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# CRIMINOLOGY

## CRIMINAL STATISTICS IN THE UNITED STATES

ROLAND CHILTON\*

Congress enacted legislation during the Ninety-sixth Congress authorizing the creation of a Bureau of Justice Statistics within the Justice Department.<sup>1</sup> Although the idea of a separate bureau is not new, having been suggested by presidential crime commissions in 1931 and 1967, the initial configuration of the Bureau probably will reflect work started in the Department of Justice in 1975.<sup>2</sup> That effort resulted in Deputy Attorney General Harold Tyler's recommending the establishment of a bureau of criminal statistics within the Department.<sup>3</sup> In the fall of 1976 the Department formed a Statistical Systems Policy Development Group to prepare a plan for a bureau of criminal statistics.<sup>4</sup> The plan, completed on January 6, 1977, was sent to Attorney General Griffin Bell on May 4, 1977.<sup>5</sup>

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<sup>1</sup> Two bills to amend the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, 82 Stat. 197 (current version at 42 U.S.C. §§ 3701-3796c (1976)), and to restructure the Law Enforcement Assistance Administration were introduced in the House of Representatives during the 96th Congress. See H.R. 2108, 96th Cong., 1st Sess. (1979); H.R. 2061, 96th Cong., 1st Sess. (1979). Both bills and a version introduced in the Senate, S. 241, 96th Cong., 1st Sess. (1979), included sections creating a Bureau of Justice Statistics. The House passed S. 241 after amending its language to contain the text of H.R. 2061. See [1980] U.S. CODE CONG. & AD. NEWS 4675. A conference report resolving differences created by the disagreeing votes was issued November 16, 1979. See H.R. REP. NO. 655, 96th Cong., 1st Sess. (1979, reprinted in [1980] U.S. CODE CONG. & AD. NEWS 4675, 4744).

<sup>2</sup> See NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT: REPORT ON CRIMINAL STATISTICS Report No. 3, 3-6 (1931); PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: CRIME AND ITS IMPACT—AN ASSESSMENT 123-37 (1967); N.Y. Times, Aug. 22, 1977, at 1, col. 5 (report of an interview with Harry A. Scarr).

<sup>3</sup> Address by Harold Tyler, Deputy Attorney General, to the Federal Business Association of New York, Brooklyn Navy Yard, Brooklyn, N.Y. (March 31, 1976).

<sup>4</sup> See address by Harold Tyler, Deputy Attorney General, Criminal Justice Symposium sponsored by the Federal Executive Board of New York City, the Institute of Judicial Administration and the National Archives and Records Service, New York, N.Y. (Sept. 29, 1976).

<sup>5</sup> See *Reauthorization of the Law Enforcement Assistance Administration: Hearings on H.R. 2061 and H.R. 2108 Before*

Almost a year later, following wide distribution of the plan for review and comment by experts, by users of criminal justice statistics, and by persons working within the federal or state systems of justice, Senator Kennedy and Representative Rodino introduced the administration's proposal for a bureau as part of legislation to restructure the Law Enforcement Assistance Administration.<sup>6</sup> The Kennedy-Rodino bill was reintroduced in the Ninety-sixth Congress together with a bill introduced by Representative Conyers.<sup>7</sup>

The most important differences among the bills were their approach to the Bureau's administrative organization and the responsibilities assigned to its advisory boards. In the Conyers bill, a twelve-member policy board was to guide the Director of the Bureau of Justice Statistics rather than a twenty-one-member advisory board. In addition, in the original House and Senate versions of the administration's bill, the Director of the Bureau of Justice Statistics reported to the Director of the Office of Justice Assistance, Research and Statistics under the general authority of the Attorney General. In the Conyers bill, and in the bill which the House ultimately passed, there was no Office of Justice Assistance, Research and Statistics (OJARS). A conference committee retained the OJARS but decided that it did not need an advisory board since the board was to provide coordination and support functions for the Bureau of Justice Statistics, the National Institute of Justice and a bureau of justice assistance to be called the LEAA.<sup>8</sup>

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*the Subcomm. on Crime of the House Judiciary Comm.*, 96th Cong., 1st Sess. (1979) (attachment 1 of material accompanying statement of Harry A. Scarr).

<sup>6</sup> See *id.* (attachment 2 accompanying statement of Harry A. Scarr); 124 CONG. REC. S10315 (daily ed. July 10, 1978) (statement of Sen. Kennedy).

<sup>7</sup> The Conyers bill, H.R. 2108, 96th Cong., 1st Sess. (1979), which was not reported out of the Judiciary Committee, was similar to the administration's bill but more explicit about the collection of statistics on white collar crime and information on public attitudes toward crime. See H.R. 2108, 96th Cong., 1st Sess. § 304 (a) (9) (D)-(E) (1979).

<sup>8</sup> See H.R. 2108, 96th Cong., 1st Sess. § 302 (1979);

Whatever administrative arrangements are developed, the staff of the new organization, when it is assembled, must cope with some issues as old as the idea of a bureau itself. These issues include whether the Bureau should encourage the passage of uniform state laws creating state bureaus of justice statistics or seek the voluntary cooperation of state and local agencies; whether the Bureau should concentrate on the development of a single index of crime or establish and improve several indicators; and how the Bureau should obtain the cooperation of more of the nation's courts and judges. The staff also will confront some new issues raised by the development of victimization surveys and automated criminal justice records. Finally, the staff must integrate a variety of federal criminal statistics programs with their national counterparts.<sup>9</sup>

#### MAJOR CRIMINAL STATISTICS PROGRAMS

Figure 1 presents the names, brief descriptions and organizational locations of seventeen federally supported activities that either produce or are capable of producing national or federal criminal justice statistics. A majority of the programs shown in Figure 1 are the responsibility of either the Federal Bureau of Investigation or the National Criminal Justice Information and Statistics Service (NCJISS). However, some of the programs are operated by the Drug Enforcement Administration (DEA), the National Institute on Drug Abuse (NIDA), the Administrative Office of the United States Courts (U.S. Courts), and the Federal Prison System (FPS). The Census Bureau, the National Council on Crime and Delinquency (NCCD), and the Institute for Law and Social Research (INSLAW) operate some programs for the NCJISS. One program is run for the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) by the National Center for Juvenile Justice (NCJJ). Although the Mortality Statistics program of the National Center for Health Statistics (NCHS) is not a criminal statistics program, it does provide important national data on homicide.

Figure 2 shows these same programs in relation to the events which they reflect. When classified in

this way, it is clear, for example, that the victimization statistics generated by the National Crime Survey reflect some victimizations but give little or no indication of the amount of crime that has come to the attention of the police. Each agency statistics program, shown along the bottom of the figure, reflects the operation of a single component of the criminal justice system. The programs capable of producing criminal justice record statistics work from the records of individuals; these records reflect contacts with the system of justice ranging from arrest through punishment.

None of the specialized programs reflect the operation of the system beyond arrest, and none of the federal programs reflect victimizations or offenses, unless the conduct involved has led to an arrest. The U.S. Courts administer the major federal criminal statistics programs.<sup>10</sup> A number of other federal criminal statistics programs are not shown because they are either limited in scope or little known outside the agency compiling the data.<sup>11</sup>

#### RELATIONSHIPS AMONG EXISTING PROGRAMS

The older programs producing agency statistics, such as the Uniform Crime Reports,<sup>12</sup> National

<sup>10</sup> Federal Defendant Statistics and Federal Supervision Statistics are compiled by the Administrative Office of the United States Courts. Defendant statistics are based on information supplied by the clerks of federal courts on case opening and case disposition report forms, both of which are part of a criminal docket set. The forms are submitted monthly for persons charged with federal offenses carrying penalties of at least six months in prison and/or a fine of at least \$500. Supervision data are supplied monthly by federal probation offices using forms provided by the Administrative Office. Most statistics on criminal cases and federal offenders are published in the annual and semiannual reports of the director, as well as in an annual publication called *Federal Offenders in U.S. District Courts*.

Requests for additional information and machine readable data should be submitted to the Federal Judicial Center of the Administrative Office of the U.S. Courts.

<sup>11</sup> Examples include the Federal Aviation Agency's air piracy statistics, the U.S. Secret Service's data on counterfeiting, the Bureau of Alcohol, Tobacco and Firearm's statistics on seizures and arrests, and U.S. Customs Service data on property seized for custom law violations. See CRIMINAL JUSTICE RESEARCH CENTER, *SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS* (1978), Appendix B of the Department of Justice plan for a Bureau of Criminal Justice Statistics lists 40 additional specialized and limited programs run by agencies within the Department of Justice. The plan was submitted as attachment 1 by Scarr. See note 5 *supra*.

<sup>12</sup> The best known national agency statistics effort is the Uniform Crime Reporting program of the FBI. Each month the FBI compiles information from over 12,000 local police agencies on seven "index" offenses—murder,

H.R. 2061, 96th Cong., 1st Sess. § 304 (1979); H.R. REP. NO. 655, 96th Cong., 1st Sess. 77 (1979), reprinted in [1980] U.S. CODE CONG. & AD. NEWS 4675, 4744.

<sup>9</sup> As used here, federal criminal statistics programs compile statistics on federal offenses, persons accused or convicted of federal offenses, and statistics reflecting the operation of the federal system of justice. National statistics programs are efforts designed to produce figures for the country as a whole, usually through the compilation of state and local information.

VICTIMIZATION STATISTICS	AGENCY STATISTICS	CRIMINAL JUSTICE RECORD STATISTICS	SPECIALIZED AND LIMITED PROGRAMS	FEDERAL CRIMINAL STATISTICS
National Crime Survey (NCS)  Victimizations reported by national samples of the US population. NCJISS-Census	Uniform Crime Reports (UCR)  Police reports of offenses known to them and arrests made by them. FBI	Computerized Criminal History (CCH)  An automated file of records of persons charged with criminal conduct. FBI	Homicide (Mortality) Statistics  Reports from medical examiners on deaths caused by homicide. NCHS	DEA Defendant Statistics  A file on persons arrested for federal drug law violations. DEA
	Juvenile Court Statistics  Juvenile and other court reports on the number of children referred. NIJJDP-NCJJ	Offender Based Transaction Statistics (OBTS) State level automated disposition reporting programs linked to FBI-CCH. NCJISS	Addict Reporting Program  Information about persons identified as addicts/abusers by police agencies. DEA	Federal Defendant Statistics  Data supplied by federal clerks of court for persons and cases tried. U.S. Courts
	National Prisoner Statistics (NSP)  Annual counts of state and federal prisoners, admissions and releases. NCJISS-Census	State Judicial/Corrections Information System State level automated court and correctional data systems. NCJISS	Drug Awareness Warning Network  Coroner, emergency room, and crisis center reports of drug user contacts. DEA NIDA	Automated Inmate Information System  An automated file on all persons in the federal prison system. FPS
	Uniform Parole Reports (UPR)  Data on state and federal parole systems and their parole populations. NCJISS-NCCD	Prosecutor's Management Information System Automated judicial data system designed for use by prosecutors. NCJISS-INSLAW	Client Oriented Data Acquisition Program Admissions and releases from federally funded drug treatment programs. NIDA	Federal Supervision Statistics  Data from federal probation offices on persons under supervision. U.S. Courts

FIGURE 1

Major national and federal criminal statistics programs arranged by type of program, 1979.

Prisoner Statistics,<sup>13</sup> and Juvenile Court<sup>14</sup> reporting programs, operate autonomously. However, despite the lack of effort to coordinate the separate programs, the juvenile court statistics program fre-

quently relies on UCR arrest data to describe the characteristics of children charged with crime and

rape, robbery, assault, burglary, larceny and vehicle theft. A smaller number of agencies also submit reports of the number of arrests made each month for 30 offenses, including the index crimes. Each quarter the FBI issues brief reports of offenses known, and each year it publishes detailed reports of offenses known, arrests and a limited amount of police employee data.

The UCR section maintains a data archive from which specific machine readable data may be obtained by contacting its staff. Responses to such requests, however, are constrained by the resources available to the section when requests are received.

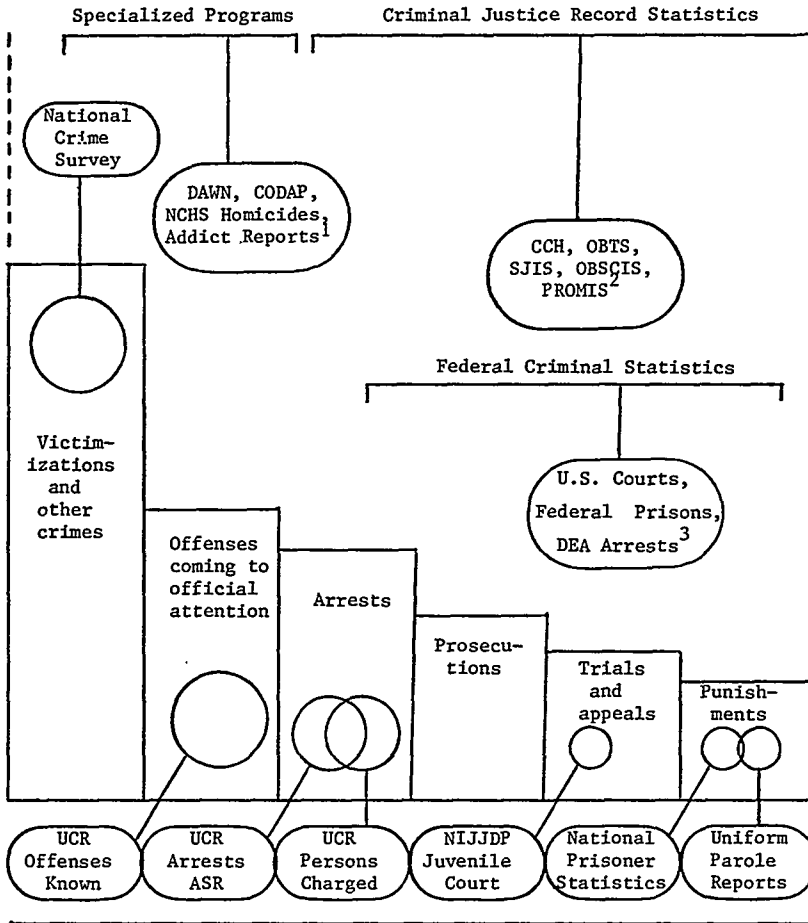
<sup>13</sup> Currently, the Census Bureau administers the National Prisoner Statistics (NPS) program for the NCJISS. The NPS program bases its annual statistics on the responses federal and state officials make to requests for information on the number of adult prisoners serving sentences of at least one year, who were admitted, held, or released during the reporting year. The Census Bureau also collects detailed information on the characteristics

of persons admitted and released. However, attempts to obtain such data on a national basis generally have been unsuccessful. The NPS program also has collected detailed information on persons sentenced to death in the United States since 1960.

Unless another source is indicated below, requests for machine readable data and additional information for all NCJISS supported programs should be submitted to the program's staff through the National Criminal Justice Information and Statistics Service or its replacement.

<sup>14</sup> The Juvenile Court reporting program is an older agency statistics effort, less well known than the Uniform Crime Reports, which the National Center for Juvenile Justice (NCJJ) runs for the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). An agency in each state, such as a department of human services, annually obtains information from each of the juvenile and county courts in the state on the number of cases involving delinquency proceedings. The NIJJDP publishes this information annually.

Requests for unpublished data and additional information should be submitted to the National Center for Juvenile Justice through the National Institute in Washington, D.C.



- 1/ Drug incidents, drug treatments, NCHS homicide counts, DEA addict reports.
- 2/ Computerized criminal histories, offender-based statistics, state-level judicial and correctional information systems, and prosecutor's information systems.
- 3/ Federal defendant and supervision statistics, the federal prison information system, and DEA arrest statistics.

FIGURE 2

Events affecting the system of justice and the national and federal statistics programs providing information on such events.

delinquency.<sup>15</sup> In addition, the National Center for Health Statistics' homicide statistics are compared with UCR homicide statistics, and occasionally UCR data are used as an indirect indication of illicit drug use.<sup>16</sup> However, UCR publications rarely refer to other traditional systems, and per-

<sup>15</sup> See NATIONAL CENTER FOR JUVENILE JUSTICE, JUVENILE COURT STATISTICS, 1974, at 4-5 (1977).

<sup>16</sup> See Klebba, *Homicide Trends in the United States*, 90 PUB. HEALTH REP. (1975); M. Greene, N. Kozel, L. Hunt & R. Appletree, *An Assessment of the Diffusion of Heroin Abuse to Medium Sized American Cities* (1974) (Special Action Office monograph).

sons familiar with the programs probably would agree that these efforts are neither closely related nor mutually supportive activities. In fact, the inability to follow specific individuals through the system of justice and the lack of convergence between the figures produced by the separate programs were factors used to support the creation of a national system of criminal justice record statistics.

The newer programs designed to produce victimization and criminal justice record statistics share little in common and offer only limited opportunities for comparison. The only possibility for

meaningful integration among the newer programs involves comparing reports of characteristics of persons officially processed with the characteristics of persons reported as offenders in the victimization surveys. Survey data, for example, reinforce conclusions on the gender-linked nature of predatory crime suggested by both criminal history data and UCR arrest data. This finding could be important because arrest statistics heavily influence our current images of offenders.

It is also important to note that data from the newer programs lead to different conclusions. The characteristics of persons arrested, suggested by an examination of UCR arrest reports, are not identical to the characteristics which analyses of criminal justice records suggest. The differences in the procedures used to produce these distinct, but clearly related, data sets account for the different results. For example, the Uniform Crime Reports do not provide separate counts of men and women within racial categories, while criminal justice record statistics do provide separate counts. The UCR arrest reports also include multiple arrests of an unknown number of persons, while criminal justice record statistics are based on the unduplicated record of individuals. Victimization statistics, agency statistics and criminal justice record statistics, with some revisions, could provide useful indications of the characteristics of persons accused or convicted of criminal conduct.

The relationship between criminal justice record statistics programs and traditional agency statistics programs is limited at best. Only the "Careers in Crime" section of the Uniform Crime Reports has provided opportunities for comparisons of formal, published criminal justice record statistics. The only individuals included in these analyses were those with at least one arrest for a federal offense. Moreover, the criminal justice record data from the FBI's Computerized Criminal History file<sup>17</sup> was

used only in discussions of recidivism and the interstate mobility of persons arrested. The analyses failed to provide an indication of the characteristics of persons arrested and the dispositions of those arrests.

Other criminal justice record statistics have appeared in published form only as analyses of Offender Based Transaction Statistics.<sup>18</sup> These analyses did not involve comparisons of the results with those produced by the UCR, Juvenile Court Statistics, National Prisoner Statistics, or any other agency statistics, even though the occasionally anticipated use of CJRS as a replacement for agency statistics suggests that such comparisons would be logical and useful. Where a state has constructed an automated CCH file covering actions taken against individuals accused of crime for a number of years, it would seem logical to attempt to reconstruct arrest, prison, and parole statistics for each year and to compare the results with those produced by traditional agency statistics for the same offenses.

The primary reasons for the lack of analyses of these relationships are: (1) the virtual absence of

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by agencies in at least one of nine participating states. Although it is used primarily to provide rapid response to requests for information about the records of individuals, the file is essential for the operation of an accurate and fully developed criminal justice record statistics program. It also has great potential as a source of information on the characteristics and records of persons charged with criminal conduct as well as of data on the operation of specific systems of justice.

Requests for data from the file should be submitted to the National Crime Information Center through the Director of the FBI.

<sup>18</sup> The Offender Based Transaction Statistics (OBTS) program was designed to develop the statistical potential of automated criminal justice records. The program provides funds to state agencies to develop criminal justice record statistics in conjunction with the development of statewide CCH programs. Specific information is to be collected and maintained about individuals processed by police, court and correctional agencies. However, few states receiving OBTS/CCH funding from the Law Enforcement Assistance Administration, have developed operational OBTS programs. Moreover, the NCJISS efforts to develop comparable OBTS statistics have been quite limited. See W. Hutchins, *The National Criminal Justice Baseline Data File (August 1977)* (paper presented at the Criminal Justice Statistics Association Conference, Oklahoma City, Okla.).

The only published analysis of information identified as Offender Based Transaction Statistics used non-OBTS data from four unidentified California counties. See C. Pope, *Offender Based Transaction Statistics: New Directions in Data Collection and Reporting (1975)* (Analytic Report 5 to the Law Enforcement Assistance Administration).

<sup>17</sup> A basic component of a well-developed criminal justice record statistics program is the compilation of what the FBI calls computerized criminal histories, a fundamentally inaccurate title because not everyone arrested or charged is guilty. The records, which constitute the National Crime Information Center's Computerized Criminal History file, combine information on arrests, court decisions, appeals, and custody changes with identification data and some background information for specific individuals. Cooperating police, court and correctional agencies throughout the country supply the information. As of November 1976, the CCH file contained the records of approximately 969,000 individuals who had been arrested at least once and whose contact with the system of justice had been reported to the NCIC

national CJRS, (2) the lack of general, independent access to the national CCH file as well as the lack of such access to existing state files and (3) the lack of central direction or control for most CJRS programs. The FBI's CCH file is an exception to this last condition, but data in the file are still unavailable.<sup>19</sup> As a result, not only have CJRS failed to eliminate the need for agency statistics, but no attempts have been made to assess the extent to which such replacement is possible.

#### ISSUES

*Central Direction.* A factor affecting several existing programs concerns the advantages and disadvantages of central direction. This issue concerns the three major approaches to criminal statistics: victimization, agency and criminal justice record statistics. Agency statistics programs with strong central direction include the Uniform Crime Reports and the National Prisoner Statistics programs. Agency statistics programs with less central control are the Uniform Parole Reporting program,<sup>20</sup> which for many years permitted state parole agencies to determine the fraction of cases for which they provided reports, and the Addict Reporting program, which has not provided instructions to participating agencies for several years.<sup>21</sup>

<sup>19</sup> See note 35 *infra*.

<sup>20</sup> The Uniform Parole Reporting (UPR) program started in 1964 as a pilot study. By 1970 the UPR had collected information on over 60,000 parolees from 55 agencies in 50 states. Its operation from 1970 through 1976 involved the collection and storage of a limited amount of information on each parolee that cooperating state agencies reported to the program. Limitations of the program, such as its lack of a regular publication schedule, its failure to publish state-by-state data, and its use of a vague and questionable measure of parole success, were remedied in 1977 when the program's administrators redesigned it as a survey of parole authorities, producing annual state, regional and national parole population data. Figures showing the number of persons paroled, being supervised, released from parole or returned to prison are now compiled by the National Council on Crime and Delinquency with funds provided by NCJISS. See LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, *PAROLE IN THE UNITED STATES* (1978).

<sup>21</sup> Since 1955 the addict reporting program of DEA has been presented as a national indicator of the number of narcotic addicts in the United States. Reports submitted on an irregular schedule by an unstated number of agencies are used to create an automated file of addicts or drug abusers. Originally created as a file of "known addicts," subsequent modifications of the program divided cases in the file into active and inactive addicts. See FEDERAL BUREAU OF NARCOTICS, *TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS* (1955, 1958). The file is modified as reports are received, and it is then used to generate monthly, quarterly and annual reports. Requests for data

The FBI's CCH program provides the prime example of a criminal justice record statistics program with strong central control. Participants are told precisely what formats and procedures are required for participation in the program. Although participating state agencies have a voice in policy formation, once policy is established, all agencies must use and follow the forms, formats and procedures designed for submitting information and for requesting data.<sup>22</sup> Other CJRS programs lack such specificity and control. For example, each state funded in the Offender Based Transaction Statistics program can design its own format and procedures. The only national requirement of the OBTS program is that each state recognize a general commitment to collect certain items of information in a roughly standard form.<sup>23</sup>

The National Crime Survey<sup>24</sup> program's national survey is less centrally directed than the FBI's CCH program. Nevertheless, a recommendation of the National Academy of Science created the possibility for a shift from central direction to simultaneous funding. The Academy's Panel for

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should be submitted to the Drug Enforcement Administration.

The last instruction brochures were prepared in 1964, and the supply of these brief descriptions of the program was probably exhausted before 1972.

<sup>22</sup> See FBI COMPUTERIZED CRIMINAL HISTORY FILE: POLICIES, FORMATS, PROCEDURES (1971). The CCH staff and the NCIC computer programs closely monitor these requirements.

<sup>23</sup> See PROJECT SEARCH STATISTICAL STEERING COMMITTEE, *IMPLEMENTING STATEWIDE CRIMINAL JUSTICE STATISTICS SYSTEMS—THE MODEL AND IMPLEMENTATION ENVIRONMENT* (1972).

<sup>24</sup> The National Crime Survey (NCS) is the only national victimization statistics program in operation at this time. Its statistics are based on the responses of persons in a national sample of households who are asked about their experience as victims of six offenses (rape, robbery, assault, larceny, burglary, and vehicle theft) and on the responses of the owners or managers of a national sample of commercial establishments who are asked about burglaries and robberies. Semiannual estimates of such victimizations are combined and published as annual estimates by the Census Bureau with funding and direction supplied by the National Criminal Justice Information and Statistics Service. From 1972 to 1975, separate surveys were also undertaken to develop victimization statistics for selected central cities in the United States. However, this separate victimization statistics program was suspended after 26 cities were surveyed, 13 of them on two occasions.

Public use files constructed from the data collected in both of these programs may be purchased from the Data Use and Access Laboratories (DUALabs) in Arlington, Va., or the Criminal Justice Archive and Information Network (CJAIN) in Ann Arbor, Mich.

Evaluation of Crime Surveys proposed that "local interest in victimization patterns could be addressed through LEAA-Census joint development of a manual of procedures for conducting victimization surveys."<sup>25</sup>

Lack of central direction in any program makes it almost impossible to compile national statistics.<sup>26</sup> Centrally directed programs are more likely than decentralized programs to produce comparable figures for time series or for geographic areas. In addition, centrally directed programs create possibilities for greater accessibility because standardized data collection simplifies the routine distribution of data sets and the routine production of reports. Analyses and reports produced by a central agency are more likely to be available to all interested parties, even if special analyses are occasionally undertaken for inhouse use.

However, central direction does not guarantee accessibility. The CCH program easily could provide access to data in its files for statistical analysis but rarely does. In addition, central direction will not guarantee interpretability. However, the alternative, combining figures obtained in slightly different ways in different jurisdictions for slightly different periods of time, will make interpretation more difficult. For these reasons, centrally directed programs are likely to produce more dependable and more useful national statistical information than programs that only provide funds and limited guidance to agencies in selected states.

*Public Versus Private Operation.* This issue also concerns major approaches to criminal statistics. The victimization statistics program relies on a private organization (DUALabs) for data reorganization and the distribution of its public use file. Nongov-

ernmental organizations administer two agency statistics programs: the Uniform Parole Reports and the Juvenile Court Statistics. In addition, private organizations have developed and administered a number of aspects of some CJRS programs, although a public agency runs the basic component of the CJRS programs, the CCH file.

The primary nongovernmental entities in criminal justice record statistics developments are the SEARCH Group Inc., which has worked with the OBTS, SJIS and OBSCIS<sup>27</sup> programs, and the Institute for Law and Social Research, which has developed the Prosecutor's Management Information System (PROMIS).<sup>28</sup> In these CJRS programs, the private organization is not responsible

<sup>27</sup> Both the State Judicial Information System (SJIS) program and the Offender Based State Corrections Information System (OBSCIS) program were designed to increase court and correctional agency participation in the CCH/OBTS efforts. See G. Hall, Recommendation and Selection of States for Statewide Judicial Information System and Prisoner Accounting Information System (July 2, 1973) (memorandum to LEAA regional administrators). These NCJISS funded programs provide loosely structured guidelines for the development of automated court and correctional data systems. The systems to be developed are multipurpose programs intended to assist judges and other court personnel to run their courts more efficiently, to help correctional personnel manage their programs while providing additional disposition reporting to state CCH/OBTS activities and permitting the compilation of judicial and correctional statistics. No national SJIS or OBSCIS statistics exist because there are no national components of these programs.

<sup>28</sup> The Prosecutor's Management Information System (PROMIS) is intended to improve the operation of the prosecutors' offices by creating readily accessible automated records for each person facing prosecution and modifying such records as the case develops. Designed to assist in the routine assignment of priorities to pending cases and to alleviate impediments to the flow of cases through the office, the program relies on fingerprint identification and NCIC and local CCH files for information about each defendant's criminal justice records. Although no custody information is collected, PROMIS uses most of the other standard items of information used in the OBTS and CCH programs. Its unique contribution to criminal justice record statistics is its retention of an identification (FBI) number, a police incident (complaint) number, and a court case (docket) number. This makes it both efficient and attractive as a disposition reporting program and as a source of data for research and statistics. Although established in a relatively small number of cities, counties and judicial districts, its adoption in Rhode Island as a state judicial information system suggests that it may evolve into a program capable of producing national criminal statistics.

Data for the District of Columbia for 1974 and 1975 may be obtained from the Criminal Justice Archive and Information Network. Request for other data should be sent to INSLAW through NCJISS.

<sup>25</sup> NATIONAL RESEARCH COUNCIL, SURVEYING CRIME 58 (1976). The National Academy of Science's report is ambiguous on this point, in that an earlier section recommends integrating the national and city surveys in such a way that estimates could be made for standard metropolitan statistical areas or for the five largest central cities. See *id.* at 55. But the suggestion that local officials would want to carry out victimization studies on their own, with some technical assistance and "planning funds" moves in a different direction. On the assumption that some cities would seek and receive some federal support for local surveys, the surveys would be similar to most current CJRS efforts. They would be federally funded, decentralized operations and would have some of the same drawbacks as the OBTS effort. They probably would not produce comparable figures, access to the data would be complicated, and interpretations would be made more difficult.

<sup>26</sup> The condition of the OBTS program clearly illustrates this fact. See note 18 *supra*.



for the daily operation of the program. As with DUALabs in the victimization survey programs, these federally funded private organizations provide services and counsel for the NCJISS staff. They also work with representatives of the states which have received or are seeking LEAA funding to develop state-level programs.

Funding private organizations to develop prototype national statistics programs has some advantages. It undoubtedly attracts people with ability, experience and ideas who would not otherwise be involved. It probably permits greater flexibility in the early stages of a new program. Finally, if a program does not work well, it may be easier to terminate if it is run by a nongovernmental organization. However, funding a private organization also has a number of disadvantages. Having a private agency administer a program reduces central control by placing the private organization between the federal agency, which is seeking the information, and the state or local agencies that must provide the information. Moreover, these privately administered programs are inherently less stable than those with direct federal operation because either party may decide not to continue the arrangement.

There is no reason to believe that the figures produced by private organizations will be less dependable than statistics compiled by a governmental organization, except in situations where the private organization has interests similar to those of the reporting agencies or where the organization involved has committed itself to a particular course of action to gain the cooperation of the agencies involved. Current arrangements for the production of Juvenile Court Statistics may be vulnerable in this way because the research wing of the National Juvenile Court Judges Association is compiling them. However, this may not be a serious problem because the arrangement is a temporary measure designed to be an evaluative and developmental procedure rather than a permanent one.<sup>29</sup>

<sup>29</sup> The Uniform Parole Reporting program arrangement before 1977 was less reassuring. The program was started by the National Parole and Probation Institute of the National Council on Crime and Delinquency, an organization committed to the continued use of parole in the United States. Moreover, its original staff promised participating state agencies that they would not release parole outcome statistics for specific states without permission from the parole boards involved. If this situation had continued and other weaknesses in the program had not been corrected, such as its failure to publish results on a regular schedule in a readily understood format, it is difficult to see how continued public funding by a

*Access.* Accessibility concerns those who wish to use the data compiled in a national criminal statistics program rather than those who run a program. However, it can be argued that the way to improve any criminal statistics program is to make its procedures, analyses and basic data as accessible as possible to persons outside the program—without infringing on the personal privacy of individuals whose records or reports are used to compile the figures.<sup>30</sup> Current national criminal statistics programs provide varying degrees of access to the data they collect.

Documentation for a complete program may be obsolete or unavailable, as it is in the DEA's Addict Reporting program, where supplies of instructions to participating agencies were exhausted and never replaced. In some cases, general descriptions of national programs were unavailable for long periods of time. For example, there was no official description of the National Prisoner Statistics program until 1977. In other cases, specific documentation is missing or withheld, as is the case with descriptions of the UCR procedures for annually adjusting previously published figures. These have not been issued since 1966.<sup>31</sup>

Some documentation simply is not widely distributed and may be difficult to obtain. Some studies carried out for the NCJISS fall into this category as does the NCIC's Policies, Formats and Procedures Manual,<sup>32</sup> the Juvenile Court Statistics program's instructions and some older UPR documentation. Other documents, such as the UCR handbook and SEARCH Group publications, are published, widely distributed and, in general, readily available.

The availability of tabulations and analyses done for different programs vary widely. The most

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national statistics service could have been justified. There may still be a problem with the operation of the program by a private organization, but these defects have been remedied.

<sup>30</sup> The right to privacy in this context is the right of individuals to know of, and have a voice in the dissemination of, information about them which is kept in public and private files. It does not include attempts by administrators of public agencies to protect their agencies from embarrassment by classifying information as confidential.

<sup>31</sup> This problem may be resolved by a recent decision of the UCR staff to stop publishing adjusted versions of previously published estimates.

<sup>32</sup> See FBI note 22 *supra*; C. Friel & E. Freeman, OBTS/CCH Problem Identification Study: An Analysis of the Status of OBTS/CCH Development in the States of Michigan, New York, New Jersey and Ohio (1976) (report prepared for NCJISS).

extreme case of inaccessibility probably was the UPR before 1977. Similarly, the tabulations made in the DAWN<sup>33</sup> program of drug incidents and tabulations made in the CCH program for internal FBI use are rarely published. If tabulations were made in the Addict Reporting program, using information collected about persons reported as users of nonaddictive drugs, they were never published.

Under optimal circumstances, access to machine readable data is provided through public-use files such as those created for victimization survey data and for homicide data collected by the National Center for Health Statistics' mortality data.<sup>34</sup> Copies of these files are available to anyone, at cost. A much less satisfactory approach has been to make the data selectively available, to provide it on an informal, ad hoc basis at the convenience of the collecting agency. This is the approach which the UCR program and the Addict Reporting program take. To a lesser extent, this has been the pattern in the CCH program.<sup>35</sup>

<sup>33</sup> The Drug Awareness Warning Network (DAWN) uses selected medical examiners' reports of drug-related deaths and reports of medical and psychological problems caused by drug use, collected by persons working in selected hospital emergency rooms and drug crisis centers to estimate the scope and extent of illicit drug use in the United States. Statistics generated by the analyses of these reports have been published on an irregular basis under slightly different formats since 1975. See DEPT. OF HEALTH, EDUCATION & WELFARE, DAWN CITY SUMMARIES (1975); IMS AMERICA, DAWN STATISTICAL SUMMARY (1976). Requests for data may be submitted to either the National Institute on Drug Abuse or the Drug Enforcement Administration. A private research organization runs the program for the DEA and the NIDA under a series of separate contracts.

<sup>34</sup> The Homicide (Mortality) Statistics program of the National Center for Health Statistics (NCHS) can be viewed as a specialized and limited criminal statistics effort because it is a well-documented source of data on violent deaths. Using data contained in death certificates regarding the cause of death of specific individuals, the program provides information on homicide that complements that provided by the police. Although some medical examiners rely on the police in making decisions on the cause of violent deaths, others make independent decisions. See Farberow, MacKinnon & Nelson, *Suicide: Who's Counting?*, 92 PUB. HEALTH REP. 223 (1977). Machine readable data may be obtained from NCHS. See DEPT. OF HEALTH, EDUCATION & WELFARE, STANDARDIZED MICRO DATA TAPE TRANSCRIPTS (1976). Even if all medical examiners worked with the police in such cases, some of the basic features of the program, particularly its certification, registration and routine audits, make it an important source of homicide data.

<sup>35</sup> I am personally indebted to the UCR staff for their provision of unpublished machine readable data. How-

*Statistical Information or Management Information.* A subtle and largely unrecognized issue currently impeding the development of an integrated system of national criminal statistics programs is related to the inconsistent use of the term "information" by separate agencies within the Department of Justice. The confusion arises from the use of "information" to mean statistical information on some occasions and management information on other occasions. Management information systems are capable not only of developing statistical information but of providing important data on the operation of the justice system. However, when questions are raised about the availability of such data, it is suggested that management information systems are intended as operational programs, that they are designed to facilitate law enforcement or the administration of justice, and that any statistical information they provide is secondary and coincidental.<sup>36</sup>

Three of the seven programs run by the NCJISS are management information systems (PROMIS, SJIS and OBSCIS); two are agency statistics programs (NPS and UPR); and one is the victimization statistics program (NCS). The other program (OBTS) is a criminal justice record statistics effort which has yet to produce national criminal statistics. Through its SJIS and OBSCIS programs, the staff urged state officials to construct additional criminal justice record files for operational purposes in the hope that these separate systems would provide additional disposition information for the OBTS files. Nonetheless, some NCJISS staff members viewed the systems primarily as management information systems, rather than as statistical efforts. This persistent confusion of purpose and direction is a major reason for the unavailability of national criminal justice record statistics.

The unavailability is confounded by the fact that the attempts by the NCJISS staff to develop computerized information systems compete with closely related, but independent, FBI efforts. While the NCJISS staff is trying to develop one set of computerized information systems, the FBI continues to develop its own Computerized Criminal History file. The relationship between criminal history and management information activities is,

ever, information in the CCH file was unavailable because it "would require that an analyst, programmer, and computer time be diverted from essential CCH operational tasks." Letter from Clarence Kelly, Director, FBI (Jan. 18, 1977).

<sup>36</sup> Based on interviews with NCJISS Systems Division staff members in 1976 and 1977.

in many ways, closer than that between management information and statistical activities. Yet, two organizations within the Department of Justice each have been assigned responsibility for national criminal statistics and for the development of computerized information systems designed to help criminal justice officials carry out their duties.

In brief, a continuing problem has been the existence of one agency working to develop one kind of disposition reporting and computerized record construction and another working to develop computerized information systems that can be used for statistical as well as operational purposes. The inability of either organization to control the activities of the other complicates the problem. The situation suggests the need for a single federal agency which would have responsibility for the development of all such systems. Such an agency need not be a statistics service. The tasks and costs involved easily might overwhelm any statistics organization. Yet the proposed federal agency should not be solely responsible for law enforcement or the administration of justice. It must have a staff which recognizes the distinction between operational systems and statistical systems as well as the importance of the interdependence of such activities for the eventual development of national criminal justice record statistics.

Although NCJISS may have been organized to serve such a function, its lack of jurisdiction over the automated criminal justice record activities of other federal agencies severely limited its ability to develop an integrated approach to automated criminal justice records that can be used for both operational and statistical purposes. This situation suggests either that the Federal Bureau of Justice Statistics when it is developed should contain a national criminal justice record center or that two independent national centers are needed.

An alternative would be to unify the identification and the CCH programs within the FBI and expand this division into a national criminal justice records center. The record center should provide access to the files or cooperate in the creation of timely research files in a way that would not violate the privacy rights of the individuals whose records are in the files. However, such legislation should not permit the use of the privacy issue or any classification of the data as "sensitive," "confidential," or as an "intelligence file" to block access to the file's statistical data base.<sup>37</sup>

<sup>37</sup> Continuing the current approach to automated files can be expected to hinder the development of CJRS in

It is important to emphasize that the current lack of national criminal justice record statistics, after almost ten years of effort and considerable federal funding, is largely a result of the National Criminal Justice Information and Statistical Service's inability to overcome the problems created by a competing disposition-reporting program over which it has no control. While state-level funding strategies, in this instance, did not produce the criminal justice record statistics (OBTS) which the NCJISS sought, they did increase the number of individuals whose names and criminal justice records were included in CCH files. A new bureau of criminal statistics that does not have control over, or a clear right to, the statistical use of all computerized criminal justice records obtained by federal agencies probably cannot produce criminal justice record statistics—regardless of the size and quality of its staff or the money available to support statistical activities.

#### RECOMMENDATIONS FOR IMPROVEMENT SHORT OF A SEPARATE ORGANIZATION<sup>38</sup>

Resolution of some of these issues would have been possible without the creation of a bureau of justice statistics. For example, a reorganization short of the establishment of a bureau might have reduced some of the fragmentation<sup>39</sup> suggested throughout this discussion. Extending the authority of the NCJISS to permit it to integrate existing executive branch federal criminal statistics efforts

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spite of the best efforts of NCJISS or any new national statistics service which lacks access to the data in such files. Moreover, the country will continue to drift into the creation of a national criminal justice record center of some sort. The current conversion of the FBI's fingerprint and identification files to machine readable form—using what are essentially CCH formats and procedures—will assure such an outcome. The improvement and proliferation of automated fingerprint classification equipment will also speed this effort along, as will continued LEAA or DOJ grants to local and state agencies for the development of management information systems. It is not a question of whether a national criminal justice record center will be created but only a question of how it will be done.

<sup>38</sup> What follows is a revised version of recommendations made before the House of Representatives, Subcommittee on Crime, March 15, 1979. See *Reauthorization of the Law Enforcement Assistance Administration: Hearings on H.R. 2061 and H.R. 2108 before the Subcomm. on Crime of the House Judiciary Comm.*, 96th Cong., 1st Sess. (1979) (statement of Roland Chilton).

<sup>39</sup> Fragmentation, as used here, refers to the creation of statistical efforts of a similar type that are developed independently, producing data which cannot be collated and organizations whose work cannot be coordinated.

with appropriate national statistics efforts should have reduced some of the current fragmentation. It also would have provided better information about the operation and activities of a variety of federal criminal justice agencies. Transferring responsibility for the juvenile court statistics program from NIJJDP to NCJISS also would reduce fragmentation.

It might have been possible to assign existing programs to a single agency which would be responsible for coordinating all criminal justice record statistics efforts, thereby eliminating the duplication and deadlock currently impeding the development of such statistics. Continuing the overlapping responsibilities of NCJISS and the FBI for the development of programs that might produce such statistics, CCH and OBTS respectively, and the continued absence of central direction for these efforts seems certain to impede the development of dependable criminal justice record statistics. Although it also would have been possible to establish a national criminal justice data repository within a single agency without creating a bureau of justice statistics, the agency operating the repository would have had to be authorized to request machine readable data from all national and federal criminal statistics programs. No such permanent central repository now exists although several privately run repositories are being supported by federal agencies: DUALabs for victimization survey data, DAEDAC for drug information and CJAIN for some of the data collected by NCJISS.<sup>40</sup>

Finally, it would have been possible for the National Institute of Justice or NCJISS to commission utilization studies of all federally supported criminal statistics programs on a regular, rotating basis. Currently, there is little systematic information on the persons and organizations using the statistics being generated nor is there systemic information on the uses to which the data are put. While creation of a bureau of justice statistics would not have been necessary for the initiation of such utilization studies, the existence of a central organization will simplify their introduction and routinization.

<sup>40</sup> The DAEDAC (Drug Abuse Epidemiology Data Center) data base contains information on drug use and drug enforcement compiled by the Drug Enforcement Administration and the National Institute on Drug Abuse. It is supported by NIDA. The Criminal Justice Archive and Information Network and the Data Use and Access Laboratories are supported by NCJISS.

#### POSSIBLE IMPACT OF A BUREAU OF JUSTICE STATISTICS

Although some issues could have been resolved without the creation of a bureau, others require the kind of reorganization a bureau permits. The impending creation of a bureau of justice statistics will improve existing programs in several ways. The agency statistics programs, particularly the Uniform Crime Reports, Juvenile Court Statistics, and National Prisoner Statistics, which are located in three separate organizations, should be improved by the possibilities a bureau will create for greater uniformity in the procedures used and by the increased comparability of the data collected in each program. Increased coordination among the programs, and the opportunity for greatly expanded exchanges of ideas and techniques provided by a single organization, should result in better programs and better agency statistics.

Inclusion of the victimization statistics program in a bureau responsible for agency statistics as well as criminal justice record statistics should lead to greater comparability of the results produced by all three efforts. Increased coordination between the victimization statistics program and the Uniform Crime Reports would be particularly useful because it could lead to the kind of mutual support originally envisioned for these programs.

A bureau's central direction will improve criminal justice record statistics efforts, including the Computerized Criminal History, Offender Based Transaction Statistics, and the existing information systems: Offender Based State Corrections Information System, State Judicial Information System, and the Prosecutor's Management Information System. With the problems created by competing disposition-reporting programs resolved, and cooperative arrangements mandated between the agency responsible for the national rapid response system and the Bureau of Justice Statistics, a more efficient and rational approach to criminal justice record statistics should be developed.

An important step toward the reduction of confusion and duplication could be made if all systems capable of producing statistical information about crime, criminals, and the system of justice were identified as criminal statistics programs regardless of their other uses or their designation as information systems or management information systems. Although such clarification might have been accomplished without creating the Bureau of Justice Statistics, the creation of a federal agency with

responsibility for all efforts to produce national criminal statistics and access to all executive branch data systems that are potential sources of criminal statistics will increase the likelihood of clarification significantly.

Persons interested in improved criminal justice statistics have recommended the creation of a single agency with the responsibility for all federally supported criminal statistics efforts for at least fifty years. However, the need for such an organization is more pronounced today because of the increased number of programs capable of producing such information and the resulting fragmentation and duplication. The need for a unified approach will be greater in the future because more dependable information will be required to carry out the purpose of new criminal justice improvement legislation. Attempts to measure the incidence of crime and delinquency, to assess the extent to which existing programs have succeeded or failed, and to provide the accurate and unbiased data essential for informed public consideration of the problems of crime and justice<sup>41</sup> will require a better organized federal statistics effort than presently exists.

<sup>41</sup> These purposes are suggested by the Declaration and Purposes section of the Justice System Improvement Act of 1979, Pub. L. No. 96-157, 93 Stat. 1167 (1979).

The reorganized bureau of criminal justice assistance created by the new legislation, which is called the Law Enforcement Assistance Administration, will require dependable and timely statistics for informational, evaluational, and planning purposes.<sup>42</sup> The newly authorized National Institute of Justice will need such information to evaluate the effectiveness of specific programs, conduct research, and administer grants.<sup>43</sup>

While some existing programs might not survive the reorganization and restructuring envisioned here, the most useful and the most basic programs not only will survive but will be improved by the establishment of the Bureau of Justice Statistics which is authorized to "[c]ompile, collate, analyze, publish and disseminate uniform national statistics" on crime, persons accused or convicted of criminal conduct, and the operation of the system of justice.<sup>44</sup>

<sup>42</sup> These purposes are presented in part A, the Justice System Improvement Act of 1979, Pub. L. No. 96-157, §§ 102(c), 103(a)(3), 93 Stat. 1167 (1979).

<sup>43</sup> These purposes are presented in part B of the Justice System Improvement Act of 1979, Pub. L. No. 96-157, § 202(c)(2)-(4), 93 Stat. 1167 (1979).

<sup>44</sup> Part C, the Justice System Improvement Act of 1979, Pub. L. No. 96-157, § 302(c)(7), 93 Stat. 1167 (1979).