

Advisory Bulletin No. 7

**Coordination of Statistical
Program Development
Under The
Justice System Improvement Act**

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TABLE OF CONTENTS

	Page
UPDATE	v
PREFACE	vii
I. THE RELATION OF CURRENT NATIONAL LEVEL CRIMINAL JUSTICE STATISTICAL PROGRAMS TO NEW GOALS	1
II. CURRENT FEDERAL ASSISTANCE TO STATE AND LOCAL INFORMATION SYSTEMS AND STATISTICAL PROGRAMS	7
III. PROBLEMS REGARDING THE FUTURE FEDERAL ROLE IN CRIMINAL JUSTICE INFORMATION AND STATISTICS	9
IV. CONCLUSIONS AND RECOMMENDATIONS	13
 TABLE	
I. THE NATIONAL CRIMINAL JUSTICE STATISTICAL PROGRAMS	6

UPDATE

In the interval since this report was approved by the SEARCH Membership Group, the legislation addressed has been enacted into law as the Justice System Improvement Act of 1979.

The new law retains most provisions of Senate bill S.241 (the draft "Law Enforcement Assistance Reform Act of 1979," the primary document analyzed in this report) with respect to key points of information and statistics policy. The changes which have been made in this area, such as the general focusing in on criminal rather than general justice concerns and the removal of pre-designated National Priority Grant programs do not materially affect the report analysis herein. The emphasis on the gathering of statistics from state and local sources to provide a comprehensive picture of crime and justice system operations remains, as do the emphases on upgrading statistical capabilities at state and local levels and using statistics for evaluating certain LEAA action programs.

Changes have occurred, however, in one area with potentially major consequence for the issues raised in this report. These concern the relationship among the four government units created by the Act: the LEAA, NIJ, BJS, and OJARS.

In S.241, OJARS was empowered to "set broad policy guidelines for, and coordinate the activities of" the other three units. The LEAA Administrator and the Directors of NIJ and BJS reported to the Director of OJARS. The Director of OJARS was empowered to designate National Priority Grant and Discretionary Grant programs, and was responsible for comprehensive reporting to Congress and the President on funding program activities and accomplishments.

In the law as enacted, OJARS retains only an undefined coordination function, with no general policymaking or administrative authority. LEAA, NIJ, and BJS are autonomous units within the Department of Justice, no longer responsible to OJARS, but "under the general authority of the Attorney General." While the Director of OJARS has retained some policymaking power regarding National Priority and Discretionary Grant programs, now exercised jointly with the LEAA Administrator, there is no provision for even advisory input regarding BJS or NIJ policy. Congressional and Presidential reporting is now the responsibility of the LEAA Administrator.

The intent of these changes is quite clear in the commentary of the Conference Committee Report:

"The conference substitute establishes OJARS with responsibility to provide direct staff support to and authority to coordinate the activities of the LEAA, NIJ, and BJS. These three units are placed under the general authority of the Attorney General. Inasmuch as OJARS is to provide these support and coordination functions, and not policy direction and control, the conferees determined that no Advisory Board to OJARS is needed.

"It is the intention of the conferees that, under this structure, policy setting for the LEAA, NIJ, and BJS will be the responsibility of the appropriate Director or Administrator of the program in question. The coordination authority of OJARS will include authority to resolve differences between the LEAA, NIJ, and BJS in carrying out their respective function..."

(House Report No. 96-655, published in the Congressional Record, November 16, 1979, page H 11009)

The net effect is a serious weakening of the organizational bases for the LEAA/BJS coordination envisioned in the draft legislation. Policymaking is decentralized, and is explicitly separated from the overall coordination function.

This absence from the final legislation of any central policymaking and administrative body within the reorganized justice assistance structure further increases the need for early action to create a means for effective and continuing liaison between national statistical program development and federal financial and technical assistance to state and local statistics and information systems.

A Coordination Conference of the type outlined in Section IV of this report, whether convened by OJARS, by LEAA and BJS jointly, or by the Attorney General, continues to be the best means to begin this process, and to ensure the development of mutually satisfactory and effective coordination mechanisms and programs for the attainment of information and statistics goals.

PREFACE

SEARCH Group has been active for a decade in both information systems and national statistical program development, and has focused upon the relationship between state and local operating agency information and statistics and between the states and national programs.

Many examples are available. OBSCIS has been developed, in direct consultation with both state and national statistical program representatives, as a corrections information system with capacity to furnish statistical data. The National OBTS data structure largely replicates the prototype developed by Project SEARCH. The Dictionary of Criminal Justice Data Terminology has been developed as a sourcebook for terminology for both information systems and statistics.

This same period has witnessed increased federal commitment to national level justice statistics. New programs, such as the National Crime Survey, National OBTS, and Uniform Parole Reports, have by and large been developed and operationalized during this time. Existing programs have been further developed and consolidated.

The still-growing federal commitment to national justice statistics is evidenced in current legislation regarding the future of LEAA, which envisions a Bureau of Justice Statistics charged to consolidate, coordinate, and enlarge the federal national statistics capacity.

The purpose of this report is to briefly review and to respond to the current federal posture concerning criminal justice information and statistics as embodied in the Senate's Law Enforcement Assistance Reform Act of 1979 (S.241) and, to a lesser extent, the House's Justice System Improvement Act of 1979 (H.R. 2061).^{*} The particular focus is upon the relation between national statistical programs and federal support of justice information systems and statistics.

The report is divided into four sections. The first describes the current status of federal efforts to provide nationwide criminal justice statistics. The second outlines current federal programs for assistance to state and local government relating to criminal justice information and statistics. The third delineates problems in federal policy and program formulation, and the last section presents specific proposals for a first step to be taken toward their resolution.

^{*} The conclusions in this report about federal posture are based on the provisions of S.241 and H.R. 2061 as of October 3, 1979. Both bills are, of course, subject to change as they move through the legislative process. *The final version of this legislation has now been enacted as the Justice System Improvement Act of 1979.*

The following report was produced by the Inter-governmental Policy Standing Committee of the Membership Group of SEARCH Group, Inc., Charles C. McCarty, Chairman.

The report was approved for distribution by the Membership Group at their semi-annual meeting on October 3, 1979.

I. THE RELATION OF CURRENT NATIONAL LEVEL CRIMINAL JUSTICE STATISTICAL PROGRAMS TO NEW GOALS

The Omnibus Crime Control and Safe Streets Act of 1968, which established the Law Enforcement Assistance Administration (LEAA), authorized the Attorney General of the United States "to collect, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several states." This authorization reflected an already long-recognized need for a comprehensive body of national criminal justice statistics, to describe the continuing problems of crime and to document the activities of the criminal justice system in meeting those problems.

There are currently seven major federal statistical programs producing national or multi-jurisdictional criminal justice data. Six of these are sponsored by LEAA's National Criminal Justice Information and Statistics Service (NCJISS): the National Crime Surveys, National Prisoner Statistics, and Expenditure and Employment Data for the Criminal Justice System, all administered by the Bureau of the Census; the National Court Statistics Project administered by the Conference of State Court Administrators at the National Center for State Courts; Uniform Parole Reports administered by the National Council on Crime and Delinquency; and National Offender-Based Transaction Statistics. The seventh program, Uniform Crime Reports, is sponsored and administered by the Federal Bureau of Investigation.

This section briefly describes each of the programs, indicating program scope, data limitations, collection procedures and impact on data suppliers, and provides comment on the extent to which these programs together meet the goal of comprehensive criminal justice statistics. Basic program descriptive information is also presented in chart form in Table I at the end of this section.

The purpose of presenting these descriptions and comments on current national programs is not evaluative but cautionary. Where a lack of data breadth or depth or a technical problem is noted, it is normally a shortcoming only in terms of the recently legislated goal of a total national picture of crime and justice system activity or in terms of detailed state and local needs. In effect, the "missing" data were usually never intended to be included in these programs, which were designed to achieve limited national level purposes with limited funds. There has not been a lack of expertise on the part of program designers or managers, but rather a smaller national investment in financial and technical problem-solving resources than is required to meet national needs. The purpose of noting each shortcoming in terms of the goals of S.241, is to consider whether future policymaking and organizational arrangements and resources, as embodied by that bill, will adequately provide for solutions to existing problems.

National Crime Surveys

The National Crime Surveys (NCS) of criminal victimization, sponsored by LEAA and conducted by the Bureau of the Census, constitute the only federal criminal justice statistical system completely independent of state and local governmental data: all functions, from initial data collection to final analysis and publication are handled by federal government units. There is no burden on state and local agencies because these agencies have no involvement with the program. There are no data comparability problems of the type which arise from administrative and geographical separation of data collection and analysis functions and from multiplicity of agency responsibility for a given function.

On the other hand, the surveys are somewhat limited in total crime picture relevance, for they at present consist mainly of a nationwide sampling of households. The information collected covers a small number of crime types. More important, NCS crime data are not fully relatable to criminal justice system crime data because NCS necessarily integrates many non-statutory factors into its crime classification structure.

Further, since the city surveys have been discontinued, NCS publications mainly provide data only in the form of national totals. Cross-jurisdictional crime rate comparisons for major regions, states, and standard metropolitan statistical areas (the geographic units routinely employed in UCR data presentations) are not normally possible. Similarly, comparisons between UCR reported crime rates and victimization survey crime rates, except for the country as a whole, are usually not possible. Thus, the possibility of identifying local or regional variations in the percentage of crimes reported to law enforcement agencies as a means of achieving a more sophisticated understanding of the significance of UCR reported crime data, is currently limited, although future plans are to increase this capacity.

Expenditure and Employment Data for the Criminal Justice System

This LEAA and Census Bureau program relies on budget and personnel data collected from state and local government offices. Data are collected by Census field personnel utilizing agency records. There is no burden on most state and local units beyond that of maintaining and making available the records.

Data are variously categorized by particular unit of government, level of government, and broad criminal justice function. The information is of varying quality and completeness because financial accounting and recordkeeping practices differ from one jurisdiction to another, because the various criminal justice operations and support functions are differently

organized in different places, and because expenditures and employment for performance of uniquely criminal justice functions often cannot be distinguished from those relating to other litigative and judicial functions. An example of this is the category "legal services and prosecution." In many jurisdictions legal representation of government in both civil and criminal matters is performed by a single agency, or even by a single person. Available records often provide only total expenditure and manpower data, with no means of identifying separately that portion which relates to specifically criminal justice activities.

Thus, in order to achieve cross-jurisdictional comparability, the program must of necessity classify data only at the level of the broadest functional categories. Consequently, actual data relating criminal justice expenditures and personnel resources to activities and outcomes at the level of detail necessary for state-to-state or local-to-local comparisons of resources to performance are not necessarily produced by this program. The state and local utility of the data depends upon the jurisdiction.

This program is, however, a national level statistical series which is routinely used for decisionmaking at the federal level (LEAA state and local funding formulas are applied to these data) and thus has a unique value.

Uniform Crime Reports

Uniform Crime Reports (UCR) statistics are collected by the FBI from local and state law enforcement agencies. Forty-five states now have state-level UCR programs. In these, local jurisdictions report data to the state program, which in turn reports for the entire state to the national program. Agencies reporting to national UCR must perform data translations, classifying crimes and arrests in accord with national program categories.

The UCR program publishes reported crime incident data for the seven "index" offenses (and, beginning in 1979, for an

eighth, arson) and data on arrests for all arrests, classified by most serious offense charged. The social import of UCR data is great because they are by far the most widely published general information on the crime problem.

Overall criminal justice system relevance is, however, limited. Although UCR has a complete crime classification structure for arrest data, and all 26 categories are reported, the structure as a whole is not utilized or utilizable at post-arrest levels of offense data reporting. Further, UCR arrest data are intended to provide information on police actions, not criminal actions. A single tabulated arrest may relate to multiple crimes and cases. Consequently, data on the activities of prosecution, courts and corrections agencies cannot be linked to reported crime or arrest data in such a way as to provide an assessment of the total criminal justice system response to reported crimes or arrests.

Consequently, in terms of current broad goals, there is a fundamental technical defect at what might be regarded as the starting point of criminal justice statistics. The national UCR series has great value and utility within its own terms but not with reference to the comprehensive picture.

Further, federal resources recently devoted to problems at the law enforcement level have been focused only within that level: improvement in crime and arrest reports, records control and initial crime identification data quality and utilization.* In most jurisdictions there has been no development of the data linkage capacity (multi-level compatibility between law enforcement agencies, prosecutorial agencies, courts, etc.) necessary for an appraisal of total system response to crime.

*SCRS, ABCR, ICAP, POSSE, etc.

National Prisoner Statistics and Uniform Parole Reports

The National prisoner Statistics (NPS) program is sponsored by LEAA and administered by the Bureau of the Census. It is the oldest of the programs described here, having been established in 1926. The major content of published data includes information on state and federal prison population characteristics, such as crime for which committed to prison and length of sentence, various demographic factors, and tabulations of prisoner admissions and releases. NPS data provide nationwide coverage. Available data have considerable time depth and time continuity, with stability of basic program content.

The Uniform Parole Reports (UPR) program is administered by the National Council on Crime and Delinquency (NCCD), with LEAA sponsorship. By contrast to NPS, this is a new program. Nationwide comparative data have been published only for the years 1976 and 1977. Program content is not yet stabilized. The program covers informational content that overlaps with NPS, the former ending, so to speak, with departure from prison and the latter starting at that point, and also dealing with returns to prison.

Both NPS and UPR place reporting burdens on state correctional agencies and in both programs the internal and cross-jurisdictional validity of the data is affected by state data processing practices. Reconciliation of supplier data reporting capacities and statistical program needs has proceeded on both a federal-to-single-state basis and, for states participating in the OBSCIS program, on a federal-to-collective-states basis.

A major area of difficulty in both programs is that of offense data. National program managers have not had the resources necessary to develop standard crime category definitions and reporting procedures. Consequently, data on the offense characteristics of prisoners in the

different states are not cross-jurisdictionally comparable.

Another major problem in terms of the goal of comprehensiveness is that NPS and UPR prison admission data cannot be linked to sentencing disposition information created at the previous step by the courts. This lack, which may have been of relatively little consequence a few years ago, has risen to importance as a result of the increasing rates of conviction and sentences to incarceration. Judicial decisions requiring the reduction of overcrowding or the closing of unacceptable confinement facilities have at the same time reduced available space. The lack of regular nationwide data reporting linking the sentencing dispositions of convicted persons to correctional intake prevents accurate measurement of the impact of recent and future trends in criminal case dispositions on correctional resources and conditions of offender custody.

Given the extent of the data commonality and the common data sources, the integration of NPS and UPR has been recommended, but it has not occurred.

National Court Statistics Project (NCSP)

A program to collect and publish cross-jurisdictional statistics on court caseload has been undertaken by the Conference of State Court Administrators (COSCA) at the National Center for State Courts (NCSC), with LEAA sponsorship. Statistical data for one year, 1975, have been published to date, and a publication of 1976 data is being prepared. The COSCA-NCSP Committee has also developed a set of documents intended to upgrade these statistics: a State Court Model Annual Report and State Court Model Statistical Dictionary. The program constitutes a major effort at standardization, guided by court administrators and judges.

For 1975 and 1976, state court administrators supplied data in the statistical categories already utilized for individual state purposes. Thus, the reporting burden was relatively small. Data analysis and reclassification into standardized national

categories were performed by Center staff. Whether statistical categories will be changed by adoption of the model annual report and statistical dictionary in ways significantly affecting reporting burden is not known at this time.

The NCSP reporting plan is intended to cover all major judicial activity; criminal case activity description is therefore limited. The case categories are general: felony, misdemeanor, municipal ordinance and traffic. The disposition classification structure is also general, discriminating between dismissals, transfers and guilty pleas occurring before trial, and between type of trial, conviction, acquittal, or "other" trial disposition. No sentencing disposition information is provided for in the data structure. There is therefore another gap in the ideal total criminal justice picture, unless the NCSP capacity is expanded or some other program undertakes to provide sentencing data reporting.

National Offender-Based Transaction Statistics

The National OBTS program, sponsored and administered by LEAA, is intended to produce data that are cross-jurisdictionally comparable and cross-agency compatible. It is the only statistical program dealing with all the key dimensions of criminal justice: agency intakes and dispositions of arrestees, defendants, and offenders, classified by crime type.

In theory the data base of this statistical operation would generate descriptions of all the major aspects of the flow of subject persons through the criminal justice process, producing information now separately handled by NPS or UPR, and information filling in most of the strategic gaps in our picture of criminal justice. In fact, only a fifth of the states are ready to participate in this program and a number of factual content and data classification problems strategically limit its utility.

Like all post-law enforcement statistics, national level OBTS reporting is compromised by the lack of valid national crime classifications for post-arrest data.

The national OBTS guidelines require the use of NCIC-UOC categories for reporting the offense characteristics of alleged offenders and offenders, but use of the UOC code structures will not generate even reasonably adequate crime type information.

That states have experienced difficulties in utilizing UOC codes for individual criminal history records is well known. One result has been that a given UOC code can have widely varying values in different states. National OBTS has not only inherited these problems, but compounded them by its own data classification procedures. In one state, for example, all criminal homicides whether willful or negligent are coded into a single UOC residual category, since none of the more detailed UOC categories are compatible with state crime distinctions. Thus, important information (the distinction between willful and negligent homicides) is already lost. National OBTS classifies the residual category as "willful homicide," and thus distorts the meaning of the limited information available.

Further, the disposition classifications

applied to the various agencies/stages of the criminal justice process are too general to generate data at the level of detail most useful to state and local jurisdictions. They also obscure some distinctions that are increasingly needed at the national level. For example, the OBTS disposition classification does not separately identify those defendants for whom prosecution or adjudication was withheld as part of a routine or special "diversion" program. The development and implementation of defendant diversion programs has been and continues to be an explicit LEAA objective, but no OBTS data can be generated to regularly and comprehensively measure program results.

In summary, the number, scope and quality of national level statistics programs have been greatly increased in the last decade by the coordinating and assistance activities of NCJISS. The kinds of problems revealed in the course of this development do, however, indicate an increased need for administrative integration and technical support of information and statistics goals.

<u>Program Name</u>	<u>Program Sponsor</u>	<u>Program Administration</u>	<u>Data Source</u>	<u>Publication</u>	<u>Program Scope</u>	<u>Nationwide Data</u>	<u>Cross-jurisdictional Comparability</u>
UNIFORM CRIME REPORTS	Federal Bureau of Investigation	Federal Bureau of Investigation	Local and State Law Enforcement Agencies	Federal Bureau of Investigation	Selected Reported Crimes; Arrests; Police Manpower	YES	YES
NATIONAL CRIME SURVEYS	LEAA-NCJISS	Bureau of the Census	Direct Interview - No Justice Agency Responsibility	LEAA	Selected Crimes; Crime Victims; Crime Impact	YES	NO - National Totals Only
NATIONAL PRISONER STATISTICS	LEAA-NCJISS	Bureau of the Census	State Corrections Agencies	LEAA	Prison Admissions, Releases; Sentence and Time Served; Prisoner Characteristics	YES	YES, in part
UNIFORM PAROLE REPORTS	LEAA-NCJISS	National Council on Crime and Delinquency	State Corrections Agencies	National Council on Crime and Delinquency	Parole Admissions, Removals; Parolee Characteristics; Parole Manpower	YES	YES, in part
STATE COURT CASELOAD STATISTICS	LEAA-NCJISS	Conference of State Court Administrators at the National Center for State Courts	State Court Administrative Offices	LEAA	Major Court Caseload; Pending, Filings, Dispositions, by type; Cases only, little detail on criminal, no sentencing data	YES	YES
NATIONAL OFFENDER - BASED TRANSACTION STATISTICS	LEAA-NCJISS	NCJISS	State Criminal Information/Statistics Agencies	No Publication to Date	Felony Arrests; Police, Prosecutor, Court Dispositions; Pleas; Sentences; Charged/Convicted Crime	NO - Eleven States Only Participate	YES - Planned
EXPENDITURE AND EMPLOYMENT DATA FOR THE CRIMINAL JUSTICE SYSTEM	LEAA-NCJISS	Bureau of the Census	State and Local Government Offices	LEAA and Bureau of the Census	Justice System Expenditure and Manpower, by Function and Level of Government; Some Justice Agency Data	YES	YES

National Criminal Justice Statistical Programs

TABLE I

II. CURRENT FEDERAL ASSISTANCE TO STATE AND LOCAL INFORMATION SYSTEMS AND STATISTICAL PROGRAMS

The LEAA Comprehensive Data Systems (CDS) program, initiated by NCJISS, funds state and local criminal justice information and statistics efforts which meet specified criteria. The targets are:

1. The designation or creation of a Statistical Analysis Center (SAC) to assist in quality control and analysis of data on crime and criminal justice agency activities, including management and administrative statistics.
2. Offender-Based Transaction Statistics (OBTS) and Computerized Criminal History (CCH) Systems.
3. Uniform Crime Reports (UCR).

Options related to these 3 basic components include development of an Offender-Based State Corrections Information System (OBSCIS) and a State Judicial Information System (SJIS).

The Comprehensive Data Systems program is specifically not an operating agency data system development program. It is designed to provide state-level statistical and information systems. CDS funds a statistical agency (SAC) for each participating state, a crime statistics program (UCR) and a multi-agency individual criminal history record program (CCH) and offender tracking statistics program (OBTS).

The CCH program, being a means of multi-agency input and multi-agency retrieval of individual criminal offender record information, is, of course, intended to provide operating agencies with case decision information. But this type of informa-

tion is only one of the dimensions of data involved in case management and agency management, and the CDS program is not intended to support system development to meet any of these other operations information needs.

The bulk of federal assistance in operating agency information system development has reached state and local agencies through "action grant" funds to individual agencies. This assistance function has not been comprehensively coordinated with statistical program development at the federal level. There have been organizational provisions for coordination of the activities of the several LEAA units currently providing state and local development assistance, but a lack of financial, personnel and technical resources.

NCJISS, consisting primarily of a Statistics Division and a System Development Division, has established programs that deal with the operations information/statistics capability interface but these have mainly been in addition to and separate from the direct administration of technical and financial assistance to operating agencies. Programs of this type include the Standardized Crime Reporting System (SCRS), Attribute-Based Crime Reporting (ABCR), Prosecutor's Management Information System (PROMIS), and the above-mentioned OBSCIS and SJIS. The accomplishments of these programs are significant and have provided a basis for further improvement in data systems and statistical programs. However, there are insufficient resources for an organized response to the unresolved technical problems identified in these research, development and implementation efforts.

III. PROBLEMS REGARDING THE FUTURE FEDERAL ROLE IN CRIMINAL JUSTICE INFORMATION AND STATISTICS

The chief problem confronting state and local criminal justice agencies concerned with national statistical policy is that dependence of statistical research and statistical programs upon state and local operating agency data systems and state and local statistical reporting capabilities is not explicitly recognized in congressional action.*

S.241, the Law Enforcement Assistance Reform Act of 1979, and the accompanying Senate Judiciary Committee Report are the basic source of official information about future federal intentions in the area of criminal justice information and statistics, except insofar as the purposes and approach of current federally sponsored programs may be assumed to have carry-over into the future.

H.R. 2061, the Justice System Improvement Act of 1979, also comprehensively reorganizes LEAA. It also states the same statistical needs, but more generally and briefly. While recognizing the same needs for information capability development, it contains considerably less specific indications of how increases in capability will be assisted. From the point of view of concern for matching capability development to statistical goals, each problem identified in S.241 also exists in H.R. 2061. Consequently, the remainder of this paper mainly addresses the more detailed Senate bill, the statistics and information provi-

*This chapter is based on consideration of the current status of S.241 and H.R. 2061 as of the time of writing. Reference is made to the May 14, 1979, version of S.241 because that version marks the first inclusion of most of the amending language of importance for the present discussion. The Senate Judiciary Committee Report addressed this version.

sions of which can in any case be reasonably expected to appear in the final Congressional Act.*

Both the Senate and House bills spread the federal criminal justice assistance functions formerly directed by the LEAA across three sub-agencies: an LEAA, a Bureau of Justice Statistics (BJS) and a National Institute of Justice (NIJ). Administrative direction is located in an Office of Justice Assistance, Research, and Statistics (OJARS). This office is required to "directly provide staff support to, set broad policy guidelines for, and coordinate the activities of"*** the NIJ, BJS and LEAA (emphasis added).

Several features of this legislation, as represented by the detailed provisions of S.241 and the briefer treatment of the same points in H.R. 2061, could have substantial impact upon SGI and the state and local criminal justice agency information and statistics needs and interests which it represents.

On the most general level, S.241 gives equal recognition to needs for statistics of nationwide relevance, needs for statistics at state and local levels, and needs for

*The key provisions of H.R. 2061 directly relating to the subject of this paper, and which duplicate the basic points originally covered in S.241, are the third paragraph of the introduction and item (9) of its sixth paragraph, and Sections 101.(c), 301., 301.(c)(1) through (16), particularly item (13), 301.(3) and 801.(b).

**Sec. 801(b) of both S.241 and H.R. 2061. *This provision was altered in the law as enacted. OJARS retains a general coordination function, but no longer has overall policymaking and administrative authority.*

criminal justice operating agency information system development. However, the history of the legislation and the specifics of its current provisions do not reflect a balanced or coordinated commitment to the meeting of national level statistical needs and to the improvement of state and local operations and statistical data capabilities to meet these and other needs.

The 1978 version of the Kennedy bill (S.3270) created a Bureau of Justice Statistics with extremely broad authorization to collect almost every conceivable type of statistical justice data (Sec. 301(c)(2) through (7)).

The need for a substantial effort in operating agency data system development was nowhere referenced, except for a single line in the BJS mandate which could be read as placing the systems development function under BJS:

"Sec. 301. It is the purpose of this part to ... support the development of information and statistical systems at the Federal, State and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency and civil disputes and the operation of the civil, juvenile and criminal justice systems."

The 1978 bill also made little mention of the need for assistance in state and local statistical capability improvement. In the BJS authorization section (Sec. 302.(c)), only one item related to this point:

"(12) provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics; ..."*

SGI issued a policy paper in February, 1979, emphasizing the critical importance of operating agency information to law enforcement and the day-to-day administra-

*This language became Sec. 302.(c)(13) of S.241 as passed by the Senate.

tion of justice, and the substantial dependence of statistical programs upon operations data systems. The paper recommended intergovernmental coordination of systems development, and functional coordination of systems development and national statistics.

The May, 1979, amendments to S.241 included revisions and additions relating to statistics and information systems development that are in accord with state and local interests (new language in brackets):

Part A -- LEAA, Sec.102. "The Administrator shall ...((g) provide funds and technical assistance to eligible jurisdictions under this title for the development of operational information and telecommunication systems; ...)"

"Sec. 401.(a) ... The Administration is authorized to make grants under this part to ... ((21) develop statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the)" formula grant purpose areas.

Part C -- Bureau of Justice Statistics, Sec. 301..." (The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.)"

These points are supported by BJS authority to make grants to public and private agencies and by:

Part D -- Formula Grants, Sec. 401.(a), "The Administration (LEAA) is authorized to make grants under this part to States and units of local government for the purpose of -- ... ((9) ... establishing criminal justice information systems ...)"*

*This new language became Sec. 401.(a)(20) of S.241 as passed by the Senate.

Part E -- National Priority Grants, Sec.503.(c), in a list of funding priorities for OJARS: "... (In establishing priorities, the Office shall give special emphasis to ... programs and projects providing prosecutors and courts with computerized case control and management systems ...)"*

The Senate Committee Report, in explaining the purpose of the bill and the May amendments, emphasizes the need for coordination:

"... OJARS is not just to be a "housekeeper." Rather, its most important, and perhaps most difficult, role is to ensure coordination. Thus, OJARS reflects the inextricable link that must exist between the statistics, research, and assistance programs and the need to provide for coordination if these programs are to attain their maximum effectiveness and value."

"Additionally, BJS must coordinate with LEAA to assure that the State information systems assistance programs managed by LEAA are designed so that they will generate useful data for national statistical purposes."

(Senate Report No. 96-142)

However, the administrative structure established by the bill does not indicate how the coordination of statistical goals, and assistance programs will be achieved:

- The bill centralizes federal statistical data collection and analysis under the direct management of a new Bureau of Justice Statistics, but scatters recognition of state and local information capability development needs through a variety of funding purposes and assistance program goals sections establishing the

**This language was later removed and does not appear in the law as enacted.*

objectives of OJARS and its three chief subunits (BJS, NIJ, and LEAA).

- Within the proposed OJARS structure, there is no formal mechanism for internal liaison between BJS, NIJ, and LEAA concerning technical problems and requirements in the complex area of operations and statistical information capability development.* The statements of need for performance of the coordination function are not supported by provision for an administrative unit having the authority and resources to assess problems in data system development, identify problems at the operations information/statistics interface, and develop and implement solutions that involve the coordination of data system/statistics program development effort.
- There is no formal mechanism for external liaison between OJARS and state and local agencies concerning the specifics of statistical policy and information capability problems. While the bill does set up separate general advisory boards for OJARS, BJS, and NIJ,** all with state and local representation, there is no advisory board for LEAA, which has funding and technical assistance responsibility for operations information systems, nor is there provision for an intergovernmental advisory body focused upon interrelated data systems and statistics problems.

**LEAA, NIJ, and BJS are established as autonomous units within the Department of Justice in the law as enacted. In this circumstance, the lack of an explicit internal liaison mechanism becomes even more critical.*

***The OJARS Advisory Board was removed from the law as enacted.*

Further, the Senate Committee Report states that:

"The bill anticipates a "feeder system" whereby States would collect and analyze data for their own use and forward portions of those data to BJS for construction into a portrait of crime and justice and analysis of trends, causes and correlates of change in the national justice system...

"Only with ... offender-based tracking ... based on compatible statistical information from all parts of the justice system, can we really begin to understand the operation of that system in order to make it more effective and efficient."

These are highly worthy technical objectives. But to accomplish them will require a highly coordinated array of extremely complex technical and negotiative activities involving continuing, integrated effort on the part of several separate units within OJARS and hundreds of state and local justice agencies. These Committee comments in particular illustrate the need

for integration and further suggest the extent to which not only a coordinating body but one supported by considerable financial, personnel and technical resources is needed. Much progress in extending the scope of nationwide or nationally comparable data, and partial coordination of data system and statistical capability development efforts has been achieved by NCJISS programs, but projects in this area have also revealed a vast infrastructure of unresolved technical problems that affect future data collection, analysis and utility limits.

For example, maximum standardization of data, data elements, statistical classifications, and terminology has been repeatedly noted as a critical requirement in improvement of criminal justice information and statistics generally. It is an absolute requirement if the goals of local-state-federal "feeder" systems, cross-jurisdictional comparability, and compatibility of data across agencies are to be achieved. Yet the present mechanisms for feedback between statistical program planning and data system development are limited, and in the proposed new statutory OJARS structure, non-existent.

IV. CONCLUSIONS AND RECOMMENDATIONS

The Law Enforcement Assistance Reform Act* places heavy emphasis upon the goals of the gathering and use of statistics to provide a comprehensive national picture of crime and justice system operations, the upgrading of statistical capabilities at state and local levels, and the use of statistics for evaluation of programs in specified LEAA action program assistance areas.

The bill provides generally for financial and technical assistance to states and units of local government for achieving these goals, and the bill and the accompanying Senate Judiciary Committee report generally note the need for coordination of all statistical program activities and assistance activities, including assistance in the necessarily related development area of upgrading of operations information capabilities.

However, the bill does not create the internal and external liaison units necessary for coordination (1) within OJARS between BJS statistical activities and LEAA operations information system development assistance, and (2) between OJARS and the state and local government units and agencies which are both the targets of federal assistance to statistics and information systems and the intended suppliers of crime and justice system data to national level programs. Further, there is no indication of understanding that the coordination function, however organized, will require considerable personnel and technical, and thus financial, resources if it is to be effective. By creation of a

*As noted in the previous chapter, S.241 delineates the current federal posture in more detail than H.R. 2061, and is therefore treated as the basis for the statements in this concluding chapter.

Bureau of Justice Statistics, the bill recognized the need for integration of current national statistical programs if the national picture of crime and justice systems operations is to be comprehensive. But neither the bill nor the Committee Report recognize the cautionary nature of the "shortcomings" of current national data in terms of the goal of comprehensiveness.

The lack of cross-jurisdictional comparability in some dimensions of current national statistics is not the result of program management error. Severe technical problems are still to be resolved in these areas. The new statistical goals include the aim of greatly increasing interagency compatibility of data in order to measure the overall effectiveness of system operations. This amounts to entering the area of police-prosecution-courts-corrections data compatibility on a new, large-scale basis when the problems uncovered by preliminary efforts of this type have not been resolved. The bill does not prevent the establishing of new coordinating bodies or the re-establishing of the National Criminal Justice Information and Statistics Service currently responsible for coordination of statistical and information system development activities. But the absence from the Committee Report of any recognition of the extent to which NCJISS efforts have been hampered by lack of funds and fully developed federal-state-local feedback mechanisms, together with the absence of any strong coordination unit in the statutory structure of OJARS, suggests that priorities may be set without sufficient regard to practical needs. In effect, the bill organizes and funds aims, but only partially organizes and funds means.

The production of statistics requires a set of interrelated decisions concerning factual content of programs, classification

structures, reporting procedures and terminology. The potential for useful and collectible national cross-jurisdictionally comparable data is in particular determined by how well decisions are made on each of these points.

Each decision must be made in relation to the limits of data reporting capacities of state and local agencies and the variant crime definitions and criminal justice procedures in effect in each jurisdiction.

Adequate national level statistical program planning and execution therefore depends on a basis of shared empirical knowledge of reporting capacities -- or the means to increase capacities -- and on continuing consultation and joint decision-making between all concerned parties. This, of course, means that national statistical program managers as data users must work closely with state and local information system managers as data suppliers.

Further, the federal intent regarding crime and justice statistics appears to be that national level data should consist largely of information which is also useful at state and local levels. There is thus a strong implication that state and local agency representatives should play a large role in determining statistical program factual content.

There is also a strong implication that needs for resolution of technical problems in statistical utilization of operations management information, problems at federal-state-local statistical needs and capabilities interfaces, and problems in operating agency information system development and statistical capability development priorities will become critical.

Recommendation

It is therefore recommended that the Office of Justice Assistance, Research and Statistics schedule a federal, state and local Coordination Conference at the earliest possible stage in the implementation of the Law Enforcement Assistance Reform

Act.*

The participants should be representatives of federal, state and local agency justice information systems and statistics programs, and of those national professional bodies responsible for design and/or operation of crime and justice system information systems and statistics programs of national relevance.

The purpose of the conference would be to provide an opportunity for:

- The presentation and discussion of recommendations and plans for the establishing of a mutually satisfactory federal-state-local justice information and statistics advisory, coordinating, and technical assistance body or bodies, and programs.
- The exchange of information and views regarding problems in information and statistics capability development relating to the determination of priorities in funding and technical assistance.

The product of the conference would be a record of proceedings that would provide OJARS with the state and local views on information and statistics capability goals that should be taken into account before organizing new coordinating mechanisms, procedures and programs in criminal justice information and statistics.

The subject matter of the conference should include discussion of specific statistics and information systems development policy issues and problems only insofar as

**In light of the organizational changes embodied in the Justice System Improvement Act of 1979 as enacted, the conference might be better convened by the Attorney General directly. Of critical importance is that it bring together representatives of LEAA, BJS, and concerned segments of the state and local justice communities.*

they relate to the creation of effective intergovernmental organizational and procedural mechanisms and programs. The purpose of the conference is not to solve the problems, but to establish means of resolution through continuing intergovernmental coordination of:

1. State and local assistance to OJARS in accomplishing the national statistical program goals and general information capability development goals set forth in the Law Enforcement Assistance Reform Act.
2. The development of objectives, priorities and guidelines for federal assistance to states and local governments for justice information systems development and enhancement of justice statistical capabilities at all levels of government.
3. The design of effective interfaces between state and local agency information needs, both operations and statistical, and information requirements for nationwide comparable crime and justice data.

4. The determination of potentials and limits for statistical utilization of operations and management information.
5. The prioritizing of needs for management and case information to positively impact justice agency operational effectiveness, and needs for general statistical data.
6. The providing of adequate technical research and assistance programs and services in support of the goals of standard classifications and definitions for crime and justice statistics.

The establishing of a Bureau of Justice Statistics satisfies a long-stated need for integration of statistical policy and planning. It has also served to focus attention on requirements for further improvement of justice information and statistics systems and programs, thus creating an opportunity to begin the new phase of federal, state and local cooperation with a better shared understanding of effective ways to proceed.

END