

Publication 2

Prosecutor's Management Information System

Expanding the Perspective of Crime Data: Performance Implications For Policymakers

INSLAW
Institute for Law and Social Research
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Publication 2

PROMIS Research Project Topics:

1. Overview and interim findings
2. **Enhancing the policy-making utility of crime data**
3. The repeat offender as a priority for prosecutors
4. Police effectiveness in terms of arrests that result in convictions
5. The prosecuting attorney as a manager
6. The high-fear crimes of robbery and burglary
7. The low-conviction crime of sexual assault
8. Prosecuting cases involving weapons
9. Prosecution of such "victimless crimes" as gambling, prostitution, and drug offenses
10. Scope and prediction of recidivism
11. Geographic and demographic patterns of crime
12. Impact of victim characteristics on the disposition of violent crimes
13. Female defendants and case processing
14. Analysis of plea bargaining
15. Analyzing court delay
16. Pretrial release decisions
17. Sentencing practices

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Foreword

An editorial in the *Philadelphia Bulletin* (September 7, 1976), entitled "If We Knew More We Could Move on Crime," observed: "If the government can trace a hog from farm to market, it ought to be able to trace crime from the streets through the whole criminal justice system. . . . And if we really got it all together, just maybe we could figure out some better ways of dealing with our crime problems."

As this report makes clear, one reason we do not have it all together is that the basic record-keeping systems from which criminal statistical data are drawn are not designed to permit data from different types of agencies—for example, from police departments and prosecutors' offices—to be reconciled and combined for meaningful systemwide analyses. Our present record-keeping procedures have come to serve limited and often parochial intra-agency interests.

The Institute for Law and Social Research (INSLAW) has demonstrated how much more valuable criminal statistics can be to policymakers when the parochial barriers to reconciliation are removed. The report, like the overall PROMIS Research Project of which it is a part,

shows clearly the importance of being able "to trace crime from the streets through the whole criminal justice system."

Achieving this capability will, as the report correctly states, require changes in federal criminal statistics policies. The U.S. Department of Justice has more personnel at work on statistical programs than in the Criminal and Civil Divisions combined. But this large and expensive enterprise, the annual cost of which is about \$39 million according to the estimates of the Office of Management and Budget and \$64 million according to the Department's own figures, is not giving us a satisfactory return on our investment.

One important step toward rectifying this situation would, in my opinion, be the creation within the Department of Justice of a centralized Bureau of Criminal Justice Statistics. Reporting directly to the Attorney General or the Deputy Attorney General, this Bureau would eliminate the parochialism that currently restricts the usefulness of most criminal statistics to intra-agency purposes only.

Under the aegis of a Bureau of Criminal Justice Statistics, we could expect to develop, on a routine basis,

new perspectives on the performance of the criminal justice system such as those revealed in this report. As INSLAW documents, the conviction rate for felonious assaults in the nation's capital can be pegged anywhere from 81 percent to 7 percent depending upon whether one considers indictments, arrests, reported offenses, or the victimization estimates of the number of crimes that actually occurred.

Because of the many possible legitimate interpretations of "conviction rate" and other criminal justice statistics, citizens and government officials alike need a neutral and comprehensive explanation of crime data. This could be expected from the proposed Bureau of Criminal Justice Statistics, for its objectivity would be ensured—both in fact and in appearance—by limiting its function to the collection, analysis, and publication of the data, with no responsibility to act upon the results.

THE HONORABLE
HAROLD R. TYLER, JR.
DEPUTY ATTORNEY GENERAL
OF THE UNITED STATES
WASHINGTON, D.C.
JANUARY 1977

Preface

In keeping with statements of previous commissions, a 1973 report of the National Advisory Commission on Criminal Justice Standards and Goals highlighted a basic idea on which an effective and evenhanded criminal justice process depends: "Official judgment in criminal justice, as in other policy areas, is not likely to be sounder than the available facts." (*Criminal Justice System*, p. 2.)

The publications of the PROMIS Research Project present findings derived from what is probably the richest source of criminal justice facts ever gathered within a jurisdiction: 100,000 "street crime" cases (felonies and serious misdemeanors) processed by District of Columbia prosecutors over a six-year period. Up to 170 facts on each case are stored in PROMIS (Prosecutor's Management Information System), facts that help

fill the information gap which has long existed between arrest and incarceration, a void that has seriously impeded informed decisions by policymakers in most jurisdictions.

Exploiting these facts in the District of Columbia, staff members of the Institute for Law and Social Research (INSLAW) analyzed data that arose out of normal operations and generated a wide range of findings pertaining to what some observers

regard as the criminal justice system's nerve center—the prosecution and court arena. This empirical research has yielded recommendations regarding criminal justice priorities, policies, and procedures.

Funded by the Law Enforcement Assistance Administration, the PROMIS Research Project is a demonstration of how automated case management information systems serving the prosecutor and court can be tapped in order to provide timely information by which criminal justice policymakers may evaluate the impact of their decisions. The significance of this demonstration is by no means restricted to the District of Columbia. At this writing, approximately 50 state and local jurisdictions throughout the nation have implemented PROMIS, or are planning to do so. In the foreseeable future, PROMIS is expected to be operational in as many as 100 jurisdictions.

Hence, many areas in the United States are, or soon will be, in a particularly advantageous position to benefit from the types of insights—and the research methodology employed to obtain them—described in the reports of the PROMIS Research Project. There are 17 publications in the current series, of which this is Number 2. A noteworthy feature of this series is that it is based primarily on data from a prosecution agency. For those accustomed to hearing the criminal justice system described as consisting, like ancient Gaul, of three parts—police, courts, and corrections—the fact that most of the operations of the system can be assessed from the perspective of an agency usually omitted from the system's description may come as a surprise. The major topics addressed by these publications are summarized as follows:

1. *Overview and interim findings.* Presenting highlights of interim findings and policy implications of the multiyear PROMIS Research Project, the report provides thumbnail sketches of INSLAW studies in such areas as police operations when analyzed in terms of the percentage of arrests resulting in conviction, prosecution operations as viewed from the standpoint of their potential impact on crime control, and criminal justice system effectiveness as viewed from the victim's vantage point as well as from a crime-specific perspective. Findings related to robbery, burglary, sexual assault, and

“victimless crimes” are summarized. Further analyses pertain to recidivism, female offenders, victims of violent crimes, court delay, plea bargaining, bail, sentencing, and uniform case evaluation, among other topics.

2. *Enhancing the policy-making utility of crime data.* Why do statistics that are valuable indicators of the performance of individual agencies often tend to obfuscate the combined, systemwide effectiveness of those same agencies? How might the collection of crime data be improved to enhance their utility to policymakers? Addressing these questions, INSLAW made various statistical adjustments so that court, prosecutory, police, and victimization data could be compared to obtain systemwide performance measures for various crimes and to analyze at what points—from victimization to conviction—criminal incidents dropped out of the criminal justice process.

3. *The repeat offender as a priority for prosecutors.* After describing the disproportionate share of the criminal justice work load accounted for by repeaters (whether defined as those rearrested, reprosecuted, or reconvicted), the report suggests that greater emphasis on the prosecution of recidivists may be an appropriate strategy from a crime-control standpoint. A method is presented by which prosecutors could implement and monitor such a strategy.

4. *Police effectiveness in terms of arrests that result in convictions.* What can the police do to reduce the enormous volume of arrests that do not result in a conviction? After describing the magnitude of this problem, the publication analyzes three aspects of the question: apprehension procedures, legal and institutional factors, and personnel characteristics. Police-related factors that influence the likelihood of conviction are analyzed, as are the reasons given by prosecutors for rejecting arrests. Policy implications of the research findings are emphasized throughout the report.

5. *The prosecuting attorney as a manager.* Focusing on “street crime” prosecutions, the research analyzes the cumulative impact of various case-level prosecutory decisions, such as those relating to case rejections, nolle prosequis, dismissals, pretrial release recommendations, plea bar-

gaining, and sentencing. Broad discretionary power exercised by prosecutors over the fate of individual cases is contrasted to the role played by prosecutors in providing overall direction to policies and priorities of the criminal justice system. Examples of policies that harness the prosecutor's power over individual cases to achieve systemwide objectives and priorities are presented. The research focuses on the challenge of measuring, monitoring, and enforcing priorities and evenhandedness in a large, high-volume court system.

6. *The high-fear crimes of robbery and burglary.* Comprising a substantial portion of the prosecutor's work load, robbery and burglary are analyzed from the perspectives of the victim, defendant, and court case. Robberies and burglaries are traced from victimization through disposition; defendants in those cases are compared to other arrestees in terms of their characteristics and criminal career patterns; prosecution of robbery and burglary cases and sentencing of convicted defendants are explored in detail. Policy implications of the findings are highlighted throughout.

7. *The low-conviction crime of sexual assault.* From victimization to sentencing, the report traces the processing of sexual assault cases and indicates the reasons why those cases are more likely to fall out of the system than other types of cases. Characteristics of victims and defendants are described, particularly the recidivism patterns of the latter. Findings are discussed in terms of their policy implications.

8. *Prosecuting cases involving weapons.* Analyzing how District of Columbia weapons-related statutes are applied by prosecutors, the publication contrasts the handling of cases in which a weapon is used—such as robbery—to those involving possession only. Recidivism patterns of the two sets of defendants are analyzed. The findings and their impact on policy are likely to have applicability beyond the jurisdiction studied.

9. *Prosecution of such “victimless crimes” as gambling, prostitution, and drug offenses.* These crimes are examined from arrest to sentencing. By what process are decisions made to enforce laws proscribing victimless crimes and to prosecute offenders? Is this process different from that utilized with regard to non-

victimless crimes? What factors affect decisions regarding enforcement and prosecution? To what extent are criminal justice resources allocated to combat victimless and nonvictimless crimes? What are the policy-making ramifications? These and other questions are addressed by the report.

10. *Scope and prediction of recidivism.* This report describes the nature and extent of the repeat-offender problem in the District of Columbia in terms of three definitions of recidivism: rearrest, re-prosecution, and reconviction. By tracking a group of defendants over a number of years, INSLAW identified the habitual offenders by crime category and analyzed their patterns of crime switching. A predictive technique is developed to identify defendants who are most likely to recidivate within the same jurisdiction. Policy implications are highlighted.

11. *Geographic and demographic patterns of crime.* Of significance to policymakers, this report analyzes the geographic distribution of offenses and arrests in the District of Columbia and the residential patterns of the defendants. Possible differential processing by the criminal justice system of defendants from different areas is explored.

12. *Impact of victim characteristics on the disposition of violent crimes.* Analyzing how the victims' age, race, sex, relationship to offender, and other characteristics affected the case processing of violent crimes, INSLAW research views the victim both as a decision maker (in

terms of his or her behavior as a witness) and as an influence on the decisions made by prosecutor, judge, and jury.

13. *Female defendants and case processing.* The types of crimes for which females are arrested are compared to those for which males are apprehended. Differential handling of cases by sex is analyzed. The implication of the research findings for policy formulation is presented.

14. *Analysis of plea bargaining.* After describing the nature and extent of plea bargaining in the District of Columbia, the report explores the impact of work load, codefendants, and recidivism on plea rates. Looking at charge reduction, pretrial detention, and sentencing, INSLAW researchers analyze plea negotiations from the standpoint of both defendant and prosecutor. Suggestions aimed at enhancing the equity and efficiency of the plea bargaining process are offered.

15. *Analyzing court delay.* Probing the data recorded in PROMIS regarding the elapsed time between various case-processing events, and comparing actual case-processing times to standards advocated by national commissions, the report attempts to isolate the determinants of delay and its impact on case dispositions. The publication also explores the reasons for continuances and the effect of nonprocedural continuances on delay, and addresses the policy implications of the findings.

16. *Pretrial release decisions.* The range of possible pretrial release decisions in the District of Columbia is

analyzed, including cash bond, surety, third-party custody, personal recognizance, and preventive detention. Factors influencing the likelihood of various pretrial release decisions are probed. Methods of using data commonly available at the bail hearing for the purpose of predicting crime on bail and flight are explored.

17. *Sentencing practices.* Focusing on the Superior Court of the District of Columbia, the research seeks to identify how the incarceration rates and lengths of sentences are affected by the characteristics of the defendant and his or her criminal history as well as by the seriousness of the charge for which the conviction was secured, and other factors. These analyses attempt to measure the consistency and evenhandedness of the sentencing process.

Obviously, research is not a panacea. Much knowledge about crime must await better understanding of social behavior. And research will never provide the final answers to many of the vexing questions about crime. But, as the President's Commission on Law Enforcement and Administration of Justice observed in 1967: ". . . when research cannot, in itself, provide final answers, it can provide data crucial to making informed policy judgments." (*The Challenge of Crime in A Free Society*, p. 273.) Such is the purpose of the PROMIS Research Project.

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Acknowledgments

So many individuals and agencies have made valuable contributions to this and the other reports of the PROMIS Research Project that full acknowledgment of their assistance would consume more pages than are available here.

Of critical importance to the success of the PROMIS Research Project has been the farsighted, progressive stance of the United States Attorney's Office for the District of

Columbia, both in terms of its willingness to permit INSLAW to submit many of its operations to detailed examination and in terms of its active assistance regarding the development, analysis, and dissemination of data. The office is deserving of great admiration and respect.

INSLAW is also indebted to the Superior Court of the District of Columbia, which has been extremely generous in making data available for

the project's studies and in helping researchers assess the meaning of the statistics.

Similarly, we have received exemplary cooperation from many other District of Columbia agencies, including the Metropolitan Police Department, Public Defender Service, the D.C. Bail Agency, and the Department of Corrections. Among other forms of assistance, they have facilitated access to data and to per-

sons who have provided valuable insights.

Of invaluable assistance in reviewing, evaluating, and critiquing the research plans, methodologies, and findings are the project's national and local advisory committees, whose members are listed below and whose generous help is gratefully acknowledged.

National Advisory Committee: Robert A. Shuker (Chairman), Chief, Superior Court Division, United States Attorney's Office for the District of Columbia; Colonel Curtis Brostron, Secretary, St. Louis Board of Police Commissioners; The Honorable William L. Cahalan, Wayne County (Detroit) Prosecuting Attorney; The Honorable William H. Erickson, Justice, Supreme Court of Colorado; Professor Edith E. Flynn, College of Criminal Justice, Northeastern University; Paul L. Friedman, Attorney, Washington, D.C.; Mr. Phillip H. Ginsberg, Attorney, Seattle, Washington; Lester C. Goodchild, Senior Attorney, Temporary State of New York Commission on Judicial Conduct, Buffalo, New York; Professor Willie King, Antioch School of Law, Washington, D.C.; Professor Albert J. Reiss, Jr., Institution for Social and Policy Studies, Yale University; Professor Leslie T. Wilkins, State University of New York, Albany; Professor Marvin E. Wolfgang, Director, Center for Studies in Criminology and Criminal Law, University of Pennsylvania; and Professor Hans Zeisel, University of Chicago Law School.

Local Advisory Committee: Bruce D. Beaudin, Director, District of Columbia Bail Agency; William Golightly, Assistant Director for Administration, Office of the Director, Department of Corrections, Washington, D.C.; The Honorable Harold H. Greene, Chief Judge, Superior Court of the District of Columbia; J. Patrick Hickey, Director, Public Defender Service, Washington, D.C.; Assistant Chief Burtell Jefferson, Metropolitan Police Headquarters, Washington, D.C.; Dr. Irving A. Wallach, Director, Office of Criminal Justice Plans and Analysis, Washington, D.C.; and The Honorable Earl J. Silbert, United States Attorney, Washington, D.C.

Without the funding and support of the Law Enforcement Assistance

Administration (LEAA), U.S. Department of Justice, PROMIS and the PROMIS Research Project would not exist. A special debt of gratitude is owed to Alvin Ash of LEAA's System Development Division for his farsighted and steadfast support of PROMIS—its development, nationwide transfer, and research potential. INSLAW is also grateful to LEAA's National Institute of Law Enforcement and Criminal Justice for its encouragement and advice, particularly that of Cheryl V. Martorana, Chief of the Courts Division of the National Institute.

Finally, no list of acknowledgments about PROMIS would ever be complete without mentioning the role of Charles R. Work. His creative imagination and determination were indispensable to the origination and growth of the whole PROMIS program.

Even though we have received outstanding cooperation from the above individuals and agencies, INSLAW does not intend to imply that there is always perfect agreement about the conclusions of our research.

Ultimate responsibility for the research and the interpretation of the data rests with INSLAW. Staff member Kristen M. Williams shouldered primary responsibility for the research and analyses on which this report is based. In gathering and analyzing sentencing data, she was assisted by colleague Judy Lucianovic. The organization and presentation of the report is largely a result of the efforts of William D. Falcon. Many others suggested revisions at various stages of the report's preparation. Sidney H. Brounstein and Brian E. Forst of INSLAW provided helpful comments, as did LEAA's Charles Kinderman and Cheryl Martorana. Constructive suggestions were also submitted by Advisory Committee members Albert J. Reiss, Jr., Earl J. Silbert, Leslie T. Wilkins, and Hans Zeisel. A debt is also owed to Katherine Falkner for her tireless efforts to produce an accurate manuscript through the report's many revisions.

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I

Conflicting Performance Perspectives

Paradoxically, the statistics collected and used by criminal justice agencies can both illuminate and obfuscate. On the one hand, these data can serve effectively as internal measures of the performance of individual agencies (clearance and conviction rates, etc.). In contrast to the use of data in this *intraagency context*, however, statistics gathered by police, prosecutors, courts, and corrections obscure a view of criminal justice performance from a *systemwide perspective*.

Gaining a systemwide perspective is difficult because one cannot routinely add up figures indicative of the performance of each individual agency in the criminal justice chain and thereby compute a reasonable approximation of the agencies' *combined* effectiveness in controlling crime. As noted later, there are too many inconsistencies among interagency data—too many instances of being forced to compare apples with oranges, such as when one tries to compare criminal incidents with criminals or court cases. Nonetheless, the temptation or tendency is to base conclusions about criminal justice *system* performance on crime data whose validity is restricted primarily to intraagency purposes. A distorted picture results.

For example, we may be tempted to conclude that police, prosecutors, and the courts are functioning extremely well as a team when the clearance rate¹ for aggravated assault in a jurisdiction is reported as 72 percent and the conviction rate is publicized as 88 percent. Yet when viewed from the broader societal

perspective of how many actual incidents of aggravated assault resulted in a conviction, the sobering reality is that the performance of the agencies—as a system—was much more modest than might be inferred from the figures above: less than 7 percent of all aggravated assaults led to a conviction. This represents the bottom line for system performance, especially from the perspective of the citizens—potential victims all—who are the consumers of criminal justice.

One should not be surprised that, as currently compiled, crime data are much more appropriate for intraagency purposes than for use as indicators of how well criminal justice agencies *as a team* are combating crime within a jurisdiction. The data collection efforts of the various agencies were not designed as part of a coordinated plan and were not implemented with a systemwide perspective. Quite naturally, most often they were developed on an independent agency-by-agency basis.

As the National Advisory Commission on Criminal Justice Standards and Goals reminds us: "Historically, criminal justice information and statistics systems have been conceived, designed, and implemented separately, and often reflected the isolated environment in which their agencies operated."² This situation has caused marked differences in the way agencies have perceived their effectiveness vis-a-vis the perceptions of average citizens. The next several pages highlight these differences and the policy-making implications that flow from them. The final section of this report outlines the roadblocks

hindering crime data from presenting an expanded, systemwide perspective on criminal justice performance and suggests how those impediments could be removed.

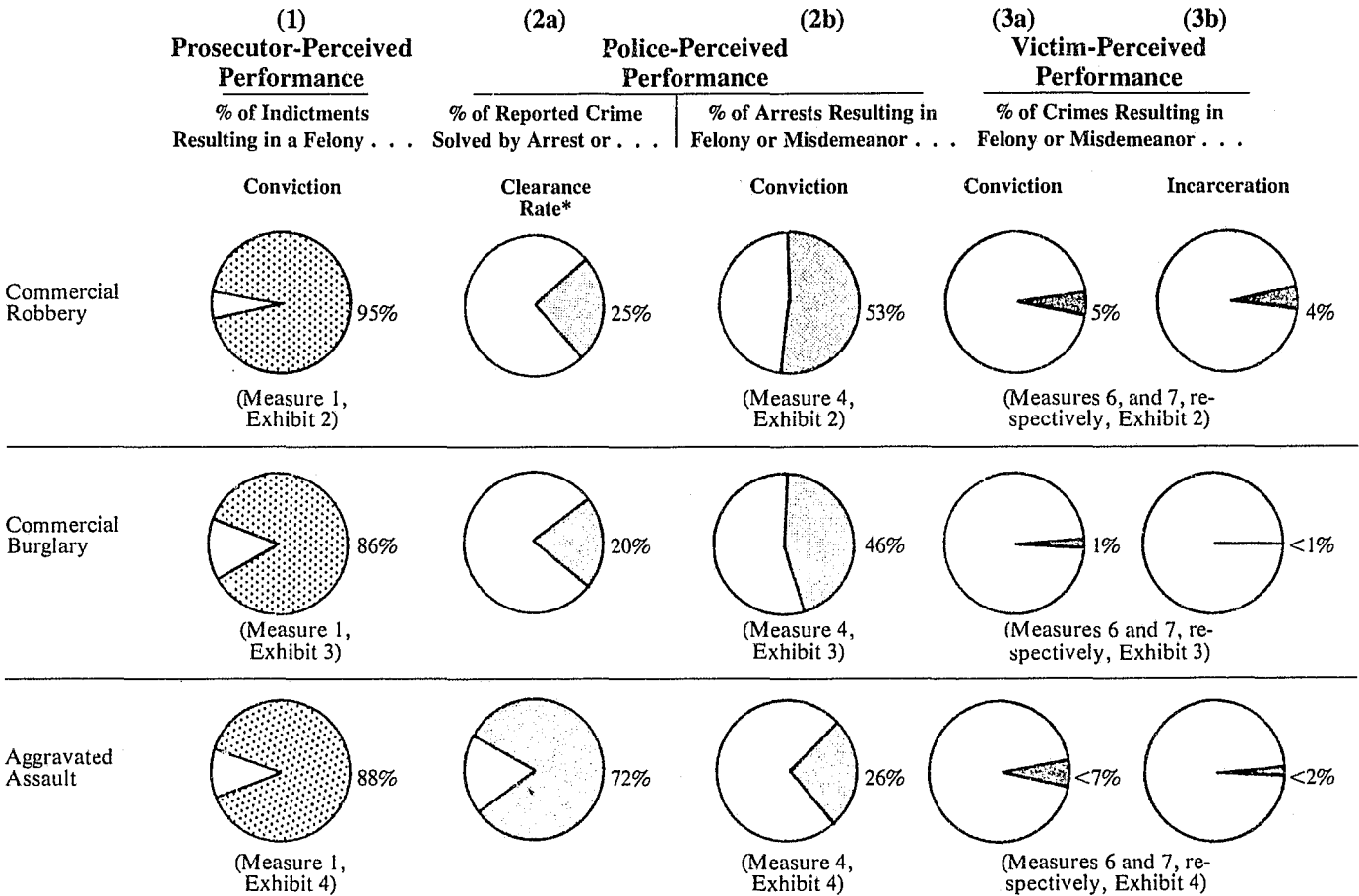
As indicated below for selected crimes, the performance of the criminal justice system can be disheartening and considerably less than one might expect from looking at statistics that, quite appropriately, are maintained by individual agencies.

Criminal justice performance—as indicated by conviction and incarceration rates—for the crimes of commercial robbery, commercial burglary, and aggravated assault is viewed from different perspectives, including those of police, prosecutor, and victim. The jurisdiction studied is Washington, D.C.; there, prosecutors utilize PROMIS (Prosecutor's Management Information System), which permitted the compilation of meaningful performance information. Most criminal justice data cannot be used for such a purpose because of internal inconsistencies.³

Exhibit 1 presents a composite view of criminal justice performance from the perspectives of prosecutor, police, and victim. For each of the three crime categories, perceived performance declines as one proceeds from the prosecutor's to the victim's perspective. Certainly, the felony conviction rate (column 1 of Exhibit 1) is an important indicator of prosecutory effectiveness; likewise, the quality of police performance is indeed reflected, at least in part, by the clearance rate and the percent of arrests resulting in convictions (columns 2a and 2b).

EXHIBIT 1

Criminal Justice Performance from the Perspective of the Prosecutor, Police, and Victim for Selected Crimes
(Washington, D.C.: 1973)



* See footnote 1. Clearance rates from Annual Report: Metropolitan Police Department, Fiscal Year 1973. Rates for commercial burglary and commercial robbery based on rates for all robberies and burglaries.

And the systemwide view—percent of crimes resulting in a conviction/incarceration (columns 3a, 3b)—is a legitimate measure by which victims, potential and actual, can gauge the combined performance of criminal justice agencies. Of course, most citizens do not perceive criminal justice performance in the statistical sense portrayed in columns 3a and 3b. However, they are aware of the system's overall effectiveness, at least in terms of the crimes they and their friends and neighbors experience.

What accounts for the poor systemwide performance noted in columns 3a and 3b? Are police not apprehending? Could prosecutors secure more convictions? Or are victims not reporting and witnesses not cooperating? All these questions are relevant to a greater or lesser extent, depending on the type of crime in-

volved, as is evident in the following more detailed analyses of performance measures for commercial robbery, commercial burglary, and aggravated assault.

Taking a Closer Look at Commercial Robbery

Exhibit 2 presents data on various perspectives of criminal justice performance regarding the crime of commercial robbery, while Exhibit 2.1 displays the data in graphic form. Measures 1-6 of Exhibit 2 express performance in terms of conviction rates. Measure 7 is an incarceration rate.

Measure 1 (guilty pleas and findings as a percentage of indictments less dismissals). The prosecutor's 95

¹ Clearance rate: total number of crimes police believe they have accounted for through arrests, divided by the total number of reported

offenses. The arrest of one person can clear several crimes or several persons may be arrested in the process of clearing one crime.

² National Advisory Commission on Criminal Justice Standards and Goals, *Criminal Justice System* (Washington: Government Printing Office, 1973), p. 35.

³ Adjustments leading to a relatively comparable data base were achieved through PROMIS (Prosecutor's Management Information System), utilized by Washington, D.C. prosecutors to help them manage more effectively an annual "street crime" work load involving allegations of 8,500 serious misdemeanors and 7,500 felonies. An LEAA-designated Exemplary Project, PROMIS contains a set of identifiers that can forge linkages—and establish data comparability—between the files of the prosecutor's office and the record systems of other criminal justice agencies. PROMIS can track cases from arrest through final disposition in terms of three identifiers: a unique fingerprint-based identification number assigned to the accused following arrest, the criminal event or incident number for the alleged crime, and the court docket or case number with designators for each charge or count. See *Counting by Crime, Case, and Defendant*, publication No. 9 in INSLAW's 21-part series of PROMIS Briefing Papers.

EXHIBIT 2

**Commercial Robbery:
Perspectives on Criminal Justice Performance
(Washington, D.C.: 1973)**

	MEASURES OF PERFORMANCE	N	RATE	COMMENTS (See text)
	A. Conviction Rates (Closed Cases)			
Prosecutor's Perspective	1. <u>GUILTY PLEAS AND FINDINGS (F)</u>	89	= 95%	Only 6 postindictment dismissals.
	<u>INDICTMENTS LESS DISMISSALS (F)</u>	94	=	
	2. <u>GUILTY PLEAS AND FINDINGS (F)</u>	89	= 89%	Evidentiary problems = 24% of preindictment dismissals.
	<u>INDICTMENTS (F)</u>	100	=	
Police Perspective	3. <u>GUILTY PLEAS AND FINDINGS (MF)</u>	93	= 56%	Most cases accepted for prosecution.
	<u>CASES ACCEPTED AT SCREENING (MF)</u>	167	=	
Victim's Perspective	4. <u>GUILTY PLEAS AND FINDINGS (MF)</u>	93	= 53%	Great difficulty in apprehending suspects.
	<u>ARRESTS (F)</u>	177	=	
	B. Conviction Rates (Criminal Incidents)			
	5. <u>AT LEAST ONE ADULT GUILTY (MF)</u>	108	= 5%	Most incidents are reported to police.
<u>REPORTED OFFENSES (F)</u>	2070	=		
6. <u>AT LEAST ONE ADULT GUILTY (MF)</u>	108	= 5%	75% of guilty-related incidents result in incarceration.	
<u>VICTIMIZATIONS (F)</u>	2300	=		
	C. Incarceration Rate (Criminal Incidents)			
	7. <u>AT LEAST ONE INCARCERATION (MF)</u>	81	= 3.5%	
	<u>VICTIMIZATIONS (F)</u>	2300		

(F) = Felonies (M) = Misdemeanors

Data Sources: All data from PROMIS (Prosecutor's Management Information System), except for denominators of measures 5-7, which reflect survey-based victimization data. Bank robbery incidents were added to PROMIS data for the numerators of measures 5-7 (bank robberies were adjudicated in a court where PROMIS had not yet been installed).

percent conviction rate applies only to postindictment felonies that were not dismissed. Only not-guilty findings at trial keep the rate below 100 percent. This is a relatively narrow performance perspective, yet one that is highly significant for one aspect of the prosecutor's operations.

Measure 2 (guilty pleas and findings as a percentage of indictments). Not-guilty findings and postindictment dismissals are the only factors explaining why this felony conviction rate, based on all indicted cases, is 89 percent rather than 100 percent. As a comparison of the denominators of measures 1 and 2 indicates, there were just six postindictment dismissals.

Clearly, from the above two measures, prosecutory performance appears to be very strong.

Measure 3 (guilty pleas and findings as a percentage of cases accepted at screening). Unlike the previous felony-oriented measures, the numerator and denominator reflect both felony and misdemeanor cases. The denominator (167 cases accepted at screening) of this measure includes misdemeanors because assistant prosecutors could reduce some commercial robbery charges brought by the police to misdemeanors at the case screening stage. The numerator records that 93 of the 167 cases accepted at screening resulted in a conviction on a felony or misde-

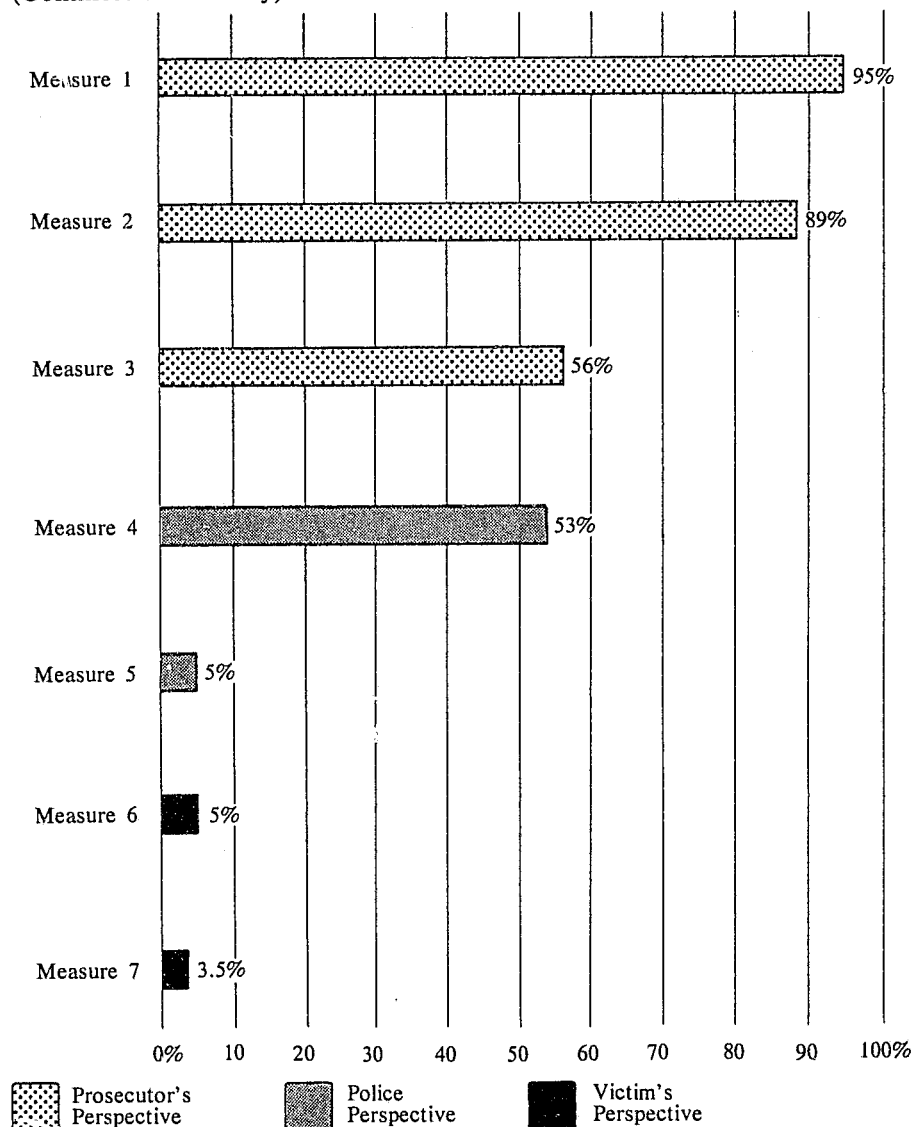
meanor charge.

Why does the conviction rate drop off from the 89 percent of measure 2 to 56 percent when viewed from the broader perspective of measure 3? One way for policymakers to answer that question is to probe why there were only 100 indictments (denominator of measure 2). Part of the 67-case difference, of course, is attributable to those cases that went forward from screening as misdemeanors. Of those cases going forward as felonies, some may have been rejected at the grand jury stage. Still others may have resulted in a guilty plea to a felony between the screening stage and indictment.

According to data stored in

EXHIBIT 2.1

Data of Exhibit 2 in Graphic Form:
Performance Perspectives
(Commercial Robbery)



PROMIS, however, the 67-case discrepancy is accounted for primarily by preindictment nolle or dismissals—54 of them. This finding should stimulate policymakers to ask a number of questions: How many of these dismissals were caused by problems which should have been identified at screening? Are screening assistants accepting marginal cases that are thrown out later? Were there witness or evidentiary problems that could have been spotted? If so, is the reassignment of the more experienced trial prosecutors to case screening advisable?

Since PROMIS records not only the number of preindictment dismissals but also the reasons for such

actions, one can begin to address such questions. PROMIS reveals that the major cause of the 54 preindictment dismissals was evidentiary problems (24 percent), such as deficiencies relating to scientific, physical, or testimonial evidence. Regarding the latter category, perhaps identification of the defendant was not made during a line-up. (If so, has the time between the suspect's apprehension and the line-up been cut to a minimum to facilitate identification while memories are relatively fresh?) Witness problems were the next most frequent reason (15 percent) cited for the preindictment dismissals.

Measure 4 (guilty pleas and find-

ings as a percentage of arrests). As indicated by a comparison of the denominator of this and the preceding measure, only 10 of 177 arrests were rejected at case screening. This would seem to indicate that the 53 percent arrest-based conviction rate (felonies and misdemeanors combined) benefited from quality arrests. However, such a judgment assumes that the 54 preindictment dismissals referred to above did not stem from faulty police work.

Measure 5 (criminal incidents resulting in at least one adult found guilty as a percentage of reported offenses). Because the denominator (2070) represents offenses or incidents of commercial robbery reported to police, the conviction figure (108) for the numerator also must be in terms of incidents (to compare apples with apples), in contrast to the case-based conviction data used in the four previous performance measures. PROMIS was used to aggregate convictions in terms of incidents.⁴ From this perspective, only 5 percent of reported commercial robbery offenses resulted in the conviction of one or more adults on any type of charge. A comparison of this 5 percent figure with the 53 percent figure in measure 4 suggests that police experience great difficulty in apprehending suspects.⁵

This finding raises such policy-related questions as the following: Can the apprehension rate be improved substantially, or does the very nature of the crime make this unlikely? Should commercial robbery receive increased police attention in terms of alerting businessmen to crime prevention methods? Put another way, should police strategy focus more intensely on preventing commercial robbery instead of on increasing arrest rates?

Measure 6 (criminal incidents resulting in at least one adult found guilty as a percentage of victimizations). Only 5 percent of all commercial robbery victimizations (reported plus unreported offenses) resulted in the conviction of at least one adult on any type of charge. This is the per-

⁴ *Ibid.*

⁵ The gap between measures 4 and 5 looks somewhat worse than it should to the extent that the data do not completely reflect instances where an arrestee is responsible for multiple commercial robberies. This observation also applies to commercial burglaries and aggravated assaults, of course.

EXHIBIT 3

**Commercial Burglary:
Perspectives on Criminal Justice Performance
(Washington, D.C.: 1973)**

	MEASURES OF PERFORMANCE	N	RATE	COMMENTS (See text)
	A. Conviction Rates (Closed Cases)			
Prosecutor's Perspective	1. <u>GUILTY PLEAS AND FINDINGS (F)</u>	72	= 86%	Only 7 postindictment dismissals.
	<u>INDICTMENTS LESS DISMISSALS (F)</u>	84		
	2. <u>GUILTY PLEAS AND FINDINGS (F)</u>	72	= 79%	Preindictment dismissals: diversion, 18%; witness problems, 16%.
	<u>INDICTMENTS (F)</u>	91		
	3. <u>GUILTY PLEAS AND FINDINGS (MF)</u>	91	= 54%	Most cases accepted for prosecution.
	<u>CASES ACCEPTED AT SCREENING (MF)</u>	169		
	4. <u>GUILTY PLEAS AND FINDINGS (MF)</u>	91	= 46%	Difficulties in apprehending suspects.
	<u>ARRESTS (MF)</u>	196		
Police Perspective	B. Conviction Rates (Criminal Incidents)			
	5. <u>AT LEAST ONE ADULT GUILTY (MF)</u>	85	= 2%	Poor crime reporting by the public.
	<u>REPORTED OFFENSES (MF)</u>	4449		
Victim's Perspective	6. <u>AT LEAST ONE ADULT GUILTY (MF)</u>	85	= 1%	51% of guilty-related incidents result in an incarceration.
	<u>VICTIMIZATIONS (MF)</u>	8600		
	C. Incarceration Rate (Criminal Incidents)			
	7. <u>AT LEAST ONE INCARCERATION (MF)</u>	43	= 0.5%	
	<u>VICTIMIZATIONS (MF)</u>	8600		

(F) = Felonies (M) = Misdemeanors

Data Sources: All data from PROMIS (Prosecutor's Management Information System), except (1) for denominators of measures 6-7, which reflect survey-based victimization data, and (2) for the denominator of measure 5, which is based on adjusted Uniform Crime Reports data.

formance perspective of greatest concern to the public and represents an ultimate test of how well the criminal justice system is functioning.

Even if estimates for juvenile "convictions" were included in the numerators of measures 5 and 6, the respective conviction rates would rise only to 7 percent. The encouraging aspect of this computation is that a comparison of the denominators (2,300 victimizations vs. 2,070 reported offenses) of the two measures reveals that a very high percentage of these crimes were reported to the police.

Measure 7 (criminal incidents resulting in at least one adult incarceration as a percentage of victimiza-

tions). Those who consider certainty of punishment a prime deterrent of crime will not receive solace from the incarceration rate. Of 2,300 incidents of commercial robbery, only 81 or 3.5 percent resulted in an adult incarceration. As indicated by the numerators of measures 6 and 7, 75 percent (81 of 108) of incidents resulting in an adult conviction led to an incarceration.

Performance Perspectives for Commercial Burglary

The same types of performance perspectives as were analyzed regarding commercial robbery are illustrated by Exhibits 3 and 3.1 for commercial burglary.

Measure 1 (guilty pleas and find-

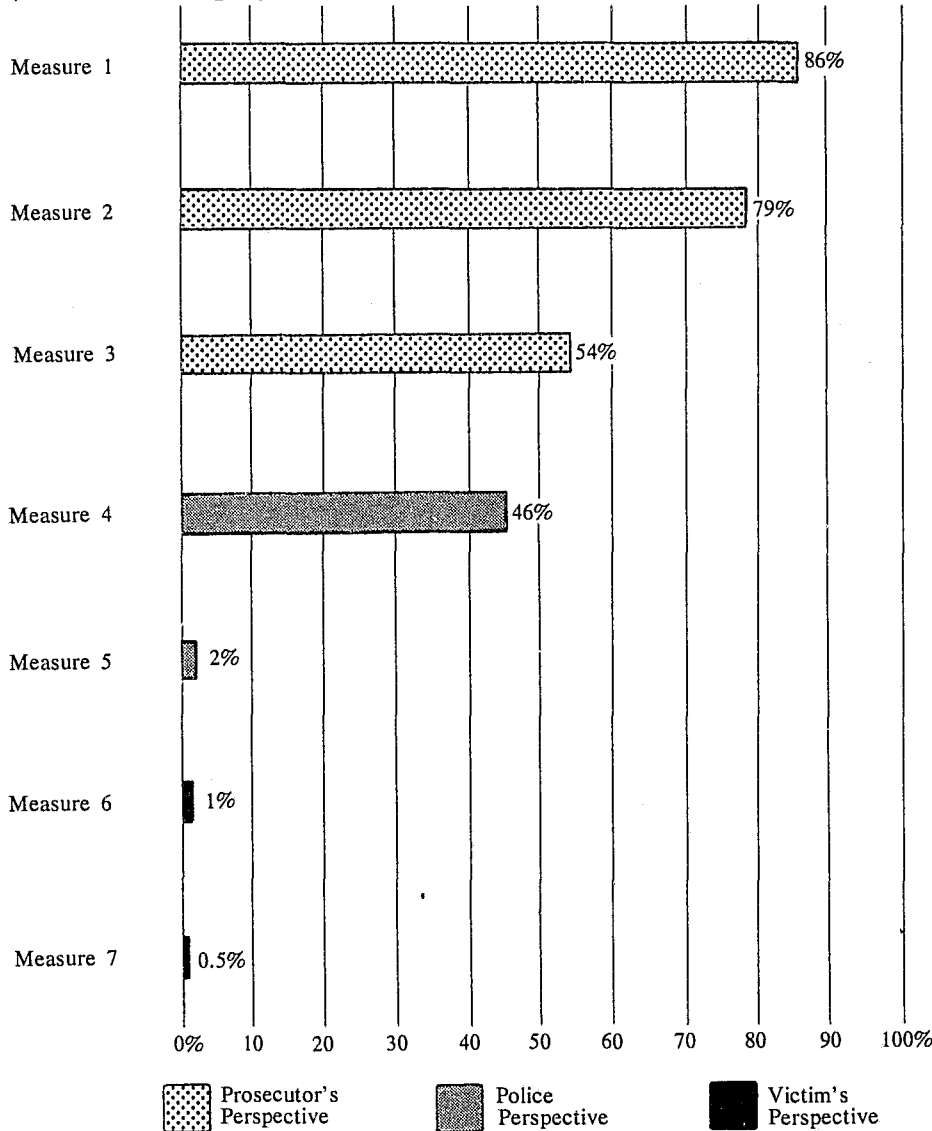
ings as a percentage of indictments less dismissals). Of those felonies that were not dismissed after indictment, 86 percent resulted in a conviction.

Measure 2 (guilty pleas and findings as a percentage of indictments). From the slightly wider perspective of indicted felonies, prosecutors obtained convictions in 79 percent of such cases. As indicated by a comparison of the denominators of this and the previous measure (84 vs. 91), there were only seven postindictment dismissals.

From the two above felony-oriented perspectives of the prosecutor, there appears to be little to quibble about regarding office per-

EXHIBIT 3.1

Data of Exhibit 3 in Graphic Form:
Performance Perspectives
(Commercial Burglary)



formance.

Measure 3 (guilty pleas and findings as a percentage of cases accepted at screening). As explained for commercial robbery, this measure (54 percent conviction rate based on cases accepted at screening) applies to both misdemeanors and felonies. And, as also noted in the commercial robbery section, the 78-case gap between cases accepted for screening (denominator of measure 3) and indicted cases (denominator of measure 2) is accounted for by many factors. Again, the primary cause of the much lower conviction rate of 54 percent is preindictment dismissals, of which there were 50, according to PROMIS data.

An analysis of PROMIS data reveals that 18 percent of the dismissals involved decisions to divert defendants from the adjudicatory process. (There were no diversions in commercial robbery cases, in which all associated police charges are felonies. About 6 percent of commercial burglary police charges are misdemeanors, which enables a few defendants to qualify for diversion programs.) Given the significant percentage of diversions, policymakers may wish to reconfirm whether diversion options have proved sufficiently effective.

Witness problems led to 16 percent of the 50 preindictment dismissals. (To what extent might they be

avoided in the future?) Another contributor to attrition is plea bargaining—5 of the 50 dismissed cases resulted from prosecutors' accepting a plea to a misdemeanor charge while dismissing the felony charge. (No such pleas were accepted in commercial robbery cases.)

Measure 4 (guilty pleas and findings as a percentage of arrests). Forty-six percent of commercial burglary arrests resulted in felony or misdemeanor convictions. Comparison of the denominators of measures 3 and 4 indicates that 169 of 196 arrests were accepted for prosecution. This comparison suggests that arrests were of fair to good quality generally, but certainly below the performance associated with commercial robberies.

Measure 5 (criminal incidents resulting in at least one adult found guilty as a percentage of reported offenses). From the broader perspective of the percentage of reported offenses resulting in an adult conviction, the conviction rate drops precipitously to 2 percent. Comparing the denominators of measures 4 and 5, we again find relatively few reported offenses resulting in arrest. In view of apprehension difficulties, could commercial burglary be more effectively controlled through greater promotion of various property-identification measures (listing serial numbers of belongings, Operation Identification,⁷ etc.) and target hardening precautions (locks, lights, National Neighborhood Watch Program,⁸ etc.)?

Measure 6 (criminal incidents resulting in at least one adult found guilty as a percentage of victimiza-

⁶ As explained later in this report, estimates of the number of reported offenses and victimizations accounted for by juveniles are necessarily crude. For the purpose of adding the juvenile factor to the numerators of measures 5 and 6, the conviction rate for juveniles was assumed to be the same as that for adults. See also note 9, Chapter II.

⁷ Operation Identification encourages citizens to engrave special identification numbers on their property, such as appliances and cameras. These numbers are filed with a law enforcement agency for reference in the investigation and identification of stolen property. In contrast to serial numbers, the presence of Operation Identification numbers on property raises immediate suspicions by investigating officers that the property may have been stolen.

⁸ Sponsored by the National Sheriff's Association, the National Neighborhood Watch Program is a community crime-prevention program aimed at reducing "the threat of burglary to you and your neighbors."

EXHIBIT 4

**Aggravated Assault:
Perspectives on Criminal Justice Performance
(Washington, D.C.: 1973)**

	MEASURES OF PERFORMANCE	N	RATE	COMMENTS (See text)
A. Conviction Rates (Closed Cases)				
Prosecutor's Perspective	1. <u>GUILTY PLEAS AND FINDINGS (F)</u>	232	= 88%	39% of postindictment dismissals: witness problems. 65% of preindictment dismissals: witness problems (no show, no prosecute). 30% of arrests not accepted for prosecution.
	INDICTMENTS LESS DISMISSALS (F)	263		
	2. <u>GUILTY PLEAS AND FINDINGS (F)</u>	232	= 81%	
	INDICTMENTS (F)	286		
Police Perspective	3. <u>GUILTY PLEAS AND FINDINGS (MF)</u>	480	= 37%	30% of arrests not accepted for prosecution.
	CASES ACCEPTED AT SCREENING (MF)	1284		
	4. <u>GUILTY PLEAS AND FINDINGS (MF)</u>	480	= 26%	
	ARRESTS (F)	1879		Arrest likely, if crime reported.
B. Conviction Rates (Criminal Incidents)				
Victim's Perspective	5. <u>AT LEAST ONE ADULT GUILTY (MF)</u>	477	= 13%	Victim reporting behavior poor.
	REPORTED OFFENSES (F)	3591		
	6. <u>AT LEAST ONE ADULT GUILTY (MF)</u>	477	= < 7%	24% of guilty-related incidents result in an incarceration.
	VICTIMIZATIONS (F)	>6906		
C. Incarceration Rate (Criminal Incidents)				
	7. <u>AT LEAST ONE INCARCERATION (MF)</u>	116	= < 2%	
	VICTIMIZATIONS (F)	>6906		

(F) = Felonies (M) = Misdemeanors

Data Sources: All data from PROMIS (Prosecutor's Management Information System), except for (1) the denominators of measures 6 and 7, which reflect survey-based victimization data, and (2) the denominator of measure 5, which reflects Uniform Crime Reports data. The denominators of measures 6 and 7 expressed as "greater than 6906" because the victimization survey seems to underestimate aggravated assault incidents, as noted later.

tions). The bottom-line figure of criminal justice performance—the percentage of commercial burglary victimizations (reported plus unreported crimes) resulting in an adult conviction on any charge—falls to 1 percent (or an estimated 2 percent after taking into account juvenile "convictions"—see footnote 6).

One might argue that the criminal justice system should not be blamed for the 1 percent figure since only slightly more than half of all these victimizations (8,600) were reported (4,449) to police for action. However, evidence indicates that the attitudes of criminal justice personnel and the procedures followed by their agencies have a direct impact on the

willingness of citizens to report crimes.⁹ In effect, the work of the criminal justice system begins prior to the receipt of offense reports.

Measure 7 (criminal incidents resulting in at least one adult incarceration as a percentage of victimizations). Of 8,600 victimizations, only 43 or 0.5 percent resulted in an adult incarceration. As indicated by the numerators of measures 6 and 7, 51 percent (43 of 85) of incidents resulting in an adult conviction led to an incarceration.

Focusing on Aggravated Assault

Perspectives of prosecutor, police, and victim regarding aggravated assault—along with policy-making

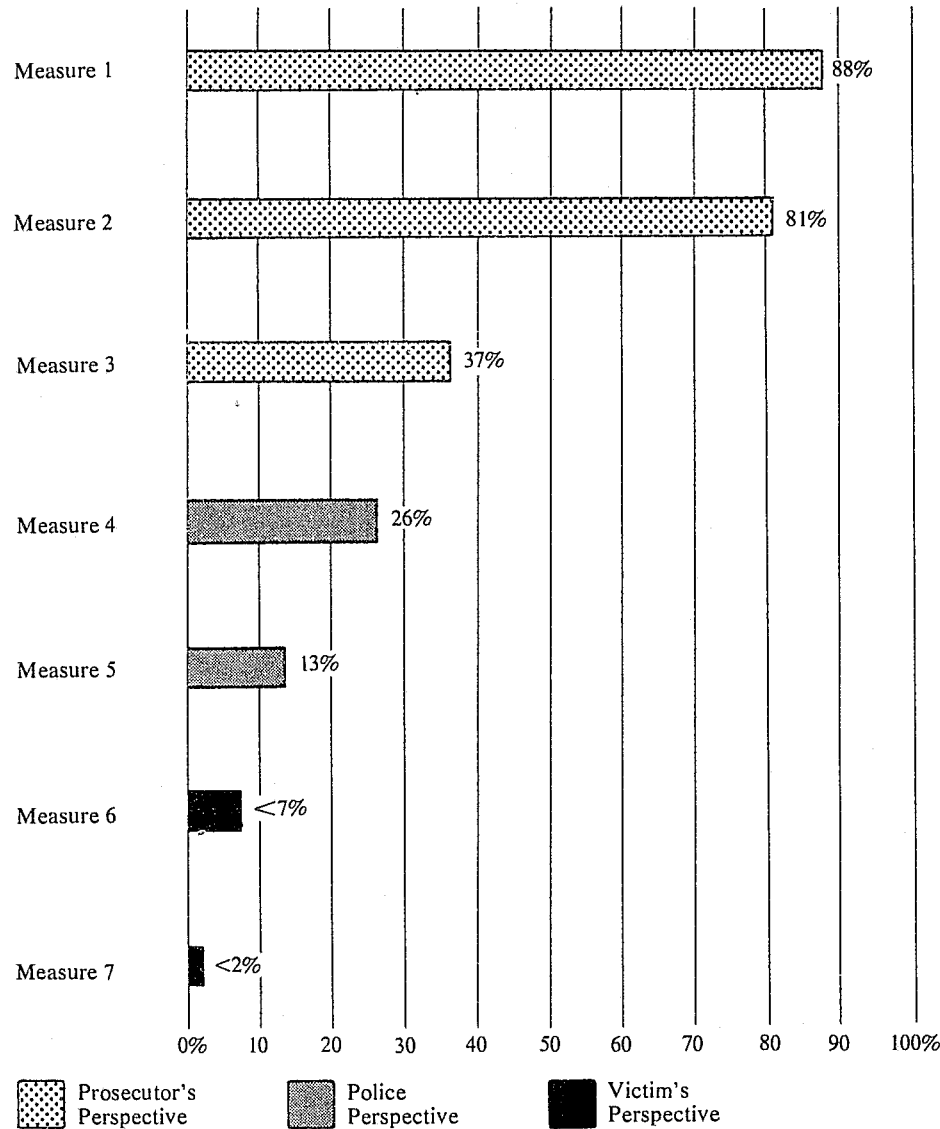
implications—are illustrated by Exhibits 4 and 4.1

Measure 1 (guilty pleas and findings as a percentage of indictments less dismissals). The 88 percent conviction rate pertains to those felony cases that were indicted but not dismissed, a narrow performance perspective but one of legitimate significance to the prosecutor's office.

Measure 2 (guilty pleas and findings as a percentage of indictments). The 81 percent conviction rate for indicted cases is less than that for the preceding measure because 23 postindictment dismissals are taken into account (the difference between the denominators of measures 1 and 2).

EXHIBIT 4.1

Data of Exhibit 4 in Graphic Form:
Performance Perspectives (Aggravated Assault)



About 39 percent of those dismissals involved witness problems, according to PROMIS data.

Measure 3 (guilty pleas and findings as a percentage of cases accepted at screening). This performance measure represents a broader performance perspective, including as it does both felonies and misdemeanors accepted for prosecution. The 37 percent conviction rate is almost half that of the preceding measure. Preindictment dismissals, 644 of them, are a major reason for this difference, according to PROMIS data. Of those dismissals, witness problems account for 419, or 65 percent. The two principal PROMIS categories for witness problems re-

late to witness appearance/attitude (reluctance or refusal to prosecute, nonappearance at trial, etc.) and witness testimony (witness's story garbled or contradicted, witness lacks credibility, etc.).

Given these problems, how might policymakers minimize them? Typically, aggravated assault cases involve a substantial number of cases where defendant and victim know one another—that is, they are members of the same family, or are friends, acquaintances, etc. In such cases, the victim often eventually decides to back off and no longer presses for prosecution, thereby creating what the prosecutor identifies as witness problems.

To reduce preindictment dismissals of this type, the chief prosecutor may wish to instruct screening assistants to probe, as appropriate, the resolve of such witnesses (victims) more deeply, such as by emphasizing noncriminal alternatives open to them.¹⁰ To the extent cases that would eventually be dismissed are screened out early in the process, criminal justice resources are conserved.

Measure 4 (guilty pleas and findings as a percentage of arrests). Of 1,879 arrests, only 26 percent led to a conviction on either a felony or misdemeanor charge. About 30 percent of all arrests were not accepted for prosecution. Among the questions this may stimulate are these: Are police investigative and arrest procedures defective, thus causing screening assistants to reject cases? Are screening assistants assigning too low a priority to aggravated assault cases?

In this particular jurisdiction, however, a PROMIS analysis reveals that the reasons given by prosecutors for rejecting 61 percent of the 595 arrests were related to witness problems. In view of the frequency of witness problems in assault cases, as noted above, a legitimate question to ask is whether screening assistants might be *overanticipating* such difficulties in cases involving nonstrangers. (Research indicates that a nonstranger victim-defendant relationship is frequent in assault cases and may result in case rejection in *anticipation* of witness problems.¹¹ The procedure described in the discussion of measure 3 immediately above would base rejections on something firmer than mere anticipation.)

Measure 5 (criminal incidents resulting in at least one adult found guilty as a percentage of reported offenses). Although only 13 percent of reported incidents of aggravated assault resulted in either a felony or misdemeanor conviction, note that an arrest (denominator of measure 4) is likely if the crime is reported (de-

⁹ See Wesley G. Skogan, "Citizen Reporting of Crime," *Criminology*, February 1976. See also the book cited in note 10.

¹⁰ Such a procedure is discussed in Institute for Law and Social Research, *Witness Cooperation—With a Handbook of Witness Management* (Lexington, Mass.: Lexington Books/D.C. Heath and Co., 1976), Part II, p. 24.

¹¹ For more details, see the book cited in note 10.

nominator of measure 5) to the police, in contrast to commercial robbery and commercial burglary. This, of course, is not surprising since PROMIS indicates that 75 percent of assault victims were acquainted with their assailants. As in commercial burglary, but in contrast to commercial robbery, a substantial proportion of victims did not report their plight to police (denominator of measure 6 versus that of measure 5).

Measure 6 (criminal incidents resulting in at least one adult found guilty as a percentage of victimizations). From the victim's perspective, less than 7 percent of all aggravated assaults resulted in a conviction. Even when estimates for juvenile "convictions"¹² are included, the conviction rate would remain at less than 7 percent (though that of measure 5 would increase to 14 percent).

Measure 7 (criminal incidents resulting in at least one adult incarceration as a percentage of victimizations). Less than 2 percent of all aggravated assaults resulted in an incarceration. As indicated by the numerators of measures 6 and 7, 24 percent (116 of 477) of incidents resulting in an adult conviction led to an incarceration.

To Sum Up

For each of the three crime categories studied, the wider the perspective taken, the more ineffectual the criminal justice process appears.

The above analyses elicited many questions having operational and policy implications, such as those relating to witness problems and to the emphasis police might place on apprehension versus crime prevention.

Clearly, the foregoing process by

which the perspective of crime data was expanded—from the intraagency viewpoint to the systemwide view of the crime victim—yields valuable insights for policymakers and helps answer such questions as these:

- Are citizens not reporting crime?
- Are police not arresting?
- Are prosecutors not convicting?
- Are witnesses not cooperating?
- Are judges not incarcerating?

However, a systemwide perspective cannot be accomplished on a routine basis. Too many barriers currently exist. An indication of what they are and how they can be removed is the subject of the rest of this report.

¹² See note 6.

II

Basic Steps Leading to a Systemwide View

The desirability of expanding the perspective of crime data has been voiced by numerous commissions and committees in recent years. In 1967, for example, one of the concerns of the President's Commission on Law Enforcement and Administration of Justice focused on inadequacies involved in the measurement of the effectiveness of criminal justice agencies, both individually and as an integrated system.¹

Several years later, the Project SEARCH Statistical Advisory Committee addressed this problem and "rejected sets of annual, single-agency criminal process counts as an adequate description of criminal justice system activity." This committee concluded that present data reveal neither the proportions of defendants released at various levels of processing nor the dispositions at various levels calculated as a percentage of arrestees. Thus, the processing efficiency "cannot be accurately appraised" for the criminal justice system.²

This system, said the committee, is in reality a set of decision points more often than not concerned with apparently different aims and diverse goals, the result being "a network of agencies which have failed to develop comparable or consistent statistics"³

A similar conclusion was voiced, at about the same time, by the President's Commission on Federal Statistics: data collection by the various parts of the criminal justice system was not coordinated and did not allow the public "to understand the totality of the law enforcement pro-

cess" And, as noted earlier, the National Advisory Commission has decried the tunnel vision that often afflicts criminal justice statistics.⁵

Key Data Needs for Evaluating Criminal Justice Performance

As outlined in Exhibit 5, the data needs of the criminal justice system focus on four key items or units of analysis: offense, victim, defendant, and court case. Yet, as agencies gather data pertaining to these units of analysis, statistics collected at one stage of the criminal justice process cannot be directly compared with those collected at another—with obvious adverse implications for the evaluation of systemwide performance.

For example, victimization surveys have been devised to estimate the "dark figure of crime"—the number of crimes that occurred during a period regardless of whether they came to the attention of police. This relatively recent source of data spurred the desire to compare estimates of crime available from the victim survey with the number of crimes actually reported to the police, as published in the FBI's Uniform Crime Reports (UCR). Such a comparison would, in effect, expand the perspective of both sets of data by permitting an estimate of the percentage of victimizations (reported plus unreported crimes) that come to the attention of police.

However, close examination of the victimization and UCR (crime index) data reveals that routine comparisons of this type are virtually impossible

because of numerous obstacles. These roadblocks—sources of non-comparability—include the following:

- The victimization survey includes victimizations of residents living within a specified geographical area, *including* crimes experienced by those residents while outside that area. UCR's crime-index statistics include incidents that occurred within a specified area *whether or not* the victim lived there, thereby *excluding* victimizations of the area's residents who experienced crimes elsewhere and including victimizations of nonresidents who experienced crimes in that area.

- The survey includes victimizations of persons age 12 or over, whereas UCR data encompass victims of any age.

- The victim survey counts crimes against households or commercial establishments by the incident and crimes against individuals both by the number of victims and by the number of incidents (one incident may in-

¹ President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Crime and Its Impact—An Assessment* (Washington: Government Printing Office, 1967), p. 123.

² Project SEARCH Statistical Advisory Committee, *Technical Reports Nos. 3 and 4* (Sacramento: California Technological Research Foundation, 1970 and 1972).

³ Project SEARCH, *Technical Report No. 4, op. cit.*

⁴ Hans Zeisel, "The Future of Law Enforcement Statistics: A Summary View," *Federal Statistics Report of the President's Commission*, Vol. 2 (Washington: Government Printing Office, 1971), p. 532.

⁵ National Advisory Commission on Criminal Justice Standards and Goals, *Criminal Justice System* (Washington: Government Printing Office, 1973), p. 35.

EXHIBIT 5

Statistics Needed Regarding Four Key Units of Analysis

- 1. THE OFFENSE { Follow from victimization through conviction.
Analyze geographic patterns.
Relate offenses to persons charged.
- 2. THE VICTIM { Follow from victimization through conviction.
Study reporting behavior.
Survey victims to evaluate police or court treatment.
Analyze impediments to witness cooperation.
- 3. THE DEFENDANT { Follow from arrest through incarceration.
Analyze recidivism—rearrest, reprosecution, reconviction.
Identify most serious defendants.
- 4. THE COURT CASE { Follow from arrest through disposition.
Study the decision to file charges.
Identify cases involving a serious offense or defendant.
Study types of cases going to trial.
Study reasons for dismissals.

involve several victims). UCR data do not contain these breakdowns.⁶

Obviously, just as with apples and oranges, the two sets of crime data are not comparable. The adjustments required to remove the barriers to comparability, and thus to an expanded perspective for the data, are summarized in Exhibit 6. For example, the changes indicated for the first two items (victim's residence, offense location) in Exhibit 6 are necessary because, as noted above, the victim survey measures victimizations of residents of the city surveyed, no matter where the incident occurred, whereas the UCR list reported crimes occurring in a given

geographic area, no matter where the victims reside.

To use the two sets of data in a given computation (e.g., percent of crimes reported to police), UCR information would have to be adjusted to reflect the location of the victim's residence, and survey data would have to be refined to account for the place of the offense. Only when these and other adjustments are made could the survey data and UCR crime-index statistics be utilized on an apples-with-apples basis.

A similar situation exists when the attempt is made to utilize court data in combination with UCR or victimization statistics. For example, some

courts may count cases in terms of charges; others, in terms of defendants; still others, in terms of incidents.

Creating Consistency from Diversity

As part of its ongoing research program, INSLAW has made various adjustments in Washington, D.C., crime data—especially regarding victimization and UCR crime-index information—so that the roadblocks barring data comparability, described above, were substantially removed for calendar year 1973. This permitted a number of operationally significant comparisons, such as those illustrated by Exhibits 1-4 (performance perspectives), which depended upon consistent victimization, UCR, and court statistics.

To achieve this comparability, PROMIS's ability to aggregate data in many different ways was relied upon.⁷ For instance, in order to make comparisons with the victimization survey, PROMIS aggregated court-based data by criminal incidents involving victims who are residents of the District of Columbia and are at least 12 years old and differentiated them according to victim type (individual, household, or business).

Given appropriate adjustments to the data, one can focus on offenses (incidents) as the unit of analysis and determine where along the path from victimization to conviction the greatest number of crimes fall out of the system. Data contained in Exhibit 7 and displayed in graphic form by Exhibit 7.1 document the attrition of incidents of commercial robbery at various stages of the justice process.

In these last two exhibits, we see excellent crime reporting for robberies: 90 percent of victimizations are reported to police.⁸ The point at which attrition is the greatest is between the filing of an offense report and the arrest of one or more suspects. Of reported robberies, only 11 percent of the offenses resulted in at least one adult arrest. Indeed, even if all citizens reported their victimizations to police and all arrests resulted in an adult conviction, the overall percentage of victimizations resulting in an adult conviction would be only 11 percent, compared with the indicated 5 percent.

(Even when juvenile arrests are considered, the percentages would increase by only 2 points—if one

EXHIBIT 6

City Victimization Surveys and Uniform Crime Reports: Adjustments Required

SOURCES OF INCOMPATIBILITY	CHANGES NEEDED	
	City Surveys	UCR
Residence of the Victim	—	Collect
Place of the Offense	Collect	—
Age of the Victim	Estimate of Victims Under Age 12	Collect Age of Victim
Type of Victim (Individual, Household, or Business)	—	Collect
Count by the Victim and the Offense	—	Count Both Ways
Sex of Victim	—	Collect
Victim-Offender Relationship	—	Collect

were to assume that the juvenile "conviction" rate equaled that for adults.⁹)

Before such analyses as the foregoing can be conducted on a routine basis, four major changes must be implemented to help assure that each component of the criminal justice system utilizes compatible data-collection methods. Two changes are evident from the preceding pages.

First, victimization and UCR data must be adjusted as indicated earlier in this report.

Second, prosecutors' offices or courts should install a PROMIS-like data system that includes identifiers for the defendant and the offense, the number and residence of victims, the type of victim (personal, household, or commercial), the victim-offender relationship, and the age and sex of the victim.

The third change pertains to the victimization survey, which, as presently structured, seems to underestimate victimizations involving nonstranger violence. For example, only 9 percent of the rapes reported by the 1973 victimization survey conducted in the District of Columbia involved nonstrangers, whereas data in PROMIS for 1973 indicated that 57 percent of the rape arrests there involved nonstrangers. Indeed, the victimization survey estimated fewer victims of nonstranger rapes (54) than PROMIS recorded arrests for nonstranger rape (222). Given that nonstranger rape is less likely to be reported to police than is stranger-to-stranger rape, the underestimation of nonstranger rape in the victimization survey (perhaps because interviewees were even more reluctant to report the offense to interviewers than to police) is probably substantially greater than the above figures suggest.

For assault, the same problem exists. The victimization survey estimates that 30 percent of Washington victims were assaulted by nonstrangers in 1973, whereas PROMIS arrest data indicate that 75 percent of the defendants were arrested for nonstranger assault.¹⁰

Either the survey should be restructured to obtain better information on nonstranger violence, or estimates from the survey should be limited to data about assault and rape between strangers.

The fourth change relates to

EXHIBIT 7

Number of Commercial Robberies Reaching Each Stage In the Criminal Justice Process: Washington, D.C., 1973

(Unit of analysis is a criminal incident involving one or more offenders and victims. Data reflect adjustments.)

Stages in the Criminal Justice Process	Commercial Robbery	
	Number	Percent of Incidents at Previous Stage
1. Victimizations*	2,300	—
2. Crimes reported to the police**	2,070	90%
3. At least one adult arrested +	220	11%
4. At least one adult convicted +	108	49%
5. Percent of victimizations resulting in adult conviction++		5%+++

* Source: *Criminal Victimization Surveys in 13 American Cities* (LEAA, 1975), p. 245.

** Source: *Ibid.*, p. 250.

+ Source: Prosecutor's Management Information System, U.S. Attorney's Office of the District of Columbia, Superior Court Division, 1973. In addition, robbery figures include 45 bank robbery incidents in which at least one arrest was made, which resulted in 25 incidents with at least one conviction. The bank robberies were adjudicated in the U.S. District Court, where PROMIS had not yet been installed.

++ Computed as "conviction of at least one adult defendant" divided by "victimizations," or as the product of the three percentages shown above.

+++ If the last three rows included juvenile data also, the estimated percent of victimizations resulting in either an adult conviction or juvenile conviction would be 7% for commercial robbery. See note 9 for an explanation of why analyses such as the above should treat juvenile and adult data separately after arrest.

juvenile data, which are generally unavailable because of confidentiality problems. Those aggregate statistics that are published cannot be

you report, the higher its rate climbs. The entire approach turned out to be an exercise in bureaucratic schizophrenia because the more we succeeded, the worse we were made to look." (*New York Times*, February 17, 1976, p. 10.)

⁹ In Washington, D.C., as in most other jurisdictions, juvenile delinquents under the age of 18 are handled separately from adult offenders, with the exception of juveniles who are 16 or 17 and are charged with a serious felony. These cases in Washington may be handled by the adult system. In general, there is a feeling that juveniles should be given a chance to grow up and reform before being penalized severely. The terms used to describe the juvenile system reflect an attitude of leniency: a crime is a "delinquent act"; jail is termed a "receiving home"; and the decision of whether to prosecute is termed "petitioning." In many cases there is no determination of guilt or innocence through a trial. Instead, a "consent decree" may be issued upon agreement of the judge, the defense counsel, the juvenile, and his parents. The consent decree puts the youth under supervision of the court without a finding of guilt. Because the handling of the juvenile cases is so different, their comparison with adult cases is difficult, particularly after arrest.

¹⁰ Even though the victimization survey counts victims and PROMIS data are based on defendants—and despite the large sampling error for rape victimization figures—the findings cited in the text are substantial enough to cast serious doubt on the victimization survey's ability to measure the incidence of assault or rape between nonstrangers.

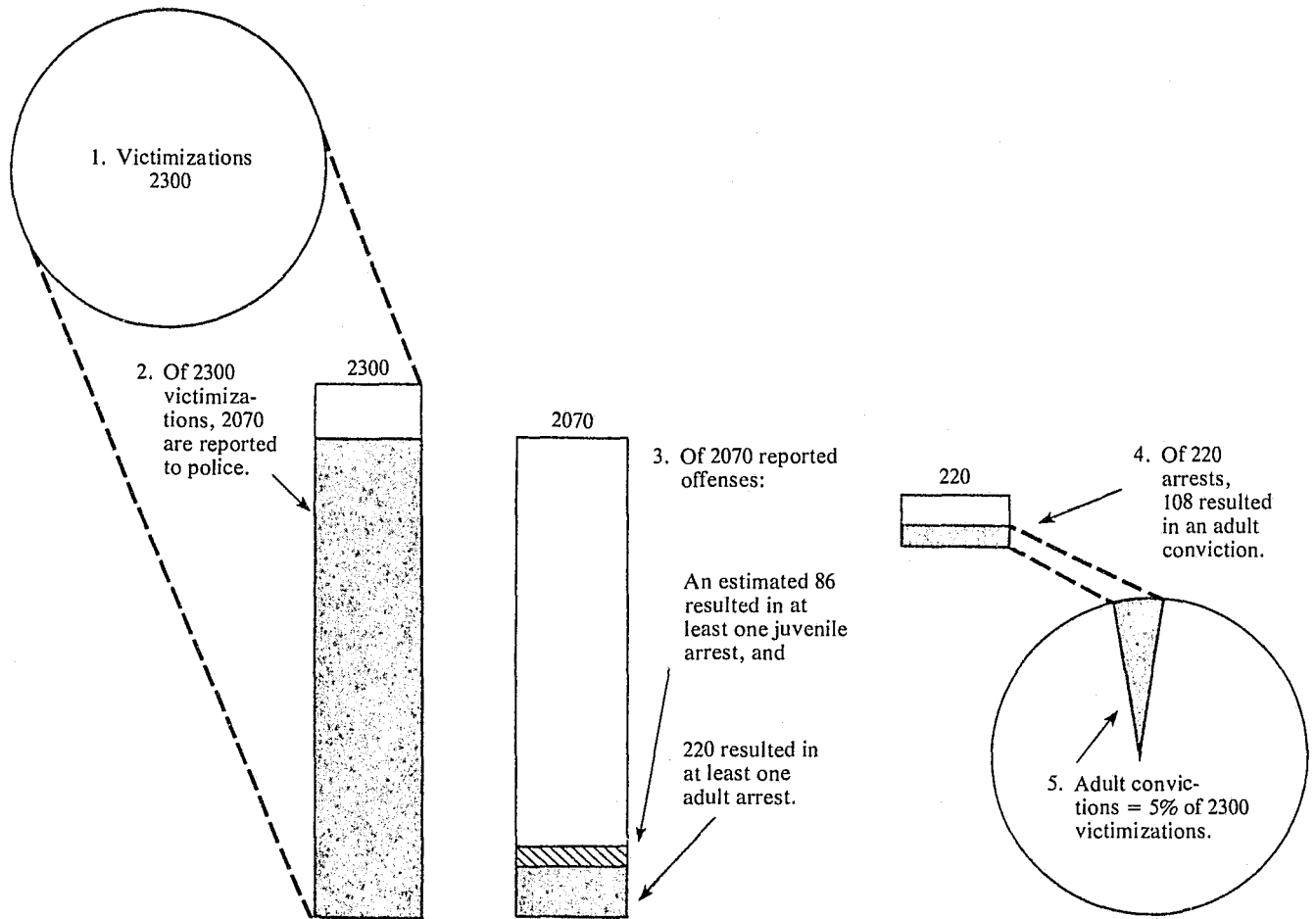
⁶ Among other sources of incompatibility, there are methodological difficulties—such as sampling error associated with the victimization survey.

⁷ See note 3, Chapter I.

⁸ Unfortunately, the greater the success of police, prosecutors, etc., in encouraging crime reports from citizens, the less effective those agencies may appear to be, since the UCR crime index could rise for that jurisdiction, often falsely implying that actual crime—*vis-a-vis* an improved reporting rate for the same amount of crime—is increasing. This would hardly be a fitting reward for those criminal justice agencies that effectively elicited a higher rate of crime reporting from the public. If comparability could be established between the victimization surveys and UCR crime-index data, the following ratio could measure agency success in inducing a higher crime-reporting rate: UCR (reported offenses) divided by Victimization Survey (total offenses). The higher the rate of reporting, the higher the score for the agency. Said the director of a crime prevention program: "The very fact that we were getting at the root of crime and trying to create a system of criminal justice to respond to it effectively meant that more crimes would be reported. And the more crime

EXHIBIT 7.1

Data of Exhibit 7 in Graphic Form
(Commercial Robberies)



adjusted in all of the ways previously described for PROMIS data—for example, arrests cannot be aggregated into criminal incidents, and adjustments cannot be made in terms of offense location or age or residence of the victim, etc.

To remove these and other imperfections from juvenile data would require the installation of a PROMIS-like system in the juvenile court. Lacking such a system, criminal justice decision makers must rely on crude estimates, as did this report.

In Conclusion . . .

In 1931, the Wickersham Commission called “accurate . . . data the beginning of wisdom” and recommended development of a “comprehensive plan” for a “complete body of statistics covering crime, criminals, criminal justice, and penal treatment.”¹¹ Much progress has been made since then. Millions of dollars are spent annually to collect crime data. Bits and pieces of the criminal justice data-puzzle have taken shape: victimization surveys,

offense reports, arrest data, conviction rates, etc. But some of the rough edges must now be removed from those pieces so they will fall into place and enable policymakers to view the criminal justice process with the necessary comprehensive perspective and thus help the criminal justice *system* to live up to its name.

¹¹ Cited in President’s Commission on Law Enforcement and Administration of Justice, *op. cit.*