of drugs 1

- Cost of illegal substances determined more by the cost of distribution than by the cost of production. From the coca field to the consumer of cocaine is more than a hundred fold increase in price. Street price is mainly a function the getting the product into Europe or the United States.
- It is not clear drug demand drops when price rise. Drug business quickly adopts to market disruptions. Opium has move from Turkey and Thailand to Myanmar to Afghanistan, where it undermines western efforts to defeat the Taliban.

Economics 2

- Far from reducing crime, prohibition has fostered gangsterism on a scale the world has never seen before. The illegal drug industry is worth \$320 billion per year.
- Illegal status makes criminals of otherwise law abiding citizens. Makes drugs more dangerous; addicts buy heavily adulterated cocaine and heroin, many use dirty needles spreading HIV. Wretches who succumb to “crack” and “meth” are outside the law, with only their pushers to treat them.

Drugs and Health

- Need to shift to public health and “harm reduction”. Clean needles, public education, treatment of addicts and less harassment of peasants and punishment of consumers of “soft drugs”.
- Governments would tax and regulate the drug trade, and use the funds (billions) saved on law enforcement to educate and treat. Sales to minors would be banned. Different drugs would command different levels of taxation and regulation.

Economics 3

- Post tax prices should strike a balance between damping down use on one hand and discouraging a black market on desperate acts of theft and prostitution to which addicts now retreat to feed their habit.
- Issues- fear that more people would take drugs under a legal regime. Not clear this would be the case but a cheaper, safer product, and more widely available product might result in some increase in consumption.

Health 1

- Most illegal drugs are not especially harmful (tobacco is more addictive than virtually all drugs). Most users of illegal drugs, including cocaine and heroin, take them only occasionally. They do so because they enjoy them (as they do whisky or a Marlboro light).
- Addiction – impacts on families. Legalization offers the opportunity to deal and treat addiction properly.

Health 2

- Providing honest information about health risks of different drugs and pricing them accordingly by governments can steer people toward the least harmful ones. It might encourage legitimate drug companies to improve designer drugs.

2007 Drug Arrests

- All Drugs 1,841,182
- Possession 1,518,975
- Percent Possession 85%
- Sale/Mfg. 322, 207
- Marijuana 872,721
- Possession 89%
- Sale/Mfg. 11%
- Heroin or Cocaine
- Total 541,307
- Possession 73%
- Synthetic Drugs 88,367
- Possession 69%
- Other dangerous non-narcotic drugs 338,777
- Possession 85%

Drugs Categorized

- In the United Kingdom drugs are categorized as either A, B, or C to reflect the degree of harm they are considered to cause the individual or society when abused.
- Class A – the more harmful drugs. Includes heroin, morphine, methadone, cocaine, opium, Ecstasy and LSD
- Class B – less potent opioids like codeine, amphetamines and barbiturates.
- Class C – the least harmful. Includes marijuana, tranquilizers, less potent stimulants and mild analgesics.

Drug War Arguments 1

- 1. Most people can use most drugs without doing much harm to themselves or anyone else. Only a tiny few of the millions that have tried marijuana have gone on to have problems. The same is true for cocaine and hallucinogens. That a few million people have serious problems is no reason to demonize these drugs and the people that use them.

Drug war arguments 2

- 2. Drugs are here to stay. The time has come to abandon the concept of a “drug free society”. Virtually all Americans have used some psychoactive substance, whether caffeine, nicotine or marijuana.
- The market in illicit drugs is as great as it is in the inner cities because palliatives for pain and depression are harder to come by and because there are fewer economic opportunities that can compete with the profits of violating prohibition.

Drug war arguments 3

- 3. Prohibition is no way to run a drug policy, we learned that with alcohol. Prohibitions for kids make sense.
- America’s indiscriminate drug prohibition is responsible for too much crime, disease, and death to qualify as sensible policy.

Drug war arguments 4

- 4. Option of harm reduction policies focused on reducing crime. Disease and death can be diminished even among people who can’t, or won’t, stop taking drugs. This pragmatic approach is followed by much of Europe and has been much more successful than U.S. drug policy. Average age of heroin addicts and HIV rates among users are dramatically lower than in the U.S., police do not focus on users but on major dealers or petty dealers. Decriminalized cannabis markets are regulated in a quasi-legal fashion.

Drug war arguments 5

- 5. Harm reduction strategies. There is a wide range of choice in drug-policy options between the free-market approach favored by Milton Friedman and Thomas Szasz (well known psychiatrist and academic) and the zero-tolerance approach of William Bennett, Dir. National Drug Control Policy under George H.W. Bush

Drug war arguments: A dash of economics

- Trying to suppress the drug market through is self defeating for two reasons. First, cocaine and heroin are very cheap to grow, refine, ship and sell. The drug war has the impact of raising prices higher than they would otherwise be, but not high enough to keep drugs out of the hands of most consumers. Raising prices increases profits which provides a steady incentive for drug suppliers to remain in the trade and for new suppliers to enter.

War on Drugs

- The policy has exacerbated racial disparities in incarceration while failing to have any sustained impact on the drug problem. Critics point out enforcement is discretionary, no direct “victim”, police decide on where and when and what priority they will place on enforcing drug laws. The number of people using drugs has not changed dramatically since the 1970’s, the proportion of the population using has declined.
- Blacks have slightly higher rates of use than whites and Hispanics (7.9% versus 6.0% in 1995). African Americans comprise 15 percent of the users, 33 percent of the arrests for possession. Massachusetts 1997 found that blacks were 39X more likely to be incarcerated for a drug offense than whites.

Drug Snippets Continued

- “Cannabis remains by far the most commonly used drug in the world. An estimated 162 million people used cannabis in 2004, equivalent to 4 percent of the global population age 15-64. Use is most prevalent in Oceania, followed by North America and Africa. United Nations.
- Marijuana was first federally prohibited in 1937. Today 94 million Americans admit to having tried it.

Drug war arguments continued

- Legalization of drugs need not be viewed as a single giant step in which all restrictions are abruptly removed, resulting in a chaotic free market. With alcohol the federal government retained some oversight and a remarkable degree of discretion was given to individual states. Alcohol remains one of the most regulated products available, in terms of licensing, location, time, pricing, advertising and other respects. Similar liberalization—with taxation and other regulation—could be tried for other drugs....

Drug Policy Alliance What’s wrong with the Drug War

- Everyone has a stake in ending the war on drugs. Whether you are a parent concerned about protecting children from drug related harm, a social justice advocate worried about racially disproportionate incarceration rates or a fiscally conservative taxpayer you have a concern.
- U.S. federal, state and local governments have spent hundreds of billions of dollars trying to make American “drug free”. Yet heroin, cocaine, methamphetamine and other illicit drugs are cheaper, purer and easier to get than ever before.

Drug war arguments 6

- Ethan Nadelmann, Executive Director, Drug Policy Alliance states “The greatest beneficiaries of the drug laws are organized and unorganized drug traffickers. The criminalization of the drug market effectively imposes a de facto value-added tax that is enforced and occasionally augmented by the law enforcement establishment and collected by the drug traffickers.

Drug war arguments 7

- Critics of present policies blame cowardly presidents unwilling to assume leadership for reform, a Congress concerned with appearing “tough on crime” unwilling to analyze alternative approaches and the Drug Enforcement Administration (not the agents trying to do a job) but the leadership unyielding regarding innovative public health-initiatives.

Drug War Side Effect

- The most pervasive drug scandal in the United States is the epidemic of under treatment of pain. "Addiction" to (i.e. dependence on) opiates among the terminally ill is the appropriate course of medical treatment. Smoking marijuana to ease the nausea of chemotherapy, to reduce the pain of multiple sclerosis, to alleviate the symptoms of glaucoma and to improve appetite dangerously reduced from AIDS are effective medicine. Users are regarded as criminals.

What's Wrong 8

- Half a million people are behind bars on drug charges – more than western Europe (with a larger population) incarcerates for all offenses. The war on drugs has become a war on families, a war on public health and a war on constitutional rights. Drug Policy Alliance.
- Public health problems like HIV and Hepatitis C are all exacerbated by zero tolerance laws that restrict access to clean needles. Children of inmates are at risk of educational failure, joblessness, addiction and delinquency.
- People suffering from cancer, AIDS and other debilitating illnesses are regularly denied access to their medicine or even arrested and prosecuted for using medical marijuana.
- We can do better.

Drug snippets: Various sources that appear valid

- Marijuana has never been shown to cause an overdose death (Perhaps true directly, may not be case when considering links with alcohol or other drugs).
- A strong case can be made for taxing and regulating sales of marijuana.
- There is a need for making marijuana and cannabis available for medical use.
- Cannabis has become the most widely used illicit drug in the western world.
- The argument that marijuana serves as a "gateway" drug leading to use of other more harmful drugs has not been substantiated by researchers.

Drug war arguments continued

- Some countries have tried **heroin prescription** approaches to reduce drug and prohibition related crime. **Sterile syringes** can reduce the spread of AIDS. **Methadone** is to street heroin what nicotine patches are to smokers. Hundreds of studies including the National Academy of Sciences have concluded it is more effective than any other treatment in reducing heroin related crime, disease and death. It should be available in local pharmacies as opposed to expensive clinics.

Drug Perspectives

- **Federal mandatory minimum drug sentences are extremely punitive.** An extreme example is an offender who deals marijuana 3 times in one week. Each time he carries a handgun with him. If convicted his mandatory minimum sentence is 60 years.
- In 2007 775,138 Americans were arrested for marijuana possession compared to 597,447 people who were arrested for all violent crimes combined. This continues the trend of the last five years.

Interest in Drug Policy Reform 2009

- Congressional Webb, Rangel, Frank, Durbin, others
- California & other states, medical use etc.
- Czech Republic, Argentina, Columbia, Switzerland, Portugal, Mexico various decriminalization
- Political debate and interest nationally even by well know conservatives

SO'S

- SEXUAL OFFENSES
- SEXUAL OFFENDERS

Sex Crimes

- Sex crimes include rape, sexual assault, prostitution, indecent exposure, child molestation and other acts of sexual conduct.
- A simplified list of Virginia laws regarding sex offenders include sexual battery (misdemeanor), crimes against nature, taking indecent liberties with a minor, unlawful filming, possession of child pornography, carnal knowledge of a minor, incest, production and sale child pornography, abduction, abduction for immoral purpose, aggravated sexual battery, rape, forcible sodomy and other sexual penetration.

Sex Crimes

- Violent sex crimes reported in 2004/2005 included:

Rape/Sexual Assault	200,780
Rape/Attempted Rape	115,570
Rape	64,080
Attempted Rape	51,500
Sexual Assault	85,100

National Crime Victimization Survey U.S. totals

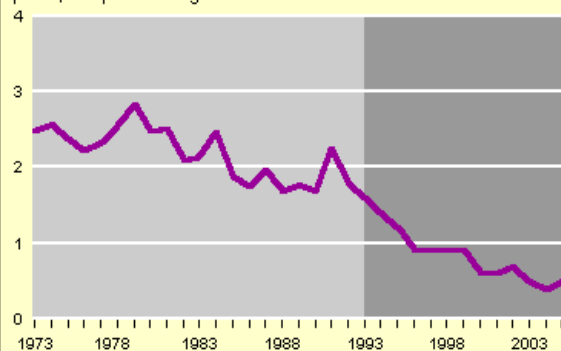
Sexual Crimes

- Sexual Crime index rates declined sharply between 1993 and 2005

	Rate per 1,000 persons	
	1993	2005
Rape/sexual assault	2.5	0.8
Rape	1.0	0.3
Attempted rape	0.7	0.2
Sexual assault	0.8	0.3

Rape rates

Adjusted victimization rate
per 1,000 persons age 12 and over



Rape and Sexual Assault Characteristics of Victims 2005

- Highest incident rates
 - Households with the lowest incomes
 - Females who have never married, divorced females
 - Females in the South and West
 - Female urban victimization rates 2X that of suburban females. Rural rates very low (reporting?)
 - Rates for black females high compared to other racial and ethnic groups.
 - Females age 16-19

Rape and Sexual Assault

➤ Victim and Offender Relationship, 2005

- Female Victims
 - Non Strangers 73%
 - Intimate 28%
 - Other Relationship 7%
 - Friend and Acquaintance 38%
 - Stranger 26%

➤ Use of Weapons

- No Weapon 85%
- Weapon 7%
 - Firearm 3%
 - Knife 3%

Sexual Assault

- Sexual Assault in most states include any type of unwanted physical contact with any sexual organs. In many states it goes beyond just physical contact to include aggressive sexually suggestive statements.
- Sexual contact with any intoxicated person becomes sexual assault, regardless of what type of intoxicating substance the victim was under the influence (alcohol, narcotics, "date rape drug").

Virginia Sex Offenders Released from Prison, Jail, or placed on Probation FY 1998 to FY 2000

➤ Initial Conviction Offense	➤ Offenders	%Cases
Aggravated Sex. Bat.	675	32.5
Rape	492	23.6
Carnal Knowledge	326	15.7
Indecent Liberties	303	14.6
Forcible Sodomy	156	7.5
Non-Forcible Sodomy	64	3.1
Object Sex. Penetration	27	1.3
Kidnap Immoral Purposes	25	1.2
Incest	12	.5

Virginia Crime & Rate 2008

➤ Sexual Crime	➤ Number	Rate Per 100,000
➤ Forcible Sex Offenses	➤ 5,259	67
➤ Non-forcible Sex Offenses	➤ 230	3
➤ Pornography	➤ 462	6
➤ Prostitution	➤ 716	9

Forcible Sex Offenses

- From a Virginia report but definitions seem consistent with countrywide standards
- Forcible Rape: The carnal knowledge of a person, forcibly or against the persons will; or not forcibly where person is incapable of giving consent. (mental, physical, or youth).
- Forcible Sodomy
- Sexual Assault with an Object
- Forcible Fondling
- Non-forcible Sex Offenses
 - Incest
 - Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent

Sex Offender

- Sex Offender is a person who has been criminally charged and convicted of, or has pled guilty to, or pled Nolo contendere to a sex crime. Crimes requiring mandatory sex offender registration may include child sexual abuse, downloading pornographic material of persons under age 18 (child pornography), rape, statutory rape and even non-sexual offenses including kidnapping.

Sexual Predator

- The term is used pejoratively to describe a person seen as obtaining or trying to obtain sexual contact with another person in a metaphorically "predatory" manner. Analogous to how a predator hunts down its prey, so the sexual predator is thought to "hunt" for his or her sex partners. People who commit sex crimes, such as rape or child abuse, are commonly referred to as sexual predators, **particularly in tabloid media or as a power phrase by politicians.** The term has no legal meaning.

Statutory Rape

- Statutory rape is illegal sexual activity between two people when it would otherwise be legal if not for their age. In accordance with the FBI definition it is non-forcible sexual intercourse with a person who is younger than the statutory age of consent.
- Different jurisdictions use many different statutory terms for the crime such as "sexual assault", "rape of a child", "corruption of a minor", "carnal knowledge of a minor" or simply "carnal knowledge". Force or threat need not be present as in adult rape. The laws presume coercion because a minor or mentally retarded adult is legally incapable of giving consent to the act.
- "Romeo and Juliet" laws. Recognition of closeness in age circumstances.

Virginia Laws and the Age of Consent

- My suggested general guideline for parents. If your child is 18 and is dating someone who is 16 or 17 make sure they know the rules. Do not let anyone who is 18 date someone 15 or less. Danger of carnal knowledge Class 4 felony – 2 to 10 years with fine of less than \$100,000 or for exposure Class 5 felony – 1-10 years or less then 1 year if plead guilty. Also true for 17 dating 14 if three years or more difference in age.
- See Virginia – Age of consent laws

Virginia: Age of Consent

- The age of consent is 18
- There is a close in age exception which allows teenagers aged 15, 16, and 17 to engage in sexual acts, but only with a partner younger than 18.
- If any person carnally knows, without the use of force, a child 13 years or older but under 15 years of age, such person shall be guilty of felony

Other Virginia Laws: Sex

- Adultery and Fornication Class 4 misdemeanor. Fine of less than \$250
- Taking indecent liberties with children.
 - Exposure
 - Fondling.
 - Enticing minors less than 18 to perform
 - All Class 5 felonies 1-10 years but with less than 1 if plead guilty.

Sexual Offender and Crimes Against Minors Registry 2008

- Virginia State Police Zip Code 22030
- Area most of Fairfax City and some to west.
- 36 persons on registry. White 20, Black 8, Hispanic surname 4, Asian/Pacific Islander 3, American Indian 1. All males. On average two to three new registrants per year.
- Age range 24 to 67. 20's 2; 30's 12; 40's 11; 50's 9 and 60's 3.

Sexual Crimes and Crimes Against Minors Registry Zip Code 22030

- Crimes and number of active registrations, September 16, 2008
- Aggravated Sexual Battery 7; Rape 2; Rape and Abuse of Child 1; Aggravated Sexual Assault 1; Sexual Assault of Child 1; Sexual Abuse of Minor 1; and Attempted Rape or Sodomy 1.
- Carnal Knowledge of Child 13-15 years 6; Taking Indecent Liberties with Child 6; Indecency with Child 3; Lewd and Lascivious Acts with Child 2; Possession of Child Pornography 1; Use of Communications System to Contact Minor 1; and Production, Distribution, Finance Child Pornography 2.
- Oral Copulation 1; Sexual Offender 2nd and 3rd Degree: Crimes against Nature 2. and Violent Offender Failure to Register 5.

Sexual Offender Registry Current

- Virginia Total 16,814, Rate per million population 2,296 (16 highest nationally).
- Rates in other states Minnesota 39, New Jersey 284, Maryland 1180 and Michigan 4440.
- Fairfax Zip 22030 105 persons including 17 currently incarcerated. More than double two years previous.

Push Back on Sex Laws and Registries

- RSOL: Revoke Sexual Offender Laws. Base of support includes parents of children now labeled as sexual offenders.
- Sexual offender registries do not protect anyone. Multiple crimes are "Registerable" offenses. All are assumed to be a "pervert", a "pedophile" and a "predator".
- Registries are a means to humiliate, degrade, re-prosecute and destroy the lives of thousands of innocent citizens.

Push Back on Sex Laws and Registries 2

- Registries are a way for politicians to look like heroes to concerned parents.
- We have created a modern day witch hunt and are wasting millions of tax-payer dollars. Lists have become a useless list of names that the public can no decipher who is a true threat and who has simply been swept up in a "Legislative Predator Hysteria" or xenophobia.
- Research studies are few but several on various laws (Megan's Law, Amber Alerts, Jessica's Law, etc.) tend to confirm there are no significant public benefits and are not effective uses of taxpayer dollars. Arguments that alerts divert police attention from more serious or higher priority local law enforcement.

Issues Regarding Sexual Offenders

- Research suggests recidivism rates for sexual offenders are much lower than for other crimes. However sexual offenders per se are more likely to commit another sexual offense than would other offenders.
- Sexual offenders are usually subject to residency-restriction laws. The laws may be counter-productive. It may drive the offender out of the community and leads to a lack of stability for their families.
- Law professionals note due to the social stigma of sex crimes and potentially severe sentencing, the defense of a criminal sexual conduct case can be extremely complicated. There is a societal tendency to assume guilt. Trials receive an enormous amount of media attention. Even if acquitted, the allegations of committing a sex crime can severely damage personal and social relations. Persons on a offender register often become ostracized or targets of retaliatory crime.

Reporting of Sexual Crimes

- Many victims are afraid to report sexual assaults to the police. They may fear:
 - Further victimization by the offender
 - Other forms of retribution by the offender or by the offenders friends or family
 - Arrest, prosecution and incarceration of an offender who may be a family member or friend and upon whom the victim or others may depend.
 - Others finding out about the sexual assault (including friends, family members, media and the public)
 - Not being believed and
 - Being traumatized by the criminal justice system response.

Sexual Crime Issues

- Prostitution: A victimless crime?
- Child maltreatment Versus Child Molestation
- Pedophilia
- Other views

Child Maltreatment Versus Child Molestation

- Federal regulations define child abuse and neglect as:
 - Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or
 - An act for failure to act which presents an imminent risk of a serious harm.
- For 2006 an estimated 905,000 children were victims of maltreatment. The national estimates are based on counting a child each time he or she was the subject of a Child and Protective Services investigation.
- It is estimated that 8.8 percent of victims were sexually abused.
- Nearly 83 percent of victims were abused by a parent acting alone or with another person.
- Sexual relations with a prepubescent child is called "child molestation" and is generally treated as a more serious crime than statutory rape.

Child Sexual Abuse

- 1996 Study by US Dept. of Health and Human Services
 - 140,000 cases of child sexual abuse occur every year
 - Three-fourths of the victims are abused by someone they know
 - About one out of three are under age seven

Pedophilia

- The American Heritage Dictionary defines pedophilia as "The act or fantasy on the part of an adult engaging in sexual activity with a child or children." Children affected by pedophilia are prepubescent boys and girls (13 years old or younger). Pedophilia is classified as a mental disorder and does not always involve physical contact between adult and child. Regardless, the thoughts or the actual act is the way the person reaches sexual excitement and gratification.
- Medical professionals generally recognize that only two to ten percent of child molesters are pedophiles.

Sexual Crimes Other Views

- A article that might be considered radical suggests "many accusations of sexual offenses are false or grossly exaggerated. As many as half of all reported "rapes" never really occurred.
- Perhaps as many as a third accusations of sexual fondling or intercourse with a girl below the age of consent are "invented" by the child.
- The age of consent for girls is set artificially high, long past the age of reproductive maturity.
- False claims are used to blackmail, manipulate and to injure the accused man, often in insidious acts of revenge.

"CARL"

“JOE”

Discrimination and Criminal Justice

Prisoners in 2008

- 528,200 white, 591,900 black, 313,100 Hispanic
- 34% white, 38% black, 20 % Hispanic
- Rate per 100,000 males white 487, black 3,161, Hispanic 1,200
- Rate per 100,000 males Age 30-34 white 1,217, black 8,032, Hispanic 2,411
- Number yearend 2006 by offense
 - Murder white 37,400, black 61,400, Hispanic 36,800
 - Robbery white 37,500, black 91,500, Hispanic 33,900
 - Drugs white 72,100, black 117,600, Hispanic 55,700

Racism in General

- USA Today/Gallop Poll 2008: Most Americans say racism is widespread against blacks in the United States. Discrimination a major factor in lower average educational level for blacks, lower average income level for blacks, lower average life expectancies for blacks and a higher percentage of blacks serving time in U.S. prisons.

Racism in the United States

- CNN poll 2006. Most Americans see racism as a lingering problem in the U.S. But just 13 percent of whites and 12 percent of blacks see themselves as racially biased.
- But Univ. Conn. Expert who has studied issue for 30 years estimates 80 percent of white Americans have racist feelings they do not even recognize. Stealth discrimination. Via the media, job interviews based on name, flagging a cab in NY city, etc.

Racism in Criminal Justice

- UN Commission of Human Rights 2008. The United States is the **only country in the world** that sentences children (persons under the age 18) to life in prison without the possibility of parole or release (known as life without parole or LWOP). Among the 2,381 U.S. prisoners currently serving LWOP for crimes they committed as children, there are staggering racial disparities, with black youth serving LWOP at a per capita rate 10 times higher than white youth.

Racism in Criminal Justice

- Human Rights Watch 2008. Information from 34 states:
 - Across the 34 states, a black man is 11.8 times more likely than a white man to be sent to prison on drug charges, and a black woman 4.8 times more likely than a white woman.
 - In 16 states, African Americans are sent to prison at rates between 10 and 42 times the rates for whites. The 10 states with the greatest disparities in prison admissions for drug offenders are: Wisconsin, Illinois, New Jersey, Maryland, West Virginia, Colorado, New York, Virginia, Pennsylvania, and Michigan.

Discrimination in Criminal Justice

- Human Rights Watch 2002
 - In nine states, between 4 and nearly 8 percent of adult Latino men are incarcerated.
 - In ten states, Latino men are incarcerated at rates between five and nine times greater than those of white men.
 - In eight states Latino women are incarcerated at rates that are between four and seven times greater than those of white women.
 - Native-Americans are the victims of violent crimes at twice the rate of the general population and 70 percent of the violence is committed by persons not of the same race.

Racism in Criminal Justice

- The Sentencing Project 2008. Data from 43 of the nation's largest cities between 1980 and 2003:
 - Since 1980, the number of drug arrests in American cities for African Americans increased 225 percent, compared to only 70 percent for whites. Black arrest rates grew by more than 500 percent in 11 cities during the period.
 - These results come not as a result of higher rates of drug use by African Americans, but instead, the decision by local officials about where to pursue drug enforcement. Local enforcement decisions were the prime contributor to racial disparity.

Criminal Justice and Racism

- African Americans are 1/3 arrests, 1/2 incarcerations.
- Are African Americans prone to crime per se? Not supported.
 - More economically disadvantaged—discrimination
 - Racist criminal justice system
 - Police 4X as likely to make unfounded arrests
 - Rate of incarceration higher—same offense
 - Discrimination at each step of the potential 30 steps in the criminal justice process
 - African Americans 13 percent of drug users but 35 percent of arrests for possession, 55 percent of convictions, and 74 percent of convictions for drugs.

Criminal Justice and Racism

- Race is a consistent and frequently significant disadvantage when criminal justice and imprisonment decisions are made.
- Federal sentencing guidelines for crack cocaine are 100 times more harsh than for user of power cocaine (drugs are almost identical). Blacks tend to use crack, whites powder.
- Easier to make arrests in open air inner city markets (blacks) than in suburban basements (whites).

Racism and incarceration continued

- Crack versus powder cocaine: In 1986, Congress enacted a sentencing provision that required only 1/100 of the amount of crack cocaine to trigger the same penalty as powder cocaine. By 1993 federal prison sentences for blacks averaged 41 percent longer than those of whites, with the crack (favored by blacks) versus powder (favored by whites) distinction being the major reason for the difference.

Criminal Justice and Racism

- Race is a consistent and frequently significant disadvantage when criminal justice and imprisonment decisions are made. Where will the police officers patrol, whether to arrest kids who are drinking underage or to inform their parents, whether to charge a shoplifting offense as a misdemeanor or a felony, whether to offer a plea or go to trial.
- How will a prosecutor charge a case, negotiate a plea or make a recommendation on sentencing. "At every stage of pretrial negotiation, whites were more successful than non-whites" Source: San Jose New Review of 700,000 cases matched by crime and crime history.

Race and Violent Crime

- Avoidance tactics on violent crime can also be punitive on the black community and unhealthy in the long run.
- There is a need to focus efforts on understanding and combating causes of higher crime in poor, urban minority communities.
- 94 percent of black homicide victims were victimized by black offenders.
- 76 percent of black victims of violent crime were victimized by black offenders.
- Civil rights as well as a police issue.

Discrimination and Criminal Justice

- Similar discrimination in England and Wales versus blacks.
- New Zealand 12 percent of the population is Maori compared to just over half in prison. Australian Aboriginals are 2 percent of the population and 19 percent of those imprisoned.
- Similar patterns regarding native Canadians, gypsies in Hungary, Western Europe, foreigners in general.
- Minorities often those who have not managed to get themselves a position with income, employment, family security and social acceptance.

Race and Incarceration

- On June 30, 2006 an estimated 4,786 black men per 100,000 were in prison or jail.
- South Africa under apartheid (1993) incarcerated 851 black males per 100,000.
- What does it mean that the **America as a leader of the "free world" locks up its black males at a rate 5.8 times higher than what was the most openly racist country in the world.** (Note 5.8 is likely low and may be approaching 6.5 currently).

Racism and incarceration

- The most subtle effect of the prison boom has been the unintended lowering of the ratio of marriageable men to women, particularly in the black community. The smaller the ratio, the greater men's sexual bargaining power and hence the likelihood of illegitimacy and single-parent households, which are the root causes of violence and disorder in the inner city.
- "Nightline" reported that 42% of black women are single. For professional black women this increases to 72%.

"The New Jim Crow"

- Book by Michelle Alexander, Professor of Law Ohio State. Argues "war on drugs" is really a new form of Jim Crow in modern times where overt racism is political suicide and race neutral talk has become the norm.
- "War on drugs" has led to three of every four young black men in Washington, D.C. serving time in prison and in Chicago, 55% of the total black male population has a felony record.

Racism and incarceration continued

- Sending fewer black men to prison is not going to solve the problem by itself. Black families are in trouble for many reasons, labor-market changes, a legacy of welfare dependency, racial and class segregation, and the inversion of traditional values, both within the street culture of the ghetto and the larger, eroticized, commercial culture of the mass media. Black men need jobs and the will to keep at these jobs and to base family life on them.

Race and American Punitiveness

- Research by Unnever and Cullen, 2010 in *Criminology*:
- Three models: 1. Escalating Crime Distrust-ethos of fear of crime and mistrust of governing institutions fueled logic of mass imprisonment. Well being of offender displaced by overwhelming concern for those who may be victimized.
- 2. Social Decline Model: Feeling core institutions in society were in decline, state of moral decay, harder to rehabilitate criminals, primacy of the family.

Race and American Punitiveness 2

- 3. The Racial-Animus Model: History of overt and nuanced ways racism has commandeered crime-control policies. Crime and its control remain "racialized". **"Picture in the head" held by members of the public, image of typical street crime offender, Black men – young angry inner city male who offends with little remorse.** Crime is not a race neutral policy domain. Harsh sentencing means to control or subordinate black people. Black anger "their fault" and not "society's fault". "White racism" and intolerance may be a cultural universal in societies with conflicted race relations.
- Research carefully developed based on random probability sampling and minute information from 2000 National Election Survey. Mathematical modeling and regression analysis utilized to test the three models.

Race and American Punitiveness 3

- The *Racial Resentment* scale significantly predicted greater support for a more punitive approach toward crime and capital punishment. Racial animus is one of the most salient and consistent predictors of American punitiveness. When added to other evidence, a prominent reason for the **American public's punitiveness—including mass imprisonment and the death penalty—is the belief that those disproportionately subject to these harsh sanctions are people they do not like: African American offenders.** The "criminal other" become a polarizing force about crime and its control.