



## Bureau of Justice Statistics

# Enhancing Capacities and Confronting Controversies in Criminal Justice

Proceedings of the 1993 National Conference  
of the Bureau of Justice Statistics and the  
Justice Research and Statistics Association,  
Albuquerque, New Mexico  
October 14-15, 1993

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facing justice professionals

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(Revised July 1994)

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Bureau of Justice Statistics

Lawrence A. Greenfeld  
Acting Director

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## Foreword

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On behalf of the Bureau of Justice Statistics and the Justice Research and Statistics Association, we are pleased to present the proceedings of our 1993 national conference. This year's theme, *Enhancing Capacities and Confronting Controversies*, reflects the wide range of difficult issues facing all of us who are dedicated to improving the justice system.

These proceedings offer valuable perspectives by researchers and practitioners in law enforcement, corrections, community programs, and State agencies. They address a range of issues, including emerging drug policy, prison crowding, gun control, race and sex bias, incarceration and alternative sanctions, sexual assault, the impact of gun control legislation, domestic violence, the effectiveness of community policing, and a multistate examination of police behavior and ethics. The proceedings also include discussions of recent technology and pertinent research methodology.

The conference is designed around panel presentations and skill-building workshops. We believe that criminal justice problems can be solved only by learning from each other and by developing innovative ways to expand our capacity to respond to the challenges we face. BJS and JRSA have worked together for 20 years to enable States to make informed decisions about criminal justice issues based on accurate data and policy-oriented research. We encourage the readers of these proceedings to join in future conferences, share their experiences, and participate in a stimulating and important dialogue about future directions.

Lawrence A. Greenfeld  
Acting Director  
Bureau of Justice Statistics

Richard P. Kern, Ph.D.  
President  
Justice Research and Statistics Association

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## Conference opening

Thursday, October 14, 1993  
8:45 a.m.

*Lawrence A. Greenfeld*, Acting Director, Bureau of Justice Statistics  
U.S. Department of Justice

*Benjamin H. Renshaw, III*, Special Assistant to the Assistant Attorney General,  
Office of Justice Programs, U.S. Department of Justice

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## Current developments in national data policy

By Lawrence A. Greenfeld, Acting Director, Bureau of Justice Statistics

I am delighted and honored to be here to join you in this very important conference which reaffirms both the importance of research and statistics on crime and the administration of justice as well as the continuing partnership among the various elements of government charged with the responsibility for measuring how well we are doing in responding to these public concerns. That partnership has grown and prospered since 1850 when the 7th decennial Census collected the first national crime data — a count of the number of offenders incarcerated for their crimes. Since that time, the partnership has evolved from the regular collection of prisoner data to the collection of sentencing data to gathering information on crimes reported to law enforcement agencies and finally to surveys of crime victims. This evolution closely follows what is the first principle of measurement: the closer the measure is to the phenomenon being described the more accurate that measure is likely to be. The evolution from prisoner counts to conviction counts to law enforcement counts to victim counts evidences a clear progression toward a description of crime which is closest to the event. Obviously, after a victimization occurs, various contingencies affect what can be learned about crime. The further the mea-

sure of crime is from the event, the more likely that distortions are likely to occur — does the victim report the crime, do the police record the crime, is there a subsequent arrest, a prosecution, a conviction, an imprisonment?

The Federal, State, and local partnership continues to evolve as we struggle to improve the timeliness, sensitivity, and utility of reporting about crime and justice. The nature and extent of crime within cities illustrates the deficiencies that often occur when one tries to use most currently available data. The crime problems of cities are often obscured by aggregate State data and the crime problems within neighborhoods are often obscured by aggregating information at the city-level. It seems to me that this represents as fundamental a challenge for us to adhere to the first principle of measurement as that which existed when our predecessors thought about how best to measure crime. Some of the recent reports I have seen from the Illinois Statistical Analysis Center, mapping gang incidents around abandoned buildings in Chicago, illustrate the utility of thinking more and more about obtaining and reporting data that are closer to where the crime problem occurs.

I thought that it might be valuable if I discussed with you the many things that are developing very rapidly at the national level in terms of statistics — not just statistics on crime and the administration of justice but statistics across the government covering the myriad subjects about which government collects, analyzes, and reports data. Secondly, I want to discuss with you with some specificity what, I believe it is fair to say, is the Attorney General's desire to supplement national data with more sensitive and up-to-the-minute information from state and local governments on the nature of the crime problem and the magnitude of the resources available to respond to a local crime problem. I view these developments in the historical context of the development of crime statistics — how do we get closer to measuring and describing the actual phenomenon itself.

The National Performance Review, or NPR as we in Washington have come to refer to it, carried out by Vice President Gore and the staff of NPR have set in motion a whole new set of expectations from government — reduced turf battles, more consolidation of agencies and functions, and even a greater reliance on user fees to help offset the costs of publications and other services. At the

## Conference opening

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same time, the Attorney General has made a concerted effort to break down the traditional barriers among Departments in the Federal government — I think it is safe to say that there probably has never been an Attorney General who has been so interested in meshing programs across the government so that activities and federal funds provided by the Department of Health and Human Services, and Education and Housing and Urban Development and others are more closely linked to the Department of Justice's law enforcement and financial assistance efforts in the same communities.

As you might guess, such an approach to government has implications for those of us responsible for documenting the incidence and prevalence of crime as well as the response to it. In a sense, national-level data do not play as important a role in this view of how the Federal government should operate. Rather, assessing the nature of the problem in individually unique jurisdictions calls out for more detailed locality-specific information. The obvious best source for such information are those persons living and working in each community.

Questions about whether gang crimes are increasing or whether drug use is declining in Albuquerque or any of the other 9,000 cities and 3,000 counties in the U.S. are difficult to answer in a real-time way because of the burden on respondent agencies and the cost to the Federal government of collecting such information. Simply collecting information from so many respondent agencies often takes many months and sometimes years.

The Bureau of Justice Statistics (BJS) has, for example, recently

closed out data collection from the more than 1,700 agencies operating about 3,500 offices providing adult and/or juvenile probation or parole supervision. The instrument was fielded in early 1992 to collect data on end-of-year 1991. All but two agencies eventually responded after lengthy follow-up by the Census Bureau, BJS staff, and in many States the staff of the Statistical Analysis Centers (SAC). Try to imagine the difficulty of being timely when the range of agencies from which data must be collected include some 17,000 law enforcement agencies, approximately 2,300 prosecutor's offices, nearly 18,000 trial courts, about 3,300 local jails, about 1,300-1,400 state and federal prisons; and the more than 5,000 agencies and offices administering and supervising corrections in the community — a total of nearly 50,000 agencies, offices, and institutions which compose the criminal justice system nationwide. That is why, at the national-level, we try to use nationally representative samples to estimate national practice. But such data are designed to tell us about the nation — not about Albuquerque, or Denver, or Miami.

Recently, the Attorney General visited both Denver and Omaha — Denver had suffered several drive-by shootings just prior to the visit and Omaha expressed concern about the migration of members of several West Coast gangs to that city. She asked BJS to prepare some background materials on the two cities prior to her visits. In each case, the available national data were from the FBI's Uniform Crime Reporting (UCR) program from 1991, and from BJS series including the Law Enforcement Management and Administrative Statistics (LEMAS) from 1990, the National Judicial Reporting

Program for 1990, the 1988 Jail Census, and so forth. Nothing in these statistical series could help us illuminate in more detail for the Attorney General information for these cities on gangs, gang migration, or the locations and backgrounds underlying the drive-by shootings. Thank goodness we had vigorous and very knowledgeable SAC's in both States to help us better understand the concerns in those cities and the available resources to address the problems. The SAC's gave us the real-time description we needed and the background data helped us understand the trends over time. As a result, substantial efforts are being extended by the Department of Justice (DOJ) to focus on what may be described as emerging crime problems and trying to bring together all the relevant Federal agencies to promote and target existing assistance efforts.

I believe that this will be the model for the future with a greater partnership between crime and justice data at the local and national levels, more context description in a shorter turnaround by State and local agencies such as SAC's, Law Enforcement Coordinating Councils, and reduced bureaucracy and red-tape at the Federal level with greater targeting of all Federal assistance efforts in individual communities — sort of one-stop shopping, if you will, for cities. I think the Attorney General has even drawn an analogy with the State Department's individual desks for each country as a possible way to organize to be more responsive to individual cities, localities, and States.

To respond to these objectives, BJS has been moving toward the development of a new information system for the Attorney General and senior management of the Department.



## Conference opening

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The initial stage will entail, probably for the 100 largest cities in the U.S.:

- UCR Index offense data for the city, the metropolitan area, and comparably-sized cities for the preceding 10-year period
- National Crime Victimization Survey (NCVS) data for comparably-sized cities
- LEMAS data for the city and comparably sized cities
- Federal law enforcement staffing resources for the city
- Narrative descriptions by the U.S. Attorney, the SAC, the Law Enforcement Coordinating Council, etc. of the nature of any emerging crime problems and the city's response to it
- DOJ and other relevant Federal funding to the city to be obtained from Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, Department of Health and Human Services, Department of Education, Department of Housing and Urban Development, etc.

Some of these items will be updated frequently, such as funding and Federal law enforcement resources and the local narratives, while others will be updated periodically.

The key here is that national-level data will be supplemented by the kind of more detailed and up-to-the minute description that only those intimately involved in the crime problem can adequately and sensitively convey. Secondly, there will be a greater integration of Federal law enforcement information with the kinds of information typically avail-

able from State and local law enforcement agencies. Thirdly, much of this information will be provided with an eye toward having the most current and up-to-date information possible. And finally, Federal assistance will, ultimately, be better targeted to needs and funding resources will be structured in such a way as to ensure that emerging problems can be systematically addressed.

All of us will play a role in trying to produce data that help to guide this initiative. The partnership between BJS and State and local governments is critical to these efforts — Denver and Omaha have become shining examples of how all levels of government can work together to achieve a common purpose. I want to wish all of you a good and productive conference and please take time to consider how we can improve our measures of crime and justice to ensure that, as a result of aggregation, we are not obscuring the problems and challenges and resources which exist in our communities and neighborhoods.

## Conference introduction

By Benjamin H. Renshaw, III, Special Assistant to the Assistant Attorney General,  
Office of Justice Programs, U.S. Department of Justice

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I want to make only a few brief points about the links of this gathering in Albuquerque to previous meetings of the Association and some political imperatives of the new leadership in the Office of Justice Programs. First, this is an Association that heard Janet Reno in Key West in 1989, and in hearing her there was a very strong harbinger of what she has brought to the Department of Justice. That includes a humanitarian mode as a guide to the administration of law, and a flat-out focus on doing what is right.

Despite my entreaties to the Deputy Attorney General, who was briefly a professor of mine at Harvard, and the current Acting Assistant Attorney General, Laurie Robinson, they were unable to take the time to reach the Southwest, but they have contributed to this program.

Immediately after the New Orleans Conference we began working diligently with all the people Rick Kern named, to assure that this JRSA conference will benefit you in your work in the States, and address subjects that are concrete and universally useful. We have worked hard on that, and I think we have succeeded.

I talked yesterday with Laurie Robinson; many of you probably do not know her. She came to Washington with the American Bar Association (ABA) in 1972, initially as head of the Criminal Justice Section, and later as the head of a larger portion of the ABA's Washington operation. Her arrival has been greeted with universal acclamation. She is filling a unique dual position serving the Deputy as an Assistant Deputy Attorney General, and as the Acting Assistant

Attorney General for the Office of Justice Programs.

She did ask me, however, to impart a few hallmarks of this Administration. Many of them are a matter of simple principles, yet simple principles deeply held. First, as far as State and local relations are concerned, the Federal Government and the Department of Justice will not be intrusive. The Attorney General talks frequently about her experience in Florida when the Federal officials would tell her what she could have grants for, despite the fact that they were for things she did not want to do. For those of you who have heard Janet Reno, you know how eloquent she can be on that subject. Secondly, there are no quick fixes, either from the right or the left. We will talk during these proceedings about the issue of mandatory minimums and their impact on all aspects of criminal justice. We are listening to the agenda of localities and States. We are trying to veer away from costly dead ends. Obviously the Attorney General and everyone on down is still terribly concerned with demonstrably violent and predatory offenders, but we are not going to carry that over to issue mandates to the States about what they do with such offenders. And Laurie Robinson asked me specifically to mention that there is enormous concern in this Department of Justice with social bias in all aspects of the administration of justice. We want to elevate the level of debate from the political ambush attacks that are so frequently what we find; the view is to tie policy to the thoughtful and reflective examination that we will be giving in the coming days.

## Welcome to Albuquerque

Thursday, October 14, 1993  
8:45 a.m.

*The Honorable Bruce King, Governor, State of New Mexico*

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Thank you for that wonderful welcome. Thank you for that great introduction, Gary. I wish my wife Alice could have been here to hear that. I should quit while I am ahead, I guess, because certainly I appreciate those remarks. And she kind of caught the flu this week and she certainly intended to be here. She is a great admirer of Janet Reno's and Hillary Clinton. And we have worked very closely together.

The fact is, as President Clinton would tell you, that he and I and Cecil Andrews were the only three governors that served in the decades of the '70s, '80s, and '90s.

So we are very pleased with the direction that you all are trying to move things. We want to be sure we can be a part of it. And we also wanted to work to see that all of our congressional delegations work closely with the administration in Washington.

We work closely with our legislative body and our cities and counties. And then all of the law enforcement and all of the criminal justice needs to tie together. And I, too, would like to say, as previous speakers have said, we have gotten a very good base, a very good foundation for you to work and put some meat into some of the bones and see the direction we go.

And, Art Melendres, I certainly appreciated your remarks. And I appreciate the excellent job you do.

One of the most responsible jobs in New Mexico is chairing the Board of Regents of our largest university, the University of New Mexico.

So we try to run a well rounded operation and all of the things that were mentioned about us being a multicultural society certainly are true. And we try to reflect that and all of those who are involved, as well as all of the other different identities you would think of in having a well balanced program.

In fact, my wife Alice is working today, even though she wasn't in the office, in helping me to prepare a criminal justice group. We have already contacted most of the members, who will be working to look at the things we need to do in improving our criminal justice departments and doing a better job in crime prevention in our State to present different measures to our legislative body. And some of them will be serving on the committee.

The one I am very interested in and the previous speaker mentioned, is the fact that Denver, Colorado, has had the problem with drive-by shootings. Governor Romer happens to be a very great friend of mine. He is the immediate vice-president of national governors.

And as all of you at the head table I know are well aware, he called a special session about a month ago just to study what you could do in gun control. And he was very suc-

cessful in working out a program that would make it illegal for teenagers to have guns in their possession without proper training and proper background.

And he has given me the information and we are looking at similar legislation in New Mexico. And I think we can do that and be successful.

And I, too, want to extend a welcome. But prior to doing that, I would like to give you a little bit of an overview of what I see we are going to have to do if we are going to be successful in law enforcement in our institutions, in how we incarcerate the prisoners and handle our prison population.

So as was mentioned, I have served as Governor since 1971. We have a four-year limitation. I didn't get beat every time in between there because I couldn't run. But anyway, I was just thinking to myself in 1971, '72, '73, and '74, we were appropriating about a tenth of the amount of money that we are appropriating to operate our total correctional facility which Ely Mondragon is in charge of, a very professional operation.

It's obvious to me that just more money, throwing money, so to speak, doesn't solve the problem. In everything we do in New Mexico, and I am sure it's the same throughout the United States, we look at high tech, high-tech transfer. The computer age has really changed in those years.

## Welcome to Albuquerque

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But just thinking back to the amount of money we were spending then and the job we were doing in trying to address all the needs of our younger generation, and then looking at the criminal system, well, I believe we were doing a better job then than we are doing now.

But the crimes that we are obviously confronting or going to be confronting are those that you see moving funds around with computers and things of that nature. So we are going to have a lot of that type of crime, which is obviously white-collar crime.

And we have to have some sort of a punishment system to where crime doesn't pay. And if we don't do that, we have problems. But having said that, we don't need to just have everyone locked up that has some sort of a problem along those lines.

I learned very quickly that the classification of the prisoners is what you have to do if you are going to be successful. You have to do a good job. Some are obviously going to have to stay in the maximum security facilities, so to speak. And that's the only way that you are going to control and reduce crime.

But others, surely we can do a better job with these fine educational institutions, all the wonderful citizens we have, in trying to work with families, youth, and children to see that they have a better opportunity.

So I would hope that as you break into the committees this afternoon that you would give those things some definite thought. It was mentioned how many different areas we have working to try to resolve the problem.

So it's great when you can get those, as many as we have today, to come together. It's good that our people in New Mexico could have the opportunity to work in the different workshops and to express the problems we have along with you and you give us some of the things that you think we might be able to do.

And we think we have done as good a job as any around the country in community outreach programs and community based programs, and particularly when a prisoner is released as to what we do in that area. And that's all very important.

But I am not saying we have done anything like the amount of work that we can do that would still be money well spent and would still be a real deterrent and a prevention to crime. And I cannot overemphasize the need for involvement of everyone, and involvement of all of the law enforcement groups.

And we certainly don't have the funds to let each one go their own way. We have to be sure that all of them are pulling together and uniting their efforts.

We have a crime stoppers program in New Mexico that we have had for some 20 years, the second time I was Governor actually, in the 1979, '80 period. And it has been very successful. So we have to impress upon the citizens, work with us, be sure that your eyes and ears let us see the things you see that we need to be doing, whether it be in northwestern New Mexico, the Indian communities, or whether it be in the big city of Albuquerque, or the farming communities in eastern New Mexico.

But we must have the citizens giving us the necessary information and have them involved when they have PTA meetings and things. They have to look at what we are doing, the direction the children are going. We have to do a good job of prenatal care and things to where the child has an opportunity to learn. So we are trying to work in those areas.

I, too, want to welcome you to New Mexico. We have a great State and everyone has pointed that out. We have 1,600,000 wonderful people in New Mexico. And they have already given you a breakdown so I won't go into that. But we are very proud of each of them and the things that each section of the State represents.

Thank you.

## Plenary session

Thursday, October 14, 1993  
10:15 a.m. - 11:45 a.m.

### Drug data and policy: Hawks, doves, and owls

#### Moderator

*Benjamin H. Renshaw, III*, Special Assistant to the Assistant Attorney General,  
Office of Justice Programs, U.S. Department of Justice

#### Speakers

*Peter Reuter, Ph.D.*, Co-Director, Drug Policy Research Center, RAND Corporation  
Washington, D.C.

*Ross Deck*, Senior Policy Analyst, Office of National Drug Control Policy (ONDCP)  
Executive Office of the President

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### Plenary session: Drug data and policy: Hawks, doves, and owls

By Peter Reuter, Ph.D., Co-Director, Drug Policy Research Center, RAND Corporation  
Washington, D.C.

There is little disagreement about the recent history of drug use in the United States. Many fewer persons are using illicit drugs, but the numbers using them frequently and suffering severe consequences of that use have not fallen; indeed, the number may have risen somewhat in the last four years and the health and crime consequences of their use are even more likely to be worsening.

There is even some agreement about the proximate (as opposed to ultimate) causes of these changes. Increasing awareness of the adverse health and behavioral consequences of drug use has probably driven the decline in prevalence. Not only is it clear that fewer adolescents are experimenting with drugs than was the case a decade ago, but a substantial number of non-dependent regular users have desisted. That the number of dependent users has not declined is a function of the fact that the dependence is extremely hard to break, particularly for those living in

adverse social conditions along with many others suffering from similar problems.

#### What is the role of Federal drug policy?

There is much less agreement about what role drug policy has played in reducing drug use. There is not even a shared view of what drug policy has actually been over the last few years. Too much attention is paid to the Federal drug control budget, which is neither accurate nor particularly relevant, and too little to what is being done at the State and local levels. To make matters worse, there is also too much attention on the wrong indicators of success. More specifically, the following points deserve emphasis —

- The second half of the 1980's saw a massive expansion in the toughness of drug enforcement, with State and local governments leading the charge. Perhaps we could be tougher still, but I would suggest that

we have tried toughness enough to know what it can accomplish in its current form. Large numbers of incarcerations have not managed to make cocaine and heroin more expensive or less accessible; the evidence with respect to marijuana is more mixed. A more targeted set of punishments, better linked to coerced treatment, certainly seems worth trying.

- U.S. source country control efforts continue to show no sign of successes and are structurally flawed. Cutting these programs substantially is one of the few budget-cutting recommendations that has an exemplary basis both in logic and experience.

- Finding ways to improve the effectiveness of the publicly funded drug treatment system is probably the most urgent need for demand reduction. Finding ways to integrate drug treatment into the larger system of health and social services that are needed by the drug dependent is an



## BJS/JRSA 1993 National Conference Enhancing Capacities and Confronting Controversies

Photograph by John Yost

Peter Reuter (left), Co-Director, Drug Policy Research Center, RAND Corp.; Ross Deck (right), Senior Policy Analyst, ONDCP

important, and difficult, part of this task.

- The focus of punishment on all levels of government reflects the current goals of the Federal government. As specified in the annual *National Drug Control Strategies*, the goals are reductions in drug use rather than drug problems. These goals lead to a slighting of some adverse consequences of the punitive approach and an underemphasis on treatment and prevention. A major change in policy should be signaled by developing a better scorecard for tracking progress in dealing with the harms generated by drug use, not simply the number of users.

- The Federal drug budget is a questionable representation of the Federal government's expenditures on drug control. Worse, it focuses

attention on a false budget struggle; drug treatment has not been slighted primarily because Federal drug policymakers have cared more for enforcement (though they clearly did) but because health officials have given higher priority to other health programs. The drug budget should be deemphasized; indeed, one might even consider abolishing it as a construct.

### Two debates on drug policy

There have been many shifts in American drug policy over the past three decades. Drug policy has generated two debates. The more elevated one concerns the retention of our current prohibitions, the legalization debate. Though it has occasionally impinged on the rhetoric of political discussion, this debate remains largely a parlor sport for

intellectuals, divorced from the policymaking process. The more consequential, albeit less lofty, debate has been that between what are usually called the supply-side advocates and demand-side advocates. The supply-siders seek continued expansion of the nation's efforts to imprison drug sellers and detect and punish (in various ways) drug users, while denying that they are slighting demand-side considerations — punishing drug users should reduce demand; to that extent the "supply-sider" label has an element of exaggeration. The supply-sider believes in being tough about drugs — user accountability, zero tolerance, harsh sentences for drug dealers. The demand-side advocates, while generally accepting the need for "vigorous enforcement," argue that current resource commitments to programs directly aimed at demand (prevention

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and treatment) are grossly underfunded and should be massively increased, even if this is at the expense of enforcement.

Neither debate is satisfactory. The legalization debate is too focused on extremes, excluding the possibility of compromise. It is strident, with both sides casting aspersion on the values of the other. On the other hand, the debate between the supply- and demand-siders is too narrow, allowing only minor programmatic tinkering.

#### Drug war strategies: hawks, doves, and owls

The drug control policy can best be illustrated as a rhetorical stick along the bars of an aviary in which roost doves, hawks, and owls. I propose to combine the two debates on drug policy into a three-sided discussion among hawks (supply-side advocates), doves (legalizers), and owls (bold-demand-side advocates) about the nature of the drug problem and the consequences of different approaches to controlling it. The dove's advocacy of legalization is "largely a parlor sport for intellectuals," divorced from the policy arena; the hawks are too intent on pursuing their stepped-up campaign of imprisoning drug sellers and detecting and punishing drug users to talk to anyone; and the owls, who accept the need for continued prohibition but stress the importance of prevention and treatment, have painted themselves into a policy corner by conceding that drug enforcement must be maintained at current levels at a time when budgets cannot be increased.

At the heart of this admittedly "owlish" essay is the contention that the hawks have "gone too far." My

plea is for a less ideological, more pragmatic approach to the problem that favors minimizing the harm that results not only from drug use, but from drug control.

To an extraordinary degree, the hawks have taken control of drug policy and given it a distinctively punitive hue. I believe that we might well be better off if we simply punished drug dealers less aggressively; I believe that matters would be still further improved if some of the money saved by reduced punishment were spent on better quality treatment of the drug dependent. But the emphasis should be on *believe*; I cannot claim to have shown the consequences of shifting to a less punitive regime.

American drug policy has always depended more heavily on the criminal law than that of most other Western societies, but never more so than in the last decade. During this time the hawks have massively increased funding for the punishment of drug users and dealers, expanded the scope of efforts to detect them and intensified the severity of penalties.

Two sets of statistics make this point:

- The Federal budget for drug control policy increased from \$1.5 billion in 1980 to \$6.7 billion in 1990. The share going to enforcement programs ranged from 70 percent to 80 percent.
- In 1990, State and local governments together spent an additional \$18 billion on drug control, with 80 percent going for enforcement.

Meanwhile, Congress and State legislatures have dramatically increased the penalty for drug offenses. In

1988, for example, Congress raised the mandatory sentence for selling 50 grams of crack cocaine (worth about \$5,000 on the street) to five years. Michigan imposed mandatory life imprisonment without parole for those convicted of selling 650 grams of cocaine, but the Michigan Supreme Court recently overturned the law, terming the punishment "harsh and unusual."

Recent decisions by Federal agencies to disallow use of marijuana for medical purposes further reflect the harshness of current policies. Because marijuana can alleviate the side effects of chemotherapy, relieve glaucoma, and improve the appetite of AIDS patients, the public health service had briefly allowed "compassionate" approval of marijuana prescriptions for 13 patients. In March 1993, it announced the end of this exemption program.

#### The triumph of the hawks

The hawks have managed also to propagate the false notion that drug sellers and users are at low risk from the law. This plays on public fear and helps to promote more stringent sentencing statutes. In fact, enforcement has increased massively on all counts: arrests, seriousness of charges and number of convictions alike. State and local arrests for drug offenses rose from 581,000 in 1980 to 1,090,000 in 1990. While the 1980 total was dominated by arrests for marijuana and possession, in 1990 heroin and cocaine arrests dominated, and arrests for dealing accounted for a much larger share. In California, the number of persons sent to prison for drug offenses tripled between 1980 and 1985, and tripled again in the following five years, rising from less than 1,000 to more than 10,000 over the decade.

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By contemporary American standards, drug selling has become quite risky, at least for certain groups. A study I conducted of drug operations in the District of Columbia in the late 1980's estimated that street drug peddlers faced a 22 percent probability of imprisonment in the course of a year's selling, a 7 percent chance of serious injury and a 1.4 percent probability of getting killed. Dealers could count on spending about one-third of their total selling careers in prison. The vast majority of District sellers were young black men.

#### Drug use patterns

Data on the prevalence of drug use and dependence are murky, but broad surveys of the household population of high school seniors show a clear pattern: initiation into drug use escalated rapidly in the late 1970's and early 1980's, then began to decline by 1986. In 1978, 11 percent of high school seniors reported using marijuana on a daily basis in the previous month; by 1991 less than 2 percent of seniors reported daily use in the previous month.

Broad surveys miss a great deal of important behavior, however, notably frequent drug use within specific populations. For example, the surveys estimate the number of persons using cocaine weekly or more frequently in 1990 at less than one million, showing no increase from the 1980 level. But the Drug Abuse Warning Network (DAWN), which reports on emergency room cases and medical examiners' death reports, showed a ten-fold increase in cocaine mentions between 1980 and 1988. Similarly, the Drug Use Forecasting system found very high rates of drug use among arrestees and produced estimates of the number of

frequent users that were much higher than those derived from the household surveys. Both sets of data pointed to a concentration of problems in the inner city.

Both pictures are accurate; the mirrors they hold up to society reflect different segments of the population. An increasing share of drug abusers is found among the inner-city poor, particularly young, African-American males. The more affluent and educated are now more concerned about the health consequences of drug use.

#### Consequences of toughness

How valid are the claims that toughness works? Data are sparse, but the available evidence suggests that intensified enforcement has had only modest success in raising drug prices and has not reduced the already limited access of middle class users to drugs. Disapproval of drug use has increased, and that may well have reduced the already limited access of middle class users to drugs. Increased disapproval of drug use may well have reduced initiation, but it is unlikely that this is a function of tough enforcement.

The harmful consequences of the hawks' punitive approach are clear:

- Large numbers of African-American men are being locked up for long periods in institutions that do little to rehabilitate them. The share of drug arrestees who are black has increased over the last 10 years, from less than one-fourth to more than two-fifths. This is high even when compared to the black share of all criminal arrests or of frequent drug users.

- Those who are locked up are, for the most part, the small fry of the drug trade. An irony of tough Federal sentencing guidelines is that the only mitigating circumstance for shortening a mandatory sentence is cooperation with the prosecutor. Unimportant agents have little to offer; however, higher-ups can provide valuable information and get off lightly.

- Other harms may be exacerbated by tough enforcement. Frequent harassment of street drug sellers increases the incentives to use violence to maintain market share; more availability in the purity of heroin, resulting from occasional large seizures, may cause more overdoses; stringent enforcement has raised marijuana potency at the same time that head shop laws prevent marijuana smokers from using water pipes — the least harmful method of consuming the drug.

Taken singly, it is impossible to estimate the significance of these harms. In the aggregate, however, they add up to this: politically powerless inner-city communities not only suffer the most from the drug trade's effects — from crime, violence, AIDS, crack babies, and a host of other ills — they also bear the brunt of harshly punitive policies. This should disturb us enough to consider whether there is another, less draconian, approach to drug control.

The "harm reduction" approach evolved in Western Europe, where illicit drug use also ranks high on the list of social concerns in some countries, but where associated crime and violence have not reached the epic levels found in the United States. As a result, Europeans are more inclined to focus on the health



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consequences of drug use and relegate criminal law to a marginal role in dealing with drug offenders. Policy measures that might increase the extent of drug use but lower the incidence of disease — AIDS, for example — are likely to be endorsed. Syringe exchange schemes, scarcely permitted even on a pilot basis here, have become commonplace in Britain, The Netherlands, Italy, and Switzerland.

#### Conclusion

A particularly disturbing aspect of the current drug situation is the difficulty of dismantling the punitive apparatus assembled since the mid-1980's. The political forces are simply not favorable to changing this bent in the near future. The doves are likely to be pushed back to the fringe status they held until 1987.

Notwithstanding the rhetoric of liberals and conservatives alike that it is "everybody's problem," drugs now seem to be moving to another entry on the long list of ills that emanate from the inner city and poor minority populations in particular.

Owls may do better than doves. The imagery of war ought to work in their favor; victory is often followed by a period of humanitarian outreach by the winning side, an effort to help the casualties of war. The continuing decline in initiation among America's youth will make ever clearer that the drug problem is mostly the dangerous behavior of a relatively small number of adults, caught in the cocaine epidemic of the 1980's. Maybe locking them up will start to look more expensive and less attractive than developing better quality health and social services aimed at reducing their drug use and at improving their social functioning. Owls, even

if their message lacks the simplicity and clarity of the competing birds, may yet come to dominate the aviary.

## A new way of looking at the drug war

By Ross Deck, Senior Policy Analyst, Office of National Drug Control Policy (ONDCP), Executive Office of the President

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*Note: Ross Deck spoke at the conference as a substitute for John Carnevale, Director of Planning, Office of National Drug Control Policy. John Carnevale's planned presentation can be found in Appendix D.*

First of all, we are not fighting a drug war anymore. To have a war you must have enemies. In this situation, we are our own enemy. And, we cannot declare victory simply because we killed ourselves.

Peter Reuter, of the RAND Corporation, discussed supply versus demand. I think in the future we will witness a major shift concerning drugs in the international versus domestic arena. What we are trying to realize now, in working with other countries, is that drug use is growing everywhere. If drug use declines in America, drug use will increase in other areas of the world. America can assist the international community by sharing what it has learned the hard way of what works and what does not work. We must work with other countries on strategies to make all people a little more "drug proof". We cannot, however, continue to fight alone in this battle.

Our domestic agenda must include treatment as a prime motivator. The one thing that I see as a change in this Administration, in working with Dr. Brown (Dr. Lee P. Brown is the new Director of ONDCP), is that no longer are treatment and relapse considered dirty words. No longer are we, the people in the Office, told not to mention the root causes of drug use because we cannot do anything about them. Further, "needle exchange" is no longer something we cannot discuss.

The downsizing of ONDCP to just fifteen employees has provided more

space for the Office to witness what is truly happening on the streets in relation to drugs. The new National Drug Control Strategy has not been released to date. It is not, however, going to consist of the same sorts of goals and objectives as contained in the previous strategies. Previous goals and objectives were mandated by Congress.

One of the positive things I see happening across government is a new and very refreshing cooperation among the different components and departments. Cooperation is often hard to achieve. We have always been concerned, in my office, about the heavy drug user. We have not, however, been successful in learning the characteristics of this population. As a result, my boss John Carnevale, an economist and statistician, decided he wanted to know more about heavy users. He decided to determine who the heavy users were and their location, their drug of choice and dosage, as well as what action to take. A year ago that would have been about as impossible as Albuquerque being chilly last night. It is such a change, at our level, to see that things are going to work better, and that there is going to be more cooperation. In this Administration, treatment is a possibility, relapse is not a dirty word, and root causes of drug use will be addressed. We have always known what action to take and what words to say. We have not, however, been able to do that because of our focus. As Peter Reuter said, the focus has been in one direction and very often when you focus in one direction, it is often hard to step back and move in the right direction.

To illustrate, we declared victory about two years ago asserting that casual drug use was down. Heavy

drug use, however, is the problem. Heavy drug users drive the drug market; they use most of the drugs, provide the profit, commit the crimes, and are in large part responsible for the violence.

So, what can we do about the heavy drug users? Well, we tried incarceration, but we could not confine all of them. If the criminal justice system released them "unchanged", the situation would not correct itself. Today, in contrast, we are looking at drug abuse from the user's perspective; we are looking at treatment and accepting relapse as inevitable. Along with relapse, we are looking at harm reduction for the first time.

I had a chance to meet with some drug experts that came to tell us where we were wrong and offered their strategy as a potential for the future of our strategy. We were able to tell them that they had five basic elements that were very similar to our elements. We also had two additional elements, both dealing with the international arena. It was a surprise to us all how similar our strategies were. It goes to show how quickly policy can be reevaluated and redirected when you have the time and the "charge" to do it. A book by the National Research Council, *Losing Generations: Adolescents in High Risk Settings*, has successfully driven a lot of new strategies. It is a book that should be read, and I recommend it to you all. If it had been published a year ago, my bosses would have said it was garbage. It was, however, published a few months ago, and in an environment conducive to its understanding.

Peter Reuter also talked about how policy from suspect numbers is almost impossible to factor. We have

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been drawing the keys for some policy for years with suspect numbers. But Dr. Brown has been doing this for a few years and says that his strategy and the President's must be research based and driven by results. It is not a Federal strategy, it is a national strategy. Drug abuse must be seen from a public health perspective. We must have community empowerment because the Federal government cannot tell Albuquerque or any other locality what they need. The Federal government can, however, provide resources, expert advice, and help accomplish what needs to be done. This means getting away from the types of grants that we have, that divide the effort. We need more global grants. We need to make receiving a grant easier and quicker. We must learn from your successes and failures. Dr. Brown has spent a considerable amount of his budget on research. Not on long term research, but the short term research that provides information for policy makers.

A research project I am involved in looks at a wide range of issues including the total expenditures of State and local governments for drug control. A copy of this report can be obtained from the Drugs and Crime Data Center and Clearinghouse. ONDCP also recently released a heroin situation analysis that provides insight into heroin use and the changes we are seeing in that market. Further, ONDCP released a paper on the characteristics of heavy drug users. In the future, a quarterly study will be published by one of our research contractors, providing an up-to-date detail on what is happening with drugs in this nation.

We cannot isolate drug policy from every other important policy in this nation and expect positive results.

You have to work within the system, work with what you have, and you have to maximize what you can do. That is what we are going to do in the future. In the end, the strategy will be perfect, at least in the use of commas, periods, and the choice of words.

We cannot define what victory is. We cannot tell you which objectives to look at. We can only try to have policymakers at all levels of government working together to do what is right for this nation: reduce the impact of drug abuse and increase the strength of our families and communities. If we do that, we may still have a drug use issue, but we will have a healthier nation that can absorb that issue, that will reduce the harm of drug abuse. That is what we are going to try to do at ONDCP, and we would like your help.

## Luncheon speaker

Thursday, October 14, 1993  
12:00 p.m.

Norval Morris, Ph.D., Julius Kreeger Professor  
of Law and Criminology, University of Chicago

John, I am grateful for the concluding few words of what you said. I wish it were true. I would like it to be true. I am a recidivist speaker here. You asked me to do this sort of thing a few years ago, I can't count the number of years, four or five. And somebody said it went quite well. But I asked what it was about and I wasn't enlightened at all. I asked if he had a copy and I could have read it again. I am sure, none of you would have remembered a word. But that isn't possible.

I am flattered to be here. I suppose the idea of being asked back is flattering. But I am a little troubled because I am really not a very humorous sort of person. I am a parasite on your work, really. I try to make use of it. I read it and know about it. I think numerosity is very important.

### **Evolving knowledge and its impact on the criminal justice system**

George Bernard Shaw put it, I think, extremely well. You may not have heard what he wrote: "One indicator of a sensitive and perceptive person is the capacity to be moved by statistics." All right, I think it's a very true point. I wish to God our politicians could be moved in like fashion other than by the returns at the polls.

What I wanted to talk about today, and I only thought of it in the last couple of days, and I only wrote a few notes, is why evolving knowledge in our field of interest has such little impact either on public rhetoric or on practice. I think it's an



Photograph by John Yost

Norval Morris

interesting question. I know how to phrase the question and I know many of its aspects; but I have very little idea of the answer. I suppose that's what philosophy is, getting the question straight.

For 30 years I have done my best to be a critical observer of the criminal justice system, Federal and State, in this country. I have been somewhat of a "Jack of all trades." I have worked on a police board for eight years, done a lot of work in corrections, particularly in prisons. I have been Special Master now for Federal District Courts in these cases. Of course I have been involved with much of the work of the lawyers and the courts and law schools. And I have been close to the work of research agencies, Federal, State, and in universities.

With the help of colleagues, I have kept in touch with much of the evolving research. *Crime and Justice: A Review of Research* over the last 15 years has been a wonderful educational process for me, bringing information to my attention.

And from that perspective, looking back over 30 years, at the risk of offering general and imprecise propositions, it seems to me that there have been improvements in police practice, less corruption, and more efficient and even-handed policing.

Clearly, there has been improvement in decency and efficiencies in correctional practice, such efforts at improvement succeeding to a degree in the States and in the Federal system; that is, general improvements in decency and humanity.

But the problems of crime itself are worse at the end of those 30 years than they were without these improvements. That is attributable to the flood of numbers that has engulfed the system and to other processes. But if you measured human misery you would have to conclude that matters have become worse. But that doesn't mean that the criminal justice system hasn't improved.

And then the other thing that's improved dramatically is research and knowledge. It really is true, if you look at what was known 30 years ago in all these fields, that knowledge has greatly increased. For example, consider the August 1993 issue of *Criminology*. It's a very so-

sophisticated document, with a great deal of sophisticated information. I think it's clear that we have learned a great deal over the last decades. The quality of information published by the government, Federal and State, is dramatically different, dramatically better.

### Statistical vulnerability

Yet, the public estimation of these matters is simple in the extreme and usually wrong. And the political reactions are also childish in relation to crime and its control, but they are not childish in the sense that they are effective indeed in attracting votes.

Why, then, this chasm between knowledge and practice?

I am carefully laying out what I want to do for two reasons. My wife tells me that I have two leading defects as a public speaker — many subsidiary defects, of course — but two leading defects: First, a tendency to wander from the subject and then, secondly, a tendency to return to it! So it is important that I should try to spell out what I want to do.

Well, why do the numbers that we gather that tell us something about the efficacy of our programs and our work get so little use? Why is it that the public vision of crime is of crime steadily increasing and the solution being an increase of imprisonment and getting rid of these sentimentalities of maudlin judges and inefficient prosecutors and incompetent courts? That's the public view as you know.

Why the dissonance? Well, I suppose one of the first reasons is the sheer vulnerability of statistics and of numbers. I got that view clearly

from the Police Board of Chicago, on which I served for eight years before I "paroled" myself. Each month we had a public meeting. Each month, with different superintendents over the years, the Superintendent would read the Uniform Crime Reports (UCR) figures for the last month and he would compare them to the figures of the same month a year earlier. And if the figures were lower this month than last year, he would congratulate his police on their efficiency and the excellent way in which they had protected the community. Whereas, if the figures were higher this month than last year, he would castigate the community for its lack of moral standards.

All the police chiefs over the years did this in one way or another. Some did it better than others; but that was their technique and of course they never lost, you always win by that technique — you are never wrong, you are always right.

One can see the same technique in many different situations. You can always manufacture an increase in crime if you select your base year, if you select the crimes you will pursue (particularly those with ambiguity in their definitions, like burglary.) Or you can describe your numbers so as to mislead, for example, to say that most people in prison are very serious offenders and then define "serious offenders" to include "violent and repeat offenders." Few are in prison who are not "repeat offenders." It's a similar dodge to what my police chiefs used.

So, also, we suffer from the sheer vulnerability of our figures. You see this most clearly in rape, with UCR reporting an increase and National Crime Victimization Survey (NCVS) reporting a decrease and both are

accurate. Both need explication to be reconciled and explications are rarely offered.

So it's hard stuff, it's not easy stuff. You people know about it, the community doesn't. So that's the first real vulnerability.

### Statistics and the political arena

And then what happens to these vulnerabilities? Well, it makes a field day for the politicians. And I mean the politicians of both political parties. Let me avoid party politics on this occasion. I am getting old enough that I can say what I think.

I do not believe that it was within the emotional sentiment of our President at the time of the election to hurry back to Arkansas to preside over the execution of a retarded black murderer. On the other hand, I suspect he had to do it if he was to be elected. And Willie Horton is exactly the same on the other side. So a plague on both their houses.

The politicians of both parties have been exploiting community fear of crime for a long while, community misinformation or really disinformation. And I hope it will change. There are signs that it will change. I hope very much it will change.

Mandatory minimum punishments, supported by misleading political rhetoric inflicts great harm on society, but are very popular. Much of the war on drugs has the same quality of politicians informed on these matters, misusing their information and playing on community fears for votes. There is nothing new in what I am saying there; it's not said that often, but there is nothing new in it.

### The obstacles of the senior researcher

What's another reason why knowledge doesn't get used? Well, I have to say that the senior administrators of research, Federal and State, get themselves unhappily into very difficult situations. It's a delicate subject but it has to be addressed.

Periodically such senior administrators seek to co-opt me, and sometimes they succeed in what are plainly political activities. Let me give an example: casino gambling in Chicago. It suddenly becomes a fight between the Governor and the Mayor. So a few academics were rounded up and weekly we let ourselves be used for one side or the other. And it really doesn't matter which side it is, but weekly we let ourselves be used.

And the senior administrators of research agencies are in a very difficult situation, because they are under great pressure. If any of you see all this as my being critical of those research administrators, let me say that I would probably be more co-opted than they were in their situations. And I mean that. My present effort is only to state the reality of our problem, not to throw stones.

### The treatment reality

Well, what about the next group, the group that administers treatment institutions, drug treatment programs, and so on. You heard that this morning. A good question — What's the use of 15 percent of the funds to evaluate a drug treatment program? Very good question. All of you who are skilled in this area know that this allocation of funds promotes

tokenism and gives no useful results of the programs studied.

But you hear the claims of success and of failure. And, I have noticed something about it. The successful people get their numbers from God. They look up to Heaven, and they then tell you about the 70 percent or 75 percent or sometimes more who succeeded.

But so do the critics. Totally unsubstantiated numbers become important because of insufficient effort to acquire sound numbers. Now there is a lot to be said about efficacies of treatment programs and there is some good information there. But I think it is proper for me to make the point that these are some of the problems we face.

### The immediate impact

Well, the next element in this story is, of course, the press. And this was touched on this morning and there is not much further I can say about it. The press can always glory in an increase in crime. In all the cities they can, in any day, have a crime wave, just by reporting a number of sensational cases. When news is slack, nothing is better.

The media are a record of miseries. You don't get much cheery news other than in sports. But other than sports, it's a record of failures.

And of failures there are plenty because, oddly enough, the people that run the criminal justice system didn't make man. And man and society come independently of the criminal justice system so there are always many crimes and difficulties reported in the criminal justice system.

On the drug scene if things are slack, you can always find some drug interdiction to report. You know the picture. The local District Attorney, the Chief of Police, and all these brown paper parcels and the guns and the money. They are sent over from central casting and photographed regularly.

So the public ends up having a variety of weird beliefs about crime and its control. First of all, you can win a bet in a tavern in America, or a pub in England, any time by betting that American property crime rates are lower than English reported property crime rates. And they are and nobody will believe you.

You can win a bet easily if you discuss comparative crime rates with different countries. The general public belief is that there is a sharp and steady increase of crime, remediable only by the most heroic efforts with astonishing numbers of offenders locked up.

Now, if the "locking up" system had been effective, then the relative stability of crime rates over the last ten years, twelve years, could not have been so, because we have more than doubled the population of prisoners and the crime rate is stable except for explainable blips in homicides, and in one or two other offenses that we have focused on.

But that's the public belief. And to break through this mythology to truth is not easy. For example, if you suggest to people that American rates of violence are roughly the same as other countries, they will get very annoyed with you.

But let me give you just a summary of the best statement I can make on that comparison. Crime rates in the

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United States are roughly comparable to the rates in Western European countries and countries like Canada and Australia. We tend to rate on the high side in all categories of serious crime, but in only two categories are we the leader.

We lag behind some other countries in reported rates of theft, car theft, (bicycle theft in Holland is way ahead of us), burglary, robbery, and assault.

We are far ahead in crimes of possession and sale of prohibited drugs. And we are far ahead in the consequences of violence, particularly in homicide. But in assault rates, we are not ahead. Comparable assault rates are similar in other western countries.

It is the consequences of violence that are devastating in this country, which must be attributable not only to the gun and the knife, but also to an inherited culture of the acceptance of great violence.

### Conclusion

All right, what does this all come to?

The acquisition of knowledge is very important. We have done well with it. We have got to do better, particularly in the evaluation of our interventions which are too often taken for granted. That I think is still the leading criminal justice system problem.

The other leading problem is the etiology of crime and delinquency and at last there is now starting a good research project, long-term cohort studies of antenatal groups and following them through time, so that in time we will get better information there. But that won't help police,

courts, or corrections. That will help people who care about the shape of society generally, and who wish to change it.

From our point of view, trying not to end on a depressing note, I do believe that increasingly in some of the States there is a much more intelligent use of information and it is beginning to affect policy. I think this is true especially in some States with relation to sentencing and community relations.

I think these are extremely important developments. There are obviously encouraging signs at the Federal level and I hope very much the encouragements of this morning continue.

On the other hand, I must say that I regard the current Federal Crime Bill as a failure. It is irrelevant to the problems we face immediately and it is characterized by politicians seeking to buy votes.

I really do apologize to you. I have raised lots of questions, given no answers at all. The only excuse I can offer is that I don't know the answers. Thank you.

## Panel 1

Thursday, October 14, 1993  
1:15 p.m. - 2:45 p.m.

### State responses to prison crowding

#### Moderator

*Carle Jackson*, Criminal Justice Policy Advisor,  
Louisiana Commission on Law Enforcement

#### Panelists

*Tony Fabelo, Ph.D.*, Executive Director, Texas Criminal Justice Policy Council

*William Bales, Ph.D.*, Chief, Bureau of Planning, Research and Statistics  
Florida Department of Corrections

*Walter B. Ridley*, Director, District of Columbia Department of Corrections

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### Implementing the most far-reaching criminal justice reforms in the Nation: Can Texas do it right?

By Tony Fabelo, Ph.D., Executive Director, Texas Criminal Justice Policy Council

In the 1970's and early 1980's, State policymakers in Texas were slow to react to the growing demands placed on the State correctional system by the increasing State population, increasing crime (especially drug crime), and Federal court orders related to prison crowding. Since 1987, however, due to growing public pressure to get "tough" on crime and pressure from county officials demanding relief from jail crowding caused by a growing backlog of offenders sentenced to prison, State policymakers have engaged in a "hyperactive" period of reforms. No one can reasonably argue that these reforms are a significant attempt to restore the operational balance in an overwhelmed criminal justice system. The totality of reforms enacted since 1987 have been the most far-reaching in the Nation. They include:

- In 1987, for the first time in the history of the State, the legislature

authorized the issuance of general obligation bonds to pay for the construction of over 10,000 prison beds. Additionally, revenue bonds were authorized for contracted capacity in four privately run prisons of 500 beds each.

- In 1988 and 1989, two criminal justice summits of State and county officials led to a coalition supporting H.B. 2335, enacted during the 71st legislative session in 1989. The legislation included community corrections initiatives and consolidated the State's probation, prison, and parole agencies into the Texas Department of Criminal Justice.

- In 1989 the legislature also authorized the construction of 10,800 prison beds using bonds.

- In 1991, House Bill 93, authored by Representative Allen Hightower and Senator Ted Lyon, added to the reforms by establishing a State "duty

to accept" convicted felons by September 1, 1995. The bill authorized payments to the counties for holding State convicted felons in the county jails. The legislation also abolished the State's sentencing code as of September 1994 and created a sentencing commission charged with revamping the system before that date.

- House Bill 93 provided for the construction of 25,000 additional prison beds financed by bonds. The largest scale correctional substance abuse treatment program in the world was also established by dedicating up to 12,000 of these new beds for treatment.

- In 1993, the legislature approved an emergency appropriation of close to \$250 million to cover a shortfall in payments to the counties for the backlog and to build 10,000 State jail transfer facilities for backlogged offenders. The legislature, in Senate



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Bill 1067, also approved a massive overhaul of the sentencing system, and in Senate Bill 532 created a new State jail correctional system with an initial capacity of 22,000 beds by 1996.

- Senate Bill 1067, authored by Senator John Whitmire, chair of the Senate Criminal Justice Committee, completely revamped the State sentencing system by creating a State jail felony offense category for property and drug offenders. Offenders convicted of a State jail felony are not eligible for prison sentences but are eligible to serve calendar time in a new State jail system. The reform also doubled the minimum calendar time served in prison for aggravated offenders (to 50% of sentence from 25%). Senate Bill 532 set the State jail system and provided authorization from bond proceeds for the construction of 22,000 State jail beds.

Nobody can reasonably argue that Texas is not addressing the problems of the criminal justice system. According to the State Comptroller's estimates, the \$921.1 million general revenue budget increase to address prison-related issues was the second largest increase in the 1994 - 1995 budget approved by the 73rd Legislature, after health and human services (Fiscal Notes, Texas Comptroller of Public Accounts, July 1993). The prison appropriation includes payment to counties of approximately \$205 million for the convicted felon backlog. In 1992 - 1993 this compensation was \$245 million. Moreover, authorization for spending general obligation bonds between fiscal years 1988 and 1995 to build correctional facilities will amount to a total of \$1,987 million dollars — almost two billion dollars.

The spending increases and criminal justice reforms enacted in Texas during the last six years have resulted in the most far-reaching criminal justice initiatives in the nation.

- Texas is managing the largest correctional construction project in the world. Between 1992 and 1996 over 70,000 correctional beds will be added to the system.

- In only 4 years, the State correctional capacity will more than double from 55,000 in 1992 to approximately 128,000 by 1996. This may be the largest prison system in the Nation after California. To manage this growth, the Texas Department of Criminal Justice is expected to hire over 12,000 new employees during the 1994-1995 fiscal years.

- The above capacity includes the largest correctional substance abuse program in the world (12,000 treatment beds) and one of the most extensive systems of incarceration facilities to sanction non-violent offenders in community corrections in the country (the State jail system).

- Texas will have one of the toughest parole policies in the country with the most violent offenders serving 50 percent of their sentence in actual time and capital offenders sentenced to life serving 40 years of actual time before parole consideration.

- By the year 2000, Texas is likely to have the largest population under the control of a criminal justice system of any Western democracy. If present trends continue Texas is expected to have close to 700,000 offenders on felony and misdemeanor probation supervision, in county jails, prison or parole supervision by the year 2000. This represents 1 out of 21 adults in the Texas population compared to 1 out of 58 adults in 1982.

## State responses to prison overcrowding

By Walter B. Ridley, Director, District of Columbia Department of Corrections

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Ten years ago, Dr. Alfred Blumstein, then chairman of the Pennsylvania Commission on Crime and Delinquency, stated that he thought that the "subject of prison overcrowding and how we deal with it through sentencing is probably the most important issue facing the criminal justice system today and will continue to be so over the next decade." How prophetic Dr. Blumstein was because here we sit, ten years later, gathered today, to discuss this still compelling issue.

### Factors affecting prison overcrowding

In his remarks, Dr. Blumstein added that, "If the current reliance on imprisonment represents a major shift to the right in the country, overcrowding might very well continue indefinitely. On the other hand, if it is because of a transient demographic bulge, one which should soon pass through, then we want to consider our reactions in terms of how long it will take for that shift to pass through. The public policy response to a permanent shift would probably be very different from the response to a temporary shift."

Dr. Blumstein stated further, "This is not to say that there are no other factors affecting prison populations. In fact, there is probably more punitiveness being displayed today than, say, five years ago. We've seen it in judicial sentences, and we've seen it in legislative mandated (for example, statutes providing mandatory minimum sentences). Unemployment is also undoubtedly having an effect. The elimination of parole, which has always served as a safety valve for overcrowded prisons, is another exacerbating factor."

I would like to take a moment to comment on parole. In modern terms, parole has tightened to the point where, in a figurative sense, it has been eliminated as a safety valve for overcrowded prisons. Usually appointed, parole boards are often reflections of political will. Society's perception is that removal of criminals from our streets makes for streets that are safe. From this it is easy to conclude that keeping those who are already off of the streets from returning to them would be a by-product of today's campaign to get tough on crime by the incarceration of all.

This is further evidenced in the governor's race in the Commonwealth of Virginia. What has become a central issue in this race is the fact that one of the candidates, a former State legislator, never introduced legislation to tighten the parameters for parole in Virginia in nine years of elective service. On the other hand, the candidate levying that claim maintains that one of her first courses of action as governor will be to make the attainment of parole less likely for inmates in Virginia prisons.

Lastly, Dr. Blumstein asserted that "... A very significant factor — and probably the most significant one — is demography. And the indications suggest that it is going to continue to get worse over the rest of the decade. These considerations make the problem of prison overcrowding an absolutely critical one."

I find it absolutely fascinating that Dr. Blumstein's remarks of ten years ago are so appropriate to the setting in which we, in the criminal justice arena, find ourselves today. We are addressing the problem of prison overcrowding because it is an absolutely critical one! It is a critical

problem on a daily basis and will continue to be, without a change in our approach to problem solving.

Be forewarned that my presentation is based upon the political dynamics of this compelling concern, for that is what affects me in my role as Director of the District of Columbia Department of Corrections. I cannot claim to have raised myself to the exalted height of statistical expert, but I can claim an advanced status in political adroitness. By the time problems have come to the cognitive fore for me, the statistical indices and policy deliberations of the problem's essence have undergone a comprehensive political makeover. Thus, the response composed by D.C. Corrections and probably any other State department of corrections, a literal phoenix arising from the flames of controversy, is often lacquered with political smoke.

As the smoke clears, the view from the observation towers at Washington, D.C.'s Lorton reservation, reveals that prison overcrowding is a dynamic issue with a static presence. From our perspective, prison overcrowding is the progeny of sterling law enforcement plus effective, enthusiastic prosecution times harsher sentencing, that quantity to the recidivism exponential divided by society's willingness to confront the issues which foster crime on the front end rather than on the back end.

### Prison overcrowding — why should we care?

How did we get here? And why are we so concerned about space issues for people who are supposedly being punished for their transgressions; persons whose memory of confinement and the events leading up to it

## Panel 1. State responses to prison crowding

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*should* serve as a deterrent to recidivism? Isn't that supposed to be a part and parcel of punishment of *their* being punished? Should an overabundance of incarcerated individuals, based on a facility's architecturally rated design, constitute overcrowding or what we commonly refer to as "prison overcrowding?"

Conversely, in maintaining control of America's prisons, we must manifest some semblance of sensitivity to the allocations of space for those who are incarcerated. We must maintain this sensitivity not just because the law requires it, but because its role can be just as important as having enough programmatic resources to accommodate the participation of all inmates in educational and industrial programs at any given facility.

It is no secret that prisons and jails are fraught with tension and stress. Idle time can exacerbate the stresses fostered by cramped space. This equilibrates to the potential for disturbance or a disturbance itself. Forestalling such a scenario or effecting a diminution of prison overcrowding will take proper investment of resources in the proper places, a reasonable person approach and the where with all to begin to implement long term strategies to supplant short term fixes.

### **The response to prison crowding in D.C.**

That stated, let me begin to frame this issue on a microcosmic level. In short, in the District of Columbia, what does prison overcrowding mean and how do we respond to it?

The District of Columbia government utilizes a variety of measures to comply with court orders to reduce population in District of Columbia

correctional facilities. These include parole hearings, third party custody programs, expansion of halfway houses, use of the Interstate Corrections Compact Act, electronic monitoring and the early release of prisoners eligible for sentence reduction under the Prison Overcrowding Emergency Powers Act.

From the District of Columbia's perspective, (and you are all aware that our Nation's capital, a domain of timeless glamour and charm, is a different animal in almost all aspects of American life and legislation) prison overcrowding is based upon two factors:

- Politically and commercially (i.e. the media) created fear of crime, a phenomenon which wins elections and sells papers or advertising, and
- aggressive law enforcement, prosecution, and judicial sentencing in response to a perceived diminution in public safety.

With regard to the courts, this is somewhat of a catch-22 situation. It is those same courts who remand criminals to our custody for prolonged periods of time, in response to public sentiment or legislative mandate, resulting from public sentiment or its manipulation, who also tell us that we have too many of the disenfranchised, dispossessed, and down trodden — those whom we fear because they themselves have lost all fear — in too little space.

Interestingly, in its 1990 report to the President on prison crowding and court ordered population caps, the United States Department of Justice stated in its executive summary, "Our Nation's Federal and State prisons have experienced a dramatic increase in incarcerated offenders.

This increase in inmate population is an indication that more criminals, many of whom have committed violent or drug related offenses, are being caught and punished." They proudly went on to state in the summary that, "The criminal justice system is working: people who break the law are paying the price." While this may be true, I would venture to add that we are all paying the price, and not disproportionately either.

In the District of Columbia, the price we pay is that our response to prison overcrowding takes three forms. We can build, reduce intake, or reduce time served. Each has its arguable merits and liabilities. The three response options available to Washington are the same for any jurisdiction in the Nation. These choices do not curtail crime; however, they can augment the intervals of crime commission by the particular individuals who repeatedly commit crime.

### **Building more prisons**

We can build, and in fact, we have built in the District of Columbia. Since 1976, we have added 5,574 new spaces at a capital cost of \$210 million and an annual operating cost of \$89 million. Since 1983, we have added 4,391 of the total number of 5,574 additional spaces. In 1979, the average daily population in the District of Columbia prison system was 3,835. In 1983, we had an average daily population of 5,366. Ten years later, through April of this year, that tally stands at 10,786.

Yet we are still under and subject to court order for prison overcrowding though we have no control over who comes and how long they stay. We can and have built, but it is just not at a fast enough pace to accommodate aggressive law enforcement,

## Panel 1. State responses to prison crowding

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prosecution and subsequent judicial sentencing. We have plans to further increase the number of actual spaces by adding new 400 space maximum, 1000 space medium and 500 space women's facilities to our list of integral components. These facilities will, in all likelihood, be used to house adult inmates whose average length of stay in 1991 was 4.78 years for non-narcotics offenses and 3.48 years for narcotics offenses. In 1987, those figures were 3.80 and 2.89 years respectively. Dr. Blumstein would likely conclude that punitiveness is being augmented in the District of Columbia.

A complicating factor in combatting prison overcrowding in the District of Columbia is D.C. Law 6-218, entitled the Mandatory Minimum Sentencing Act. This law established a minimum sentence of 5 years for persons convicted of violent crimes involving the use of firearms. The Act also provides for an enhanced minimum sentence for repeat drug offenders.

Because prisoners entering for drug offenses accounted for 44% of the District's correctional population in 1991, this act is expected to have a long-term effect on the length of time served in prison. I do not doubt that its long-term effect on the perception of public safety by the public and elected officials will be a positive one. Its long-term effect on overcrowding will be negative in scope. However, this negative causality for overcrowding, most assuredly, will spur exponential growth of costs incurred by a corrections department.

### Reducing intake

To offset mandatory minimum sentences and as a tool in response to prison overcrowding, another avail-

able alternative is to reduce intake. This can be accomplished through alteration of sentencing guidelines, diversion programs or through the use of intermediate sanctions.

In real terms, reliance has been on diversion programs and intermediate sanctions. This is largely because reducing sentencing or hastening release dates by heightening good time credit does not get one re-elected as easily. It translates into being perceived as soft on crime. So what is left are diversion programs and alternatives to incarceration.

Diversion programs, typified by substance abuse treatment programs, are a godsend. As I stated before, I am not an expert in the statistical analysis realm, but let me offer some statistics to explain why treatment programs are so critical.

In 1991, the most recent calendar year for which figures are available for the District of Columbia, there were 2,826 admissions to alcohol treatment programs, including detoxification. Referencing the same calendar year, there were 7,839 admissions for drug addiction. Of those entering drug treatment, 88.8% were referred by the criminal justice system. This computes to 6,960 persons who could have registered as guests of my "bars but no stars inn," but were diverted by the courts. Of those entering alcohol treatment programs, 58.9% or a total of 1,665 persons were referred by the judicial system.

Now I may have received a number of them at some point, but while I did not have them, I did not incur costs associated with being their landlord, nor did I have those individuals figured into the equation providing a

solution to prison overcrowding in Washington. To paraphrase Michael Jordan's remarks at his retirement press conference about his problems surfacing from the media hounding him, less of a headache is certainly better than the headache I've got!

The last component of the "reduce intake" triad is intermediate sanctions. This sounds like a new concept, but in fact, is analogous to putting the word "new" in front of the name of a product that has been around for years. Literally, intermediate sanctions are not new ideas. Parole, half-way houses, electronic monitoring, probation, home detention, home monitoring, community service are not new commodities. They just are called intermediate sanctions these days.

What makes them effective tools in forestalling prison overcrowding is alteration of sentencing guidelines so that they can be utilized pretrial, pre-sentencing, post-sentencing, but pre-incarceration and even in lieu of incarceration for misdemeanants. Confidence in programs of this type and their subsequent utilization by the judiciary can divert inmates from a prison census total. In periods of prison overcrowding, these types of initiatives can be used to relieve overcrowding while concomitantly remaining under the purview of the criminal justice system.

An exciting new concept in reducing intake has been the installation of drug courts. This is a programmatic endeavor begun by Attorney General Reno when she was the State's Attorney for Dade County, Florida. In the District of Columbia, a 5-year demonstration project has been funded to implement a "drug calendaring court."

## Panel 1. State responses to prison crowding

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This modality is an effective tool in combatting overcrowding because it diverts persons from entering directly into jail or prison. It is an innovative approach to integrating substance abuse treatment into the criminal justice system. It involves frequent urinalysis testing, drug offender accountability, an emphasis on treatment, maintaining quality control of treatment services, and building a continuum of treatment services that are court based.

Traditionally, both in Washington, D.C., and across the Nation, the criminal justice community and the treatment community have not seen themselves as having much in common. While willing to make use of treatment programs, judges often harbored deep skepticism regarding their effectiveness. This distrust was often exacerbated when it appeared that treatment counselors were less than forthcoming when it came to providing the court with information on a client's progress. A defendant on pre-trial release would "start over" in treatment once he or she was convicted and placed on probation. Post conviction assessments and supervision plans would be made without regard to information developed at other points in criminal case processing. Drug-dependent offenders quickly identified these "holes in the net" exploiting them in the interest of continuing their use of drugs. For their part, treatment programs often felt that their efforts were being thwarted by the criminal justice system. Additionally, treatment professionals experienced a certain role conflict with court referrals. On the one hand seeking to build trust and rapport with the client, and on the other, responsible for notifying the referring agency (or judge) of program violations.

The way it works in the District is that there are three "project cells." Felony Drug cases are randomly assigned to one of three "master drug calendars" at the defendants first appearance. The target group for this project consists of defendants who were released from custody at the first appearance and who tested positive for drug usage during lockup. The three master drug courts will serve as three cells for evaluation purposes. One court will act as control, continuing with present practices of drug using defendants receiving the services currently available. The second court will utilize a "graduated sanctions" regimen. The third court will employ an "enhanced treatment" regimen.

### Reduce time served

The final response to prison overcrowding entails reduction of time served. In Washington, this can be accomplished through the prison overcrowding Emergency Powers Act (EPA), good time credits and alteration of sentencing guidelines. The EPA authorized the Mayor to declare a State of Emergency whenever the prison population remains above rated capacity of the prison for 30 consecutive days. Emergency declarations must be requested by the Director of the Department of Corrections after certification that all alternative steps have been attempted to reduce the population.

When an emergency is declared by the Mayor, inmates within 180 days of their parole eligibility are granted an accelerated hearing. Inmates whose sentences will expire within 90 days are also eligible for release. Only inmates in specific offense categories, such as unauthorized vehicle usage, larceny, and forgery/em-

bezzlement, and who are within 180 days of release, are eligible for EPA sentence reductions. Emergency declarations last 90 days.

Since 1987 when the law took effect, there have been 14 Mayoral authorizations for a total population release of 9,137. To date, the majority of EPA authorized release inmates had committed misdemeanor offenses and had been sentenced to one year or less.

Another factor in time reduction is our Good Time Credit Act. This dynamic legislation authorized the credit of good time to be applied to an inmate's parole eligibility date or release date up front. Traditionally, an inmate has earned good time credit while serving his or her sentence. This way, the inmate starts out with and retains the maximum creditable good time. It guarantees the opportunity of an earlier release or parole eligibility date.

The last consideration under the Reduction of Time Served masthead is the alteration of sentencing guidelines. From a criminal justice perspective it can mean the lessening of time served for offenses that do not qualify as heinous. It can contribute to overcrowding abatement because the size of a prison's population is determined by the number of who come to prison and the length of their stay, both functions of sentencing.

### Root causes v. symptoms

So often we hear the argument that heralds harsher sentences in the United States. Supposedly, this will deter criminals. The reality is that crime rates here greatly exceed those found abroad, though average sentencing patterns for analogous

## Panel 1. State responses to prison crowding

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crimes is about half as long in Western Europe than it would be in the United States. Obviously, harsher sentencing is not lessening the incidence of crime, but it is keeping inmates in jail longer and increasing the possibilities for prison overcrowding. This translates into a costly scenario for corrections departments across the land. It is also a scenario, the burden for which is ultimately thrust upon the shoulders of the taxpayer.

From a fiscal standpoint, more aggressive lobbying for changes in sentencing practices must be initiated. The purpose is to get legislative bodies to begin to create legislation requiring alternative sentences for all non-violent offenders, both felons and misdemeanants. In the District of Columbia alone, this would translate into a reduction of 5,567 inmates who are incarcerated by committed non-violent crimes. This is a group, who depending on their prior record, could be handled more effectively in a treatment setting. This amounts to 58% of our inmate population. A reduction of half of that 5,567 from our roles would amount to a nearly 30% reduction which in and of itself is a rather phenomenal amount.

To do this will require two important changes. The first would be an increase in the number of community corrections program slots available. The second change would entail a change in attitude by referral social services agencies toward incarcerated individuals and criminal justice.

It is extremely gratifying that an interest would be taken in the options available to jurisdictions to countermand prison overcrowding. It is alarming that we will not commit to the allocation of resources to inter-

vene and positively impact at the level where the problem can be alleviated. If any one of us begins to suffer from a headache, rest assured that we would take a pain reliever of some type.

If the headache phenomena became chronic, we would divert resources from the procurement of pain relievers to obtaining the benefits that heightened medical research and technology can offer. The purpose of this heightened medical research and technology would be to discern the root cause of the headaches rather than treat the symptoms. We would do this in hopes of not having to realize a headache in the future. For is it not better to have not had a headache at all rather than to have to wait for the benefits ultimately offered by a pain reliever for a headache?

Does it not seem reasonable to utilize a like strategy to confront prison overcrowding? Does it not make sense to take a serious look at the social aspects of this problem? We are reaping the harvest of being tough on crime in the 80's. We are seeing the futility of the new emerging permanent underclass, a group of socially-disaffected people who are downtrodden, disillusioned, and disenfranchised, a group who can pay higher prices at their neighborhood supermarket for lower quality goods and produce. The supermarket parent companies claim that this is due to costs engendered by higher theft rates than in their suburban stores.

Prison overcrowding is ultimately impacted by the fact that birth rates have remained high among groups that contribute disproportionately to criminal populations. It is also impacted by the severity of parole

boards taking hard-line positions on paroling inmates because of political demagoguery or political trepidation over being perceived as soft on crime.

There are a finite number of immediate solutions to episodes of prison overcrowding. You have just heard about how we respond to it in the District of Columbia. In essence, we are no different in our operation and focus than anywhere else. The important element to carry from the information presented is that it all centers on addressing the problem on the back end.

Everywhere across the Nation, we are more concerned with ensuring that criminal activity does not repeat itself, rather than keeping criminal activity from occurring in the first place. We sometimes fool ourselves into believing that, in preventing further crimes from occurring by more punitive periods of incarceration, this is the same as intervention which forestalls the initial commission of a crime. I can tell you that this leads to overcrowding in the Nation's jails and prisons. It leads to a costly expenditure of resources to build more prisons, reduce intake, or reduce time served.

The solutions I offered are short-term solutions for a long-term problem. I think that most of my peers in this industry would agree with me when I say that I would rather have no headache at all as opposed to just having less of a headache.

## Panel 2

Thursday, October 14, 1993

1:15 p.m. - 2:45 p.m.

### Sentencing guidelines: Adaptation of intermediate sanctions

#### Moderator

*Mary J. Mande, Ph.D.*, President, MJM Consulting Services, Boulder, Colorado

#### Panelists

*David L. Fallen*, Executive Officer, Washington State Sentencing Guidelines Commission

*Nancy Arrigona*, Planner III, Texas Criminal Justice Policy Council

*John P. O'Connell, Jr.*, Director, Delaware Statistical Analysis Center

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### From pristine conceptualization to practical consensus: The evolution of sentencing alternative proposals in Washington State

By David L. Fallen, Executive Officer, Washington State Sentencing Guidelines Commission

This presentation has a dual purpose — to describe the 3 year evolution of sentencing alternatives in a State with a structured guidelines system, and to illustrate the interplay of information with policy.

#### Evolution of sentencing alternatives in Washington State

Washington State's sentencing guidelines were implemented in July 1984 and are characterized by (1) presumptive jail and prison ranges for all felony sentences; (2) narrow presumptive sentencing ranges, especially for presumptive prison terms; (3) low exceptional sentence rates (less than 4%); and (4) built-in sentencing options for certain sex offenders and for first-time nonviolent offenders (excluding narcotics dealers and sex offenders). The original guidelines emphasized total confinement for violent offenders and alternative sentences for nonviolent offenders and initially reduced the State's prison population. How-

ever, the guidelines have been modified every year since 1986, typically increasing sentences for large categories of offenders. As a result, both violent and nonviolent offenders are going to prison at rates exceeding the preguideline years. This, in combination with the tremendous growth in convictions for drug offenses, has greatly strained the State's resources. In response, in March 1991, Washington's Governor Booth Gardner asked his Sentencing Guidelines Commission to recommend initiatives dealing with alternatives to total confinement for nonviolent offenders, with special attention given to offenders who are chemically dependent. The Commission attempted to identify cost effective sentencing options which preserve public safety.

#### The role of quantitative information in developing alternative sentencing

At this point, I would like to point out the four roles played by quantitative information in the process of developing alternative sanctions. The routine monitoring, including historically accurate and credible forecasts, led to a general awareness of the current and future facility capacity problems. Targeted analyses helped frame the problem, and helped identify specific sentencing problems which needed policy changes. Impact analyses (simulation modeling) identified anticipated effects of proposed policy on county and State facilities and caseloads. Finally, follow-up research can evaluate whether the policies implemented had their intended effect.

Following the Governor's mandate, the Commission examined a variety of background data, sentencing trend data, and targeted analyses

## Panel 2. Sentencing guidelines: Adaptation of intermediate sanctions

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regarding the use of the statutory alternatives for sex offenders and nonviolent offenders. These analyses provided dramatic evidence that the sentencing alternatives for first-time nonviolent offenders were being used to enhance, rather than to mitigate sentences. The offenders receiving this sentencing option did as much jail time as those receiving a standard sentence, and in addition received treatment requirements, more community service, longer periods of community supervision, and more conditions of supervision. The Commission concluded the sentencing guidelines had clearly failed to achieve the original legislative mandate to emphasize alternatives to total confinement for nonviolent offenders.

### **Working towards a viable sentencing alternative**

For the 1992 legislative session, the Commission prepared two sentencing alternatives bills. One, for nonviolent offenders, borrowed Oregon's concept of custody units and Delaware's levels of supervision. It created a new sentencing grid consisting of custody units and a table of equivalencies for various intermediate sanctions. The Commission felt this technique would preserve the principles of just deserts and structured sentencing while allowing individualized sentencing at the judges' discretion. The other proposal targeted offenders convicted of delivering narcotics and would have dramatically reduced punishment for those offenders by substitution of treatment for incarceration. These proposals failed in part because of politics, but in part because their complexity precluded effective discussion or negotiation with opponents.

The 1993 legislative session again saw the Commission introduce bills aimed at nonviolent offenders and prison-bound drug offenders. There was initial opposition to both proposals by law enforcement, but because the proposals were somewhat less complex than the previous year, negotiations and discussion took place over a several week period. These proposals died only on the last day of the session, partly again for political reasons and partly also because they were still somewhat complex, and thus difficult to sell.

New proposals have been drafted for the 1994 session, with all of the discussion, negotiation, and consensus-building preceding the start of the session. The new proposals are very simplified, return discretion to sentencing judges within the existing structured sentencing grid, and have the general support of law enforcement including several key leaders. We are confident we can sidestep the political landmines (we know where they are; we've stepped on them before). Two key features for selling these proposals to the legislature are (1) sophisticated analyses of the probable impacts of such legislation on the State and county resources, and (2) a follow-up evaluation component to establish the credibility of these policy changes. Both analytical efforts require good data, but the simulation of anticipated impacts of new policy also requires broad consensus regarding the assumptions underlying the estimates. Getting consensus on these assumptions is as difficult and as important as getting consensus on the proposed policy changes.

In summary, it is our experience that viable sentencing alternatives must be based on good public policy and must have bipartisan support. The

goodness of public policy cannot be debated from ideals alone. The policy changes cannot be overly complex because this places barriers in the way of understanding and compromise. Also, good public policy can be effected only when there are good data and analyses to identify the need for change, frame the problem, estimate the impact of specific changes, and evaluate the actual post-implementation changes.



## Adaptation of intermediate sanctions in the Texas sentencing system

By Nancy Arrigona, Planner III, Texas Criminal Justice Policy Council

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The State of Texas created its first "intermediate sanction" program in 1981. The intensive probation program was specifically designed as an alternative to incarcerating high-risk felony offenders. Today, a continuum of community corrections sanctions provides judges with a full range of sentencing options for felony offenders. These options include deferred prosecution, pretrial intervention, deferred adjudication, probation, intensive probation caseloads, residential facilities, substance abuse felony punishment facilities, State jails, shock probation, and shock incarceration.

The development of intermediate sanctions has been directly related to increases in the prison pressure. Between 1981 and 1987, prison admissions increased 123%, prison releases increased 162%, and felony offenders began to backlog in county jails. During this same time period, five intermediate sentencing options were implemented in the State. These options included: Intensive Supervision Probation (ISP), Specialized Probation, Surveillance Probation, Restitution Center facilities, and Court Residential Treatment facilities.

In spite of the increased availability of community sanctions, the prison pressure continued to increase. This was due in large part to increasing drug arrests and incarceration for drug offenses. Faced with increasing crime, an escalating backlog of convicted offenders in the county jails, a Federal court order relating to prison crowding, and a significant decrease in the time served by offenders, State legislators responded by authorizing unprecedented growth and reform in the criminal justice system. Since 1987, criminal justice initiatives have

included the construction of new prisons, as well as the implementation of new community based programs and facilities and reforms to the penal code intended to divert offenders into community based sanctions.

In 1987, the 70th legislative session authorized the construction of over 10,000 prison beds. Community corrections added the surveillance caseload to the continuum of sanctions available to judges.

In 1989, as the 71st legislative session convened, the prison population was 40,680 offenders and a backlog of 11,703 offenders were awaiting transfer to prison in county jails. 84,910 felony offenders were under community corrections supervision.

Legislators authorized the construction of 10,800 prison beds. Community corrections initiatives increased funding to existing community-based programs and created four new residential facility alternatives and the shock incarceration (boot camp) program.

In 1991, the 72nd legislative session came into office facing a prison population of 49,367 offenders and a backlog of 12,862 offenders in county jails. Nearly 110,000 felony offenders were under community corrections supervision. Projections completed by the Criminal Justice Policy Council estimated that the backlog of offenders in county jail would reach 28,667 by the end of fiscal year 1997. Research conducted in the interim revealed that 87% of the offenders in prison had used drugs; 48% had used drugs in the month of their arrest. Drug treatment programs in the community and in prison were recommended to reduce the recidivism rates of of-

fenders with substance abuse problems.

Legislators authorized the construction of 25,000 prison beds, 12,000 of which were dedicated to substance abuse treatment. Treatment beds, although located in secure facilities, were designed to be an intermediate sanction for probation and parole offenders. The therapeutic community program was implemented to provide intensive substance abuse treatment to offenders in prison. Funding for community corrections increased. Reforms were enacted to authorize payment to the counties for State convicted felons awaiting transfer in county jails. Legislation abolished the State's penal code as of September 1994 and created a sentencing commission charged with reforming the code before that date. Funds were dedicated to the Criminal Justice Policy Council to conduct a Statewide sentencing study.

In 1993, as the 73rd legislative session convened, the prison population was 51,592 prison offenders and the backlog of offenders in county jails had reached 19,299. Over 129,000 felony offenders were under community corrections supervision. Initial projections conducted by the Criminal Justice Policy Council estimated that the backlog of offenders in county jails would reach 35,123 by the end of fiscal year 1998. The sentencing study conducted by the policy council in the interim revealed that: of the offenders sentenced to prison with no prior felony convictions, 43% had been convicted of a drug offense and 23% had been convicted of a property offense; over half of the offenders sentenced to prison with no prior felonies were given sentences of five years or less; 18% of the total offenders sentenced to prison were sentenced for

## Panel 2. Sentencing guidelines: Adaptation of intermediate sanctions

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possession of less than 28 grams of cocaine; 54% of the offenders sentenced to prison for possession of cocaine were convicted of the possession of less than .5 grams of cocaine. Additional research provided policymakers with time served and recidivism information.

Legislators reformed the penal code by streamlining the penal code, creating new offenses and changing the punishment ranges for specific property and drug offenses. The changes to the punishment range created the "State jail felony." Offenders committing "State jail felony" offenses are not eligible for a prison sentence but are eligible to serve time in State jail facilities. Legislators authorized the construction of 22,000 State jail beds. Additional reforms to the criminal justice system doubled the minimum calendar time served in prison for aggravated offenders.

The new State jail division of the Texas Department of Criminal Justice began operation on September 1, 1993. Changes to the penal code punishment ranges will become effective September 1, 1994. The new State jail system is expected to divert approximately 46% of the offenders currently sentenced to prison into community based programs and facilities. The resulting decline on the prison pressure is expected to reduce the county jail backlog and increase the time served by violent offenders.

## Research and structured sentencing in Delaware

By John (Jack) P. O'Connell, Jr., Director, Delaware Statistical Analysis Center

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In late 1987, the Sentencing Accountability Commission (SENTAC), replaced the dichotomous system of sentencing offenders to either incarceration or probation with structured sentencing. This new system provided for sentencing offenders to one of five levels of sanctions and programs. Four intermediate sanctions — halfway house, electronic monitoring, intensive probation, and data reporting — were introduced as alternatives for offenders who needed greater surveillance than provided on standard probation, but did not warrant incarceration. The new system also included surveillance for the lowest sanction level.

Under the auspices of SENTAC's voluntary sentencing guidelines, which are outlined in State statute and court rules, the concept of tying crime severity to a graduated scale of punishment was implemented. Proportionality of sentencing was further enhanced with the implementation of *Truth in Sentencing* in 1990. *Truth in Sentencing* standardized the percentage of a sentence that must be served at 75%. No longer was it possible for similar criminal cases to result in significantly different amounts of time served at Level V (jail or prison). Under *Truth in Sentencing*, differential access to good time, merit time programs, and parole board decisions were eliminated.

Level V (jail or prison) is the presumed sentence for violent crimes. For the most part, violent felons are sentenced to prison with terms greater than one year. Violent misdemeanors are sentenced to jail with terms of one year or less. Non-violent offenders are sentenced, at least those without significant criminal histories, to one of the alternatives to incarceration. These include

Level IV — halfway house or electronic monitoring, Level III — intensive supervision and day reporting, and Level II — standard probation. Level I provides administrative monitoring through computer checks for subsequent arrests and audits of restitution and fine payment. Level I is reserved for those offenders convicted under the First Offender Programs for 'driving under the influence,' possession of illicit drugs, and other less serious offenses.

From its inception, SENTAC was designed to have offenders move from their highest level of punishment to less restrictive levels of punishment. In fact, many SENTAC sentencing orders require a specific series of decreasing punishments and surveillance. Thus in the case of a jail or prison sentence, it is common that an offender must serve a period of post-prison supervision. Offender behavior can have a significant impact on punishment level. Meritorious behavior can result in an acceleration of the "flowdown" through the levels of punishment. Likewise, violations of sentencing stipulations can lead to increased levels of punishment, even a jail or prison term.

This presentation summarizes structured sentencing in Delaware with specific focus: its implementation, and research related issues. A caveat to any State trying to implement a structured sentencing process is: It will put untold informational and analysis demands on staff.

Research items of specific interest include the necessity to:

(1) Crosstabulate structured sentencing categories, types of crime, and specific criminal statutes.

(2) Capture the ways in which a structured sentence is served. In Delaware it is common for a sentence to include a period of post-prison supervision that represents a 'flowdown' through increasing less severe punishments.

(3) Document the structural changes in the criminal justice system related to structured sentencing. The implementation and use of alternative sentencing programs, the decreased activity for the parole board, and the impact of structured sentencing on specific types of crimes.

(4) Continue to monitor planned and unplanned policy changes and their impact on the sentencing and prison populations.

(5) Monitor the ways the Judiciary and the Department of Corrections apply the structured sentencing guidelines and regulations.

## Panel 3

Thursday, October 14, 1993  
1:15 p.m. - 2:45 p.m.

### Gun control and violent crime

#### Moderator

*Lindsay G. Dorrier, Jr.*, Director, Virginia Department of Criminal Justice Services

#### Panelists

*Gary Kleck, Ph.D.*, Professor, School of Criminology and Criminal Justice  
Florida State University

*David McDowall, Ph.D.*, Professor, Institute of Criminal Justice and Criminology  
University of Maryland

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### The impact of gun control and gun levels on violence rates

By Gary Kleck, Ph.D., Professor, School of Criminology and Criminal Justice  
Florida State University

#### Introduction

What effects do gun control restrictions and gun prevalence have on rates of violence and crime? Two approaches have been used in the past. One uses a cross-sectional design in which the violence rates of large numbers of legal jurisdictions such as States or cities are compared, controlling for many other determinants of violence to isolate the impact of gun control restrictions. The other is a case study approach using a univariate interrupted times series design (ITSD) applied to trends in violence before and after a new gun control policy is implemented in a single jurisdiction. The ITSD approach is rejected because it is an invalid, subscientific methodology permitting only weak conclusions which amount to little more than guesses about why violence trends shifted around the time of the intervention. Findings generated by this method are unstable, easily manipulated, and ungeneralizable.

#### Methodology

Therefore, the cross-sectional approach is preferred. For the present study, coauthored by Professor E. Britt Patterson of Shippensburg University, data were gathered for all 170 U.S. cities with a 1980 population of at least 100,000. The cities were coded for the presence of 19 major categories of firearms restriction, including both State- and city-level restrictions. Multiple indirect indicators of gun prevalence levels were measured and models of city violence rates were estimated using two-stage, least-squares methods which took account of the possible two-way relationship between levels of violence and levels of gun ownership. The models concerned all major categories of intentional violence and crime which frequently involve guns: homicide, suicide, fatal gun accidents, robbery, and aggravated assaults, as well as rape.

This study improved on prior research in the following ways: (1) we modeled the two-way relationship

between gun levels and violence rates; (2) we measured gun prevalence using multiple, validated indicators; (3) we used extensive controls for possible confounding factors and sources of spuriousness; (4) we used the more homogenous unit of analysis of the city rather than the State; (5) we took account of city gun ordinances as well as State gun laws; (6) we used four different sources for determining the presence of gun laws, to allow cross-checking; (7) we assessed 19 different types of gun controls rather than just one or two; (8) we assessed whether the effectiveness of gun laws depends on the level of police enforcement of weapons laws; (9) we separately examined rates of gun violence, nongun violence and total violence for each violence category where data permitted this (that is, rates of gun homicide, nongun homicide, and total homicide); and (10) we used a large sample of 170 cases, rather than the 50 or fewer cases common in prior cross-sectional studies.

### Panel 3. Gun control and violent crime

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#### Findings

The findings of the present analysis indicate that: (1) gun prevalence levels generally have no net positive effect on total violence rates, with the possible exception of the suicide rate; (2) homicide, gun assault, and rape rates increase gun prevalence levels; (3) gun control restrictions have no net effect on gun prevalence levels (even though our indicators mostly reflected gun possession among criminals); and (4) gun control restrictions *generally* have no net effect on total violence rates.

There were, however, some possible exceptions to this last conclusion — of 108 assessments of effects of different gun laws on different types of violence, 7 indicated consistent support, and another 11 partial support, for the hypothesis of gun control effectiveness. Some findings are hard to fit together or explain on theoretical grounds, and some hypothesis tests may have yielded "significant" results which are the chance products of over 300 tests. Nevertheless, some of the findings are consistent with prior research and others seem reasonable in light of how guns influence violence.

The findings which at least partially supported the idea that gun control effectively reduces violence are: (1) gun owner licensing and purchase permits may reduce homicide and suicide; (2) banning possession of handguns may reduce rates of suicide and (less plausibly) rape; (3) bans on handgun purchases appear to reduce robbery; (4) bans on possession of guns by criminals may reduce robbery and aggravated assault; (5) bans on possession of guns by mentally ill persons appear to reduce homicide and may reduce suicide; (6) discretionary

add-on penalties for committing crimes with guns seem to reduce homicide and (less plausibly) rape if accompanied by sufficient enforcement effort, and may reduce robbery and; (7) laws specifying mandatory penalties for unlawful gun carrying may reduce robbery.

#### Conclusions

The primary obstacle to reducing crime through gun control is *not* necessarily an inability to take guns away from any violence-prone people (difficult though that may be), but rather is the lack of any significant net impact of gun availability on crime rates. Not only does gun ownership among prospective crime victims have a potentially violence-reducing effect on crime, but even gun possession among criminals has a mixture of both violence-increasing and violence-decreasing effects. There are, nevertheless, some gun controls which can help reduce some forms of violence (1) because they focus solely or largely on high-risk subsets of the population such as convicted felons, rather than prospective crime victims, and (2) because they focus on criminogenic sorts of gun-related activity, such as gun carrying by criminals in public places, rather than futilely attempting to produce overall gun scarcity.

# Estimating the effects of firearm regulations on violence

By David McDowall, Ph.D., Professor, Institute of Criminal Justice and Criminology  
University of Maryland

## Introduction

The effect of firearm regulations on injury mortality is central to the relationship between guns and violence. I describe an approach to evaluating gun control policies, and present estimates for two types of laws. These results are from a project I am conducting with my colleagues Colin Loftin and Brian Wiersema.

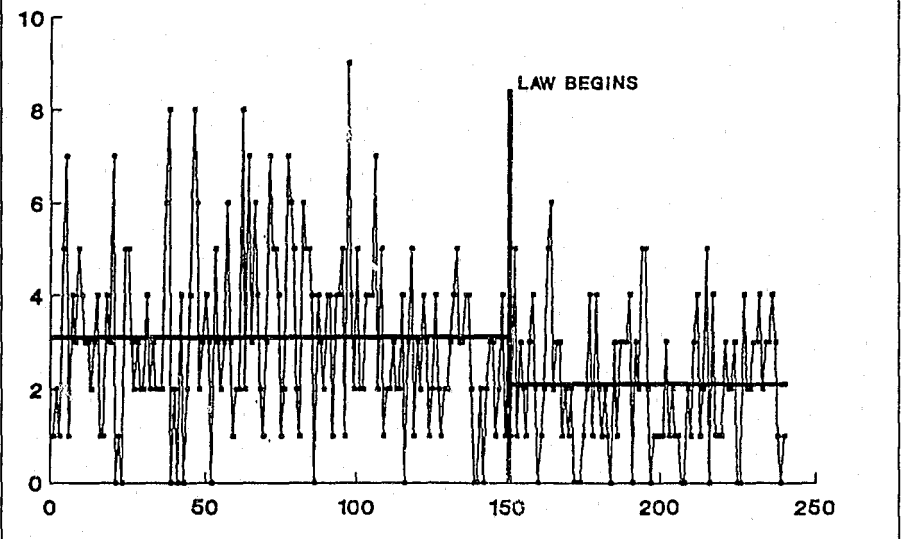
## Research design

Evaluating a policy requires inferences about outcomes that would occur if the policy did not exist. In practice, one compares a condition where the policy is present to a condition where it is absent. Studies of firearm laws make this comparison using one of two strategies. The first is cross-sectional, comparing violence in areas with different regulations. The second is longitudinal, comparing violence in an area before and after a change in laws.

The cross-sectional studies face major problems from confounded variables: areas with different firearm laws also may differ in other causes of violence. Researchers often try to resolve these problems through statistical control. The choice of control variables heavily depends on theory, however, and the estimates rest on strong assumptions about the data and model. Causal order also is problematic for cross-sectional studies, because violence levels may influence policy selection.

The longitudinal studies use an interrupted time series design. Here the change in violence estimates the policy's effect (Figure 1). Because other causal variables operate both before and after the intervention, the research design itself removes most

Figure 1. Minneapolis - St. Paul gun homicides  
January 1969 - December 1988



sources of confounding. The temporal comparison also establishes causal order.

In a classic discussion, Cook and Campbell show that the interrupted time series is among the strongest nonexperimental designs.<sup>1</sup> Simply, this design poses few threats to valid inference. Perhaps the major threat that the design does not control is *history*, the possibility that other causal variables sharply and permanently changed at the time of the intervention.

My colleagues and I are evaluating changes in firearms policies using time series designs. To minimize historical threats, we examine the effects of a policy in several areas. If similar changes occur in different areas and at different times, historical explanations become very unlikely. No research design guarantees correct inferences. Still, replicated time series allow stronger conclusions about gun policies than does any alternative.

Before presenting estimates, I briefly note three points. First, we use data from the vital statistics reporting system, aggregated by month. Second, we separately analyze firearm deaths and deaths by other means. Third, we use ARIMA models<sup>2</sup> to remove predictable components operating throughout a series before we estimate the effects of the policy change.

## Mandatory sentencing

The policy we have studied most intensively is mandatory sentencing for firearm crimes. This policy imposes an extra penalty on persons convicted of using a gun in a crime, and it is an especially popular form of gun control.

In earlier work, we studied mandatory sentencing laws in six cities. We found that firearm homicides decreased in each area, suggesting that the laws help prevent homicidal violence.<sup>3</sup>

**Panel 3. Gun control and violent crime**

We have now examined five additional areas. The areas and the effective dates of their laws are: Minneapolis-St. Paul (June 1981); Seattle (July 1984); Norfolk-Virginia Beach (July 1975); Louisville (July 1976); and the State of Kansas (July 1976). In each area we analyzed the period between January 1969 and December 1988.

The results for all 11 areas are in Table 1. The table includes the change in the number of homicides, and the percentage change from the preintervention level. Gun homicides decreased in 10 areas, and 6 decreases were statistically significant. The average reduction was 32%, and the Stouffer et al. pooled significance test<sup>4</sup> easily rejects the null hypothesis of no effect.

This analysis supports the notion that mandatory sentencing reduces firearm homicides. It is possible, of course, that historical or other artifacts account for the findings. Yet an explanation stressing artifacts would have to be very complex to explain this pattern of results.

**Waiting periods**

A second policy that we have examined is a waiting period between purchasing and taking possession of a handgun. Waiting periods allow screening of would-be owners, and may discourage "heat of the moment" acquisitions. They may influence both homicide and suicide mortality.

The details of waiting period laws vary widely, and we currently have estimates for only three policies in four areas. One should interpret these results more cautiously than those for mandatory sentencing.

**Table 1. Analysis for homicide in eleven areas — mandatory sentencing**

City	Parameter	Gun Homicide	Other Homicide
Minneapolis-St. Paul	$\omega_0$	1.0390	1.1715
	t	4.43*	3.56*
	% change	50.56	+35.33
Seattle	$\omega_0$	.1350	1.0480
	t	0.39	2.72*
	% change	4.21	+27.31
Norfolk-Virginia Beach	$\omega_0$	.3788	.6038
	t	1.39	1.87
	% change	13.37	+26.03
Louisville	$\omega_0$	2.8684	.0726
	t	5.90*	0.41
	% change	66.29	3.93
Kansas	$\omega_0$	.4826	1.6289
	t	0.90	6.05*
	% change	+7.35	+39.03
Detroit	$\omega_0$	10.5700	.0016
	t	3.52*	.002
	% change	38.48	+0.06
Jacksonville	$\omega_0$	.8577	.1822
	t	1.60	0.43
	% change	23.34	+7.14
Tampa	$\omega_0$	1.1950	.1167
	t	2.82*	0.59
	% change	72.82	+8.45
Miami	$\omega_0$	.3441	.8031
	t	0.66	1.85
	% change	8.83	+23.51
Pittsburgh	$\omega_0$	1.0670	.3539
	t	2.30*	1.01
	% change	30.30	13.41
Philadelphia	$\omega_0$	6.8310	2.2510
	t	4.28*	2.18*
	% change	54.61	18.35
All Cities	Mean % change	32.30	+11.92
	Stouffer et al. pooled test	7.96*	4.06*

$\omega_0$  = Impact-estimate from intervention model  
t = t value for impact-estimate  
\* p < .05

**Panel 3. Gun control and violent crime**

One law extended California's waiting period from 5 days to 15. It became effective January 1, 1976, and our data cover January 1969 to December 1988. We studied the law's effects in Los Angeles and San Francisco.

A second policy, in Cincinnati, also required a 15-day wait. The law was effective in January 1989, and we analyzed the period between January 1971 and December 1990.

A third policy, imposed by the St. Louis police in February 1989, specified a 7-day wait. Because of a change in our data source's definition of the St. Louis area, we examined only the period of January 1982 to December 1990.

The results are in Table 2. Neither the homicide nor suicide estimates support claims that waiting periods reduce gun violence. Most changes in firearm mortality are trivial, and collectively they are statistically insignificant. These findings are preliminary; but if confirmed elsewhere, they suggest that waiting periods do not prevent fatal violence.

**Conclusions**

Current discussions of firearm policy involve much speculation and little solid evidence. Empirical findings are never beyond dispute. Still, the approach I have outlined may help inform this debate.

**Table 2. Analysis for homicide and suicide in four areas — waiting periods**

City	Parameter	Gun Homicide	Other Homicide	Gun Suicide	Other Suicide
Los Angeles	$\omega_0$	-7.8673	4.1201	3.3512	-4.4416
	t	-1.17	1.20	3.89	-.70
	% change	----	----	8.07	----
San Francisco	$\omega_0$	-.6435	.0640	-.3123	-1.9390
	t	-1.27	.20	-1.08	-1.52
	% change	-14.69	+1.31	-8.10	----
St. Louis	$\omega_0$	-.0530	-.1145	-.2038	-.8067
	t	-0.04	-0.20	-0.55	-1.87
	% change	-0.50	-2.55	-6.74	-39.44
Cincinnati	$\omega_0$	-.8084	.6065	-.1481	-.3704
	t	-1.07	1.78	-0.30	-0.79
	% change	----	+18.90	-2.78	-8.16
All Cities	<i>Stouffer et al. pooled test</i>	-1.77	1.49	0.98	-2.44

$\omega_0$  = Impact-estimate from intervention model

t = t value for impact-estimate

\* p < .05

\*\* series is nonstationary; percentage change cannot be computed

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<sup>4</sup> Hedges, L.V., Olkin, I. *Statistical methods for meta-analysis*. New York: Academic, 1985.



## Panel 4

Thursday, October 14, 1993  
1:15 p.m. - 2:45 p.m.

### Community-based anti-crime initiatives and evaluation issues

#### Moderator

*Robert Friedmann, Ph.D.*, Director, Statistical Analysis Bureau  
Department of Criminal Justice, Georgia State University

#### Panelists

*Eric R. Meyners*, Program Manager, Northwest New Mexico Fighting Back, Inc.  
Gallup, New Mexico

*Samuel Pratcher*, Chief of Police, Wilmington, Delaware

*Roger K. Przybylski*, Coordinator of Research, Chicago Police Department

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### Demand reduction through cooperation and collaboration

By Eric R. Meyners, Program Manager, Northwest New Mexico Fighting Back, Inc.

Good afternoon, I am Eric Meyners, the Program Manager for Northwest New Mexico Fighting Back. I manage one of those community initiatives instituted across the country to respond to crime. The essay will discuss how this initiative is different in regards to alcohol and other drug programming, the process of community mobilization and action, and evaluative methods and indicators which will determine the success of the initiative. The role of cooperative and collaborative efforts on the part of participating entities will be discussed with an emphasis on the "institutionalization" of cooperation by law enforcement, school districts, and other community services with a secondary interest in alcohol and other drug concerns.

I recognize that some of you are unfamiliar with New Mexico. I want to take a few minutes to describe for you my community. My community covers the counties of San Juan, McKinley, and Cibola in the Northwest corner of the State. These

three counties cover 15,144 square miles, and are at least 100 miles end-to-end. This is an area larger than both Maryland and Delaware combined or larger than Massachusetts, Rhode Island, and Connecticut combined. The population of my community is about 180,000 people, or 11% of New Mexico's total population. These two pieces of information together mean that we have a population density between 4 and 14 persons per square mile, or, in other words, a lot of empty space. Nine hundred and eight square miles of this 15,144 is private land, the rest is State, Federal, Indian Trust, or Indian Allotment. The bulk of the population is located in Farmington, about 37,000, Gallup, about 21,000, or Grants, about 12,000. These three make up the metropolitan areas in each of the three counties. My regional community has six ethno-linguistically and culturally diverse groups. There are five independent Nations: the United States, the Navajo Nation, the Zuni Pueblo, the Acoma Pueblo, and the Laguna

Pueblo in my regional community. In Cibola county alone there are seven different law enforcement entities with seven different jurisdictions. Unemployment in the non-reservation areas is between 9 and 11% with unemployment estimates as high as 75% on the reservations. Living conditions range from very middle class, two cars and white picket fence, to third world, no electricity, phone, or indoor plumbing. This is not one or two isolated pockets of people. Of 18,000 family dwellings on the Navajo Nation within the three counties, 47% of them do not have complete indoor plumbing, 50% earn less than \$10,000 per year, and the per capita income is \$3,700.

As many of you are aware, Gallup has received national attention as "Drunk City." In 1990, there were 31,000 people picked up for public intoxication in a community of 21,000 persons. This would suggest that every man, woman, and child spent the night in protective custody

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at least once that year. The reality is that Gallup is a "border town" to the Navajo and Zuni Nations which are "dry." People come to Gallup to get drunk. The most visible and destructive "crimes" in my community are Driving While Intoxicated and public intoxication. The destruction related to DWI is obvious — 27% of New Mexico's alcohol related fatal crashes take place in the three-county region. This 11% of New Mexico's population further accounts for 25% of New Mexico's alcohol- and drug-related crime with 72% of crime in the three counties being alcohol- or drug-related. I hope this helps all of you to begin to understand my community.

The Fighting Back Initiative is funded by the Robert Wood Johnson Foundation. This funding is \$3.5 million for five years, to reduce the demand for alcohol and other drugs. Of the 1,000 communities across the Nation that applied for funding, Northwest New Mexico is one of 15 awarded. The award of \$3.5 million for five years has completed the first year of implementation. The primary underpinning of this effort is that the communities both understand their substance problems and that they hold the answers to those problems. The primary goal of Fighting Back is to bring community groups together to evaluate what is needed and how best to meet that need. The best example of this is the development and opening of Na'nizhoozhi Center, a protective custody facility with 150 beds, over a year ago. This facility was developed to provide shelter, detox, and referrals for treatment. After one year, the number of protective custody pickups in Gallup has been reduced by 25%. More importantly, the number of persons referred to

and attending treatment has risen by 10%.

Over the last year Northwest New Mexico Fighting Back has helped communities develop and fund eight community initiatives. These are community based programs, locally grown solutions to the alcohol and drug problems of the region. These efforts include prevention, intervention, treatment, and relapse prevention activities. Fighting Back is not a funding source, we are a source of seed monies.

In Cibola County these seed monies have provided an outdoor experiential ROPES course in the city of Grants and a Youth Empowerment Curriculum in the Pine Hill community. The ROPES initiative is one which had a history in the community as an experiential education group of volunteers providing self-esteem and refusal skills to young people. The goal of this group is to provide an experiential course which would be self-sustaining. The group had been able to garner \$17,000 in materials but was lacking the technical assistance and specialty materials to build the course. The plan involves the training of substance abuse counselors and other professionals from across the county to provide additional service to their client base in return for volunteer hours to provide fee-based team-building events for businesses from around the State. This plan further involved a pay back plan of the seed monies to Fighting Back. The 5 year goal is that all students graduating from high school would have completed the course. The Youth Empowerment curriculum developed in Pine Hill builds from the ROPES course. The adult leader is one of the trainees on the ROPES course. The curriculum is targeted

to Navajo young persons. One of the needs of this community, which has a very high unemployment and very low education rate, is that the local high school can prepare students academically for college and further education but does not have a program available to keep them in higher education. This community discovered from young people returning to the community after quitting school that the schooling was not the problem. Their family environment had not equipped them to deal with day-to-day life away from the reservation. This model curriculum addresses the interactive social skills that are assumed within a household in the dominant culture. Such things as how to ask a waitress for the food you want, how to use the bus, and how to use the washing machine are covered within the curriculum. The hope of this group is to realize success with this curriculum and market it to other Navajo community schools and (with some modification) Native communities across the nation.

In San Juan County the communities have developed a wilderness therapy program, a DWI prevention program developed by emergency room nurses, and a regional youth task force. The wilderness therapy program is cooperating with the Cibola County ROPES program to help improve services. The wilderness therapy is designed as an alternative to incarceration for juvenile offenders who have alcohol and other drug involvement. This year-long program is in its first year of implementation. Both State funding and plans to have for fee wilderness outfitting to provide for this programs future are under discussion. The emergency room nurses provide prevention programs to high school students in the county. The goal of reaching 2,000

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high school students was realized this year with programming available to either elderly citizens or elementary school students by January 1, 1994. A billboard and some material costs are the seed money with businesses providing for the future. The regional youth task force has the support of the four tribal entities in the region as well as most of the tribes from across the State. This task force has planned to integrate the youth-related drug-free activities of the region and anticipates future support from the various tribes.

In McKinley County the communities of Gallup and Zuni have been particularly active in developing community initiatives. A relapse prevention program is one of the large gaps in substance abuse services in this county. A program in Gallup and one in Zuni both address this issue. Path of Renewal in Gallup is a relapse prevention project which builds housing for newly recovering alcoholics. The recovering person provides labor and the Path of Renewal provides housing, counseling, education services, and job location when the person is ready to move on. This program offers the community of Gallup an answer to the housing crisis the city is experiencing while helping persons in recovery to develop usable skills for their future. The Zuni relapse prevention program is similar in intent but uses the development of culturally relevant skills such as silver-smithing and pottery-making to help the persons in recovery find a niche for the future. A group of young people in sobriety have developed a recovery support program in which the entire decision-making process is their responsibility. This program focuses on drug- and alcohol-free activities for young people in recovery.

Two other important occurrences worth mentioning have taken place in Northwest New Mexico Fighting Back's first year. Fighting Back wrote a proposal to the New Mexico State Children, Youth and Families Department to be a pilot project for the "Healthier Communities" initiative. This proposal for community organizing resources in all three counties was recently approved for funding at \$90,000 a year for four years. The second occurrence is that a regional Management Information System is due to link three sites in the next three months. The Na'nizhoozhi Center will be the data collection hub for the region with inpatient and rural outpatient treatment facilities hooked up initially. The goal is that all alcohol- and drug-related services will be sharing information in the region within the next 2 years. Both of these events provide a large part of the evaluation for this initiative.

The evaluation involves measuring the involvement of communities throughout the region, tracking substance abusing persons and the impact Fighting Back is having by tracking media coverage. Northwest New Mexico Fighting Back in conjunction with the Pacific Institute for Research and Evaluation is monitoring the levels of community involvement. Pacific Institute is monitoring the recognition level of the region to Fighting Back and its efforts. The Management Information System will provide the much needed concrete statistical data related to the severity of the drug and alcohol problems of the region and the ability to track persons through the

treatment system. Community organizing research tells us that 2% of the population is needed to provide social change. The addition of community organizing resources from New Mexico State will hopefully help Fighting Back to encourage communities to plan and make decisions for their future.

# Community policing in the City of Wilmington, Delaware: Past, present, and future

By Samuel D. Pratcher, Chief of Police, Wilmington, Delaware

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Police departments all over the country have been experiencing an ever-widening gap between law enforcement, "us," and the people they serve, "them." The "us/them" attitude has complicated police investigations, producing less cooperation from witnesses and victims of crimes, and has created an apathetic outlook on the community by officers feeling that no one out there is on their side. Neighborhood groups, feeling disserved, began to fight drug dealers, drunks, and disorderly persons feeling that "the police weren't going to do anything." Efforts to fight crime were going in opposite directions with permanent solutions to problems being displaced by band-aid efforts.

In the fall of 1989, Wilmington Police initiated the concept of Community Policing in an effort to raise the quality of life in city neighborhoods and bring together crime-fighting efforts of police and citizens. A small section of the city, with specific boundaries (two rivers, an Amtrak line, and the downtown business district), was selected as an experimental target area known as the Eastside Initiative. Four community police officers coupled with a series of vocational training, drug awareness, and youth recreational programs had a positive impact on the area. A transition point was reached when police observed an increasing number of drug calls to police, as people felt more comfortable or even obligated to report drug dealers. This strategy was expanded to other city sections experiencing the same type of crime, and some displacement as the drug activity was driven from the target area. A police mini-station was opened in two low-income housing projects known as Riverside and Southbridge. They acted as a base

station for Community Policing in those areas.

A federally funded grant known as "Weed & Seed" was initiated in a specific section of the west side of the city. That grant followed the same formula that worked in the Eastside Initiative — educational, social, and recreational activities plus strong, well-organized community groups added to a concentrated policing effort equals a reduction of crime and a rise in the quality of life.

Numbers from the Statistical Analysis Center of the State of Delaware show that in those areas of the city manned by a stable community policing presence, drug calls and arrests are declining. After three years of steady increases, a 24 percent decrease in drug arrests and a 25 percent decrease in the number of drug complaints called into the police department were recorded. Community groups are becoming stronger and better organized, and their relationship and communication with police is at an all time high.

Community Policing was set in place as a philosophical and organizational strategy, not just a program. To achieve success, the entire department would have to employ the approach in its everyday activity. A plan known as the Quadrant System was improvised to achieve this total involvement. The city was divided into four sections with upper management level personnel, captains, in charge of an assigned area. Officers from every division were assigned to a specific quadrant allowing the captains to utilize services from the entire department, essentially creating a task force. Representatives from the Attorney General's Office and Probation and Parole were added to provide a

quicker legal avenue, a source of direct information, and a possible recourse when dealing with repeat offenders still on the street. Neighborhoods could now direct their problems to a specific person who was empowered to utilize all departmental resources in an effort to permanently resolve the issue. This strategy will also combat the problem of displacement (merely moving criminal activity to another neighborhood).

The Quadrant System will employ a problem-solving model known as S.A.R.A. (Scanning, Analysis, Response, Assessment). In the scanning phase, the officer looks for clusters of similar problems — same street corner, same time of the day, same type of complaint, and so forth. The analysis phase would consist of a thorough, preliminary background study of the problem including prior calls for service, interviews with neighbors, arrest history of the suspects, and other factors.

A response is then developed and an action plan, based on information accumulated in the analysis, is implemented. Responses should be comprehensive in scope and address all aspects of the problem. An assessment is then performed to see if the problem is solved. If not, a different response should be developed. The Quadrant System will also have at its disposal the use of a collection of representatives from every department in the city known as the SPARC (Solving Problems and Restarting Communities) Task Force. Problems that require services out of the realm of police work can be tapped through this task force.

The future for community policing in Wilmington appears bright. It has

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been and is a success in the neighborhoods that have tried it. It is a dynamic approach that is constantly growing and being fine-tuned. There certainly is no lack of commitment among elected officials or the Federal and State Government, and community groups are begging for community police officers to be placed in their neighborhood. The "Weed & Seed" area is funded through the Federal Government but some costs must be borne by the individual department. Wilmington Police are in the process of converting to one-officer patrols to create higher visibility, quicker response times, and wider city coverage. This, however, incurs costs of added police cruisers and radios.

A successful community policing program also requires officers to be well versed in cultural diversity and competent to perform tasks needed to accomplish their duties. This, obviously, requires considerable training for officers at all levels of the department.

Prior to instituting a community policing program, the department should take a hard look at the community it serves. Do the priorities of the community fit the service provided by the community policing philosophy? Is there even a need for community policing in that community? If the present environment does not warrant the need, the program will not succeed. Once these questions have been addressed, a community policing strategy can be established and can enjoy the same success it has had in Wilmington.

## Community policing in Chicago: The Chicago Alternative Policing Strategy

By Roger K. Przybylski, Coordinator of Research, Chicago Police Department

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Chicago has adopted a new community-oriented philosophy of policing and crime prevention in which the police, other government agencies, and the community are working together to identify and solve problems of crime and disorder and to improve the quality of life in Chicago's neighborhoods. While Chicago has looked to the experiences of other cities (Portland, New York, and Houston), its program is unique in its approach to training, operations, technology, and evaluation.

Community-oriented policing in Chicago is officially known as the Chicago Alternative Policing Strategy (CAPS). CAPS officially rolled out April 29, 1993, on a prototype basis, in five of Chicago's 25 police districts: Englewood (7th), Marquette (10th), Austin (15th), Morgan Park (22nd), and Rogers Park (24th). These five districts have diverse populations — racially, ethnically, and socioeconomically — and vastly different, often serious, crime problems.

Taken together, the five CAPS prototype districts provide a unique laboratory for evaluating and improving the CAPS model before it is expanded citywide. Citywide implementation is anticipated for sometime next year, following a thorough evaluation of what worked and did not during the prototype phase. Assessment of the effectiveness of different ideas currently under testing is being conducted by the department and a team of independent researchers led by Northwestern University.

Community policing is being implemented on an accelerated schedule in Chicago. While the police department could have spent 3 to 5 years

studying and implementing the concept, it realized that with rising crime rates, growing fear of crime, and a widening gap between citizen demands and police resources, the need for change was now.

CAPS is not strictly a foot patrol program and it is not soft on crime. Under CAPS, crime control *and* crime prevention are recognized as dual parts of the policing mission. Vigorous and impartial enforcement of the law, rapid response to serious crimes and life-threatening emergencies, and proactive problem-solving in the neighborhoods are the foundations of the new policing strategy.

To accomplish these goals, the entire police department is adopting the philosophy of CAPS. At the patrol level, teams of rapid response officers and beat officers have been established in the prototype districts. Both groups are expected to engage in proactive problem-solving, although the rapid response teams are responsible for most of the serious emergencies in the district. This frees up beat officers from constantly handling 911 calls and provides them more time to work with residents in addressing longer-range problems on their beats. To provide continuity between police officers and the communities they serve, officers are now working the same beat on the same watch each day.

The community is involved at all levels of the strategy. Each prototype district has a community advisory committee which identifies district-level issues and problems, and helps set broad priorities. More specific problem identification and problem-solving are accomplished at the beat level, through community meetings, communication with district neighborhood relations offices, and face-

to-face contact with officers on the beat.

Problem-solving is formalized through a process known as beat profiling and action planning. Officers create the beat profile by recording the characteristics and chronic problems of their beats and by identifying the resources available to address those problems. Police, other city agencies, and the community then use the beat profile to develop specific plans of action. These action plans prioritize problems, identify strategies, and provide a means for measuring success.

Recognizing that graffiti, abandoned vehicles and buildings, malfunctioning street lights, and similar problems have such an adverse effect on the community and on crime levels, Mayor Richard M. Daley has made CAPS a priority of the entire city government, not just the police department. Police officers and personnel from other city agencies are being cross-trained in each others' operations, and special procedures for requesting, logging, and following up on requests for city services have been established in the CAPS districts.

The police department has made a significant investment in training police personnel in the CAPS philosophy and in problem-solving. Approximately 1,750 officers and supervisors from the five prototype districts received training earlier this year. A unique curriculum included interpersonal communication, problem-solving, alliance building and, for sergeants and lieutenants, advanced leadership skills. Citizen experts were brought in to co-teach many of the classes, and community leaders were invited to participate in some of the sessions. Future training will

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concentrate on more specific problem-solving strategies.

The collection and analysis of data at the neighborhood level are key elements of CAPS. Each of the five prototype districts is installing a local area network of advanced computer workstations. These computers will allow the districts to analyze and map crime hot spots, to track other neighborhood problems (such as problem liquor establishments), and to share this information with the community.

Communicating the CAPS philosophy to members of the police department and to the community — and getting their feedback and suggestions for improvement — are fundamental to the strategy. Ongoing communication includes a newsletter and regular staff and community meetings. Feedback is collected through focus groups, surveys, a special CAPS hotline, and suggestion forms.

CAPS is undergoing the most thorough evaluation of any community policing program in the country. A consortium of five major Chicago-area universities (led by Northwestern University) is conducting a year-long evaluation of the process and results in the prototype districts. In addition, the department's research and development division is analyzing the internal survey and focus group data that is being collected.

The process and impact evaluation being conducted by the consortium led by Northwestern University includes police officer interviews, resident surveys, and block-face observations. The officer interviews will be used to examine the impact of community policing training and field experience on officer attitudes and role

perceptions. One section of the officer questionnaire focuses on current job assignments; it includes questions about task autonomy, the skills that the officers' jobs involve, and space for supervisory and peer feedback. Another section assesses current job satisfaction. A series of general questions about patrol work assesses their views of the importance of various police tasks. Other sections focus on their views on the community in which they work, their interaction with the community, and their perceptions of the overall program.

The evaluation's resident survey was designed to measure levels of victimization and fear, and general satisfaction with the quality of police service. The survey provides reports of the extent of problems in the prototype areas, including drug problems, crime, and social disorder. Data were collected from both residents of the five CAPS prototype districts and residents of comparison areas located in other districts.

Block-face observations were used to document levels of social disorder and physical decay in prototype and matched comparison areas of the city. Researchers recorded the presence of vandalism and graffiti, abandoned cars, maintenance problems, and a number of specific kinds of land use such as liquor stores and playgrounds.

The department is supplementing the work of the consortium with an internal assessment initiative intended to troubleshoot the implementation process. Surveys and focus groups of patrol officers and supervisory staff in each of the five CAPS prototype districts are being used to identify implementation problems and possible solutions.

## Workshop I

Thursday, October 14, 1993  
3:00 p.m. - 5:00 p.m.

### Studying race and gender bias in the criminal justice system

#### Moderator

*Gary LaFree, Ph.D.*, Director, Statistical Analysis Center  
Institute for Social Research, University of New Mexico

#### Instructors

*Darnell F. Hawkins, Ph.D.*, Professor, Department of African-American Studies  
University of Illinois at Chicago

*Marjorie S. Zatz, Ph.D.*, Associate Professor, School of Justice Studies  
Arizona State University

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### Race and crime in the trenches: Some suggestions for analyzing and presenting data

By Gary LaFree, Ph.D., Director, Statistical Analysis Center, Institute for Social Research, University of New Mexico

In a field like criminal justice, where sensitive issues abound, none is more sensitive than the issue of race and gender bias. In preparing for this workshop, it occurred to me that I had been doing research related to race and gender bias for more than 15 years. So I came to this topic with some experience with the political and social implications of this kind of research. As the New Mexico SAC director for the past six years, I have also gathered some firsthand experience in presenting research on race and gender bias, not only to the academic community, but to policymakers and the public. Based on these experiences, I have compiled a list of suggestions that characterize my experiences and beliefs about the requirements for (1) doing good research on the issues of race, gender, crime and justice; and (2) then presenting that research once it is complete. Because my current work deals more with race than gender bias, I use more examples from race than from gender research. I would like to have called these the "ten commandments of

research on race and crime," but unfortunately, I only have nine of them.

#### Archaeology vs. rocket science

My first point is that researchers in this area of criminology should take as their model archaeology rather than physics. The Uniform Crime Reports (UCR) provide a good example of what I mean by this. Anyone who has spent more than five minutes examining UCR data knows that they are a good deal less than perfect. One of the main criticisms of the UCR that has special relevance to the study of race is that it emphasizes street crime, deemphasizes white-collar crime, and therefore focuses on crimes that are more common among the poor and racial and ethnic minorities. Many criminologists who have noted these facts have then argued that analyzing UCR data is inappropriate and counterproductive. Indeed, if criminology were rocket science this argument would be perfectly defensible. But this is in fact far from the case. For example, the UCR is cur-

rently the only United States data source that includes longitudinal crime data by race for most of the post-World War II period. That is, for many kinds of analyses involving race or gender, there is simply no other data alternative.

I would suggest that our craft is more like archaeology than physics, in that we have to make do with imperfect data and that our interpretations are often based on information we know to be incomplete. However, just as a competent archaeologist will discard no information — no matter how incomplete — so too, a good criminology researcher must use the data available, but at the same time be careful to critically examine its strengths and weaknesses.

#### Ignoring issues of race does not solve them

In the 1960's and 1970's, many criminologists in the United States avoided studying crime rates by race altogether. Sociologist William



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Julius Wilson argues that a major reason for this was that many criminologists wanted to avoid making negative associations between race and crime. The reasoning was that African-Americans in particular were already disadvantaged by the economy and by society, and so pointing out differential crime rates for African-Americans was a kind of double victimization. But what has this neglect of race issues in the study of criminal etiology actually produced?

First, ignoring issues of race and crime has certainly not made them go away. In fact, African-Americans in the United States are facing an unprecedented criminal justice crisis at present. Although blacks account for only 12% of the U.S. population, they now account for 64% of robbery arrests, 55% of homicide arrests, and 32% of burglary arrests. This means that black arrest rates for robbery are more than 11 times higher than rates for non-blacks, which include Hispanics, Asian-Americans, Native-Americans, whites, and everyone else. These same grim statistics are reproduced in the nation's prisons, jails, probation departments, and county morgues. Black males born in the United States today now face a 1 in 5 lifetime chance of serving a sentence in an adult State prison.

Moreover, in the absence of objective empirical research on crime rates by race, it is much easier for the public to rely on racial stereotypes. One of the most egregious examples of this is the use of the Willie Horton story in George Bush's 1988 Presidential election campaign.

Willie Horton is a black man who was furloughed from his prison sentence in a Massachusetts State

prison in 1976. While on furlough, Horton raped a white Maryland woman and stabbed her fiancé. The Bush campaign made the Massachusetts prison furlough program a central issue in its contest against Democratic candidate and Massachusetts Governor Michael Dukakis. The Horton story was cited by Mr. Bush in campaign speeches, shown in television commercials, and featured in fliers distributed by Republican state committees. A 1988 story in the *New York Times* concluded that the Horton advertising campaign was "highly effective in damaging Mr. Dukakis's image and left the Democrats scrambling for ways to respond." Clearly, the decision to exclude crime differences by race as an area of research did not mean that the public was no longer influenced by racial stereotypes about crime. On the contrary, in the absence of objective data on race, the wildest stereotypes are free to spread.

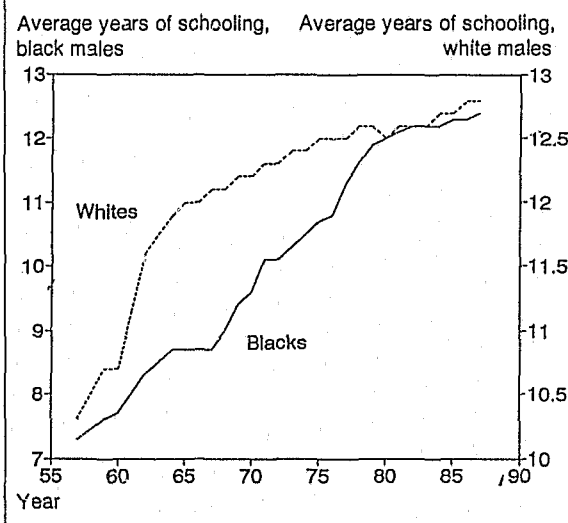
For these reasons, I believe that we must face the problem of race and gender bias and crime directly,

forthrightly, and with the most objective evidence we can collectively muster. Ignoring connections between race and crime will not make them go away.

### Increase historical and longitudinal research

Because the social and behavioral sciences have long dominated criminology, the importance of history is often downplayed or entirely overlooked. In the words of one scholar, we tend to live in "the historical present." There are at least two important implications of this neglect for research on the relationship between race and crime. First, because the characteristics, social conditions, crime rates, and contact with the legal system of racial and ethnic minorities continues to evolve, research based on only one point in time is often misleading. As an example, we may consider changes in educational attainment for African Americans in the post-World War II period.

Figure 1. Race and male educational attainment, 1957-87

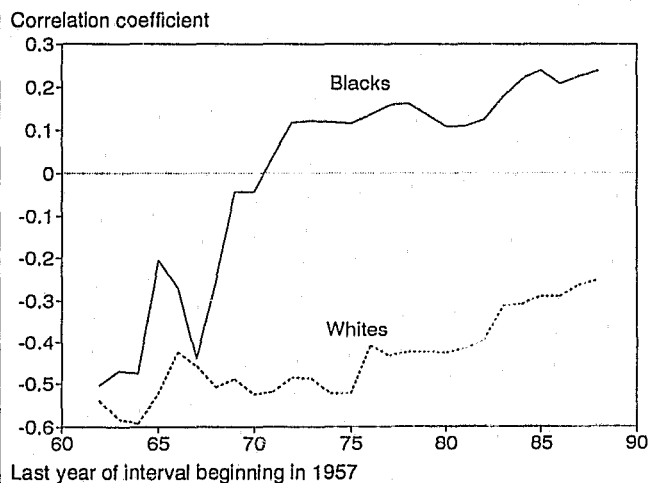


As Figure 1 demonstrates, African-Americans have experienced tremendous changes in educational attainment levels over the past 30 years. Hence, researchers who are interested in the connection between education and crime, and study these issues cross-sectionally, may reach very different conclusions if they conduct their study in 1990 as opposed to 1970 or 1950.

A second important implication of longitudinal research for the study of race and crime is with regard to the changing theoretical focus of a historical — as opposed to cross-sectional-analysis. Let me choose a familiar example. An important conclusion in the classic study by Shaw and McKay from Chicago in the 1930's is that community crime rates remain stable as different racial and ethnic groups, in turn, come to occupy them. When viewed cross-sectionally, this model downplays the importance of race because it predicts that all racial and ethnic groups will behave the same as they pass through particular communities at specific points in time. Certainly, the theoretical model does not lead us to suspect that the processes of social disorganization will operate differently for African-Americans or other racial or ethnic minorities.

However, if we view the same model longitudinally, it predicts different dynamics by race and ethnicity depending on the economic and demographic characteristics of various groups at different points in history. Looked at longitudinally, it is no more indefensible to seek to understand the dynamics of African-American crime during the past 50 years than it would be to seek an understanding of Italian-American or Irish-American crime in an earlier period.

Figure 2. Moving time series correlations between robbery and male education, 1957-87



### The need for rigorous research methods

Although this point is obvious, it is frequently neglected in the study of race and crime. While the academic research literature on discrimination has grown quite sophisticated in recent years, incorporating advanced methods and successfully presenting them to policymakers and the public can be quite challenging for researchers within State and Federal agencies. Still, it is especially critical in policy analysis to incorporate rigorous methods. This suggests, at a minimum, the need for multivariate models that control for major alternative explanations.

### The utility of constant comparison

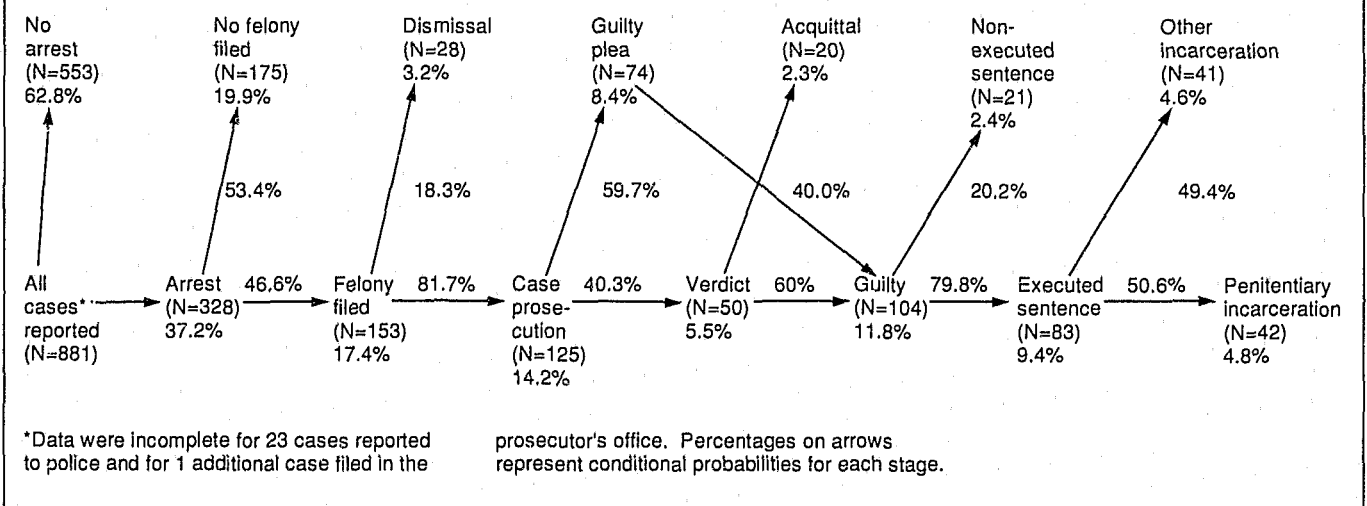
One of the most important aspects of doing research on race and gender bias, and indeed a principal justification for doing this kind of research, is to take advantage of the insights provided by comparative data. The current situation with regard to the imprisonment of African-

Americans provides a clear example. In the mid-1970's, the United States was admitting about 50,000 new inmates to Federal and State prisons each year. A decade later, this figure had quadrupled to 200,000 new inmates a year. By 1990, several published accounts claimed that the United States had the highest incarceration rate in the world, followed by South Africa and the Soviet Union.

But note that these statistics, troubling enough when considered for the whole nation, become truly frightening when considered separately for African-Americans. In 1930, African-Americans made up less than 25% of prison admissions in the United States; by 1950 the proportion had increased slightly to 30%. Today, African-Americans account for nearly half of all State and Federal prisoners. In fact, in the United States nearly 25% of all black men aged 20-29 are currently in prison or on probation or parole. In this country, substantially more black men are in the correctional system than in colleges or universities. The

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Figure 3. Disposition of forcible rape cases reported to Indianapolis police in 1970, 1973, and 1975



point is, when we look separately at crime and punishment rates for blacks and for whites, the implications of our current policies on imprisonment take on a very different tone. While there is an ongoing debate in the United States on the wisdom of incarcerating more or fewer offenders, the logic of any social control system that captures nearly one-quarter of the young men in a particular group is clearly questionable.

### The importance of studying the entire criminal justice system

The criminal justice system is composed of a sprawling bureaucracy with many separate agencies that are largely autonomous and independent. Finding differences (or no differences) in processing by race or gender for one part of this system does not demonstrate that there are no differences for the entire system. In presenting research on race, gender, and crime, we must be constantly alert to the fact that unless we have data from the entire sys-

tem, our conclusions must be limited to the specific parts of the system we are actually examining. Moreover, we should always be alert to the possibility that relatively minor (and statistically insignificant) changes at each stage of the system may amount to relatively significant differences when the system as a whole is considered.

The data in Figure 3 on the processing of rape cases illustrate my point. We have represented eight different processing outcomes here. There is no guarantee that the results from all eight will be the same. Moreover, minor differences at each stage, if they are all in the same direction, may be quite important, when taken together.

### The fallacy of assuming that race and gender always have similar effects

Researchers sometimes assume, in the absence of data, that relatively less powerful groups always face similar disadvantages in the criminal

justice system. For example, a recent book by Fukurai, Butler, and Krooth, called *Race and the Jury*, argues in the introduction that the U.S. system for jury selection discriminates against minorities, women, and the elderly. However, the data presented in the book show that while African-Americans and Hispanics are underrepresented on juries, Asian-Americans, women, and the elderly are often overrepresented.

Similarly, in my book *Rape and Criminal Justice*, I found that race and gender intersected in some complex ways. For example, my results (see Figure 4) show that black men as a group received about the same level of punishment for rape convictions as white men as a group. However, black men convicted of raping white women received much harsher punishments than black men convicted of raping black women. Hence, black men were actually treated more leniently than white men when the victim was a black woman.

## Workshop I. Studying race and gender bias in the criminal justice system

We are also finding very different results by ethnicity and gender in a current SAC project on outcomes in civil non-divorce cases (see Figure 5). Generally, our results show Hispanics do less well than non-Hispanics in those cases, but that white women do better than any other group. In short, we should not simply assume that all relatively less powerful groups are always treated the same by the justice system.

### The importance of economic class

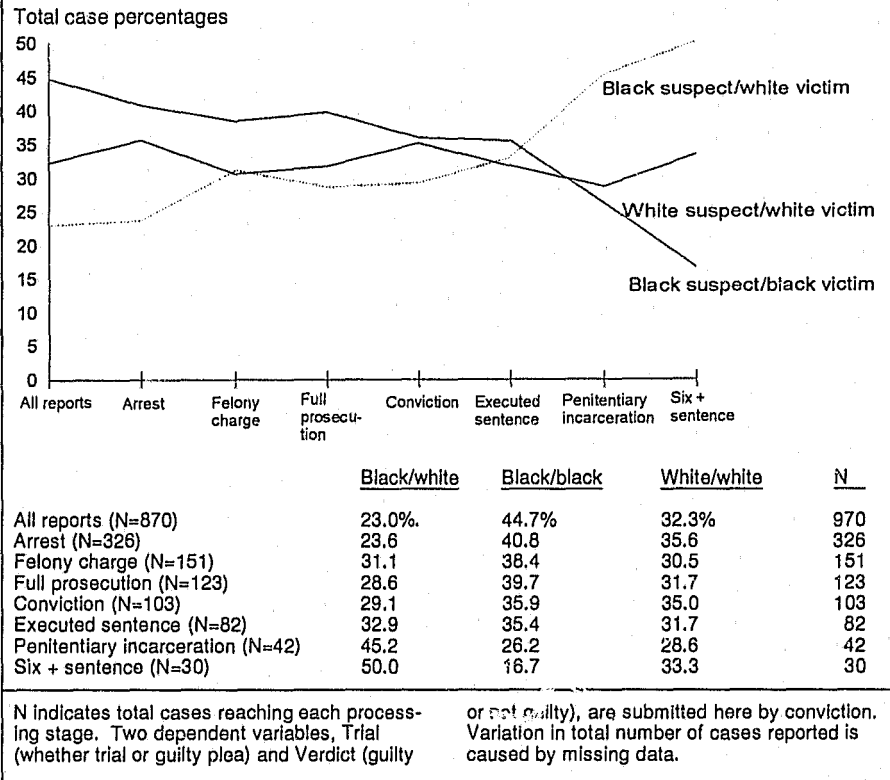
One of the issues that is easy to overlook in doing analyses by race and gender is the over-arching importance of class and economic status. In terms of criminal justice research, part of the problem may be due simply to data availability. Generally, official records have relatively good data on gender and oftentimes, on race. However, data on economic status is often more difficult to code and collect. Nonetheless, results on race and gender bias are often closely related to these economic class differences and should be incorporated. As State-level policy advisors, we should also work to encourage the agencies we deal with to collect better data on economic characteristics.

### Dealing with the media

Because the issue of race and gender bias and crime is potentially explosive, it is also a popular one in the printed and electronic media. Here is a statement that will surprise no one: It is easy for the media to misrepresent or even openly distort your research findings.

For example, in a study of sentencing prepared by the New Mexico SAC two years ago, our staff pre-

**Figure 4. Percentage of black suspect-white victim, black intraracial, and white intraracial incidents for eight processing stages**



**Figure 5. Regression coefficients and standard errors for predictors of monetary outcome ratios in adjudicated and mediated civil cases**

	Adjudicated		Mediated		All cases	
	b	SE	b	SE	b	SE
Mediation						
Claimant minority man	-.053	.067	-.221***	.084	-.101*	.053
Claimant minority woman	-.040	.081	-.181**	.089	-.065	.061
Claimant white woman	-.042	.067	.056	.071	-.012	.051
Respondent minority man	.060	.064	.047	.074	.043	.049
Respondent minority woman	.092	.077	.001	.098	.048	.061
Respondent white woman	.044	.076	-.168**	.083	-.022	.058
Collection case	.192**	.078	.214**	.088	.206***	.060
Private case	.028	.076	-.151*	.081	-.074	.057
Counterclaim	-.115**	.053	-.084	.057	-.107***	.040
Dispute size	-.092***	.021	-.013	.020	-.056***	.015
Individual claimant	-.060	.066	.025	.083	-.032	.052
Individual respondent	.122**	.060	.120*	.069	.123***	.045
Lawyer-claimant	.314***	.064	.125	.088	.251***	.051
Lawyer-respondent	-.100	.066	-.124*	.071	-.110**	.050
N	229		144		443	
Y-intercept	.668***	.089	.548***	.103	.651	.070
R <sup>2</sup> (adjusted)	.23***		.25***		.23***	

\*\*\* p < .01; \*\*, p, .05 < p < .10

## Workshop I. Studying race and gender bias in the criminal justice system

pared a three hundred-page report based on an extensive analysis of 2,000 convicted New Mexico felons. We found a small, but statistically significant connection between receiving prison sentences and the offender's ethnicity. The findings on ethnicity accounted for approximately 1% of the entire report. Nonetheless, here is what the newspaper headlines looked like the day after the report was released:

Because many of us work in public agencies, much of our research work will ultimately fall into the public domain. Moreover, many of us are interested in seeing our research recognized, read, and debated by the public. Nonetheless, it is worthwhile to exercise tremendous caution when doing research on race or gender bias. First, try to keep the media off the story until all of the research is completed. Second, try to

present the results fairly, accurately, and objectively. Finally, many reporters will allow you to check final stories for accuracy. This last strategy can be a good one for heading off mistakes or inaccuracies.

PORTALES NEWS TRIBUNE

New Mexico Press Clipping Bureau

NOV 29 1989

# Study highlights racial disparity in sentencing

By ED MORENO  
Associated Press Writer

SANTA FE (AP) — Judges in southeast New Mexico actually do send more people to prison, according to a study prepared for a legislative committee studying sentencing practices.

The rate of incarceration in the 5th Judicial District, long considered the harshest in the state, is the highest in New Mexico, says the report received Tuesday by the Courts, Criminal Law and Justice Committee.

The \$41,500 report prepared by Gary LaFree, director of the University of New Mexico's Statistical Analysis Center, also shows that race and ethnicity is a factor in sentencing, with black defendants more likely than others to be sent to prison.

The report, which highlights some trends in judicial sentencing around the state, will be refined

over a year's time and will eventually be used to draft guidelines for sentencing criminals statewide.

Chairman Rep. Ray Vargas, D-Albuquerque, said the committee would not release the report, "Sentencing in New Mexico," because it is based on incomplete data that could lead to erroneous conclusions.

But individual lawmakers praised the report, saying it illustrates what has for years been conventional wisdom among certain groups.

The committee decided Tuesday to ask the Legislature for \$300,000 to \$350,000 to continue its work another year.

The report, obtained by The Associated Press, was based on the case histories of 400 of the 962 men and women who were sent to prison, 400 men and women who were placed on probation and 496 men and women who were diverted

from prosecution during the 1987-88 fiscal year.

Regionally, the report indicates judges in the southern part of the state sentence more harshly than in the north. Of the six judicial districts south of an imaginary line across the state, five have among the six highest rates of incarceration.

The 5th Judicial District (Chaves, Eddy and Lea), has the highest rate of all, said LaFree. Second-highest is the 4th Judicial District (San Miguel, Mora and Guadalupe), but the very small sample made that number questionable, said LaFree.

They were followed by the 7th Judicial District (Socorro, Sierra Catron and Torrance), the 9th Judicial District (Curry and Roosevelt counties), the 6th Judicial District (Grant, Luna and Hidalgo) and the 12th Judicial District (Otero and

See SENTENCING, page 2

# The analysis of racial disparities in crime and justice: A double-edged sword

By Darnell F. Hawkins, Ph.D., Professor, Department of African-American Studies  
University of Illinois at Chicago

During the last half-century, the documentation and study of racial differences or disparities in the rate of involvement in crime and in the administration of justice have been commonplace within criminology. Official crime statistics such as the Uniform Crime Reports (UCR) have reflected that interest. While few observers would question the usefulness of race-specific crime and punishment data and their use in social research, seldom is attention given to the multiple "messages" that often emerge from the study of racial disparities. My presentation looks at the nature of those messages, how they are developed and reinforced by our data gathering practices and criminological research, and ways in which researchers may avoid the most troublesome of the implications that emerge from the study of racial and ethnic differences.

The basic arguments presented in my discussion can be briefly summarized as follows:

1. During the last half-century, government officials and social researchers in the United States have been far more attentive to racial than to ethnic or social class differences in the rate of involvement in crime or in the administration of justice.

2) The use of racial categories is reflected in official arrest statistics, as well as sentencing and correctional data.

3) Both during the past and today, official crime and punishment statistics have forced analysts into a white versus nonwhite comparison. Black-white comparisons have been the most ubiquitous. The study of black-white disparities reflects the existence of "real" differences in rates of crime and punishment between

these two racial groupings, but also reflects the way that crime and punishment data are collected.

4) While these racial comparisons have some usefulness for social scientific analysts of crime in society, they stem largely from the racial politics that have historically characterized American society.

5) As early as the turn of the century, social researchers became convinced that racial, especially black-white, disparities within the criminal justice system cannot be attributed entirely to discrimination and bias. That is, they recognized that such disparities also stem from "real" differences across groups in the rate of involvement in crime. Hence, most studies that purport to study racial bias within the criminal justice system cannot avoid confronting questions regarding the etiology of crime. A primary concern is why some racial or ethnic groups have higher rates of involvement in crime than others. Especially in the absence of data on the social class status of criminal offenders, currently used racial categorizations may lead to faulty conclusions regarding the relationship between race and involvement in crime. They may also lead to problematic conclusions regarding the causes of and remedies for racial disparities in the administration of justice.

## Official crime statistics: Why race and not ethnicity?

Racial categorizations used for the collection of crime data in the United States today reflect a curious mixture of racial politics and bureaucratic inertia. The UCR currently groups arrestees into five racial/ethnic groupings:

- 1) White, non-Hispanic
- 2) White, Hispanic
- 3) Black
- 4) Asian or Pacific Islanders
- 5) American Indians and Native Alaskans

These groupings pose obvious problems for those interested in the study of racial disparities. They aggregate persons whose cultural heritages are vastly different. More than 200 million whites are undifferentiated except for the Hispanic versus non-Hispanic distinction. Diverse grouping of Asians and native Americans become single categories. Relatively large aggregates (whites and blacks) are compared to much smaller groupings.

To the extent that social researchers must rely upon these categorizations, some implications are quite obvious. If the researcher is interested in the etiology of crime, and proposes, as many current theorists do, a linkage among culture/subculture, socioeconomic position and crime, these categories would be mostly useless. The categories do not represent groupings that are either biologically or culturally homogeneous. Yet, in much social research they are used as if they tell us something about the lifestyles, socioeconomic conditions or other traits of the individuals within the groupings that are relevant for crime and punishment.

We may ask, for example, whether it is appropriate (from the standpoint of social research alone) to compare roughly 30 million African Americans to nearly 200 million undifferentiated European Americans. Such a comparison has obvious historical importance and is often dictated by political and legal concerns today. Yet, for a number of social scientific con-

## Workshop I. Studying race and gender bias in the criminal justice system

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cerns, such a comparison is problematic. In some instances would not a comparison between 30 million blacks and the approximately 30 million Americans of English ancestry, 25 million of German ancestry, or 20 million of Irish ancestry be more informative?

Indeed, given the substantial interest shown in the crime of the foreign-born and various white ethnic groupings during the first decades of the twentieth century, the absence of ethnic enumerations today is somewhat surprising. While I do not suggest a return to the xenophobia that prompted such intergroup comparisons during the past, I do suggest that government officials and social scientists need to ask why racial groupings, but not ethnic groupings, are considered to be appropriate and informative in the late twentieth century. What do we learn, for example, when we compare the crime rates of a grouping consisting of Americans of Japanese, Chinese, Korean, Pakistani and Pacific Islanders to American blacks or whites? Are white Americans a truly homogenous grouping for the purposes of criminological research?

These are the kinds of questions that are seldom asked by analysts who study crime and justice in American society, but they are precisely the kinds of queries that must be asked if we are to fully investigate the determinants of racial disparities and bias.

### **The logic of racial comparisons: Social Darwinism and civil rights**

While some analysts of American crime and justice have advocated the abandonment of racial labels for the enumeration of crime and punishment, it is clear that a number of

social forces within American society have contributed to their continued use. The use of colored (blacks, American Indian and Asian) versus white racial categories for governmental record keeping practices during the late 19th and early twentieth centuries in the United States was a reflection of the Social Darwinist sentiments of the period. Such groupings were used in a effort to prove the inferiority of nonwhites.

On the other hand, since the end of the Civil War the documentation of racial disparities, including racial differences in the administration of justice, has been a major weapon used by advocates of social change. The enforcement of modern civil rights law is, to a large degree, dependent on the careful documentation of racial disparities. To that end, race-specific data are an indispensable tool in the legal struggles against discrimination in the United States.

Because extant racial enumerations of crime and justice have their underpinnings in both extreme conservative and liberal thought and politics, it is unlikely that such practices will be abandoned in the immediate future. The task confronting the social researcher who studies either bias or the etiology of crime is to use such data in a way that will minimize the drawing of unwarranted conclusions regarding the relationship between race and crime.

### **Crime, racial stereotypes, and race relations**

One of the problems inherent in the use of racial categories for the enumeration of crime and justice is the use of such data by some to perpetuate racial stereotypes and contribute to interracial conflict and misunderstandings. To acknowledge

this possibility is not to minimize the "reality" of high rates of crime among some racial groups today, e.g., African Americans. For most Americans, however, the reality of crime results less from personal experiences and observations than from sources that utilize official crime data. The media are highly dependent on official data and research findings to paint their portraits of crime.

To appreciate the potential for the use of crime data to create and perpetuate ethnic/racial stereotypes, one need only consider the experiences of Irish and Italian Americans during the last century. One might also consider what the response of these and other white ethnic Americans would be to a contemporary report showing their disproportionate involvement (as compared to their fellow ethnics) in various white collar or UCR crimes. In the same way that America's white ethnics opposed the conclusions of the 1931 Wickersham Commission showing ethnic/nationality differences in the rate of involvement in crime, they would likely oppose such enumerations today. Yet, these same practices are tolerated and rationalized for the enumeration of the crime of America's nonwhites.

### **Conclusion**

My observations in regard to the use of racial categories in the study of crime and the administration of justice are not meant to suggest that such categories are entirely inappropriate. I also do not mean to suggest that such categories alone contribute to the problems I have identified. I do believe that those of us who study racial disparities and bias must be mindful of the limitations of the data sources we use and of the

## Workshop I. Studying race and gender bias in the criminal justice system

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ways in which our research might be interpreted. For example, with current data showing the rate of homicide and other crime among African-Americans and Hispanics far exceeding that of the 180 million-plus white Americans, Americans have become increasingly aware of the racial disproportionality of criminal involvement. What we conclude about the "causes" of this disproportionality has as much to do with the way that we count crime as the logic and plausibility of the explanations that are proposed. For example, in the case of the study and explanation of homicide, well documented regional and social class differences in patterns of offending and victimization may tell us more about causes and solutions than an exclusive focus on racial or ethnic differences.



# Studying race and gender bias in the criminal justice system

By Marjorie S. Zatz, Ph.D., Associate Professor, School of Justice Studies, Arizona State University

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Tremendous efforts have been undertaken to rid our society of racism and sexism over the past three decades. As a result, we see far fewer instances today of *overt* discrimination in our institutions, including the criminal justice system. By overt discrimination I mean decisions based obviously on the person's race, ethnicity, or gender. Statistically, overt discrimination can be assessed as significant *main* effects of race, ethnicity, or gender on decisionmaking, after other relevant factors have been statistically held constant.

However, racism and sexism are deeply embedded in our social order. Just as it is unreasonable to expect the legacy of racism and sexism to disappear in a short time, so too, it is unreasonable to expect that the effects of racism and sexism will be manifested only in overt forms. In fairness, I should note that this is a point of debate within criminology. Some researchers define discrimination only on the basis of main effects resulting from actions of prejudiced decisionmakers. Others, including myself, define discrimination more broadly to include institutionalized biases which systematically favor members of one social group over another. These more *subtle* forms of discrimination can be assessed as statistically significant *interactional* effects of race, ethnicity, or gender with other factors in legal decisions, or as significant *indirect* effects.

## Improving data collection and analysis

There are some immediate improvements we can make in data collection and analysis that will enhance our understandings and estimates of racial, ethnic, and gender biases in court processing and sanctioning.

First, accounting for sample selection bias in conducting research is crucial. Selection bias arises in the selection of the sample to be analyzed. A typical consequence of selection bias is a statistical masking of discrimination. When persons who were filtered out of the system at earlier decision points are excluded from a sample, variation in sentencing outcomes because of race, ethnicity, and gender may be inappropriately removed. This bias not only limits the generalizability of the findings, but, more seriously, may invalidate our estimates.

Second, it is imperative that courts, our primary source of data, should code data on ethnicity more consistently and carefully. In some jurisdictions, data limitations require researchers to collapse all nonwhites into one group. This is problematic, as differing patterns for blacks and latinos may be hidden, masking discrimination, when all non-whites are combined into one category. Where efforts are taken to code race into a larger number of categories, some court officials code ethnicity based on self-identification by defendants, while others code race based on appearance or surname. I have seen the same person coded as Mexican-American, white, and American Indian at different times within the same data set. Some jurisdictions have "cleaner" data on ethnicity than others, but this remains a general problem.

Finally, recent research suggests that African-Americans are more likely than whites to reject plea agreements, choosing instead to go to trial. While trial carries with it the possibility of acquittal, conviction is a more likely outcome and the sentence is generally harsher following conviction by trial. We need to better

understand why this racial disparity is occurring. It may be that blacks, and perhaps members of other subordinated groups as well, are receiving worse plea agreements from prosecutors than whites. Or, it may be that African-Americans distrust the system more than whites, and for this reason prefer to take their chances on trial. Without additional empirical research, we can only speculate.

## Biases in the legal order

If we wish to go beyond improving our estimates of bias to create a legal order that does not discriminate on the basis of race, ethnicity, and gender, we must attend to at least three other major concerns.

First, we must recognize that our criminal justice system is particularly attentive to acts that are likely to be committed by disenfranchised persons. There is nothing new in this argument, but we have yet to see crimes typically committed by members of the middle and upper classes prosecuted and sanctioned to the same extent as the crimes that poor people commit, and a disproportionate percentage of poor people are members of subordinated racial and ethnic groups. Why is it, we must ask, that we find the types of crimes committed by the disenfranchised more alarming than the types of crimes committed by more privileged persons, although the latter may ultimately harm a greater number of people? Is our fear based on the type of crime (more visible, immediate), or the type of person we envision as committing such crimes?

Second, for many years sociologists have presented compelling evidence of interactional effects of race with other factors, but such aggregate

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patterns have been dismissed by the courts. A key example is the 1987 Supreme Court case *McClusky v. Kemp*, in which the race of the defendant, in interaction with the race of the victim, was a primary determinant of whether the prosecutor would request the death penalty. Yet in this case and others, the courts have been extremely reluctant to consider aggregate patterns revealing systematic biases. Instead, they rely on the far more limited definition of discrimination as resulting from purposeful acts by decisionmakers acting on the basis of racial prejudice. In *McCleskly v. Kemp*, both the majority and minority opinions noted that decisionmaking that took into account aggregate patterns would be very costly, since the courts would be forced to consider numerous appeals on these grounds. From my perspective and that of the Supreme Court minority, such financial considerations must be secondary to fairness and equality in decisionmaking.

Third, feminist legal scholars assert that the legal order is necessarily biased against women because the laws have been written and interpreted almost entirely by men. As a result, current standards do not adequately capture what a reasonable *woman* might do under particular circumstances. This problem arises especially in regard to rape cases and homicides committed by battered women, and outside of the criminal sphere in employment discrimination and sexual harassment. We should add to this argument that it has largely been white men writing and interpreting the laws. Can they know what a reasonable African-American man or latino would do, confronted with circumstances that white male legislators and judges have never faced? What about a

reasonable black woman or latina, or an American Indian woman? In this sense, nonwhite women are doubly removed from the law, once because they are women and again because they are not white.

### Conclusion

I am currently conducting research on battered women who are forced to commit crimes or to confess to crimes that they did not commit, or who commit crimes in an effort to leave their abusers (for instance, check forgery, or fraud). A majority of women clients of the Maricopa County (Phoenix, AZ) Public Defender's Office fit this profile. Except in the case of homicide, criminologists have not addressed the question of whether a history of battering is a cause of women's involvement with the criminal justice system. So doing raises, I believe, important questions about their culpability and the appropriate response to them; questions that can only be answered by considering what a reasonable *woman* would do under such circumstances. Since all of the women served by the Public Defender's Office are poor and most are latina, black, or Indian, the question is compounded: what would a reasonable poor, nonwhite woman do under these circumstances?

## Workshop II

Thursday, October 14, 1993  
3:00 p.m. - 5:00 p.m.

### New technologies: Technical issues and concerns

#### Moderator

Allan R. Barnes, Ph.D., Associate Professor of Justice, Director, Statistical Analysis Unit, Justice Center, University of Alaska Anchorage

#### Instructors

Shalane J. Sheley, Research Associate II, Inter-University Consortium for Political and Social Research, University of Michigan

Jim Zepp, Director, National Computer Center  
Justice Research and Statistics Association

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### CD-ROMS: Getting to know you

By Shalane J. Sheley, Research Associate II, Inter-University Consortium for Political and Social Research, University of Michigan

#### What is a CD-ROM and why should I use it?

A CD-ROM (Compact Disk — Read-Only Memory) is a permanently pre-recorded plastic disc metallized with a reflective surface and read by a laser beam. The advantages of using a CD-ROM are that relative to other comparable storage devices (1) its capacity is large — its size is equal to 450 high density diskettes or 1000 640k floppies; (2) it is nonvolatile — it cannot be erased by exposure to a magnetic field; (3) the current life expectancy of optical discs is greater than 10 years; and (4) it has multimedia<sup>1</sup> potential, meaning that it can be used for audio, video, text, programs, and networking. The disadvantages of using a CD-ROM are: (1) it is a write-once medium — not erasable, not reusable; (2) the drive access times are slow (around 10 times slower than a PC-based hard disk); and (3) it is expensive for a producer to write one or two discs.<sup>2</sup>

#### How widely are CD's used — will they be around in the future?

Today there are over 3,000 CD-ROM titles and two million CD-ROM drives<sup>3</sup> and there is a "robust growth in available titles . . . and steadily declining disc prices." In 1988, there were only 200 CD-ROM titles available.<sup>4</sup> Its use and future appears to be secure.

#### What is the potential technology for CD-ROM's?

Its multimedia potential seems to be unlimited with **audio** (music, narration), **video** (photography, animation, graphics, video clips, maps, movies — though picture quality is much lower in comparison to TV), **text** (raw data, encyclopedias, magazines, books, catalogs, directories), **programs** (games, education, travel, sports, medicine, and so forth), and **networks** (local area networks or LAN's). These applications can be combined on your computer.

#### What Inter-university Consortium for Political and Social Research (ICPSR) criminal justice studies are available on CD-ROM?

ICPSR<sup>5</sup> has two criminal justice CD's available — **Crime & Justice Data** and **Criminal Victimization Data 73-91** sponsored by the Bureau of Justice Statistics (BJS), and two CD's in the planning stage — **Drugs and Crime Data** (BJS and National Institute of Justice - NIJ) and one CD which relates to violence (NIJ). They will be available for \$15 from the Justice Statistics Clearing House (1-800-732-3277) and ICPSR plans to regularly produce similar CD's in the future. Each CD contains a readme file, help file, citation, raw data, SAS and SPSS data definition statements, produced using ISO 9660<sup>6</sup> as the standard for formatting.

#### What are the benefits of using an ICPSR CD-ROM?

ICPSR CD's are used as large storage facilities for data utilized in sta-

tistical analyses that previously were provided only on magnetic tapes that required a mainframe computer.

Thus the data analysis you once had to do on the mainframe (if you had access to one) you can now do on your own PC. Thirty-two criminal justice data sets can be at your fingertips without the hassle of having to wait for an order to be filled on tapes for individual studies. These data sets are invaluable when analyzing and comparing data, for example, by local police departments or a State government trying to find out how their crime statistics compare nationwide or with other similar governmental units.

#### Can I use my Macintosh?

The ICPSR CD's are usable by both the Macintosh and IBM PC's.

#### What do I need in order to use the ICPSR CD's?

You need a computer — almost any designed after 1988 (the lower limit of memory should be enough to run an average spreadsheet program), a CD-ROM drive (with cable), standard statistical software (SAS or SPSS), and for IBM and compatible PC's, a SCSI controller card (board and software) and Microsoft CD-ROM extension driver (MSCDX).

#### What is the cost of a CD-ROM drive?

The cost ranges from a low of \$300 for a simple, slower model up to \$1,000+ which includes a multimedia kit. CD-ROM laptops range from \$2,700 to \$3,600.

#### What questions do I ask when purchasing a CD-ROM drive?<sup>7</sup>

1. For IBM and compatibles, is a Microsoft CD-ROM extension driver (MSCDX Version 2.2) and a SCSI<sup>8</sup> controller card (NOT proprietary) included?
2. Does the access time range from 275ms to 1,500 ms (double this number for double-speed models)?
3. Is it ISO 9660 standard data format so it can read all CD-ROM discs?
4. Is there a 32k to 64k buffer if I want multimedia applications?
5. Will it play audio discs?
6. Does the drive operate with a disc drop-in tray or does it use disc caddies (an additional cost but it protects the CD)?
7. Does it have at least a 2-year parts and replacement warranty?
8. Does it have a parallel port connector system so I can plug it into a laptop or notebook PC if I choose?

#### References

<sup>1</sup>When looking into multimedia, look for MPC (Multimedia PC), which is a "... specification developed by ... Microsoft for the minimum platform capable of running multimedia software. PC's carrying the MPC logo will be able to run any software that also displays the MPC logo." Schaller, Anne, "Multimedia: A Glossary," *CD-ROM Professional*, Wilton, CT: Pemberton Press, Vol. 6 No. 1 (January 1993), pp. 106-111.

<sup>2</sup>This paragraph drawn from an unpublished paper by Janet Vavra, ICPSR Technical Director, "The CD-ROM Option: Three Miles of Data," May 14, 1991.

<sup>3</sup>Dataware Technologies, Inc., "CD-R: The Next Stage in CD-ROM Evolution," *CD-ROM Professional*, Wilton, CT: Pemberton Press, Vol. 6, No. 2 (March 1993), pp. 79-83.

<sup>4</sup>Nicholls, Paul and Patricia Sutherland, "The State of the Union: CD-ROM Titles In Print 1992," *CD-ROM Professional*, Wilton, CT: Pemberton Press, Vol. 6, No. 1 (January 1993), pp. 60-64.

<sup>5</sup>In addition, ICPSR has two other CD's: *PSID (Panel Study of Income Dynamics), 1968-88* released November 1991 and *1989* also released in October 1993.

<sup>6</sup>ISO 9660: An international standard that defines a file system for CD-ROMS. Almost all systems support ISO 9660.

Two other common formats are CD-ROM XA (Extended Architecture), required for multimedia, and Kodak Photo CD (adaptation of CD-ROM XA) for photographic images.

<sup>7</sup>Taken from the column, "What to Ask When Buying ... A CD-ROM Drive," *PC Computing* (April 1992), p. 282 and (April 1991), pp. 220, and Smith, Gina, "For Fast Facts or Figures, CD-ROM Drives Dazzle," *PC Computing*, Vol. 5 (December 1992), p. 408.

<sup>8</sup>SCSI (pronounced "scuzzy") is an interface which plugs the drive into the PC port. (PC-compatibles have parallel ports [printer] and serial ports [mouse] but not built in SCSI as does Macintosh.)

## Pen-based computer systems

By Jim Zepp, Director, National Computer Center, Justice Research and Statistics Association

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### Need for automation

Accurate and timely information is critical for criminal justice decision makers, researchers, and other personnel. Much of these data are collected by staff operating in the field or in other environments that are not normal office conditions. In most cases, data are initially entered on paper forms and copied from this source into an automated system for retrieval and analysis. These circumstances mean that data collection is very labor-intensive, subject to error, and redundant.

### Pen-based computer systems

One emerging new technology that may alleviate some of these problems is pen-based computer systems — portable, fully functional computers which allow data input using a pen-like device in addition to keyboards. Field staff are able to enter information just as if they are writing on a paper pad or form but the data entry is augmented by the computer's capabilities. For example, using a pen-based system it is possible to provide online help or reference material to assure proper entries are made; pop-up checklists guarantee that legitimate codes or categories are entered; and mechanisms that prevent the omission of required data and the entry of conflicting information. This technology also eliminates redundant data entry across multiple forms and the subsequent reentry of paper-based forms into an automated system. If properly planned and implemented, automated data entry systems have shown productivity gains of 40 to 300% over paper-based operations.

### What to consider

Implementation issues that agencies must consider when adopting this technology include the following:

- cost
- the lack of a clear industry standard for pen-based software (there are currently six different pen operating systems competing for market dominance)
- physical appropriateness and durability of the selected computer system for the specific field conditions
- availability of data collection software and integration potential with other applications.

### Expert systems

Retaining staff knowledge, consistently applying decision rules, and making reliable predictions are all daily challenges facing criminal justice agencies. Applications of artificial intelligence technology are being explored by several agencies and companies to address these concerns.

## Workshop III

Thursday, October 14, 1993

3:00 p.m. - 5:00 p.m.

### Roundtable on unification of criminal justice databases: State issues

#### Moderator

*Suzette Gebhard*, Executive Director,  
Rhode Island Governor's Justice Commission

#### Presenters

*James F. Shea*, Assistant Director of Integrated Systems Development,  
New York State Division of Criminal Justice Services

*Jeff Knowles*, Section Chief, Research and Statistics,  
Ohio Office of Criminal Justice Services

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### State of Rhode Island and Providence Plantations: Governor's Justice Commission Criminal Justice Records Improvement (CJRI): A State-wide model

By Suzette Gebhard, Executive Director, Rhode Island Governor's Justice Commission

Rhode Island is close to becoming the first to have its criminal records fully computerized in a Statewide network and accessible to all Rhode Island criminal law enforcement agencies.

This presentation will give a step-by-step road map of how Rhode Island is accomplishing this in an effort to be of some guidance to those States that have not come so far.

The heightened interest in computerizing criminal justice records is based on two major factors:

#### Factor #1:

The need to improve criminal justice records, criminal justice and non-criminal justice agencies in the States originated from an increased demand for these records as a basis for making decisions by both criminal justice and noncriminal justice users. For example, criminal history

checks are necessary for those who apply for jobs as day care workers.

The Criminal Justice Records Improvement (CJRI) formula grant program is, therefore, a way for States to significantly improve the accuracy, completeness, and timeliness of their record systems to meet the current and future demands being placed on them.

The Crime Control Act of 1990 requires each State that receives Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant funds to allocate at least 5% of its total award for the improvement of criminal justice records. Record improvements are to be within the following areas:

- completion of criminal histories to include the final dispositions of all arrests for felony offenses;

- full automation of criminal justice histories and fingerprint records; and
- frequency and quality of criminal history reports to the Federal Bureau of Investigation.

To make the most effective use of the Drug Control Act's five percent set-aside for the improvement of criminal justice records and to facilitate the implementation of both State and Federal legislation related to the use of criminal justice records, States must have a clear understanding of the current condition of their records systems and the problems associated with incomplete or inaccurate data and must have a commitment to and a plan for the improvement of criminal justice records. The States are required to develop a criminal justice records improvement plan which must include definitive steps.

### Workshop III. Roundtable on unification of criminal justice databases: State issues

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#### Factor #2:

The Immigration Act of 1990, enacted in November 1990, requires States to have a plan coordinated with INS as a condition for receipt of Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grants.

The implementation of this provision will help INS achieve its Criminal Alien Strategy goals which are to —

- systematically identify, locate, and remove aliens not authorized to remain in the United States because of criminal activity;
- ensure the expeditious deportation of convicted criminals, consistent with due process requirements; and
- create an effective deterrent to aliens seeking to enter the United States to engage in criminal activities.

The achievement of these goals will benefit State and local agencies in two ways. First, by deporting aliens upon release from prison, the potential for recidivist behavior will be reduced. Second, States should realize a cost savings related to correctional supervision (probation/parole) as a result of the prompt deportation of convicted aliens who are not incarcerated. INS estimates that over 10% of the inmates in some State prison systems are foreign born and may be subject to deportation.

Rhode Island has been working toward the improvement of its criminal history records for several years. As far back as 1987, the Governor's Justice Commission hired a consultant (MAXIMUS, Inc.) to study the problems with the collection and dissemination of criminal justice data which resulted in the development of the Comprehensive Criminal/Juvenile

Justice Information Systems (CJIS) Master Plan (June 1988). The CJIS Master Plan provided a strategy for the electronic sharing of computerized information among criminal justice agencies starting with the record of an incident and subsequent arrest through adjudication and either release or supervision.

All of the agencies in Rhode Island that have criminal justice jurisdiction were included in the plan. These agencies include: local law enforcement (police departments in 39 cities and towns and two other entities with arrest powers); State Police; District Court; Superior Court; Supreme Court; Family Court; Department of Children, Youth and Families; Department of Transportation; Department of the Attorney General; Department of Corrections (including Probation & Parole); Department of the Public Defender; and the Governor's Justice Commission.

In 1989 Rhode Island passed legislation to provide funding for the implementation of the CJIS Master Plan. This funding set in place the framework for improving criminal records through enhanced automation within and between agencies. Implementation of the Master Plan began in 1989 and progressed through subsequent years to the point where actual system implementation will begin in a matter of months with the signing of a contract with the selected Systems Integrator. The milestone events of the Rhode Island CJIS project will be covered.

## System integration in New York State

By James F. Shea, Assistant Director of Integrated Systems Development,  
New York State Division of Criminal Justice Services

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In 1982 and 1983, as a result of some serious interest in this subject by the outgoing Governor, Hugh Carey, and the incoming Governor, Mario Cuomo, and the work of a very distinguished commission chaired by attorney Arthur Liman, New York State launched a program to improve and integrate criminal justice information systems.

The commission pointed to the poor fit between the process and structure of criminal justice as a key obstacle to system integration. While criminal justice is a single process beginning with an arrest and ending with release from custody or supervision, the system's administrative structure is very decentralized. Over 3,000 criminal justice agencies operating at the State, county, city, town, and village levels of government are responsible for the administration of justice.

Without a mechanism for coordinating them, agencies developed systems in relative isolation. Little effort was applied to analyzing the needs of the total criminal justice system. Consequently, systems could not communicate with each other and they painted different pictures of the same criminal justice process. The electronic transfer of defendant and case data from system to system was not feasible and a tremendous amount of costly duplication of data entry was the result.

The findings and recommendations presented in the Commission's report were to become the basis for significant changes in the administration and coordination of New York State's criminal justice system. Acting on the recommendations of the commission report, Governor Cuomo created the position of Director of Criminal Justice. The Director

was empowered with overall responsibility for criminal justice planning, program development, and coordination of information systems.

A Criminal Justice Information Systems Improvement Program was also established to help carry out the Director's mandate in this area.

The Improvement Program Goals were to:

1. Promote the efficient administration of individual criminal justice functions.
2. Ensure the availability of status and historical data necessary for the just and efficient apprehension and processing of criminal defendants.
3. Ensure the availability of current, valid statistical information as a means to improve management of the system.

Accomplishing these goals required the creation of an efficient information delivery system. Strategies to accomplish this included the standardization of data elements and forms, and the development of standard software for local criminal justice agencies. Another strategy was to create a communications network capable of linking State and local information systems and facilitating data sharing.

Projects supporting these strategies were planned and implemented by teams of State and local criminal justice practitioners and staff from the criminal justice improvement program.

The original improvement program began in 1983 as a study of information systems. In 1986 it was transformed into a 5 year program to implement recommendations from the study. In 1991 the improvement program staff were incorporated into

the Division of Criminal Justice Services.

Some of the accomplishments of the program to date include the development of a Statewide criminal justice data dictionary, the design of over half a dozen standard data collection forms, the development of eight automated systems for local criminal justice agencies, and the creation of a criminal justice communications network known as CRIMNET. A number of system interfaces have been developed between State and local agencies. With a solid infrastructure in place, the integration of the State's information systems is just getting underway.

Additional information regarding New York State's system integration activities can be obtained from the Division of Criminal Justice Service's Integrated Systems Development Unit at 518-457-6075.



## Union or secession? The CJIS civil war in Ohio

By Jeff Knowles, Section Chief, Research and Statistics, Ohio Office of Criminal Justice Services

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### Project

The coordination of Criminal Justice Information Systems (CJIS) in Ohio.

### Agencies

Office of Criminal Justice Services (primary); Attorney General; 17 State or regional departments, offices, or information system coordinators.

### Problem

One otherwise unmemorable day circa 1989 the realization suddenly struck me that our office alone was either fiscally sponsoring or helping to plan for no less than five different CJIS projects, all Statewide in scope and all more or less concerned with collecting the same kind of data. This exercise in government quintriplication should have raised eyebrows even had our office been considered a CJIS agency. However, we could not claim even that thin defense. If an agency like ours, primarily concerned with criminal justice policy, research, and funding, could get drawn into such a tangled web, how could we expect other more narrowly focused agencies to resist the temptation for the sake of the larger good (i.e., a single, cohesive system)? Can anyone withstand the call of the computer?

Ohio may prove to be a barometer of sorts for all of the States wishing to make some centralized sense out of what could easily become a modern feudal system of information networks. The State is, arguably, the strongest home rule State in the U.S. None of the 88 counties even discusses the prospects for a county police department, and the State Highway Patrol has rigidly limited police powers — certainly fewer and

feebler than those to be found in any large industrial State. Overall, there is no great fault in this — we rather like the way home rule works here — but that political environment certainly does not tend to favor the creation of a centralized, automated criminal justice data system, especially now that several good systems have been created within local jurisdictions or Statewide sections of singular CJIS components.

### Objectives, methodology, time frames, summary

From the outset (three years ago), we realized that there neither could nor should be a "centralized" system, started from scratch. The early 1970's will not come back this way again. No more monster mainframes, local criminal justice agencies buried in paper, or odd little clusters of people speaking funny languages. The PC revolution has done everything short of scream the word "decentralization." If any high school student can have a PC in his or her room, chances are a local court or police department can pull off the trick.

Yet, the same innovations in automation have opened the doors to realizing the best of both worlds — local or component oriented data systems *and* a complete set of data (even tracking data) at the central State level. The secret to stealing this march on gridlock seems to lie in how well we can convince existing CJIS programs to: (1) appreciate the value (to them) of complete, accurate, and timely information collected at the State level; (2) assume some headaches (and perhaps swallow some pride) relative to using some common definitions, a common tracking number, standard measures, etc.; and (3) work out the

often tricky details of interfacing what are probably unlike CJIS programs.

Ohio's attempt to pull off this mission improbable has centered around the creation of the State CJIS steering committee which, during the first 18 months of its existence, did not even get behind the wheel, much less steer. It took a rather prodigious effort simply to pull all of the principles under one roof (jointly appointed by the Lt. Governor and Attorney General). Initial probings of the formidable issues relating to a common identifier, allocation of 5% set-aside resources, the creation of standard terms and measures, and interminable software differences among programs ensured slow going for awhile.

However, prospects have begun to brighten, partially because of the incessant national pressure being applied to upgrade criminal history dispositions, partially because solid resources are now being directed to the issue, and mostly (I like to think) because people at all levels of government are beginning to realize that in the business of criminal justice we will all sink or swim together.

## Workshop IV

Thursday, October 14, 1993  
3:00 p.m. - 5:00 p.m.

### NIBRS: Roundtable on State concerns and research applications

#### Moderator

*Therese Ford*, Statistical Analysis Center Director,  
Alabama Criminal Justice Information Center

#### Presenters

*John Patrick Jarvis*, Survey Statistician, Criminal Justice Information Services Division  
Federal Bureau of Investigation

*Therese A. Shady*, Deputy Chief, Bureau of Statistical Services  
New York State Division of Criminal Justice Services

*Donald A. Manson*, Program Manager, Bureau of Justice Statistics,  
U.S. Department of Justice

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## Development and implementation of the National Incident-Based Reporting System

By John Patrick Jarvis, Survey Statistician, Criminal Justice Information Services Division,  
Federal Bureau of Investigation

### UCR redesign

The Uniform Crime Reports (UCR) compiled by the FBI reflect the number of Index crimes that are reported to law enforcement. The traditional UCR tabulations include the offenses of murder, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. These data, in conjunction with other criminal justice data, provide a basis for many substantive studies of crime and criminal justice. Beginning in 1982, the FBI participated in an effort to revise and reformulate the UCR System. The blueprint for this redesign was approved by the International Association of Chiefs of Police, the National Sheriffs Association, and the criminal justice community in 1988 and specifications were developed by the FBI.

Since that time, the design, technical specifications, and implementation of a new system for reporting uniform crime data have evolved. This system is known as the "National Incident-Based Reporting System (NIBRS)." This essay will focus on an overview of the efforts of the FBI to collect and disseminate data from NIBRS. In this discussion, particular attention is given to the evolution of the data collection and data management efforts to capture, store, and manipulate information on victims, offenders, offenses, and arrests.

### NIBRS implementation

The primary goal of NIBRS is to provide more information on a wider variety of criminal behaviors. NIBRS, like the traditional UCR summary data, will continue to be a measure of the criminal incident that becomes known to law enforcement. The

focus of this effort, however, will no longer be only on the number of offenses and arrests that become known, as was the case with the UCR summary system. NIBRS includes information about the victims of crime, property loss, and recovery, characteristics of the offender, multiple crimes within incidents, and a fuller description of the criminal offense for expanded categories of crime. A complete enumeration of the information that NIBRS entails can be found in *National Incident Based Reporting System: Volume 1 - Data Collection Guidelines*. Like the former UCR summary system, NIBRS continues to be a voluntary program. The implementation of NIBRS, however, will be at a pace commensurate with the resources, abilities, and limitations of the contributing law enforcement agencies. Guidelines for the implementation of NIBRS are found in subsequently published volumes available from

the FBI (Volumes 2, 3, and 4). These publications describe the technical aspects of the NIBRS Program. In addition, a new NIBRS edition of the UCR Handbook has been produced that provides information relative to the operational definitions, scoring methods, policies, and other procedures of NIBRS. In terms of progress to date, the FBI was able to accept NIBRS data as of January 1989, and six States (Alabama, Idaho, North Dakota, Iowa, Idaho, and South Carolina) are now supplying data in the NIBRS format. An additional 15 State agencies, as well as two local law enforcement agencies in non-program States and one Federal agency (the FBI), have submitted test tapes or disks containing the expanded data. Nineteen other State UCR programs and agencies are in various stages of planning and development, with eight of those expected to submit test tapes in the near future (*Crime in the United States*, 1992; p. 3).

Further progress in implementation of this program depends on an active exchange of communication, support, and understanding between the FBI, the State UCR Programs, and local law enforcement since these entities are responsible for the data collection, quality control, and dissemination of data. Statistical analysis centers across the country seeking data should contact State programs and/or the FBI to acquire NIBRS data. However, before data magically appear, many jurisdictions will need to further develop incident-based reporting systems that reflect the FBI guidelines. These guidelines are outlined in detail in the four volumes (as noted above) and reflect the *uniform* crime data collection system, its data elements, and general instruction on submitting NIBRS data to the FBI.

NIBRS clearly has relevance for researchers who study criminal behavior. When fully implemented, NIBRS is intended to replace most or all of the current UCR system, including the Supplemental Homicide Report. All of the summary data currently available through UCR should be reproducible in the NIBRS data, in addition to a variety of data elements related to crime incidents that are not contained in current UCR data. However, some argue that NIBRS is complicated, time consuming, or that the specificity in reporting is too demanding and therefore burdensome on local law enforcement. These issues, however, can be overcome by creating an effective dialogue between software developers, local law enforcement, State UCR programs, and the FBI. Different points of view regarding implementation hurdles are inevitable when the approaches currently in use for maintaining record systems for law enforcement vary as widely as they do across the country. Automating these record systems and integrating the NIBRS requirements into these automation efforts is a considerable task for even the smallest agencies.

Nonetheless, the redesign of UCR into NIBRS was endorsed back in 1988 as worthy of the investment of resources that would be required to implement NIBRS. Many of the controversies regarding the development of NIBRS capabilities are the result of differing viewpoints by computer specialists, law enforcement, and State program personnel. To resolve these differences and move forward in the implementation of NIBRS requires an open dialogue between these entities. Finally, if NIBRS requirements and data content are considerable hurdles that cannot be overcome (as they have

been in Idaho, Iowa, South Carolina, North Dakota, and numerous other States and localities), then concerned parties must communicate to the International Association of Chiefs of Police, the National Sheriffs Association, and the Association of State Uniform Crime Reporting Programs their difficulties and make recommendations for revising the NIBRS program as administered by the FBI. Through such a process NIBRS will undoubtedly evolve, as was intended, into an effective data collection and statistical analysis program.

#### NIBRS research potential

Despite these controversies, some recent efforts demonstrate the research potential of NIBRS. Among some of the research interests that have been explored are more detailed studies of drug-related criminal behavior, weapons involvement in violent crime, child abuse, 46 different categories of victimization of individuals, and the role of bias motivations in specific criminal incidents. The various applications of criminal incident-based reporting in the apprehension of criminals and prevention of criminal behavior are also continuing to evolve. Some demonstration projects, such as the integration of incident-based data with expert systems technology to develop investigative tools, and a recent Bureau of Justice Statistics (BJS) draft report focusing on robbery and rape statistics (Reaves, 1993) are but two of these efforts. Other efforts include exploratory studies conducted by the Office of National Drug Control Policy, the National Center for Juvenile Justice, the Center for Disease Control, and many other researchers. This relatively new data collection effort involving incident-based reporting,

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combined with information from other justice system components, will likely assist in answering a variety of research and policy questions about criminal justice in the next several years.

### NIBRS challenges

Analysis of NIBRS data, however, poses several unique challenges. Attention must now be paid to the attributes of criminal incidents, rather than simply enumerating offenses and arrests. The hierarchy rule for determining the seriousness of offenses within an incident is no longer applicable under NIBRS. NIBRS requires the enumeration of up to 10 offenses that may be involved in an incident. To this end, the crime rate may be subject to change depending upon the operationalization or the term "crime rate." Complicating these challenges are reliability and validity issues that are just beginning to be measured by the NIBRS program. Given that NIBRS is a new data collection effort, limited external checks are currently available for establishing the validity of the data reported.

Validation is the primary consideration that is currently being undertaken by the FBI. The agency has developed rudimentary conversion algorithms to transform NIBRS data into the usual UCR summary system counts. However, these conversion programs are still under development and refinement. Other validity and reliability issues under investigation include assessments of adherence to FBI reporting standards, error correction resubmittals, appropriate coding of multiple aspects of given incidents (offenses, victims, relationships, and so on), consistent date information relative to property loss and recovery, and a general re-

view of any possible data inconsistencies. When the UCR Program determines that many of these potential threats to the internal and external validity of NIBRS data are sufficiently limited, the public release of NIBRS data will occur.

### Analyzing NIBRS data

In an effort to provide the criminal justice community with an opportunity to begin analyzing some of the unique information that NIBRS can afford, the UCR program has planned to release a demonstration data set containing a sample of incident-based reports that would provide the basis for some exploratory applications. In addition to a sample of incident reports this demonstration data set would contain a set of SPSS cards to facilitate the analysis of the data. UCR staff expected to have this data set available in early 1994.

### Conclusion

Overall, the incident-based approach to the collection of crime data clearly will expand the kinds of information available for studying the causes and correlates of criminal behavior. This additional information provided by national incident-based data will inevitably contribute to new avenues of research in criminal justice. However, the applications, research findings, and policies that may result from the analysis of NIBRS data are still evolving. As NIBRS is more fully implemented, as researchers analyze various aspects of these data, and as the validity, reliability and availability of such data are further established, the distinct advantages and hardships associated with the collection and analysis of incident-based crime data will become better known.

### References

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- FBI, *National Incident-Based Reporting: Volume 1-Data Collection Guidelines*. U.S. Government Printing Office, 1988
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- FBI, *Uniform Crime Reporting Handbook: NIBRS Edition*. U.S. Government Printing Office, 1992
- Reaves, Brian, *Using NIBRS Data to Analyze Violent Crime*, Bureau of Justice Statistics, U.S. Department of Justice, October 1993.

## NIBRS: State issues and concerns

By Therese A. Shady, Deputy Chief, Bureau of Statistical Services  
New York State Division of Criminal Justice Services

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### Statement of problem

Panel discussion of State issues and concerns surrounding the implementation of the National Incident-Based Reporting System (NIBRS).

### Summary of presentation

These remarks refer specifically to the National Incident-Based Reporting System (NIBRS) administered by the FBI. They should not be construed as a critique of the concept of incident-based reporting, which I fully support as a means of providing better and more flexible data for analyzing crime.

Based on my experience in implementing the New York State Incident-Based Reporting (NYSIBR) system, I have several major concerns regarding the NIBRS implementation process. First, the implementation model used by the FBI is based on the experience of South Carolina, where there are standardized reporting forms, centralized data entry done by the State UCR program, and only State NIBRS programs which send data to the FBI. This model does not fit New York and other States where the implementation environment is more complex (slide 1). Although we make standardized State incident and arrest reports, which have complete NIBRS data capture available to law enforcement agencies, they are not mandatory nor are they used by most large agencies. Law enforcement agencies are in various stages of automation and most automated agencies have software that handles their aggregate UCR needs. Existing systems have been developed by many private vendors as well as by in-house agency programmers or as part of countywide networks. Any changes to NIBRS system specifica-

tions or edits must be filtered through all these levels, complicating implementation. Furthermore the NYSIBR system, which was designed with the input of data processing and field personnel from New York State law enforcement agencies, differs from NIBRS. Hence agencies report to the State UCR program in NYSIBR format, and software developed by the State UCR program then translates these data into NIBRS format prior to submission to the FBI.

The quality and timeliness of FBI technical assistance has also been a problem (slide 2). The NIBRS specifications contain areas which need to be clarified for programmers trying to implement the system, yet the FBI has not established any formal mechanism or procedures to share technical information and answers to questions asked by implementing States with other States or vendors programming the system. If the question involves a policy matter, it must be processed through FBI channels, which takes at least six weeks. Programmers simply cannot wait this long for issues to be resolved. The result is that State programmers make their own decisions, which may not be consistent with those made by other States, compromising the reliability and validity of NIBRS data. Finally (slide 3), the standards for State implementation of NIBRS have not been clearly defined by the FBI. Must all data elements with all codes be collected for States to be certified for NIBRS, or can State data collection efforts evolve into total NIBRS compliance at a later date? NIBRS audit standards have yet to be developed.

Another major obstacle is lack of sufficient funding to support State implementation efforts (slide 4).

Software development by local agencies is costly and in times of budgetary constraints, redesigning statistical reporting systems is not a high priority. This, coupled with the fact that NIBRS is structured so it does not easily match most automated reporting systems and does not contain much data which are of operational utility to local agencies, has hindered NIBRS implementation. There is virtually no incentive for large cities to participate in NIBRS. Big cities already have systems that meet their operational and reporting needs so why should they spend the money to revise their systems to participate in NIBRS?

Finally (slide 5), by virtue of the fact that it is a long-term project, NIBRS implementation efforts in the States fall prey to what I call the "great State cop-out." State policy makers can tout their efforts to implement NIBRS as promising to produce better crime data for the future, yet can devote meager resources to implementation at the current time. This gives the illusion of progress and better things to come, but enables scarce State resources to be diverted to more politically salient projects.

### Concluding comments

I conclude my talk with advice to other States considering designing incident-based reporting systems. The main suggestions are as follows (slides 6 & 7): use State law citations, not NIBRS offense codes to collect data on crimes and arrests; collect more than the top arrest charge; make edits on data submission less restrictive than NIBRS and more compatible with actual police reporting practices; customize the IBR system to meet State and local needs, including the capacity to

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interface with other State systems such as CCH/OBTS; and make sure that incident-based data can be converted back into aggregate UCR format. I suggest that States try to learn as much as possible from other States who have implemented NIBRS and not to rely on the FBI for leadership. Make sure there is a clear conception of the analytic and functional uses desired for the system before designing it, and then design the best State system possible given available resources for programming and implementation (slide 8).

### Slide 1 Flawed NIBRS implementation model

- South Carolina is not typical

--Standardized State data collection form designed for NIBRS centralized data entry done by State UCR program  
--Only State program needs to be changed when NIBRS edits changed

- New York Model

--State data collection forms available but not mandatory or universally used  
--State data collection forms are NOT used by most large police departments  
--Data collection forms do not match NIBRS format  
--Automated agencies already have software to do summary UCR  
--Multiple software vendors and in-house software development by local agencies  
--Changes to NIBRS must be filtered through State software and then into local systems  
--State IBR data converted to NIBRS format on State level

### Slide 2 Quality and timeliness of FBI technical assistance

- Critical due to ambiguity in NIBRS specifications
- No formal process to communicate and share technical information
- Programmers can't wait six weeks for answers

### Slide 3 Lack of resources for State implementation

- No funding available for State UCR programs to pass on to local agencies to get them to participate in NIBRS
- What is the standard for State implementation of NIBRS?
  - All or None
  - Compromise — try to accommodate what locals can easily provide
  - How to achieve a standard within constraints of NIBRS edits?

### Slide 4 NIBRS of no benefit to local agencies

- NIBRS designed as a statistical system not an operational one
- No useful modus operandi data collected
- Crime analysis limited as no names or addresses in NIBRS
- Little use as an investigative or intelligence system
- Most local systems are more useful, so why do NIBRS?
- No funding to assist locals with cost of NIBRS implementation
- What incentives are there for big cities to participate?
  - retraining of personnel for little or no return
  - big cities have software that does aggregate UCR
  - big cities have systems that meet their needs

### Slide 5 Symbolic appeal v. reality of implementation

- Symbolic appeal to gain support for NIBRS is evaporating under the weight of NIBRS data capture and submission requirements.
- The Great State Cop-Out
- NIBRS a long-term project
- Benefits will be seen in the future
- Devote minimal resources at current time
- Illusion of progress
- Long gone by the time anyone held accountable

**Slide 6**

**Use State law citations not NIBRS codes**

- More responsive to needs of politicians and legislators concerned about the impact of new laws/sentences/program initiatives, for instance, stalking laws
- Better analytical capabilities — sentencing trends, processing times, and so forth
- Better linkages between NIBRS and OBTS/CCH Systems
- Better data quality as locals not classifying offenses

**Collect more than top arrest charge**

- Set a logical number
- Develop a ranking standard

**Slide 7**

**Make edits on data submission less restrictive than NIBRS**

- NIBRS is riddled with conditional edits
- Take whatever data police are willing to send
- Collect victim/offender relationships regardless of offense
- Let all seizures of weapons and drugs be reported regardless of offense
- Design your State IBR system to match police reporting practices, then filter out what the FBI does not want

**Customize IBR system to meet State and local needs**

- Add new variables as requested by law enforcement
- Think of analytic uses of system then improve codes/variables
- Build in the capability to link with other State systems

**Slide 8**

**C. Y. A.**

- Make sure you can crunch State IBR data into aggregate UCR format
  - ensures you can have a State IBR program even if NIBRS fails
  - backup if you are denied NIBRS certification

**Be prepared to go it alone, but do not reinvent the wheel**

- Try to contact other States and learn from their experience
- Do not expect leadership from the FBI
- No longer any UCR Advisory Policy Board; never was a spokesperson for State UCR programs on that Board anyway
- No real mechanism to voice State concerns about NIBRS
- Design the best State IBR system you can, given resources available

## Incident-based reporting

By Donald A. Manson, Program Manager, Bureau of Justice Statistics,  
U.S. Department of Justice

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I have encouraged the use of incident-based crime reporting systems across the country for many years. With each trip, I am often caught by surprise at the lack of understanding about how incident-based data can be utilized effectively by local jurisdictions, by a State, and at the Federal level. Too often I hear "We're implementing it because:

- it's what the FBI wants, or
- it's what BJS needs, or
- we have a Federal grant."

Very rarely do I hear, "We're implementing it because it will help us to understand and reduce crime."

I concede to you here today that those of us in a leadership role, myself among them, must take some of the blame for the confusion which appears to surround implementation of incident-based systems. We have failed to make clear the benefits to *you*, no matter what level of government you serve, so that you, in turn, can explain the benefits to others.

Ladies and gentlemen, you can't manage what you can't measure. In other words, to borrow freely from George Santayana, "those who fail to learn from the past are doomed to repeat it."

First, as a prologue to my presentation, I want to take a little time to outline my past so that you can understand where we in BJS are coming from, and what we hope to accomplish.

In the early 60's (that's 1960, not 1860), there was no computer technology in jails or prisons, in the judiciary, or in prosecutorial offices. There was almost none in law enforcement. A few of the larger police departments had EAM equipment (in

case you're wondering, that's an Electronic Accounting Machine) to keep track of their budgets. Someone had the idea of altering EAM equipment to keep track of traffic summonses; another had the idea of altering EAM equipment to keep track of activity logs; someone else conceived of a few more adjustments which would enable the department to keep track of crime locations.

This is how computers moved from the business environment into law enforcement. A series of new ideas, from individuals who just thought of a little better way to do something. This process also describes the genesis of the extraction of incident-based data from handwritten crime reports for use in predicting where and when future crime might occur.

In 1963, the St. Louis Police Department decided it was time to use a computer to speed up its operational and investigative functions. As the Chief's Aide, I was assigned liaison duties with the newly created computer center.

The Department purchased two specially-designed computers — one to handle message switching, or telecommunications, and one to handle data files. Together, they took up the entire third floor of the headquarters building. Today, that micro-computer probably sitting on or near your desk is not only capable of performing the functions of those two computers, it is capable of doing them much faster.

There were problems, of course, and a veritable Greek chorus of voices chanting "It will never work." Some said the computers could not handle communications with district offices; others said the network could not be

expanded to reach suburban agencies; others said that one brand of computer could never connect to another brand; still others said that computers would never work reliably in the demanding environment of law enforcement. The chorus was wrong. All these things were done, again because of ordinary individuals just pushing for a little better way to do things. Today local area networks and modems easily transfer large blocks of data; no one gives a thought to the mechanics of how it is done or hidden time constraints.

Later in the 60's, I became a Florida Department of Law Enforcement Bureau Chief, head of its newly established computer center. My job was to build a Statewide law enforcement telecommunications and information system so that any law enforcement agency in Florida could quickly, easily, and privately (yes, even then there was great concern with security and privacy) exchange data, or search data bases related to crime, criminals, and stolen property.

I admit to plagiarism. In concert with the FBI (then developing the National Crime Information Center), I used the FBI experience, the St. Louis experience, and the experiences of other States (California, Michigan, New Jersey, and so forth) to create the Florida Crime Information Center. Today, FCIC serves not only law enforcement, but prosecutors, court clerks, the judiciary, and correctional agencies. It has become a true criminal justice information system.

In the early 1970's I joined the LEAA. For those of you unfamiliar with LEAA, that's the Law Enforcement Assistance Administration. It no longer exists, having been super-



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sed by the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and other specialized offices.

I believe that LEAA was the one agency most responsible for changes in criminal justice in recent times. It was LEAA efforts that focused police, prosecutors, judges, and wardens on the recognition that they were each components of a system called criminal justice, and that each relied in some part on the activities of the others to accomplish their tasks.

It was LEAA, through its criminal justice information system master plans, that got us to understand that our data needed to be shared with others, and that the data could be used for both strategic as well as historical purposes.

It was LEAA that increased the knowledge base and staff expertise of personnel. These are now familiar terms — See if you know what these acronyms stand for:

CAD — Computer-aided Dispatching (police)

LEIS — Law Enforcement Information System (police)

IMS — Investigative Management System (police)

PROMIS — Prosecutors Management Information System (district attorneys)

JIS — Judicial Information System (judges and court clerks)

CIS — Corrections Information System (Corrections)

In short, computers became standard operational tools for those serving in the various components of the criminal justice system. Today even the smallest agency can have a micro-computer which will store and analyze incident-based data within that jurisdiction and which is also capable of forwarding those data electronically to other jurisdictions within its geographical area as well as to a central State repository.

But, why would a local agency want to share its crime data with others? The answer is simple — crime is not only a local problem. This was recognized in the 1920's, when an IACP committee, chaired by Commissioner Rutledge of Detroit, initiated a study to develop a uniform registry for crime statistics. This was also recognized in the 1930's, when the FBI assumed responsibility for operation of the resulting program, called Uniform Crime Reports.

It was reaffirmed in the 1970's when LEAA provided funds for establishing State-level UCR programs, and in the 1980's when BJS committed itself to assisting the FBI and the States to change from a summary UCR system to an incident-based system.

It is still recognized today through the requirement that a minimum of 5% of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant funds administered by BJA be set aside for the improvement of criminal justice records.

Let's return to today, and discuss some of the analytical uses of incident-based data to help manage the problems of crime. I want to focus on the State use of incident-based data, and how it can be utilized to

support local crime fighting efforts. I will not discuss local use in any detail here, as that is done almost monthly in various practitioner magazines such as *The Police Chief*, *Law Enforcement News*, and others, and we all have plotted crime by time, street location, time of day, or other factors. Also, the Police Executive Research Forum has a booklet titled *Beyond Bean Counting* that provides useful suggestions on how to use incident-based data within local jurisdictions. The Justice Research and Statistics Association also has a publication titled *Exploring Applications of Incident-based Crime Data*, and SEARCH Group, Inc. has a publication that demonstrates crime analysis perspectives using automated mapping techniques.

If a State agency is located in, say, Charleston, with today's technology there is nothing that the State can tell Charleston about its crime. Charleston will have counted the different kinds of crime it is experiencing, will have plotted crime locations, and will have identified trends before it forwarded any data to the State. Thus, the State would serve no useful purpose in simply sending back to Charleston this kind of information.

The State can, however, inform Charleston about crime that is moving its way, for example:

- the annual driveway repaving scam artists that start in the northern part of the State and move southward through it; or
- the bad check passers moving from town to town.

The State can also alert Charleston to the possibility of serial crime coming its way when similar incidents occur in Beckley, Huntington, and

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Ripley, thus indicating that a serial criminal may be involved.

The State could inform jurisdictions along interstate highways (which includes Charleston), about crime which may be unique to those highways.

Additionally, the State can undertake special studies to demonstrate the unique characteristics of crime. For example:

One could use existing summary UCR data to plot the growth of population and crime since 1980.

Through calculations, it could be demonstrated that by 1991 (the latest year for which crime data were available when this presentation was prepared) the population grew almost 12% while index (Part I) crime increased at a similar rate, about 11%. At first glance, one might conclude that crime was simply keeping pace with an increasing population.

However, one could again use the summary UCR data, separating index crime into two parts, violent crime and property crime. It could then be shown that violent crime (homicide, rape, robbery, and as-

sault) increased 42%. Within the "violent crime" category, rapes increased 28% and assaults increased 62%. This probably led to the public perception that crime is on the rise instead of shifting.

With summary UCR data, other than further detailing various types of crime in like manner, that is about all that can be done to determine problems and prevalence of crime. But Incident-based reporting can do much more!

**Growth in population and index crime**

Year	U.S. Population		Index (Part I) Crime		Violent Crime	
	Census	%	Reported	%	Reported	%
1980	225,349,264	2.4	13,408,300	9.5	1,344,520	11.3
1981	229,146,000	1.7	13,423,000	.1	1,361,820	1.3
1982	231,534,000	1.0	12,974,400	- 3.3	1,322,390	- 2.9
1983	233,981,000	1.1	12,108,600	- 6.7	1,258,090	- 4.9
1984	236,158,000	1.3	11,881,800	- 1.9	1,273,280	1.2
1985	238,740,000	1.1	12,431,400	4.6	1,328,800	4.4
1986	241,077,000	1.0	13,211,900	6.3	1,489,170	12.1
1987	243,400,000	1.0	13,508,700	2.3	1,484,000	- .4
1988	245,807,000	1.0	13,923,100	3.1	1,566,220	5.5
1989	248,239,000	1.0	14,251,400	2.4	1,646,040	5.1
1990	248,709,873	.2	14,475,600	1.6	1,820,130	10.6
1991	252,177,000	1.4	14,872,900	2.7	1,911,770	5.0
1980-91	+26,827,736	11.9	+1,464,600	10.9	+567,250	42.2

Source: *Crime in the United States*, FBI, August 30, 1992, Table 1 - Index of Crime, page 58.

**Growth in violent crime**

Year	Homicide		Rape		Robbery		Assault	
	Reported	%	Reported	%	Reported	%	Reported	%
1980	23,040	7.4	82,990	8.6	565,840	17.7	672,650	6.9
1981	22,520	-2.3	82,500	- .6	592,910	4.8	663,900	-1.3
1982	21,010	-6.7	78,770	-4.5	553,130	-6.7	669,480	.8
1983	19,310	-8.1	78,920	.2	506,570	-8.4	653,290	-2.4
1984	18,590	-3.2	84,230	6.7	485,010	-4.3	685,010	4.9
1985	18,980	1.6	88,670	5.3	497,870	2.7	723,250	5.6
1986	20,610	8.6	91,460	3.2	542,790	9.0	834,320	15.4
1987	20,100	-2.5	91,110	- .4	517,700	-4.6	855,090	2.5
1988	20,680	2.9	92,490	1.5	542,970	4.9	910,090	6.4
1989	21,500	4.0	94,500	2.2	578,330	6.5	951,710	4.6
1990	23,440	9.0	102,560	8.5	639,270	10.5	1,054,860	10.8
1991	24,700	5.4	106,590	3.9	687,730	7.6	1,092,740	3.6
1980-91	24,700	7.2	106,590	28.4	687,730	21.5	1,092,740	62.5

Source: *Crime in the United States*, FBI, August 30, 1992, Table 1 - Index of Crime, page 58.

**Incident-based detail  
1989 South Carolina IBR data**

- Homicide 81% of offenders were relatives or acquaintances of victim
- 83% occurred in privately owned facilities
- Rape 63% of offenders were relatives or acquaintances of victim
- 79% occurred in privately owned facilities
- Assault 77% of offenders were relatives or acquaintances of victim
- 80% occurred in privately owned facilities
- Robbery 30% of offenders were relatives or acquaintances of victim
- 20% occurred in privately owned facilities

With the inclusion of victim/offender relationship, types of premises involved, time of day, residential status, etc., strategic planning to reduce crime has become possible. For instance, in 1989 one State used incident-based data to produce a report which showed that for almost 75% of its reported murders, rapes, and assaults the offender was known to the victim and the crime occurred in non-public places, including residences, storerooms, pri-

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vate offices within public buildings, and so forth.

What does this tell you about the preventability of these crimes? The prevailing thought is that law enforcement should be able to control (that is prevent) 100% of these types of crime. Yet, it appears that most of these crimes occur in areas not controllable by law enforcement.

The 1989 study gave other interesting insights. For robbery, 70% of the offenders were unknown to the victim, and 80% occurred in facilities accessible to the public. If you were a police chief, and wanted to prevent crime, where would you concentrate your resources so as to have the greatest impact, assaults where 75% are uncontrollable by law enforcement, or robberies where 80% occur on public facilities?

Let us consider crime involving non-residents. Is the bulk of crime against non-residents tourist-related or commuter-related? Does the time of day or day of week have any bearing? Are offenders living in one jurisdiction and committing offenses in another? Strategic planning is limited only by lack of ability to ask questions.

What I think is also important, is that with incident-based data, a State, using victimization studies, IBR, and offender statistics, can now profile the *successful criminals* — the ones who have not been caught, and compare them with the unsuccessful criminals — those who have been caught.

For example, in a New York study involving 1,000 felonies that were found to have been committed, only 540 were reported to the police. Victimization studies will reveal why the other 460 felonies were not reported. Can you imagine the impact on criminal justice resources if all felonies were reported?

### 1970's New York crime study

1,000	felonies committed
540	reported to police
65	arrests
36	convictions

Source: Lawrence M. Friedman, *Crime and Punishment in American History*, 1993, Stanford University

Of the 540 reported felonies, only 65 arrests occurred. With agencies recording a nationwide clearance rate of 21% for crime index offenses in 1991, it is doubtful that those 65 arrests resolved all of the reported felonies. IBR will not only tell you what crimes those 65 arrests were associated with, but, more importantly, will also provide information to help arrest those who continue to repeat their crimes.

Of the 65 arrests, only 36 resulted in convictions. Offender statistics will examine the criminal justice process.

After all, the ideal system should result in a conviction for every arrest.

The bottom line — are there differences in the techniques used by the successful criminal that could be determined and used to effectively change crime prevention strategies? Only incident-based data, whether it be related to victimizations, reported crimes, or offenders, can provide the answers.

To conclude, incident-based data permit those of us at the State and Federal levels to become as effective at strategic planning as those within local jurisdictions.

States can become service bureaus to local communities, advising them of crime moving their way and when their crime may be part of a larger crime problem. States can become innovators by raising issues such as what kinds of crime law enforcement should be responsible for controlling. Also, States could become resource providers, supplementing local resources where necessary, based on patterns and levels of crime. The Federal level provides the same services on an interstate basis.

## Plenary session

Friday, October 15, 1993  
9:00 a.m. - 10:30 a.m.

### Race and the criminal justice system: Implications for research and policy

#### Moderator

*Gary LaFree, Ph.D.*, Director, Statistical Analysis Center,  
Institute for Social Research, University of New Mexico

#### Speakers

*Samuel F. Saxton*, Director, Prince George's County Department of Corrections,  
Upper Marlboro, Maryland

*Theodore G. Chiricos, Ph.D.*, Professor, School of Criminology and Criminal Justice,  
Florida State University

*Carol-Chiago Lujan, Ph.D.*, Professor, School of Justice Studies,  
Arizona State University

#### Discussant

*Stephen E. Rickman*, Director, District of Columbia Office of Emergency Preparedness

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### Race and the criminal justice system: Research and policy

By Gary LaFree, Ph.D., Director, Statistical Analysis Center,  
Institute for Social Research, University of New Mexico

I want to welcome you all to the plenary session on Race and the Criminal Justice System: Implications for Research and Policy.

#### Etiology v. sociology

All roads in American criminology eventually lead to issues of race; the directness of the route varies, however. Edwin Sutherland's well-known description of criminology as "the study of the making of laws, the breaking of laws and reactions to the breaking of laws" (Sutherland and Cressey 1978:3) defines what are probably the two major subareas of criminology: criminal etiology "the breaking of laws" and the sociology of law "the making of laws", and "reactions to the breaking of laws". Criminal etiology leads us to studies of the causes of crime; the sociology

of law emphasizes the operation of the legal system.

Etiology may be divided further into individual and social/cultural perspectives. Individual perspectives assume that crime is caused by characteristics within the individual such as body type, intelligence, or hereditary defects. Social/cultural perspectives assume that crime has social or social psychological causes.

Because racial and ethnic minorities have long been overrepresented in the criminal justice system, concerns about race issues are related closely to these theoretical categories. If the proper focus of criminology is etiology, researchers must explain why minorities commit a disproportionate amount of crime; if the

proper focus of criminology is the sociology of law, researchers must explain why a disproportionate number of minorities are arrested, prosecuted, and convicted.

Moreover, for those who agree that etiology is an appropriate concern of criminology, individual and social explanations have very different implications for race issues. Individual explanations emphasize inherent physical deficiencies that are difficult to change through public policy. Arguing that members of a particular racial or ethnic group are more likely to commit crime and that the reasons for this are biological or psychological can raise serious difficulties for democratic systems. By contrast, social explanations are presumed to imply that persons are amenable to change through public

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policy; thus such explanations may be less controversial.

To put the presentations for this morning into perspective, I would like to take a few minutes to describe the way research on race and crime has been conducted over the past century in the United States. I find it useful to divide the treatment of race in American criminology research into four main periods.

#### The birth of American criminology, 1890-1919

Crime research first appeared in the United States in the late 1800's. Most of these early works were vulgarized versions of Charles Darwin's theory of evolution, which exerted tremendous influence on both scientific and popular thought in Europe and the United States during this period (Parsons 1909; C. Wright 1899). The first complete American criminology textbook, however, was not published until after World War I (Parmelee 1918). During this early stage of American criminology, research focused mainly on etiology; the major etiological explanations assumed that offenders were distinguished by genetic or other physiological deficiencies.

In view of widespread discrimination against African-Americans, it was almost a foregone conclusion that these explanations would be applied to blacks. A review by Brearley (1932), for example, concludes that the disproportionate rate of homicide among blacks is due to "their [blacks'] peculiar genetically-determined temperament" as well as "excessive emotionality" (111-16). Yet, biological theories did not go unchallenged, even in this early period. Thus at the turn of the century, W.E.B. DuBois (1899) confronted

biological theories of crime with an empirical analysis of white and black offenders in Philadelphia:

*[T]he causes for the present condition of the Negro: slavery and emancipation with their attendant phenomena of ignorance, lack of discipline, and moral weakness; immigration with its increased competition and moral influence . . . [and] the environment in which [the] Negro finds himself — the world of custom and thought in which he must live and work, the physical surrounding of house and home and ward, the moral encouragements and discouragements which he encounters (Myers and Simms 1988:24-25).*

#### Mainstream academic criminology, 1920-59

North American criminology took a decidedly different turn in the 1920's. That period produced a wide variety of social and cultural explanations of crime, including such influential classics as Shaw and McKay's (1942) social disorganization theory, Sutherland's (1939) differential association theory, and Merton's (1938) anomie theory. Research during this period relied mostly on crime data collected from police or other official agents.

Because criminology focused on etiology during this second period, researchers naturally considered explanations for the disproportionate number of African-Americans snared by the legal system and reported in official data. This situation caused theoretical difficulties for mainstream criminology. For example, social disorganization theorists of the "Chicago school" (for example, Shaw et al. 1929) argued that immigrant groups moved constantly through the most disorganized, highest-crime areas of cities. As these groups established a solid footing in

the economy, they (or their children) moved to more prosperous, less disorganized areas. It became increasingly clear, however, that blacks' urban experiences were different from those of other ethnic and racial groups with regard to social mobility; thus social disorganization theory lacked an adequate explanation.

This fact led Sellin ([1930]1988) to theorize that although blacks were arrested, convicted, and committed to prison more frequently than whites, "there are specific factors which seriously distort [these rates] for Negroes without affecting these rates for whites in a similar manner" (Myers and Simms 1988:75). According to Sellin, these factors included the discriminatory treatment faced by blacks in the criminal justice system. Sellin's work anticipated the move toward conflict and labeling approaches, which are the hallmark of the next period.

#### Sociology of law perspectives, 1960-1974

Beginning in the 1960's, the traditional emphasis of criminology on etiology was challenged seriously on several theoretical fronts (for instance, Becker 1963; Chambliss and Seidman 1971; Quinney 1973). Although these challenges differ in many ways, they all share the assumption that the most important task of criminology is not to study etiology, but rather to study the creation and application of law. During this period a great many studies of differential legal processing were conducted.

With regard to race, the research completed during this third period of criminological history is a mirror image of the two previous periods. In the first two periods, etiological re-

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search (either individual or social) was conducted almost to the exclusion of work on the sociology of law. Beginning in the 1960's, however, sociology of law perspectives became increasingly dominant. There was a virtual explosion of research on the differential treatment of African-Americans and other racial minorities by the legal system (for example, Bullock 1961; Judson et al. 1969; Partington 1965). At the same time, few criminologists during this third period undertook research on etiological differences by race; those who did so (Moynihan 1965; Rainwater 1966) often were criticized sharply.

#### **Toward a theoretical synthesis, 1975 to the present**

Beginning in the mid-1970's, criminological thinking entered a fourth period. This period is marked by its eclecticism: both individual and social etiology and sociology of law approaches are generating a great deal of research. As evidence of renewed interest in etiological theories, we can point to recent research on deterrence (Sherman and Berk 1984; Title 1980), social control (Hagan, Simpson, and Gillis 1987; Meier 1982), crime victimization (Cohen and Felson 1979; Cohen, Felson, and Land 1980), differential association (Matsueda and Heimer 1987), social disorganization (Bursik 1988; Sampson 1987), economic inequality, poverty, and stress (Blau and Blau 1982; Hawkins 1990; Messner 1989), and a variety of biological and psychological factors (Hirschi and Hindelang 1977; Wilson and Herrnstein 1985). Sociology of law research on sources of race discrimination in legal processing also has continued apace (for example, Georges-Abeyie 1984; LaFree 1989; Mann 1993; Zatz 1984).

Against this backdrop, I want to introduce our first panelist for this morning's presentation. Mr. Samuel Saxton is the Director of the Prince Georges County Department of Corrections....

## Plenary session: Race and the criminal justice system: Implications for research and policy

By Samuel F. Saxton, Director, Prince George's County Department of Corrections,  
Upper Marlboro, Maryland

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Much of what is happening now with respect to race, corrections, and the like is not surprising. Racism has been with us for a very long time. From a historical perspective, racism in the United States is alive and well and more sophisticated than it used to be. Racism manifests itself in rather strange ways. No particular race in this country has a monopoly on racism. It is practiced by every race, creed, and color. Sometimes we like to think it is a domain simply of whites . . . it is not so.

### The criminal justice "system"

Much of what I see happening in the streets is because we have not really sat down and looked at the criminal justice system. We talk about the criminal justice system, but rarely does it perform as a system. Because of this, many things take place. Corrections does not operate in a vacuum, nor does the criminal justice system. It is part of everything else that is going on in this country.

This nation is going through rapid change. We looked at what went on in Russia referred to as *Perestroika*. I would suggest that the United States is going through its version of *Perestroika* — technological advances, the globalization of the economy.

### Power — finite or infinite?

We in this Nation talk about power. There are two versions of power: (1) power is finite and if you take away my power then I do not have any left; and (2) power is infinite and all of us can have power. When we think about this, we are talking about the competition that goes on for funds everywhere. Many times the funding problems that I see in my

facilities are driven by the demand for funds for the school system, social services, and other areas.

Additionally, the desire to obtain power is evidenced by the birth and growth of cults, hate groups, and gangs. Many places deny the existence of gangs. In my county, for example, there is a large group of people who deny the existence of any great number of gangs. There are, however, 50 established gangs in this county. They are small and just beginning to start, but they need to be dealt with. The criminalization of the young black male is often geared toward where they live, how they see things and how we respond to these things, and how fearful we are of this group. It is not unusual to watch a group of people walking down the street and see five or six young blacks coming towards them — and then this group crosses the street to keep from being confronted by what appears to them to be a dangerous body.

### The emerging criminal

The data suggest that the average age of inmates, and there are about one million of them, is 29. The new influx of inmates, however, is young, volatile, and has us frightened to death. Who are these new people coming into our facilities? I will not chronicle all of them; however, they fall into two major groups: (1) the naive kids and the followers — they get into occasional trouble; and (2) the individuals who are caught up in the act of fate — many of them are the throwaway kids, and the new kid on the block. These individuals are watching what is happening on television. The media has made much of this problem more manifest.

Public enemy number one in this country is the young black male. I know many outstanding young black males and they are frightened to death of the label — they expect to be picked up by the police and/or go to jail. One young man I recently spoke with said he was in Chicago and was accosted and asked: "when did you get out of jail, man?" The young man responded, "I've never been." The man then said, "you mean to tell me that you lived in Washington, D.C. and you have never been to jail?" That is the expectation that many young black males have come to have.

Many young black males have a highly developed inferiority complex. Those who study psychology realize that an inferiority complex normally manifests itself as a superiority complex. You may see young black males, chicanos, and others walking around wearing garb that represents one who is unwashed and undressed. They appear hostile, arrogant, and have an "attitude." When they arrive in my facilities, most of them are scared to death. They act "tough" among their peers, but once they are isolated, they become scared to death.

### The F-5 person

I want to talk about a person I call F-5. If you were to take every inmate population in this country, and examine it closely, 5% can walk in and out the door, and that is all that needs to be done for them. Another 10% can be properly handled by a reasonably short "lock up" period. There are two additional groups that comprise approximately 30% each. One has an orientation to the top of the spectrum and another to the bottom. This 60% is where the real fight needs to be waged — in correc-

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tions, the criminal justice system, and all over. At the bottom of this scale is about five percent. Approximately 95% of all trouble in corrections — rapes, cuttings, shootings, and other similar incidents, is normally created by the F-5 and about 10% are his enforcers. It is one of the most unknown factors in our society; here is why: the F-5's are the persons setting the agenda in our community. We are frightened to go to the park; we are frightened to do many things. This negative leadership, manifested in our communities, causes fear, hate, depression, and upheaval. The F-5 recruits with abandonment. If a child moved into a community, the child's skin color would be immaterial. The child would have four options: (1) avoid the game, if possible; (2) pretend to join the game; (3) join the game; or (4) fight the gang and take over.

We are all afraid of the unknown. The F-5 defines the "unknown" for many of our young people. Additionally, the F-5 determines the relationship among the people in that community, particularly between the young people and the authorities. A great many of the confrontations that occur between the police and the community result from misunderstandings as well as the definition put on that relationship by F-5's who often provide protection for the community — the self-appointed vigilante. This man or woman provides the needed recognition for our young people that is often overlooked. So very little time is spent recognizing good people, good kids, that our young people often find love, affection, and recognition somewhere else — the F-5. This person also determines the rites of passage and the criminal activity engaged in by the group. Worst of all, going to jail is expected and has no stigma.

When I ask the young men in confinement, being tried as adults, why they committed a crime, they often state the need to protect their "reputation" on the street.

#### Criminal growth element

Young people often perceive themselves to be part of a protected class; therefore, many kids simply gravitate to criminal activity and get into more serious trouble over and over again. The growth pattern of young criminals begins somewhere around the fourth grade where a rites of passage mentality occurs. Somewhere around ages 11 and 12, minor delinquent acts occur. By age 14, he/she may have obtained a gun from someone in the neighborhood and by age 21 has been "busted" many, many times — records indicate about eight times, convicted twice, and will serve approximately five years before the age of 24.

Can we do something about this? Absolutely. The Nation is undergoing a redefinition of who and what it is — so are the kids. There is a new value system and many people are afraid of our kids. At one time, daughters were told to be home by 11 o'clock, and they came home five minutes past the hour. If nothing was said, the next time it would be ten past the hour. If nothing was ever said, it would eventually be the next morning. Young men are the same way. Many kids are waiting for someone to tell them who is the "boss." Parents and other authority figures in a child's life are in direct competition with the F-5. Until the F-5's are looked at, the problem will continue. The way we are currently responding to this problem is by locking up more and more. I am not suggesting that all the kids incarcerated are "good guys." What I am

saying is that we need to find time to deal with those who need to be incarcerated and to deal in another way with those who can be handled through alternatives.

#### If I were king

If I were king, I would make every inmate that enters the system pay restitution. Citizens will not have faith in the criminal justice system until restitution is a centerpiece of our efforts.

If I were king, I would charge money for alternatives to incarceration and jail, particularly rehabilitative programs, because the programs offered in jail are often not appreciated because they are free.

If I were king, I would spend time looking at and helping to improve the juvenile justice system. One of the reasons we are now in this mess is that we have ignored the juvenile justice system for too long.

The school system also needs careful attention. There are about 20,000 kids in Prince George's County who have been put out of school at one time — this is my farm club. We have not looked at the school system closely enough to determine the real problems. Often, the debate is over school budgets. This is not where the issues are. The focus should lie on getting the discipline back and preparing our youth for a realistic, productive life. Many of the teachers are ill-trained to deal with this "little snout-nosed horrible guy," sitting in front of them. The teachers are not only ill-trained but are nervous.

If I were king, I would remove the statutes of limitations on anyone who ever stole money. For example,



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one of the inequitable things that a lot of young black men observe is that they may have stolen a candy bar and been strictly punished. Another "dude," however, stole a million dollars and was able to keep \$500,000 and received a light sentence.

If I were king, community supervision would be mandatory for all persons released from jail or prison through the use of Day Reporting Centers.

If I were king, I would remove or put a closure on all inmates' records, except violent crime, after five years. This process would minimize the labeling effect and stigma attached to any of these youngsters, thereby allowing them to change.

If I were king, predators would not get "good time." There are too many people that go to jail for horrible things and are released through the use of good time. In my State, an inmate receives a 15-day month for every 15 days actually served, an inmate receives a month of "time served." It is the "good time" concept that is creating the idea that "it ain't no big thing if you catch me."

If I were king, I would find a civil way to allow citizens to sue the drug dealer for selling drugs to children.

If I were king, I would make sure we took a hard look at prisons and jails. People often lament prison crowding and the problems it causes. Although crowding is a tremendous problem, many criminal justice practitioners use crowding to cover up incompetence and negligence. The center of gravity in many towns is the prison system and if the system is not running correctly — if the inmates are running the inside and

others run the outside, there is no difference if a person gets caught. Sending him or her to prison, in effect, is similar to sending Brer Rabbit back to the briar patch.

The missing link, in my judgment, is leadership. We need much more enlightened leadership in the criminal justice system and when we get it, we will begin to use the compass to find our way out of the woods.

## Historical contingency, race and punishment in the 1980's: A pooled-cross section approach

By Theodore G. Chiricos, Ph.D., Professor, School of Criminology and Criminal Justice, Florida State University and Miriam A. DeLone, Ph.D., Assistant Professor, Criminal Justice Department, University of Nebraska at Omaha

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African-American men comprise less than 6% of the U.S. population and almost one half of its criminal prisoners. At the end of the 1980's, black men in this country were incarcerated at a rate that is seven times higher than the rate for the United States as a whole and four times higher than comparable rates in South Africa. This racial disproportion, while increasing in the 1980's, is nothing new. It has traditionally been explained by one of two presumptions: that black men are more likely involved in crimes leading to incarceration or that black defendants are more likely incarcerated upon conviction.

More recently it has been argued that the war on drugs, particularly crack cocaine, has amplified the rate of incarceration for African-American males. Most of the evidence in this regard has been anecdotal or descriptive and suggests that this particular drug war has been fought in predominantly black neighborhoods and communities. One observer has suggested that black males have become a "privileged target group" for incarceration in this country during the 1980's.

The research reported here uses aggregate data from Florida counties to assess the impact of racial composition upon rates of prison admission generally, and upon rates of admission for young black males. Independent variables in the models for prison admissions include: crime rate, drug arrests, unemployment rate, black male unemployment rate, subemployment, welfare recipients, mental hospital admissions, per capita county income, and percent of county that is young, black, and male.

Pooled cross-section data from 67 counties are used in 2SLS structural equations to provide estimates of prison admissions for two distinct periods. The first (1980-82) involved the most severe recession since the 1930's, declining rates of crime, and preceded implementation of Florida's sentencing guidelines. The second (1985-87) followed guideline implementation and involved economic recovery, rising crime rates, and a crack cocaine "epidemic." In short, we have examined whether and how the factors affecting prison admissions, including racial composition, are historically contingent.

For 1980-82, rates of prison admission are significantly greater in counties with a higher percentage of young black males, high unemployment, and lower rates of mental hospital admissions. Prison admissions in this period are *not* related to crime rates or drug arrests. However, the picture changes substantially for 1985-87. In the later period *both* crime rates and drug arrests are significant predictors of prison admissions along with the percent of county that is young, black and male. It is important to note that the only factor significant in *both* periods is the percent of county that is young, black and male.

When prison admissions for young black males are considered, a similar pattern emerges. Again, the only significant predictor in both time periods is the percent of county that is young, black and male. Again, unemployment and mental hospital admissions have significant coefficients in 1980-82, but not in 1985-87. Also again, crime rates and drug arrests are unrelated to rates of admission for young black males in the earlier years but are strong predictors in 1985-87.

The differences over time in patterns of significant predictors for the two measures of prison admission, underscore the salience of historical contingency for explaining punishment. It appears that unemployment has a greater impact when it is high and rising (1980-82) than when it is not (1985-87). The same is true for crime, which was falling during 1980-82 and rising during 1985-87. Drug arrests are inconsequential early in the 1980's, but highly significant later.

What these data also suggest is that even with substantial changes in historical context — rising, then falling unemployment; falling then rising crime rates; stable, then exploding drug arrests — there is one consistent factor in the explanation of Florida prison admissions in the 1980's. It is the population of young black males. In one historical context, the "privileging" of prison admissions appears to link race and economic marginality; in the next, it is race and drugs. In either case, racial composition has a significant impact on rates of incarceration that is independent of the effects of crime, drugs, or unemployment.

# American Indians and criminal justice: Research and policy considerations

By Carol Chiago Lujan, Ph.D., Professor, School of Justice Studies, Arizona State University

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Statistics indicate that American Indians are incarcerated at an alarming rate. According to various sources, States with large American Indian populations and reservations areas such as Alaska, New Mexico, Arizona, and South Dakota have a disproportionate number of American Indians in State prisons. Over 24% of the inmate prison population in many of these States are American Indian, yet they comprise, at the most, 8 to 10% of the States' general population and 1% of the total United States population. These rates are even more alarming considering that many States do not have criminal jurisdiction on reservation lands, where 50% of American Indians reside according to the 1990 census (refer to Feimer, Pommerheim, and Wise, 1990 *Journal of Crime and Justice*, 13:86-102).

The few empirical studies that focus on the processing and sanctioning of Indians by police, prosecutors, judges, and parole boards suggest that American Indians are treated more harshly in some stages of criminal justice decisionmaking compared to non-Indians. The bias against Indians is particularly apparent in arrest decisions, type of sentence, and parole decisions (Zatz, Lujan and Synder-Joy, 1991).

## Explanations for the harsh treatment of Indians

Why is this happening? Research suggests that negative stereotyping, labeling, and paternalism are most likely factors that contribute to the high arrest rates and in determining parole decisions of American Indians. These misperceptions are most likely based on such factors as cultural differences, including language, dress, and demeanor; over-surveillance because of complexities

in jurisdiction; demographic factors; and historical conflict with the United States government.

The majority of Americans are not aware that American Indian governments are self-governing entities similar to that of States. Instead, they view American Indian governments as quaint and/or backward, rural, loosely organized groups completely dependent on the Federal government.

Perhaps the most detrimental of the negative stereotypes is that of the "drunken Indian." Although statistics indicate that the majority of arrests for the general U.S. population are alcohol- or drug-related, studies on American Indian criminality seem to concentrate in this area. It may be that the stereotype of American Indian alcoholism may cause closer scrutiny by law enforcement personnel and consequently result in more severe treatment throughout the criminal justice system.

## Language and cultural factors

Language is another identified problem area. Courts in States with large Indian populations are beginning to use interpreters in court proceedings. The Federal courts have been using interpreters in their court proceedings for years. However, even with interpreters, it is not uncommon for American Indian first-time offenders to plead guilty. A Navajo court translator relates that the majority of her clients feel that if they plead guilty, "they will be treated fairly and will be able to go home." This may be because of the differences between the tribal courts and State and Federal court.

Although tribal courts tend to replicate the Euroamerican court system

they are more humanistic and less formal in structure and content. Tribal members are usually acquainted with members of tribal court and are somewhat familiar with its proceedings. Furthermore, in a number of cases because of language differences, mitigating or extenuating circumstances which could have resulted in less severe treatment, are not presented until after the individual has been convicted and sentenced. By then, it is usually too late to prevent the person from going to prison.

Currently, many State courts are beginning to rely on translators to assist in the court proceedings. However, language interpretation continues to be a problem. In the United States, district courts which have been utilizing translators for a number of years still do not allow enough time for adequate translation. In addition, for a number of American Indian languages, such as Navajo, it is difficult to translate certain words and concepts that are commonly used in judicial proceedings. For example, in the Navajo language there is no concept for the word "hypnotic." Yet this is a word frequently used in the court proceedings.

## Over-surveillance and complexities in jurisdiction

Historical and structural relationships that exist between American Indian Nations and the United States government are also important in explaining the harsh treatment of Indians. American Indians are unique among ethnic groups in America because they are not only cultural entities but, more importantly, political entities. American Indian governments have sovereign Nation status. This is based on such factors as sovereign status prior to the forma-

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tion of the U.S. Government and is upheld by treaty obligations, international law, and other legally binding agreements.

Although the external sovereignty of tribes has been limited by the U.S. government (that is, the right to make treaties with other countries), much of the internal sovereignty of tribes remains. Tribal sovereignty is a fundamental concept in understanding American Indian issues. In regard to criminal justice, tribal sovereignty adds to the various levels of law to which American Indians are subject including tribal law, Federal law, and State law. Jurisdiction is determined by the type of the crime, where the crime occurred, and who was involved.

In 1990, United States census data indicate that half of the population who are identified as American Indian live off the reservation. Despite this, the majority of American Indians who are enrolled members of their respective tribes and reside off reservation usually have close connections to their reservation community and oftentimes live both on and off the reservation. On many reservations the methods of resolving disputes and crimes are based on traditional concepts of justice. Thus, familiarity with the reservation criminal justice system does not translate into familiarity with the local, State, or Federal system.

Demographic factors are also important considerations when interpreting crime rates. The Indian population is one of the youngest and poorest in the U.S., with a high birth rate and living primarily in rural areas. It is likely that a youthful population with lower socioeconomic standing

contributes to discrimination within the criminal justice system.

#### Policy and research implications

Now that I have attempted to provide a broad picture of American Indian criminality, I will turn to some policy and research implications.

There are over 510 federally recognized American Indian governments in the U.S., including the approximately 200 Indian Nations in Alaska. Although there are similarities among the Indian Nations, they also differ in a number of important areas such as language, demographics, economics, and land base. Because of this variation, studies on American Indian criminality in the future should concentrate on the following areas:

- Tribal specific research should be developed in coordination and cooperation with the tribe and should be relevant to the tribe.
- Longitudinal research on American Indian crime is needed.
- A paucity exists in research that follows a particular tribe or region throughout the various levels of courts to which American Indians are subject.
- Studies should be done that focus on American Indian courts and traditional methods of dispute resolution. Insightful research in this area could provide new and innovative ideas that could benefit the non-Indian courts.
- Studies that focus on the relationship between the historical conflict that existed between the U.S. Government and contemporary Indian criminality is also lacking.

It is also important to note that there are problems with existing data such as —

- Official statistics on American Indians do not provide an accurate picture. For example, the difference between the 1970 and 1980 decennial census indicates that some people have changed their racial identification to American Indian. Therefore, self-identified American Indians may not in fact be Indians.
- Another data problem is applying State data to Indian reservations. A recent book that claimed to provide information on crime and homicide on Indian reservations relied heavily on statistics from the State. As said earlier, with the exception of a few tribes, States do not have jurisdiction on Indian reservations. Therefore, the application of State data to Indian reservations more than likely distorts the area of study and may result in misleading conclusions.

In addition, the accuracy of data on American Indians is difficult to determine because different law enforcement agencies are involved. A universal standard data collection system should be set up as a cooperative effort among the tribes, State, and Federal Government.

Other policy implications that are not directly related to research and data but are critical elements in alleviating discrimination within the criminal justice system include —

- Advocating the employment of American Indian judges, attorneys, detectives and police at all levels, tribal, State, and district courts.
- States in areas with large American Indian governments and populations should acknowledge the sovereignty of Indian governments and foster a cooperative working relationship with them.
- Employee orientation for criminal justice officials should include a sec-

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tion on American Indian government and culture.

In conclusion, education is probably the most effective way to prevent negative labeling and stereotyping. Schools and mass media should make a concerted effort to portray Americans Indians as honestly and accurately as possible. Needless to say, the American Indians should play a critical role in each of the areas discussed and should be encouraged to go into the criminal justice field, not as inmates, but as judges, attorneys, professors, researchers, police, and administrators.

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## Race and the criminal justice system

By Stephen E. Rickman, Director, District of Columbia Office of Emergency Preparedness

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Let me begin by noting the significance of this session for the criminal justice community. I thank the Justice Research and Statistics Association and the Bureau of Justice Statistics for sponsoring this session.

This area of study has taken on a greater significance in light of the continuously growing disproportionate representation of minorities in the Nation's criminal justice system. This is especially true for African-American males whose proportion in the nation's arrestee and incarcerated populations is more than six times their proportion in the general population.

### The racial influence

Furthermore, there is a growing body of evidence that race is indeed a significant factor in criminal justice decisionmaking at all levels. The influence of race begins with the police officer on the street in deciding whether to arrest, what charges to present; and continues with the prosecutor in deciding what charges to accept, bail recommendations, and plea bargaining offers. Also, judges and juries are influenced in their determinations of guilt and sentencing.

The fact that race is a factor in criminal justice decisionmaking should not surprise anyone, given that race still remains our most salient characteristic in American culture. It often plays a major role in determining where we live and attend school and church; whom we date and marry; and where we work. Race and crime make headline stories across the Nation, ranging from the more celebrated trials of Rodney King and Reginald Denny to the ever increas-

ing number of hate crimes reported in the media.

Whether a direct result of institutional bias, or social conditions predisposing a given segment of the population to be more likely to engage in criminal acts that lead to arrest and incarceration, or a combination of both, the fact remains that African-American males (and other minority male categories) are over-represented in the Nation's criminal justice system. Extraordinary numbers for this segment of our population have been reported, such as —

- African-American males comprise only 6% of the Nation's population, but 46% of the prison population<sup>1</sup>; and

- Nearly 25% of African-American males between 20 and 29 years of age are currently either incarcerated, on probation, or on parole.<sup>2</sup>

### Studying race-research issues

These compelling facts raise numerous questions for criminal justice researchers and challenge us to devise the appropriate methodologies to answer such questions. In that light, there is a growing recognition that criminal justice researchers must not limit the scope of their work to examining justice system processes, but must spend considerable time exploring the etiology of crime. Related to etiology studies would be a thorough review and analysis of the linkages between crime and social class, unemployment, social isolation and alienation, family dynamics, child abuse, parenting approaches, or other factors.

Also, researchers have stressed the importance of examining race and the criminal justice system within a

historical context. For example, much has been written about the effects of economic cycles of high and low unemployment and crime, as well as the impact of ethnic migration patterns. Most striking has been the recent impact of the Nation's "war on drugs" in the 1980's on African-American incarceration rates. The stepped up arrests of drug users and sellers in urban areas, coupled with the widespread use of mandatory-minimum sentences, has clearly disproportionately affected African-American males in a manner to cause their arrest and incarceration rates to soar over the last several years.

Another important consideration in studying race relative to the criminal justice system is how race and ethnic data are collected. Clearly, without the enumeration of racial or ethnic categories when collecting justice processing and outcome data, we will never be able to validate institutional biases that may adversely affect racial or ethnic categories. However, reporting data in racial or ethnic categories may unwittingly lead to inappropriate labeling and the promotion of negative stereotypes. For instance, most young African-American males, despite their over representation in the Nation's criminal justice population, do not engage in criminal behavior. As a group they are often the subject of harassment and numerous forms of discrimination. These tendencies are so strong in our society that a "self-fulfilling prophecy" may be operating which propels some of our youth into criminal lifestyles.

As criminal justice researchers explore the relationship between race and the criminal justice system, it may be important to examine the broader context of how social poli-

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cies and historical antecedents influence behavior. For example, researchers may wish to examine how housing policies, especially as it pertains to public housing, has affected crime over the last several decades, or the effects of certain welfare practices on the etiology of criminal behavior. Most importantly, researchers must grapple with the question of how a national policy calling for further expansion of our incarcerated population will affect minority populations.

#### Conclusion

Let me close by emphasizing that the topic of race and the criminal justice system will gain greater attention as the racial disproportions in our nation's prisons further expand. Such an outcome will require research-driven explanations so that such an imbalance in our justice system can be remediated. The incapacitation on a long-term basis of a significant portion of an ethnic group population can have devastating social consequences and produce a financial burden for the Nation at-large crippling our ability to financially compete in a world growing in sophistication.

#### References

<sup>1</sup> *Correctional Populations in the United States*, 1991.

<sup>2</sup> Maurer, Marc. 1990: *Young Black Men and the Criminal Justice System: A Growing National Problem*, Washington, D.C.: The Sentencing Project.

## Panel 5

Friday, October 15, 1993  
10:45 a.m. - 12:15 p.m.

### The incarceration debate

#### Moderator

Richard P. Kern, Ph.D., Director, Criminal Justice Research Center  
Virginia Department of Criminal Justice Services

#### Panelists

Barry Krisberg, Ph.D., President, National Council on Crime and Delinquency (NCCD)  
San Francisco, California

Joseph M. Bessette, Ph.D., Professor, Claremont McKenna College  
Claremont, California

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### The incarceration debate: What are the facts?

By Barry Krisberg, Ph.D., President, National Council on Crime and Delinquency (NCCD)  
and Sonya Rudenstine

#### Measuring crime rates

During the past decade, imprisonment in the United States has increased at an alarming rate. Between 1980 and 1990 the prison population more than doubled, from 329,821 to 771,243. The incarceration rate per 100,000 adults increased during the same time period from 138 to 293.

Although many elected officials, judges, and government criminal justice functionaries continue to insist that this expansion in the prison population reduced crime, a more careful examination of the data reveals that crime rates have not declined despite the massive buildup in prison and jail populations. For example, from 1960-1991 the Uniform Crime Report (UCR) crime rate increased by over 200 percent, property crime by nearly 200 percent, and violent crime by over 370 percent; this increase occurred despite a 165% increase in imprisonment rates.

The Bush Administration proclaimed that crime rate *increases* were lowest in the decade of the 1980's compared to the 1960's because of their "get tough" policies. However, a more detailed year-by-year analysis of Federal crime data shows that while there may have been dips in the rate, these were followed by rising crime in the face of significant increases in the use of imprisonment. From 1973 to 1991 — the time period for which imprisonment, UCR, and National Crime Victimization Survey (NCVS) rates have been recorded by the U.S. Department of Justice — imprisonment rates more than tripled from 98 to 310 per 100,000. Despite this trend, both UCR property crime and violent crime rates actually increased by 82% and 38%, respectively. Although there was a decline in UCR rates between 1980 and 1984, it was immediately followed by a steady increase.

A decrease in both UCR and NCVS crime rates has been used by imprisonment advocates to support the premise that imprisonment reduces crime. But beginning in 1985, the UCR crime rate began to increase even as the imprisonment rate climbed higher. Only the NCVS overall rates continued to decline through 1991. Even using the NCVS data, violent crime rates have shown virtually no decrease. In fact, since 1986, the NCVS violent crime rate has increased 11% from 28.1 to 31.3 per 1,000 persons. Only property theft and household burglary as reported by the NCVS have shown declines.

#### Explaining fluctuating crime rates

While one could claim that reductions in NCVS property crimes validate the "prison works" perspective, there are other possible explanations for the decrease in property crime rates. First, shifting demographics almost certainly played a role. Because most property crimes are



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committed by males between the ages of 15 and 24, as the size of that group in the population fluctuates, one would expect similar fluctuations in crime rates. Just as crime rates grew throughout the 1960's and 70's, so too did the 15-24 age group. By the late 1970's, this group as a percentage of the total population began to decline and the crime rate began to ebb by 1980.

In addition, changes in the nature of American households must be accounted for. Since 1973, household size has declined, and population has shifted from urban areas to suburban locations, and from the Northeast and Midwest to the South and the West.

The first two trends would presumably cause a reduction in crime rate estimates since smaller households located in suburban areas are less likely to experience crime. The third trend, the relocation to the West where crime rates are highest, would increase the likelihood of households being victimized. These factors undoubtedly play a role in the level of crime rates. Such influences as improvements in crime reporting, an increase in poverty, shifts in employment, and the urbanization of America also play a role in determining the rate of crime.

Another reason to question the assertion that an increase in incarceration is solely responsible for the drop in property crime rates is the dramatic increase in drug trafficking that began at the same time. It is very possible that the decline in burglary and theft reflected a change in criminal activity from those crimes to the more lucrative drug trade.

Lastly, we must examine trends within the criminal justice system be-

yond those pertaining solely to incarceration: while imprisonment increased, so did other less punitive forms of correctional supervision (probation, parole, and the use of short-term jail sentences). We could plausibly argue that any crime rate reductions were related to a greater use of probation and short jail terms since these penalties are applied to a far larger number of offenders than is prison.

### Effect of increased incarceration

To test the theory put forth by imprisonment advocates — that in order to realize crime reduction a State merely needs to increase its rate of incarceration — NCCD examined changes in crime rates from 1979 to 1989 and imprisonment rates from 1977 to 1987 for all 50 States. We lagged the data in this manner to account for the time it would take for presumed effects of incarceration to occur. Of the 40 States that increased their imprisonment rates, 23 experienced declines in the crime rates, 11 failed to reduce their crime rates, and six States actually reported increases in crime rates. In four States, crime declined even though imprisonment rates remained unchanged. After weighting the States according to their population size in order to correct for any distortion, and taking into account the number of State prisoners held in local jails because of Federal court orders, we showed that less than 3% of the variance in crime rates resulted from a doubling of the imprisonment rate.

To further explore the thesis that an increasing incarceration rate reduces crime, NCCD conducted a case study comparing crime and incarceration rates in Wisconsin and Minnesota. The two States were cho-

sen because of their geographic, historical, and demographic similarities, and very different punishment policies. From 1979 to 1990, Minnesota's incarceration rate increased very slowly from 51 per 100,000 to 72 per 100,000 because of the introduction of sentencing guidelines designed to curb incarceration.

Wisconsin, on the other hand, saw its imprisonment rate more than double from 1979 to 1990. If crime and punishment rates are directly linked, crime rates in the two States should have taken very different courses. However, this is not the case. In 1979, the year before the Minnesota guidelines were initiated, total crime rates in the two States were virtually identical. In the 11 years that followed, Minnesota reported significantly lower rates twice and nearly identical rates three times. In 1990, despite an incarceration rate twice that of Minnesota, Wisconsin's crime rate was only 3% below Minnesota's. Clearly, Wisconsin's extensive increase in imprisonment did not produce the results desired to justify its high investment.

### Conclusion

Manipulation and selective presentation of crime data can result in apparently convincing arguments that "getting tougher" will reduce crime rates. A closer examination of the evidence reveals a very different picture. If we are ever to reduce the tragic toll of crime in society, we must compare the measured benefits of incarceration to less costly and more productive crime prevention strategies — especially those programs aimed at helping high risk families and young people escape the hopelessness that surrounds their lives.

## The case for incarceration

By Joseph M. Bessette, Ph.D., Professor, Claremont McKenna College

### A call for justice

Let me begin by saying I am not here to make someone else's case for incarceration. Although I do agree with some elements of what others have argued, I have a perspective on this issue that, if not unique, is perhaps not so common among academics and criminal justice researchers — but a perspective that is, I believe, broadly consistent with reasonable and responsible citizen opinion in the United States about crime and punishment. To put it most simply, I want to argue that justice demands incarceration, and probably lots more of it than we now have in this country — or, to be more precise, lots more while our crime rate, particularly our violent crime rate, remains so high. The very term, criminal *justice*, calls our attention to the justice issue — unlike, say, policy fields like transportation, agriculture, international trade, or even something like health policy.

My own views on crime and punishment derive from three sources: (1) normal citizen perspective, (2) over three years in the early 1980's in a big city prosecutor's office (Chicago); and, following that, (3) over five years at the Bureau of Justice Statistics viewing the crime and punishment problem through the lens of national statistics on crime, arrests, prosecutions, prison populations, recidivism, and expenditures. I should point out that my academic training in political science preceding my work on the crime issue, did not include training in criminal justice and criminology. So although I didn't know a lot about the literature, the research, and the data about crime and justice when I entered the Cook County State's Attorney's Office in Chicago in 1981, the compensating advantage was that I was not en-

cumbered by a lot of theories and arguments that others had advanced. Consequently, I had a fresh perspective on the issue as I dealt with the great debates about parole, about early release of inmates from the Illinois prison system, and about juvenile justice that were the focus of so much attention in Illinois in the early 1980's.

### The normal citizen perspective

Let me start, then, with what I will call the normal citizen perspective on crime and punishment. Personally, I have never been the victim of a violent crime, but I have suffered the usual assortment of property crimes: a car stolen and never returned; car windows smashed in twice in the past 2 years; a car battery stolen from an unlocked hood. I have never been burglarized, though my next door neighbor was last year. And although I have not been a victim of violent crime myself, three of my brothers were when we grew up together back in a relatively safe suburb of Boston: two were jumped and roughed up by groups of teenage thugs and another was smashed in the face with a two-by-four, causing significant, though not permanent, injuries. In addition, three friends were violent crime victims when we were graduate students together in the 1970's at the University of Chicago. One was robbed at knife point walking back from dinner; one was surprised one evening to find some guy climbing in a window of his first-floor apartment; and one was forced to the ground and robbed while two assailants put a gun to his wife's head. Fortunately, none of these friends was hurt physically, though all were certainly traumatized to varying degrees. Finally, just last year my 13-year old son was thrown from his

bike by two much larger teenage boys who then rode it away. Fortunately, also, my son was not hurt.

I suppose my experience is not so out-of-line from that of many Americans: a victim of various property crimes with friends or relatives who have suffered much more serious violent crimes. And I count myself fortunate: never beaten up, never robbed. Of course, each year millions of Americans suffer more at the hands of criminals than I have in my lifetime to date.

	Number of crimes	
	NCS	UCR
Murder	-	24,700
Rape	173,000	106,590
Robbery	1,145,000	687,730
Aggravated assault	1,609,000	1,092,740
Simple assault	3,497,000	-
Total violent	6,424,000	1,911,760
Burglary	5,138,000	3,157,200
Theft	21,057,000	8,142,200
Auto theft	2,112,000	1,661,700
Total property	28,307,000	12,961,100
Total	34,731,000	14,872,860

Sources: BJS National Crime Survey (NCS) and FBI Uniform Crime Reports (UCR)

Each year in this country more than a million are robbed, five million assaulted, and five million are burglarized.

Of course, these are just *one-year* figures. If we use these to estimate the *lifetime* likelihood of crime victimization in the U.S., we find the following:

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Given the victimization rates that prevailed in the late 1970's and early 1980's, we can expect that over their lifetime:

- 83% of American residents will become violent crime victims — 25% three or more times;
- 30% will be robbed;
- 74% will be assaulted — 39% at least twice;
- 40% will be injured in a robbery or assault;
- nearly all will suffer a personal theft: 87% three or more times.

Now what is the normal reaction of American citizens to crime victimization of this sort? Perhaps something like this: "As citizens of a free country we have a right to be secure in our property, our homes, and our persons. Those who deny us the enjoyment of these rights must be held responsible for their actions. In a word, they must be punished for their crimes, with the punishment in some rough proportion to the nature of the transgression." Such punishment, I would maintain (and I think most Americans would agree), reaffirms the community's commitment to civil order — to the standards of decency upon which our society is based — while it also acknowledges and affirms the moral character of the offender.

There is a body of philosophical reflection extending back at least to Plato and Aristotle about the connection between punishment and justice. Obviously, there isn't time here to review this philosophic argument at any length. Nonetheless, I would like to quote a few passages by C.S. Lewis that captures well the point I am trying to make. This is from an essay titled, "The Humanitarian Theory of Punishment":

*The concept of Desert is the only connecting link between punishment and justice. It is only as deserved or undeserved that a sentence can be just or unjust. I do not here contend that the question "Is it deserved?" is the only one we can reasonably ask about a punishment. We may very properly ask whether it is likely to deter others and to reform the criminal. But neither of these two last questions is a question about justice. There is no sense in talking about a "just deterrent" or a "just cure." We demand of a deterrent not whether it is just but whether it will deter. We demand of a cure not whether it is just but whether it succeeds. Thus when we cease to consider what the criminal deserves and consider only what will cure him or deter others, we have tacitly removed him from the sphere of justice altogether; instead of a person, a subject of rights, we now have a mere object, a patient, a "case."*

This last point is very important: by punishing transgressors we reaffirm their moral autonomy and therefore their human dignity.

How much punishment then? And who should decide? Here, again, C.S. Lewis is helpful:

*On the old view [the traditional understanding of punishment as serving justice], the problem of fixing the right sentence was a moral problem. . . . [S]o long as we are thinking in terms of Desert, the propriety of the penal code, being a moral question, is a question on which every man has the right to an opinion, not because he follows this or that profession, but because he is simply a man, a rational animal enjoying the Natural Light. But all this is changed when we drop the concept of Desert.*

Since to punish involves a moral judgment, there is something in our common humanity — as well as in our common citizenship in a free society — that qualifies all of us to make judgments about punishment. How much punishment an offender

deserves — or, to put it another way, how much punishment justice demands — is not something that a criminologist, or psychiatrist, or economist calculating deterrence effects is better qualified to determine than is the average citizen. And it is through our democratic and representative institutions that the views of average citizens are aggregated and refined into public policies that guide punishment decisions in the millions of specific cases that move through the criminal justice system each year in this country. Or, I should say, this is how it is supposed to work.

Unfortunately, as I will try to demonstrate with some specific examples and data, there is currently in the American criminal justice system an enormous disjunction between reasonable public opinion about appropriate levels of punishment for serious crime and the actual levels of punishment meted out by our criminal justice institutions. And although the average citizen in the United States could not cite in detail the kinds of data I will briefly review here, there is unmistakably in this country a deep sense that something is fundamentally wrong: that the guilty too often escape their just deserts, that the justice system is a revolving door, that our governing institutions have failed to protect the innocent.

Just how deep is the current dissatisfaction of Americans with their criminal justice system? Each year the Gallup Poll asks American residents whether they think the courts in their area "deal too harshly, or not harshly enough, with criminals." The following table illustrates the results for 1989:

**Panel 5. The incarceration debate**

**Attitudes toward the courts' treatment of criminals by demographic characteristics, United States, 1989**

Question: "In general, do you think the courts in your area deal too harshly, or not harshly enough with criminals?"

	<u>Not harshly enough</u>
National	83%
<u>Sex</u>	
Male	81
Female	85
<u>Age</u>	
18 to 29 years	82
30 to 49 years	82
50 years and older	85
<u>Region</u>	
East	86
Midwest	77
South	85
West	83
<u>Race</u>	
White	84
Nonwhite	79
<u>Education</u>	
College graduate	77
College incomplete	83
High school graduate	86
Less than high school	84
<u>Politics</u>	
Republican	84
Democrat	80
Independent	85
<u>Income</u>	
\$50,000 and over	82
\$30,000 to \$49,999	86
\$15,000 to \$29,999	84
Under \$15,000	84
<u>Place of residence</u>	
Large city	83
Suburb	89
Small city/town	80
Rural	83

Source: George Gallup, Jr., *The Gallup Report*, Report No. 285 (Princeton, NJ: The Gallup Poll, June 1989), p. 28.

These numbers reflect both an extraordinarily high level of dissatisfaction — 83% think the courts are not harsh enough — and a remarkable consistency of view across major social groups. There is, for example, no gender gap on this issue and little or no difference by age, race, income, or place of residence. Nonwhites are nearly as dissatisfied with the leniency of criminal courts as whites, the poor as dissatisfied as the wealthy, and the city resident as those who live in small towns and rural areas.

**Punishment and the criminal justice system**

This gives the overall picture, but every now and then some dramatic example comes to the fore where the disjunction between crime and punishment is so great that it becomes a public issue, even a national issue. Consider the following examples, several or all of which will be familiar to you.

**Lawrence Singleton.** In 1978 in California, Singleton abducted, raped, and cut off the forearms of a 15-year old girl, Mary Bell Vincent, and left her to die in a ditch. He was sentenced to 14 years in prison — the maximum then allowed under California law. Singleton actually served only eight years, because of mandatory sentence reductions for good behavior and work credits.

**Charles David Rothenberg.** In March of 1983 in California, Rothenberg, seeking revenge against his ex-wife, tried to burn his 6-year old son, David, to death. Rothenberg had custody of his son for a week's vacation. David survived third degree burns over 90% of his body, but remains badly disfigured. Rothenberg served a total of six years for

his crime and recently completed his parole. According to California parole authorities: "He's free to travel anywhere he wishes to. He has served his sentence in the eyes of the law."

**Ron Ebans and Michael Nitz,** the killers of Vincent Chan. In 1982 at a Detroit area bar, Vincent Chan, a Chinese-American, was celebrating his impending wedding. Ebans and his stepson Nitz, both unemployed autoworkers, got into an argument with Chan, thinking he was Japanese and therefore partially to blame for the problems in the American auto industry. Later, outside the bar, Nitz held Chan while Ebans beat him to death with a baseball bat. Both pled guilty to manslaughter. Both were sentenced to probation and a \$3,700 fine.

**John Mack.** In 1989 it was disclosed that John Mack, then a top aide to Speaker of the House of Representatives Jim Wright, had in 1973 brutally assaulted a 20-year old college student, Pamela Small, while Mack was working at a discount import store in Annandale, Virginia. Small had come into the store just before closing time. Mack lured her into a storeroom; smashed her repeatedly in the head with a hammer, knocking her unconscious; slashed her in the breast, shoulder, and throat with a steak knife; put the bleeding body in Small's car; and then went to the movies. Small survived and Mack pled guilty to malicious wounding. He was sentenced to 15 years in the Virginia State Penitentiary, but ended up serving only 2 years and 3 months in the Fairfax County Jail. After release he went to work for Wright and rose to become his right-hand man.

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Now I suppose we could debate the punishments in each of these cases. Perhaps there are some in this room — or some small percentage of the American people — who believe that these offenders got what they deserved. But insofar as we can infer anything about public opinion from the reaction to these cases, we can, I think, safely conclude that the vast majority of Americans believe that justice demands that criminals who perpetrate the kinds of crimes described here deserve — as a matter of justice — much more punishment than they in fact received.

The point here is that regardless of the prospects for the rehabilitation of the offenders — and John Mack, for example, gave every indication of being a law-abiding and responsible citizen after he got out of Fairfax County Jail — and regardless of how these sentences would serve purposes of deterrence or incapacitation, what mattered most in the public reaction — and, I dare say, in the reaction of the victims and their loved ones — was that *justice was not done*.

You may have noticed that just a day or so ago this same issue arose in the sentencing of the German man who sank a knife into the back of tennis star Monica Seles. The German judge suspended his prison sentence. Seles was stunned: "What kind of message does this send to the world?" she asked.

I have lots more examples I could share with you, especially from Chicago and Illinois from the early 1980's, but in the interest of time I will go directly to national data on American punitiveness.

**Measuring punitiveness**

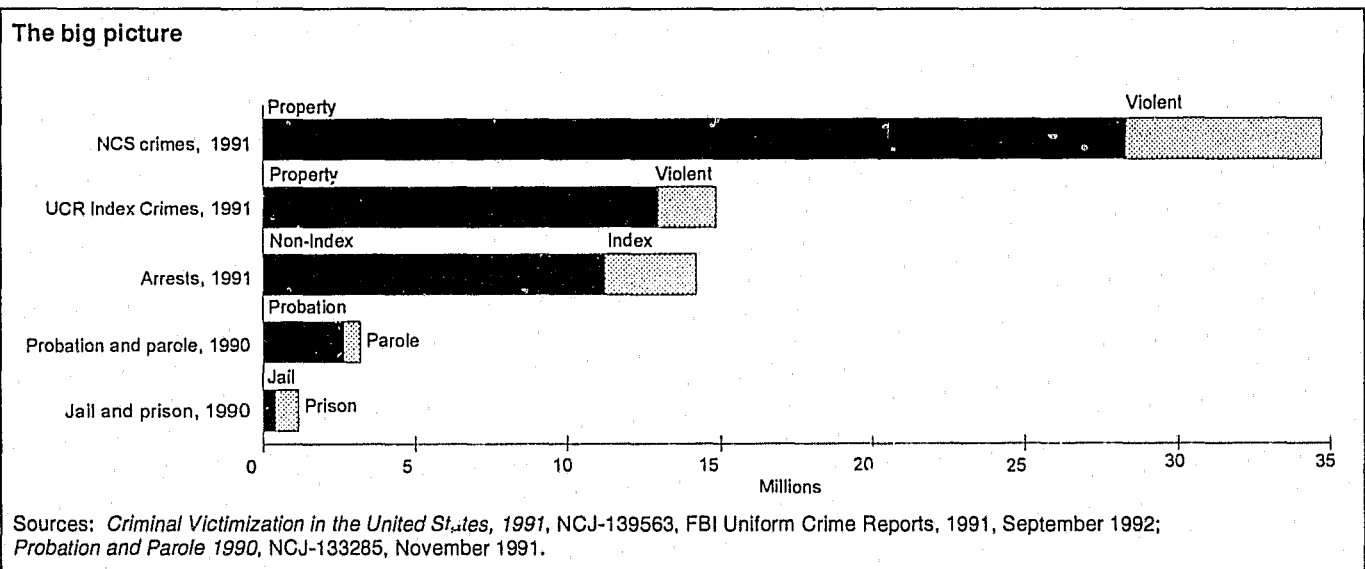
This first graph gives some sense of what I call "the big picture." Let me caution that this is not a flow chart. What you have here is a comparison of crimes, arrests, and populations under correctional supervision for a single year.

With that as background, I would like to briefly present data describing five different measures of punitiveness:

- The likelihood that someone *arrested for a felony* will end up sentenced to State prison.
- The likelihood that someone *convicted of a felony* will be sentenced to State prison.
- The criminal characteristics of State prison inmates.
- The amount of time that State prison inmates actually serve for their crimes.
- The proportion of the correctional population that is actually incarcerated versus the proportion that is serving its sentence in the community.

What are the data, then, on these five measures of punitiveness?

Only 10% of those arrested for felonies end up sentenced to a State prison (usually for a year or more). For violent felonies, the figure is only 12%. Another 40% or so will end up sentenced to a local jail for a few days, weeks, or months. Notice that the lowest figure is for assault. Only 4% — one in 25 — of those arrested for felony assault end up sentenced to a State prison.



**Panel 5. The incarceration debate**

<b>Likelihood that someone arrested for a felony will end up sentenced to a State prison</b>	
<u>Most serious felony arrest offense</u>	<u>Sentenced to State prison</u>
All felonies	10%
Violent felonies	12
Homicide	49
Rape	21
Robbery	21
Assault	4
Property felonies	9
Burglary	15
Motor vehicle theft	7
Arson	14
Drug felonies	12
Public order facilities	5

Note: Data are from OBTS statistics covering 584,450 felony arrestees in eight mostly medium to large States, 1988.

<u>Most serious conviction offense</u>	<u>Felony convictions</u>		<u>Percent of felons sentences to</u>			
	<u>Number</u>	<u>Percent</u>	<u>Probation</u>	<u>Incarceration</u>		<u>Total</u>
				<u>Prison</u>	<u>Jail</u>	
All offenses	829,344	100%	29%	46%	25%	71%
Violent offenses	147,766	17.8	20	59	21	80
Murder	10,895	1.3	5	91	4	95
Rape	18,024	2.2	14	67	19	86
Robbery	47,446	5.7	10	73	17	90
Aggravated assault	53,861	6.5	28	45	27	72
Other violent	17,540	2.1	33	42	25	67
Property offenses	280,748	33.9	34	44	22	66
Burglary	109,750	13.2	25	54	21	75
Larceny	113,094	13.6	35	40	25	65
Fraud	57,509	7.0	47	33	20	53
Drug offenses	274,613	33.1	28	43	29	72
Possession	106,253	12.8	36	35	29	64
Trafficking	168,360	20.3	23	49	28	77
Weapons offenses	20,733	2.5	38	38	24	62
Other offenses	105,484	12.7	34	37	29	66

Source: "Felony Sentences in State Courts, 1990," BJS bulletin, March 1993, NCJ-14086, Tables 1 and 2, page 2.

What about those actually convicted of felonies in State courts?

In 1990, about 830,000 persons were convicted of felonies in State courts in the United States; 29% of these were sentenced to probation without any jail time; 46% received a sentence to State prison (usually for a year or more); and 25% received a sentence to a local jail (nearly always for less than a year). You can see that among those who received no incarceration were 20% of violent offenders, including about one in seven convicted rapists, and 23% of those convicted of felony drug trafficking.

This means that in 1990, 240,000 convicted felons in the United States received no prison or jail time, including 2,500 rapists, 4,700 robbers, 27,000 burglars, 38,000 drug traf-

fickers, and 15,000 persons convicted of aggravated assault.

**Criminal characteristics of prisoners**

What, then, do we know about the criminal characteristics of those who are serving time in State prisons throughout the country?

In 1991 — the most recent year in which State prison inmates were surveyed — about 47% were then serving time for a violent crime. The crimes of murder, rape, and sexual assault alone accounted for one in five inmates. In addition, burglary and drug trafficking accounted for another one in four inmates.

The table also shows the extremely high rate of recidivism of prison inmates. About 80% have been convicted of a crime before and 60% have been incarcerated before. About 45% of prison inmates — nearly half of the total — were on at least their fourth conviction and 25% were on at least their fourth incarceration.

Combining records of violence with prior convictions, we see that 94% of prison inmates in 1991 were either convicted violent offenders or convicted recidivists. Half of the inmates (49%) were *both* convicted violent offenders and convicted recidivists. A third (32%) were in prison in 1991 for a violent crime *and* had a previous conviction for a violent crime.

**Panel 5. The incarceration debate**

State prison inmates, 1991		
Most serious current offense		
Violent offenses		46.6%
Murder	10.6%	
Negligent manslaughter	1.8%	
Rape/sexual assault	9.4%	
Robbery	14.8%	
Assault	8.2%	
Other violent	1.8%	
Property offenses		24.8%
Burglary	12.4%	
Larceny/theft	4.9%	
Motor vehicle theft	2.2%	
Other property	5.3%	
Drug offenses		21.3%
Possession	7.6%	
Trafficking	13.3%	
Other/unspecified	0.5%	
Public order offenses		6.9%
Weapons	1.8%	
Other public order	5.1%	
Other offenses		.4%
Prior convictions**		
Number of prior sentences to incarceration or probation		
None		20%
1		19%
2		16%
3 to 5		26%
6 to 10		13%
11 or more		6%
Records of violence* and recidivism		
Neither violent nor recidivist violent and/or recidivist		
		6%
Violent and recidivist (current and prior violent -- 32%)		
Violent, not recidivist	49%	
Non-violent, recidivist	13%	
Non-violent, recidivist	32%	
Victims of violent inmates*		
Number of violent inmates		328,000
Number of persons victimized in crimes leading to current incarceration		
		610,000
Killed		
	112,000	
Raped/sexually assaulted		
	90,000	
Robbed		
	299,000	
Assaulted		
	94,500	
Other		
	14,500	
Note: Data for violence include current or prior convictions for a violent crime. Data for recidivism include prior sentences to probation or incarceration.		
* Survey of State Prison Inmates, NCJ-136949, p.4.		
** Profile of State Prison Inmates, 1986, BJS Special Report, NCJ-109926, p.4.		

Altogether, 328,000 State prison inmates had a record of violence. These violent criminals had killed 112,000 people, raped or in some other way sexually assaulted 90,000, and robbed nearly 300,000.

**Time served**

This is a picture of the criminal histories of prison inmates. But how long do they actually serve in prison for their crimes?

The median time served for all inmates who left State prisons in 1990 was one year and one month: half served this amount or less and half served this amount or more. For the most serious crime, murder and non-negligent manslaughter, median time served was less than six years. And for rape it was well under four years. Even for drug trafficking, half served a year and one month or less.

**Correctional populations**

Finally, we can compare how many of those under some kind of criminal sanction are serving their sentence behind bars versus in the community.

At the end of 1990 — the most recent year with published data — about 4.4 million persons were serving some kind of criminal sentence. But of all these, only one-fourth (26%) were in prison or jail. The rest — 3.2 million — were living in the community while under probation or parole supervision.

Are these data, then, the mark of an excessively punitive society? Would justice be better served in the United States and would public confidence in our governing institutions be enhanced if we:

**Time served for inmates leaving State prison in 1990**

	Median time served in prison*	
All offenses	1 yr.	1 mo.
Violent offenses		
Murder and non-negligent manslaughter	5 yrs.	10 mos.
Negligent manslaughter	2 yrs.	0 mos.
Rape	3 yrs.	7 mos.
Other sexual assault	2 yrs.	1 mo.
Robbery	2 yrs.	6 mos.
Assault	1 yr.	4 mos.
Property offenses		
Burglary	1 yr.	3 mos.
Larceny/theft		9 mos.
Motor vehicle theft	8 mos.	
Drug offenses		
Possession		8 mos.
Trafficking	1 yr.	1 mo.
Weapons offenses		
	1 yr.	1 mos.

\* Median refers to the middle value for all those leaving prison: half served the median number or less and half served the median number or more.

- reduced the likelihood that someone arrested for a felony would end up in State prison to less than one in ten? Or of those arrested for a violent felony to less than one in eight?

- sentenced *more* than 240,000 convicted felons each year to probation, including more of those convicted of rape, robbery, burglary, drug trafficking, and aggravated assault?

**Correctional populations End of year, 1990**

	Number	% of Total
Not incarcerated	3,201,641	74%
Probation	2,670,234	61%
Parole	531,407	12%
Incarcerated	1,148,176	26%
Jail	403,019	9%
Prison	745,157	17%
Total	4,349,817	100%

## Panel 5. The incarceration debate

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- reduced the median time served for murder and nonnegligent manslaughter to less than 5 years and 10 months, or for rape to less than 3 years and 7 months?

I think not, and I also think that most Americans would agree.

### Conclusion

Within my discipline of political science there has been a longstanding debate — at least since the 1950's — about the rationality of American public opinion. The earlier view was that the American people pay so little attention to public affairs that public opinion cannot really be a useful guide to public officials as to how to steer public policy. But the other side of the argument, which has gained greater currency in recent years, is that on the whole the American people respond quite rationally and reasonably to information about public matters and do a pretty good job in the aggregate of assessing public policies and indicating broad principles and desires for guiding policymakers.

I am not here talking about the passions of the mob, or momentary whims, or fluctuating opinions. I am talking about a reasonable and deeply felt view about our criminal justice system that is based on thousands of little bits of information such as: personal experience as a crime victim, the victimization of loved ones, knowledge of crimes perpetrated by recidivists within the neighborhood or town, media reports about lenient treatment of violent offenders, and even occasionally media coverage of national data on crime and punishment.

Responding to such various sources of information, the American people have come to believe that the criminal justice system (or systems) in the United States is not now doing justice. And this is a belief that — in my view — is amply supported by the kinds of data I have summarized here.

So why should we care?

For a very simple but profound reason: Because in a democracy like ours — which is founded on an implicit social contract whereby each of us gives up our natural right to seek justice individually against those who threaten us, our loved ones, and our community — such a democracy will ultimately collapse if over a long enough period of time good law-abiding people come to believe that their government cannot or will not protect them from those who show no respect for the lives, persons, and property of others.



## Panel 6

Friday, October 15, 1993  
10:45 a.m. - 12:15 p.m.

### Domestic violence and sexual assault: Measurement and reporting issues

#### Moderator

*William M. Holmes, Ph.D.*, Director, Statistical Analysis Center,  
Massachusetts Committee on Criminal Justice

#### Panelists

*Tammy Meredith Poulos, Ph.D.*, Senior Research Analyst,  
Virginia Department of Criminal Justice Services

*Michael R. Rand*, Survey Statistician, Bureau of Justice Statistics,  
U.S. Department of Justice

*Dolly Reed*, SAC Director, Office of Policy and Management, Connecticut

*Karen Rodgers*, Senior Analyst, Canadian Centre for Justice Statistics

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### Evaluation of a mandatory arrest statute

By William M. Holmes, Ph.D., Director, Statistical Analysis Center, Massachusetts Committee on Criminal Justice and Sylvia A. Mignon, Ph.D., Assistant Professor, Criminal Justice Center, University of Massachusetts at Boston

The Statistical Analysis Center of the Massachusetts Committee on Criminal Justice evaluated the implementation and impact of introducing a statute that mandates arrest of those who violate court protection orders in cases of domestic violence. Many questions have been raised regarding the effect of changing State law from one that permits, but does not require, arresting those who violate protection orders. Concerns have been expressed on how and to what extent the new policy would be implemented. Whether a mandatory policy would increase the arrests of victims was also an issue. This project describes the extent of implementation of the statute in police training, departmental policies and procedures, and responses of the officers to calls for service for these cases. It examines the circum-

stances in which offenders are arrested and those in which victims are arrested as well. The study was funded by the U.S. Bureau of Justice Statistics.

A pre post-test design was used to examine changes in departmental procedures and officer responses. A probability sample of departments was selected, stratified by population size of the community. The population groups were under 20,000, 20,000 to 50,000, and over 50,000. Because of their scarcity, no cities over 100,000 population were selected by this procedure. It would be useful for the research to be replicated in a sample of large, urban areas. Data were available on police responses to domestic disturbance calls for a probability sample of seven departments as a result of an

earlier study. Twenty-seven towns were selected to provide post-test data, including all seven of the towns providing pre-test data. Of those selected for post-test data collection, only one refused to cooperate. Those that participated had officers fill out a domestic disturbance incident form each time an officer responded to a domestic disturbance or some other call that was cleared as a domestic disturbance or as domestic violence. Police chiefs or a designated supervisor checked that the forms were filled out by the officers for such calls. The pre-test data were collected in 1987. The post-test data were collected in 1991 and 1992. This procedure produced information on 861 incidents in the post-test period.

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Requirements of the statute have been extensively implemented. Training curricula for officers and departmental policies and procedures have been revised in all departments in the study, as well as in the State Criminal Justice Training Council. Officers are dramatically more likely to arrest violators of court protection orders. Arrest for such violators increased from 25 to 60 percent. The 40 percent of violators who were not arrested were mainly individuals who fled the scene prior to officers' arrival. In some cases it was not clear why an offender was not arrested, but qualitative interviews suggested this may have been the result of uncertainty over the applicability of the terms of the court order to a specific situation or confusion as to who initiated the contact. Dual arrest of the offender and victim did not increase as a result of the legal change. Extensive prior training of officers to avoid arresting the victim is credited as the reason for this. Follow-up analysis will examine the effect of arrest on recidivism.

Several conclusions are apparent. It is possible to achieve a dramatic change in policing behavior in domestic violence cases when there is extensive planning of the implementation and training provided the officers. Further work needs to be done on why officers were unable to arrest some of those for whom the law mandated this action. Subsequent analysis will examine the effect of these arrests on recidivism and retaliation for arrest.

## A study of convicted sex offenders: Issues in measurement

By Tammy Meredith Poulos, Ph.D., Senior Research Analyst, Virginia Department of Criminal Justice Services

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The word rape often evokes a vision of a woman attacked by a stranger lurking in the dark. This first comprehensive examination of convicted felony sex offenders in Virginia dispels many such traditional generalizations. While brutal rapes between strangers occur, the majority of sex crimes are perpetrated against children in their own home by people they know and love. However, this examination reveals only a small snapshot of the true prevalence and dynamics of sexual assault.

National surveys indicate that only 1 in 6 rapes is ever reported to the police. While Virginia collects detailed information on convicted felony sex offenders, we know little about offenders who never reach this late stage of official processing.

The findings are the result of an analysis of 3,689 offenders convicted of felony-level sexual assaults in Virginia between 1986 and 1990. The data is extracted from Virginia's Pre/Post-Sentence Investigation (PSI) Database, which contains extensive automated information from the pre- or post-sentence investigation reports completed by probation officers. An additional data collection was undertaken on a stratified random sample of 1,149 offenders to collect more detailed information from PSI narratives on the sex crime, where and when it occurred, and the relationship between the victim and offender. Data collection involved a collaborative effort between the Virginia Department of Criminal Justice Services, the Department of Corrections, and local probation and parole officers in the field.

The analysis offers policymakers a first look at the type of offenders convicted of felony-level sex crimes, who they victimize, and how victim-

offender relationships influence the sentencing behavior of judges and juries. The results indicate that the dynamics of the victim-offender relationship in sexual crimes shapes the sentencing behavior of both judges and juries. Convicted offenders who victimize a family member, and particularly a child, tend to receive less severe sentences than offenders who assault adult strangers.

However, a number of measurement problems make interpretation of the findings difficult. First, the information is collected only on convicted offenders. There is no comparable information on offenders filtered out of the system prior to conviction. Generalizations to all sex offenders are, therefore, impossible. Second, details of the crime and the victim-offender relationship were drawn from narratives written by probation officers when preparing the pre-sentence report. These narratives differ dramatically in detail according to officer. Finally, there are a number of influences on sentencing behavior that could not be adequately measured in this study, such as the extent of the physical and emotional injury suffered by the victim. These and other unmeasured influences on sentencing behavior may explain the sentencing differences attributed to victim-offender dynamics.

### **For more information on the study, contact:**

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## The Bureau of Justice Statistics NEISS Intentional Injury Study

By Michael Rand, Survey Statistician, Bureau of Justice Statistics,  
U.S. Department of Justice

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The Bureau of Justice Statistics (BJS) has embarked on a new project to produce estimates of domestic and other forms of violence that require treatment in hospital emergency departments. For this project, BJS has obtained funding from the U.S. Department of Health and Human Services' Administration for Children and Families.

Several programs are currently conducted that measure the extent, prevalence, characteristics, and consequences of violent crime. Existing national estimates of some forms of violence, such as domestic violence, vary greatly. To a great degree, estimates of domestic violence vary because of differences in the methodologies used to collect the data and because of a lack of agreement on the specific behaviors defined by the term "domestic violence." In addition, many victims of domestic violence and sexual assault, including victims of serious or long-term abuse, too frequently are unable or unwilling to report such abuse to authorities or to programs that measure these victimizations.

BJS currently has one program, the National Crime Victimization Survey (NCVS), that examines domestic violence. The NCVS estimated that about 419,000 domestic violence victimizations occurred in 1991. This estimate, while an important indicator of domestic violence, has some limitations. It reflects only those victimizations that victims thought of as crimes and were willing and able to report to survey interviewers. Moreover, because the NCVS measures crimes against people age 12 and older, the NCVS is not a useful source of data on child abuse.

In order to improve estimates of some serious forms of violence, including domestic violence and sexual assault, as well as to provide a benchmark for NCVS estimates, BJS has, since the mid 1980's, examined alternative sources of data to measure these difficult to measure crimes.

The idea of conducting a new data collection effort was rejected as too expensive given available resources. After examining different ongoing programs, BJS contracted with the Consumer Product Safety Commission (CPSC) to test the feasibility of using CPSC's National Electronic Injury Surveillance System (NEISS) to obtain information on intentional injuries, especially injuries related to violence or abuse within households, that require emergency department care.

### The NEISS program

CPSC contracts with a national sample of hospitals to collect emergency department injury data for its National Electronic Injury Surveillance System. Currently 91 hospitals participate in the NEISS program. This sample was constructed to be representative of all hospitals in the United States that have emergency departments (ED's). CPSC uses the NEISS program to identify and measure the magnitude of the injury problems associated with consumer products and treated in hospital emergency departments in the U.S. and its territories.

Each hospital in the NEISS program provides information about all injuries related to consumer products and treated in the emergency departments. Information gathered includes the date of treatment; the age and sex of the injured person; the

nature of the injury, the body part affected; the disposition of the case (whether treated and released, hospitalized, and so forth); the accident locale; fire/motor vehicle involvement if stated in ED record; products associated with the injury, if stated in the ED record; and a narrative description of the circumstances of the injury as stated in the emergency department record (chain of events, agent of injury, and so on.)

NEISS data collection is conducted at each hospital in the sample by a coder either employed by the hospital or contracted by the CPSC. The coder examines every emergency department record daily, identifying cases involving consumer product related injuries, and abstracts information on a number of variables for pertinent cases. Because the coder examines every emergency department record, the NEISS has great potential for studies examining various aspects of injury characteristics, causes and consequences. Since 1978, several Federal agencies have found it useful to share the NEISS, either expanding the scope of injuries, or by adding additional variables to be collected. Agencies which have utilized, or are currently utilizing the NEISS program to collect injury related data are the Environmental Protection Agency, the National Highway Traffic Safety Administration, the Food and Drug Administration, the National Institute for Occupational Safety and Health, and the Centers for Disease Control.

### Intentional injury pretests

BJS and CPSC collaborated on two pilot studies to test the collection of intentional injury data through NEISS. In 1986, CPSC expanded the NEISS for a 2-week period to include "incidents of violence, includ-

## Panel 6. Domestic violence and sexual assault: Measurement and reporting issues

ing child abuse, which are identified by the hospital staff in NEISS hospital emergency department treatments" among a convenience sample of eight NEISS hospitals. In 1989, CPSC conducted another pilot study for BJS by expanding the NEISS for a one-month period in 33 NEISS hospitals to collect data on intentional injuries, with a special emphasis on family violence.

The table below displays the number and nature of the injury cases treated by the NEISS hospitals during the 1989 pretest:

Injuries treated	Number	Percent
Total	9,327	100%
Intentional	1,253	13
Possibly intentional	237	3
NA, Type of injury	57	1

The two pretests demonstrated that the NEISS has the potential to provide a measure of intentional injuries requiring emergency department care (that is serious injury) in a timely manner, on an ongoing basis, and in a cost-effective manner.

### The Intentional Injury Study

The current project builds on the experience gained in the two previous pilot studies. Data collection for the Intentional Injury Study began on October 1, 1993 at a one-third subsample (31) of the current NEISS hospital sample. Hospitals were selected with known probability from the stratified NEISS sample of hospitals in order to enable calculation of national estimates.

As in the two pretests for the Intentional Injury Study, CPSC will modify its data collection procedures to collect data for all incidents in which the injury was intentionally inflicted or where it is questionable whether the

injury was intentionally inflicted. Injuries will be classified as follows:

- 1 - intentional injury
- 2 - possible or suggestive of intentional injury
- 3 - non-intentional injury
- 0 - insufficient information to determine whether injury was intentionally inflicted.

Intentional injuries are those in which the patient or some knowledgeable person (for instance, a relative or police officer) reports that the injury was caused deliberately by another person. Examples of intentional injuries are those resulting from assaults, fights, family violence or abuse, or sexual assault or rape.

Possibly intentional or suggestive of intentional injuries are those in which the cause of the injury provided does not account for or is inconsistent with the injury sustained. An example would be a patient being treated for an eye injury who says she sustained the injury in a fall down the stairs. This category includes suspected family violence and sexual assault.

For all cases reported as intentional injury or possible intentional injury, the emergency department (ED) record will be reviewed for the following additional information:

- marital status of victim
- race of victim
- information on the perpetrator (identification of perpetrator: self, spouse, parent, child, friend, stranger; and perpetrator's age and sex.)
- whether a weapon was used to inflict the injury together with a description of the weapon

- alcohol and/or drug involvement by anyone involved in the incident.

BJS expects that the NEISS Intentional Injury Study will provide annual estimates of intentional injuries, including those related to domestic violence, requiring hospital emergency care and provide data to examine the characteristics of the victims and events of the violent episodes measured by the study.

### For information about the NEISS Intentional Injury Study contact:

Michael Rand  
U.S. Department of Justice  
Bureau of Justice Statistics  
633 Indiana Ave. NW  
Washington, D.C. 20531  
(202) 616-3494

## Domestic violence reporting in Connecticut: Policy implications and alternative strategies

By Dolly Reed, SAC Director, Office of Policy and Management, Connecticut

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New legislation enacted in 1986 made arrest mandatory for family violence cases and made substantial changes to the way the criminal justice system handled those cases. It also created a new reporting program handled by the Crimes Analysis section of the Department of Public Safety, the same unit which handles the UCR reporting program. Data is available for the full calendar years 1987 through 1992 and continues to be collected. It is anticipated that the NIBRS reporting program will incorporate most elements and replace this program as a separate reporting program.

A reporting form is filled out by a law enforcement officer when a family violence arrest is made (must meet definition of family member and be an offense which involves violence or the immediate threat of violence). A copy is sent to the State reporting program and a copy to the prosecutor. Besides basic demographic data, the information reported includes victim-offender relationship, presence or involvement of children, date and time of offense, most serious offense committed, injury and weapon information, involvement of liquor or drugs, and whether or not there was a prior protective or restraining order.

Other data which have been collected for the same 6-year period include data collected on services provided through the Family Violence Victim Advocate program. Summary court disposition data are available for a 5-year period ending in 1991.

Since data on the identification and handling of family violence cases prior to the 1986 legislation were practically nonexistent, the data that were created through the Family

Violence Reporting program was a great asset to all three branches of government in assessing and analyzing the problem of family violence in Connecticut.

Since those data were collected and reported by police, they were seen as more objective, particularly by the criminal justice community, than data collected by advocacy and service groups. These data have been used extensively, particularly for such things as:

- law enforcement, prosecutors and judges training, particularly in defining the scope of the problem
- clarification and refinements to the law, particularly a 1991 statute which made the violation of a protective order a new criminal offense and clarified the protective order as a condition of release subject to revocation upon violation
- successful lobbying to increase funding to support expanded services to victims and treatment programs for offenders — for example, funding for the Family Violence Victim Advocate program increased from \$250,000 in FY87 to \$793,000 in FY94
- successfully shifting Federal Health and Human Services funding administered through the Connecticut State Department of Health to address family violence
- creation of new programs designed to meet the needs identified by existing data.

Three new programs currently in development, all offered through the Judicial Branch are:

- the Criminal Sanctions for Family Violence Offenders project, a joint project with the Statistical Analysis Center. This project will focus on three areas:

1. the development of specific family violence screening and assessment tools;
2. the design of education and treatment modules to enhance existing alternative sanctions, and;
3. the design and testing of an evaluation instrument to measure the impact of the program on offenders, on victim involvement with the court, and on court personnel.

- A new 12-week offender education program will be added to complement the present 6-week program. Candidates for this program generally have the presence of an aggravating factor in their use of violence such as a longer history of violence, more serious violence, violence resulting in injury, the use of a weapon, stalking, children present, or have already participated in the 6-week program for first time offenders. A cognitive-developmental framework developed by the University of Connecticut, School of Family Studies, will integrate and standardize the treatment. This program will be evaluated and compared with the 6-week program.

- A new group program designed for children who witnessed family violence is in the developmental stages and will be implemented in three sites in early 1994.

## Panel 6. Domestic violence and sexual assault: Measurement and reporting issues

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### Definitions

**Arrest Incident:** An occurrence of family violence in which at least one arrest has been made. One arrest incident is counted for each Family Violence Offense Report submitted regardless of the number of parties involved.

**Breach of peace and disorderly conduct:** Crimes of threatening harassment and reckless endangerment may be reported under either breach of peace or disorderly conduct.

**Both (all) people arrested:** An individual is assigned the status of "Both" when involved in a family violence incident in which all parties were arrested. Each participant who has been coded as "Both" has committed an offense involving family violence, and therefore cannot be considered a "pure" victim. However, an individual classified as "Both" cannot be classified as a "pure" offender either, since he or she has also been the target of a violent domestic crime. Note that these incidents frequently involve more than two people.

**Family or household members:** Spouses, former spouses, parents and their children, persons 18 years of age or older related by blood or marriage, persons 16 years of age or older who are presently residing together or resided together in the past, and persons who share a child in common regardless of their marital status or living arrangement.

**Family violence:** An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that causes fear of imminent physical harm, bodily injury or assault between or among family or

household members. Verbal abuse or argument alone does not constitute family violence. Nor are acts of parents or guardians in disciplining their minor children classified as family violence unless such acts constitute abuse. In order for an offense to be classified as family violence, there must be present danger, the likelihood that physical violence will occur and the relationship between the parties conforms to the definition of "Family or Household Members."

**Family violence crime:** A crime as defined in section 53a-24 of the Connecticut General Statutes which contains an element or act of violence directed at a family or household member.

**Hierarchy of offense:** Although multiple offenses are frequently reported, particularly for multiple arrest incidents, only one offense code is accepted into the computer system. When there are multiple offenses, the offense code highest in the following list is accepted: homicide; assault; kidnapping; sexual assault; criminal mischief; risk of injury to a minor; breach of peace; disorderly conduct; and other.

**Injury:** A serious injury is a physical injury which creates a substantial risk of death; or which causes serious disfigurement; serious impairment of health or serious loss or impairment of the function of any bodily organ. A minor injury means impairment of physical condition or pain. Non-physical injuries include threats and attempts to cause harm.

**Live-in:** Persons presently residing together or who have resided together in the past; and persons who share a child in common.

**"Other" crime:** Offenses included under the classification of "Other" include all family violence crimes not covered by the offense types listed. "Other" crimes include, but are not limited to: robbery, burglary, arson, and criminal trespass.

## Canada's national survey on violence against women: Approach and methodology

By Karen Rodgers, Senior Analyst, Canadian Centre for Justice Statistics

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Canada has recently completed the first national population survey on violence against women. Funded by Health and Welfare Canada, under the federal government's Family Violence Initiative, this survey was designed to measure the nature and extent of violence experienced by women from the age of 16. Between February 1993 and June 1993, we listened to approximately 12,300 women talk about their fear of victimization, measures they use to increase their personal safety, sexual harassment, and experiences they may have had with sexual assault and physical assault at the hands of strangers, dates and boyfriends, intimate partners, and other men they know.

The survey design has come out of the tradition of victimization surveys. There has long been a recognition that victimization surveys, while proficient at measuring property offenses and people's perceptions of crime, have not been designed to measure the more sensitive kinds of victimizations to which women are particularly vulnerable, such as sexual assault and assault by an intimate partner. In attempting to measure a wide variety of issues, traditional victimization surveys have not included the sensitive lead-in or question wording that is necessary to elicit the trust of the respondent to disclose these very personal experiences.

The survey began as an exploration of wife assault and was soon expanded to include all forms of violence against women, in recognition of the links between women's experiences of violence in the public and private spheres. Wife assault is only one part of a problem that is manifest in the daily lives of women. To address only wife assault is to ignore

the social context in which women routinely feel threatened by male violence. There is a need to make the very real connections between the violence women experience at the hands of their intimate partners; violence by men they know and trust, such as a doctor, a work colleague or a relative; and men they fear as strangers. This survey attempts to examine the continuum of violence.

Accurate measurement of social issues is essential to the development of sound social policy. Measurements of violence for the national survey on violence against women have been carefully designed to be consistent with Criminal Code definitions of physical and sexual assault. However, this survey goes beyond legal definitions to better understand violence against women in the broadest social context of fear; sexual harassment; physical and sexual assault by strangers, dates and boyfriends, marital partners, relatives, or other known men. Measures of power, control, and emotional abuse within marital relationships situate violence by intimate partners within a context of power and control.

Instrumental to the development of the violence against women survey were the extensive consultations with a wide variety of individuals, groups, and organizations, including victims/survivors of violence and their advocates, academics, the police community, and Federal and provincial government representatives. Throughout these consultations, a number of issues were caused which guided the development of the survey. The issues that raised the most concern were those related to the potential of raising trauma by asking respondents to

disclose very personal and difficult experiences, the safety of respondents who may be currently living with a violent partner, the potential for biased results if in fact many women refuse to discuss their experiences, and the need for carefully selected and trained interviewers.

The survey design takes account of these and other concerns. Careful attention was given to the development of concepts and question wording that is sensitive, reflective of women's experiences, and that encourages disclosures of abuse. Question wording was tested in focus groups of women, including those who identified themselves as victims of violence (women in transition houses and survivors of sexual assault).

The approach used for the survey was also guided by front-line service providers and victims/survivors of violence. The key message that guided the approach was to put the safety of respondents first. A toll-free number was provided to respondents in case they were cut off or had to hang up. This allowed women the opportunity to break an interview off and call back at a time and a place convenient to them. This option was exercised by many women during the pre-tests and the survey. A number of women called following the interview, or broke off during the interview, to verify the legitimacy and confidentiality of the survey or to discuss issues that may have been raised for them personally.

The survey used the Random Digit Dialing approach to selecting households; a respondent was randomly selected from among the eligible persons in the household — women 18 years or older. The lower age



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was established at 18 because of a concern about interviewing younger teens about these sensitive issues without parental consent. However, experiences were captured for women age 16 or older because of a young woman's high risk of dating violence.

Currently we are analyzing the data and preparing for a public data release in late November 1993.

### **For more information, contact:**

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## Panel 7

Friday, October 15, 1993  
10:45 a.m. - 12:15 p.m.

### Assessing research capacities and priorities in the States

#### Moderator

*Ernest L. Cowles, Ph.D.*, Assistant Professor, Center for the Study of Crime, Delinquency and Corrections, Southern Illinois University at Carbondale

#### Panelists

*Michael J. Sabath, Ph.D.*, Associate Professor, San Diego State University

*James R. "Chip" Coldren, Jr., Ph.D.*, Deputy Site Director, Program on Human Development and Criminal Behavior, Harvard School of Public Health  
Chicago, Illinois

#### Discussant

*Kim English*, SAC Director, Colorado Division of Criminal Justice,  
Department of Public Safety

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### Characteristics of research capacity in State statistical analysis centers: Implications for building criminal justice research and analytic capabilities in State government

By Michael J. Sabath, Ph.D., Associate Professor, San Diego State University

Despite continued interest in enhancing States' capacities to conduct research and analysis that support criminal justice policymaking, little is known about the characteristics of effective justice research organizations in State government. Such information is needed by Federal and State agencies seeking to establish more productive relationships between the research and criminal justice communities. This research examines organizational and other characteristics of State Statistical Analysis Centers (SAC's) in relation to their capacity to undertake various types of criminal justice research and analytic activities. Among other things, it investigates the relationship between SAC research capacity and (1) financial resources, (2) the availability of other criminal justice research units in States, (3) SAC collaboration with other research units, (4) the use of external consultants

and university faculty, (5) mechanisms for disseminating research results, and (6) the perceived impact of SAC research products on their intended audiences. The research also examines SAC Directors' opinions about what would improve the capacity of their centers to conduct criminal justice policy research and analysis.

The research is based on data gathered from SAC directors through a mail survey conducted by the Justice Research and Statistics Association (JRSA) in the winter of 1992-93. JRSA surveys the SAC's periodically to keep abreast of changes in the organization and operation of SAC's throughout the country. For this particular survey, JRSA expanded the number of questionnaire items it typically includes, giving greater attention to the methodological and research activities of SAC's, as well as

to the ways SAC's disseminate the results of their work. The idea was that the additional information would contribute to a more complete understanding of the research culture in which SAC's operate and also aid in formulating recommendations for increasing State government criminal justice research capacity.

The project was inspired by the third annual Conference on Evaluating Drug Control Initiatives held in Washington, D.C., during the summer of 1992. The sponsors of the conference, the National Institute of Justice (NIJ) and the Bureau of Justice Assistance (BJA), presented several ideas for enhancing State capacities to conduct evaluation research. As the organization of the principal State agencies involved in criminal justice research and information dissemination, JRSA thought

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an examination of SAC research capacities and activities was timely.

### Data and methods

In November 1992, JRSA sent survey questionnaires to all SAC's. Forty-eight SAC directors (91%) responded.

While numerous questionnaire items were included in the survey related to the research capacity and productivity of SAC's, the principal measure of research and analytic capacity consisted of a battery of seven items that focused on SAC experience with a range of policy research methods, techniques, and activities. SAC directors were asked to think back over the past two years and indicate whether each of the seven sets of methods and activities represented major or minor activities in their center, or whether their center had no experience with the area at all. The seven areas included: (1) developing or maintaining justice information systems, (2) collecting, compiling, and disseminating criminal justice data, (3) monitoring output and activity levels of programs, (4) simulating or modeling justice problems and issues, (5) projecting criminal justice trends, (6) analyzing criminal justice policy options and making recommendations, and (7) conducting formal evaluations of justice programs. An additive index (POLRES) was calculated from these seven items to measure the breadth of research and analytic activity in which SAC's were involved over the past 2 years. Together, the seven items and index were used to measure the research capacity of SAC's.

Analysis of the survey data centered on the relationship between SAC research capacity and a host of vari-

ables related to the organizational environment of SAC's, their financial and personnel resources, and mechanisms for improving their research and analytic capabilities. So far, data analysis has been limited to crosstabulations and correctional analysis. Preliminary results of these analyses are summarized below.

### Preliminary findings from the study indicate:

1. Major research activities for many SAC's include collecting, compiling and disseminating data (85%), developing or maintaining justice information systems (61%), or monitoring policy outputs and activities (49%).
2. Relatively few SAC's use more complex policy analytic methods and techniques in their research, such as simulating or modeling criminal justice problems and issues (35%), forecasting criminal justice trends (32%), conducting formal evaluations to assess policy performance (28%), or analyzing competing policy options for addressing justice system problems and then making recommendations (17%).
3. Forty percent of the SAC's have been involved in four or more of the seven policy research areas over the past two years; one reported involvement in all seven areas. Half the SAC's, however, engaged in no more than three; these areas were principally those identified in finding 1 above.
4. SAC funding levels are associated with policy research activity. As one might expect, SAC's with larger budgets are involved in more diverse policy research activities. In addition, SAC's receiving funding to support their research through State appropriations and through BJA are more likely to engage in a wider range of policy research activity. SAC's with higher percentages of their total budget accounted for by BJS funds are more limited in their range of policy research activity.
5. Older, established SAC's tend to engage in a wider range of policy research, as do those that have more personnel and set an annual agenda for research.
6. There is little or no relationship between policy research activity and SAC location or operating authority.
7. SAC's in States where there is a State planning agency engaged in research are more likely to be involved in a wider range of research activity than are SAC's in States where this is not the case. SAC's in such States are somewhat more likely to be involved in developing and maintaining information systems, monitoring policies and programs, and analyzing policy alternatives and making recommendations. In general though, the existence of other criminal justice research units in States is not related to SAC research activity.
9. Most SAC's do not make use of outside consultants (83%), university faculty (65%), or university students and interns (57%). Those that do make use of them, do so rarely. In contrast, most SAC directors (56%) say they do make use of researchers and analysts in other State and local agencies. Nonetheless, the survey data show those SAC's involved in a wider array of policy research activity do tend to make greater use of outside personnel, particularly university students and interns.

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10. SAC's use different mechanisms for disseminating the results of their research activities, including distributing written final reports (96%) or executive summaries (71%), presenting results at regional conferences (67%), publishing newsletters (60%), presenting results at national conferences (59%), using news releases/newspaper articles (56%), holding workshops (55%), mailing bulletins (53%), and publishing in journals (29%). SAC's with greater research capacity, as measured by their range of policy research activity, use more dissemination mechanisms. These SAC's are more likely than others to disseminate research results through executive summaries and bulletins, and through regional and national conferences.

11. There is little association between the number of dissemination mechanisms employed and SAC director perceptions of impact of research products. However, SAC directors who hold workshops and mail bulletins are more likely to think their products have greater impact on their intended audiences.

12. SAC directors think there are a number of ways SAC capacity to conduct research and analysis could be significantly improved, including receiving more State appropriated funds (63%), receiving more BJS SAC-1 funds (51%) and SAC-2 funds (42%), receiving more funding directly from Federal agencies like NIJ (51%), and changing federal formula grant program guidelines to set aside funds specifically for research in the States (36%). About a third think upgrading the research knowledge and skills of SAC personnel would also significantly improve capacity. Few think receiving "how to conduct research manuals," using

university faculty and interns, changing the SAC's location, or other measures would significantly improve their capacities to conduct research and analysis. Directors in SAC's with greater research capacity are more likely to give higher ratings to funding measures. Though not seen as resulting in significant improvements in general, measures like receiving "how to conduct research" manuals and using university faculty and interns are given higher marks by SAC's with less research capacity.

### **For more information, contact:**

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# The JRSA survey on State criminal justice research priorities

By James R. "Chip" Coldren, Jr., Ph.D., Deputy Site Director, Program on Human Development and Criminal Behavior, Harvard School of Public Health, Chicago, Illinois and Ernest L. Cowles, Ph.D., Asst. Professor, Center for the Study of Crime, Delinquency, and Corrections, Southern Illinois University at Carbondale

## Introduction

The Research Committee of the Justice Research and Statistics Association (JRSA) was established in 1988 with the aim of promoting research projects in the State Statistical Analysis Centers (SAC's), encouraging multi-state research, sharing knowledge and information about new research methods, and focusing the Association's research efforts on practitioner/policymaker oriented research projects. In 1992 the JRSA Research Committee was established as a Standing Committee.

During the summer of 1992, the JRSA Research Committee implemented an exploratory survey of State criminal justice practitioners throughout the country to identify their priorities for criminal justice research. This survey project represents a major step in the Association's long-term goal of developing a "States' Criminal Justice Research Agenda." The survey project was driven by two related objectives:

1. To develop a method by which the SAC's could document their research agenda-setting methods and ultimately identify common issues throughout the States.
2. To provide the SAC's and the Association a better understanding of the research priorities and needs in the States.

The survey was mailed to all SAC's for distribution in their States and territories in the spring of 1993. This presentation covers the survey method, response, analysis findings, and the prospects for reaching the Committee's goal of developing a States' criminal justice research agenda.

## Survey method

The survey on State criminal justice research priorities was developed by the JRSA Research Committee during the 1992 calendar year. The Committee presented the survey instrument and a proposed dissemination methodology at the JRSA Business Meeting in September 1992. The Committee received input from SAC directors and Executive Committee members, pretested the instrument in four States (and made minor revisions), and mailed the survey to the SAC's in March 1993.<sup>1</sup>

Each SAC director was asked to identify key top-level officials in his or her respective State representing law enforcement, courts, corrections, probation, public defenders, legislators and key committee staff, the executive branch, and other researchers and practitioners. A copy of the survey instrument with recommended dissemination and follow-up procedures was provided to each SAC director and each was asked to forward a copy to the individuals described above with a stamped self-addressed return envelope. Approximately 3 months were provided for survey administration and follow-up to permit maximum participation by the SAC's. Completed surveys were either returned directly to JRSA by respondents, or were returned to JRSA by the SAC directors.

## Survey response

Seventeen States and territories participated in the research priorities survey and 310 completed surveys were received. The 17 States and territories account for about 33% of all possible State or territory SAC participants. A response rate for individual responses cannot be cal-

culated since a target number of responses was not set. The number of surveys per State ranged from one to 40, with a mean of 18 responses per State.

## Findings

The survey asked respondents to rank each of 18 different criminal justice research topics on a priority scale of 0 (Not a Priority) to 6 (High Priority). Following each research topic to be ranked, the survey asked respondents (if they indicated research was needed in the particular area) to indicate the type of research needed (needs assessment, descriptive study, program/policy evaluation, or policy impact assessment). Respondents were allowed to identify two additional research topics not listed in the survey, and to make comments about the survey.

Comments received about the survey suggested that our ranking and research needs scales were too detailed (too many categories) or vague (definitions for "needs assessment," "policy impact assessment," and so on were not provided). Responses to both sets of questions were collapsed to improve clarity and to address these problems. The 6-point priority scale was collapsed to a 3-point scale (see Table 1): "Not/Low Priority," "Moderate Priority," and "High Priority." The four research needs types were collapsed to two. "Needs Assessments" and "Descriptive Studies" were combined into a "Descriptive Study" category, and "Program/Policy Evaluation" and "Policy Impact Assessment" were combined into an "Evaluation/Impact" category.

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**Table 1: Percent of total responses giving high priority rank to research topics (Overall rank in parentheses)**

Research topic	Data set		
	Raw data n = 310	Recoded data n = 310	Recoded data; States with 10 or more responses n = 275
Corrections crowding	45% (1)	66% (2)	66% (2)
Juvenile justice	40% (2)	77% (1)	76% (1)
Substance abuse	30% (4)	65% (3)	65% (3)
Violent crime	30% (4)	61% (4)	62% (4)
Drug enforcement	26% (5)	58% (5)	59% (5)
Intermediate sanctions	22% (7)	46% (8)	46% (7)
Offender treatment	22% (7)	49% (6)	49% (6)
Sentencing guidelines	20% (8)	43% (10)	43% (10)
Victims' issues	19% (9)	46% (8)	45% (9)
Gang activity	17% (10)	38% (13)	39% (13)
Probation	15% (12)	45% (9)	45% (9)
Community policing/law enforcement	15% (12)	41% (12)	41% (12)
Minority populations in the justice system	14% (14)	34% (14)	33% (15)
Parole	14% (14)	41% (12)	41% (12)
Crime pattern mapping	13% (16)	23% (18)	22% (17)
Population projections	13% (16)	30% (16)	28% (16)
Criminal justice employment and expenditures	11% (17)	33% (15)	34% (14)
Minority representation in justice professions	6% (18)	24% (17)	21% (18)

Note: Missing data ranges from 1% to 4% of sample for most research topics, though one topic (Minority Representation in Justice Professions had 16% missing, perhaps indicating low priority.

**Table 2b: Type of research need ranked highest for 18 research topics (Collapsed response categories)**

Research topic	Percent indicating type of research needed	
	Descriptive studies	Evaluation/Impact studies
Corrections crowding	36%	64%
Substance abuse	33	67
Sentencing guidelines	37	63
Intermediate sanctions	48	52
Crime pattern mapping	78	22
Gang activity	69	31
Victims' issues	44	56
Population projections	67	33
Criminal justice employment and expenditures	58	42
Juvenile justice	37	63
Parole	27	73
Offender treatment	43	57
Probation	30	70
Drug enforcement	30	70
Violent crime	55	45
Minority populations in the justice system	70	30
Community policing/law enforcement	53	47
Minority representation in justice professions	69	31
Number with highest percentage in category	8	10

Using the recoded values across the 17 participating States and territories, the five research topics more than 50% of respondents ranked as high priority were, (in rank order):

1. Juvenile Justice
2. Corrections Crowding
3. Substance Abuse
4. Violent Crime
5. Drug Enforcement.

Table 1 presents three rankings of the 18 research topics. Column two presents the rankings for all cases before collapsing the ranking scale; the percentages indicate the percentage of respondents giving a "6" (high priority) ranking and the numbers in parentheses show the

rank from 1 to 18. Column three shows the percentages of respondents giving a "5" or "6" ranking (the collapsed ranking), and column four shows the same collapsed rankings excluding data from five States that provided fewer than 10 responses. Since excluding the five States (35 cases, 10%) did not affect the rankings, the recoded data for all 310 cases are presented in the remaining tables.

Respondents were almost evenly split between their felt need for descriptive versus evaluation/impact research. Tables 2a and 2b show that the highest percentage of respondents indicated a need for descriptive studies for eight of the

research topics and a need for evaluation/impact studies for 10 of the research topics. The strongest felt need for descriptive studies was in Crime Pattern Mapping (78%), Gang Activity (69%), Population Projections (67%), Minority Populations in the Justice System (70%), and Minority Representation in the Justice Professions (69%). None of these were ranked as one of the top five research priorities.

The strongest felt need for evaluation/impact studies is in Corrections crowding (64%), Substance abuse (67%), Sentencing guidelines (63%), Juvenile justice (63%), Parole (73%), Probation (70%), and Drug enforcement (70%). Three of

**Panel 7. Assessing research capacities and priorities in the States**

**Table 2a: Percent of responses indicating type of research needed (All response categories)**

Research topic	Needs assessment	Descriptive study	Program or policy evaluation	Policy impact assessment
Corrections crowding	30%	6%	39%	25%
Substance abuse	20	13	49	18
Sentencing guidelines	22	16	25	38
Intermediate sanctions	26	22	35	17
Crime pattern mapping	29	48	13	9
Gang activity 34	35	23	8	
Victims' issues	29	15	39	17
Population projections	34	33	12	20
Criminal justice employment and expenditures	32	25	26	16
Juvenile justice	26	10	45	18
Parole	14	12	47	26
Offender treatment	27	16	41	16
Probation	20	11	47	23
Drug enforcement	19	10	44	27
Violent crime	24	31	27	18
Minority populations in the justice system	31	38	19	12
Community policing/law enforcement	26	27	35	12
Minority representation in justice professions	40	29	19	12
Number with highest percentage in category	3	4	10	1

these rank in the top five research priorities (See Table 3). This may suggest that overall the respondents see policy/program evaluation and policy impact assessment as more needed than descriptive studies. The call for descriptive studies in areas not given high priority rankings may indicate a need for training and information sharing.

**Prospects for developing the "States' criminal justice research agenda"**

Developing a States' criminal justice research agenda presents some strong challenges to the SAC's and the Association. The low response (by SAC's) to the survey and the comments received by the Research Committee regarding difficulties with measurement and implementation in a number of States indicate that these and other important issues

must be addressed before such an agenda can be developed. Issues that should be discussed further in both committee and business meeting settings include —

- selection of research topics to be included in the survey
- refinement of the priority scale
- refinement of the research needs categories
- improving participation in the survey.

Additional analyses that should be conducted include —

- analyzing responses across individual States and respondent types,
- collapsing research topics into general categories (e.g., courts, corrections) and exploring differences in priority rankings across topic areas,
- exploring the reasons for non-response by the SAC's,

**Table 3: Research needs for the top five priority research topics**

Research topic	Research need
Corrections crowding	Program and Policy Evaluation/Impact Assessment
Juvenile justice	Program and Policy Evaluation/Impact Assessment
Substance abuse	Program and Policy Evaluation/Impact Assessment
Violent crime	Descriptive Studies/Needs Assessment

- exploring other means of agenda and priority setting currently being used in the States
- comparing SAC-developed research priorities in the States to those developed and published by other organizations such as the National Conference of State Legislators and the National Governor's Association.

**Reference**

<sup>1</sup> The survey instrument and recommended dissemination protocol are available from the Justice Research and Statistics Association office.

**Kim English, Discussant, Statistical Analysis Center Director, Colorado Division of Criminal Justice, Department of Public Safety**

Ms. English discussed trends in funding for research projects and policy analysis by Department of Justice agencies, along with possible roles for the JRSA Research Committee. The challenges of (1) identifying individual state research priorities, and (2) synthesizing these priorities into a meaningful picture of "national trends" were also discussed.

## Multi-State research: Survey of police behavior as a case study

### Moderator

*John R. Firman*, Associate Director, Illinois Criminal Justice Information Authority

### Panelists

*Christine Martin*, Research Analyst, Illinois Criminal Justice Information Authority

*Mark S. Davis, Ph.D.*, Researcher, Ohio Office of Criminal Justice Services

*Phillip Renninger*, Director, Bureau of Statistics and Policy Research,  
Pennsylvania Commission on Crime and Delinquency

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## Collaborative approach to understanding police behavior and ethics: The Illinois experience

By Christine Martin, Research Analyst, Illinois Criminal Justice Information Authority

The Illinois Criminal Justice Information Authority is taking part in a multi-State study that empirically addresses the issue of police misconduct from the police point of view. Opinions are being gathered from officers employed in departments of different sizes, with different ages, ranks, and years in service. The study is designed to allow comparisons between the opinions of Illinois officers and their Ohio counterparts.

As part of a multi-State research effort initiated by the Ohio SAC, the Authority was awarded a grant from the Bureau of Justice Statistics in September 1992 to conduct the Illinois Police Behavior Study. The purpose of the Illinois Police Behavior Study is to obtain and present reliable information on police officer perceptions of, and attitudes about, police ethics and misbehavior. The recent incidents of possible police brutality raised by the media and the changing demands being placed on the police force with the advent of

community policing confirm the necessity and timeliness of this empirical analysis.

To oversee and advise on the project, a diverse advisory committee was formed with representatives from the criminal justice and psychology departments at Loyola University, Chicago; Fraternal Order of Police; Illinois Local Governmental Law Enforcement Officers Training Board (Police Training Board); and policy groups such as the Illinois Association of Chiefs of Police and the Police Executive Research Forum. In addition, hands-on assistance during survey distribution was provided by the Police Training Board and the Illinois State Police.

To insure Statewide collaboration, the population, sample selection, and survey instrument had to be comparable across States. The study population for each State targets full-time municipal police officers. Each State divided its population into the same sub-population

groupings which were based on the size of the police department. The survey instrument for each State is identical except for four questions added to the Illinois instrument. These additional questions were designed to understand Illinois officers' opinions about the criminal justice system's efficiency in prosecuting offenders after arrest.

With the survey methodology carefully designed to allow reasonable comparability across States, each State had the freedom to custom design the distribution of their surveys. The surveys for Illinois officers were distributed in three phases: central site locations and two follow-up mailings. With the help of the Police Training Board's mobile training unit (MTU) staff and the Illinois State Police (ISP), centrally located police departments, ISP district headquarters, and MTU offices were secured, for a specific period of time, as host sites for survey implementation. Letters were mailed to chiefs of departments requesting them to send their



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selected officers to these designated locations. Departments that failed to respond to the initial request were subsequently called and the chiefs were asked to accept the surveys through the mail. Departments with selected officers who agreed but were unable to make it to the sites were also called for permission to send the surveys through the mail.

Throughout the project there were strong but subtle episodes of resistance. For example, the Chicago Police Department, which represents nearly 50% of all full-time municipal officers in Illinois, declined participation in the study because the Chicago Fraternal Order of Police did not endorse it. In addition, there was one isolated case where a chief refused to allow his selected officers to participate because each one was under investigation for unethical behavior. In addition to resistance, this study has been complicated by the mistrust of the sample group. For example, two participating officers that received a survey through the mail have called and asked how to keep their responses anonymous from the chief or contact person responsible for mailing them back.

Regardless of the resistance and mistrust encountered during the study, enough reliable data have been collected (over 800 completed surveys by September 1, 1993) to provide valuable information to the law enforcement community, criminal justice system, and private citizens concerning the issue of police misconduct. These officers' opinions can be used as an information and research source as well as a training tool. Not only can their opinions target needed training areas, but they can bring about substantive changes in current training curriculum. In addition, the survey instrument can be

used as an innovative tool not only in the classroom, but as part of the recruitment process.

The project was funded in September 1992. The final report is scheduled for release in January 1994. For more information concerning the study contact Christine Martin or John Firman at (312) 793-8550.

## Collaborative SAC ventures: Ohio's experience

By Mark S. Davis, Ph.D., Researcher, Ohio Office of Criminal Justice Services

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Violent crime, the differential processing of minorities, prison crowding, identification of confinement alternatives, the evaluation of drug control strategies, and police misconduct — all are issues that have recently faced a number of States. Given this myriad of common issues, it is somewhat surprising that Statistical Analysis Centers have not engaged in more collaborative projects. In an era of limited human and financial resources, such collaborations may make good sense. The multi-state Police Behavior Study (PBS) offers evidence of how SAC capacities can be enhanced, and it also serves as an example of one of many controversies SAC's will be forced to confront.

The Rodney King incident in 1991 only punctuated a growing concern that police officers around the U.S. were engaging in various forms of misconduct. No major city in the U.S. was without a publicized case of police misconduct. Cases cropped up in Boston, Detroit, Miami, New York, Washington D.C., and other major U.S. cities. The many unanswered questions which arose from these incidents argued for an empirical examination.

Consequently, the Ohio SAC submitted application to the Bureau of Justice Statistics (BJS) for a funding to conduct research on the perceived seriousness and incidence of police misconduct. SAC directors in Illinois and Pennsylvania were then contacted to elicit their interest in forming a three-State research effort. Not only were Illinois and Pennsylvania interested, but BJS also seemed intrigued enough by the subject matter and the prospect of an interstate collaboration that they tentatively agreed to support the other two

States with cooperative agreements. It was decided that the Ohio SAC would assume a lead role in getting the study underway.

The three-State team decided to conduct a survey to assess the perceived seriousness and incidence of misconduct among municipal and township police officers. Borrowing the methods of seriousness scaling and vignette analysis from criminology, the team devised a data collection instrument that would be capable of assessing not only the perceived seriousness of illegal and unethical conduct, but also the possible influences of race, degree of injury, and other variables related to the act in question.

The data collection instrument also gave the respondents the opportunity to rank the various penalties they had attached to the vignettes. This permits the researchers to attach a numeric value to consequences such as 30 days suspension without pay, dismissal, or referral for criminal prosecution. Having such a punishment metric for each type of misconduct can give policy-makers a rough matrix showing how police officers feel these acts should be handled.

Initially, the support from relevant law enforcement organizations was positive. However, after the project was underway, it became more and more evident in all three States that the growing resistance to a study of police misconduct on the part of rank-and-file officers could very well damage or destroy the project. In fact, the opposition grew so strong in Pennsylvania that its SAC had no alternative other than to withdraw from the project.

On the positive side, there were untold benefits of having several States involved in the study. Whereas at times too many cooks tend to spoil the broth, the PBS team members were jointly responsible for turning out a palatable consomme. Each team member brought unique contributions to the effort. Some team members were stronger in the substantive aspects of the study while the strengths of others were in the methods of inquiry. All, however, made the study much richer and more fruitful than if any one SAC had undertaken the project alone.

The multi-State project team included two sociology faculty members at Wright State University (WSU). The principal role of the WSU researchers was to conduct a citizen attitude survey regarding perceptions toward police misconduct. They were also responsible for conducting a number of face-to-face interviews with individuals who had been personally involved in cases of alleged police brutality. In return for an award to cover research expenses, Wright State University agreed to put up money of its own to help fund the project.

There were definite strengths in collaborating with academic researchers: given their roles as teachers and writers, they keep abreast of the extant literature in their substantive fields of specialization. They also have knowledge of advanced statistical methods, some of which may not be as accessible to government researchers.

This joint project has generated a rich data set that can be used to explore a variety of issues. For example, in addition to assessing the perceived seriousness of excessive force, it will also be possible to mea-

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sure the effects of the suspect's race, the degree of injury to the suspect, the type of neighborhood in which the incident occurred, to name just a few. Other possible analyses include examining the effects of the respondents' race, rank, years of service, amount of education and in-service training, among others. Several preliminary analyses are presented and discussed.

Of primary importance is the fact that the study was designed to offer something useful to policymakers. Law enforcement officials may use the data not only to determine how various misconduct types are ranked in relation to one another, but also to devise consequences that — at least in the eyes of police officers — seem reasonable and fair.

The positive experience of the Police Behavior Study proves that Statistical Analysis Centers can successfully engage in collaborative research efforts. Despite the many problems faced by the multi-State team, the benefits outweigh the costs. The twenty-first century poses enormous challenges to the community of criminal justice researchers. Consequently, we need to explore creative ways to gather useful data. This study proves that such creative alternatives are possible.

## Ethical issues in law enforcement: An empirical study of Pennsylvania's withdrawal

By Phillip Renninger, Director, Bureau of Statistics and Policy Research, Pennsylvania Commission on Crime and Delinquency

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Several recent incidents of violence and corruption by law enforcement officers have focused considerable national attention on the standards to which officers should adhere. Some of the more obvious questions regarding police conduct include: How prevalent are incidents of unconscionable behavior by officers? What are the standards to which police officers should adhere? Do formal standards of conduct even exist? If so, what is the correspondence between the standards and the opinions of officers supposedly bound by them?

In May 1991, the Pennsylvania Commission on Crime and Delinquency's Statistical Analysis Center (SAC) entered into a multi-State project with the Ohio and Illinois Statistical Analysis Centers to conduct a "law enforcement ethics survey" in each of the States. The project was funded by the United States Justice Department's Bureau of Justice Statistics. Pennsylvania decided to participate in the study for two primary reasons —

- we believed such a study would provide an opportunity to contribute valuable information to the Nation's law enforcement community, and
- we have believed for some time that multi-state projects are important and have the highest potential return to the States and to the Bureau of Justice Statistics.

The major purpose of the project was to examine the perceptions of a sample of law enforcement officers in each of the three States in an attempt to answer some of the above-mentioned questions. The project plan called for each of the States to collect data which would then be analyzed both as individual State data and as a group of the States. The study proposed to pro-

vide law enforcement officials with answers to several major policy questions including: Do law enforcement officers know they are bound by ethical standards? Do the perceptions of officers correspond to the standards by which they are bound? How much misconduct is perceived to occur by the survey respondents? How do law enforcement officers think misconduct should be punished? How do officers think misconduct can be prevented?

The project's research design called for the Pennsylvania SAC to conduct a 5-stage process. The first stage involved the identification of the various sanctions to which law enforcement officers are subject for wrongdoing. These would include, but not be limited to, verbal reprimand, written reprimand, suspension, discharge, and criminal prosecution. Pennsylvania developed its list and then compared the list with those developed in the other participating States and a consensus list was agreed upon. The participating States also developed in this first stage the survey "vignettes" (brief descriptions of the circumstances which may raise ethical issues). The vignettes represented acts which may or may not be deemed wrong by survey respondents. The acts included outright violations of criminal code, harassment of persons based on ethnicity and/or sexual preference, accepting gratuities, and the use of "throwaway" weapons to name a few. Advisory committees were established in each State to assist in these efforts. In Pennsylvania the committee included representatives from the law enforcement community, academia, and from law enforcement training.

The second stage of the project ranked the punishments for various

types of misconduct presented in the survey instrument. The third stage of the project was to administer the data collection instrument to a random sample of law enforcement officers. We chose a stratified random sample of police departments which were representative of the various sizes of departments in the State. Then, within each department a random sample of officers was chosen with the size of the sample proportional to the size of the department. We decided to pretest the draft survey instrument in a Pennsylvania department and did so in October 1992. The survey was administered to officers in a small department near Pittsburgh. The instrument and the procedure for its administration went very well.

The fourth phase of the project was to be data analysis and the final stage the preparation of a final report presenting the Pennsylvania findings and a final multi-State report.

Unfortunately, after participating in the study for almost two years, Pennsylvania was forced to withdraw from further participation in the multi-State study of police attitudes and behavior involving ethical issues. The State lodge of the Fraternal Order of Police (FOP) took a very strong stand in opposition to the survey to the point of headlining its position in an FOP newsletter received by all its members (approximately 25,000) Statewide. This action made us doubtful that we could obtain the necessary unbiased sample of municipal officers, and we had little choice but to cancel the administration of the survey Statewide. The major intent of this paper is to share with other researchers our experiences and point out the potential damage that special interest groups

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(and in this case, special interest individuals) can have on even the most well-intentioned studies.

With researchers from three States involved in the study's design, and the creation of special advisory committees in each of the States, we tried (we thought successfully) to avoid language in the survey that was in any way demeaning to police officers (including "loaded" questions and "double barreled" questions). Intensive discussions were held with the other States and our advisory committee about the methodology for drawing the sample and administering the survey. With respect to both the content and the administration of the survey, we made every effort to maintain both the reality and the appearance of complete anonymity for the proposed respondents. The survey was pre-tested in one of our local departments, and any suggestion from an officer respondent that a question was unclear or offensive led to a re-drafting or re-thinking of that question. At the time of our withdrawal from the project, we had assembled an automated list of police departments and had developed computer programs to draw random cluster samples with replacement. In addition, we had printed the final survey questionnaires.

Our problems started when, following the near final draft of the survey by the three States, we met with the Philadelphia Police Commissioner, key members of his command staff and local FOP representatives. Our objective was to discuss Philadelphia's participation in the survey and to explain and discuss the purpose of the survey and its administration requirements. We explained that we were well aware of how sensitive a topic this study could be and that

therefore we were going to great lengths to use methods of administering the survey that made clear to respondents that we have no way of knowing who completed the survey. We expected to administer the survey to approximately 320 Philadelphia officers of various ranks and job functions no later than December 1992.

The Commissioner and his staff felt the study would make a valuable contribution to the law enforcement community nationwide and that it would be useful for their department to participate. The Commissioner believed the study results would show his officers in a positive light and would strengthen the image of officers in the public's eye at a time when positive reinforcement is needed. However, he stated the survey would also need the support of the local FOP lodge if it were to be successfully administered in Philadelphia. The local FOP lodge president reacted very negatively to the survey instrument, especially with respect to the content of some questions which he considered "degrading" to police officers. The Police Commissioner had warned us before the start of the meeting that the FOP was likely to resist our efforts to conduct the survey in Philadelphia since it had objected strenuously to a recent attempt by the city to survey police on issues that seemed far less controversial than ethical behavior. We also discussed in the meeting other issues and other FOP objections including sampling methods, the release of data, and the content of expected study reports.

Shortly after the meeting, we were officially advised by the Philadelphia Police Department that because of FOP opposition it would not be able

to participate in the study. However, the Commissioner and the command staff made it clear that they supported the idea of the survey and thought its results would be very beneficial to the law enforcement community in Pennsylvania. The Department expressed its regrets that it could not participate in the study. Although we were disappointed that Philadelphia could not participate, we were encouraged by the support of the Commissioner and his staff, and believing that we had a problem which was specific to the city, we decided to move forward with the survey in the rest of the State.

After the Philadelphia meeting the local FOP advised the State FOP of its concerns regarding the survey. The State FOP president then contacted the Pennsylvania Commission on Crime and Delinquency's Chairman to advise that the FOP had problems with the survey and that the Commission should not administer the survey. Our efforts to meet with the FOP president were unsuccessful, but we did meet with the FOP's legal counsel. In the meeting with the legal counsel we discussed the FOP objections to the survey and advised that we felt we could resolve their objections through some modifications to the survey instrument. While awaiting a promised reply from the FOP we received a copy of the recently distributed FOP State newsletter, the "Pennsylvania Law Enforcement Journal" from a local member. The lead article, highlighted at the top of page one was titled "Beware of the Survey" and was signed by the State FOP president. The article stated that the FOP president had received a copy of the survey and that he "found it to be insulting and demeaning to police officers." He indicated that as a result

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of his findings he "forwarded a letter to all lodges in Pennsylvania directing you to not participate in this survey." The article concluded with the president stating that "if the Commission attempts to continue with this survey, I will direct our legal counsel to take appropriate action." We never did hear from the FOP president.

The article was filled with innuendo and false or misleading information regarding the survey and its administration. In addition we had not heard back from the FOP after our meeting and the article was released without our prior knowledge. While we could not estimate with any precision the influence of the State FOP on its members' willingness to participate in the survey or on the validity of their responses, we felt that the prejudicial nature of the article and its wide distribution among Pennsylvania municipal police officers had done major damage in both of those critical areas.

At this point, we considered several options including: (1) proceeding as planned and footnoting the results to caution the reader of the likely FOP effect, (2) limiting the planned survey questions in some way, or (3) withdrawing from the study. During this decision period, we spoke to numerous individuals in the Pennsylvania law enforcement community regarding our choices. Without fail, the community (our advisory committee, the Pennsylvania Chiefs of Police Association, local police chiefs, and members of our commission) was unanimous in its support for our proceeding with the survey. However, following a careful review of the situation, we decided that our most responsible course was to discontinue the project, and in June 1993, we withdrew. We could not be abso-

lutely certain that the FOP opposition would seriously affect the validity of the responses to the survey, but we were confident that the perception of validity would be affected and this was enough for us to withdraw.

We were extremely disappointed that we were unable to continue to participate in the study since we felt the study will make a significant contribution to the law enforcement community nationwide. We kept Ohio and Illinois informed of the FOP problem and both States did receive some fallout from the Pennsylvania FOP contacting the FOP in both States. We also intend to document our experience in the study's final published report.

### **For more information, contact:**

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## Luncheon and presentation of awards

Friday, October 15, 1993  
12:30 p.m.

*Luncheon speaker: The Honorable Joseph F. Baca*  
Justice, New Mexico Supreme Court

Good afternoon to all of you and welcome to New Mexico. We're glad that you are with us. I hope after your conference that you have a little time to visit around Albuquerque and perhaps come up to Santa Fe.

I make that trip every day. I live here in Albuquerque. I commute to Santa Fe. It's 60 miles each way. I think if you have not been in the southwest before and not been in New Mexico that you'll find Santa Fe extremely interesting, and, of course, Albuquerque is an interesting place.

I'm very pleased to be here because I have had an interest in some of the things that you do. Gary LaFree's stolen a lot of my thunder talking about the Sentencing Guidelines Commission and the work that we did there.

We ultimately failed. After two years of study, we were unable to come up with any conclusions, unable to draw any guidelines, unable to draw any in or out lines because of lack of statistics. We had no good data, and we were not funded in a way where we could collect that data.

And with the fact that the Strategic Analysis Center is in operation at the University, maybe we'll make another run at it.

Sentencing guidelines, of course, are not the panacea that they were at that time. They're under attack. And there's a bit of rethinking I think to sentencing guidelines. But, any



Photograph by John Yost

*The Honorable Joseph F. Baca*

way, it would be interesting to see what we could do with those.

The SAC program at the University of New Mexico has been extremely helpful to all levels of government. In talking to Gary, he's had the presence and has been very helpful from the State level down to the local level. And we appreciate that very much.

I know also that being located at the University is a great resource. I understand that students at the bachelor's, master's, and doctorate level have taken advantage of the research opportunities there, and certainly that is something we're very proud of.

Anyway, being a keynote speaker, that's very sobering. It's something

more than I anticipated or perceived my talk to be. I think you have to keep it all in perspective. And every time I'm asked to give a speech such as this, I always feel very presumptuous that I should come here and talk to you who are experts in the field and try to share with you.

But it always reminds me of a story that the bailiffs used to like to tell to keep the judges in line down at the courthouse when I was a trial judge here in Albuquerque.

They talked about a couple of fellows who used to go hunting. They were great bird hunters. They'd go up to North Dakota each year right about this time in the fall. They'd go to the same place, the same lodge each time. And they'd have the same guide. And they'd have the same bird dog.

And this bird dog happily was named Lawyer, great bird dog. And that dog knew where all the game was. And he'd flush out the birds, and you'd shoot the birds, and he'd go get them no matter how deep the water was, how cold the water was, or how thick the brush was. He'd always bring them back.

So they had been doing this for about three or four years. And they went back, and they told the lodge director that they were ready to go again and they sure wanted Lawyer to be their dog.

And he says, "I don't think you want Lawyer anymore."

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They said, "Well, why not?" They said, "That was the greatest dog we ever saw."

He said, "Well, last week a couple of fellows were up here from Texas, and they were kind of a rowdy group. They had been drinking. And they thought it would be real funny to call that Lawyer dog Judge." He says, "Now all that dog wants to do is sit around and bark at people."

Well, I'm not going to bark at you today. And I hope to offer something that's a little lighter. It's something that's very interesting and less thoughtful than the programs that you have had. I was looking at the outline of the various seminars and so forth, and it looked like some very, very interesting things; very, very tough questions that you're dealing with.

But I thought I'd talk to you today about the Supreme Court of the United States. I think there's been a lot of interest, I know, among people such as you, and I think in the public at large about the Supreme Court of the United States, more so recently than in years past.

And I think it probably started with the Judge Bork hearings and all that went on there. And, of course, all of us were riveted to our TV screens during the Clarence Thomas hearings and Anita Hill's testimony and most recently President Clinton in who he was going to appoint and who he was not going to appoint, and finally the appointment of Ruth Bader Ginsburg as the first appointee of a democratic president in 13 years.

And I thought it might be interesting to look at how historical presidents have selected court nominees, how

presidents have — have they always insisted on political conformity with their thoughts and their philosophy or is this a new phenomenon that grew out of the Reagan presidency, the Bush presidency, and now the Clinton presidency.

Now, what I'm going to present to you is in no way scholarly. It's antidotal. And I have to give a footnote here. Henry J. Abraham is a professor of Government and Foreign Affairs at the University of Virginia, and he is an expert on the Supreme Court of the United States and its relationship with the presidency. He wrote a book called *Justices and Presidents*.

I told him when I was at Virginia that I was going to steal his material, just unashamedly steal it and use it, but I would footnote him every time so I wouldn't be accused of plagiarism. So much of the information that I have here is thankful to the research of Dr. Abraham.

Early on in the founding of the United States, Alexander Hamilton, when talking about the new constitution, the new form of government said that the judicial branch of the United States possessed neither the purse nor the sword, would command no genuine power and would constitute the least dangerous branch of government.

I think that maybe if Hamilton had known about the Supreme Court's ruling in *Marbury versus Madison*, where the Supreme Court decided that it could indeed declare unconstitutional acts of the Federal Legislature, its rulings in 1954 in *Brown versus the Board of Education* which has really changed the face of the United States, other civil rights rulings, defendant rights rulings such

as *Miranda and Escobedo* and *Roe versus Wade*, I think Hamilton might reassess the role of the judiciary in light of what has happened.

I would like to review the justices who have served on the Court and present a little statistical profile about the persons who have served on the Court.

There have been 104 men and 2 women who have been nominated by 36 presidents. William Henry Harrison, Zachary Taylor, and President Jimmy Carter had no opportunity to appoint any justices to the Court.

Andrew Johnson had an opportunity to make nominations to the Court, but none of his nominations were ever acted on by the Senate, so he appointed nobody to the Court. Of course, you know that he came to power after the assassination of Lincoln and was then impeached.

We think in the Bork hearings that this is unusual that the Senate should reject a nominee of the president. But historically there have been 28 nominees that have been rejected by the Senate sent up by the president; 23 were in the 19th century and 5 in the 20th century.

The five in this century that were rejected were John J. Parker, who was nominated by President Hoover in 1930; Clement Haynsworth, Jr. was nominated by President Nixon in 1969. When he didn't get that nomination through, he then sent up the name of Harrold Carswell from Florida, and he too was rejected by the Senate.

Then Lyndon Johnson tried to promote Abe Fortas from Associate Justice to Chief Justice, and that



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also was rejected by the Senate. And there were allegations about impropriety in terms of monies being accepted; ultimately Fortas resigned from the Court. Of course in 1987 Robert Bork was sent up by Reagan, and he was rejected.

There were other names that were sent up. Homer Thornberry was a crony of Lyndon Johnson, and his name was sent up in 1968, and he was never acted upon because of the withdrawal of Abe Fortas to be Chief Justice. Then you will recall that Douglas Ginsburg was sent up by Ronald Reagan in 1987, and the allegations about his marijuana use came to light, and his name was withdrawn and never acted upon.

Now, we see people are being considered for the Court, and we talk about their merit and their scholarship. And indeed Justice Ginsburg served on the Law Reviews at both Harvard and Columbia and is an extraordinarily well educated person. But, as a matter of fact, the Constitution of the United States does not require that you have a law degree to serve on the Supreme Court; it only requires that you be learned in the law.

Now, out of the 106 people who served on the Supreme Court, only 58 of them actually attended law school. Law schools didn't come into being or become very popular until after the Civil War.

And then there was a proliferation of law schools mainly based on the Harvard model with the Harvard casebook method, because there weren't many law schools. People just read the law in law offices and in that way became a lawyer.

Now, of the 58 who attended law school, only 40 of those actually graduated. And it was not until 1845 that a justice who had actually attended law school was appointed, and that was Levi Woodbury who attended law school for one year.

Benjamin Curtis was the first graduate of a law school, and he was appointed in 1851. In 1957 — that was only 36 years ago — 1957 was the first time that all nine justices on the Court had graduated from law school. I find that a very interesting, staggering statistic.

Stanley Reed was the last justice with no law degree. He served from 1938 to 1948. James F. Byrnes served from 1941 to 1942, and he was the last justice not to have attended law school at all.

Now, the 106 appointed came from 10 professional subgroups — 25 of them were lower Federal court judges, 25 of them were prior members of the State judiciary, and 22 of them were from the executive branch of the government.

By way of geography, as you might expect, the larger states have sent the most justices. Thirty-one of them came from 3 different States; 16 from New York, 9 each from Ohio and Virginia, 8 from Massachusetts. And 10 States have sent one justice; there are 19 States, including New Mexico, which have never had a justice of the Supreme Court.

The fact that North Dakota had never had a justice on the Supreme Court exercised Senator Bill Langer — we call him Wild Bill Langer. He was the chairman of the Senate Judiciary Committee for many years. He vowed that until there was somebody from North Dakota appointed

to the bench that he was going to oppose any nominee and try to force the president to appoint somebody. He kept this up until he died in 1959. And still no one from North Dakota has served on the Supreme Court.

The 106 justices who have served came from 12 different religious groups — 27 of them were Episcopalians, 25 were unspecified Protestants, 17 were Presbyterians, 8 were Roman Catholics, and 6 were Jews. The rest were other Protestant adherents.

In terms of political parties, one was a Whig, one was an Independent. Twelve were Federalists, forty-two were Republicans, and forty-nine were Democrats.

Now, we always think that a president appoints somebody from his own party, and that usually is the case, but not necessarily. The least partisan president to make appointments to the Federal Judiciary, not only counting the Supreme Court, but all of the Federal Judiciary, was Gerald Ford, who appointed 81.2% Republicans, and the rest Democrats.

The most partisan — I thought this was interesting — was President Washington, who appointed 100 percent Federalists; everybody was from his party. The most partisan president from this century was Woodrow Wilson, who appointed 98.6% Democrats.

There seems to be a new trend in how Supreme Court justices are selected, and that's called representative philosophy; that is, the appointment should reflect a population in general. I think this is similar to what President Clinton is talking about, to make the Court or make

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the Government look like America. And to that end, one-half of President Carter's appointments — he made 300 appointments to the Federal Judiciary — half of those were women and nonwhites.

The founding fathers, when they wrote the Constitution, set out parameters of how it should work, considered nothing of the sort. Of course, the country at that time was very homogeneous and only men voted at that time and no women; in addition, women were not allowed to practice law.

So they considered only one criterion, and that was merit, regardless of whether they were Madisonians, Hamiltons, Federalists, or non-Federalists. If you read the Federalist's papers about this, clearly the only thing they considered was merit.

Today the peer model seems to be important, that those that are appointed should represent this country in race, gender, religion, national origin, and even age. To that end, Clarence Thomas was the youngest justice ever appointed to the bench; Justice Ginsburg is on the high side of age 60.

Professor Abraham, whom I alluded to earlier, thinks that the nominees have four qualities or that the president considers four things when appointing somebody to the bench. The first is objective merit. Is this person a good person? Is he or she intelligent? Is he or she bright? Does he or she have the credentials, the wherewithal, to serve in this high position?

Next is the personal and political friendship with the president and balancing representations on the Court in terms of geography, religion, and

now gender and real political ideology or compatibility; that is, does the person think like the president, at least to the extent that the president will get a fair hearing?

Alexander Bickell from Yale said that you shoot an arrow into a far distant future when you appoint a justice, and not the person himself can tell you what he will think about some of the problems that he will face. So one really never knows how an appointment will turn out. Now, the last of the four criteria in question: real politics or kindred souls seems to be the main concern of presidents, party labels notwithstanding. Thus, a president does not necessarily appoint somebody from his own party.

President Taft, who was a Republican, had six appointments; three were Democrats and three were Republicans. President Nixon nominated Justice Powell, and he was a Democrat. Franklin Roosevelt appointed Justice Stone, and he was a Republican. Truman appointed Justice Burton, and he was a Republican.

Now, presidents, thinking that they might know and might be a kindred spirit with the person they have appointed, have been disappointed in some of their actions.

Theodore Roosevelt was disappointed in the great Justice Oliver Wendell Holmes. He ruled in an antitrust case differently from how Theodore Roosevelt thought he should have ruled. In a private conversation Roosevelt said, "I could carve out of a banana a judge with more backbone than that Holmes."

Truman said, "Packing the Supreme Court can't be done. I've tried it.

Whenever you put somebody on the Court, he ceases to be your friend."

Truman felt this very strongly. In 1952 at the height of the Korean War, he seized the steel mills. There was a lawsuit that went its way ultimately to the Supreme Court of the United States. And the Court ruled against him. The thing that really hurt was that his old buddy, his old bourbon drinking buddy, Tom Clark, who had been Attorney General, who had been appointed to the bench, ruled against the Truman administration in a very pointed concurring opinion. Truman in his style said, "That damn fool from Texas," he says, "was my biggest mistake. It isn't so much that he's a bad man. It's just that he's such a dumb son of a bitch."

Eisenhower was also unhappy with two of his appointees, Earl Warren and William Brennan, who turned out to be two of the most liberal justices on the Court. Indeed, Earl Warren has lent his name to a whole era of jurisprudence.

Toward the end of President Eisenhower's term he was flying across the country in Air Force One with some of the news people on the plane. They asked, "President Eisenhower, reflecting back on 8 years, did you make any mistakes?" He said, "Well, of course, I made mistakes." He said, "Everybody makes mistakes." They said, "Yes, General, but did you make any beauts?" He said, "I sure did, and both of them are sitting on the Supreme Court."

Nixon, too, was very angry with Harry Blackmun after he wrote *Roe v. Wade*. In 1974 the decision in *United States versus Nixon* case also came down. This was the

Luncheon speaker: The Honorable Justice Joseph F. Baca



Photograph by John Yost

Statistical Analysis Centers receiving awards were represented by (from left) John Firman of Illinois, Michael Had-

don and Richard Oldroyd of Utah, Diane Zahm of Florida, Quint Hegner of California, and Jack O'Connell and

Jorge Rodriguez of Delaware. Diane Zahm holds the Paul Sylvestre Award; the others hold the Phillip Hoke Award.

tapes case. All nine justices ruled against Nixon and said that, indeed, he had to turn them over, the Water-gate tapes. Out of the nine were three of his appointees, Blackmun, Powell, and Chief Justice Burger.

Court-packing is most associated, I think, with Franklin Roosevelt in the '30s. During his first term, 1933 through 1937, he had no appointees to the bench. And much of the New Deal legislation that was being passed at that time was being declared unconstitutional by the Supreme Court.

Roosevelt used to refer to the Court as "nine old men." He proposed a court-packing bill whereby he would increase the number of justices on the Court to 15. Now, there's no magic in the number nine. As a matter of fact, when the Court started they had five members; it grew to nine in 1837. So the court-packing scheme was that he would appoint a new judge for every justice who was over 70 years old; the idea was that they would help out with the

"heavy court docket." The real idea was that he wanted people who would give him a fairer hearing on his New Deal legislation. Well, that proposal was killed by the Senate in 1937.

George Washington, in another vein, was a great court-packer. All 14 nominees shared his Federalist philosophy of government, all were personal friends, and seven of them had served in the Constitutional Convention with him.

Jefferson, Jackson, and Lincoln all to some extent attempted to pack the Court with people of their liking and their thinking. Almost all presidents attempt to appoint somebody who shares their philosophy of government, and their view of politics.

Now, of course, the Senate has a role — to advise and consent. The Senate examines the ideological commitments. Now-Justice Ginsburg several years ago called it a second opinion, but not a secondary

opinion that the Senate gives on nominees to the Court.

The most difficult hearing before Clarence Thomas was the hearing of Louis Brandeis, who was the first Jew appointed to the Court; it was very controversial at that time, which is hard to believe. That hearing lasted for several months and was delayed by the Senate. But Woodrow Wilson stood by Brandeis and, indeed, in 1916 he was confirmed.

In spite of the Senate grillings and the president's insistence on the compatibility of justices, the results are not entirely predictable. Harvard's Zachariah Chaffey said, "To forecast the behavior of a future justice it is wiser to consider the books in his or her library than the clients in the candidate's office."

And there's an often asked question, 'Does a person become any different when he puts on a gown?' Justice Frankfurter said, "If he's any good, he sure does."

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Earl Warren said he could not see a man who could be on the Court and not change his views substantially over a period of years. For change you must if you are to do your duties on the Supreme Court." And, of course, Earl Warren, when he was Attorney General of California, oversaw the internment of the Japanese during the first days of the Second World War. Later he was Chief Justice and the guardian of civil liberties.

With all this, the system seems to work. And it seems to have worked well over 200 years. There have been both great minds and indeed some small and petty persons who have served on the Court.

Presidents have sometimes played unabashed politics with appointments and at other times have really decided these questions on merit. The institution in spite of all this has survived, grown to the great power that it has today, and, rather than being the weakest branch of government as Hamilton predicted, it arguably has become the strongest.

I thank you very much for asking me to come here today. Again, welcome to New Mexico. I hope you enjoy. We've had some nice weather. As I drove here at noon, it looked a little overcast. That's only one day of 365 that we do have overcast weather. Thank you very much.

## Workshop V

Friday, October 15, 1993  
2:00 p.m. - 5:00 p.m.

### Data presentation for publications and briefings

#### Moderator

*Linda N. Ruder*, Program Analyst, Bureau of Justice Statistics,  
U.S. Department of Justice

#### Instructors

*Neal B. Kauder*, Senior Research Analyst, Virginia Department  
of Criminal Justice Services

*Marianne W. Zawitz*, Statistician, Bureau of Justice Statistics,  
U.S. Department of Justice

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### Displaying quantitative criminal justice information

By Neal B. Kauder, Senior Research Analyst, Virginia Department  
of Criminal Justice Services

#### Goals and objectives of workshop

This workshop provides an understanding of how individuals and groups can be more effective at visually displaying criminal justice research to nontechnical audiences. This is accomplished by outlining the critical principles of displaying quantitative information and by demonstrating some proven methods of graphically presenting research from selected criminal justice topics. The graphical examples used in this workshop represent topic areas that are currently receiving attention by local, State, and Federal Government officials. This workshop also provides a better understanding of how graphical displays can better be used to inform decision-making at all levels of the criminal justice system.

#### Workshop summary and content

The effective communication of research findings has not been given high priority by many criminal justice analysts and practitioners. As

researchers, we continually strive to provide policymakers with accurate and objective information, yet we sometimes fail to provide this information in a way that is both meaningful and easily interpreted. This has caused decision-makers to pay little attention to, or even worse, to often ignore potentially useful data analysis. This is demonstrated by the many documents generated by Federal, State, and local authorities which attempt to fill information needs, but which frequently become part of seldom used "resource" document collections.

There are a number of possible explanations why inadequate graphical presentation persists in the criminal justice field. Some feel that the level of expertise and professionalism in conducting advanced data analysis has come to the criminal justice field less rapidly than it did for other scientific disciplines. Mastering the process of graphically displaying this new level of data analysis would take even more time to achieve.

Another reason suggests a failure to make the distinction between the two fundamental ways in which we use statistical displays. Spence and Lewandowsky (1990) have explained that graphs are intended to communicate information or to aid in the analysis of data. Graphical displays that communicate information are usually well crafted and contain summary rather than original data. Since these graphs are meant for less expert audiences they tend to have simpler form and content. By contrast, graphs used for data analysis may be complicated and harder for nontechnical audiences to interpret. They also may contain all of the data in the original analysis as opposed to highlights or summary information. The analyst will use many different graphs as a method to detect statistical relationships or patterns and will abandon the displays after use. The problem arises when the analyst fails to make the transition between graphs for analysis and graphs for communication.

## Workshop V. Data presentation for publications and briefings

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The importance of presenting information in a logical, informative, and visually appealing format has long been acknowledged by the private sector. With the advancement of personal computer software technology, even small organizations can translate technical analyses into easily interpreted, nontechnical information. This occurs through relatively inexpensive and easy-to-use graphics or desk-top publishing software. The private sector uses this technology to market and sell services and products in an attractive and organized manner. Basic marketing strategies suggest that this approach will enhance the competitive edge of a business.

When public sector criminal justice research groups follow this approach their products receive more attention and their research is more likely to affect change in the system. When evaluations, statistical analysis, and policy assessments are delivered in narrative or monotonous tabular format they are less likely considered by legislators, judges, and agency heads who are already buried in similar reports. By contrast, data analysis that is presented using clear and accurate graphics are more likely noticed by decisionmakers.

Modern techniques that graphically explain or show pictures of quantitative information do much more than simply substitute for narrative or statistical tables. The most effective graphical presentations of statistical analysis describe and summarize data so that nontechnical audiences can easily recognize and truly understand the substance of the research. Although little has been written on the effective presentation of criminal justice research, there does exist some previous research on graphical

presentation in general. Since the methods and standards of presenting data are not unique to one discipline, this earlier work can be safely generalized to the area of criminal justice.

In his landmark research on displaying quantitative information, Tufte (1983) explains what good graphics should accomplish. Graphical displays should:

- show the data
- induce the viewer to think about the substance rather than about methodology, graphic design, the technology of graphic production, or something else
- avoid distorting what the data have to say
- present many numbers in a small space
- make large data sets coherent
- encourage the eye to compare different pieces of data
- reveal the data at several levels of detail, from a broad overview to the fine structure
- serve a reasonably clear purpose: description, exploration, tabulation, or decoration
- be closely integrated with the statistical and verbal descriptions of a data set.

Using the principles reviewed in the workshop, the following are some criminal justice research topics that are expanded upon using examples of graphical displays:

- trends in criminal activity
- sentencing and judicial behavior
- correctional populations and parole practices
- recidivism
- public safety expenditures.

Data and research displays that are mindful of accuracy, clarity, and simplicity will help to insure good graphical presentation. As criminal justice researchers we should construct our graphics to show ideas and phenomena not just hollow sets of figures. Cleveland (1985) provided a listing of the principles of graph construction. The following are some selected points that are particularly relevant when communicating data analysis in a nontechnical environment:

- pack large amounts of quantitative information into small regions
- make the data stand out
- use visually prominent graphical elements to show the data
- make legends comprehensive and informative
- do not clutter the data region
- choose appropriate scales when graphs are compared
- visual clarity must be preserved under reproduction
- useful graphs require careful, detailed study.



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Unfortunately, we rarely get to see good tables and graphs. Instead we get to view complex puzzles and overwhelming compilations of those hard to read numbers.

Both tables and graphics should have an architecture that reveals patterns. Tufte says that good visual presentations of data have "simplicity of design and complexity of data."

Simple architecture of data reveals a clear, simple logical pattern. For example, the following gives you a lot of information.

XXXX  
XXX  
XX  
X

The first is the most, the last the least, etc. This could be either a graphic or a table if it had numbers or a graphic if it had bars. In either case you used your spatial perception to show what was the most and the least, not your verbal or quantitative perception.

### When to use tables or graphics

Graphs are most effective in presenting the big picture; tables organize and exhibit detail. In general, use a table for presenting —

- ten or fewer data points
- exact numerical data
- localized comparisons.

According to Tufte, we need to limit graphics to 10 or more data points to ensure high data density. Small sets of data presented as tables utilize higher data density and more data ink than a graphical presentation of the same data.

To achieve this he recommends that you strive for data density and use mostly data ink. In other words, he wants you to present the most amount of data in the smallest amount of space using all of the ink in that space to represent data (not chartjunk, tic marks, grid lines, etc.).

Graphics that have high data density do what they do best — give you the big picture. They also provide you with great economy as you try to put the largest amount of data in the smallest amount of space.

### Research on graphical perception

If you decide that your data should be presented graphically, the next step is to select the best type of graph for your data. Research conducted by Cleveland shows that we process some of the elements of different types of graphics better than others. He developed a hierarchy of graphical perception.

**Hierarchy of graphical perception**  
Position along a common scale  
Position along identical nonaligned scales  
Length  
Angle — Slope  
Area  
Volume  
Color — Hue

He found that it is easier for us to perform the decoding required to understand graphics that use the first elements than those that use the latter elements. He suggests that the best graphics utilize the design elements at the top of the list.

While his research is helpful in deciding the elements to include, the data also instruct us in what types of graphics we need to present.

Continuous variables can be displayed in:

Line graphs  
Area charts  
Scatter plots  
Maps

Categorical variables are displayed in:

Bar graphs  
Maps  
Diagrams

Pie charts are not a recommended form of display because —

- After you use more than six segments, you cannot see the pieces well. With no more than six segments you do not have high data density. A well structured table does this better.
- In addition, pie charts emphasize elements that are more difficult to perceive according to Cleveland's research. Because of our inability to perceive angle and volume, we end up labeling the chart with the values, decreasing data density, and increasing redundancy.

### What is the point?

When using either a graph or a table, decide exactly what you want it to do. Graphs and some tables can be paragraphs of data. They have one main point around which they are organized. Graphs and tables that have more than one main purpose tend to have no focus or organization. This results in tables and graphs that don't do anything well because they try to do too many things. With tables, you need to go through two steps to make certain that the table accomplishes what you want it to do.



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First, you have to determine what type of table to use. According to the British statistician Erhenberg, there are three types of tables.

**Exploratory tables** — those that the analyst uses when conducting the analysis, but are rarely published.

**Resource tables** — that allow a reader to look up a particular number. These tables need to be organized to help the reader find that number by using alphabetical order, skip patterns to develop a grid, etc.

**Presentation tables** — are intended to make a particular point in a final analytic product. This is the type of table we should see most often in articles.

Second, if you are going to use a presentation table, you need to determine exactly what point you are going to make with that table. Use the same thought process as you do when deciding what finding your graphic is going to present.

### Visible patterns and structure

The design of a table or graphic should highlight the structure of the data so the reader can easily discern any patterns. Structure graphics to make one main point. One good design, the area chart, also takes advantage of our skill in seeing the horizon.

In tables, place figures that are meant to be compared close to each other. Group the columns or rows so readers can see what you want them to compare or what goes together. As previously discussed, when many numbers are meant to be compared, put them down a column rather than across a row to

take advantage of the mental math you must do to see what is more and what is less.

### Clarity and simplicity

Seeing the data quickly and clearly is the goal. Be careful that nothing interferes with the ability to use our spacial perception.

### Three-dimensional graphics

One of the more annoying products of computer graphics programs is the three-dimensional graphic. Three-dimensional presentations can cause severe optical illusions. By putting two-dimensional data in three-dimensional space you take the chance that the data will be distorted, misinforming the reader. In addition, three dimensions are difficult to execute correctly in two dimensions.

### Other optical problems

Crosshatchings, dashed lines, and so forth, can also cause optical illusions and distortion. Cross-hatchings have a moire effect, making graphics that use them difficult to look at because of the illusion of vibration. Solid colors solve this problem. The dash patterns in lines also are very difficult to look at and if they cross can also result in distortion. The use of a dashed line for one variable and a solid line for another implies that one variable is not as important as the other.

Try to use solid lines wherever possible. Different weights can show different variables. If lines cross and the different weights still make it difficult to tell which is which, break one of the lines where they cross so one appears to be on top of

the other. If you are unable to work with the weights or color, try a small multiple, where you put each line into a separate graphic.

### Nondata ink

Strive to eliminate all nondata ink; no excess tic marks, unnecessary tables, footnotes, extra thought processes like interpreting legends or distractions, like decorations. Get out your eraser and get rid of every bit of nondata ink or extraneous information.

Decimal places pad the data field and obscure the data. Usually they are not even statistically significant. Keep in mind that most readers do not even get beyond the first two digits. The only times when decimals are used legitimately are when they are needed as a tie breaker between numbers, when the whole numbers of the population are only shown in the totals and the distribution is presented in percents, or when the data are very precise as in the hard sciences.

Please avoid "chartjunk," those little cute pictorial representations of your subject matter like they use in U.S.A. Today. Frequently these pictures distort the information or make it impossible to see. If your numbers have something to say, let them say it. No amount of cute pictures or drawings will help data that have no point.

### Encoding

Good tables and graphs enable the reader to accomplish what the author intended without moving their eyes about the page or from the page. One of the most frequent problems in graphics is encoding needed information, usually in

legends or notation. To decode the puzzle presented by a legend, readers are expected to look at the graphic, then to the legend, find the code, then look back at the graph and remember what the label said. This could be fixed by shortening the labels and putting them on the graphic or by using small multiples.

Footnotes cause the same problems by requiring the reader to take their eyes off the data to understand what is being presented. Too many footnotes can cause a reader to question the accuracy of the data. Footnotes that refer to the collection of information usually belong in the methodology section. If you must use footnotes, try to keep them out of the graph area or the number field in tables so that they do not interfere with the data. Always use letters rather than numbers for footnotes to numbers. Using numbers can cause confusion and typographical errors in the data.

### Clarity and the verbal tasks

Another barrier to understanding is how poorly we use labels. Many tables and graphs are full of statistical terminology, jargon, abbreviations, and acronyms. Avoid abbreviations and acronyms, as your audience may not know what they mean.

Clear labeling of units of measure is also essential to clarity and understanding. For tables, put the proper notation for the unit of analysis right next to the numbers so that readers do not have to reread the column head or the table title to know what they are dealing with and that the unit has changed from the first to the second column.

On graphics, make certain the labels are left to right, not up and down so the reader has to do visual gymnastics to see what is presented. One of my biggest gripes with some of the computer graphing software is their insistence in putting the Y axis label on its side. That axis label belongs horizontally right above the axis.

### Color

There are several things that you need to know before you work with color. Color should be added to provide differentiation, not to hit the audience over the head. If colors are applied too heavily they detract from your presentation and can distort the information you are presenting. I suggest that you read the chapter on color in Tufte's book *Envisioning Information* before you proceed. Color can result in many optical problems that are easy to avoid. A lighter touch with color and respect for black and white are essential to any color presentation.

The way that light is projected in your presentation can effect the approach you need to take with color. If you are preparing a presentation for paper, the colors need to be selected for reflected light on a white background. Colors for slides and overheads or computer slide shows are the result of projected light and have very different properties. In both instances you try to provide contrast between the medium and the colors. How you do this is different for both types of presentation; black ink on white paper gives the best contrast, while white type or lines on a blue background is easier to see in a projected setting.

Understand the range of colors your eventual output device is capable of producing. If you want to print with color, find someone who is an expert with color printing to work with you. Color printing is difficult and tricky. If you are using a color printer, you will probably be more limited in the number of colors you can use. Color slides and Visual Display Terminals also present color in different ways and you may be limited to certain colors by the software you use. Before you design with color be certain that you understand what colors you can use.

Colors also have multiple properties including saturation, intensity, and hue. You need to be aware of these as you prepare your presentation. Yellow, for example, is lighter than blue. To make certain that all the lines in a line chart look the same width, the yellow lines need to be wider than the blue and black lines.

Remember to work along the color spectrum and from light to dark. About 10% of the population is color impaired, so move from light to dark so that those who are color impaired can easily see the differences in values. In paper presentations that use labels placed on a graphic, select colors that can be overprinted with black.

Be careful that the colors you choose do not have any unintended metaphors. We always use blue for law enforcement, purple for the courts, green for money, etc. Pink police charts are not generally a good idea.

### Summary

Do the work for your audience so that they can easily understand your point.

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Highlight the data; let them lead you to the best method of presentation.

Present logical visual patterns; avoid nondata ink, chartjunk, etc.

Strive for clarity in all presentation elements.

Use those graphical elements that are highest on Cleveland's perception scale.

Edit, Edit, Edit!!!

### Sources

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Paulos, John Allen, *Innumeracy; Mathematical illiteracy and its consequences*, (New York, NY: Hill and Wang, 1988).

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## Workshop VI

Friday, October 15, 1993  
2:00 p.m. - 5:00 p.m.

### Forecasting: Impact assessment methodologies

#### Instructors

James R. "Chip" Coldren, Jr. Ph.D., Deputy Site Director, Program on Human Development and Criminal Behavior, Harvard School of Public Health  
Chicago, Illinois

Bruce Frederick, Ph.D., Chief of Research and Evaluation,  
New York State Division of Criminal Justice Services

Robert M. Sego, Management Analyst, New Mexico Department of Corrections

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### The 'hired gun' forecast: Lessons learned as an expert witness

By James R. "Chip" Coldren, Jr., Ph.D., Deputy Site Director, Program on Human Development and Criminal Behavior, Harvard School of Public Health

#### Introduction

In November 1992 the Research Director of the Justice Research and Statistics Association (JRSA) was asked to serve as an expert witness in correctional population forecasting for a class action suit involving the Suffolk County Jail (*Inmates of the Suffolk County Jail, et al. Plaintiffs v. Robert C. Rufo, et al. Defendants*, Civil Action No. 71-162-K in the United States District Court, District of Massachusetts). The invitation came from the attorneys representing the inmates of Suffolk County Jail. The JRSA Research Director was asked to critique the deposition provided by an expert witness in forecasting for the defendants (Sheriff Rufo et al.) and to develop materials that explained alternative approaches to forecasting jail populations.

This presentation reviews a brief history of the Suffolk County Jail litigation, describes the task presented to JRSA, reviews the expert witness testimony provided by JRSA, and reviews the expert witness experi-

ence from the forecaster's perspective. The challenge presented to JRSA in this case, and the process of preparing expert witness materials, illustrate some important lessons for criminal justice forecasters.

#### Background of *Inmates of the Suffolk County Jail v. Rufo*

The *Inmates v. Rufo* case, which was heard in March 1993, began with a class action lawsuit filed for the inmates in 1971. Following is a summary of important events in the history of this case.

1. In 1971 a class action lawsuit dealing with double bunking and other jail conditions was filed on behalf of the inmates of the old Charles Street Jail in Boston. The Jail was built in 1848 and designed to house one inmate per cell.
2. In 1973 the Court determined that the jail conditions violated the rights of inmates, ordered a permanent injunction against double bunking, and enjoined the Sheriff from

holding inmates in the Charles Street Jail after June 30, 1976.

3. The Sheriff sought relief from the injunction when an acceptable jail plan was not produced by the June 1976 deadline. The jail closing date was extended to June 30, 1977, and the Appellate Court extended this to March 1978.
4. The Court approved a consent decree in May 1979. The consent decree provided for continued use of the jail while a new one was being built. The new jail plans called for 309 single-occupancy cells for males and females. This was subsequently modified to accommodate 453 while retaining the single-bunking criterion. Litigation persisted in the courts and a modification of the consent decree in the U.S. District Court deferred the construction start date to 1987.
5. In July 1989, 18 years after commencement of the suit and 10 years after the consent decree, the new jail was still under construction.

## Workshop VI. Forecasting: Impact assessment methodologies

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6. The Sheriff's application for modification of the consent decree in 1989 to allow double bunking in 197 of the new cells was denied.

7. The new Suffolk County Jail opened in May 1990.

8. A few months later the Court of Appeals affirmed the denial of the Sheriff's motion to vacate the single bunking criterion of the consent decree.

9. This decision was appealed to the U.S. Supreme Court, which remanded it to U.S. District Court. Both sides were allowed several months for additional discovery. Oral testimony was heard in January 1993. The judge allowed supplementation of the court record (which included the affidavits and depositions of the two forecasting expert witnesses).

10. In March 1993, Judge Keeton denied the Sheriff's motion to vacate the consent decree, stating:

"Each of the modifications proposed fails the test [established by the U.S. Supreme Court] that this court should consider whether the proposed modification is 'suitably tailored to the changed circumstance[s].'"

### The task of the expert witness

The lawyers representing the inmates asked JRSA to perform two specific tasks:

(1) Review and critique the affidavit and deposition of the Sheriff's forecasting expert witness, which argued that the Sheriff could not have anticipated the rapid increase in the jail population which was forcing him to turn to double bunking.

(2) Comment on the possibility that the Sheriff and Suffolk County Commissioners could have anticipated a rapid increase in the jail population. There were two critical dates at issue here — April 1985 (prior to the start of construction on the new jail) and December 1988 (the last date at which modifications could have been made to the new jail construction plans). Additionally, during the course of litigation, the male detained inmate capacity (the sub-population at issue) was set at 419. The specific question, then, concerned whether the Sheriff and County Commissioners could have anticipated, in April 1985 or December 1988, that the male detained population of the Suffolk County Jail would exceed the 419 capacity?

### Taking aim at the opposition's expert

Table 1 shows, point-by-point, a comparison of the Sheriff's and inmates' forecasting expert witness arguments.

It is ironic in this forecasting exercise that, while JRSA recommended an alternative approach to the Suffolk County Jail population forecast, JRSA had to use the same information available to the Sheriff to critique the Sheriff's expert witness. JRSA argued in its affidavit that a "components of change" approach to the Suffolk County Jail population forecast would more than likely have allowed the Sheriff and County Commissioners to anticipate (in April 1985 and in December 1988 — two critical dates in the jail construction history) an increase in the male detained population beyond the 419 person capacity limit in effect at the time. Unfortunately, this argument is hypothetical and, in fact, the Sheriff

did not employ a components of change forecast.

JRSA posited the following arguments relating to a Suffolk County Jail forecast using only the arrest and jail population data available to the Sheriff between 1985 and 1987. Simple projection of a linear fit to data on the Suffolk County Jail monthly male detained population from 1979 to June 1988 would have predicted a population over 419 before December 1988, well before the new jail opened in May 1990 (see Figure 3). If the linear trend in the monthly male detained population from January 1979 to April 1985 was projected to December 1988, that population would have crossed the 419 threshold sometime in late-1987. If data through December 1985 were used to fit the linear trend, the 419 threshold would have been crossed by June 1988 (Figure 3).

### Summary

The expert witness role forces one to criticize another's work, but the value in the experience is not found in the adversarial process but rather in the perspective that the role brings to the work of forecasting. This paper has argued that jail forecasts should not rely solely on demographic and arrest data to predict future jail populations and JRSA has always cautioned against simple linear trend analysis in criminal justice forecasts. On the other hand, such methods are quite common and they were used by JRSA in the affidavit provided for in this court case.

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**Table 1: Comparison of forecasting expert witnesses arguments in inmates of *Suffolk County v. Rufo***

Sheriff's expert witness argument	Inmates' expert witness (JRSA) critique
County demographic data and trends in jail admissions and population levels are sufficient to forecast future jail populations; policy shifts and criminal justice decision variables are either insignificant or too difficult to determine to include them in a jail population forecast.	Components of change models that incorporate policy shifts and criminal justice decision variables permit criminal justice decision makers to better anticipate future jail population levels. Such models have been developed for county jail forecasts. They require access to appropriate data and expert opinions.
Victimization surveys can be useful supplements to UCR data because they contain instances of unreported crimes. The U.S. victimization survey showed declines in major crime victimizations from 1982 to 1987.	Victimization surveys should not be used as supplements to UCR data for forecasting purposes because they cover households (not business establishments) and do not cover victimless crimes.
Boston experienced a population level decrease of approximately 8%-10% from 1970 to 1980, and a decrease in the population aged 18-29, suggesting that there would be fewer individuals at risk for offending or arrest in the Boston population during the 1980's.	Demographic trends exert an indirect influence on the flow of offenders into a county correctional system, while law enforcement, prosecutorial, and judicial decisions exert more direct influences. If the general population was decreasing and arrests were increasing in Boston in the 1980's (as Boston PD data indicate), then the arrest rate would be increasing. It can be argued that the people who migrated out of Boston were those who could afford to, leaving a higher concentration of low income and minority residents, those with historically higher rates of contact with the justice system. This could reasonably lead one to anticipate an increase in the jail population while the general population was decreasing.
The increase in drug-related arrests in Boston had no systematic relationship to the number of pretrial detainees in Suffolk County.	At the critical time period for the Suffolk County Jail forecast (June 1987), drug enforcement policy changes were being contemplated that could be expected to increase the number of drug arrests in Boston (the war on drugs and the BJA formula grant program). All of the years between 1980 and 1987 except one saw a percentage increase in the yearly average male detained population in the Suffolk County Jail. The average year-to-year increase was 10% and the overall percentage increase from 1980 to 1987 was 94% (Figure 1). There was a 126% increase in Boston drug arrests from 1983 to 1987, a time period during which the bail laws were changed to allow more factors, including drug amounts, to be considered in setting bail (Figure 2).
The 1987 UCR data for Boston did not show any unusual increase in major crime incidents for many categories.	In 1987 the Boston PD reported increases for nine offense categories, including a 24% increase in reported Part I crimes and a 57% increase in reported Part II crimes, a 126% increase in drug arrests, a 42% increase in simple assault arrests, a 30% increase in weapons offenses arrests, etc. (Figure 2). While the Boston population was decreasing and reported major offenses were decreasing, enforcement activity was increasing in the important areas of violent and drug offenses.
Some data are not available to county officials until a significant amount of time after they occur, rendering them almost useless for forecasting.	Many of these data are available to county officials because they are used for planning and resource allocation purposes in the criminal justice system. Law enforcement officials do not have to wait for UCR reports to get offense and arrest data.
Changes in the criminal law and sentencing guidelines would not necessarily increase the pretrial population because of deterrence effects.	This statement does not reflect the experience of many law enforcement officials across the country with regard to drug crimes. During the 1980's changes were made to the Massachusetts criminal laws that increased or established mandatory minimum sentences for certain drug offenses, and that allowed judges to consider other drug-related factors. Since such penalties can arguably increase the risk of a suspect fleeing, it is reasonable to anticipate that higher bonds would be set for such offenses, resulting in more jail admissions.

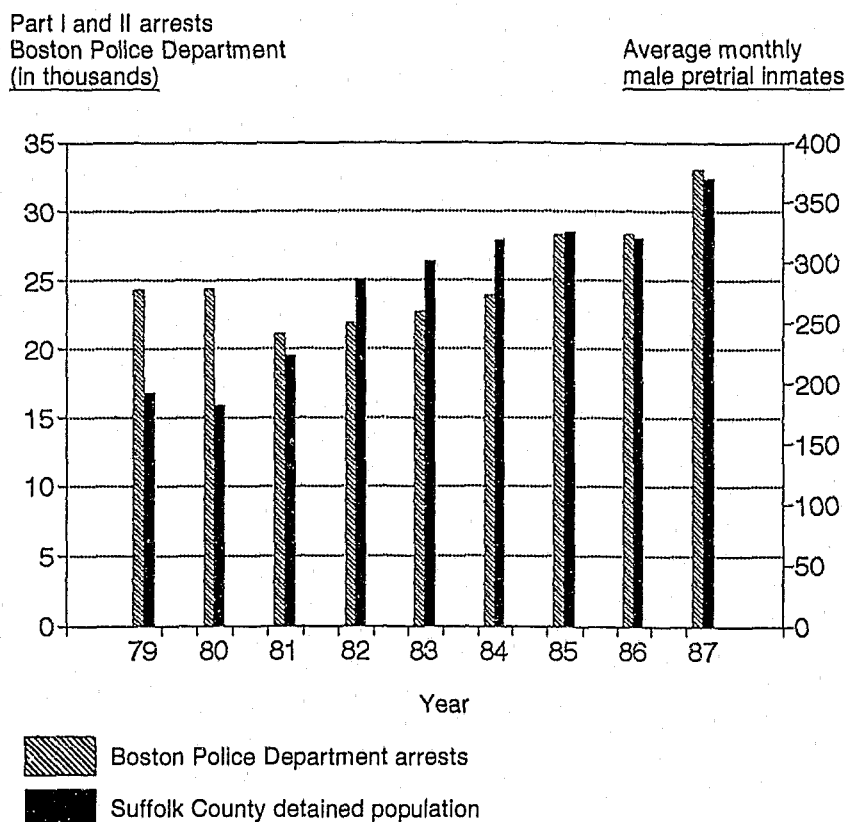
One lesson to be learned from this exercise is that a forecast is most often a product of the data and technology available, the political winds (or cross-currents) blowing at the time of the forecast, and the skills and experience of the forecaster.

Forecasting is a tool and an art, not a science (though scientific methods are often employed). The forecast produced by the Suffolk County Jail and the expert witness testimony provided on both sides were crafted to make specific points on either

side of the case, using the same data, and without benefit of any sophisticated forecasting or simulation software.

Using simple linear methods, the addition or deletion of a few data

Figure 1. Boston Police Department arrests and Suffolk County yearly average male detained population



of change or simulation forecast models. It is often not until a crisis of some sort develops that decision-makers see clearly how they must invest in data resources if they wish to improve their planning and forecasting capabilities.

**A final note**

While the Judge found in favor of the inmates in this case, he left the door open for further action by the Sheriff and, likely, further litigation. He stated,

"The rulings cited here, however, do not preclude consideration of a further proposal to modify upon an adequate showing that it is suitably tailored to changed circumstances . . ."

points can make a difference in the resulting forecast. JRSA showed two different male detained population forecasts — one using data through April 1985 and another using eight additional data points, through December 1985. A different subset of the raw data in Figure 3 (say the data between July 1982 and July 1986) would show a stable and flat male detained population, while the data from July 1980 to July 1982, if extended in a linear forecast, would show a more dramatic increase in the future.

Criminal justice forecasts are highly dependent on data. In the period

1985 to 1987, the Suffolk County Sheriff, if he was aware of their existence, could have chosen from a number of forecast models to prepare a components of change forecast. It is not clear, however, if he would have had ready access to data from a number of different sources (for example, police, courts, prosecutors, county planners and demographers) to support the development of such a forecast model. Probably not. Similar problems exist in many counties and large cities across the country — data are not available (or they exist but not in formats easily accessed and manipulated) to feed complex components

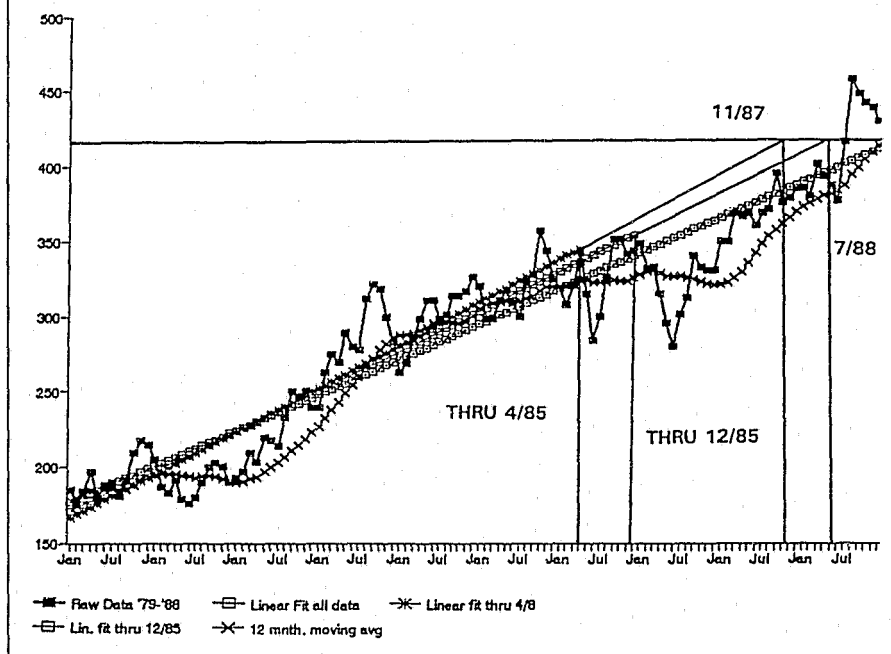
Workshop VI. Forecasting: Impact assessment methodologies

Figure 2. Boston Police Department citywide arrests by year

Year	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
<b>Part I crimes</b>														
Homicide	72	71	68	65	81	74	78	60	47	71	63	101	94	42
Rape	232	249	156	164	161	279	267	272	265	256	254	238	281	107
Robbery	1,203	1,230	1,101	1,098	1,288	1,091	1,176	1,260	1,281	1,289	1,609	1,670	1,545	699
Aggravated assault	2,027	1,875	1,427	1,407	1,532	1,627	1,841	2,032	2,417	2,696	3,181	3,476	3,489	1,469
Burglary	1,269	1,330	1,078	989	910	811	831	982	932	1,041	1,313	1,300	1,296	529
Larceny	3,281	3,031	3,042	3,053	2,870	3,074	3,447	3,383	4,007	3,894	4,684	4,219	3,856	1,515
Vehicle theft	579	722	1,108	1,365	1,217	1,130	1,305	1,437	1,084	1,170	1,592	1,224	701	180
Arson	80	67	38	81	59	48	50	85	69	80	66	56	37	27
<b>Total Part I</b>	<b>8,743</b>	<b>8,575</b>	<b>8,018</b>	<b>8,222</b>	<b>8,118</b>	<b>8,134</b>	<b>8,995</b>	<b>9,511</b>	<b>10,102</b>	<b>10,497</b>	<b>12,762</b>	<b>12,284</b>	<b>11,299</b>	<b>4,568</b>
<b>Part II crimes</b>														
Simple assault	777	875	650	710	766	742	735	847	1,084	1,685	2,174	2,477	2,613	1,391
Vandalism	463	445	328	355	359	449	522	547	605	476	569	644	557	235
Weapons	297	279	309	335	313	273	337	368	406	421	553	644	683	308
Prostitution	1,959	1,926	1,392	1,314	1,426	1,070	1,044	807	491	623	590	1,083	1,501	993
Drugs	1,669	1,850	1,452	1,789	2,487	3,536	4,295	4,434	5,625	6,176	7,282	6,141	6,486	2,724
OUI	1,091	900	674	752	980	1,102	1,269	1,391	1,357	1,094	999	1,055	784	359
Disorderly	1,521	1,882	1,686	2,447	2,493	2,596	3,397	2,554	2,898	2,850	3,239	3,430	2,694	855
Other Part II	7,809	7,679	6,562	5,964	5,739	6,037	7,724	7,839	10,421	9,476	10,066	10,153	10,033	4,372
<b>Total Part II</b>	<b>15,586</b>	<b>15,836</b>	<b>13,053</b>	<b>13,666</b>	<b>14,563</b>	<b>15,805</b>	<b>19,323</b>	<b>18,787</b>	<b>22,887</b>	<b>22,801</b>	<b>25,472</b>	<b>25,624</b>	<b>25,351</b>	<b>11,237</b>
<b>Total I &amp; II</b>	<b>24,329</b>	<b>24,411</b>	<b>21,071</b>	<b>21,888</b>	<b>22,681</b>	<b>23,939</b>	<b>28,316</b>	<b>28,298</b>	<b>32,989</b>	<b>33,298</b>	<b>38,234</b>	<b>37,908</b>	<b>36,650</b>	<b>15,805</b>

\*Through June 30, 1992

Figure 3. Linear trend in monthly male detained population of Suffolk County Jail, January 1979 to June 1988, projected to December 1988



For more information about this project, or to obtain forecasting information, contact:

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# Some technical issues in the maintenance and application of a longitudinal simulation model

By Bruce Frederick, Ph.D., Chief of Research and Evaluation, New York State Division of Criminal Justice Services

The New York State Division of Criminal Justice Services (DCJS) maintains a demographically-driven simulation model initially developed by Division staff in 1984.<sup>1</sup> It is one of three models currently used by policymakers in New York State to project future prison populations and assess the potential impact of proposed or anticipated changes in the criminal justice system.

The structure of the DCJS model closely parallels actual criminal justice system operations. Policymakers can use the model to directly evaluate alternative assumptions about demographic trends, arrest rates, conviction rates, charge degradation, case processing time, probabilities of imprisonment, time served in prison, and parole revocation rates. Program initiatives, changes in law, and changes in policies and procedures can be simulated to the extent that the probable effects of such changes on the above parameters can be estimated.

This presentation summarizes the structure of the DCJS simulation model, explains how available data are used to derive the parameter estimates necessary to model current practice, and shows how both parameter estimates and model structure can be altered to generate impact estimates. Special attention is given to a subtle computational artifact that can significantly bias parameter estimates derived from exit cohorts.

## The core model

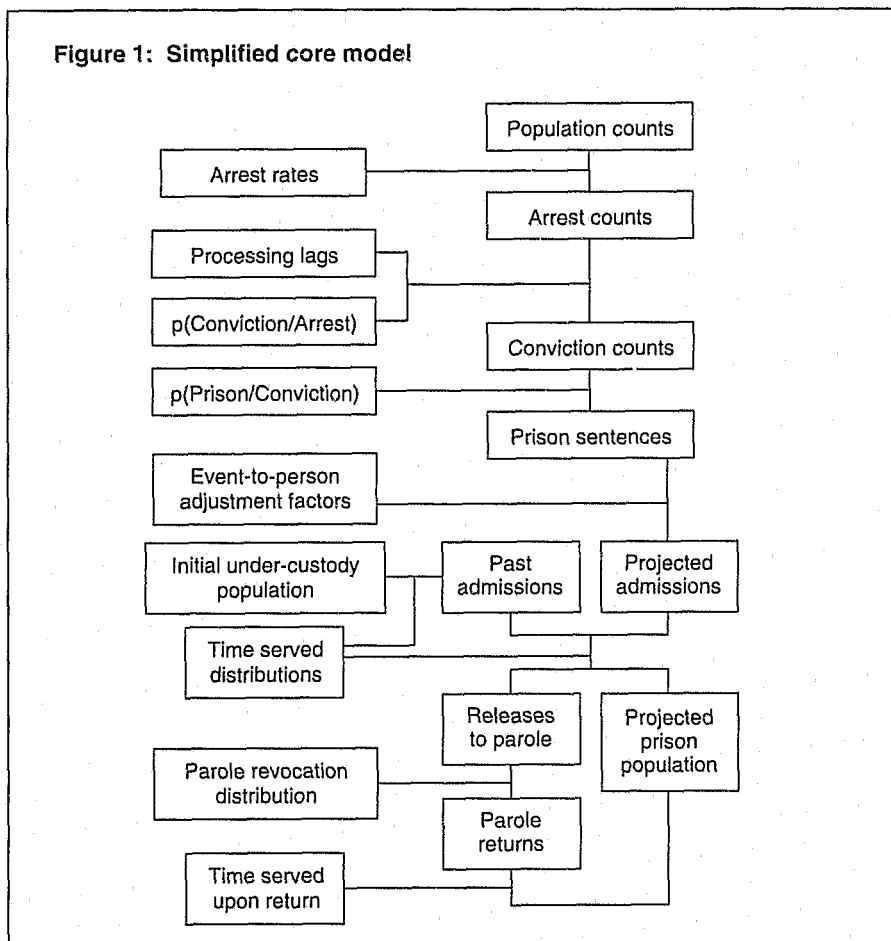
The overall simulation system is divided into a conceptually simple core model and a rather complicated set of peripheral analyses used to estimate the case processing parameters required by the core

model. This approach offers a high degree of flexibility in developing projections and impact estimates. Alternative assumptions and new methods for deriving input parameters can usually be incorporated in the system without affecting the structural validity of the model. A somewhat simplified representation of the core model is displayed in Figure 1.

Parameter estimates, model computations, and projected counts are highly disaggregated. Computations are done separately for males and females. Computations for females are disaggregated only by region, predicate status (predicate vs. non-predicate), and year. Most of the

computations for males are disaggregated simultaneously by crime type, predicate status, demographic group, and year. Twelve crime types are combined with predicate status to form 24 "crime groups." A 25th crime group consists of cases in which offenders are granted youthful offender status. Two regions (New York City vs. the rest of the State), two racial groups (white and hispanic vs. black and other), and four age groups are combined to form a total of 16 demographic groups. Thus, the computations for males generally involve a total of 400 (16 x 25) separate "cells" for each year and processing step. This high degree of disaggregation provides considerable flexibility in speci-

Figure 1: Simplified core model



fying alternative scenarios for generating impact estimates, but also complicates development of reliable parameter estimates.

### **Cohort mixture bias in the analysis of exit cohorts**

Estimating case processing parameters for a longitudinal simulation model<sup>2</sup> often requires a substantial follow-up period. For example, the time from arrest to final court disposition can be as much as 2 or 3 years, and the time between admission to prison and release from prison can be much longer. Thus, estimates of case processing time or time served distributions derived from entry cohorts must be based on cohorts that are already several years old. This is undesirable, because accurate baseline forecasts are more likely to be obtained using parameters that reflect more recent practices.

A common strategy for circumventing this problem is to estimate case processing parameters from recent exit cohorts (releases from prison or cases reaching final court disposition in a given recent year). Unfortunately, analysis of exit cohorts yields biased estimates under certain common circumstances. For example, if average time served in prison is estimated from a cohort of all releases from prison during a specified time period,

- the resulting estimate is unbiased when the absolute number of new admissions is neither increasing nor decreasing; but
- average time served is underestimated when admissions are increasing; and

- average time served is overestimated when admissions are decreasing.

This bias has nothing to do with historical changes in practice. It is purely a computational artifact caused by a disproportionate mixture of short and long cases associated with increases or decreases in the absolute number of inputs per time period. The problem arises in the estimation of any parameter involving the time between entry to and exit from a particular status. The most common examples are case processing time from arrest to final court disposition, time between prison admission and release, and time between admission to supervision and discharge from supervised status.

Cohort mixture bias also occurs in the estimation of parameters that are correlated with processing time. For example, the probability of being convicted and sentenced to prison following a felony arrest is strongly correlated with the case processing time between arrest and final court disposition. This association arises for two reasons: because many dismissals occur within the first few months that a case is pending; and because defendants facing more serious consequences are more likely to hold out for grand jury review and jury trials. If estimated from disposition cohorts, probabilities of prison given arrest will be underestimated when arrests are increasing and overestimated when arrests are decreasing.

In some instances, cohort mixture bias can be reduced by reducing the correlation between processing time and the parameter to be estimated. This can be accomplished by employing statistical controls for

processing time or simply by disaggregating by processing time. However, this approach is obviously not applicable when the parameter to be estimated is processing time itself.

The bias can also be reduced by reducing or compensating for the disproportionality in the cohort mixture. The disproportionality can be attenuated by simply adopting a period of analysis that is long relative to processing time. For example, if the time from arrest to final court disposition is estimated from dispositions in a single calendar quarter, then a large proportion of the cases will have been initiated in earlier time periods and the bias could be large. On the other hand, if the estimates are based on a longer period (for instance, two years), then a much larger proportion of the cases will be initiated and completed within the cohort period and the bias will be reduced. Another approach which is helpful in some circumstances is to disaggregate processing time estimates by some factor known to be correlated with processing time (for instance, minimum sentence is a good predictor of time served in prison), then reweight the data to match the distribution of that characteristic in a recent entry cohort. All of these approaches are used at various stages of the DCJS prison population projection model.

### **Peripheral processing**

The overview in Figure 1 summarizes the mainstream model processing without indicating the extensive analyses required to obtain the inputs to the main model flow. Input parameters (arrest rates, probabilities of conviction, etc.) are calculated separately "outside the model," and may be derived differently for different purposes.

**Demographic projections.** Fully disaggregated demographic projections proved difficult to obtain. For example, the New York State Department of Commerce produces projections disaggregated separately (that is, one variable at a time) by age, race, gender, and region. However, as a matter of policy, they do not produce projections disaggregated simultaneously by race and region, because they are concerned about "self-fulfilling prophecies." DCJS currently uses demographic data obtained from the National Planning Association (NPA). Population estimates are available from NPA for both historical and future time periods, disaggregated jointly by age, race, gender, and county. Separate estimates are not available from the NPA for Hispanics, who are included in the white and nonwhite groups according to the same proportional allocation used by the U.S. Bureau of the Census. In the DCJS model it is assumed arbitrarily that most Hispanics are classified as "white" in the NPA data.

**Predicate pool.** In addition to the breakdowns provided by the NPA, the population is further partitioned into predicates (persons with at least one prior felony conviction) and non-predicates (the remainder of the general population). The size of the predicate pool is projected for future years by making a preliminary pass through the first few stages of the core model to project first felony convictions among persons initially categorized as nonpredicate. This partitioning makes subsequent forecasts more sensitive to the fact that persons with prior felony convictions are more likely to be arrested, more likely to be convicted given arrest, more likely to be imprisoned given conviction, likely to be sentenced to longer terms, and less likely to be

paroled upon completion of their minimum terms.

**Arrest rates.** Estimates of arrest rates (per 100 thousand persons in the population) are fully disaggregated by crime group (including predicate status), demographic group, and year of arrest. Historical arrest counts are obtained from the State's Computerized Criminal History (CCH) system. Race is not recorded for Hispanics in the CCH, so all Hispanics are arbitrarily categorized as "white." Arrest rates for predicates are based on arrests of persons with prior felony convictions and the estimated size of the predicate pool. Unless there is advance warning of imminent changes in arrest practices, the most recent year's arrest rates are usually applied to all future years to generate a "baseline" forecast. Impact estimates may be generated by altering arrest rates or by directly altering projected arrest counts.

**Processing lags.** The time between a felony arrest and final case disposition can vary from as little as one day to as much as two years or more. The model uses lag time distributions derived from longitudinal analysis of CCH data to distribute modeled convictions across future years. The distribution specifies the proportions of a year's felony arrests expected to be disposed in the year of arrest ( $p_0$ ), the next year ( $p_1$ ), two years hence ( $p_2$ ), and later ( $q$ ). In order to estimate processing lags from the most recent information possible, some simplifying assumptions are adopted. By assuming that  $p_2$  and  $q$  are essentially constant and only  $p_0$  and  $p_1$  are subject to significant historical changes, it is possible to derive the distribution by determining  $p_0$  from the most recent historical year and estimating

$p_1$  by subtraction (since  $p_0 + p_1 + p_2 + q = 1.0$ ).

**Conviction probabilities.** Felony arrests for a given crime type could result in felony convictions for any crime type, or youthful offender adjudications in lieu of felony convictions. "Not convicted of a felony" is treated as an additional disposition crime type. Separate probabilities for each possible outcome are derived from longitudinal analysis of CCH data and arrayed in large "transition matrices." Separate transition matrices are estimated for each processing lag. For example, lag zero transition matrices contain conviction probabilities for cases in which the disposition occurred in the same year as the arrest. This permits using more recent data for short processing lags, accounts partially for the correlation between conviction rate and processing time, and helps reduce cohort mixture bias. Even in New York State, with nearly 200,000 felony arrests per year, this degree of disaggregation can make the data too sparse to support reliable estimates. Therefore, although the modeled conviction counts are fully disaggregated by crime group, demographic group, and year of disposition, transition matrices are not fully disaggregated by demographic group. For example, the same transition matrices are used for whites and nonwhites, because preliminary analyses showed that race had less effect on the outcome than age or region.

**Incarceration probabilities.** Probabilities of imprisonment given felony conviction are also derived from longitudinal analyses of CCH data and are fully disaggregated by crime group, demographic group, and year of disposition. Because the number of sentences to prison is small rela-

tive to the number of arrests, the data are too sparse to support reliable estimates for some of the resulting combinations. DCJS analysts have used two different techniques for dealing with this problem. Originally, logistic regression was used to model the incarceration probabilities as a function of crime type, predicate status, and demographic characteristics. In this context, the result can be viewed as a multivariate smoothing of the matrix of incarceration probabilities. The approach sometimes produced satisfactory results using only main effects and a few lower order interaction terms, but often did not yield a good fit to the original data. In addition, the process proved to be too time-consuming. New, sophisticated data analyses were required for each projection and impact estimate. Therefore, a more mechanical approach was devised. An algorithm was developed for aggregating conceptually "adjacent" cells when the number of convictions in a cell is less than 50. Convictions and prison sentences are first added from the two closest years, then from the other region, the other race, and last from other age groups, until the aggregate number of convictions reaches 50 or all of the aggregation possibilities are exhausted. This approach leaves the high volume cells unaltered, makes less disaggregated estimates for the low volume cells which have less impact on the prison population, and usually does not end up basing any estimates on fewer than 50 cases.

**Event-to-person adjustments.**

In any given year, there are more sentences to prison than admissions to prison. This is because a defendant may have several cases pending at once and may not be admitted to prison until all of the cases are

disposed, or an offender may already be in prison for one crime, then sentenced to an additional term for another crime. In New York State, the number of admissions tends to be approximately 85% of the number of prison sentences, but this ratio varies substantially by crime type. Adjustment factors are disaggregated by crime group only. They are calculated by comparing modeled prison sentences to actual new commitments. When prisons are crowded, the timing of new admissions is strongly affected by the opening of new facilities, and the adjustment factors tend to fluctuate substantially from year to year. Therefore, the adjustment for the most recent year may not be representative, and DCJS analysts usually adopt a 5-year or 10-year average.

**Time served distributions.** The core model requires time served information in the form of cumulative release distributions (CRD). CRDs specify the cumulative percentage of admissions who will have been released after a given period of time (and, by inference, the percentage remaining in prison). A separate CRD is estimated for each crime group. The model uses exponential functions determined by two parameters, a shape parameter and an offset. The offset is the time at which releases begin and the shape parameter equals the average time until release. DCJS analysts developed an iterative procedure for finding the offset exponential function that best fits the raw release distribution. Raw release distributions are estimated by one of two methods:

**Regression on minimum sentence.** Linear regression equations are developed using time served

in State prison as the dependent variable and minimum sentence length (minus presentence detention time) as the sole predictor. Separate regressions are estimated for each crime group. The regressions are derived from minimum sentences and actual time served for a cohort of recent releases from prison, then applied to the actual minimum sentences for a cohort of recent admissions to prison. The cumulative frequency distributions for predicted time served are then used to develop the raw CRD's. To the extent that the relationship between minimum sentence and time served is stable, this procedure compensates for cohort mixture bias by reweighting time served estimates according to the mix of minimum sentences in a recent admission cohort.

**Parole hearing method.** Data from the State Division of Parole are used to determine the average time between hearings, as well as the proportion of inmates paroled at first hearing, second hearing, and so on. By a rather complicated set of processing rules, this information is used in conjunction with minimum and maximum sentences for a recent admissions cohort to construct raw CRD's for each crime group. This method is not subject to cohort mixture bias, because time served is not directly estimated from release cohorts.

**Parole revocation distribution.** This distribution specifies the proportion of parolees expected to be returned to prison for technical violations during the year they were released, the next year, two years hence, etc. It is provided to DCJS by analysts at the Division of Parole, and the same distribution used for all groups.

**Time served upon return.** A single average time served upon return from parole is also provided by analysts at the Division of Parole and used for all groups.

#### **Methods for developing impact estimates**

A simulation model is not always the most efficient method for generating a valid impact estimate. Since the process of developing relevant estimates of model parameters can be quite complicated, it is often more efficient to develop impact estimates more directly, especially for simple problems. For example, DCJS analysts frequently avert more complicated analysis simply by demonstrating that the population of offenders eligible for a proposed change in treatment is small, and that the maximum possible impact of the change would be inconsequential. However, use of a simulation model can demonstrate unexpected potential impact when the joint effect of several proposed changes is not intuitively obvious, when it is important to determine how the impact will develop over time, or when there is a possibility of "feedback" effects.<sup>3</sup>

Developing an impact estimate using a simulation model usually involves comparing a "baseline" scenario with one or more alternative scenarios. The baseline scenario is typically constructed from estimates of processing parameters which reflect current practice as closely as possible. Alternative scenarios may be constructed by determining the likely effects of proposed changes on the processing parameters required as input to the simulation model, or they may require changes in the structure of the core model.

#### **Examples of modifications in parameter estimates**

**TNT in New York City.** In order to model a proposed expansion of Tactical Narcotics Teams (TNTs) in New York City, DCJS analysts examined the "productivity" of existing TNTs, and simply added a constant number of annual drug arrests for each new TNT. Drug arrest counts were manipulated directly (rather than arrest rates per 100,000 population), because the increases were expected to be directly related to police resource allocation, rather than to more general demographic patterns. TNTs have since been deemphasized in New York City (in favor of a greater emphasis on community policing). If a return to the emphasis on TNTs were expected, analysts could project the impact either by making adjustments in the arrest counts or by replacing current arrest rates (perhaps for all crime types) with the rates experienced during the peak of TNT activity.

**Parole release rates.** The Parole Board and the State Department of Correctional Services sometimes initiate new programs or procedures designed to encourage early release from prison. In these instances, they frequently specify a target release rate as an objective of the initiative. Therefore, modeling the impact of such an initiative on the prison population is a simple matter of substituting the new target rates for the estimates of recent actual release rates used to produce the baseline projection.

**Reclassifying an offense.** Perhaps the most common type of initiative requiring an impact estimate is the reclassification of an offense from one felony class to another (usually to a higher class). In order to reflect

this type of initiative in the DCJS simulation model, it is necessary to determine how the resulting change in sentencing practices might affect the cumulative release functions (CRDs) required by the core model. This requires a considerable amount of computation and some difficult judgments about how judges might behave in reaction to the reclassification. Will they impose sentences for the reclassified offense that are similar to the sentences currently imposed for other offenses in the new category? Or will judges attempt to continue imposing sentences as much like those imposed under current law, within the bounds permitted by the new classification? The answers to these questions will affect how the raw data on minimum sentence lengths are manipulated to develop hypothetical CRD's for alternative scenarios. Typically, DCJS analysts might construct more than one alternative scenario to examine the potential consequences of alternative assumptions. Because of the complexity of this type of adjustment, this is an example of the type of problem for which it is important to determine in advance whether the maximum number of cases that could be affected is large enough to warrant the effort.

#### **Examples of modification in structure**

**Shock incarceration.** Shock incarceration in New York State is an intensive "boot camp" program with a strong counseling component. Prison inmates who successfully complete the 6-month program are eligible for early release to a special parole supervision status called "aftershock." When the program was first introduced, modeling the potential impact on the prison popu-

lation required adding a new processing stream to the simulation model. This stream uses information about the proportion of new admissions who are eligible for the program, the proportion of eligible offenders who agree to participate in the program, the proportion of program participants who successfully complete the program, a fixed time served for successful participants, and a parole return that can be (and usually is) different than the return rate for other parolees. These additional components have become a permanent part of the DCJS model.

**Delayed impact of TNT.** A series of research studies conducted by DCJS staff suggested that the dramatic increase in felony drug arrests during the late 1980's might have both an immediate impact and a delayed impact on the prison population. The proportion of felony arrests that involved predicate offenders was rising at a rate of about 5% per year. Analyses of historical trends suggested that this increase was due primarily to growth in the pool of offenders with first felony convictions who are at risk of predicate treatment upon rearrest. The growth in the predicate pool was generated initially by increases in the probability of felony conviction given felony arrest. However, it was anticipated that the dramatic increase in felony drug arrests would accelerate the growth of the predicate pool and generate a delayed impact on the prison population. In order to test this possibility, the model was expanded to include explicit projections of the size of the predicate pool, which was then used as the denominator for calculating predicate arrest rates and also as a separate "demographic group" for projecting future arrests. The results of this simulation are reported in a *Research Note*

titled "Sensitivity of Prison Population Projections to Information About the Population of Potential Predicate Felons," available from the Bureau of Research and Evaluation at the New York State Division of Criminal Justice Services in Albany, New York. The report shows that accounting for growth in the predicate pool generates substantially higher prison population projections than earlier methods, and projects that the prison population will continue to rise through most of this decade, despite projected decreases in the total number of felony arrests.

### Some final comments

The New York State model has a high degree of validity. That is, when values are specified for the model parameters that approximate actual historical practice, the model successfully generates estimates that closely approximate the actual prison population in both size and composition. This does not imply that the model will necessarily generate accurate predictions of future populations. The accuracy of *predictions* depends more on the prescience of the assumptions input to the model than on the model itself. However, generating *impact estimates* involves comparisons among the projected consequences of alternative sets of assumptions, for which the validity and sensitivity of the model are more important than the absolute number of projected inmates.

The size of the prison population is strongly influenced by changes in law and practice, and the combined effects of changes in the administration of justice can be much stronger than the effects of demographic trends. Thus, the size of the prison population is fundamentally a matter

of choice. The principal value of a simulation model is not in predicting the number of inmates, but in helping public officials make explicit the consequences of specific policy choices.

### References

<sup>1</sup> The original model was developed by Steven Greenstein, in consultation with Sherwood E. Zimmerman and Bruce Frederick. It has since been revised several times by Steven Greenstein and David J. van Alstyne. Mr. van Alstyne currently has the principal responsibility for maintaining the model, and produced all of the data incorporated in this workshop presentation.

<sup>2</sup> Cross-sectional simulation models also exist. For example, one of the models used in New York State projects releases from prison in a given year as a simple fraction of the under-custody population at the beginning of that year, without regard to longitudinal analysis of average time served given admission.

<sup>3</sup> Feedback might occur, for example, if a program designed to promote early release from prison generates an increase in parole revocation.

## IMPACT's effectiveness in projecting male and female populations

By Robert M. Segó, Management Analyst, New Mexico Department of Corrections

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**Goal: To describe our approach and results in using IMPACT as a population projection model for the first time.**

Our first attempt at using IMPACT (Interactive Models for Projecting Arrests and Corrections Trends) to project male and female inmate populations resulted in a mixed bag. We missed our actual male population by less than .2% and our actual female population by over 5%.

### What we did

IMPACT offers four approaches to population projections depending on the type of statistical technique one uses to figure intakes and releases. We used the least complex. Method 1 develops a ratio which then is applied to project a future source pool and a queuing method to consider releases. We used total State population to develop our ratio and selected as our source pool admissions to our facilities.

This approach requires that one have an accurate average length of stay (ALOS) for the groups of inmates for whom population projections are being prepared. This was a problem for us for two reasons: (1) we could not get accurate empirical ALOS's for men and women. There were gaps in our computer record which resulted in very high ALOS's; (2) we could not segregate our admissions for diagnostic and evaluations (D&E's) from convicted and sentenced inmates. We knew that the inclusion of D&E's in our regular inmate population would understate our average length of stay because D&E's stay so briefly in our system.

To compensate for the lack of empirical data (actual average lengths of stay for individual inmates in our

system), we used the formula for ALOSs:

$$\text{ALOS} = \frac{\text{Average Daily Population for the period}}{\text{Admissions for the period}} \times 12$$

because we did have numbers for the previous three years for male and female average daily populations and admissions. We would like to have used moving averages for these two sets of numbers, but data for only three years did not allow that.

With no data to show us the extent of our error in ALOS caused by including D&E's, we turned to IMPACT to help us approximate what our ALOS should be. We set up an IMPACT run with Method 1 using data from the previous year (FY79) as a base and trying to project our most recently completed year (FY80). The figure in the IMPACT model which we did not know was ALOS. Using FY79 base data and adjusting the ALOS in many iterations, we arrived at actual FY80 population figures. These ALOS figures were further adjusted based on anomalies in prison operations which we knew would influence ALOS. An example was admission of 68 county jail inmates who stayed only two days in the system. After considering the population projections from many iterations, we chose 18.07 months and 11.30 months as the effective ALOS for males and females respectively in FY80.

Then we used all the known pertinent information in FY80 and these ALOS's as the base year and projected inmate population for five years. Because we had such a small data base to predict changes in ALOS, we made an assumption that ALOS for males would increase at .5 months a year for the next five

years (with the exception of FY81) and for females would increase at .25 months a year for the next five years. This assumption was based on our knowledge that Adult Prisons was going to put much greater emphasis on alternative programs. As they did, they would divert most shorter-stay inmates into the alternatives programs, thus raising average ALOS of the inmates remaining in the institutions. A decline in ALOS for males in FY81 was in anticipation of the Adult Prison's concentrated effort to take inmates from institutions and place them in reintegration programs. Thus their ALOS in institutions would be decreased considerably.

In fact the ALOS for males and females without D&E's in FY80 was 18.16 (versus 17.57) and 12.40 (vs 11.55). Our projected male population for FY81 was 3,273; our actual population was 3,267. Our projected female population for FY80 was 194; our actual population was 205.

### For more information, contact:

Robert Segó, Management Analyst  
Planning and Special Projects  
Department of Correction  
P. O. Box 27116  
Santa Fe, New Mexico 87502-7116  
(505) 827-8655

## Workshop VII

Friday, October 15, 1993  
2:00 p.m. - 5:00 p.m.

### Survey design and methodologies

#### Moderator

*Charles F. Wellford, Ph.D.*, Director and Professor, Maryland Justice Analysis Center  
Institute of Criminal Justice and Criminology, University of Maryland

#### Instructors

*Robert M. Groves, Ph.D.*, Associate Director, Joint Program in Survey Methodology  
University of Maryland

*Paul J. Lavrakas, Ph.D.*, Professor and Director, Northwestern University Survey Lab  
Evanston, Illinois

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### Total survey error

By Robert M. Groves, Ph.D., Associate Director, Joint Program in Survey Methodology  
University of Maryland and Paul J. Lavrakas, Ph.D., Professor and Director,  
Northwestern University Survey Lab, Evanston, Illinois

The purpose of this workshop was to provide criminal justice practitioners and scholars a framework for thinking about survey research methods and the data which surveys generate. This framework, the "total survey error" (TSE) perspective, can be applied to all stages of research — conceptualization of a survey design, implementation of the design, and utilization of findings.

Groves' 1989 book, *Survey Errors and Survey Costs*, makes explicit that the traditional concern researchers have shown about survey quality has been disproportionately focused toward concerns about sampling error. Given that there are many other potential sources of survey error (bias and variance), this concentration on sampling error has been ill-advised and must change.

The workshop began with an overview of the TSE perspective. Potential sources of nonsampling error were identified and discussed

briefly: coverage error, nonresponse error, and measurement error. Coverage error may occur in a given survey design if some elements in a target population (for instance, parolees or crime victims) have no chance of being sampled (a zero probability). Nonresponse error may occur because data are not always gathered from every element that is sampled, primarily because of non-contacts and refusals. Measurement error may occur because of problems associated with a questionnaire, the interviewers, the respondents themselves, and/or the mode of data collection (in-person, telephone, mail other self-administered). Sampling error also was briefly discussed.

Each category of potential error was then discussed in greater detail. Criminal justice examples were used. The distinction between, and the importance of, utilizing survey methods that attempt to reduce particular types of error versus methods

that attempt to measure the size of particular types of error also was explained.

The audience and instructors engaged in a constant Q&A exchange throughout the workshop. Possible solutions and considerations were advanced by the instructors to several specific survey-related problems raised by members of the audience.

A general recommendation was advanced that encouraged all users of survey research to evaluate it more critically from the TSE perspective. Those who write public policy reports based on survey research findings were encouraged to produce a new section in their report's conclusion — one that provides a critique of the research from the TSE perspective and qualifies the report's substantive conclusions, accordingly.



## Workshop VIII

Friday, October 15, 1993  
2:00 p.m. - 5:00 p.m.

### Methodologies for the study of violent crime

#### Moderator

*Claire M. Johnson*, Senior Associate, Institute for Law and Justice,  
Alexandria, Virginia

#### Instructors

*David N. Cowan, Ph.D.*, Senior Scientist, SRA Technologies, Inc.  
Alexandria, Virginia

*Stephen L. Buka, Sc.D.*, Assistant Professor, Harvard School of  
Public Health, Boston, Massachusetts

*William V. Pelfrey, Ph.D.*, Chair, Department of Justice and Risk  
Administration, Virginia Commonwealth University, Richmond, Virginia

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### Epidemiology, case-control methodology, and the study of violent crime

By David N. Cowan, Ph.D., Senior Scientist, SRA Technologies, Inc.  
Alexandria, Virginia

What is case-control study design and why is it important? Rather than answer that directly, I will address some other study designs and work around to the case-control study.

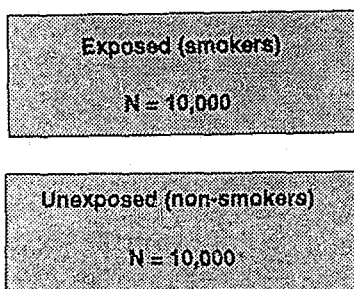
Whenever possible, epidemiologists prefer to conduct research at the individual level, evaluating the association between predictor and out-

come variables on individual study subjects. Classically, and most intuitively appealing, is to identify a group with an attribute suspected of causing or increasing the risk of the disease of interest, and another group without this attribute but otherwise similar (Figure 1). These groups are then followed over time, and the disease experience com-

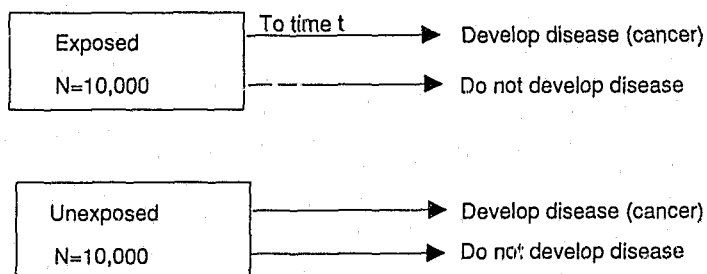
pared (Figure 2). This study design is known as "prospective," "cohort," or "longitudinal."

The disease rate is known as the incidence, and is expressed as a proportion, or multiplied to get some convenient number (Figure 3). A disease such as cancer may be expressed as number of new cases

**Figure 1. Identify exposed and unexposed disease-free populations**



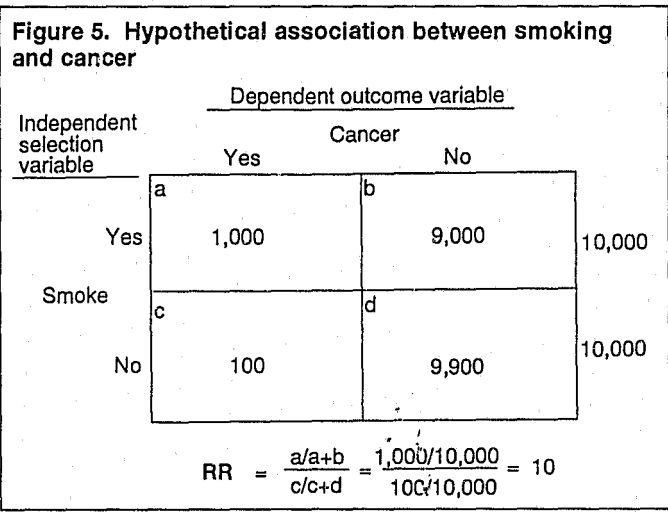
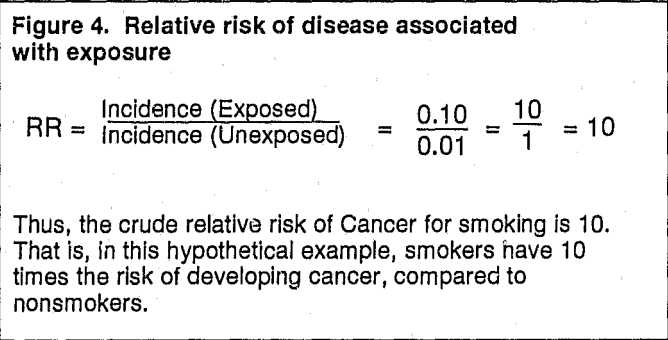
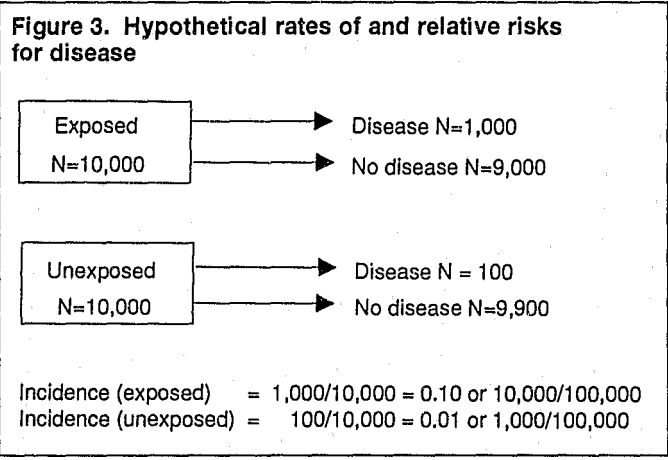
**Figure 2. Follow both groups to time t. Ascertain disease experience of both groups**



per 100,000 population. Incidence here is defined as the number of new cases of disease occurring among previously non-diseased persons. The incidence rate among the exposed group is divided by the incidence rate in the unexposed group, resulting in a measure of association (Figure 4). This number has several different names, including Relative Risk and Rate Ratio (RR). The RR is interpreted as a measure of effect, or the relative likelihood of developing the disease with exposure than without exposure. At this point, we have identified a factor that is associated with a substantial increase in risk of our disease of interest (Figure 5).

One pitfall is the time over which the study must be conducted. If exposure prior to onset of disease is evaluated, then the subjects must be followed long enough for disease to develop. For some diseases, such as cancer, this can be a protracted period, perhaps 20 to 40 years. The difficulty with identifying and retaining subjects over this duration is obvious. Another difficulty is the low rate of disease occurrence, for most diseases. The reason that many diseases are reported in cases per 100,000 is that only a few cases per 100,000 will occur per year. Thus, if we are to identify enough cases to have meaningful and statistically valid numbers, many subjects must be followed. Both of these factors lead to the obvious conclusion that cohort studies are expensive, often prohibitively expensive. Is there an option to conducting research which is too expensive (in terms of both money and time)?

The answer is yes. But before we discuss another approach, let us return to the first study design, the



cohort, and the measure of association or effect.

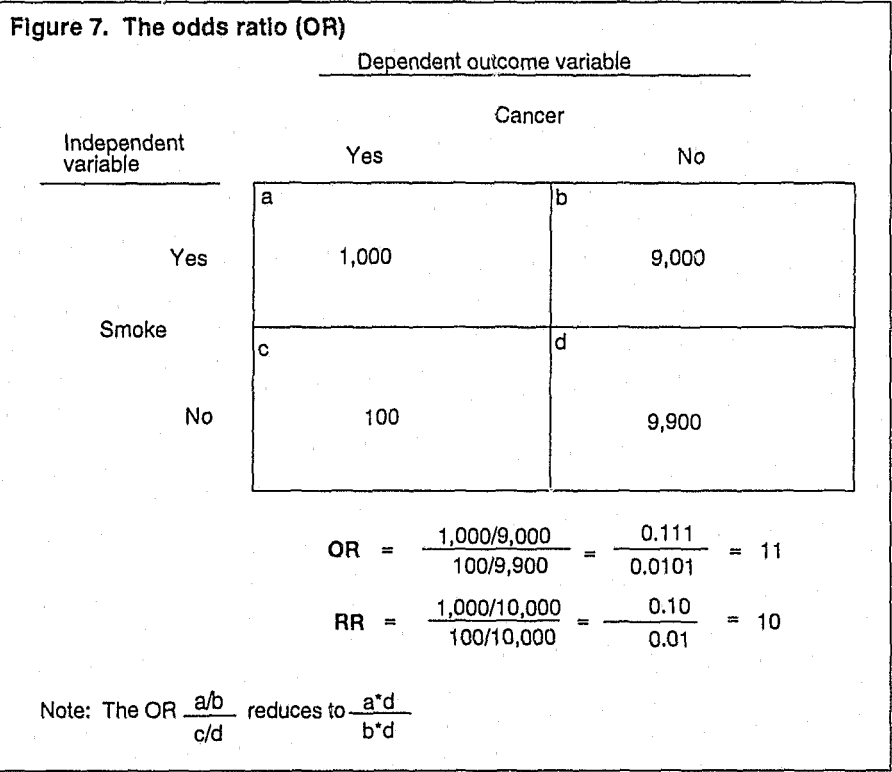
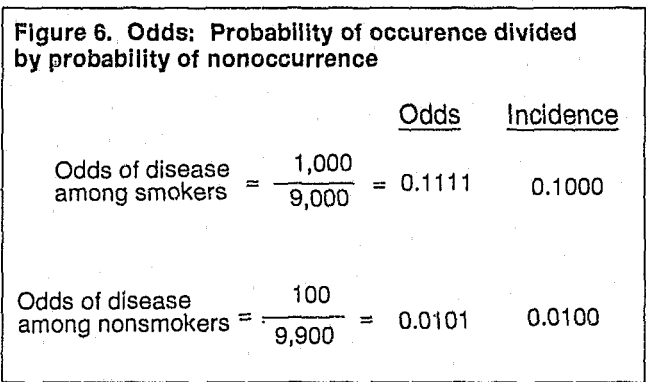
Consider the RR. It provides a **relative** measure of association between the exposure and the

outcome. Our hypothetical data indicated that smoking was associated with a 10-fold increase in risk of cancer, compared to those who did not smoke.

**Workshop VIII. Methodologies for the study of violent crime**

Next, let's consider the concept of **odds**. The odds of an event can be defined as the probability of occurrence divided by the probability of nonoccurrence (Figure 6). Notice that the odds of disease in each group is quite close to the incidence, presented earlier. This is true only when the event of interest is rare. As the incidence gets higher, the odds overestimate the incidence. It follows, then, that if the odds approximate the incidence, the odds ratio will approximate the RR (Figure 7). Again, this is true only when the disease is rare.

So, where are we now? We know that a prospective study may be impossible to do, and we know that the OR approximates the RR. However, let us reconsider our data and approach it from a different perspective. Rather than following two groups of subjects selected on their exposure to a risk factor, we will select two groups based on their disease status (Figure 8). For this example, we will select all diseased subjects, a random sample of non-diseased, and one case for each control.



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**Figure 8. Selecting cases and controls**

		Disease	
		Yes	No
Exposure	Yes	a	b
	No	c	d
		1,100	1,100

**Figure 9. Exposure distribution of cases**

		Disease	
		Yes	No
Exposure	Yes	a 1,000	b
	No	c 100	d
		1,100	1,100

In real life, at this point all we would know is the column totals: we have identified 1,100 persons with cancer and 1,100 persons with no cancer, and the distribution of exposure is the unknown variable. But in this hypothetical example, we have insight into the "truth." Since we used all the cases, we know the distribution of exposure. Among those with disease, 90.9% were exposed to smoking; 9.1% were not. Thus, if we know the disease status and query on the exposure status, the expected distribution would be as shown here (Figure 9).

While we used all the cases in our case-control study, we will use only a random sample of the noncases, equal to the number of cases (Figure 10). As with the cases, in real life, we would not know the distribution of exposures, but in our example we

do. Our hypothetical cohort study, ended up with 18,900 subjects who did not develop the cancer of interest. In our case-control example, we will use only 1,100 of these subjects, just under 6%. Going back to our cohort study (Figure 5), we see how exposure is distributed among the non-cases. From our unfair advantage we know that 47.6% of the non-cases were exposed and 52.4% were not exposed. Since we have randomly selected our controls, this would be the expected distribution of exposure. Rounding, we would expect to find 524 exposed and 576 unexposed controls, as shown here (Figure 10).

I must emphasize that we know what the distributions are because we are taking these data from our hypothetical cohort study. We included all cases and a random subset of non-

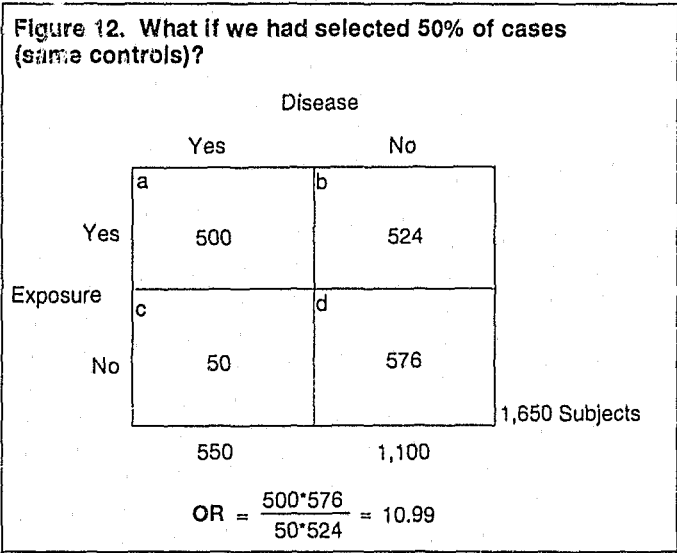
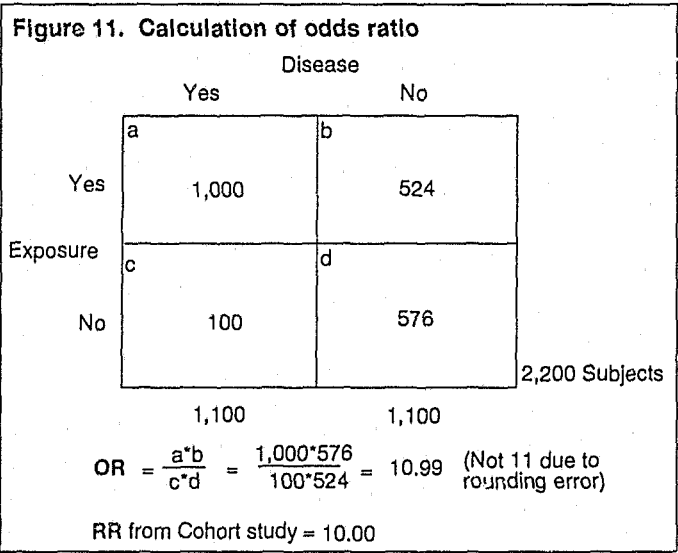
cases. Error, in the form of bias, can be introduced if cases or controls are not properly selected, but we could spend much more time than we have today discussing the selection of cases and controls.

Looking at Figure 11, with all the cells filled in, we can calculate the Odds Ratio. The calculated Odds Ratio is 10.99, the same (except for rounding error) as when we studied the entire 20,000 subjects. We need not use the entire case population: if we randomly select cases (using the same controls) we get the expected distribution seen here (Figure 12). If we use an appropriate method of selecting subjects (such as a random selection in a particular setting), the distribution of exposures will be the same regardless of sample size (allowing, of course, for random variation). The idea is to reach the same conclusion from studying 2,200 cases and controls or 1,650 cases and controls as from following 20,000 exposed and unexposed subjects over an extended period: smokers have a much greater likelihood of cancer than nonsmokers, with an RR of 10 and an OR of 11.

**Figure 10. Exposure distribution of controls**

		Disease	
		Yes	No
Exposure	Yes	a	b 524
	No	c	d 576
		1,100	1,100

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The benefits of the case-control study design are obvious: a much shorter study period, fewer study subjects, and usually, a much smaller financial investment (Figure 13). Unfortunately, there are also serious potential drawbacks to this study design, as shown here (Figure 14).

Once we accept these obvious advantages and disadvantages, there are other considerations. For example, since the case-control design uses subjects who have already developed disease, there is a potential for biased responses for exposure measures. Persons who have developed the disease may have a different level of recall about certain exposures that may be related to the disease, especially if there is a degree of public knowledge about the disease under study and factors thought to be associated. Other problems can arise if the case subjects are dead.

An important advantage of the case-control study is the ability to evaluate multiple risk factors. The exposures are being evaluated after the dis-

ease has occurred, so it is possible to inquire or measure a fairly large number of factors. By use of multivariate modeling techniques, primarily logistic regression, it is possible to evaluate the relative effect of each risk factor, and to control for confounding by other factors. The logistic model permits the direct calculation of the crude odds ratio for each variable under consideration, as well as odds ratios which have been weighted or adjusted for the presence of other risk factors. Multivariate analyses can be a powerful analytic tool, but like most complex tools, requires training and experience to use. Case-control studies have been widely used, particularly in the last 30 or so years, and the methodology has been well refined. Hundreds if not thousands of these studies have been conducted, with applications as diverse as AIDS, Legionnaires' Disease, Toxic Shock Syndrome, many different cancers, and numerous other infectious and noninfectious diseases.

- Figure 13. Advantages of case-control study design compared to cohort study**
- Fewer subjects required
  - Shorter study duration
  - Less expensive to conduct

- Figure 14. Disadvantages of case-control study design**
- Not as intuitively appealing
  - Serious potential for bias if subjects not selected appropriately

# The program on human development and criminal behavior

By Stephen Buka, Sc.D., Assistant Professor, Harvard School of Public Health, Boston, Massachusetts

## Goals/objectives

To review the rationale, design, and current status of the Program on Human Development and Criminal Behavior — an interdisciplinary longitudinal investigation of the community, school, family and individual factors leading to violence, aggression, and criminality.

## Summary of workshop content

The Program on Human Development and Criminal Behavior (PHDCB) aims to substantially increase the understanding of how both community and individual variables explain the development of antisocial behavior, crime, and violence. Briefly, the research goals of the program are to:

- (1) chart in both males and females the developmental pathways that lead to early aggression, behavioral problems, delinquency, and adult crime
- (2) examine the relationship between individual traits, family and school environments, and community characteristics as they contribute to the development of criminal behavior
- (3) adopt the accelerated longitudinal design for the study of conduct disorder, delinquency, and criminal behavior from birth to age 32 (with nine overlapping cohorts)
- (4) identify opportunities during child and adolescent development when interventions are most likely to be effective, and promising strategies for experimental intervention.

## Overview of the design

The Program will involve a set of integrated longitudinal studies of individuals, communities, and individuals within communities. A major component is the accelerated longitudinal design, that involves nine cohorts, starting prenatally and at ages 3, 6, 9, 12, 15, 18, 21, and 24. Once selected, each cohort will be assessed annually for eight years; each will yield nine annual waves of data.

The study will include in these cohort samples 11,000 target subjects, half males and half females, and their family members: 2,000 for the first and last cohorts and 1,000 for all others. Cohort subjects will be obtained from the eligible households of occupied dwelling units of a probability sample of neighborhood dwelling units stratified by race/ethnic and class status. The strata are a balanced representation of blacks, whites, and Hispanics, and three socioeconomic levels based on income.

The outcome variables — antisocial behavior and its associated negative sanctions, and substance abuse — are measured consistently in each cohort across the age range from 3 to 32, using a combination of self-report questionnaires, standardized interview protocols, and official records.

Four domains of explanatory variables are formulated as risk and protective conditions for these outcomes. They are organized under the following headings: individual, family, social context, and community organization.

- (1) Four domains of individual functioning are measured through a

combination of systematic interviews, psychological tests, physical examinations and, where applicable, official records. They reflect characteristics of: (a) health, (b) temperament, (c) cognitive functioning, and (d) attitudes and self perception.

- (2) At the family level, the four areas of concern are: (a) demographic characteristics and kinship structure of household and extended family members, (b) past history and contemporaneous psychological adjustment of the subject's caretakers and immediate relatives, (c) relationship between adult caretakers and caretakers and children within the family, and (d) social and physical organization of the home environment.

- (3) Social networks and social context are measured through characterizing: (a) peer relations and the behavior of peers, (b) social support, and (c) the school and classroom climate, through teacher ratings, subject and maternal reports, and school records.

- (4) At the community and neighborhood levels, six constructs are measured: (a) dynamic structure of the local community and neighborhood, (b) organizational/political structure, (c) cultural values, (d) informal social control, (e) formal social control and (f) social cohesion. Data to operationalize these six constructs at the community and neighborhood levels will be gathered by the following methods: [1] household surveys with stratified probability samples of a cross-section/panel of community residents; [2] interviews with subjects or/and their families about their perceptions of their neighborhood and community; [3] interviewer observational ratings of the dwelling unit and face-block of subject's residence; [4] agency records on

## Workshop VIII. Methodologies for the study of violent crime

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community social indicators; [5] interviews with key neighborhood informants; and [6] systematic social observation.

### Significance

The program will be carried out at an opportune time for examining criminal and antisocial behavior as a public health and criminal justice problem confronting the nation. The cost of crime-related morbidity and mortality to the already failing health care system has been neglected in the past. Violence is a leading cause of death in adolescence and young adulthood. Injuries sustained through violence can be costly to healthcare services and can have the lifelong after effect of reducing the productive potential of youth. In the same manner, antisocial behavior in the forms of substance abuse by pregnant mothers, child abuse and neglect, and family violence increases mental and physical health problems in children, further contributing to health care costs.

As the nation turns to creating major changes in the health care system, deliberate consideration of the impact of antisocial and violent behavior on the health of all citizens is critical. The proposed study will provide the first empirically based estimates of the potential impact of antisocial and criminal behavior on the health of a large community of children and families.

The prospective longitudinal study of individuals in community contexts is well suited to provide evidence on how best to design interventions. This information will be useful to the criminal justice, child protection, and public health systems. Some of the policy and practice issues that might be influenced include:

- how to identify persons at high risk for persistent delinquent behavior
- deciding what information to retain in juvenile records to enhance processing of adult offenders
- the provision of more effective strategies to match offenders to criminal sanctions and court-ordered community services, training, and treatment
- refining concepts and methods of studying the causes of violence within local community contexts
- assisting in evaluating how much effort to place in prevention projects which are aimed at modifying developmental antecedents as opposed to situational determinants of interpersonal violence
- determining how to tailor violence prevention projects to reach those at greatest risk, while monitoring the possible harmful effects of such programs.

## Prominent methodologies in the assessment of violent crime

By William V. Pelfrey, Ph.D., Chair, Department of Justice and Risk Administration, Virginia Commonwealth University, Richmond, Virginia,  
Laura Moriarty, Michael L. Vasu and Charles W. Dean, Research Associates

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In order for decisionmakers to best utilize time, talent, and resources, it is necessary that they have current, reliable, and valid data regarding crime and victimization. At present, such data do not exist except for official data published by the FBI's Uniform Crime Reporting Program. The other major data source of victimization in the United States is the National Crime Victimization Survey published by the Bureau of Justice Statistics, U.S. Department of Justice. While these data are valuable from the standpoint of national trends, patterns, and victimizations, they provide little assistance to States and localities in determining the appropriate distribution of their resources. The need for good status-level victimization data can be disputed.

During 1992 four States, North Carolina, Louisiana, Tennessee, and West Virginia, participated in citizen surveys related to victimization and fear of crime. Three of the surveys were on victimization as well as fear of crime while one State participated in only a fear-of-crime survey. Differences and similarities of the methodologies were discussed as were the costs of the different approaches. The major findings of each of the surveys and a comparison of victimization surveys showed far greater victimization than reflected by the UCR data. The States participating in victimization surveys in 1992 had statistically significant differences in official crime rates but no significant differences in victimization rates based on the surveys.

Comments regarding methodologies, mail vs. telephone surveys, and the interpretation of results pointed to the need for each and every State to consider victimization surveys as a means of gathering better information which can be interpreted and applied at the State, regional, and local levels. Also recommended was a coordinated effort on the part of States considering victimization surveys so that questions and methodologies are similar and results comparable.



## Appendix A. The Justice Research and Statistics Association and The Bureau of Justice Statistics

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### The Justice Research and Statistics Association

The Justice Research and Statistics Association (JRSA) is a professional association of State Statistical Analysis Center Directors as well as criminal justice analysts, researchers, and practitioners in academia and throughout the justice system. JRSA's goals are to expand the analytical capabilities of State statistical agencies, provide accurate and timely information in support of sound policy development; encourage cooperation among the States in addressing common policy-related problems, promote the exchange of information and technology within the criminal justice community, and serve as liaison between the States and the Federal government.

JRSA was organized by the States in 1974 as the Criminal Justice Statistics Association, a private, nonprofit organization, and became the Justice Research and Statistics Association in November 1991.

Funding is provided by grants, contracts, and membership dues. JRSA works closely with the U.S. Justice Department's Bureau of Justice Statistics and other Federal agencies to promote the effective use of criminal justice information and professional standards for analysts.

JRSA programs include:

- a clearinghouse of criminal justice resources in the States;
- national and regional conferences on a wide range of criminal justice issues;
- training in the use of computer application and new technologies; and
- research and evaluation efforts in the area of drug control and strategies against violent crime.

Training is conducted both on site in JRSA's National Computer Center and in selected locations around the country. Topics cover the use of computers for a variety of statistical, graphics, and operational applications, including forecasting criminal justice populations.

JRSA publications include *The JRSA Forum*, the Association's newsletter, and *Grant Notes, etc.*, a bulletin announcing funding opportunities offered through the Office of Justice Programs, as well as research reports and technical bulletins. Members of JRSA receive an annual subscription to the *Criminal Justice Policy Review* journal.

For more information, call or write —

Justice Research and Statistics Association  
444 North Capitol Street, N.W.  
Suite 445  
Washington, DC 20001  
Phone (202) 624-8560  
Fax (202) 624-5269

### The Bureau of Justice Statistics

The Bureau of Justice Statistics (BJS) is the statistical arm of the U.S. Department of Justice, providing the Nation with statistical information, statistical analyses, and new empirically-based ideas. BJS collects, analyzes, publishes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government. These objective and critical data and analyses are used by key policymakers at the Federal, State, and local levels in their efforts to combat drugs and crime.

BJS maintains approximately two dozen major data collection series and publishes in excess of 50 reports annually. BJS publications address a rich array of subjects. The core of the statistical efforts includes annual releases regarding criminal victimization, populations housed in prisons and jails or under supervision by probation and parole agencies, Federal criminal offenders, Federal case processing, and criminal justice expenditure and employment. Periodic data collection is also undertaken to provide statistical information covering felony convictions, pretrial release practices, the composition and backgrounds of correctional populations, prosecutorial practices and policies, and the administration of law enforcement agencies and correctional facilities. BJS also produces special reports on topical criminal justice issues.

To assure widespread distribution and use of BJS statistical data, BJS maintains the Bureau of Justice Statistics Clearinghouse within the National Criminal Justice Reference Service, the Drugs and Crime Data Center and Clearinghouse, and the National Archive of Criminal Justice Data at the University of Michigan.

BJS also provides technical and financial assistance to State statistical and operating agencies responsible for the collection and analysis of State criminal justice statistics. Additionally, BJS administers the Attorney General's Criminal History Record Improvement Program, funded by the Bureau of Justice Assistance, to assist State and local governments in improving their criminal history records and information systems.

## Appendix B. Biographies of speakers

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**Nancy Arrigona** is a Planner with the Criminal Justice Policy Council, a State agency that conducts research, program evaluations, and strategic planning in criminal justice. Ms. Arrigona has been with the agency since 1986. She holds a Master of Public Affairs from the LBJ School of Public Affairs, and a Bachelor of Arts degree from the University of Texas at Austin.

**Joseph F. Baca** was elected to the New Mexico Supreme Court for an eight-year term, commencing on January 1, 1989. Prior to that, Justice Baca served for 16 years as a trial judge in the district court in Albuquerque, New Mexico. Justice Baca received an LL.M. degree from the University of Virginia Law School, J.D. degree from the George Washington University National Law Center, and a bachelor's degree from the University of New Mexico. Justice Baca has served on numerous Supreme Court committees and was Chairman of a two-year study of sentencing guidelines for New Mexico's judiciary.

**William D. Bales, Ph.D.** has been employed by the Florida Department of Corrections since September 1987 and is currently the Chief of the Bureau of Planning, Research, and Statistics. Dr. Bales has a doctorate in Criminology from Florida State University and worked in research capacities at the Florida Supreme Court and the Department of Law Enforcement prior to serving as the Department's Population Projection Administrator. This position involved developing, testing, and applying the Department's forecasting and population simulation methodologies to various inmate and supervised populations. Numerous academic and practitioner oriented publications and conference papers in the areas of

sentencing policy, deterrence, intermediate sanctions, and correctional forecasting have resulted from his research over the past 13 years.

**Allan R. Barnes, Ph.D.** is the Director of the Alaska Justice Statistical Analysis Unit (SAC). He currently teaches in the areas of research methodology, criminology, and crime prevention and is active in community agencies. His background includes experience as a Police Officer, a Probation and Parole Officer, and a Prison Psychologist. Dr. Barnes also has been in charge of a residential treatment facility for young adult felons. Dr. Barnes has evaluated programs at the local, State, and Federal levels and most recently directed three projects using Alaska OBTS data.

**Joseph M. Bessette, Ph.D.** has served as Associate Professor in the Alice Tweed Tuohy Chair of Government and Ethics at Claremont McKenna College since 1990. From 1985 to 1990 he served as Deputy Director for Data Analysis and as Acting Director of the Bureau of Justice Statistics, U.S. Department of Justice, and from 1981 to 1985 he was Director of Planning, Training, and Management of the Cook County, Illinois, State's Attorneys Office. He has held teaching positions at the University of Virginia, Catholic University of America, the University of Chicago, and Georgetown University. In 1983, he was Issues Coordinator for the Chicago mayoral campaign of Richard M. Daley. In addition to other published writings on American government and politics, he is author of *The Mild Voice of Reason: Deliberative Democracy and American National Government*, forthcoming from the University of Chicago Press; co-editor and contributor to *The Presidency in the*

*Constitutional Order*, and co-author of *American Government: Origins, Institutions, and Public Policy*.

**Stephen L. Buka, Sc.D.** is an Assistant Professor of Maternal and Child Health at the Harvard School of Public Health. A Developmental Psychologist and Epidemiologist, his work centers on the causes, prevention, and treatment of emotional, behavioral, and learning disorders of children and adolescents. He has a particular interest in public health and community-based approaches to these problems. He serves as Assistant Director of the Program on Human Development in Chicago Neighborhoods, a major interdisciplinary investigation of the community, school, family, and individual factors leading to violence, aggression, and criminality. This program will involve 11,000 persons between birth and age 24, followed over 8 years, and is the largest study of its kind, attempting to disentangle the many levels of causes that contribute to current rates of community violence.

**John Carnevale, Ph.D.** has served four years in the Office of National Drug Control Policy as a Senior Budget Analyst and is currently the Director of the Office of Planning which is charged with formulating the National Drug Control Strategy and conducting strategy-related research. Other positions he has held in the Federal Government include serving as a Budget Analyst and an Economist at the Office of Management and Budget, and as a Public Finance Economist in the Department of Treasury. Mr. Carnevale holds a Ph.D. in Public Finance from Syracuse University.

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**Theodore G. Chiricos, Ph.D.** is a professor in the School of Criminology and Criminal Justice at Florida State University. He received his Ph.D. from the University of Massachusetts in 1968 and served as Assistant Director of the Southeastern Criminological and Correctional Research Center until 1975. Professor Chiricos has published extensively in the areas of deterrence, sentencing, and correctional evaluation. His current interests are focused on economic marginality, race, and criminal punishment.

**James R. "Chip" Coldren, Jr., Ph.D.** is Deputy Site Director for the Project on Human Development in Chicago Neighborhoods, an 8-year longitudinal study being conducted by the Harvard School of Public Health in the City of Chicago. The study will examine individual, family, school, and community phenomena that factor into the onset, persistence, and desistence of antisocial, delinquent, and criminal behavior. Prior to joining the Program on Human Development in Chicago Neighborhoods, Dr. Coldren was the Director of Research for the Justice Research and Statistics Association. In that capacity, he designed and supervised a number of drug task force research projects, other research projects pertaining to drug control policy, offender processing, and other studies. He directed the Association's activities pertaining to forecasting criminal justice populations and taught forecasting in the JRSA National Computer Training Center. He holds master's and doctoral degrees in Sociology from the University of Chicago. Dr. Coldren worked for seven years with the Illinois Criminal Justice Information Authority, developing its data quality control program and conducting research in the areas of pretrial

processing and repeat offenders. He then became the Director of Research and Computer System Development at Patuxent Institution in Maryland, a maximum security, treatment-oriented prison. He currently is serving 3-year terms as a member of the Federal Bureau of Prison's Central Office Research Committee and as an Associate Editor for *Evaluation Review*.

**David N. Cowan, Ph.D.** is a Senior Scientist at SRA Technologies, Inc., of Alexandria, Va., and is interested in developing and applying classical epidemiologic methodologies to violence and homicide research. He currently is involved in studying the epidemiology of HIV infection among members of the Army Reserve Components, and in identifying risk factors for injuries associated with exercise. He is an Adjunct Professor of Preventive Medicine and Biometrics at the Uniformed Services University School of Medicine, and is a member of the Army Reserve assigned to the Walter Reed Army Institute of Research. Dr. Cowan graduated from the University of Massachusetts with a Ph.D. in Epidemiology, and is a member of the Society for Epidemiologic Research, the American College of Epidemiology, the Homicide Research Working Group, and the Association of Military Surgeons of the U.S.

**Ernest L. Cowles, Ph.D.** is a faculty member and researcher at the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University at Carbondale. His professional background spans a wide spectrum of the criminal justice/corrections field and includes work as a Probation and Parole Officer, Chief Institutional Psychologist, Administrator, Researcher, and Academic. In addition to continued re-

search interests in a variety of areas in institutional corrections, he recently completed a study on financially motivated crime and is now involved in an evaluation of drug treatment in correctional boot camps. Dr. Cowles has served as a consultant to a variety of Federal and State Criminal Justice organizations, and is active in several professional organizations. He currently serves as Co-Chair of the Justice Research and Statistics Association's Research Review Committee and is on the Association's Executive Committee.

**Mark S. Davis, Ph.D.** has been a researcher in the Research and Statistics section of the Office of Criminal Justice Services, Columbus, Ohio, since 1982. He holds a doctorate in Sociology/Criminology from The Ohio State University, where he is currently teaching criminological theory. His research on jail inmate suicide recently appeared in the *Journal of Criminal Justice*. For the past two years, he has been serving as Project Director of the Ohio SAC's study of police misconduct.

**Lindsay G. Dorrier, Jr.** is a native of Virginia and was educated at Trinity College in Connecticut and the University of Virginia Law School. He has been involved in government at the local, State, and national levels for the past 18 years, having served one term as a Supervisor of Albemarle County, Virginia, two and a half terms as the Commonwealth's Attorney (District Attorney) of Albemarle County, and three years as Director of the Virginia Department of Criminal Justice Services. He also served 3 years on active duty in the U.S. Army and is presently a Lieutenant Colonel in the U.S. Army Reserve. Mr. Dorrier is a Director

in the National Criminal Justice Association (NCJA) and represents Virginia on the membership Board of SEARCH, the National Consortium for Justice Information and Statistics.

**Kim English** is the Research Director for the Colorado Division of Criminal Justice, which serves as the state SAC and conducts a variety of research, evaluation, and policy analysis studies for the Governor's Office, the General Assembly, and other State departments. She works closely with policymakers and legislators, assisting them in understanding the implications and limitations of empirical research. Having worked with offenders in the community as an adult Probation Officer and a Volunteer Co-therapist in a proprietary sex offender treatment program, she is particularly interested in intermediate sanctions and community management of offenders.

**Tony Fabelo, Ph.D.** is the Executive Director of the Criminal Justice Policy Council, a State agency that conducts research, program evaluations, and strategic planning in criminal justice. Dr. Fabelo has been with the agency since 1984, serving as Planner, Director of Research, and Deputy Director. He holds a Ph.D. from the University of Texas at Austin and Bachelor of Arts degree from Loyola University in New Orleans, Louisiana.

**David L. Fallen, Ph.D.** is the Executive Officer for Washington State's Sentencing Guidelines Commission. He was the Commission's first Research Director, serving from early 1982 until last year, when he assumed his current position. Prior to being hired by the Sentencing Guidelines Commission, he was a

Research Supervisor for Washington's Department of Social and Health Services, specializing in adult felony corrections issues. Dr. Fallen is also an adjunct professor for Chapman University and teaches courses in psychological testing, research methods, and statistics.

**John R. Firman** is an Associate Director of the Illinois Criminal Justice Information Authority. His principal role is that of Director of Research. Mr. Firman holds both a B.A. and an M.A. in Sociology from La Salle University and Temple University (Philadelphia, PA) respectively. Beginning his criminal justice career as a Police Officer in Stone Harbor, New Jersey in 1968, Mr. Firman has spent the last 16 years conducting system-wide criminal justice planning and research projects throughout the United States and its territories. He is a recipient of the United States Department of Justice's G. Paul Sylvestre Award (1991) for outstanding work in the field of criminal justice policy research.

**Therese Ford** is the UCR Program Manager for the Alabama Criminal Justice Information Center (ACJIC). She has been with ACJIC for 19 years. Ms. Ford has been the Statistical Analysis Center Director for 8 years and UCR Program Manager for 3 years. In January 1991, ACJIC was approved for NIBRS submission to the FBI.

**Bruce Frederick, Ph.D.** has directed the Bureau of Research and Evaluation at the New York State Division of Criminal Justice Services since 1981. One of his responsibilities has been to oversee the development and maintenance of computer simulation models used in assessing the potential impact of

new initiatives on New York State's prison population. Dr. Frederick received his B.A. in Psychology in 1972 and his Ph.D. in Educational Psychology and Statistics in 1980. He worked as an electronics technician, taught computer maintenance and computer programming to field service technicians, and taught graduate courses in educational measurement and multivariate statistics. He spent 3 years at the New York State Division for Youth evaluating education programs in juvenile correctional facilities, and also served for a brief time as Coordinator of Local Alcohol Services Data Management for the State Division of Alcoholism and Alcohol Abuse.

**Robert R. Friedmann, Ph.D.** is a Professor and Chair of the Department of Criminal Justice at Georgia State University in Atlanta. He is the founder and Director of the Georgia Criminal Justice Statistical Analysis Bureau (SAB), also at GSU. He is also the founder and Director of the Georgia-Israel Law Enforcement Exchange (GILEE) Program. Dr. Friedmann received his M.A. and Ph.D. in Sociology from the University of Minnesota in 1978, and received his M.S. in Social Work from the University of Wisconsin in 1981. Prior to his appointment at GSU, he held teaching positions at the University of Haifa, Israel, and at the University of Minnesota. His research interest and published work focus on community policing. His recent book (October, 1992) is titled: *Community Policing: Comparative Perspectives and Prospects*, published by St. Martin's Press, New York.

**Suzette Gebhard** is the Executive Director of the Rhode Island Governor's Justice Commission. In this position, Ms. Gebhard represents

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the Executive Branch on the three-member Rhode Island State CJIS Implementation Committee which oversees the entire statewide computerization project. She earned her Master's Degree and is currently working on her Ph.D. at Bryn Mawr School of Social Work and Social Research. Ms. Gebhard has worked in social service, planning, and policy in Africa and Asia, as well as the United States.

**Lawrence A. Greenfeld** is the Acting Director of the Bureau of Justice Statistics, U.S. Department of Justice. Mr. Greenfeld has worked for BJS since 1982. He holds a B.A. in Criminology from the University of Maryland and an M.S. in Correctional Administration from The American University. Mr. Greenfeld has authored or co-authored more than fifty statistical publications and analyses covering probation, jails, prisons, parole, death-row populations, and juveniles in custody. He has served as a reviewer for the *Journal of Quantitative Criminology*.

**Robert M. Groves, Ph.D.** is Associate Director of the Joint University of Maryland-University of Michigan Program in Survey Methodology, based at the University of Maryland. He is a Professor and Research Scientist at the University of Michigan. From 1990-92, he was an Associate Director of the U.S. Census Bureau, on loan from Michigan. He is the author of *Survey Errors and Survey Costs* (Wiley, 1989); and (with R. Kahn) *Surveys By Telephone* (Academic Press, 1979); Chief Editor of *Telephone Survey Methodology* (Wiley, 1988); one of the co-editors of *Measurement Errors in Surveys* (Wiley, 1991); and author of several articles in survey and statistical methodology. His current research

interest is the influence of nonresponse on the quality of survey data.

**Darnell F. Hawkins, Ph.D.** is a professor of African-American Studies and Sociology at the University of Illinois in Chicago. He received his Ph.D. in Sociology from the University of Michigan in 1976, and a J.D. from the University of North Carolina at Chapel Hill in 1981. He has conducted research on racial disproportionality in the Nation's prison system, homicide trends, and public perceptions of crime and punishment. He is the editor of *Homicide Among Black Americans* (1986) and of the forthcoming volume, *Ethnicity, Race and Crime*. His current research projects include a history of State prisons in North Carolina from 1870 to 1957.

**William M. Holmes, Ph.D.** is the Director of the Statistical Analysis Center for Massachusetts and supervises the evaluation of drug enforcement grants in the Commonwealth. His research has covered topics such as domestic violence, delinquency, child abuse, drug abuse, and hate crime. He recently finished a study of police arrest practices in domestic violence cases. He has served as a Delegate and is now the Secretary/Treasurer for the Justice Research and Statistics Association.

**Carle L. Jackson** is the State Criminal Justice Policy Advisor at the Louisiana Commission on Law Enforcement. In this capacity, he serves as the Director of Policy, Planning, Research, and Information Systems. The major programs included in the Division are the Louisiana Sentencing Commission, the Louisiana Uniform Crime Reporting Program, the Louisiana Criminal History Improvement Program, the

Parish Jail Information System, and the Correctional Planning and Forecasting Program. Prior to this position, Mr. Jackson served as Administrator of Research and Criminal Justice Information Systems at the Louisiana Commission on Law Enforcement. He was responsible for grant administration, development of inmate population models, and supervision of computer technology in Louisiana's criminal system. Mr. Jackson also served as Director of Evaluation for a private firm, the Criminal Justice Institute; Private Consultant to the Louisiana District Attorney's Association; Research Consultant to the Louisiana Health and Human Resource's Office of Developmental Disabilities; and Statistician for the Louisiana Statistical Analysis Center. Mr. Jackson also served as Chief of Staff of the Governor's Prison Overcrowding Policy Task Force and as a member of the District Attorneys Association Systems Development Oversight Committee.

**John P. Jarvis** serves as a Criminal Justice Research Statistician for the FBI. His primary responsibilities include the development of analysis techniques applicable to the National Incident-Based Reporting System and the Hate Crime Reporting Program. Previous to this position, he worked for the State of Virginia where he developed various methods for forecasting jail, prison, probation, and parole populations. Over the past seven years he has been involved in various aspects of criminal justice research, including analyzing the impact of drug offenders upon the criminal justice system, developing inmate classification projection techniques, and analyzing long-term imprisonment trends in the U.S. He is completing his doctoral

dissertation in Sociology at the University of Virginia.

**Claire M. Johnson** is a Senior Associate at the Institute for Law and Justice and formerly the Director of the Criminal Justice Research Center for the District of Columbia. She has worked for more than 10 years in the field of criminal justice and has expertise in the areas of juvenile justice, research on criminal and juvenile justice issues, evaluation of justice-related programs and policies, and development and maintenance of systemwide data networks. Ms. Johnson has been involved in studying homicide and violent crime since 1986 and is particularly knowledgeable about the problems of violence and homicide in the District of Columbia. She has produced numerous reports describing homicide, crime, and justice, and has served on the Police Chief's Violence Prevention Task Force. Ms. Johnson holds faculty appointments at The American University and the University of the District of Columbia.

**Neal B. Kauder** is a Senior Research Analyst for the Criminal Justice Research Center, a division within the Virginia Department of Criminal Justice Services. He works with State policymakers from the various branches of government by communicating the results of criminal justice related research and data analysis. Mr. Kauder makes frequent presentations on the utilization and visual display of quantitative criminal justice information. His previous work focused on the development of sentencing guidelines, defining and maintaining an offense seriousness database, assessing criminal history record user needs, and analyzing hate crime data. Mr. Kauder is currently staffing Virginia's

Truth in Sentencing Commission and is a member of the Cultural Insensitivity Study Committee. He is also working on a feasibility study for the creation of a unified criminal justice database. Some of his past publications include *Communicating Criminal Justice Research Findings to Policymakers* and *Criminal History Records: An Assessment of User Needs*. He recently directed a Statewide public opinion survey on violent crime and gun control issues and has since authored *One-Hand-gun-A-Month: Measuring Public Opinion Concerning a Gun Control Initiative*, a journal article to be published in *Behavioral Sciences & the Law* later this year.

**Richard P. Kern, Ph.D.** currently serves as Director of the Virginia Criminal Justice Research Center, a Division within the Department of Criminal Justice Services, Commonwealth of Virginia. Dr. Kern also serves as Staff Director for commissions in all three branches of Virginia State government — the Judicial Sentencing Guidelines Commission (Judicial), the Governor's Commission on Violent Crime (Executive), and the Commission on Sentence and Parole Reform (Legislative). In these capacities, Dr. Kern is responsible for the oversight and direction of criminal justice system research requested by the Governor, Secretary of Public Safety, the Legislature, and the Judiciary. Dr. Kern's expertise lies in the design, development, and oversight of criminal and juvenile justice data collection systems and the design, development, and execution of research methodologies to study the juvenile and criminal justice systems. Dr. Kern has approximately 14 years full-time experience in conducting and/or directing justice system research. Dr. Kern received his Ph.D. and M.S. in Crimi-

nology from Florida State University and currently serves as President of the Justice Research and Statistics Association.

**Bruce King**, was elected to serve a third term as Governor of New Mexico in 1990. Mr. King is the first person in New Mexico's history as a State to be elected to three 4-year terms. Mr. King was first elected Governor in 1970 and served in that capacity from 1971 through 1974. Re-elected for a second term in 1978, he served through 1982. Governor King began his political career in 1959 in the New Mexico House of Representatives. He served five consecutive terms, three of those as Speaker of the House. King served as the State Democratic Chairman from 1968 through 1969 and as President of the State Constitutional Convention held in Santa Fe in 1969. While Governor, Mr. King has served as Chairman of several boards and commissions including the Interstate Oil and Gas Compact Commission, the Rocky Mountain Federation, the Four Corners Regional Commission, the Western Governors' Conference, and the Bi-National Governors' Commission of Mexico and the United States. Some of Governor King's professional and civic affiliations include St. John's College Board of Governors, Sunwest Financial Services Board of Directors, Greater Moriarty Economic Development Association Board of Directors, the New Mexico Cattle Growers Association, the New Mexico Farm Bureau, the University of New Mexico Alumni Association, and the Board of Directors of Southwestern Indian Polytechnic Institute. Governor King is a Veteran of the U.S. Army and attended the University of New Mexico.

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**Gary Kleck, Ph.D.** is a Professor of Criminology and Criminal Justice at Florida State University. He received his doctorate in Sociology from the University of Illinois in 1979 and has been at Florida State since then. He is the author of *Point Blank: Guns and Violence in America*. His articles have been published in the *American Sociological Review*, *American Journal of Sociology*, *Social Forces*, *Social Problems*, *Law & Contemporary Problems*, *the Journal of Quantitative Criminology* and many other journals. He also has testified before Congress on gun control issues.

**Jeffrey J. Knowles** has been the Research Administrator of the Ohio Office of Criminal Justice Services Research and Statistics Bureau (SAC) since 1978, and has worked in the criminal justice research field in Ohio and Georgia since 1974. Mr. Knowles served on the JRSA Executive Committee between 1980 and 1984, and was the Chair in 1982. He holds a B.A. in History from Milligan College, and an M.A. in History from Georgia State University.

**Barry Alan Krisberg** is currently President of the National Council on Crime and Delinquency (NCCD) and has served in that capacity since 1983; from 1979 he was NCCD's Research Director. Previously, he had academic appointments as Adjunct Professor at Hubert Humphrey Institute of Public Affairs, University of Minnesota, and Lecturer and Assistant Professor at the University of California, Berkeley. He received his undergraduate and M.A. and Ph.D. degrees from the University of Pennsylvania in sociology and criminology, and has authored/co-authored more than 56 publications mainly covering crime and

delinquency, juvenile justice, and juvenile incarceration.

**Gary LaFree, Ph.D.** is a Professor and Chair of the Sociology Department at the University of New Mexico. He also is the Director of the New Mexico Statistical Analysis Center. He received his Ph.D. in Sociology from Indiana University in 1979. He has published articles in Sociology and Criminology journals and law reviews on a wide range of topics including the official processing of rape cases, discrimination in the application of the law, and cross-national trends in rates of crime. His book, *Rape and Criminal Justice* was published by Wadsworth Press in 1989. He spent the past year working on a book about race and crime trends in the post-World War II United States on a fellowship from the Harry Frank Guggenheim Foundation.

**Paul J. Lavrakas, Ph.D.** is a Professor of Journalism and Statistics at Northwestern University. In 1982, he founded the Northwestern University Survey Laboratory and continues to serve as its Director. Dr. Lavrakas teaches research methods practicums to advanced undergraduates and graduate students at Northwestern and lectures at professional seminars on survey research, including three Bureau of Justice Assistance workshops in 1992. He is widely published in the fields of survey research methodology, the media's usage of election surveys, and crime prevention policy. Since the mid-1970's, he has developed an international reputation for his extensive work in the field of crime prevention public policy and regularly serves as a consultant to the U.S. Department of Justice as well as State and local justice agencies. Dr. Lavrakas received his graduate de-

grees in Research Psychology from Loyola University of Chicago in the mid-1970's. He worked for a year as a public sector specialist for Westinghouse Electric prior to coming to Northwestern in 1978. From 1968-1972, he taught fifth grade in the Chicago inner-city.

**Carol Chiago Lujan, Ph.D.** is an Assistant Professor at Arizona State University in the School of Justice Studies. She recently returned to the University after taking a 2-year leave of absence to direct the National Office of Alcohol and Substance Abuse Prevention for the Bureau of Indian Affairs in Washington, DC. Her primary research interest focuses on American Indian issues of injustice both at the individual and the national level. The intent of her research is to provide insight from an American Indian perspective regarding the various types of injustices that result from an oppressive and imposed foreign culture.

**Mary J. Mande, Ph.D.** has worked in criminal justice research, policy analysis, policy formulation, and training since 1980 when she began her career with the Colorado Division of Criminal Justice. She now directs her own consulting business, MJM Consulting Services. Dr. Mande received her B.A. in Sociology and Political Science from Cameron University in Oklahoma and her M.A. and Ph.D. in Sociology from the University of Colorado in Boulder. Dr. Mande's work has concentrated on analysis of sentencing laws, policies, and practices since 1980 when her first Colorado sentencing study was published in *Correctional Options for the 80's*. Areas of specialization include development of sentencing information systems; analysis of sentencing policies and targeting offenders for intermediate sanctions; public

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opinion research on attitudes toward prison and intermediate sanctions; development of empirical parole decision tools; prison population projections; offender classification models; impact analysis from a systems perspective; and program evaluation.

**Donald A. Manson** is a program manager for the Bureau of Justice Statistics, U.S. Department of Justice, and is responsible for the development of criminal justice information and statistical systems in 19 southeastern States. His duties include providing technical assistance related to criminal history systems, prosecutor management support systems, judicial information systems, correctional data systems, and offender-based transaction statistics. From 1974 to 1977, Mr. Manson was the regional systems specialist for the Law Enforcement Assistance Administration, located in Atlanta, Georgia. He provided technical assistance and program development guidance to eight southeastern States with regard to the design and implementation of automated criminal justice information systems and public-safety radio communications. From 1970 to 1973, Mr. Manson was the Director of the Law Enforcement Data Center for the Florida Department of Law Enforcement, responsible for all data processing services. During this period, he directed the expansion of the Florida Crime Information Center to include over 300 local terminals, five in-state computer-to-computer interfaces, and two national interfaces (to the FBI's National Crime Information Center, and to the National Law Enforcement Telecommunications System). In 1969, Mr. Manson was a private consultant and managed the project that developed and implemented the Florida Crime Informa-

tion Center. Prior to 1969, Mr. Manson was with the Saint Louis Metropolitan Police Department for 10 years. His final duties included responsibility for all of the computerized operations of the Department.

**Christine Martin** is a Senior Research Analyst with the Illinois Criminal Justice Information Authority. She currently is Project Director for a multi-State U.S. Department of Justice-funded *Police Behavior Study*. Prior to this assignment, she was the principal researcher for the State Justice Institute-funded *Cook County Pretrial Release Study*. Ms. Martin received her B.A. in Sociology from DePaul University, and her M.A. in Applied Sociology from Loyola University Chicago. She currently is completing coursework for a Ph.D. in Sociology at Loyola University Chicago. Ms. Martin's primary areas of research include sampling theory, database design, and survey instrument development.

**David McDowell, Ph.D.** is a Professor at the Institute of Criminal Justice and Criminology, University of Maryland, and is Associate Director of the Violence Research Group. His research centers on crime control and the social distribution of violent acts. With Colin Loftin and Brian Wiersema, he currently is studying the influence of firearm policies on homicide and suicide mortality in the United States.

**Eric R. Meyners** is the Program Manager for Northwest New Mexico Fighting Back, Inc. He holds a B.A. in Psychology and a Master of Divinity. He brings a broad perspective to alcohol and other drug issues. He has participated with Fighting Back for 3 years as a local coalition member, a regional board member and in a staff capacity. Fighting Back, a

nationwide effort to reduce the demand for alcohol and other drugs, is funded by the Robert Wood Johnson Foundation in fifteen communities. In New Mexico, the counties of San Juan, McKinley, and Cibola are the funded "community." This funding is designed to provide community groups with the ability to begin to solve their alcohol and drug problems.

**Norval Morris, Ph.D.** is the Julius Kreeger Professor of Law and Criminology at the University of Chicago. Following service in the Australian Army during World War II, he completed his LL.B. and LL.M. degrees at Melbourne University. In 1949, he received a Ph.D. in Law and Criminology and was appointed to the faculty of law at the London School of Economics. He has practiced law as a Barrister and has held academic appointments at Melbourne and Adelaide Universities in Australia and at Harvard, Utah, Colorado, and New York Universities. From 1962 to 1964, he was the Director for Asia and the Far East of the United Nations Institute for the Prevention of Crime and Treatment of Offenders. He has served and presently serves on numerous Federal and State government and scholarly councils and commissions as well as on several United Nations committees. Mr. Morris is a Fellow of the American Academy of Arts and Sciences. With Michael Tonry, he edits *Crime and Justice: A Review of Research*. He has written extensively on the criminal justice system, his last three books being *The Future of Imprisonment* (1974), *Madness and the Criminal Law* (1982), and *The Brothel Boy and Other Parables of the Law* (1992).



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**John P. O'Connell, Jr.** is the Executive Director of the Delaware Statistical Analysis Center (SAC). The SAC is presently involved in four major activities: analysis of sentencing reform, forecasting to assist with prison crowding, crime analysis, juvenile classification, and population forecasting. Before becoming SAC Director in 1988, he was Chief of Forecasting for the State of Washington's Office of Financial Management (OFM) and was responsible for all forecasting affecting the State budget, including prison forecasting. Mr. O'Connell, who holds a B.A. in Sociology from the University of Washington and an M.S. in Statistics from the University of Iowa, is a past President of JRSA.

**William V. Pelfrey, Ph.D.** currently is serving as Professor and Department Chair, Department of Justice and Risk Administration, Virginia Commonwealth University. Previously, Dr. Pelfrey was Head of the Department of Criminal Justice, Western Carolina University and Director, Administrative Officers Management Program, North Carolina State University. He worked closely with the North Carolina Governor's Crime Commission in assessing violent crime and defining the characteristics of drug traffickers. Before coming to North Carolina, Dr. Pelfrey was Director, School of Justice Administration, University of Louisville where he also served as Acting Director of the Southern Police Institute and National Crime Prevention Institute. He has held positions as Associate Dean, College of Criminal Justice, Sam Houston State University, and Chairman, Department of Criminal Justice, Memphis State University. Dr. Pelfrey has served on the Kentucky Crime Commission and Law Enforcement Councils at the State

and regional levels. He currently serves on the Regional Advisory Commission, Southeast Center for Drug-Free Schools and Communities. He holds a Ph.D. in Criminology from Florida State University and has published articles in numerous journals as well as a book, *The Evolution of Criminology*.

**Tammy Meredith Poulos, Ph.D.** is a Senior Research Analyst at Virginia's Criminal Justice Research Center within the Virginia Department of Criminal Justice Services. She designs and conducts criminal justice-related research projects, works on interdisciplinary research teams, and communicates research findings to local, State, and Federal policymakers. She holds a master's degree in Criminal Justice from the State University of New York at Albany and a Ph.D. in Criminology from Florida State University. She has experience in forecasting local jail populations and has led the design of simulation forecasting technologies. Dr. Poulos's prior research includes the development of Virginia's Sentencing Guidelines and assessing the impact of the relationship between sex offenders and their victims on the sentencing behavior of judges. She recently co-authored an article on the transfer of serious juvenile offenders to criminal court, which will be published in the January 1994 volume of *Crime and Delinquency*. Her current work involves enhancing the capacity to apply advanced statistical procedures in assessing risk when making alternative sentencing recommendations.

**Samuel D. Pratcher** is a 21-year police veteran. He was appointed as the Chief of Police of the Wilmington, Delaware Police Department in January, 1993. Chief Pratcher

holds an M.S. in Human Resource Management and a B.S. in Criminal Justice Administration, both from Wilmington College. He is the Delaware Chapter President of the National Organization of Black Law Enforcement Executives and a member of the Police Executive Research Forum, the Delaware Police Chiefs Council, the International Association of Chiefs of Police, the American Society for Industrial Security and the Delaware Criminal Justice Council. Chief Pratcher is a United States Air Force veteran and the recipient of the Silver Star and Purple Heart.

**Roger K. Przybylski** is the Coordinator of Research in the Division of Research and Planning, Chicago Police Department, the second largest police department in the country. Prior to joining the Department, he was Director of the Drug Information and Analysis Center and a Senior Analyst at the Illinois Criminal Justice Information Authority in Chicago where he worked for 8 years. He has an M.S. in the Administration of Justice from Southern Illinois University.

**Michael R. Rand** is a Survey Statistician in the Special Victimization Studies Unit of the U.S. Bureau of Justice Statistics (BJS). Mr. Rand also is BJS Project Manager for the NEISS Intentional Injury Study, conducted for BJS by the Consumer Product Safety Commission. In addition, he is the BJS Project Monitor for the National Crime Victimization Survey (NCVS), conducted for BJS by the U.S. Bureau of the Census. He has worked on NCVS since its inception in 1972, first at the Census Bureau, and at BJS since 1978. Mr. Rand is also the author of several BJS reports analyzing NCS data and addressing such topics as family

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violence, household burglary, handgun crime victims, violent crime trends, and the prevalence of crime.

**Dolly Reed** has served as Director of Connecticut's Statistical Analysis Center for Criminal Justice for 4 years, after serving on the staff for 11 years. Ms. Reed's criminal justice career has included a longitudinal study tracking juveniles into the adult system, staffing the Governor's Task Force on the Serious Juvenile Offender which resulted in legislation creating the serious Juvenile Offender Program, and staffing the Governor's Task Force on Family Violence which significantly changed the way family violence is handled in Connecticut and greatly increased funding for family violence programs. She provided staff support for the Governor's Task Force on Justice for Abused Children and the Governor's Task Force on Sexual Violence and currently staffs the Prison and Jail Overcrowding Commission. As a long-standing member of the Family Violence Research and Evaluation Committee, Ms. Reed has participated in, assisted, planned, or funded many of the projects which are highlighted in a recent SAC publication, *Family Violence in Connecticut*. Ms. Reed also is the author of *Connecticut's Criminal Justice System: A Five Year Look at Trends and Issues*, and co-author of the annual *Prison and Jail Overcrowding Commission Reports*. Ms. Reed has been honored by victim and advocacy groups for her work to end violence against women and children.

**Phillip J. Renninger** is the Director of the Bureau of Statistics and Policy Research, Pennsylvania Commission on Crime and Delinquency. Previously, he was the Director of Research for the Pennsylvania Board of Probation and Parole. He

graduated from Albright College with his B.A. and received his M.A. from the University of Pennsylvania.

**Benjamin H. Renshaw, III** is the career Deputy Director of the Bureau of Justice Statistics, U.S. Department of Justice. He currently is serving as Special Assistant to the Acting Assistant Attorney General for the Office of Justice Programs. Mr. Renshaw has a B.S. in Economics and a master's degree in Governmental Administration from the Wharton School of the University of Pennsylvania. During the past decade, he has twice been Acting Director of the Bureau of Justice Statistics. He also has been Acting Director of the Bureau of Justice Assistance (November 1986 to May 1989), and has served on the staffs of the Office of National Drug Control Policy in the Executive Office of the President and the White House Conference for a Drug-Free America. From 1975 to 1979, Mr. Renshaw was the head of the Statistics Division and an Assistant Administrator of the Law Enforcement Assistance Administration. From 1973 to 1975, he served as the Executive Director of the Office of Criminal Justice Plans and Analysis for the District of Columbia. He also previously served as an Assistant City Manager in Beverly Hills, California; Budget Analyst for the Washington State Legislature; Managing Editor of the *Public Administration Review* in Chicago; Director of a Ford Foundation-financed study of New England State governments in Boston; and Criminal Justice Systems Manager of Government Studies and Systems in Philadelphia.

**Peter Reuter, Ph.D.** is the Senior Economist in the Washington office of RAND and Co-Director of RAND's Drug Policy Research Center. He is

a member of the Institute of Medicine Committee on Federal Regulation of Methadone and is on the adjunct faculty of the University of Maryland Graduate School of Public Affairs. He earned his Ph.D. in Economics at Yale University and was Guest Scholar at the Brookings Institute before joining RAND in 1981. His initial research dealt with the organization of criminal activities and resulted in the publication of *Disorganized Crime: The Economics of the Visible Hand*, (MIT Press, 1983). Since 1983, he has worked primarily on drug policy issues and has published a number of papers and studies on drug enforcement. His recent RAND publications include *Sealing the Borders*, a study of the effects of increased interdiction, and *Money from Crime: A Study of the Economics of Drug Dealing in Washington, D.C.* His current research focuses on European drug policies. Dr. Reuter testifies regularly before Congress, and gives numerous seminars to policy audiences.

**Stephen E. Rickman** is the Director of the D.C. Office of Emergency Preparedness. Previously, he has served as the Special Assistant to the City Administrator for Public Safety, the Director of the Statistical Analysis Center, and Research Analyst for the Office of Criminal Justice Plans and Analysis. Mr. Rickman worked at the Children's Hospital, National Medical Center as a staff psychologist and as a part-time psychology instructor at the University of the District of Columbia and Southeastern University. He is the former President of the Justice Research and Statistics Association. He is the Resource Coordinator for the Ward 4 Action Team, and is part of the Community Services Committee for the Takoma Baptist Church.

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Mr. Rickman is working on his Ph.D. in Clinical and Community Psychology and Political Science at Howard University.

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**Therese A. Shady** is Deputy Chief of the Bureau of Statistical Services and Project Director for the New York State Incident-Based Uniform Crime Reporting System at the New York State Division of Criminal Justice Services (DCJS). She has worked for DCJS for the past 10 years on projects involving the analysis of offender-based transaction statistics, police programs targeting career criminals and warrant enforcement, and software development for law enforcement systems. Prior to joining DCJS, Therese was a researcher at the New York State Department of Social Services and the New York State Division of Probation and Correctional Alternatives. Ms. Shady received her M.S. in Criminal Justice in May 1979 and is currently a Ph.D. candidate at the School of Criminal Justice of the State University of New York at Albany. Her dissertation research is on the genesis and implementation of the National Incident-Based Reporting System.

**James Shea** is the Assistant Director of Integrated Systems Development at the Division of Criminal Justice Services. In addition to coordinating the data standardization project, ISD staff are developing standard software and forms for local law enforcement, prosecution, jails, and courts. The unit also is funded by two Federal grants that support efforts to improve the data quality of criminal justice agencies. Currently, staff are conducting an assessment of data quality within the criminal justice system. Jim has over 19 years of experience in the field of criminal justice. He holds a B.A. from Holy Cross College and an MBA from Union College.

**Shalane J. Sheley** is a Research Associate at the National Archive of Criminal Justice Data (NACJD), a program of the Inter-university Consortium for Political and Social Research (ICPSR), at the University of Michigan. NACJD is sponsored by the Bureau of Justice Statistics, U.S. Department of Justice. Ms. Sheley has been at ICPSR for 4 years and received her M.A. in Sociology at Eastern Michigan University in 1988.

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**Marjorie S. Zatz, Ph.D.** is an Associate Professor of Justice Studies at Arizona State University. She holds a Ph.D. in Sociology from Indiana University, an M.A. in Sociology from Indiana University, and a B.A. in Sociology with a minor in Latin American Studies from the University of Massachusetts. Professor Zatz has published extensively in the areas of racial and ethnic discrimination in court processing and sanctioning, the legal response to Chicano gang members, gender and the legal profession, and lawmaking. Her research has been published in well-respected journals including *Criminology*, *The Journal of Research in Crime and Delinquency*, *Social Problems*, *Law and Society Review*, and *The Journal of Quantitative Criminology*. Some of her research has been funded by the National Science Foundation. Dr. Zatz is the author of *Producing Legality: Law and Socialism in Cuba* (Routledge, forthcoming 1994) and the co-editor (with William Chambliss) of *Making Law: The Law, The State, and Structural Contradictions* (Indiana University, 1993).

**Marianne W. Zawitz** has been a member of the Bureau of Justice Statistics staff since 1976. Her initial assignment at BJS was to monitor the Statistical Analysis Center Program of the Comprehensive Data Systems effort. More recently, she has headed the Special Reports Unit. She has an M.P.A. from Ohio State University. She was the editor of the award winning *Report to the Nation on Crime and Justice* and re-

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cently edited *Drugs, Crime and the Justice System: A National Report*. She has given lectures on data presentation to many groups, including the Congressional Budget Office, Federal Publishers, and the National Criminal Justice Editors group. Ms. Zawitz began her career with the Ohio State Planning Agency under the LEAA program and spent 2 years with the District of Columbia State Planning Agency. She also worked on a review of the Omnibus Crime Control and Safe Streets Act for the Advisory Commission on Intergovernmental Relations.

**James Zepp** is the Director of the Justice Research and Statistics Association National Computer Center in Washington, D.C. In this capacity, he has frequently spoken or taught at national and regional conferences on computer use in the criminal justice field. He has consulted with Federal, State, and local agencies on a wide variety of automation needs and applications. With over 15 years in the computer field, his experience includes graphics and desktop publishing, records management, imaging systems for document and photo retrieval, applied statistics, computer security/crime issues, and expert systems. Prior to his current position, he was a Programmer/Analyst with the Virginia Department of Criminal Justice Services.

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## Appendix D. The evolution of the National Drug Control strategy: A less punitive approach

By John Carnevale, Director of Planning, Office of National Drug Control Policy

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*Note: This presentation was prepared for the conference but not presented by John Carnevale of the Office of National Drug Control Policy because he was unable to attend. This paper is included because of its applicability to the subject.*

The Anti-Drug Abuse Act of 1988 (Public Law 100-690) created the Office of National Drug Control Policy (ONDCP) to advise the President on a national plan to combat drug use in the United States, to develop a consolidated national drug control budget, to coordinate and oversee the implementation of the National Drug Control Strategy (the Strategy), and to make recommendations about other management and organizational issues, such as reorganizing the Federal government to better implement the Strategy. This national plan, the National Drug Control Strategy, is due to Congress by February 1 of each year, and must contain comprehensive, research-based, long-range goals for reducing drug abuse in the United States. It also requires that it contain short-term measurable objectives which may be realistically achieved in a two-year period. This requirement forced ONDCP to rely on drug data systems that measured drug use prevalence, but not the consequences of drug prevalence.

The first National Strategy was released in September 1989. This Strategy and those that followed (1990, 1991, 1992) emphasized the role of criminal justice as the means to best cope with the drug problem. In fact, the first chapter in the Strategies released from 1989 through 1991 (three in total) dealt with the Criminal Justice system, rather than demand (treatment and

prevention) issues. The final Bush Administration Strategy (January 1992) made "Deterring New and Casual Users" the first chapter, but its central theme was that of user accountability: "[h]olding casual users accountable for their actions through meaningful criminal, civil, and social sanctions integral to the National Drug Control Strategy." The objective of freeing hard-core users was given a secondary priority.

The *1993 Interim National Drug Control Strategy* spells out the Clinton Administration's vision with respect to its efforts to confront the drug issue. This Strategy is "interim" because it does not contain detailed quantifiable goals and objectives, nor does it identify funding initiatives. These will be addressed in the 1994 National Drug Control Strategy that will be submitted to Congress on February 1, 1994.

The vision presented in the Interim Strategy differs from the past National Strategy in the following ways:

- It recognizes that drug dependence is a chronic, relapsing disorder, and that users stand little chance of recovery without the benefit of treatment. User Accountability no longer forms the core of the drug program. Hard-core users are now at center stage.

- It views the drug problem not in isolation but as inextricably linked to other domestic policy issues such as the health of the economy, violence, health care, family and community stability, and so forth.

- It recognizes the need for grassroots level efforts rather than

top down Federal-to-local programs to deal with the drug problem. It supports Community Empowerment (local efforts that are based on strategic, comprehensive plans) as the best way to coordinate government efforts across program and jurisdiction lines.

- It promotes Community Policing as a necessary first step to halt the cycle of community decay caused by drug use and trafficking.

- It views alcohol use, especially underage drinking, as part of the drug problem.

- It shifts the focus away from the easy part of the drug problem, reducing casual or intermittent drug use, to the most difficult aspect, reducing hard-core drug use and its consequences.

- It embraces the need to target programs to those populations most at risk for drug use, especially inner city youth, women of child-bearing age, and children. Both treatment and prevention programs will be reworked to better address the needs of these groups.

This Strategy is less punitive. The departure from the "user accountability" theme means that there will be less emphasis on filling our jails and prisons with hard-core drug users and more emphasis on filling our treatment programs.

Recognizing hard-core use as a disease rather than a flagrant violation of drug laws necessarily implies that the Strategy's goals will be less law enforcement oriented (arrests, seizures, incarcerations) and more consequence oriented (crime, emergency room use, HIV/AIDs).

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Finally, this change in focus has implications for outcome measurement. Because of the nature of existing data systems to monitor drug use trends, which focus on the number of individuals in households or enrolled in school, the Strategy will continue to report drug use in terms of changes in the user population. However, it is less likely that the Strategy's progress will continue to be measured solely by how these statistics fare. Instead of focusing on measures of drug prevalence, measures of the consequence of drug use will be incorporated in the Strategy to use as measurable objectives.

(The National Drug Control Strategy, subtitled "Reclaiming Our Communities from Drugs and Violence," has since been released by The White House, [February, 1994] and is available from the Drugs & Crime Data Center & Clearinghouse.)

## Appendix E. Demonstration of New York State's Automated Criminal Justice Indicators System (ACJIS)

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ACJIS, a collection of New York State criminal justice data, was developed in response to a request from the Commissioner of the Division of Criminal Justice Services (DCJS) to have automated criminal justice statistics readily available. The statistics chosen for ACJIS are those which are frequently requested of DCJS' Bureau of Statistical Services (New York State SAC) by the Governor's Office, legislators, other State agencies, local researchers and students, and local municipalities. ACJIS development continues with data analysis and design performed by the Bureau of Statistical Services, and programming by Data Processing Services.

ACJIS uses a very simple interface, presenting various sub-menus of choices, with an explanation for each choice on the bottom of the screen. ACJIS' main menu has six options:

(1) **Help** has two options: *Database Description* describes the three databases CRIMESYR, ARRDSPYR, and INDSPYR. *About* lists the program authors and developers.

(2) **CRIMESYR** provides counts, rates, and percent changes for UCR Index Crimes.

(3) **ARRDSPYR** provides adult arrest counts and percent changes; conviction counts, rates, and percent changes; and sentence counts, rates, and percent changes.

(4) **INDSPYR** provides indictment counts and percent changes; conviction counts, rates, and percent changes; and sentence counts, rates, and percent changes.

(5) **Area** allows the user to select New York State Total, or economic

or geographic regions, or counties within New York State for viewing criminal justice statistics using CRIMESYR, ARRDSPYR, or INDSPYR data. *New York State Total* is the default.

(6) **Quit** allows the user to end ACJIS.

Sub-menus of choices appear under *CRIMESYR*, *ARRDSPYR*, and *INDSPYR*; items marked with arrows have additional sub-menus. At the lowest menu level, criminal justice data for that set of choices appear on the screen. A printed report can be generated, identifying source and date of data.

Similarly, sub-menus appear under *Area*; items marked with arrows have additional sub-menus. The lowest menu level sets the area choice for subsequent use of *CRIMESYR*, *ARRDSPYR*, and *INDSPYR*.

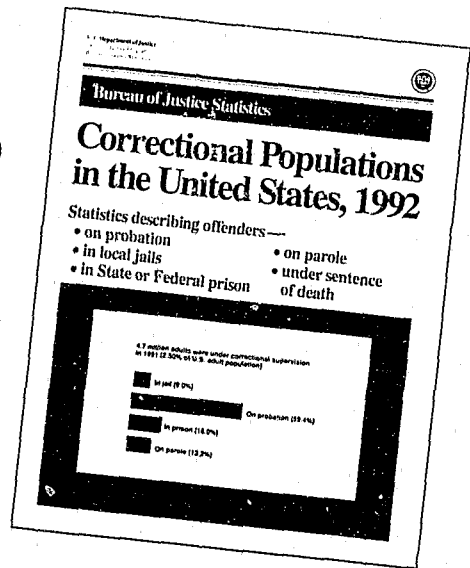
The *ARRDSPYR* and *INDSPYR* data are updated four times a year; *CRIMESYR* is updated annually. ACJIS has been developed using Paradox 4.0's Application Workshop and PAL programming language.

Additional information is available from the New York State Division of Criminal Justice Services, Bureau of Statistical Services at (518) 457-8381.

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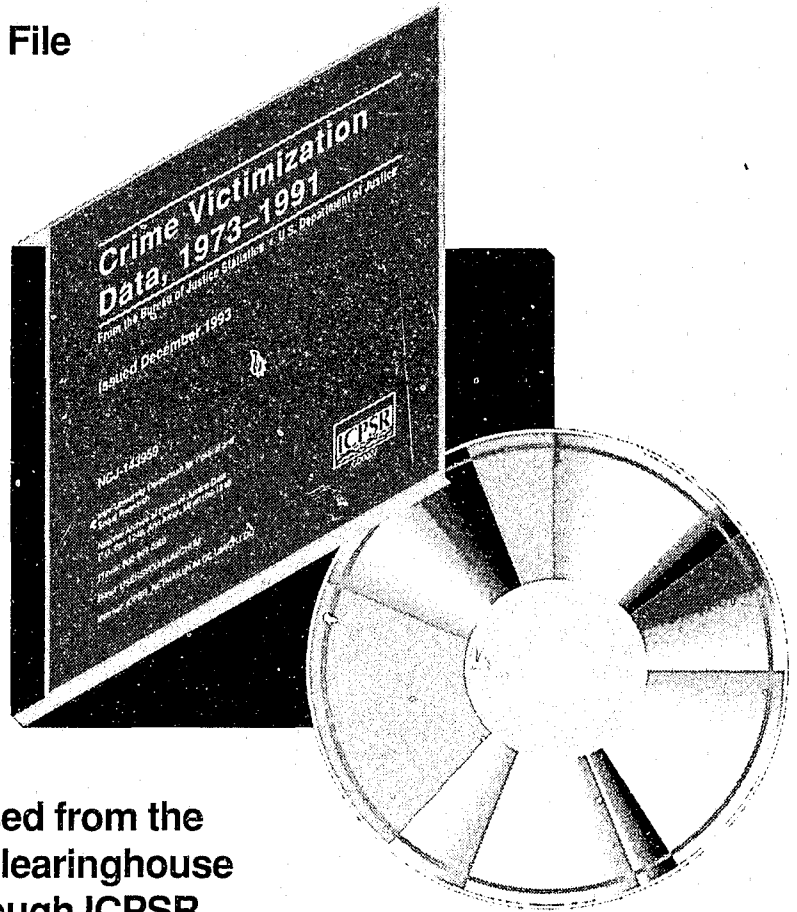
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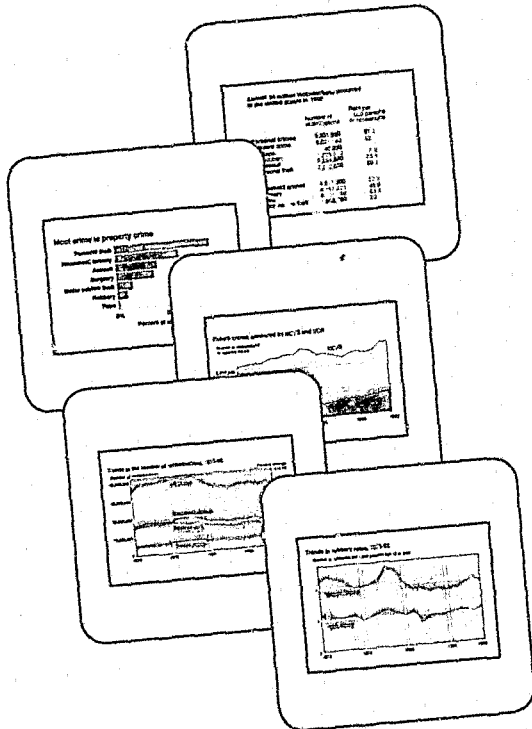
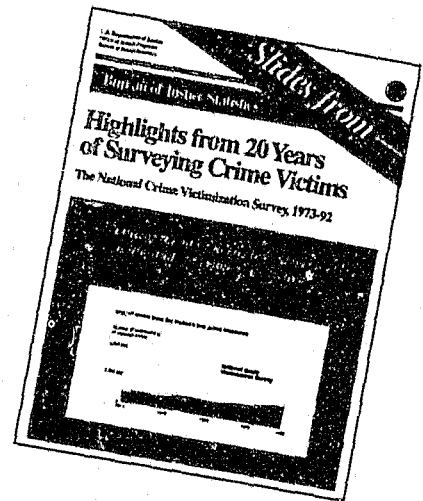
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