U.S. Department of Justice
Bureau of Justice Statistics

Data Quality Policies and Procedures

proceedings of a BJS/SEARCH conference

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NCJ-101849
November 1986

U.S. Department of Justice
Bureau of Justice Statistics

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Report of work performed under BJS Grant No. 82BJ-CX-0010, awarded to SEARCH Group, Inc., 925 Secret River Drive, Sacramento California 95831. Contents of this document do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice.

Contents

Preface

STEVEN R. SCHLESINGER
Director
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The quality of criminal justice records has always been of importance to all Americans. The need to ensure that such records are accurate and complete is of particular importance at this time, however, since technological advances now permit increased disclosure and use of such records.

Criminal justice data, describing an individual's arrests, convictions, acquittals and related correctional experiences, are critical to the criminal justice system. Such data assist police in investigations, and are specifically relevant to prosecution, sentencing and correctional decisions. Established criminal interdiction programs, such as career criminal prosecution units, have placed additional emphasis on the offender's prior history. Similarly, the recently enacted Crime Control Act of 1984 requires that in establishing Federal sentencing guidelines, specific consideration be given to an offender's prior record. Federal pretrial detention, as authorized under the 1984 Bail Reform Act, also requires that prior convictions for specified types of offenses be considered in connection with certain detention decisions.

The effectiveness of these programs, and of the increasing number of preemployment screening programs which have recently been established at the Federal and state levels, depends directly on the quality of criminal justice records. Failure to ensure that such records are accurate, complete, properly identifiable, and available in a timely and convenient format jeopardizes the effectiveness of the criminal justice system, the safety of the public, and the rights of the individual.

BJS, together with SEARCH Group, Inc., has supported continuing efforts to upgrade criminal justice record quality and to assist States in the development of effective information system policies. This document contains the proceedings of the second BJS/SEARCH National Conference on Data Policy Issues. The first conference concentrated on criminal justice data uses, the second on the issue of data quality.

I believe that the materials in this volume comprehensively describe the current status of data quality procedures and policies. I hope that the report will serve as a useful reference for legislators, policymakers and practitioners concerned with the quality of criminal justice records.

Steven R. Schlesinger

Introduction

GARY R. COOPER
Executive Director
SEARCH Group, Inc.

Criminal history record information is used at virtually every stage of the criminal justice process, from an initial decision to arrest to a final decision to release from the criminal justice system. Empirical research, however, shows us that the extent of data quality problems in criminal history records is serious indeed, particularly with respect to court disposition reporting. The ability of the criminal justice system to respond to data quality problems, moreover, is negatively affected by the dramatically increasing numbers of records, by the equally dramatically increasing numbers of noncriminal justice agencies demanding and gaining access to criminal history records, and by the proliferation of new legislation mandating enhanced sentencing based on prior criminal records. The inevitable consequence is that the criminal justice system—already laboring without adequate resources—is becoming more strained in its ability to respond effectively.

In partnership, the Bureau of Justice Statistics and SEARCH have undertaken a number of projects designed to assist federal, state and local agencies to improve the data quality of criminal history records. Our latest effort was the National Conference on Data Quality and Criminal History Records: Strategies for Improvement, conducted on January 9-10, 1986 at the Dirksen Senate Office Building, Washington, D.C. The conference brought together for the first time representatives of the principal users of criminal history record information. Day-one of the conference began with a segment entitled Perspectives on Data Quality, followed by presentations by practitioners from law enforcement, prosecution, pre-trial services, courts, and corrections. Day-two explored the issues related to data quality from the perspective of federal legislators, federal employment screening, policy analysis, research and statistics.

The focus of the conference was not on the need for or value of accurate data. All of us involved in the administration of justice understand the importance of complete and accurate data, and no one desires less than 100 percent levels of disposition reporting. The real challenge of the conference was to assess the quality of criminal history record data available to its principal users, to identify obstacles in achieving data quality, to document successful approaches to data quality problems, and to develop and recommend strategies for improvement.

Bringing the principal users of criminal history record data together in a public forum has allowed us to document their perspectives on data quality. Quality criminal history record data is critical to the users. Law enforcement personnel, judges, prosecutors, federal employers, educators, researchers, legislators and statisticians rely on accurate, complete and reliable criminal history records to make critical decisions about individuals, to develop policies and programs that protect the public and combat crime, and to improve the administration of justice.

The *Proceedings of the National Conference on Data Quality and Criminal History Records: Strategies for Improvement* documents the presentations of a distinguished faculty of criminal justice experts and users of criminal history record information. The *Proceedings* should be read as a companion volume to *Data Quality and Criminal History Records*, which was prepared by SEARCH and published in 1985 by the Bureau of Justice Statistics in its Criminal Justice Information Policy Series. That publication examines the nature and extent of the data quality problem and identifies strategies that have been used to improve the quality of criminal history records in jurisdications across the country. The report describes the uses of criminal history record information and identifies the kinds of problems that are created by inaccurate and incomplete information. It contains a review of survey and research findings on the nature and extent of data quality problems; analyzes the statutory, regulatory and judicial responses to data quality problems; and concludes with an agenda for future actions to improve data quality.

Moreover, *Data Quality and Criminal History Records* incorporates the expert comment and recommendations of participants in a BJS/SEARCH sponsored "Roundtable Conference on Data Quality" on September 12-13, 1984 at the United States Supreme Court. The Roundtable included participants from the United States Congress, the Bureau of Justice Statistics, the Federal Bureau of Investigation, the Congressional Office of Technology Assessment, national scholars, and significant representation by the managers of state central repositories of criminal history record information.

These two volumes on data quality—*Data Quality and Criminal History Records* and the *Proceedings of the National Conference on Data Quality: Strategies for Improvement*—make available the expertise and practical experience of both the managers and users of criminal history record information.

Welcome

Welcome

GARY D. McALVEY
Chief, Bureau of Identification, Division of Forensic Services
Illinois Department of State Police
and
Chairman, SEARCH Group, Inc.

On behalf of SEARCH Group, it is indeed a pleasure to be able to welcome you and to invite your participation with us as we address what we feel is an extremely important topic in the area of criminal history record information and criminal justice information. Little did SEARCH realize, I believe, in 1969 when we undertook the development of a prototype computerized criminal history system, that those initial efforts would lead to all of the concerns that we have today in trying to support the many state computerized criminal history systems and the national computerized criminal history system in the United States. Particularly, in the last ten years, I think we have seen a growing and widespread concern on the part of all criminal justice practitioners regarding the quality of the data that make up the American criminal history record. SEARCH has recognized this for some time and, therefore, we have directed our efforts into the data quality area. We have spent a great deal of time and resources during the past ten years trying to address these problems, striving for solutions. The concerns about data quality that we in the criminal justice community have can best be demonstrated by looking at several areas of criminal justice information management which have evolved to address data quality issues.

Today, there exists a national network of state central repositories—those agencies responsible for maintaining the criminal history record in the states across the country. There also exists, probably informally, a complex network of interagency and intergovernmental reporting relationships that must of necessity exist if we are to have complete and accurate criminal history record information. Obviously, the application of technology, which SEARCH got off the ground when we developed that little prototype computerized criminal history system—the System for the Electronic Anlaysis and Retrieval of Criminal Histories—back in 1969 and 1970, has developed over the years to cover the entire area of criminal justice information, criminal justice information dissemination, and criminal justice information reporting. The development of management practices has exemplified the concerns that many of us have for data quality through such mechanisms as data quality audits, including annual audits of the state central repositories. Also, if we look at the development of statutory law in the last ten to fifteen years, we see a tremendous proliferation of new law dealing with data quality, which expresses the concern of our general assemblies and legislatures throughout the country.

I think there have been a great many achievements in this area, but the fact remains that there still are problems—problems that are growing in significance. These problems include the fact that in the last two years we have seen a tremendous explosion in the number of statutory laws mandating access to criminal history record information by noncriminal justice users. In the State of Illinois, the last legislative session saw the number of noncriminal justice agencies authorized access to our files go from a couple to almost a dozen. There was also tremendous increase in volume in dissemination of records to noncriminal justice users. Our concern has increased tremendously about the quality of the records that will be disseminated for noncriminal justice purposes.

We have seen the use of criminal history record information in strategies to deal with crime in America, including career criminal programs and selective incapacitation programs. And we have seen the need to have complete, accurate criminal history record information to make those strategies successful. Also, I think we all share in concern for the problem of disposition reporting to the state central repositories that maintain the criminal history records. Last year, SEARCH conducted a survey of its Criminal Justice Information Network, asking Network members to identify the issue they felt should be given highest priority in criminal justice information management. The highest priority was the need for improved data quality. We view this conference, therefore, as having the potential to make a valuable contribution to this critical issue. We look forward to your participation in this conference and in the many ongoing national and state efforts to improve the data quality of criminal history records.

Perspectives on Data Quality

Data Quality: A Key Issue For Our Time

D. LOWELL JENSEN
Deputy Attorney General
U.S. Department of Justice

It is a distinct pleasure to be here today and indeed impressive to see this gathering of talent and experience as well as to contemplate the impressive agenda before you.

There is no question but that the subject matter of your agenda is about as important a topic as can be in the criminal justice world. You're dealing with nothing less than the life-blood of the body of criminal justice. In its most obvious impact the information, the data gathered and used in the system, affects every accused offender on a case-by-case basis. The information which supports these decisions must be reliable, accurate and contemporary. The managers of the criminal justice system, the courts, the law enforcement agencies, the prosecutors' offices, make administrative and legislative policy decisions based upon the information and the data available to them. How we understand, how we explain crime is based upon the information that we gather and process. I don't think there's any question but that we live in as free a country as has ever existed, with extraordinarily high levels of personal liberty and affluence. And yet we're faced with a level of crime that is enormously troubling for our society. How we understand and how we explain that phenomenon is a critically important task of contemporary government.

One of the basic ways we have tried to explain crime has been the Uniform Crime Reports or UCR System. It is, as I say, a basic system, intended to give us a national perspective on crime. It is a peculiar system in the sense that it is dependent upon the reality of federalism in these United States. To understand crime, we need the voluntary participation of all 50 states to provide the data. The fact that this has happened over a long period of time is a remarkable and a positive history in the efforts in this country to gather crime data. As it's been pointed out, every state in the Union has a central repository structure. As I understand it, approximately 35 of the states have at this moment at least partially automated systems, and it is clear that they will move into new automation levels as technological capacity is harnessed. But even with this sophistication we must also recognize that the UCR system is not sufficient to tell us about the face of crime. There is a vast body of crime which is unreported and, therefore, not measured by UCR. We recognized this phenomenon some time ago, and we have not designed adequate survey instruments to measure unreported crime.

Let me observe, however, that although we have reached a level where the UCR and the crime surveys enable us to describe crime better than we have in the past, there are still areas which are not sufficiently measured. In particular, two areas come to mind that are not captured by those systems or in any effective way. One is drug trafficking and the other is white collar crime. You cannot get the true measure of those parts of the level of criminal conduct in this country by our present methods. Whether we can devise measurements of this covert, clandestine, "victimless," crime is a troubling and critical challenge. This is clearly an aspect of crime where there is an unresolved need to know. Obviously these crimes are terribly important to us. As a matter of fact, the economic dislocation, the economic impact that come about by this criminal activity is probably greater than in those areas we have previously discussed. In the absence of such measurement we are faced with—and this is always disturbing—statements of measurements which are not measurements of fact, but are in reality simply educated guesses. While we should continue to do that, we need to make it clear that that is what we're doing. When I see a statement that more cocaine was shipped into Miami this year than last, I think of the difference between measurements and educated guesses. And when we use such statements to argue, for example, that we're losing the drug war or winning the drug war, it is very troubling. The task before us, to describe the reality of crime in this country, is, in itself, real and earnest.

Let me mention another troubling aspect. From time to time we make statements about comparative crime, about crime in this country as opposed to crime in other countries. Once again these statements are, inevitably, educated guesses.

At this point let me take the opportunity to offer congratulations to Steve Schlesinger for true leadership in a recent and positive development. We had the opportunity last year to participate in a Congress on Crime which is sponsored by the United Nations every five years, covering the whole range of crime and prevention of crime issues. At that

Congress we were able to adopt resolutions which encourage the gathering of common statistics in each nation and which underscore the importance of such criminal justice data. These resolutions were offered by the United States and adopted unanimously by the Congress. I think they are extremely important and we should pay tribute to Steve Schlesinger's work and the Congress. As Steve has already pointed out, Chips Stewart from the National Institute of Justice was also there, and I can tell you that they represented this country extremely well in moving us into an area that will lead to a new dimension in gathering criminal justice data around the world.

Let me turn, then, to some other topics of current significance which are driven, both in terms of their adoption as policy and their implementation, by available data and by the quality of data. These developing areas of the law deal with issues such as pre-trial detention, career criminals and determinate sentencing. There is no question but that one of the major developments over the past decade is how we define and how we react to the career criminal among us. We are also moving in the Federal world into determinate sentencing, and the need for establishing sentencing guidelines. The Comprehensive Crime Control Act of 1984 created a Federal sentencing commission charged with the responsibility of devising sentencing guidelines. That sentencing commission has now been appointed by the President, confirmed by the Senate, staffed and funded. They are now at work and are mandated by law to develop sentencing guidelines based on review and consideration of criminal history records. Those guidelines are due on April 1, 1987. This is the first time a review of this country's sentencing process will be done at a national level and where the representatives of the entire United States, the Congress, will be adopting a system of sentencing guidelines. As I say, these guidelines, which must be based upon criminal history data, are going to be driven by the quality of our research and our data.

For example, one valuable research publication that may guide the commission is the Bureau of Justice Statistics' *Report to the Nation on Crime and Justice: The Data.* An extraordinarily well-done document, the *Report* contains a very interesting survey on personal attitudes or public perceptions of the severity of crime by hierarchical ranking. One scenario describes a man with a lead pipe who hits a person and puts him in the hospital. Another scenario describes a doctor that cheats on Medicare. A third scenario describes a person who goes into a grocery store with a pistol and takes $10 at gunpoint. What is the most severe crime? You'll be interested to know that the Medicare fraud was perceived in the survey as the most severe crime. I think a lot of people would be surprised by those results. In the development of guidelines that must of necessity deal with crime severity, the sentencing commission will need to rely upon such public perceptions.

Victim/witness programs are another relatively recent development that is dependent upon criminal incident data. For a long time the justice system treated victims and witnesses in a way which we now recognize as shameful. Now we are building systems that respond to victims and witnesses in a proper fashion: otherwise, we in effect exacerbate the crime by mistreating victims and witnesses through the justice process itself. Our system will now deal with the effect of crime on victims and witnesses, and do so by gathering information and by using it in a timely fashion.

Another area of current concern is that of noncriminal justice access to criminal justice information. I recently read that there are now approximately two million noncriminal justice requests for access to criminal history record information every year. Clearly, this expansion of the use of criminal justice information dramatically points out the need for accuracy and completeness of data.

In these developing areas of the law we should note that frequently we deal with predictions of future conduct, predictions of danger—what's going to happen in the future?—How do we react in the system today by our perception of what's going to happen tomorrow? I recently read an interesting analysis of that in an essay by Norval Morris where he talked about how one goes about doing that. He broke it down in terms of arriving at predictions based on what he called "anamnestic" data, which is essentially personal history data, or "actuarial" data, or "clinical" data. For a long time the system has relied upon the latter class of data—upon mental health profession predictions of future conduct. In recent time, however, we

are seeing that those predictions are not being used. The mental health profession itself is backing away from such practice; increasingly they are simply not making such predictions. So what are we going to do? In my opinion we're moving in a very positive fashion to the use of factual personal history data. But that means that continued development of these profound movements within the law are completely dependent upon our ability to capture and certify the reliability of that data for criminal justice decisions. To emphasize again, your work is terribly, terribly important.

Let me make a final brief comment about two of the specific systems that have been mentioned here. One is the new UCR system where extensive studies have now been completed. As you know we now contemplate a change in reporting structure to an "incident" type reporting, to different levels of reporting by different agencies, a so-called two-tier structure, and to a system with new levels of quality assurance. This is an extremely important endeavor which deserves our best efforts. One of the problems underneath it, however, is an age-old problem—the problem of how does one find adequate funding? We're here in Washington; we're here in a new world, the new Gramm-Rudman-Hollings world, which is a world that's real and earnest. How is this going to play out in terms of the availability of funds? I can't give you all the answers, but I can tell you at least one thing—that there's a clear commitment as far as the Department of Justice is concerned, to see to it that that UCR structure is put in place and that we do all that we can to support it. We agree with you that it is surely important that we do so.

The second system is one of great personal interest. As Steve said, I did have a chance, a great opportunity to serve on the NCIC Advisory Board. I think that the continued NCIC development of the Triple I process is another vital effort. We must recognize the critical nature of accurate, complete, and contemporary criminal histories as a necessary foundation in our structure of criminal justice. As I have said, the work that you are doing and the work that you are contemplating, the agenda before you, is truly the lifeblood of criminal justice. I've been thinking about an admonition to give you, and only one comes to mind. That's the one that judges give to juries when they finally send them out to deliberate and the judge says, "In your verdict, there can be no triumph but the ascertainment and the declaration of the truth." It seems to me that that is the admonition we should all take to heart.

The Unspeakable Must Be Spoken

LOIS HAIGHT HERRINGTON
Assistant Attorney General
Office of Justice Programs

I'm very pleased to be here this morning. I have certainly admired and relied upon the work of SEARCH for a great many years. You have provided an excellent national overview of key issues in data collection and recordkeeping, and you have made strong recommendations to keep them as accurate and as safe as possible, and we really appreciate that. You are faced with a delicate task of solving what I perceive to be two very sticky problems: how to use quantitative means to accurately measure human problems, and how to keep records so that the right people have access to the right information.

This morning I would like to discuss these issues as they relate to a problem of special concern to me and to our nation: the issue of family violence. By this I mean spouse abuse, elderly abuse, and child abuse and molestation. The information on family violence has been inaccurate at best and nonexistent at worse. It is a crime shrouded in silence and myth. Members of a civilized society shudder at the thought that people who love each other could also do violence against each other. It turns all traditional notions of family and criminal behavior upside down. What is meant to be life's one warm safe refuge is sometimes instead a place of danger. To be abused is to be beaten up and to be beaten down—to be made to feel like nothing, to wrestle with feelings of love and loyalty and guilt and shame and anger and embarrassment and blame. Family violence is the ultimate betrayal.

I think the most disturbing fallout from that violence is the mantle of blame that is worn by the victim—placed there by the victim or society at large. I chaired the President's Task Force on Victims of Crime and supervised the Attorney General's Task Force on Family Violence and both inquiries heard many witnesses testify to this fact with responses such as, "if I hadn't burned the dinner he wouldn't have beaten me; if I'd been home on time he wouldn't have beaten me; if I hadn't married him I wouldn't have been beaten."

This is one reason it is so difficult to learn the true extent of family violence in this country. Most of the victims blame themselves, suffer in silence, and are afraid to tell anyone or seek help from authorities. And even if these crimes are reported, they are lost in a system that says they're not *real* crimes, or the system simply does not know how to handle them. For example, when I went to Milan recently for the Crime Prevention Conference, I discussed introducing a resolution on family violence at the United Nations. The other participants turned to me and said, "But Mrs. Herrington, we're dealing with macho crime, we're dealing with terrorism and drugs," and I said, "How about murder? Is that macho enough for you? It happens in families too." We simply have not considered family violence as crimes. It's not just our nation; it's also nations abroad.

The criminal justice statistics on family violence far underestimate the true extent of the problem. This certainly isn't entirely the fault of the criminal justice system. But there are steps that can be taken to paint a better picture of the crimes committed within the family, one that will move the public and policymakers to try to put an end to the violence. Right now, murder is the only crime for which the FBI reports the relationship of the victim to the offender. The Uniform Crime Reports (UCR) indicate that 20 percent of murders last year were family related, and that one-third of all female homicide victims were killed by their husbands or their partners.

For crimes less than murder, there are no reliable statistics. The other national measure of crime—the National Crime Survey of the Bureau of Justice Statistics—is a well respected source but it has inherent problems. It doesn't ask questions of subjects under 12 years old and interviews are often conducted in the presence of the entire family. What child or spouse is about to come forward and say, "why yes he beat me yesterday." Even if interviewers do gain information in this area, they can hardly just pick up their tablet and leave the family without referring the victim for more help. And of course, interviewers are prohibited by privacy laws from reporting this information to the authorities.

What can be done to rectify these shortcomings in the data collection process? With the active support of the Bureau of Justice Statistics, the FBI is already revising the UCR to collect more detailed information on crimes other than murder. In a report released last June, the FBI called for a change from summary based reporting to a system of unit record reporting (also called incident-based

reporting). This new approach will establish two classes and levels of reporting: Level 1 and Level 2. Level 1—law enforcement agencies (about 97 percent of all agencies) will report a minimum data unit. The remaining 3 percent will be Level 2 agencies and will report additional data which focus primarily on the victims and victim/offender relationships, as well as the location and the seriousness of the assault.

The Bureau of Justice Statistics is likewise launching new methods to learn more about family violence. BJS has decided that the survey problems I mentioned earlier make it impractical to collect better data on how many people are victims of family violence. However, the Bureau has taken action to learn more about other aspects of the problem. I'd like to add that Steve has been a real forerunner in this particular area, and has used his progressive, scholarly leadership to implement reforms.

This month BJS will survey prison inmates and obtain data on the inmates' victims, including their relationship with the victim. This information will indicate who, if anyone, goes to prison for family violence and for child molestation. It will also provide more details about their victims—the location and the circumstances of the offense.

In another study, to be released this spring, BJS has researched domestic violence cases to determine if calling the police provokes or prevents more beatings and abuse. This is a broader look at the question posed by the Minneapolis experiment conducted by the Police Foundation, which tested the most effective law enforcement responses to domestic violence calls.

Another means of learning more about what happens to child molesters and family violence offenders is a system of offender-based transaction statistics (OBTS). Right now BJS is funding a SEARCH study to improve the OBTS data on all criminal offenses and to encourage more states to participate and keep better records. For example, one state reported data on only 49 family offenders, which is a poor enough record alone. Then consider that in those cases, there were 42 convictions, and none were sentenced to more than a year in jail. This is just the kind of information that we need to wake up the public and its policymakers to the serious shortcomings in this area.

The other aspect of the problem, over which you have sole province, is maintaining the records of family violence offenders. I would like to address the records of child molesters in particular. This is invaluable data, absolutely crucial to protecting our children. Again and again, the President's Task Force on Victims of Crime and the Attorney General's Task Force on Family Violence saw that child molesters do not fit the stereotype of a grungy stranger standing on the street corner offering or proffering candy to children. They're often somebody that the child knows and loves and trusts. Cunningly, pedophiles often seek paid or volunteer jobs to work near or with children. They frequently flock to positions as school teachers, janitors, bus drivers, park and recreation leaders. Of course, people that love children also seek these positions and would never be abusive. We can't paint everybody with the same brush, but pedophiles do like to get in positions where they can establish a relationship of trust with children.

Two recent cases in the Washington, D.C. area illustrate this point. An area man had been convicted of a sex offense against a young boy. Nevertheless, he obtained a job as a gymnastic instructor at a local private school. What's more astonishing is that while he was working for the school he was convicted a second time for a sexual offense against a young boy. Again, he was sentenced to probation. His employers, however, had no idea of his sordid past until he was arrested for the third time five years later for molesting students. He was sentenced to three years probation and psychiatric treatment.

In another case, a D.C. man was convicted three times of sexual assault on children. The first two times he was given suspended sentences on the condition that he receive therapy at a mental hospital—outpatient therapy. It didn't work. Subsequently he was arrested and convicted of assaulting and murdering two young boys.

There are several points to be made here. Number one, we do not know who is working with our children. Privacy laws have been amended to check the criminal history of bank employees, stockbrokers, military officers, certain defense contracts, and professionals in the national securities and exchange industry. But we have done virtually nothing to obtain the criminal history of those who are entrusted with our children. Furthermore, the sentences given to these offenders upon arrest and

conviction are no where near commiserate with the harm done. Judges generally sentence child molesters to probation, out of custody treatment or to less than a year in jail. A National Institute of Justice Study, that will be published later this year, is finding that the average sentence for sexually assaulting a child is approximately 30 days in jail.

And yet leading mental health professionals agree that there is no known successful treatment for pedophiles. And that does not mean that we're not trying to find it; it does not mean that people are not working on it, but there is no known successful treatment at this time. In an article, "The Nature and Treatment of Sex Offenders," psychiatrist Ronald Costell reports that therapy or behavior modification rarely work, even with non-aggressive pedophiles, and virtually never with aggressive or sadistic offenders. Recidivism is the norm rather than the exception. Therefore, it is *imperative* that employers in child-related public and private agencies know if an applicant has a record of sex offenses against youngsters.

There is one other point I'd like to make in reference to these two examples: they are highly unusual. Not because these molesters fell through gaping holes in the system so many times, but because these molesters were actually convicted. Most pedophiles are never caught, let alone prosecuted and convicted. One of the first psychiatrists to attempt to treat child sex offenders, Dr. Nicholas Groth, has written that almost all pedophiles he has studied have molested children many, many times before they're caught. As I indicated earlier, it is extremely painful for the victims to report the crime. Furthermore, if the child reports a molestation, it is doubtful that they will survive the rigors of the criminal justice system to see their offenders convicted.

I remember as a young prosecutor being asked time and time again by parents, "Mrs. Herrington, would you put *your* child through this process?" It was a very difficult question to answer honestly because I knew what this child was going to have to go through as a witness in the criminal justice process. We doubt their word; they're forced to endure many interviews with therapists, investigators, prosecutors, judges, doctors, not to mention very hostile defense attorneys. As we have seen with the McMartin School Case in Manhattan Beach, California, the preliminary hearing alone can last months. Children are given competency tests before they can testify and afterwards the judge instructs the jury to consider the suggestability of children. By the end of the ordeal, the victim may have become a well-rehearsed automaton or an emotionally lacerated child. Would you put your youngsters through this process? Most parents do not. They say enough is enough; we're going to cut our losses; drop the charges; I will not allow my child to get involved in this hellish process. So the convictions are the exception, not the rule. Therefore, it is imperative we be able to obtain arrest as well as conviction records for sex offenses.

I want you to realize that we are working very hard to develop model legislation and to work with the states and law enforcement agencies to change some of the procedures for handling child victims. The Office for Victims of Crime in the Justice Department has been working with the American Bar Association to iron out potential wrinkles in a model state statute that follows recommendations from the President's Task Force on Victims of Crime and the Attorney General's Task Force on Family Violence. The legislation would authorize public and private employer access to sexual criminal history records of volunteers or paid workers in child-related fields. This model legislation is nearly finished and we are confident it is an airtight proposal that protects both the well being of children and the civil liberties of those who work with them.

In a nutshell, the statute would enable employers to know if an employee or volunteer had been arrested twice or convicted once of a sex offense against children. Although the proposal would not mandate that employers check the criminal history of employees, an employer who did not check would be liable for damages if a worker molested a child who he reached as a result of the job.

The statute would establish tight administrative requirements. A representative from a private employer must first be authorized to receive records. Authorizing agencies could include the State Health and Human Services, Child Protective Services, Attorney General, or other similar body. It must be distinct from the central record repository. To be authorized, employers would have to

present a plan for safeguarding information and agree to destroy the record within 30 days of its receipt. When the employer asks for a record check, he must submit the fingerprints of the employee for accuracy. People who want jobs working with children must voluntarily submit to fingerprinting. The record check would be performed first within the state, then with any other states that have reciprocal agreements, and finally with the FBI. We are working to amend Federal law, so that the FBI could release criminal history records for specific sex offenses to private employers. It is important to note that only sex offense records could be released—those for sexual assault, abuse, molestation, and soliciting children for prostitution and pornography. To protect against irresponsible use of this information, the act makes it a criminal offense to knowingly and willingly disseminate this information in an unauthorized manner.

We have thoroughly researched the constitutional considerations related to this model and are confident that it does pass muster. I'm sure you all know that there is no constitutional right to privacy for arrest records; *Paul v. Davis* in 1976 established this fact. We have researched existing laws to see if this proposal is truely necessary. After all, it seems amazing that this procedure would not be already routinely performed. It *is* necessary.

Last year, as you probably know, Congress passed a conceptually similar proposal as a requirement for states to receive their share of $25 million for training licensed child care providers. However, Congress' bill mandates a check for any criminal offense, which is a considerably broader task. Moreover, the bill only provides access by public agencies, and in effect precludes access by private groups, and as you know, there are thousands and thousands of private groups that work with children daily.

The ABA conducted a survey of state laws in 1984 and early 1985 and found that access to arrest and conviction records vary. The survey found that one state, Utah, requires the criminal justice system to tell schools when an employee is arrested for a sex offense. Almost every jurisdiction allows public access to criminal records in their original form, but because they are kept chronologically, they are very difficult to use. An employer would have to indeed know that a crime occurred and when it happened before knowing whether to go look at the record.

Another means to check criminal histories is through the licensing process. The ABA survey identified nearly 2,000 statutory provisions that affect licensing of people with criminal history records, but relatively few provisions address child-related occupations. As of the survey's date, only 28 states require licenses for teachers. I remember that in California, as a prosecutor, I found out that in response to the question on the application, "have you ever been convicted of a crime, or do you have a criminal record," the person would write no, and nobody checked. Nobody bothers to verify the answers given on some of the licensing questions.

Clearly, although children are often called our most precious natural resource, we have not taken many conservation measures to protect them. I realize that many of the reforms that I've discussed this morning may lead to additional burdens on you, the practitioners who must keep the records and statistics. I would ask that you remember that these are serious issues, affecting many citizens—your neighbors, your community, maybe even your children. Can you imagine how you would feel if you found out that you were sending your child to a school where in fact a child had been molested by an employee and where you felt that something could have been done to ascertain the information about the employee before your child was sent there? Remember that the bits and the bytes that you plug into your computers, the charts and the tables that you analyze, all of these numbers and records represent human lives. Please take the extra effort to insure that they are handled with care. And please support, if not promote, new and improved policies within your states. For we all know that information is power. You have the potential to improve the integrity and the fairness of our criminal justice system. The mistakes the system makes are caused, I believe, by ignorance and not intention. When the unspeakable is being spoken about family violence and child molestation, the end is in sight.

The Mandate for Improved Data Quality

STEVEN R. SCHLESINGER
Director, Bureau of Justice Statistics

I am pleased to speak to you today about an issue which has been of primary concern to BJS and its predecessor agency for almost 15 years. I refer, of course, to the need to insure that the criminal justice data which is collected, maintained and disseminated at all levels of the criminal justice system is, to the maximum extent feasible, accurate, complete and timely. These issues, as you know, are not new. Previous speakers have outlined the importance of data quality for criminal justice, noncriminal justice, and management purposes. Our previous speakers have also described the extent to which current criminal justice strategies, such as career criminal programs, sentencing guidelines and pretrial detention are very dependent for success on the availability of clear, unambiguous criminal history data. They have noted that the data used to make traditionally reviewable decisions regarding prosecution, imprisonment and release of specific individuals must be accurate and complete in order to insure the integrity of the criminal justice system, to guarantee fairness to the individual, and to protect the safety of society as a whole.

At this point, I would like to digress briefly and describe some of the background associated with Bureau of Justice Statistics' activity on the subject of data quality. I think that this will establish a framework against which to consider some of the issues which I believe must be addressed if we are to meet the current demands for high-quality, rapidly available criminal justice data. BJS and its predecessor agency have been charged with leadership in the area of criminal justice record development since 1973. At that time, amendments to our authorizing legislation specifically directed that efforts be undertaken to insure first, that the criminal justice data maintained by states be, to the maximum extent feasible, complete and current; second, to insure that disposition data be included with arrest records; third, to insure that privacy and security of data be provided; fourth, to insure that data be released for lawful purposes only; and, fifth, to insure that individuals, upon proper identification, be allowed to review and correct their own records. Regulations implementing these requirements were issued following extensive national hearings in 1975. I mention this legislative action not merely for its historical interest, but rather to emphasize that at the time of its enactment, these basic ideas—mainly data accuracy, disposition reporting and individual access rights, those three ideas, which we now assume to be basic goals for all well-run systems—were viewed as landmark and potentially unworkable concepts in system management.

That was then. Now, as we know, much has happened in this area since the enactment of these requirements. Technological changes such as minicomputers have revolutionized the practical aspects of recordkeeping and, as an important sideline, provided tools by which records can be more readily updated, verified and audited. These are all key steps which must be adopted by all systems to provide levels of data quality which are now technically possible. Legislatively, the states have almost unanimously responded with legislation specifically directed at the operation of criminal justice data systems.

Our office, under its grant to SEARCH Group, has surveyed the progress of these legislative efforts on a regular basis since 1974. The results of these surveys which we have compiled as compendia of state legislation, and in the latest case are available on microfiche at the National Criminal Justice Reference Service, demonstrate a striking commitment to data quality at the state legislative level. Our studies show, for example, that in 1974 only 14 states had adopted legislation addressing accuracy and completeness of criminal justice data. By 1978, just five years after promulgation of regulations in this area, 41 states had enacted some data quality provisions as part of criminal history record statutes. That number increased to 45 states in 1979, to 49 states in 1981, and by 1984 almost all states and the District of Columbia had enacted some legislation. More specifically, our surveys also found that although in 1974 only seven states provided for state regulatory authority with responsibility for criminal justice data, 48 states had done so by 1984. We also found that almost 80 percent of the states (38 to be exact) had enacted legislation dealing with security standards by 1984, whereas only 12 had done so in 1974. Data security, of course, implies that data is protected against intentional or accidental destruction or modification. Similarly, 30 states now also require that transaction logs, which record access to and disclosure of data, be maintained. Only six states required such laws in 1974. This represents another step to protect the integrity

of data sources. The right to inspect records, a critical check for record accuracy and a key concept in insuring individual fairness, is now available in all states, an increase from 12 states in 1974.

The most significant finding, I believe, concerns the enactment of legislative requirements for reporting of criminal events, and most important, the disposition of criminal cases to state repositories. Specifically, our survey showed that as of 1984, every state in the union and the District of Columbia had established or authorized the establishment of a state central repository to serve as a central resource for the collection and exchange of criminal history data. Ideally, the central repository should provide the opportunity for development of accurate and complete records regarding the individual offender. These records are based on transaction data reported by each of the operational units within the criminal justice system—that is, police, prosecution, courts and correctional agencies. With respect to reporting requirements, the survey showed that 41 states have legislation which expressly requires reporting of arrest data, generally on a fingerprint card with accompanying identification data. In other states, reporting of arrest data to the central repository is required by regulations or rules or practices.

It is clear, however, that completeness of arrest data is not the major problem. The survey also showed that in approximately one-half of the jurisdictions (24), legislation required the courts, generally through the court clerk, to report disposition data to the central repository, and that slightly more states (30) require reporting of correctional data, such as escape, parole and death. Requirements for disposition reporting also existed in some states pursuant to administrative regulation, although state regulations are not routinely surveyed.

My reactions to these findings are mixed. It is clear to me that state legislatures in recent years have clearly recognized the need for legislative direction to insure the development of state record systems that include data on arrest, disposition and subsequent criminal events. It is also clear that the technology exists to assure high levels of data quality. It is equally clear, however, that further efforts are required for those jurisdictions which do not currently address these issues at the legislative or operational level.

Where do we stand now? To get a better estimate of actual operations, BJS supported another SEARCH survey over the past year—this one designed to look at state repository operations as they actually exist at this time. My reactions to the findings of this survey are again mixed. Overall, for example, the survey reported that an estimated 35 million subject records were maintained by 44 states responding to this portion of the study. We recognize that this number may exaggerate the total number of individual offenders, since multiple records on the same individual may be retained by one or more states. This would occur where, for example, an offender was arrested for separate crimes in different jurisdictions. It is clear, however, that the volume of records which is available for operational and research use has reached substantial proportions. Our responsibility to insure the quality of these records has increased correspondingly.

More specifically, the survey found that state repositories in 38 states, which include roughly 83 percent of the population, received reports of approximately 4 million arrests during 1983. We also found that during the same period, almost 2 million final dispositions were reported to state repositories in 30 states, which account for almost 60 percent of the nation's population. Although dispositions reported in a given year in most cases do not correspond to arrests reported in that year, and accordingly cannot be directly compared, it appeared clear that disposition reporting falls far behind the level of arrest reporting.

Our survey showed that over half of the states maintain no records relating to juvenile offenders, and that only two states indicated that juvenile records comprise at least five percent of the data base. This is significant, since current theories emphasize the relevance of juvenile data to adult correctional activity. No one can better testify to that than someone sitting in this room. We are very delighted to have him here—Professor Marvin Wolfgang from the University of Pennsylvania, whose cohort studies in Philadelphia have pioneered in this area. The absence of juvenile records at the repository level critically limits the availability of such records for criminal justice use.

Although fiscal constraints precluded our surveys from actually auditing disposition reporting levels, general estimates were obtained from some responding jurisdictions. Over-

all, it appears that the state correctional agencies had the highest rates of reporting. Reporting rates for arrest and prosecution dispositions were lowest, estimated at roughly 50 percent. The survey report noted, however, that reporting in jurisdictions with mandatory reporting statutes was higher than in those jurisdictions with voluntary reporting.

These findings disturb me. We have shown that the technology and legislation exists to support high levels of disposition reporting. We have shown that major legislative advances have been made in the short time since enactment of data quality requirements. We have shown that effort and commitment can have a major impact on the development of better reporting standards. But the results of our surveys show that we have far to go. What, then, ought to be our current agenda?

I believe that five areas must be addressed in the immediate future to insure the high level of data quality required for current criminal justice initiatives and noncriminal justice use. First, and of overriding importance, levels of disposition reporting must be raised. Failure to achieve this goal will single-handedly curtail the effectiveness of operational and research efforts to a major degree. Although we recognize the administrative, organizational and financial problems which preclude simple solutions in this area, past experiences have confirmed that coordinated interagency and intergovernmental efforts really can facilitate the development of successful disposition reporting procedures. We also know that active involvement by key state court administrators can have a major effect on disposition reporting levels. In this connection, I am very pleased that SEARCH Group, as part of its current Information Policy grant, will be initiating efforts designed to foster such court administration involvement. Efforts of this type must be undertaken and supported at all levels of government. BJS will take all the steps within its purview to insure that reporting of disposition data is handled as a high priority area.

Second, I believe that steps should be taken to improve the linkage between arrest and conviction data. These steps must accompany improved disposition reporting in order to insure that valid transaction records describing all events in an offender's criminal history can be compiled and made available for criminal justice and noncriminal justice use. Recent technical developments relating to subject identification, such as the Automated Fingerprint Identification Systems (AFIS) will facilitate this process. A commitment to more accurate recordkeeping procedures will also be required to insure that arrest data is effectively linked to proper disposition reports.

Third, I believe that automation should be viewed as a tool for improved accuracy, completeness and timely availability of records. Automated systems permit the ongoing verification of records. They permit the maintenance of transaction logs. They permit the instant deletion of erroneous data and the on-line update of existing records. All these must be used to insure that the technology serves to improve rather than endanger the equity and fairness of the criminal justice system. It is a rare opportunity when we can serve our criminal justice goals of more effective recordkeeping and, at the same time, serve our civil liberties goals by making those records more accurate and, thereby, more fair.

Fourth, and related to the issue I just mentioned, I believe that increased attention must be directed toward system audits. Although our surveys indicate that audits of or by the central repository are frequently required, such procedures actually must be undertaken on a regular basis. Moreover, steps must be taken to address problems which surface in audit reviews. We all recognize that fiscal constraints may limit the extent of full audit compliance. Knowledge of the current system of data quality in a system, however, is a key to formulating plans and potentially obtaining legislative funds to address problems identified in audit reviews.

Last, I want to say a word about the need for improved juvenile justice records. An earlier SEARCH study funded by BJS concluded that legal prohibitions generally did not preclude the use of juvenile records for adult criminal justice processes. Nevertheless, practical considerations, such as the absence of automation, fingerprint identification, and proximity to the central repository, effectively made access to such data impossible. At the present time, BJS is supporting an effort by SEARCH to review the status, content and organizational placement of state juvenile records. We hope that

the findings of this study will be useful in encouraging the improved coordination of juvenile and adult records in order that a more complete record of an offender's prior activities can be made available for law enforcement and judicial use.

Before I close, I would really be remiss if I did not say that we have come a long way. I think I have made that clear earlier in my speech when I recounted the developments. We have come a long way. And I would be equally remiss if I did not specifically compliment SEARCH Group for the tremendous leadership role that it has played over many years analyzing ideas, developing technology, and fostering interaction with the states in all the areas that I have talked about.

In closing, I want to reiterate the BJS commitment to data quality. The commitment I think is best exemplified by this conference. This conference represents the third in a series which have addressed these issues. The first conference, conducted in Los Angeles in 1980, addressed specific data quality techniques. Our most recent conference, conducted here in 1982, examined the impact of data resources and policies on the implementation of new criminal justice strategies. This conference takes us one step further, as we seek to identify the specific steps which can be undertaken to improve the accuracy and completeness and timeliness of criminal justice data. Our mission is clear and the responsibility is ours. What needs to be done—and I think this is the group to do it—is that we must go out in the field and make things happen.

The Importance of Federal Assistance to the States in Improving the Quality of Criminal History Records

CHARLES E. SCHUMER
Congressman, Committee on the Judiciary
United States House of Representatives

Let me give you a little bit of background on how I got involved in the data quality issue. I represent the 10th Congressional District in Brooklyn, an area of basically middle-class people. If you ask those people what is the number one local problem affecting them, 90 percent will say crime. If you ask them what is the number one national issue facing them, probably 85 percent will say crime. Even if you ask them what is the international issue most affecting them, they will still say crime. My district, as with districts throughout the country, has been yearning for government to do more to protect it. One of the great things that has disillusioned my constituents about government is that they hear day after day in the news media stories about criminals not being adequately prosecuted and incarcerated for a justifiable period of time. The old story, which may be true in your localities as well, is that we had somebody who committed 40 burglaries but was not put in jail until he committed his 41st. That kind of story is extremely frustrating to my constituents and to me. At the same time, I come from an approach that believes deeply in the Constitution and in civil liberties. Unfortunately, most of my constituents have been drawn to think that the only way we can solve crime is to abandon many of those constitutional protections which are part and parcel of our American heritage and which are symbolic of everything America stands for.

When I arrived in Washington, one of my first goals was to try to do something about the crime problem. I sat down with so many different people—law enforcement people, people at the FBI, people at SEARCH, people at the American Civil Liberties Union, newspaper reporters, lawyers, scholars, you name it—I sat down with everyone under the sun who was concerned about crime. Crime was the reason that I wanted to get on the Judiciary Committee. It is not an easy committee to be on in certain ways; we often have tough votes that split apart our constituencies. But my desire to try to do something about the crime problem impelled me to join that committee. I am glad I did. In any case, what becomes clear, as I am sure everyone of you knows, is that what is really plaguing the criminal justice system, probably more than anything else, is inadequate resources. In the County of Kings, Brooklyn, where I come from, if every person arrested for a felony were actually tried for that felony, our backlog, due to the inadequate number of prosecutors and D.A.'s, judges, court reporters, court officers and penal facilities, would increase about thirtyfold. My first inclination is to say, O.K., why doesn't the federal government come in and help in an efficient way, if possible? Just add more resources. Initially, when I sat down with my staff, I said, what we need is about a $10 billion a year program to help the states get more penal facilities and more judges and more court officers. If we can provide aid for transportation, housing and education, we ought to do it in this manner. Not the way LEAA did it, but in a more directed way. Of course, I came down to Washington and found out that $10 billion for a new program was not going to happen. As much as everyone wanted to fight crime, there were other priorities, there were existing programs. Forget it.

So my next approach was to say, well how can you get the biggest bang for the buck? What I found when I talked to all groups, from very conservative groups—sheriff's organizations—all the way to very liberal groups—civil liberties and prisoner rights groups—was one feeling, one note of agreement that extended from one end of the criminal justice spectrum to the other. That was, if people had accurate and adequate and plentiful data, they could do a lot more. They could make their resources stretch a lot further. Take the instance that I mentioned before. If upon arrest there were a computer in the station house or in the arraignment section and the person who was arrested were fingerprinted and the computer showed that there were 39 previous arrests for burglary and plea bargains down to misdemeanor—I don't know; you folks know the terms better than I do—petty theft or something, well people would start paying attention to that person more than another person, and similarly up and down and across the lines.

When I examined the state of information, I found that it was of low quality—and that is no one's fault. When you have state governors, city mayors and county executives looking to where they are going to cut their budgets—and there are all sorts of organized groups crying for help and all sorts of needs that are very, very real—one of the first places to cut would be criminal justice data. I am sure you find that within the criminal justice system it is easier to say let's not have to hire somebody to punch in two years' worth of backlogged arrests, warrants or other records. Let's not expend new capital resource or money if it means we are going to have to cut policemen, or not add policemen, or not have adequate court facilities, or whatever. As a result, criminal information gets the short end of the stick in terms of state budgetary processes in just about every state. Yet it is essential in terms of focusing resources in the criminal justice system. It is also essential for fairness and decency. Only in the last year have some of the horror stories come out because of inaccurate data. Those stories, as you all know, are the exception rather than the rule. But when you hear that somebody was falsely arrested for a week, it is the kind of exception that makes the news—and it probably should make the news—because for a human being, even one human being, to have to go through that ordeal is not fair and not right.

So, as I started to say, there is a consensus running from one end of the spectrum to the other. Why don't we at least try to focus on the data quality problem and get the federal government more involved in helping the states improve their data. There was a federal rationale for it, because we all know that the Interstate Identification Index (III), or NCIC for that matter, or any of the systems which are going to rely on the states to relay information to them, are only going to be as good as that information that is entered. If in the conflict over allocating scarce resources, data quality does get the short end of the stick, our federal systems of justice information are not going to be very good.

Well, I first introduced legislation to do that in the 98th Congress and then did it again last year in the 99th Congress. And as Mr. Gary Cooper mentioned in his introduction, I went to places that I had never been, like Charleston, South Carolina, and tried to sell all sorts of groups in the criminal justice community on the legislation. I found one of my problems was that I had tied my program in to participation in III and that got a lot of people upset. It took them a while to realize that my motives were good and in line with SEARCH's official positions. However, my experiences with III and with people familiar with III told me not to tie the legislation to III. So we drafted new legislation and we left out III altogether. We focused solely on the problem of data quality in state criminal justice records.

Before I describe the bill, I want to thank Bob Belair, SEARCH's General Counsel, and Gary Cooper, SEARCH's Executive Director, for all their help in drafting the bill. In the bill, we authorize the Bureau of Justice Statistics to establish a program to make grants to states and localities to improve accuracy, timeliness and completeness of criminal justice information. Criminal justice information is defined to include both criminal records as well as arrest warrants. We hope to expand this definition to include wanted persons and stolen property as well. The Bureau of Justice Statistics is authorized to make grants for the following purposes (and I am not going to read all of them, just the main ones): to improve the reporting and recording of dispositions of arrests; to develop or enhance automated criminal justice information systems; to establish programs to audit the accuracy, timeliness and completeness of criminal justice information; to establish programs to train criminal justice personnel to develop, operate and maintain criminal justice information systems. In order to receive a grant, the applicant must submit a detailed audit of its criminal justice information systems. Then they must promise to do an annual audit to evaluate improvements in data quality. The applicant must specify the purpose for the grant and show in detail how the system will be audited. It's the applicant, by the way, who must do the annual audit. The state or locality applying must identify who will be responsible for administering it.

In the bill, my grandiose scheme of a $10 billion a year program, has been reduced. We hope to authorize $10 million a year for five years, which is not as much as I would like, but as Deputy Attorney General Jensen mentioned, in these days of Gramm-Rudman, it is going to be tough to authorize any new program. I think that, aside from the fact that we are asking for modest amounts of money, the prospects for the legis-

lation look good. This is a piece of legislation that has been carefully thought out, taken a few years to put together. It has endorsements of organizations such as SEARCH. The Advisory Policy Board of the FBI's National Crime Information Center, which was opposed to the initial legislation because of its involvement with III, has actually withdrawn its opposition. So I think it will be positively received. You say, well $10 million a year is not really going to go as far as we need. That is true. But until the federal government deals with its deficit problem one way or the other, I think it is important to get this program started at a modest level to show that it can really work, and then in the future attempt to expand it fiscally. I truly believe in the program. I think people will see once it is enacted that the federal government can, without spending huge amounts of money, help the states be more efficient and make their criminal justice systems more fair. I would hope that each of you would go back to your state organizations or the organizations from which you come and tell them about the legislation. Inquire at my office; we can give you the actual bill itself or a description of it. And maybe you will get your state to contact their legislators in support of the legislation.

Data Quality: The FBI Perspective

DAVID F. NEMECEK
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Federal Bureau of Investigation

My assignment is to talk about the FBI's perspective on data quality and criminal history records from a number of points of view: first, as a federal and national user of criminal justice information; second, as a federal and national manager of criminal justice information; third, as an identification of problems confronting the FBI in handling these assignments; and fourth, as a description of the steps that are being taken to resolve them. That is a fairly sizeable task. In the time I have, I will try to hit the high points. If I miss a particular area that you are interested in, it is only in the interest of time.

First, as a user the FBI is obviously heavily reliant on criminal history record information, as is any law enforcement agency. We are particularly dependent upon obtaining past criminal history record information: arrest, post-arrest disposition information—essentially that which comes from the public record, which will be the focus of the points that I want to make today. We use record information for a variety of purposes from suspect development to fugitive apprehension to collection of information for prosecutorial sector review. We look at it for qualifications for positions of trust in the U.S. government, for assistance in the witness security program, for protection of U.S. and foreign officials, and the list just goes on and on. To be useful, the information has to be there when you need it. It has to be available. It has to be correct. And it has to be sufficiently complete to meet the need for which it is being used.

If you will indulge me for just a couple of minutes, I think it is necessary—since I have not had an opportunity to hear all of the comments made so far—to try to put my remarks in the context of some very brief history. Parenthetically, I was told when I first arrived here today that all the action was over with; I had missed all the main points. Perhaps we need not recount history if the solutions already have been arrived at today. Nevertheless, the point that I believe is important is that because the FBI has for a number of years had a dependency upon this type of information, and other law enforcement agencies at the state and local have had the same dependence, we have traditionally been the recordkeepers. The user in this case has been the recordkeeper. There has been a strong desire by the state and local officials since the early 1900's that the FBI maintain a centralized recordkeeping index. I emphasize the word index as probably one of the most important words today—that we maintain a centralized record index for storage, collection and dissemination of information. This, then, in the early 1900's, became a major FBI mission, coupled with a fingerprint positive identification capability. This system was built on voluntary cooperation in the criminal justice community, and it still is. At the risk of being trite, I would like to indulge in a minor analogy: I believe that there is probably no better measure of the quality of water than the number of trips to the well. What I mean is that in relationship to the Identification Division, the sheer numbers of records, the times the records are requested, the magnitude of resources allocated to the system, it is very hard for anyone to deny that there is not an overwhelming, substantial benefit being derived from the utilization of these records—and that there is substantial, inherent quality in the product that is being delivered.

The numbers are still growing. Not only are there law enforcement uses of these records, but also substantial uses in various new aspects of the criminal justice community and beyond the criminal justice community. From my point of view, the Identification Division has for approximately 40 years very admirably met the need that was demanded of it.

The most relevant history for this discussion of data quality is that in 1960 a number of changes began to have an impact. For those of you that lived with them, you know the changes better than I do. An overwhelming number of records were straining existing resources. There were changing needs and uses. Greater timeliness was required. The availability of computer technology and telecommunications came on the scene, and there was substantial building of record systems at the state level. There were also changes in attitudes about what the appropriate role of the state, local, and federal officials should be. Concurrent with these interests in criminal history record information, there was a call to the FBI to establish what later became the National Crime Information Center. The FBI

was asked to establish—again the word index—to establish an index that would provide rapid transmission of accurate and complete information to address the increased mobility of people in this country, in particular the movement of criminals in avoiding the shorter arms of state law. A national computer system was established with a national telecommunications system to provide information on wanted and stolen property. It was a resounding success. Of course, I am not partial in any respect, but very soon people began to think, well we should be applying these successes to the criminal history record information. Then came a number of tests. SEARCH Group was intimately involved in the first step in that area. As you know there was then an effort by the FBI's Identification Division to begin to automate its criminal history records file - and build for the future. I am sorry to say that, for whatever reason, for the next few years things did not move quite as well as one would hope. A lot of questions were asked. Some began to question the quality of the water—because it did not do what they wanted—that it required additional work. Some did not understand the index concept of the Identification Division. Some attempted to use the record as is without going through some sort of confirmation or verification process. Finally, in 1979 or 1980, many of the various groups, all well intentioned and highly motivated, struck what I think has now become a rather substantial consensus in terms of what we should be doing to build a system for criminal history record information.

We began the testing of a concept known as the Interstate Identification Index (III), very similar, if not identical with a concept advocated by SEARCH Group very early in the history. We had a number of guidelines that we were going to follow, though. We were not going to make some of the mistakes that the FBI had made in trying to establish the CCH file. We were not going to impose substantial, overwhelming economic burdens on the states that could not be met. We knew the corner had been turned in terms of how many resources would be available in the future to build these systems. We knew we would have to link existing resources and minimize any increased costs. So we said, O.K., we will use the NCIC telecommunications system; we will use the automated state data bases; we will establish a large index of personal descriptive data that will direct inquiring agencies to where the record is located—and we will have made a substantial contribution if we can even do that. As it turned out, our tests have been successful, the results excellent. The cooperation also has been excellent. At this point, substantial commitments and alterations have been made by the FBI in attempting to fulfill a 51st state role and in modifying the computer programming efforts in our automated Identification Division system. I will talk more about that later. I would say at this point that the stage is set—and I think the solution is very close at hand.

What are the data quality problems faced today? To start, I do not see any problems that we cannot overcome, nor do I see it in the context of disaster proportions as I sometimes hear the data characterized. Obviously, we are going to say right up front, perfection is what we are seeking in criminal history records. We want no inaccuracies; we want no information missing; and we also want it when we need it. One of the problems that is difficult for us to confront is, on occasion, there are predictions of doom and gloom. That is, the problem is so bad—it is so overwhelming—the files are so replete with errors, that innocent citizens around this country are being damaged in such magnitudes that perhaps we should just tear the system down. I would like to get on the record with you right now and say that I do not believe that is the case. I do not believe that it has been substantiated, and I think there is such overwhelming evidence of the value of the system, that I would say to you that I do not believe that the sky is falling.

Sometimes—at least, I feel—that what eludes us in identifying problems is that we impute guilt or failure to the system, to the messenger, rather than the person that uses the information. In addition, traditionally, we have accepted the notion that the law enforcement community and various criminal justice community agencies have a sophistication in understanding how to interpret and utilize records. Unfortunately, some of the purposes for which legislation has been passed has placed this information in the hands of, what most of us would consider, less sophisticated users, and obvious problems have occurred.

Another problem I have already mentioned is what I consider our inability for those first ten or fifteen years to actually pull ourselves together and establish a system—any system—that would provide for rapid exchange of information. I would like to ask you to step a little farther back in the establishment of a system of record delivery, one that would take you all the way to the original source of information, if possible. The NCIC system has always focused on putting an inquiring agency in contact with the original source of information to insure the highest integrity of information. We also make those originators responsible for keeping that record accurate, because they are the ones most likely to know when the changes occur. I think we also ought to try to do that in the criminal history record systems. Perhaps, rather than trying to move mountains of information from the local level to the state level to the federal level, or perhaps even from the local to the state level, perhaps we ought to be building lines and linkages—which Steve Schlesinger just mentioned in his speech—and stop trying to say that every piece of information from the time of arrest to the time of leaving the court has to be in *this* data base in *this* particular location. Perhaps it is time to develop a rapid means of delivering information from several systems. I know we have talked in the past about our PROMIS systems and other automated systems, and I think there are a lot of building blocks out there. It is a personal thought—not an agency thought—that perhaps we may be trying to bring the mountain to us, and, perhaps, we ought to be trying to build some roads to the mountain. It is a problem that we have not built a delivery system that gets us back to what should be the most accurate information.

I think also that we have occasionally suffered from an unrealistic definition of accuracy and completeness. Accurate means accurate; it means 100 percent accurate; it means perfection. I think the term accurate is abused rather substantially when talking about data quality. The definition can become elusive. Completeness has come to be equated with inaccurate—everything that is bad, everything that is unacceptable. It depends upon the context in which you want to use the information. Again, our goal is to have 100 percent complete information. I can assure you that a law enforcement officer does not necessarily have to know the disposition of an arrest three months ago, if there is one, in order to make certain decisions. So, perhaps we can refine our definition somewhat and perhaps we can make a little more progress if we have a little finer point to our focus. We have all become the victim of what our government and our country's economy has been the victim of; there have been decreasing resources at this stage of our country's economic growth and evolution, and it has had an impact on what can be done.

Next, what is the FBI doing to improve data quality? The FBI is doing a lot of things to address data quality problems, everything that we think is a legitimate role for the FBI, that we feel is within reach, and that we can apply resources to get results. I have mentioned we are redefining our role in terms of criminal history record information systems—the changes in the Identification Division, the testing of the III system, and the expanded internal automation efforts. We have a number of spinoff benefits from III. For example, we go through a synchronization of records to insure that we attain the maximum accuracy between the data bases at the state and federal level. We are continually reprioritizing our diminishing resources. There is no enhancement for these efforts. We are not getting more people; we are getting less and less people. And we hear talk of more cuts. We also have begun to refine our 51st state role. A priority should be for us to look at what records the FBI, as the 51st state, will be holding and how can we insure that we have the most accurate, the most complete information, that we can accomplish. We have addressed FBI information on a field office by field office basis. We have applied what resources we have, and as we have passed through each of our field offices' records, we have attained 100 percent accuracy, 100 percent completeness for those records that we have had the ability to address. It is possible. We have also discussed similar projects with a number of other federal agencies and plans are being laid for those types of activities. The NCIC Advisory Policy Board is becoming a much stronger, influential group in terms of its advocacy of new initiatives in data quality. It has attempted to set standards, to seek voluntary policing by the states, and to add increased emphasis on achievable qualities for its task.

It has required new specific training at the state and local level. It has imposed a requirement on the states to have an audit program and to set guidelines in terms of what should be addressed. It has set strict definitions for the periodic record reviews that must be conducted to maintain a record in NCIC. It has specified more frequent and timely double-checks, also known as validations, of records. As SEARCH's Executive Director, Gary Cooper, has mentioned, the FBI is involved in an audit program. We see our role as auditing the state NCIC manager. There will be a supporting concurrent role by the states in reviewing the local agency participation.

Our goal is to insure that there are quality assurance programs in place, that audit programs are being built, and that adequate training is being provided. As a side benefit, we have found that one of the bigger roles we have been playing is that of a consultant in good records practices. There is no lack of interest in having quality records out there. Quite to the contrary of what you might think, in terms of an auditor showing up at the door and a fear of a "gotcha" type conflict, we find chiefs of police and records managers asking for help in knowing what is working in other states. They want to try to make it work in their state. For anyone that can get that information to the locals, we have found a rather substantial interest and desire in doing what is considered to be the right thing.

The FBI has also been advocating and attempting to maintain a flexible approach in working with all stake-holders in seeking data quality solutions. If you have not seen it in the past, if you have not seen evidence of it to date, I would like to tell you that it is our approach. We are not trying to say that we will build it for you and give it to you when it is ready. We are looking for cooperation, and we are trying to give cooperation. We are conducting a number of studies to identify and exploit technology for more cost-effective, quality assurance procedures—too many studies to even discuss right now. The Identification Division has been travelling to the states to develop magnetic tape disposition submission programs, whereby a less labor intensive mechanism can be arrived at for submitting dispositions to the federal level. We continue to develop new computer edits for record accuracy. We have spent a considerable amount of time in determining whether federal funding to the states is needed, seeking federal funding, and seeking the right balance of federal involvement. In a number of discussions with Congressman Schumer, I have been quite gratified to see consensus in what we are trying to accomplish. I must admit there are some states that would rather go it alone, that would rather come up with their own funding, and that would rather not have obligations to the federal government. I say "that is fine." Nevertheless, there most certainly are some states, for whatever reason, that have not built their state systems and are going to need some assistance. It is a difficult assignment at a time when the budgets are being cut, not enhanced.

The final thing that I would like to say is that we are attempting, and I very strongly advocate, to subrogate personal goals to organizational goals in order to build a more accurate rapid criminal history record information system. It is my conclusion that the criminal justice community does not have a criminal history record information system in place that will meet current needs. It cannot meet programs such as repeat offender determinations, preliminary hearings, bond decisions, and many bail decisions. Many of these are vital programs. Many laws to keep criminals off the street are now proposed. I have to tell you, if all of those laws passed we would have to turn and say, "Where's the information?" I worry more about the decisions that are made everyday without the benefit of complete criminal history information. We do not have that system built and we cannot meet that need. However, I think we are getting everything in place where we can. I strongly urge the completion of an index system with rapid retreival links.

Public Policy Dilemmas Regarding the Quality of Criminal History Records

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The John Marshall Law School

My comments today regard what have been characterized as dilemmas in the data quality policy. These dilemmas have been with us for years. I remember when Carol Kaplan, who is now Chief of the Policy Branch at the Bureau of Justice Statistics, was first struggling, in the early 70's, with guidelines for LEAA regarding privacy and security. The Justice Department was providing millions of dollars for the development of automated state criminal justice data bases and recognized that privacy and security constraints were needed for access to that information. We knew back then that there was going to be more information in finer detail, instantly available, than had ever before been contemplated, and today we are seeing that happen. The data quality problems we faced then we still face today. Therefore, I am going to raise those issues again, and I am going to add *my* proffered solution. You may disagree with me, but at least I want you to hear what I think. Those problems and dilemmas also face us as we work with the National Conference of Commissioners on Uniform State Laws (NCCUSL) to draft a Uniform Criminal History Records Act. We are trying to resolve these dilemmas legislatively; perhaps it cannot be done. But let me tell you what I think the policy ought to be anyway.

Dilemma number one. Who uses criminal justice information? Who is it for? I was looking at a recent report on a study just completed by the Illinois Criminal Justice Information Authority. Dave Cauldron, the Authority's Executive Director, conducted an audit of the criminal justice information systems in the State of Illinois and reported what he found about data quality in Illinois. I noticed on the report a little header explaining the criminal justice information system in Illinois. The report said, matter of factly, that criminal justice information systems in the State of Illinois were established for the purpose of providing information to the agencies of criminal justice. Nevertheless, far more requests for criminal justice information now come from noncriminal justice agencies, as you all know. The problem we are bumping into is this: When we discuss increased quality of criminal history record information, we are talking about quality in two dimensions. First, the accuracy and completeness of the data. Second, we are talking about a larger data base with more and more information. Through automation, through our new communications and computer technology, we can store more information, and manipulate it and use it for research and other purposes to help administer the criminal justice system. As soon as somebody knows there is a data base, he wants to see it. And the better we are at developing information systems, the more noncriminal justice access is going to be requested. There are good reasons, I believe, for noncriminal justice access. I think that is what Lois Herrington is going to discuss—some narrow, well focused and important reasons. But all of you know the kinds of people who want access to information in criminal justice files. I would propose that we should support a presumption that criminal justice information is collected and available *only* for criminal justice purposes, period. It should take a very, very persuasive reason, supported by legislative approval, for noncriminal justice entities to be granted access to criminal justice information. The information systems will become better, bigger and broader. The more information we put in, the more we impact the privacy interests of everybody in the system.

One of the big problems we have in data quality is that we do not get reports from the courts. Steve Schlesinger, Director of BJS, mentioned that issue today in his talk. Those of you who have approached the matter probably sense that it is an incredibly difficult political problem. We have been dealing with it in the Uniform Criminal Records Project Drafting Committee of the NCCUSL, and in drafting the bill we first suggested a requirement that the courts *shall* report. A court administrator is on our committee and said, "Wait a minute. Have you forgotten about Constitutional requirements for separation of powers? Are you undertaking legislatively to mandate what the courts shall do?" We discussed it and decided to strike out "courts" and

require the clerks of the court to report. And someone else said, "In my state the clerk of the court is a Constitutional officer. He is independently elected. You're not going to put a mandate on him to report." There is no question but that the courts are key in achieving data quality, and I think we have to stop arguing the separation of powers and sit down together. The courts have to admit, "We need the information; we want it for sentencing decisions; we want it for bail decisions. It has to be complete and accurate. We'll supply our part, we'll do our job." The courts *have* to report. We have to make it clear that we are not challenging their authority. As a lawyer, never would I do that. But they must cooperate and report.

How do we get access to criminal justice information? Must there be a fingerprint to get access to criminal history records? For criminal justice purposes I think we all agree that's not necessary. But what about noncriminal justice access? Somebody says, "I want the criminal record on Robert Smith." How many Robert Smiths do we have in this room? I know we have at least one. If we make an inquiry on Robert Smith, you know we are going to get many hits. We know that as a matter of accuracy right now, the only identifier that we can depend on to be sure that we are getting information on the right person and that we are putting information into the right file is with a fingerprint. If we required a fingerprint, as we put in an early NCCUSL draft, as a practical matter that means there could be no noncriminal justice access, because how does someone in the private sector get a subject's fingerprints? Either with his consent because he's applying for employment, or maybe he's invited to a cocktail party so that his prints can be lifted from his glass. In order to assure accuracy and quality, we must virtually cut out private sector access. I maintain we ought not to have private sector access in the first place. It's a bad act of faith if we allow noncriminal justice access only when the request is accompanied by fingerprints. I think that's an incredible policy dilemma, but I choose fingerprints. If there is another way, we need to come up with it.

I want to make a final point on quality and access. I believe that in every state there must be audits of all state and local criminal justice data bases by a central authority. Whether it be the central repository or another auditing agency established in the state, there must be a central independent audit. I know that creates tensions within a state because we hear from local government the same kinds of things we hear from the judges—"Wait a minute, I'm not going to have a non-law enforcement guy coming in and looking at my records." Or, somebody in the police department is going to say, "I'm not going to have an auditor trying to deal with my information when he's from some different agency." The only way we are ultimately going to assure accuracy and quality is with mandated central audits. We have to bite that bullet and resolve that problem.

Thank you for listening to what I had to say, and thank you for your participation in this intergovernmental experiment that is far, far beyond feasibility testing. You have all demonstrated that it does work, and that what we are here for now is fine tuning it and making it work better.

Panel 1: Law Enforcement and Prosecution

Law Enforcement Efforts to Improve the Data Quality of Criminal History Records

WILLIAM C. SUMMERS
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International Association of Chiefs of Police, Inc.

By way of background, the International Association of Chiefs of Police is the world's largest organization of police executives, with 14,000 members leading over 490,000 police officers in 65 countries. The Association was established in 1893 to advance the science and art of police services; to develop and disseminate improved administrative, technical, and operational practices and promote their use in police work; to foster police cooperation and the exchange of information and experience among police administrators throughout the world; and to encourage adherence of all police officers to high professional standards of performance and conduct. It is the policy of the IACP to cooperate with police agencies and other organizations of recognized professional and technical standing and to participate in endeavors such as today's conference, which help the goals of the Association to be more fully realized.

Since its earliest years, the IACP has had an active interest in criminal history data quality. In 1897, the Association established a clearinghouse for identification records that became the nucleus of the modern FBI Identification Division's central fingerprint file—the largest such file in the world.

The IACP Committee on Uniform Crime Records was formed for the purpose of making recommendations for classifying and reporting criminal offenses. These recommendations were widely accepted and the Association participated actively in the effort to encourage police departments throughout the country to participate in the reporting program. In 1929, the IACP suggested that the FBI operate the Uniform Crime Reporting system; and in 1930, after publishing a revised Uniform Crime Reports manual, the Association turned the program over to that agency. Today, the FBI Uniform Crime Reports are published with advisory assistance from the IACP.

Although the IACP has an organizational interest in the availability of high-quality criminal history statistics for our research projects and to assist us in responding to inquiries from our police executive members, the press, political entities and the general public, it is from the viewpoint of the law enforcement user of criminal history records that I wish to address you today.

One of the basic mandated missions of the police is the apprehension of offenders. This must be accomplished under the rule of law, which emphasizes the rights of individuals and also places certain constraints on the law enforcement professional in the exercise of his duties and powers. These constraints apply principally to search and seizure, arrest and interrogation, and dictate that the police must not act arbitrarily, but base their actions on complete and accurate information obtained in a timely manner. The officer relies on such information to justify a request for a search warrant or to establish probable cause for arrest that will hold up in a court of law.

Technology has made it possible to accumulate, store, retrieve and disseminate criminal history records in increasingly shorter periods of time. In most jurisdictions, police in the field can request wanted checks, vehicle license and registration checks, driver's license validity checks, and criminal histories via radio. Depending on the priority assigned by the field officer, the information requested can be transmitted from the communications division back to the officer in a matter of minutes. Without going into all of the details of police procedures, most standard procedures provide that, if a record of an active want or warrant is received from the national criminal information center, the state criminal history records repository or other information center, a back-up unit is to be dispatched immediately. If the officer determines that the person he is in contact with is the person wanted, he advises the dispatcher as to whether the person is being released or detained. In the case of a detention, the dispatcher immediately contacts the originating agency and confirms the want or warrant, obtains hard copy printouts of the confirmations, and documents all requests for checks and criminal histories on the form designated by the particular agency.

From this brief procedural description, it is obvious that the immediate availability of accurate and complete criminal history information has a significant bearing on the use of discretionary judgment by the police. There is a direct relationship between background information available on a given suspect and the officer's subsequent decision to arrest or release the individual. Obviously, if a decision is based on incorrect or incomplete information, the disposition of the case is influenced from that point on.

Law enforcement agencies also rely on criminal history records repositories in the planning and implementation of special programs such as those involving an emphasis on the apprehension of career offenders, narcotics dealers and organized crime figures, as well as community service-related programs directed toward victim assistance and crime prevention. Good statistical data is also important to police executives responsible for the planning, management and evaluation tasks involved in law enforcement administration.

Data quality has a direct impact on the degree to which delivery of law enforcement services meets the needs and expectations of society. I have already described how criminal history records are used to help police in the investigation of suspects and ap-prehension of criminals. Once an arrest has been made the quality of the information relied upon as a basis for that arrest influences the eventual adjudication of the case. There have been numerous instances where courts have ordered suppression of evidence obtained during the course of arrests based on incorrect information in an outstanding warrant or other type of criminal history file.

The Law Enforcement Assistance Administration promulgated Regulations requiring that agencies "maintain systems that are reasonably designed to ensure that agencies disseminate accurate and complete criminal history records." The Regulations defined "accurate" literally to mean that no record shall contain erroneous information. Most state statutes enacted subsequent to the Regulations of LEAA differ from the Regulations in that they do not require, as a general standard, that agencies maintain "complete and accurate" criminal history records. Rather, most statutes require state agencies to implement procedures that minimize the possibility of storing and disseminating inaccurate or incomplete information. The timeframe for the reporting of arrests and dispositions differs greatly among the states.

Courts that have addressed the issue of data quality have found that criminal justice agencies have a duty to implement procedures that are designed to safeguard the accuracy and completeness of criminal history information. However, no uniform guidelines have been established by the courts as to what the standards are for maintaining the records, what must be shown to establish a breach of the duty to maintain or what are the consequences for breaching the duty. If a court finds that an agency has an obligation and has not met its obligation it may set aside arrests or searches, or grant monetary relief under Section 1983 of the Civil Rights Act or under tort law theories. Even in cases where the arresting officer is deemed to have acted "in good faith," the courts may hold the agency as a whole responsible for the failure to maintain a system that ensures the availability of complete and accurate data. The good faith principle has thus been extended to include the criminal justice information system operated by the agency as well as those individuals assigned direct responsibility for it.

Police departments and communities must also consider the liability issues stemming from the violation of Constitutional and civil rights of individuals falsely arrested when the arrests are found to be based on incomplete or inaccurate information.

I have already mentioned how the quality of criminal history data affects the ability of law enforcement executives to plan, manage and evaluate the police services being provided to their respective communities. Data quality is also crucial to the national effort to reduce crime. Good statistical data help in the establishment of priorities for funding, research and technical assistance that benefit law enforcement at all levels.

Probably the most important step taken by the law enforcement community to overcome data quality problems is in the area of automation. As technology has improved and computers have become simpler and cheaper to operate, the extent to which criminal history records can be maintained has improved considerably. Even the smallest and most conservative agencies have recognized the benefits to be gained by converting manual recordkeeping systems to computerized ones. The telecommunications component has also added an important dimension to the speed and ease with which information can be communicated. The development and use of facsimile equipment, combined with advances in fingerprint technology, has also become an invaluable tool in the crucial task of obtaining positive identification of suspects and eliminating duplicate files of one suspect using several aliases.

Improved cooperation among law enforcement agencies at all levels is another factor in recent data quality improvement. More and more agencies are utilizing computer equipment and software designed to interface with local, regional, state and national crime information systems such as the National Crime Information Center (NCIC). Agencies are

also striving to devise and implement systematic procedures to expedite and improve the communication of information on crime incidents.

The FBI has also been actively involved in the data quality issue through its sponsorship of workshops for state officials responsible for implementing procedures to improve data quality. The FBI has also conducted audits of state data bases in which FBI records were compared to state and local sources in order to help identify specific data quality problems and develop solutions to these problems.

Although great strides have been made and continue to be made in the improvement of criminal history records information systems, there is still a great deal of progress to be made. The first step must be a real commitment to the improvement of data quality at all levels of the reporting, collection and dissemination process and at all phases of the criminal justice system. For law enforcement, this commitment must be reflected throughout each agency's operation, beginning with the training process.

The nature of the problems associated with data quality requires a national effort to highlight these issues and motivate law enforcement agency commitment. Task forces including representatives from the police, prosecutors, courts and corrections fields should be established to examine issues related to data entry standards, data maintenance standards and dissemination standards, and to recommend actions designed to rectify problems associated with the lack of uniformity in documentation, error notification, audits, tracking, etc.

The work of such task forces should be used to develop much needed certification standards and training programs for personnel involved in all phases of the criminal hgistory records filing operation.

The statutes and regulations now in existence are too broad and generally require only that criminal justice have a system *designed* to collect quality data. Agencies need more information on the specific techniques required to develop and operate such a system. More guidance in the matter of exactly what types of information belong in the criminal history records is also needed. Regulations that prescribe what is to be included would help streamline the data bases, ensuring that necessary information is available while eliminating irrelevant material.

To help develop this information, we should identify and study the criminal history data processing systems that seem to be working well, and apply as many of their techniques as practicable to the criminal justice system as a whole. Studies, such as those conducted by SEARCH Group and other organizations, have already given us a vast amount of information on statutory and regulatory requirements, as well as on the state records repositories. We should use this information as a basis for further work designed specifically to create regulations, standards and training programs directed toward data quality improvement.

Of course, all this requires funding reflective of a national commitment to the improvement of criminal history data quality. This funding should be directed toward active programs committed to implementing practices that are working well in other jurisdictions and that can be adapted to suit a wide variety of needs, strengths and priorities of law enforcement agencies throughout the country. The programs should include the development of training programs to be made available to law enforcement professionals responsible for criminal history data services at the local and state levels.

Funding must also be concentrated in the area where it is most needed. Obviously different segments of the criminal justice discipline will disagree as to where the needs lie. For law enforcement practitioners, arrest information is generally of more value than judicial or correctional disposition information. We recognize that officials from these fields may disagree, and that all information is important to researchers and statisticians trying to compose a complete picture of criminal justice in the United States. However, it should be emphasized that it is usually through police efforts that an individual enters the criminal justice system in the first place, making the information relied upon by the police in their handling of a case a crucial factor in the final disposition of a case.

In conclusion, I wish to emphasize once again that accurate and timely information is the lifeblood of a police agency. The law enforcement community is eager to play a major role in assuring that high quality criminal history records information is available to all segments of the criminal justice system.

Data Quality and Prosecution

RICHARD M. DALEY
State's Attorney for Cook County, Illinois

We have over 600 lawyers in the Cook County State's Attorneys Office. Yesterday, we held a meeting of the various felony trial lawyers. Our discussion for three and one-half hours was about the computer programs that we have instituted in the last three years in the Cook County State's Attorneys Office and whether or not the lawyers are using the computers and the information. As a prosecutor, I think this seminar is very important, because the decisions that must be made early—at one o'clock in the morning, 24 hours a day, 7 days a week—in regard to charging of offenses, bail recommendations, reviewing criminal histories, plea discussions, sentence recommendations and post trial proceedings are important to a prosecutor.

In Cook County, we have over five million people. The Illinois Criminal Justice Information Authority, of which I am a member, has greatly assisted the Cook County State's Attorneys Office in the last three and one-half years and has funded some of the programs I will be talking about. Our prosecutor's office, with its 600 lawyers and 600 support staff, has worked very closely with the Illinois Criminal Justice Information Authority and its Executive Director, Dave Coldren; with the Governor's Committee dealing with prosecutors; and with police authorities, such as Matt Rodriguez who is here representing the Chicago Police Department. We have also worked with down-state prosecutors, sheriffs, other police agencies, as well as the Department of Corrections.

In a prosecutor's office our main responsibility is criminal prosecution, an area in which we have over 400 lawyers. The other areas deal with the civil actions and special prosecution such as gangs and narcotics. We handle over 44,000 felony cases a year and conduct over 5,300 felony trials—that is more than the entire U.S. Justice Department handles. In the last four years, we have felony convictions for over 70,000 people. We have sent 30,000 people into the prison system, which has created many problems for our governor. I have thought that prison expansion programs in the state have been neglected for many years, but we are finally catching up with the prison expansion program. I am one who firmly believes in it; otherwise, we are basically kidding ourselves in criminal prosecution. If you do not put a violent offender away, then no one is going to take him home. He is back out in the street committing more crime. Before I took over the office in 1980, the criminal history records were on 3x5 cards, and our volume of felony cases were handled manually. What happened many times was that the information was not correct, the information was missing, the information could not be found, so we had many, many problems. It was slow, inefficient. So we decided to seek a program for improving the tracking of cases within our own office as well as our ability to obtain information from other agencies, including local, state, and federal. We introduced automated data processing systems, first in the appeals section, then in civil and juvenile, and eventually in the felony divisions in our office. Computerizing our internal system for the storage and retrieval of cases helps us to provide more information to the prosecutor's office, to the individual prosecutor who is making decisions at two in the morning on a felony case. It also has provided information to the felony system before trial and during trial. I believe presently there are serious problems with our system dealing with accurate information, and it has become a major problem, I believe, in all prosecutors' offices. If they do not want to admit it, fine. But we do admit many of the problems that we have within our own office.

One of the problems we have is that the county government is only providing partial funding for the support staff we need for these computers. We have a number of full-time people, but the majority of our people are part-time people—law students or college students—who are putting information into the computer system on a 24-hour basis. Part-time staff means a large turnover. These people can't match the reliability and qualifications of full-time, experienced staff, so there are problems that follow you in the information being put in and the accuracy of the information later on during the trial and after the trial. For example, in Cook County, we have a unit called felony review. We have assistant state's attorneys that do nothing but review felony charges. We must O.K. all felony charges with the help and cooperation of the police. Our attorneys are on 24-hour call, divided geographically in the city and the suburban area, working directly with the local police department. What

we have is the information going in at the time that the incident takes place, the time of the arrest, the time that the charge is going down, but this information must be accurate.

I believe there must be a system eventually that really looks at the accuracy and completeness of criminal history data from other agencies. We have had great cooperation from local, state and federal agencies. What we have now is a much better system. We have found out a great deal in dealing with the initial felony decision being made on the street and the subsequent setting of bonds. Under the old night bond court system in Cook County, a judge and a clerk would just hear about the arrest—a person charged with armed robbery, attempted rape—and they would look at their own chart and say let's set a bond of $5,000, $10,000, or $15,000. In Illinois you only put 10 percent down, so if a person gets a $10,000 bond, you are only talking about $1,000. Many times the information that the judge had at the time was not accurate; he did not have the complete history of the individual. The only thing he knows is that it was an attempted rape and whether an additional charge was being filed. Under that old system, there were serious problems with the decision being made by the judge in bond court, problems that deal with public safety. In some cases, the person was back out on the street faster than the policeman got back to his car, or faster than the poor victim got home.

In April, 1985, for the first time in Cook County, we set up a fully staffed night bond court. We did away with the old system of only a judge and a clerk. Now we have a night bond court starting at about four o'clock in the afternoon, going till two or three in the morning. We have assistant state's attorneys there, we have clerks, we have public defenders, and we have the police. The cooperation of the Chicago police has been very helpful and successful in this operation. To get the information needed by our office, we have set up advanced computer systems to link my office with the two FBI criminal information computer banks, with the Illinois Law Enforcement Agency systems, and with the Chicago Police Department Arrest History System. With the aid of specialized computer printers, we are the only state's attorney office in Illinois with the capacity to obtain such instant and complete criminal histories on all levels—local, state and federal levels.

While this information is instantly available for Chicago bail hearings, officials in the suburban area also must have access to it. We have addressed this problem by setting up telecopier equipment in each suburban district to link them with the Chicago Police Department. We obtained a federal grant through the Illinois Criminal Justice Information Authority under the Justice Assistance Act of 1984 to provide our five suburban offices with their own computerized link to the state and federal criminal history information, which is very important to the local police departments as well as to our office. In past years, I think many criminals knew that if they committed a crime in a suburban area, they could get away with it because the suburban police departments did not have access to the Chicago Police Department's computer network.

Using the criminal information effectively requires adequate time and staff to obtain it and analyze it in the bond hearings. This has been a problem in Cook County. While we have the tools to obtain the information we need, time and staff are lacking at many bond hearings. This is an especially serious problem in the city of Chicago where caseloads are heavier than in a suburban area. I have pointed out that the new night bond court has really corrected some of the problems that we have had in the past. Many times the judge could not verify even if it was a correct charge or charges. He didn't know whether or not the person was out on parole or bail. He did not know the status of the individual, whether or not he was a foreign national. Even worse, judges were provided at one time with only the Chicago rap sheet. Under our new programs, we have seen a complete turn around of the information given to the judge— the FBI rap sheet, the state rap sheets, the suburban raps, everything involved as soon as possible at the night-time bond setting. This has the help and cooperation of the Chicago Police Department, which is greatly assisting us with personnel in the courtrooms.

Let me now give you a few examples how the bond setting endangered public safety at one time in Cook County. In November 1983, an offender was arrested for rape, aggravated kidnapping, kidnapping,

aggravated battery, and unlawful restraint. He was indicted on these charges later that month, but gained a release because he was able to post the $30,000 bond set up for his case in the preliminary hearing court. Two months later on December 31, 1983, the same offender was arrested again for the rape of another 70-year-old victim. He appeared in night bond court later that night, and the only criminal history information or rap sheet the judge received at that time was a brief statement of facts of the case at hand. He had no information on the status of the offender's last case indictment. In fact, it is possible that the judge did not even know about the previous case at all, because the rap sheet may not have been current. As a result, a low bond of $5,000 was set for this violent repeat offender. He was able to gain release by merely putting up $500—10 percent of the set bond. On January 4, 1984, the offender was arrested again for attempted rape. On this offense, he appeared in the preliminary hearing court for a bond hearing. His bond was finally increased to $200,000 and he was not able to post it. This is just one case where lack of time and staff in gathering criminal information caused low bonds to be set, permitting offenders to be released to further victimize the community.

I have long been advocating the centralization of Cook County's bail system. The expanded night bond court which we have today is a step in this direction. The judiciary has cooperated with us on night bond court because the newspapers disclosed a lot of these horror stories and eventually the public got upset. Eventually, there was some pressure by the judiciary, such as Judge O'Connell, Presiding Judge of the Cook County Circuit Court First Municipal District, who stood up and said we need this as soon as possible. He is the type of individual that has cooperated with us in the least year and a half dealing in the bond court. I believe we still need a centralized bond court 24 hours a day, 7 days a week, to do nothing but bond hearings. That is essential. Right now, bond hearings during the day are held back-to-back with preliminary hearings at numerous courts throughout Chicago and the suburbs. This doesn't allow prosecutors time to focus on gathering the necessary information for setting bonds, because they are so busy preparing for preliminary hearings. There have been major improvements in the last eight months since we have had the expanded night bond court. We have had over 600 defendants with parole warrants, violations of probation or violations of bail bond lodged against them. These actions were virtually nonexistent before the court was expanded because adequate criminal information simply could not be gathered. At the same time, the number of people that have been given personal recognizance bonds is about one-fifth of all defendants. That has helped ease the tension and the overcrowding in the Cook County jail system, in which we have over 5,000 inmates.

I would also like to describe a few of the cases where the upgrading of night bond court made the critical difference between serious defendants receiving appropriate bonds or slipping through the cracks. Last October, a 40-year-old defendant was arrested in Chicago for rape and kidnapping. He allegedly had abducted a woman and attacked her in the car. The prosecutors in night bond court found no criminal history in Chicago on this defendant, not even an arrest. Nevertheless, they were able to send his fingerprints via a machine to the Illinois Bureau of Identification and to the FBI. The prosecutors found that the defendant had been convicted of rape twice in Tennessee and had just been released from prison one month earlier on the last rape. The prosecutor gave this information to the judge who set a $500,000 bond which the defendant could not post. If the prosecutors had not retrieved this information, the defendant's bond may have been as low as $10,000 or less. Another example: On December 29, 1985, a defendant was arrested in Chicago while driving a stolen car from Michigan. The prosecutor in night bond court checked his local record, found he had been arrested once in Chicago. Using his Chicago rap sheet, they obtained his FBI number and transmitted it to the FBI to receive the out-of-state records. They found that he was wanted on a bond forfeiture warrant in New York for another vehicle theft. They also found that on February 13, 1984, he had been sentenced to five to 20 years in a Michigan prison on felony drug charges and assault with a dangerous weapon. Our prosecutor called the Michigan Department of Corrections to find out why he was out of prison so soon. That was about four or five o'clock in the afternoon. They learned that he had

escaped from prison about two weeks earlier. The defendant is now being held in Chicago without bond pending his return to Michigan. While our upgraded night bond court is a step in the right direction, I still advocate a centralized bond court, not only for the City of Chicago, but throughout Cook County, day and night. This is because the two cases I just described—and there are many, many other cases in which the night bond court has been successful in identifying very serious violent offenders—may not have been handled as successfully if they had come to a preliminary hearing court for bond setting. In the first case, our preliminary hearing assistants may have not been able to check the FBI to find that the first-time offender was actually a two-time convict. In the second case, again, the information we had time to receive from the FBI sheets and other state rap sheets led to calling the Michigan authorities to find out that he was absent without leave from the Michigan prison. Other jurisdictions have a centralized bond court, such as D.C. and Philadelphia and New York.

I have also been an advocate of the juvenile court system. To give you some background, I am one who believes that 15 and 16 year olds who commit certain crimes should be tried as adults. We do give life imprisonment for juveniles. When I took over the office we had 30 lawyers assigned to juvenile court. Now we have 50 lawyers at juvenile court. It is the most important court in the criminal justice system. But again, it was treated like a social court. We had social workers working with violent, repeat offenders. For example, we file over 13,000 delinquency petitions, the majority of which are felonies, a year. In 1984, there was a finding of guilty for over 5,300 juveniles in Cook County. We sent 763 to the Illinois Department of Corrections Youth Division, which I believe has increased the population from 200 to 700 in less than two years. We had over 3,000 delinquents placed on probation in 1984 alone. These figures represent a large population of juvenile offenders who may go on to become adult offenders. For those who do, we must have access to their juvenile records if we are to make effective decisions on them in adult court. In addition, we must be able to use their juvenile records in court to provide the judge and the jury with an accurate picture of the offender at certain critical stages of the criminal justice system. Most states have laws which place restrictions on who may have access to juvenile records and for what purposes. This is important for the protection of juvenile offenders and individuals who have juvenile records but commit no crimes as adults. Until recently in Illinois, the laws were very restrictive in barring the use of juvenile records in the adult court. This meant that adult offenders were being handled by the court as first-time criminals at the age of 17, 18, and 19 in bond setting and in sentencing, while they actually were repeat offenders in the juvenile area for many, many years with serious criminal justice records. This problem is especially serious when you talk about 17, 18 and 19 year olds who are committing violent crime as adults. I drafted and sponsored legislation as State's Attorney to allow juvenile records to be used in setting bail and in determining sentences of juvenile offenders. This legislation was enacted in 1982, which is very, very important in the criminal justice system. I will give you an example: An 18-year-old offender appeared in night bond court on a charge of attempted armed robbery. His adult record was clean, but his juvenile record showed that he had spent one year in a juvenile correction center for gang recruitment. His bond was set at $50,000. If we had not been able to obtain his juvenile record to show that intimidation charge as a juvenile, that bond would have never been set as high by the judge in that particular case. I believe juvenile records must be used in bail setting and in sentencing of adult offenders—that it is very, very crucial to an offender receiving longer sentences in the present system.

For the last five and a half years, one of the problems that we confront as prosecutors, with over 600 lawyers, is whether or not they are going to use the information. It is a real professional decision that many of them cannot make because they must gather the facts in the trial from their own information, their own file, and many of them are afraid to have the computer think for them, to rely on the computer. So it is becoming, I believe, a problem that all prosecutor's offices have. I believe that a computer program should be basic information, and not so complex that the lawyers cannot understand it. I have found out many times in the

legal profession that lawyers do not want to go near any machines—computers or otherwise—they just want to stay away from them. There will have to be more education of prosecutors in all of our offices. We also need to look at the purpose of a computer. Certain information cannot be put in a computer—the police and the state's attorneys know that. We cannot put vital information that is not subject to discovery rules into a computer, and consequently risk major law suits. I know in all jurisdictions, and even in our jurisdiction, that certain information cannot and will not ever be put in a computer. I have also found as a prosecutor that confidential information cannot ever be given to a computer. It has to stay the confidential, personal work product of the prosecutor. In other professions, they are piercing their work product which, I think, is very unjust. For example, death memos. I personally believe in the death penalty. Publicly, personally, I do not worry about it today. This weekend I signed six or seven death memos. But death memos could never go into a computer as a work product, as a decision being made by myself as the prosecutor in Cook County. Therefore, I think that over the next few years, there must be a re-evaluation of the computer from the prosecutor's viewpoint. I think it can be helpful. I think it can assist all of us, but we must realize its advantages and disadvantages.

Panel 2: Pre-Trial Services, Courts and Corrections

Data Quality: A Perspective from Pretrial Services

JOHN A. CARVER
Director
Pre-Trial Services Agency
District of Columbia

The District of Columbia Pretrial Services Agency is, first and foremost, an information gathering arm for Courts we serve. By way of overview, the Agency operates in both the D.C. Superior Court and the United States District Court, interviewing virtually every arrestee charged with a criminal offense and presenting information to judges, hearing commissioners, or federal magistrates at the arrestee's initial appearance. It belabors the obvious to say that the accuracy of the data we present is of paramount importance. The decision to release or detain is made with considerable reliance on information assembled by the Pretrial Services Agency. Mistakes can result in jailing people who otherwise would be released, and conversely releasing persons who, if the full facts were known, might be subject to pretrial detention.

As not every jurisdiction has a pretrial services agency, a brief description of the role of the agency is in order. The District of Columbia has one of the oldest and most comprehensive pretrial programs in the country. Virtually every arrestee is interviewed with the aim of supplying the Court all relevant information needed to determine the release decision. This includes the usual demographic data—residence, family ties, employment status—but it also includes a great deal more. Perhaps the most significant data in evaluating the risks inherent in a defendant's release are the prior criminal history record of drug abuse. In both of these vital areas, the Agency goes to considerable lengths to develop, maintain, and disseminate to appropriate officials accurate information.

In the area of drug abuse, the Agency not only asks defendants about their history of drug use, but collects urine samples for on-site analysis. Thus, the Agency has an independent and scientific means of verifying drug use.

Similarly, in the area of criminal history information, the Agency begins by questioning the defendant on any involvement in the criminal justice system, locally or elsewhere. But this is only the beginning. The Agency then checks *every* computerized source of criminal history information in the District of Columbia, queries NCIC, and telephones any supervising authority, be it probation, parole, or any other form of release. The Agency does *not* rely solely on criminal history repositories, but utilizes a nationwide network of pretrial programs to conduct local record checks for pending cases, if there is any reason to believe that out-of-state charges may be pending. Sometimes the defendant himself will, perhaps inadvertently, "tip off" the interviewer to dig further. Sometimes references, that is, individuals who provide verification of community ties provide the "lead" as to the existence of pending matters in other jurisdictions.

Once all of this data has been assembled and entered into a computer terminal, a recommendation is made and a written report is prepared and printed by the computer, with copies to the judge, prosecutor, and defense counsel. The report becomes part of the defendant's court jacket.

Data collection does not end here, however. Other divisions of the Agency are responsible for supervising conditions of release, locating defendants who fail to appear, and administering a urine surveillance program for drug users granted release. The entire operation of the Pretrial Services Agency is computerized. Notification letters are generated by computer. Defendant check-ins are handled with the aid of the computer, recording the time of the call and giving the phone answerer the opportunity to review the defendant's address, conditions of release, and next court date. *Any* mistake can lead to problems and may result in the defendant's missing a court appearance, or a judge issuing a bench warrant based on erroneous information.

Despite the enormous number of records written each year, and despite the relatively high staff turnover (the Agency is staffed with law and graduate students who stay an average of 18 months), the Agency enjoys an excellent reputation for the accuracy of its records. Other actors in the system who maintain their own computerized records systems, including the police department, the court, and the prosecutor's office routinely query the files of the Pretrial Services Agency for case and disposition information. As a result, more inquiries are made from people *outside* the agency than are made from the agency itself.

Obviously, there is no single factor that has enabled the Pretrial

Services Agency to establish an accurate recordkeeping system that has come to be used by many larger agencies with their own computerized files. Data quality is the result of many factors. Decisions made in the design phase of computerization play a continuing role (for better or for worse) in the maintenance of a records system. The allocation of personnel, the training of staff, and the involvement of both policymakers and end users in the design phase all are important in building and maintaining a quality system.

It is the premise of this paper that a high level of data quality *is* an achievable goal. It is also the (perhaps biased) belief of this author that the D.C. Pretrial Services Agency has been successful in establishing a reliable and useful data management system since computerization was implemented in 1977. The remainder of this paper will discuss the thinking and the strategies that went into creating and maintaining this system. While different applications may present different problems, it is hoped that the experience of one agency may prove useful to others designing or maintaining a data management system.

Establishing Data Quality: Designing the System

Like painting an old house, designing a data management system should be 90% preparation and 10% execution. Failure to invest the effort at the beginning will inevitably lead to unsatisfactory results, or expensive "fixes" later on. Decisions as to what data to collect, how to organize and display it, and what the output should look like are much easier made on paper before cast in the concrete data bases and programs. A number of strategies were employed by the Agency in the design phase of computerization.

Advisory Group

In designing the computerized system for the Pretrial Services Agency, one of the first steps was to assemble an informal "advisory group" from other criminal justice agencies—people with extensive experience in designing and managing their own data systems. By bringing together such a group, we were able first to assure future compatibility with other justice system actors by constructing a system designed to capture *all* of the various personal identifiers and case numbers. Secondly, we hoped to learn from the experience of others, and avoid repeating mistakes. And finally, through this process we were able to lay the foundation for subsequent efforts at constructing computerized interfaces both for updating records, and perhaps even more important, building a quality control mechanism by comparing data collected independently by various criminal justice agencies.

Management Participation

It has been said that war is too important to be left to the generals. It is equally true that computerized data systems are too important to be left in the hands of programmers. With a given set of plans or design specifications, there will be dozens of options for accomplishing the same result. Often, these options will take the form of choosing between what may be easy to program versus another route which may involve more complex programming but a result that is easier to use. Without constant oversight and participation of top management, it is only natural that programmers will tend to do what is easiest from their perspective.

To illustrate with a simple example, the date January 21, 1945 can be written 012145 or 1/21/45 or 1-21-45 or 01-21-45. What should the data base be designed to accept? From the programmer's perspective, choosing a fixed format means fewer lines of code and a simpler structure. Yet management may want a more "user friendly" system which will accept any date format. Other choices may well make the system less "user friendly" but be equally important in carrying out the goals of the Agency. Making "zip code" a "required field" may well slow down data entry by forcing someone to look up the missing information in a directory. Yet if the Agency generates notification letters, this may be the best approach. While the resolution to these and other issues will depend on many factors, the point is that these decisions, and hundreds like them, should be made by management, not programmers.

At the Pretrial Services Agency, such issues were resolved in the context of a much more fundamental management decision made early in the process—whether to have the professional staff itself enter data, or to utilize a clerical staff whose only function would be data entry. After careful consideration, the decision was made to rely on professional staff—a subject discussed in the management section.

User Participation

Just as it is important for the policymakers and top management to participate in the design phase, so too should the ultimate users. The Pretrial Services Agency has experienced both the initial transition from manual to computerized records, and a number of data management enhancements as new components (such as drug testing and urine surveillance) have been added to the range of services provided. From our mistakes and our successes, one fact of life stands out: The greater the degree of participation by the end user, the easier it is to make the changes. It *is* an investment, and often a difficult one at that. People must be pulled away from their day-to-day jobs. Larger groups may seem to slow down the process. Yet those at the line staff level invariably know more about how the pieces fit together, what they need, and where to get it. Again, time invested in the process will reap dividends in staff training, and a sense of ownership by those who must maintain the system.

Establishing Data Quality: Managing the System

Data Entry—Clerks or Professionals?

Before the first line of code was written, the Agency addressed a fundamental management issue: whether to follow the example of other computerized agencies and establish a data entry staff at a clerical level; or whether to utilize the professional staff in this capacity. The Agency opted for the latter.

The philosophy behind this approach was to place the control of data quality in the hands of those with the most at stake and thus the greatest incentive to make certain that the information that goes into the system is *complete* and *accurate*. In the District of Columbia, the Pretrial Services Agency participates in all arraignments and presentments by distributing written reports, and explaining information or clarifying a recommendation when appropriate. A courtroom representative is assigned each day from the pool of pretrial services officers who conduct interviews, verify information, research criminal histories, and prepare the written reports. Since each report comes under close scrutiny by the judge, prosecutor, and defense attorney, and since each report carries the name of the individual preparing it, the staff understandably takes pride in its work and has a personal interest (in avoiding public embarrassment, if nothing else) in entering the data correctly.

Requiring the professional staff to make their own data entries was a departure from the practice followed by all other criminal justice agencies in the District of Columbia. In retrospect, it was probably the single most important decision in assuring data integrity.

Professional Staff and Data Entry: The Costs and the Benefits

Once the decision was made *not* to use an army of data entry clerks, it quickly became apparent that the design would have to address the characteristics of staff. Since the Pretrial Services Agency by statute hires primarily law and graduate students, there has always been a high staff turnover. Thus, the system had to be designed with this fact in mind.

Specifically, the system was designed with simple, uncluttered menu screens, on-line prompts, and numerous edit checks. Where computer codes were necessary, the meanings of the abbreviations or codes were shown on the screen itself. Conventions were established so that error messages or prompts always appeared in the same place on the screen. Many of these features required additional programming. Yet with a constant turnover in staff, there was little alternative if data integrity was to be maintained.

Training took on increasing importance within the Agency, as new employees are expected to master not only our own computerized system, but all other agencies' data retrieval systems as well. Two high-level trainers are employed on a full-time basis. Much of this training effort revolves around the data system.

The benefits resulting from this approach have been substantial, especially with respect to completeness of criminal history information. Pretrial services officers are trained to track down *every* disposition for any arrest. This process at a minimum requires accessing court or police data files, and may require the pulling of a court jacket to determine the status or disposition of the case. All of this is entered into the Agency's computerized system, from which the "bail report" is generated. Since the Pretrial Services Agency operates in both the local and the federal court,

and since out-of-state convictions (or pending cases) are also investigated and entered, the Agency's record system is now recognized to be the most complete of those available, and is thus used widely throughout the District's criminal justice system.

Another benefit resulting from this approach is the research potential offered by a system which not only contains accurate criminal justice histories, but extensive demographic data on *every* individual passing through the system. With the recent addition of a comprehensive drug testing component, the Agency has a research capability unrivaled anywhere. A number of Justice Department studies have been commissioned to tap this resource.

Of course, the greatest immediate benefit is the quality of service the Agency is able to provide within its own system. Judges can make decisions on the basis of solid information. They can rely on the Agency to present timely and accurate reports on the progress of conditional releases. And finally, they are in a position to put into practice some of the latest knowledge and research on risk assessment in formulating release decisions.

Establishing Data Quality: Utilizing the Technology

While the human element is of paramount importance in maintaining high standards of data quality, the technological tools available should not be overlooked. Mentioned above have been a number of features that can be designed into any computerized system. These include edit checking for logical consistency and completeness, error messages or prompts to guide a new user through the process, and even on-line training packages to further reinforce correct data entry habits.

The Pretrial Services Agency has also implemented an interface with another computer system—that operated by the Superior Court. While the primary purpose of this automatic interface is the automatic updating of Agency records, it has also contributed to an increase in data quality for both the Pretrial Services Agency and the Criminal Clerk's Office of the Superior Court.

Many have bemoaned the fact that there is too much duplication of data entry among criminal justice agencies, and that we are not really a "system" at all. While there is some truth to this, it is also possible to utilize this state of affairs to enhance the quality of the data we are all interested in maintaining and using. The computerized interface was a successful attempt to do this.

Essentially, the interface is designed to check a series of identifiers in both Agency and Court records. If everything matches, the update is written. If *anything* does *not* match, the information is printed out and a staff member must research the situation to determine where the error lies. Thus, a double check on both systems.

One final point merits mention. A comprehensive system of quality control checks can not only enhance the usefulness of the data, but can also reinforce overall policies and philosophy of the organization. The Standards and Goals for Pretrial Release promulgated by the National Association of Pretrial Services Agencies call for the use of objective recommendation standards. These Standards also address the issue of the use of conditions, and call for the *least restrictive* set of release conditions necessary to assure return to court and the safety of the community.

The Pretrial Services Agency has built in edit checks to reinforce these philosophical and legal principles. Very briefly, in formulating a release recommendation to the court, the computer is programmed in such a way as to keep the pretrial services officer within established parameters. Restrictive conditions of release (such as urinalysis, curfew, or placement in a pretrial halfway house) will only be accepted for those defendants whose personal and criminal record are such as to indicate a higher risk if released. Thus, under an equal protection analysis, defendants who are similarly situated are treated similarly (at least in terms of the Agency's recommendation) without regard to the personal biases of the interviewer.

Conclusion

Research has demonstrated that data quality (or lack thereof) is a significant problem in the administration of our criminal justice system. This paper is premised on the belief that data quality *can be improved.* It discusses data quality from the perspective of a pretrial services agency which makes extensive use of data from other sources, and maintains its own data management system.

The District of Columbia Pretrial Services Agency undoubtedly

benefited from the fact that it was the last major criminal justice agency to computerize. An attempt was made to learn from the mistakes of others, and to build a foundation for subsequent cooperation, data exchange, and mutual efforts toward quality control.

A major factor contributing to the establishment of a reliable and credible data base was the early decision to design a system to be used by the professional staff itself, not just by a "boiler room" of data entry clerks with no stake in the quality of the data. The implications of this decision certainly added to the complexity of the programming, but more than paid off in the final analysis.

Another strategy that has proven effective over the years has been the continued participation of all involved, from the Agency director to the entry level "end user."

Finally, the technology itself can be harnessed to provide additional measures of quality control and to reinforce the organization's mission or philosophy.

The strategies discussed above were fashioned to meet the needs of an agency providing pretrial services in one jurisdiction. Other situations may well call for different approaches. The experiences and observations discussed in this paper are offered in the hope that they may contribute to the goal all of us share—the improvement of our criminal data as the basis for the improvement of our system of justice.

Criminal History Records and the Courts

JOSEPH R. GLANCEY
President Judge
Municipal Court of Philadelphia

When Tom Wilson, SEARCH's Director for Law and Policy Programs, called me and very graciously asked if I would come down and say a few words about our system—what we are doing, what we need—I was very happy. I thought, well, we are doing a good job and I can come to Washington and brag about it. But then after a couple of weeks of talking to the people on our staff and going around to different agencies, I found that not only was I happy, I also was dumb. I was in a dumb and happy depression just before Christmas when I learned what we are doing and not doing about data quality in Philadelphia. However, in the last couple of weeks I have been getting out of the depression. Based on our conversations with the agencies over the last couple of weeks and today, I think that I am very encouraged. I am happy that you have brought us all together here, Tom; otherwise we would have gone along dumb and happy for the next couple of years anyway.

Of course, Philadelphia is a large jurisdiction. We only have about 15 percent of the population of Pennylvania, which is 12 million, but we generate about 40 percent of the criminal cases in the state. So, if you are talking about electronic transmission of data and use of data, and if you want to make the biggest impact, then I think you really are talking in most cases about the large jurisdictions. I know that the smaller jurisdictions, the rural and suburban jurisdictions, have different problems, but I want to address the one that I have been involved in personally for the last 17 years.

I have broken down this examination into three areas: (1) when do we need what, (2) what do we have when, and (3) what are we going to get and when are we going to get it. The first thing, when do we need what. I think everyone has beaten to death the idea that we must have data when a person is arrested. I think that is just so evident, not only for setting bail, but also for a lot of other information we need. In Philadelphia, we have had a central, 24-hour-a-day arraignment court for the past 20 years. We started in 1966. Our judges manned it until about a year or so ago when the legislature in their wisdom gave me the authority to appoint six bail commissioners to run our central arraignment court 24 hours a day, seven days a week. They set the bail in all the criminal cases in the city, plus they sign and issue all the search warrants, arrest warrants, protection from abuse orders, among other requirements.

To convince the legislature to do that, we had to work for about four years with the kindness and the money from the National Institute of Justice and the National Institute of Corrections to develop bail guidelines formats to help our bail commissioners. We wanted to be sure that bail would be set more objectively (rather than subjectively by every judge or bail commissioner), that it would treat similarly situated defendants in a more equitable fashion, and that it would be done openly—and that we would face not only the question of whether a person is going to appear in court, but whether that person is going to commit another crime while out on bail. That is always a thought, and judges consider it. They do not say it, but that is always part of their bail setting function, especially on serious crime.

In the development of the guidelines, we had to know, for example, not only whether a person was arrested and convicted of a crime, but also whether the person was arrested and his case had not yet been tried. Our actuary information, developed over a four-year period, showed, for example, that if an offender had two or more open cases within the past 12 months, he had almost a 50 percent chance of committing another crime within 90 days after release that night. We need this information, and I did not want some failure of getting information to put us into a preventive detention mold.

At these preliminary arraignment courts, we also need to have information, as Richard Daley said, for career criminal evalution. Is this person a career criminal? That is really vital at this time, because if the preliminary hearing is going to be held within three to ten days after the arrest, then you had better get that career criminal information right away. You want to send that person down that career criminal track at the time of the preliminary hearing, otherwise you are going to lose him. In addition, if he is a designated career criminal—and civil libertarians may be upset about this—chances are that person, because of the special treatment by the Commonwealth, is going to have a higher conviction rate, and his chance of getting more time in jail is higher, and therefore his bail is going to be higher. That is the way it works out based on the history. Anyway, this is what we really need.

Now the question is, what do we have? Larry Polansky, Executive Officer, District of Columbia Court Systems, was with the Municipal Court of Philadelphia back in the late 60's and in the 70's. Larry, through his goodness and hard work, developed a complete criminal history recordkeeping system for our court system that was operational the day we started our court on January 1, 1969. That system has generated in our Municipal Court in Philadelphia approximately 400,000 individual defendant records—not only arrest records, but disposition, probation, everything that goes with it, for everyone who has come through our system since January 1, 1969. The system is maintained by the court.

What happens in the process is this: Just as the pretrial services John Carver directs here in Washington, D.C., the pretrial services agency in Philadelphia is a part of the court system. We have pretrial service personnel in the detention unit, which is just below the central arraignment court. They punch into the computer paste-on information they get from the police department. Our police fingerprint and develop a Philadelphia photo number. I think, by the way, that the police do a wonderful job on their part of the identification, because in my 17 years—with all the different people who have come through the system—it is very rare that you will get someone with the same photo number as someone else. The police also do a tremendous job on the manual identification of fingerprints. I understand from Captain Braun of our Philadelphia Police Department Identification Unit that if they had an AFIS system it could be probably a little better, but with what they have they do a great job. The police also check with NCIC for warrants and anything else; they check with the Philadelphia Computer Information Center (PCIC) computer—the one that we maintain for the city; and they check with the state for any state warrants and things of that nature. Pretrial services then take the police identification number, if it is a Philadelphia arrest, and the computer generates the defendant's complete Philadelphia arrest record and disposition record. That is the limitation—it is Philadelphia criminal history record information only.

The information supplied by the police and the pretrial services agency then goes to the arraignment court. On the bench with the bail commissioner at the arraignment court is a data entry clerk. After the defendant comes in front of him, the data entry clerk has entered into the computer all the new case information. The clerk also enters the defendant's bail, his next action date, preliminary hearing or trial. He also enters whatever disposition the bail commissioner made on the bail guideline sheet. If the bail commissioner elects to go above or below the guidelines, it is all on that sheet. It is coded for the computer and entered by the data entry clerk. We use this information to continually monitor the guidelines. We may later revise the guidelines if we find a pattern in which offenders or do not show up or commit crimes while on bail.

At each step, whatever happens in this case—if it goes to preliminary hearing and it is continued—the physical, hardcopy file which is generated by the computer goes back to our file security room. The clerks then enter the information on the official record. Every entry goes to a verification unit for quality control to make sure the information that was entered is the correct information, and if it has to be changed, only a handful of people are authorized to make those changes. If there is a change from what is on the official court record, it has to be signed by the presiding judge at that step. As far as accuracy is concerned, the clerks do a fine job.

This printout shows you a sample case record. (See Exhibit 1, pp. 44-45.) We have the arrest date, the entry date, all the charges, what happened to each individual charge, what sentence was given, who the lawyer was, who the judge was, as well as the police numbers. The police have terminal access to this court information in the police department. The District Attorney's Office and the Public Defender also have terminals. However, we are the only ones who can enter data into the computer.

In addition to the case record, we also keep probation information, which shows the date of arrest, what the defendant is arrested for, trial date, whether he failed to appear and is now a fugitive. It also indicates that if he is found guilty he will come back in front of us for a violation of probation.(See Exhibit 1, pp. 44-45.) That is important to know, even at

the preliminary arraignment stages, for example, because you may have an automatic detainer procedure. (We have had a procedure for about 15 years now that if a person on probation at the time of arrest is charged with murder, rape, robbery or serious aggravated assault, an automatic detainer is printed by the computer when that person comes to the preliminary hearing 3-10 days later.) If you are held for court at the preliminary hearing, that detainer is dropped automatically. If you are on the street and are taken into custody, you stay in custody until the judge who put you on probation has a hearing to decide whether or not you should be released until this new case is tried. So it is important to have probation information available to the judge setting bail, because he then knows whether it is an automatic detainer case or not.

The final part of my examination is what are we going to get and when are we going to get it. As I said earlier, the defect we have is that all this information is limited to Philadelphia. What we need to get is information from other jurisdictions. I firmly believe that all courts should enter this kind of information in their computers, and it should be made available to all criminal justice agencies. Nevertheless, it has to be controlled by the court, because the people making the entries are court employees—pretrial services and data entry clerks—and we can control the process and be responsible for the accuracy of what they are entering. Therefore, we should be responsible for the process.

When will we get information from other criminal justice agencies? Monthly, we send a tape to the State Court Administrator's Office, which then sends it to the State Police for entry in the State Police computer. So, the information is there to be shared. I understand that our State Police very soon will be getting involved in the Interstate Identification Index (III) system. Through the III, criminal history record information from other jurisdictions will be available and we will then be able to have it at our preliminary arraignment. So we will be able to get case dispositions other than Philadelphia. I hope that the State Police participation in the III system happens soon, because that will really make us more effective in the courts.

Before I conclude my remarks today, let me make one note about data quality and liability. William Summers from the International Association of Chiefs of Police talked today about liability under the 1983 Civil Rights Act. I am very aware of that, and I think judges are not immune from liability when they are acting nonjudicially. When I am not in the courtroom and am doing administrative work, I always feel I could be sued for inaccurate information under a Civil Rights act suit, not only for damages, but also for the attorney's fees if a lawyer sues me in federal court. So we are pretty careful about what kind of information we put into our computer.

We have been very fortunate in having a system like ours over the years. I think, however, that anyone with a computer can start a similar system. You can do it. It is very simple. We only have five data entry clerks who operate around the clock. In our data processing entry level, we have seven people who make these entries. So it is not a big deal. It is simply putting all of the information into the computer and then building up this file over the years. I think if we all work at it, we can get the information we need.

I have focused a lot of my remarks today on the preliminary arraignment and the preliminary hearing. I think there is enough time between arrest and sentencing, in most cases, to get the necessary information. So, too, with the presentence investigation—the necessary information can be gathered manually from around the country, so you do not have the problem. The real problem on criminal history records, speaking in terms of computer transmission, is in the front end of the process—the preliminary arraignment.

EXHIBIT 1

TRL DT 85/12/30
JUDG 201

COMMON PLEAS AND MUNICIPAL
COURTS OF PHILADELPHIA
COURT HISTORY

DATE 12/26/85
PAGE1

NAME- SMITH JOHN
123 MAIN ST
PHILA. PA 19199

POLICE NO.
614031
SEX RACE
M O
BIRTH DATE
3/26/45

ACT DT	COMPLAINT #	REC. CNTRL. #	JUDGE	ATTORNEY
A072983 S081883	83-26-26784	MC8307-2302 1/1	SCHWARTZ, B W	DEF. ASSOC.
	CRIMINAL MISCHIEF		GUILTY PLEA NEGOTIATED	
	INTIMIDAT-WITNESS/VICTIM		PROS W/D-LACK EVID-WIT.	
	RETALIAT-WITNESS/VICTIM		GUILTY PLEA NEGOTIATED	FLAT - 21 DAYS TO 1 MO
A012185 S012185	83-26-26784	MC8307-2302 1/1	GLANCEY, J R	DEF. ASSOC.
	RETALIAT -WITNESS/VICTIM		GUILTY PLEA SENT. IMP.	MIN LESS 6 MOS-MAX 1 YR
	CRIMINAL MISCHIEF		GUILTY PLEA SENT. IMP.	MIN LESS 6 MOS-MAX 1 YR
RESENTENCE - PROBATION VIOLATION				
A122583 S010384	83-26-79445	MC8312-2036 1/1	MERRIWEATHER, R B	DEF. ASSOC.
	RETAIL THEFT		DISCHARGED/DISMISSED	
A102884 S120684	84-26-63946	MC8410-3060 1/1	BEDNAREK, M J	DEF. ASSOC.
	RETAIL THEFT		GUILTY PLEA NEGOTIATED	
A121084 S031885	84-26-72518	CP8412-3155 1/2	WATKINS, T	GEROFF, S R
	ATT THEFT UNL TAK/DISP		GUILTY PLEA NEGOTIATED	MIN LESS 1 YR-MAX 2 YRS
	CRIMINAL CONSPIRACY		GUILTY PLEA NEGOTIATED	SENTENCE SUSPENDED
INFORMATION INDICTMENT				
A042785 S062685	85-26-23620	CP8505-0815 1/1	MASSIAH-JACKSON F A	DEF. ASSOC.
	CRIMINAL CONSPIRACY		WAIVER VERDICT NOT GUIL	
	CRIM TRESP BLDGS OCC STR		WAIVER VERDICT NOT GUIL	

EXHIBIT 1 (cont'd.)

TRL DT 85/12/30 — COMMON PLEAS AND MUNICIPAL — DATE 12/26/85
JUDG 201 — COURTS OF PHILADELPHIA — PAGE 2
COURT HISTORY

CONTINUED-SMITH JOHN

DEFIANT TRESPASSER	WAIVER VERDICT NOT GUIL
BURGLARY	WAIVER VERDICT NOT GUIL
THEFT UNL TAK/DISP	WAIVER VERDICT NOT GUIL
THEFT REC STOLEN PROPERT	WAIVER VERDICT NOT GUIL

INFORMATION INDICTMENT

A042785 85-26-23620 CP8505-0815 1/1 MASSIAH-JACKSON F A DEF. ASSOC.
S102585

CRIMINAL CONSPIRACY	WAIVER GUIL SENT. IMP.	SENTENCE SUSPENDED
BURGLARY	WAIVER GUIL SENT. IMP.	MIN LESS 6 MOS-MAX 1 YR
THEFT UNL TAK/DISP	WAIVER GUIL SENT. IMP.	MIN LESS 6 MOS-MAX 1 YR
THEFT REC STOLEN PROPERT	WAIVER GUIL SENT. IMP.	MIN LESS 6 MOS-MAX 1 YR
POSS INSTRU CRIM GENLY	WAIVER GUIL SENT. IMP.	SENTENCE SUSPENDED

ORIGINAL SENTENCE VACATED

A042785 85-26-23620 CP8505-0815 1/1 MASSIAH-JACKSON F A DEF. ASSOC.
S062685

POSS INSTRU CRIM GENLY	WAIVER VERDICT NOT GUIL

INFORMATION INDICTMENT

THE FOLLOWING ARE ACTIVE CASES

A850416 85-25-33706 MC8504-1842 1/1 KAFRISSEN, A J DEF. ASSOC.
T112985

RETAIL THEFT	CONTINUANCE - SHERIFF	SCH. TRL.	1/17/86	29

THE FOLLOWING ARE ACTIVE PROBATION CASES

PROBATION #	REC. CNTRL. #	JUDGE	START DT	EXP. DT
COUNTY 0162562B	MC8307-2302	GLANCEY J	3/12/85	9/12/85
VIOL CT PROBAT-ADULTS		PROB.OFF.-CUNNINGHAM		R
COUNTY 0162562C	CP8412-3155	WATKINS T	3/18/85	11/09/86
ATT THEFT UNL TAK/DISP		PROB.OFF.-CUNNINGHAM		R
COUNTY 0162562D	CP8505-0817	MASSIAH-JACKSON F	10/25/85	8/25/86
BURGLARY		PROB.OFF.-CUNNINGHAM		R
THEFT REC STOLEN PROPERT				

The Federal Bureau of Prisons and Data Quality

NORMAN A. CARLSON
Director, Federal Bureau of Prisons

Let me make an impression at the outset. There are a number of attorneys and judges in the audience, and the impression I want to make is that I am a total computer illiterate. If there ever were a person who didn't understand computers or computer technology, I fit that category. I am not a modern day manager in Washington; I do not have a computer behind my desk. That is the ultimate status symbol as some of you may know. I am a manager who is trying to do the best he possibly can to muddle through in this age of technology. I would like to talk briefly about the Federal Bureau of Prisons, because we are one agency in the Department of Justice that receives comparatively little attention. We try to keep it that way, by the way. I would also like to talk a little bit about our information system and how our computer system interfaces with the rest of the Department.

The Bureau of Prisons is composed of 46 separate and distinct institutions geographically scattered throughout the country. They range all the way from Florida to Minnesota, from Texas to the State of California. We currently have 37,000 inmates confined in those 46 institutions. And we, like virtually all of the state prison systems, are very much overcrowded. Our prisons today have a rated capacity of about 25,000. The 37,000 inmates now in those institutions represent an increase in population of over 13,000 inmates during the past five years. The increasing prison population reflects the priorities established by this Administration in terms of prosecution policy and additional resources devoted to the criminal justice system, through the FBI, DEA, the Assistant U.S. Attorneys and additional federal judges. Our population increased last year alone by over 2,400 inmates. That is about 200 inmates per month. So we, without question, are one of the few agencies in the federal government in a definite growth posture at the present time.

The Federal Bureau of Prisons uses a classification system for its institutions consisting of six different security levels, ranging from the lowest, Security Level 1, which are the open camps that are frequently referred to by the press as the country clubs of the federal system—the Allenwoods, the Eglins, the Lompoc Camp, etc., where we house those inmates who are not viewed as being violent, dangerous or escape risks. On the other end of the spectrum we have one Level 6 institution, our maximum security penitentiary at Marion, Illinois where we confine the 325 most dangerous and difficult to manage inmates in the federal system. Our institutions also range from the very old to the very new. We operate old penitentiaries such as the one in Leavenworth, Kansas built in 1906 and the one in Atlanta, Georgia, which opened in 1902, and new correctional facilities, such as the new institution in Phoenix which has been open for the past five months. We have all extremes, both in terms of security classification as well as age of institutions.

The inmates we deal with, of course, are inmates who have essentially violated one of the federal statutes. The largest single inmate offense category is narcotic trafficking, basically the importation or wholesale distribution of one of the major narcotic drugs. Roughly 30 percent of our inmate population is committed to our custody as a result of violation of one of the narcotic statutes. The second largest offense category is armed bank robbery. As you know, any bank or savings and loan in this country is insured by the Federal Deposit Insurance Corporation. As a result, anyone who robs one of those banks or savings and loan associations is committing a federal offense. At the other end of the spectrum, beyond the narcotics traffickers and bank robbers, we have white collar offenders that occasionally come to your attention, I am sure. As a matter of fact, some of the former residents of this office building have spent some time in our institutions. In addition to federal offenders, we have approximately 1,000 state inmates that we board for various state prison systems. Generally, these inmates are management problems or very serious escape risks that the states feel they are unable to handle. We try to assist states whenever possible by providing such assistance to them. In addition, as I am sure John Carver of the District of Columbia Pre-Trial Services Agency will mention, we currently have 2,500 District of Columbia inmates—inmates who belong in the District of Columbia Department of Corrections. Because of overcrowding in D.C. corrections facilities, and due to federal court orders, these inmates are now housed in the Federal Prison System. I wanted to describe this system to you so you understand the breadth of it, from California to Connecticut, and the size and complexity of it, 37,000 inmates coming and going on a daily basis.

The point I want to make is quite obvious. To manage a system of this size and complexity requires a great deal of information. Up until 1976, all of our information was maintained by a manual system. We had inmate central files in our central office and, of course, duplicate files in the institutions. When information was needed on an inmate, we called up a file—a big, thick file, hand tabulated, and we would try to make the best we could out of the information. One of the best decisions I ever made as Director was made by accident in 1976. (You notice we only talk about our good decisions, not our bad ones. I made some of those too.) Back in 1976 we realized that our information system was inadequate, both for the day in which we were living, and, more important perhaps, for the future. We established a task force of several of our institutional managers and assigned them to develop a comprehensive information system for the Bureau of Prisons. These managers were the users of the system, not people brought in with expertise in information systems. Rather, they were the people in the field who needed information on a daily basis to conduct their jobs. They knew what was needed in terms of their operations and responsibilities. Over a two-year period the task force developed an information system which we were able to implement using appropriations received through the Department and from the Congress. The important thing to mention is that we did not buy an existing system. We developed our own internal system, which in retrospect may have taken longer and may have cost more money, but in the long run it has served us extremely well.

In 1980, we brought on-line the system which we currently use and refer to as SENTRY. Very briefly, SENTRY is a system which is based here in Washington, D.C. The main computer is at the Department of Justice Computer Center and there are dedicated lines running to all 46 of our federal institutions. These, of course, are secure lines because the information contained in the SENTRY system is, in many cases, extremely sensitive information. It is also information which cannot be released to other than authorized agencies. Currently we have 1,200 terminals in our 46 institutions. Over 100,000 transactions are conducted on a daily basis. As I said initially, I do not understand the technical aspects of the system, but I can tell you that it works, and it works very effectively. The Federal Bureau of Prisons could not be managed today without an on-line information system such as the one we have.

I would like to describe a few of the things that the system does for us and talk about some of the data quality issues that I see as a manager in terms of implementation of the system. By and large the most important component of our SENTRY system is the inmate population monitoring function. When an offender anywhere in the country is sentenced by one of the 650 federal court judges in any of the 96 U.S. District Courts, we immediately obtain a copy of the judgment and commitment order and a copy of the presentence report prepared by the U.S. Probation Officer. This is before the inmate ever enters our system. The offender may be on bond, or may be in a local jail awaiting transportation by the U.S. Marshals Service to one of our institutions. So, our information system goes into effect for an inmate the very day a Federal Court anywhere in the country imposes a sentence. Based on the information in the system, then, a designation to an institution is made. We attempt to place each offender in the least secure institution possible and also as close to home as we can, for obvious reasons. The information system assists in this process by identifying institutions that have space available. It also allows us to monitor the system so that we do not overcrowd one institution and, at the same time, have empty bed space in another.

Another component of the SENTRY system is a sentence computation module. It is a very complicated process, as you can imagine. There are literally hundreds of federal statutes that offenders violate and federal courts also have a number of different sentencing options in terms of parole eligibility and release dates. What our information system does is take the data that is entered into it by our staff and compute the sentence and the parole eligibility date, schedule the parole hearing date, record the initial parole data and subsequent hearing outcomes, and also provides the inmate with a hard copy of the sentence computation. This is all done by the system and has proven to be very effective. It saves literally hundreds of man-years in our institutions by computing sentences in a matter of seconds. The system is updated on a daily basis to ensure that we have current information as to an inmate's location, changes in release dates, and also any information on possible transfers to another institution.

Another very interesting and very essential part of the system is the central inmate monitoring module. We have approximately 400 inmates in federal custody who have rolled over and testified in court, and who are under a living death threat at all times because of their cooperation with the government. We feel a special responsibility to these inmates because they have risked their lives, literally, to cooperate with prosecutors and law enforcement agencies. Our system ensures that these 400 inmates, many of whom have had their names changed, could never be put in the same institution with anyone from whom they have to be separated. The system is designed so that the keyboard literally locks if staff try to book into an institution an inmate who cannot be housed there because of someone else's presence. The computer also identifies those persons from whom the inmate is to be separated. I am sure you can imagine that, with 400 inmates in this category, many of them with 25 and 30 co-defendants that they must be separated from, there would be no way to manually accomplish this security without the information system we have. Thus far, we have had a good track record: we have lost no lives nor have we had any major assaults as a result of trying to separate these inmates. I think it points out again what a valid information system can do in terms of helping a correctional agency such as the Bureau of Prisons.

Our system, like many others, is used by several law enforcement agencies. Let me give a specific example. I am an early riser and generally the first one into the office. The first call I received this morning before my secretary arrived was an urgent call from a lieutenant on a small police force in the state of Georgia. That lieutenant had to have information immediately for an investigation she was conducting on a crime that occurred last night, and needed information on someone she thought was a federal inmate. She did not know who he was or where he was, she just had a name and wanted me to help her identify him. I was able to do that as soon as my secretary came in. I could not do it myself, I have to say. But within a matter of 15 or 20 minutes, I could call back and tell that lieutenant precisely where that inmate was, what the sentence was, and how she could contact the warden of the institution and obtain the necessary information to assist in the investigation. We have literally hundreds of calls weekly from other law enforcement agencies all over the country who want to access our information system and obtain locations and other materials regarding convicted federal offenders.

Let me turn in the last couple of minutes to the issue of quality of data, which I know is the topic that you have assigned to this conference. There is no question that the accuracy and the completeness of the data in any information system are extremely important. The effectiveness of our system, for example, would be severely diminished, if not critically harmed, if the data were not accurate. Just suppose, for example, that some of the criminal history were excluded and we had a rapist who was in a minimum security camp. Obviously, he could escape at a moment's notice. If we had violent offenders that were housed in low security institutions, we would have tremendous problems. So the quality of the data that we have is tremendously important, both in terms of our security in the institutions as well as helping to provide security in the community by running our prison system in a safe and humane manner.

We have a system of routine audits, where staff go out to institutions and compare the information in the system with the source documents on a random basis—something which I am sure you are all well aware of and do frequently. To me, that is one way that managers can insure there is control and accuracy in the system. One of the early problems we had in the Department of Justice was at the time the Bureau of Prisons decided to develop an information system. It was thought, in the wisdom of some people, that we should be part of a larger system and should share responsibility with two other organizations with whom we work very closely, namely the U.S. Parole Commission and the U.S. Marshals Service. It made sense that the three agencies would somehow jointly fund and develop an information system that would meet the needs of all three agencies. While it sounded good theoretically, I can say from a very practical standpoint it failed miserably. The problems were obvious: we had different priorities; we had different resource levels; and we had

different commitments to the process itself. We needed information in the Bureau of Prisons which was of no interest to the Marshals Service, and, conversely, the Parole Commission had information needs that far exceeded either one of our capabilities. Eventually, after approximately a year of struggling, it was decided that the Bureau of Prisons would have primary responsibility and accountability for this information system. That was one of the best decisions made by the then Deputy Attorney General Larry Silverman, who is now a District Court Judge here in Washington—the decision to vest in one agency total responsibility for this very large and complex system. Had he not done that, we would still be struggling today to mesh these three organizations into one system. While we obviously cooperate with the other two and they have access to our terminals—as a matter of fact we have terminals in all their offices—we in the Bureau of Prisons are solely responsible, and I personally am accountable, for the operation of the system.

One other point I want to allude to is staff training. One of the things I learned as a manager early on is the tremendous importance of training staff in the value of the data that they put in the system. As I said before, we have 1,200 terminals in 46 institutions. These terminals are used literally 24 hours a day. We have three different shifts, continually booking inmates in and out of the institutions, with thousands of employees having access to these various computers. We developed a system of staff training using a series of manuals to stress the importance of the quality and timeliness of the data. In the long run that training has paid off. It was a very expensive proposition and one which delayed implementation by several months, but it was one of the best decisions we made in terms of developing staff confidence, knowledge of the system, and also the realization of the tremendous importance of the information they were putting into the system—the fact that the information would be used by others in the system to make some very critically important decisions.

I feel so strongly about ensuring the quality of our information system into the future, that we have requested money through the Office of Management and Budget making one of our top priorities over the next two years to replace all of our current terminals, all 1,200, which are dumb terminals, with terminals which actually will serve as workstations in all of our institutions. As I said before, it would not be possible to run a system as large and as complex as ours is today, in 1986, and into the future were it not for the fact that we do have a dedicated on-line information system which has been of tremendous value to us.

Panel 3: Federal Legislation; Policy, Research and Statistics; and Federal Employment Screening

Federal Legislation and Data Quality

RICHARD W. VELDE
Special Counsel to Senator Bob Dole
United States Senate

Congress has enacted legislation, in the last year or so, in five areas I want to discuss. Four have already been discussed in whole or in part. I will just summarize those four in a word so you can fit them into the context of the one subject that I would like to concentrate on in my few minutes.

First is the so-called Dole Amendment, or Section 609L of the Comprehensive Crime Control Act of 1984. The SEARCH *Interface* (Spring 1985) article discussed those provisions in some detail, so I need not dwell on them. The amendment sets as a federal legislative concept or standard, if you will, the idea of "positive identification" in the various identification systems issued by federal, state and local issuing authorities. This includes everything from birth certificates and driver's licenses to passports and military ID cards. The President has directed a three-year study (that's now a little over a year old) to examine existing identification systems to determine their suitability for this purpose. He will then make comprehensive recommendations to the Congress for legislation, not necessarily to establish a national ID system, but to insure that the various identification systems are valid documents and that they relate "positively" to a particular individual. The birth certificate, the driver's license, the rap sheet and the rest all suffer from the same problem—is this document valid? Does it relate to a particular individual?

This provision emanates from three days of hearings which Senator Dole conducted when he was chairman of the Courts Subcommittee of Senate Judiciary. The hearings defined in some detail the extent and the magnitude of the problem of identification fraud. A separate Subcommittee report indicated that this fraud was a $25 billion a year problem, and that federal, state and local governments were being ripped off in a variety of ways by numerous people who were taking advantage of entitlements, benefits and payments to which they were not lawfully entitled. Furthermore, the hearings revealed that about 20 percent of all passports are issued fraudulently. It is basically a mail order operation that takes on good faith the submission of a birth certificate or some other evidence of citizenship, and issues the passport without a name check or a fingerprint check. One drug offender, for example, when arrested had 55 different passports on his possession.

Second, Bud Hawkins, our panel moderator, and one of our speakers here today, Kathryn Braeman of the Defense Department, have mentioned the most recent enactment by Congress which the President signed into law in December. It gives the Defense Department, CIA and the Office of Personnel Management access to criminal history records for background checks for federal judges and civilian and military positions in the Executive Branch.

Third, another important legislative development, which Lois Herrington referred to in her remarks, has to do with an appropriations rider to the Health and Human Services Appropriations Act of 1985. This legislation not too subtly encouraged the states to enact legislation authorizing background checks on employees or perspective employees for certified healthcare centers. The states had until September 30, 1985 to enact legislation or face a cutoff of HHS funds for training for these healthcare centers. That is the opening wedge. Lois Herrington suggested the need for background checks for persons of all kinds who have close contact or association with our children. I think you will see legislation coming from the Congress along those lines, with or without participation by the states. It is an area where there is a great deal of public concern and attention. In such circumstances Congress will often indulge in what I would call preemptive strikes on the states. Others would say the Congress was simply exercising its federal legislative authority. The next thing you know, the states and locals wake up one morning and they are saddled with a new set of responsibilities and burdens without much federal assistance to implement them.

Fourth, another area that is very active right now is federal gun control legislation. The Senate passed S.49 in July which included a rewrite of the requirements in the Gun Control Act of 1968 for eligibility for persons to purchase firearms. The '68 Act had a series of prohibitions barring persons from buying guns who had felony indictments and convictions, as well as those adjudicated mentally incompetent, dishonorable dischargees from the armed services, illegal aliens and persons who had voluntarily renounced their U.S. citizenship. All those groups cannot now purchase, transport or possess firearms. The Senate Bill rewrote those categories, streamlined them, hopefully trying to make a little

more sense out of them. Moreover, there was report language stating that unless gun dealers had access to criminal history records to make checks—about 5 million transactions per year roughly—that this really was just an exercise in legislative futility because without access you could not determine the bonafides of an applicant for purchase of a gun. So, I do not think you are going to see any direct requirement along those lines coming out of Congress—if the House acts next year, and I am not at all sure that it will.

There is a companion bill yet to be introduced, probably by Senator Dole, which has a chance of being passed, much the same way as the Nunn legislation did. It will amend Title 2 of the Gun Control Act, the so-called Machine Gun Act, which since 1934 has required federal registration, heavy transfer taxes, and criminal history checks on persons who lawfully possess automatic weapons such as machine guns. The Treasury Department has developed a proposal that there be a certification from the applicant's local chief of police that the person has no prior record and would possess and use that firearm in a lawful manner. I am not sure how that is going to work out, but you probably will see something along those lines.

Fifth and most important, on September 19, 1985, the Senate passed S.1200. I want you to note September 19 because the Congressional Record for that date is the only place you can find the text of that bill. S.1200 is a reform of the Federal Immigration Law and it has three titles, all of which I think have more than a little passing interest to this group. First, the legislation came about because of the fact that in the fiscal year ended September 30, the Border Patrol arrested approximately a million and a half people trying to gain illegal entry into the U.S. A conservative estimate is that for each person arrested, somewhere between 3 and 5 persons got into this country and are currently working here or are obtaining entitlements and benefits from federal, state or local governments. It is a tremendous problem, one with which the Congress has been wrestling. A companion bill has been reported from the House Judiciary Subcommittee. It is likely that the full committee will act on it, then the House, so we may well have legislation in late spring or early summer.

What does this bill do? For the first time it establishes a range of civil and criminal sanctions to be applied to employers who knowingly hire individuals who are not lawfully entitled to work in the U.S. This places an affirmative burden on every employer to determine that job applicants are lawfully entitled to work in the U.S. That means that the applicant must submit evidence of "positive identification," or "verification," to use the terms in this legislation, that he or she is a citizen or a lawful permanent resident of the U.S.; that they are eligible to work in whatever the profession or calling that they are trying to work at; and that they are not prohibited by reason of federal, state or local law from working in that profession. It does not quite require background checks, but it moves a long way in that direction. This legislation directs the President and the Attorney General to study existing identification systems to determine their suitability for application in this new program.

Second, there is a legalization program. Whatever number of aliens are in this country before January 1, 1980 who are not supposed to be here—some say as many as 10 million, some say 2 or 3 million—would be authorized to come forward to the Immigration Service. They have a burden of proof to show that they have been here continuously and also must demonstrate that they have not been convicted of a felony or three misdemeanor convictions. If they can assume this burden of proof, then they are entitled to a status that eventually leads to permanent residency. This will require INS to do background checks on "X" million people to determine that they do not have felony or misdemeanor convictions. Luckily, SEARCH Group has worked with INS and six states over the past several months to facilitate background checks on about 100,000 individuals who are eligible for citizenship under a special program for Cuban refugees. A comprehensive report will be issued on this subject shortly. INS learned a lot when they seriously got down to try to do background checks on three misdemeanor convictions. This provision, incidentally, has been on the lawbooks for 50 years for persons being naturalized. INS generally, I have to

say, has more or less done a very perfunctory check on misdemeanor convictions. Now for the first time it looks like they're going to be serious. So that is something that you ought to follow very closely.

Incidentally, I would refer you to the report on the Senate Bill, S.1200. It is Senate Report 99-132, the Immigration Reform and Control Act of 1985. All you have to do is go downstairs to the Senate Document Room or write to your representative or Senator, and you can obtain a copy. There is a lot of legislative history on existing federal, state and local identification systems, their shortcomings and what the Senate, at least, expects the federal government to do to encourage state and local governments over the next several years to improve existing systems so they can be suitable to implement this legislation.

A third part of this legislation, Title 3, also is of interest. This is the so-called "other provisions." Among the "other provisions" is authority for citizens of eight other countries to gain admittance to the U.S. without traditional visas being issued by the U.S. government. In other words, all they have to do is show their valid passports from their country to gain admittance. This would be a very substantial departure from existing practice of the U.S. Immigration Service, Customs Service, and other federal enforcement agencies who have responsibilities for patrolling the nation's borders. It recognizes that there are citizens of other countries, mostly European, who have not abused the privilege, nor have they been arrested or convicted of various criminal offenses while in the U.S. Furthermore, these countries have higher standards for issuing passports than the U.S. does. This Senate provision also directs the administration, the State Department and the Justice Department to develop an automated system and a data base for checking the passports not only of these folks, but people of interest to the U.S. who might be potential passport violators of one kind or another.

In conclusion, it has been a pleasure to have you here. I tried to give you an indication of what Congress is doing in this area to you or for you, and hopefully with you. I expect you will see a lot of federal legislative activity in the field of identification systems and criminal history records. The leadership that SEARCH has exhibited over the years demonstrates that there can be a meaningful partnership between federal, state and local governments, that intelligent legislation and policies, practices and procedures can be developed to deal with these emerging problems. You will find a growing interest—as evidenced here today in data quality—in many areas that we really need to do a much better job of not only checking the criminal backgrounds of individuals, but for many other purposes. So good luck. You face many challenges ahead. In the Congress—I speak only as a staffer—we will certainly do what we can to help.

The Importance of Data Quality in Policy Analysis, Research and Statistics

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The Division of Criminal Justice Services is the organizational custodian for New York State's computerized criminal history data base. The Identification and Data Systems Unit, headed by Deputy Commissioner Michael Cruskie, is the DCJS unit responsible for collecting, maintaining and disseminating criminal history records. The Office of Policy Analysis, Research and Statistical Services (OPARSS), which I head, is the unit responsible for disseminating statistical and policy information extracted from the CCH system.

Our function is to provide information about crime and criminal justice in New York State. The diverse activities we undertake include serving as New York's UCR repository, producing long-range prison population forecasts, and monitoring criminal justice bills as they move through the state's legislative process.

One important component of our function involves extracting, aggregating and analyzing criminal history data to provide policy relevant quantitative information. During the past year, for example, we extracted two 15-year arrest and case processing files from the CCH; a 1.5 million event felony file and a 2.4 million event misdemeanor file. These files have given us the capability to undertake a variety of longitudinal analyses, the first of which (titled "Female Offenders in New York State") was released on January 7, 1986. The CCH also supports New York's disposition-based OBTS cohorts and is used for numerous special studies.

To perform its functions, OPARSS staff work closely with staff from the DCJS Identification and Data Systems unit. Working together over the past 3 years, we have made enormous strides in providing relevant policy information about crime and criminal justice in New York State. In the process we have learned a lot, and we have also become aware of some fundamental differences between the operational and statistical perspectives. It is these differences, and the consequences they have for criminal history data quality, to which I will address my primary remarks today. The thesis I advance is that the prevailing approach to addressing data quality issues, as reflected in the recent SEARCH publication, *Data Quality and Criminal History Records*, and at this conference, arises from a definition of data quality that is oriented toward case level decision-making. The methods being proposed to improve data quality will not necessarily yield valid and reliable policy information. If the needs of the policy process are to be addressed, a more integrated perspective about data quality issues will be required. That will necessitate changes in orientation by both CCH managers and researchers, and may well require different solutions for improving data quality.

In the late 1960's the President's Commission on Law Enforcement and the Administration of Justice brought together many of the nation's leading criminal justice minds to address what was perceived as a growing crime problem in the United States. Among its many accomplishments, the Commission focused the attention of criminal justice professionals on newly-developing technologies for processing, organizing and analyzing the vast amounts of information generated in the processing of criminal offenders. Efforts to apply these technologies followed in the decade of the '70s, led by organizations such as SEARCH Group, and under the general sponsorship of the Law Enforcement Assistance Administration. The computerized criminal history systems which followed were built with an "operational" focus; that is, an almost exclusive dedication to apprehending and processing offenders. Users were generally persons who had a direct responsibility for making decisions concerning *individual offenders*.

Thus, operational priorities have historically been the dominant concern of CCH managers. In early CCH systems, relatively little thought was devoted to serving the information needs of policymakers. As a result, policymakers and others who have use for aggregate information concerning criminal justice processing have historically not been

well served by those systems. In recent years, however, rapid strides in computer technology have opened the way for serious analytic exploitation of CCH data bases. As this new analytic potential has been exploited, an important and powerful constituency was created.

This constituency of policymakers has quickly developed a voracious appetite for statistical information and quantitative analysis. At DCJS, for example, a new Burroughs B-7900 computer system was installed less than two years ago. Access to computer resources for research and statistical purposes had previously been so constrained that the latent demand was seriously underestimated. Today, OPARSS regularly consumes about half of the available mainframe computing cycles, and as might be expected, this has created a new set of resource problems.

In the present environment, there is an increasing demand for system-oriented policy relevant information and an increasing capability to provide this information. Yet the CCH systems, which hold much of the data essential to meet this demand, were designed in another era and within another frame of reference. Despite essentially common overall interests, there has developed a *de facto* separation between those who serve two different constituencies: researchers and analysts who serve the needs of policymakers, and CCH managers who serve operational users.

The policymakers, for their part, quickly developed sophistication in their requests for system-oriented quantitative information. They are learning the limits of the available data, and they are being educated about the inaccuracies and other warts associated with CCH data. Thus, it is becoming increasingly important to attend data quality requirements that are imposed by the need to provide meaningful policy information from CCH systems. Those requirements are not now being effectively addressed, and I think they will not be until the chasm in orientation between CCH managers and researchers is bridged.

There are many ways in which analysts' data quality needs differ from those of case-level practitioners. Given the constraint of time, I will discuss three such differences that have consequence for strategies to improve the quality of criminal history records.

The first difference grows out of the belief held by CCH managers that missing data is a more serious data quality problem than the accuracy of data. There is evidence to suggest that a great many criminal history records are inaccurate. A disposition verification project currently underway in New York State, for example, found that 16.7% of the records being audited contained errors in sentence information. These findings relate to pre-1978 data and under a newer, more highly automated system, it seems likely that data accuracy has improved, although there is no direct evidence supporting that belief.

Even if incomplete records are more prevalent than inaccurate ones, erroneous data pose a more insidious problem for aggregate statistical analyses. This is because, in CCH systems, it is relatively obvious when information is missing whereas accuracy problems may not even be suspected. Although it is theoretically possible to statistically adjust both for missing data and for reporting errors, analysts are more able and more likely to adjust for incomplete information than for erroneous information. The result of incorrect data can be information that is presumed to reflect reality but which is misleading. I would add that this problem actually compounds when automated systems increase the quantity of data available without also addressing data accuracy,

A second, and more fundamental, difference is that data quality is conceptualized differently from the two perspectives. This is illustrated by the fact that SEARCH produced its entire monograph, *Data Quality and Criminal History Records,* without using some of the words most dear to the hearts of research analysts; words such as "reliability," "validity," and "measurement." Instead, the monograph speaks of "verification" and "accuracy." This is not merely a difference in terminology, there are underlying differences in the kinds of data quality issues with which each group must wrestle, and these differences have implications for strategies to improve data quality. To understand the implications, it is useful to briefly review the terminology.

The term "accuracy" involves the degree to which data are in agreement with some authoritative, objective standard. For CCH data, "accuracy" implies agreement with the information originated and recorded by an official or agency specifically authorized to perform that function. For example, the conviction charges recorded on a person's criminal

history file are considered accurate if they are identical to those recorded in the official court papers that accompany case disposition.

The accuracy of information is "verified" by directly or indirectly comparing the information at hand with the official standard. The concept of accuracy is meaningful when an absolute standard actually exists, and it is appropriately applied to information such as date of birth, residence, height, arrest charges, sentences imposed, and event dates. Accuracy is much less applicable to race, ethnicity, educational achievement, drug use, crime seriousness, severity of punishment, and recidivism.

Reliability and validity are more difficult concepts to explain. To be honest, social scientists are not a consistent race. Furthermore, the utility of race and ethnicity information will be quite different if it is based on self-reported group identification, than if it is based on police judgments. Again, it is not a particular data entry that is valid or invalid, but rather some proposed interpretation of the data.

The fact that interpretation is critically affected by the ways in which data are generated is an example of what research analysts term "measurement issues." It is useful to think of data as being "generated" rather than as simply being "recorded," in order to emphasize that data arise from an active process. I believe that viewing data quality from the perspective of the reliability and validity of measurement processes leads to a broader set of concerns than attending to accuracy alone.

This broader view has two important implications for efforts to improve the quality of criminal history data. First, it suggests quality control efforts that include verification of individual entries, but that also include close attention to the processes by which the data are generated. Where standardization is not possible or is undesirable for other reasons, it is crucial that variations in data collection procedures be understood and documented. The residue of this prcess provides information about the context within which statistical results should be interpreted. Secondly, if CCH data are to be dependable sources of policy-relevant information, quality control procedures need to include aggregate validation analyses, and should address questions about data collection processes as well as questions about particular cases.

A third area in which the needs of policy analysts and researchers differ from the needs of case-level practitioners concerns specific kinds of information that are essential to perform their respective functions. A data element that is important for policy decisions may not be important for specific case processing decisions (and vice versa). For example, it might be important for policy purposes to know how many cases are dismissed because of procedural errors, but the reason for dismissal might be legally irrelevant in a subsequent sentencing decision.

The fact that analysts' data requirements differ in important ways from those of case-level practitioners creates a dilemma for policy-oriented analysts who depend on CCH data. Because data and data quality issues that are important to policy analysts may not be intrinsically important to case-level practitioners, and because most existing CCH systems were developed to serve the needs of case-level practitioners, insuring data quality for policy purposes will typically involve special effort and additional expense.

Despite these and other differences in priorities and perspective, the CCH managers who provide information to case-level practitioners and the researchers and analysts who provide information to policymakers share many concerns and have much to offer one another. CCH repositories are invaluable sources of data for research and statistical analysis, while aggregate analyses performed for policy purposes provide many opportunities for examining the quality of CCH data. In New York State, our office periodically extracts selected data items from CCH records to produce separate analysis files. At the same time, analyses of these extracted files frequently uncover anomalies in the source data. For example, comparisons between conviction charges and sentencing data have identified cases where either the conviction charges were in error, the sentence was recorded incorrectly, or the sentence was illegal.

I will illustrate the utility of cooperation in the pursuit of data quality with an example from our work at DCJS. In the process of analyzing historical trends in case processing, we discovered that New York City had ceased reporting Hispanics as a separate demographic

category, and was recoding Hispanic records as White or Black prior to submitting the data to the CCH repository. We advised the Identification and Data Systems Unit of the omission and Mike Cruskie quickly began working to resolve the problem. Although the reporting problem was resolved, two years of data were lost and this created a major difficulty for the State's criminal justice policy process. The lack of information about Hispanics in New York City means that our long-term prison population forecasts could be in error by as much as four prisons. Our clients for this kind of policy information are important decision-makers and, to say the least, they are not pleased about the magnitude of this potential error.

Data quality problems can and do impact on important statistical and research endeavors. I believe these problems can be addressed and that the result will benefit the entire criminal history process. Success in this endeavor will require CCH managers and research analysts jointly to bring their resources, skills and perspectives to bear on the issue of data quality.

I will conclude by making six recommendations for improving the quality of criminal history information. The recommendations I have to offer from a policy analytic perspective boil down to a single principle: policy-oriented research analysts must routinely be included in the planning, development, and maintenance of CCH data systems.

First, it is time to re-examine the statistical and analytic uses of CCH data in the context of the partial, but unique contribution that CCH-based analysis can make to the public policy process. Both research analysts and CCH managers need to be proactive in embracing this expanded role for criminal history records, and to be successful, there must be a joint rethinking of existing CCH structures to accommodate the new ideas that must be incorporated.

Second, analysts and researchers must participate in designing and operationalizing CCH modifications, and their contributions to ongoing quality assurance need to be solicited and embraced by CCH managers.

Third, where direct verification and case-level error trapping are meaningful, these must be given a priority commensurate with the priority on data acquisition.

Fourth, where direct verification is not meaningful, steps must be taken to insure reliability. Data element definitions, data collection procedures and data coding schemes should be standardized to the extent possible. Auditing efforts should be broadened to include review of the processes by which data are generated. Besides promoting reliability, these efforts will provide much of the information necessary for valid interpretation of CCH data.

Fifth, insuring the accuracy and reliability of CCH data will require a serious commitment of resources. Thus, it is best to facilitate situations in which the data contributors are those with the strongest interest in the quality of the data. Second best are situations in which the requested information is indirectly important to the source contributor. This might be the case if a data provider is dependent in some way on aggregate statistical findings, or if the data contribute to analyses of general policies in which the data contributor has some special interest.

Sixth, and finally, the appropriate federal role is promoting the quality of CCH data through:

a. Sponsoring research into CCH measurement, reliability and validity problems.

b. Focusing attention on the problem of CCH quality through operational programs in the FBI, BJS, and NIJ, by sponsoring forums such as this, and by applying their influence and prestige to the search for improvement in this area.

c. Setting standards that can be operationalized by state programs which thereby serve as magnets for national uniformity.

The Importance of Access to Complete and Accurate Criminal History Records for Federal Security Clearance Checks

KATHRYN MOEN BRAEMAN
General Counsel
Defense Investigative Service, Department of Defense

I am pleased to be here today to help explain the Defense Investigative Service and the Department of Defense processing of national security checks. When I joined the Defense Investigative Service at the end of April 1985, very few people knew about DIS. Today, though, DIS is in the national news. Time magazine called 1985 "The Year of the Spy." You know, of course, about the Walker case and, perhaps, about the Stillwell Commission report on national security in the Department of Defense, which is entitled Keeping the Nation's Secrets. The Washington Post has had a series of articles on the various spies that have been uncovered. That is the bad news for the country. In some ways, though, it has been helpful to DIS. The Congress now sees that these security checks are an important mission that deserve more resources, more leverage and more scrutiny.

Although you hear a lot about how powerful and all-seeing people are at the Department of Defense, in the time that I have been there, I have found nobody there with a crystal ball. Instead, DIS does the investigative checks and gets information about people who need security clearances. The Baltimore-based Personnel Investigation Center (PIC) sends out leads to our 2,000 investigators all over the country to find out critical information about the person who needs access to classified information. Obviously, the higher the level of the clearance, the more extensive the investigation. The job of DIS is only to investigate and to put together as complete a Report of Investigation as we can about an individual on areas where experience has told us that there may be indicators of a person being a problem for national security purposes. We look only at people's loyalty, character, emotional stability, trustworthiness and reliability.

One of the key indicators is criminal history records (CHRI); those records are center stage in terms of DIS's need for access. At the secret level, we do a national agency check at the Federal Bureau of Investigation. At the Top Secret level, DIS does a local agency check (LAC) to find out what CHRI records exist on an individual. Arrest records alone are not enough. Agents also go to the courthouse to find the final disposition of the case. Even more important, one of the innovations that we have received a lot of praise for is the subject interview with the individual who needs the security clearance. So, if there is derogatory information developed in the record check process, DIS agents offer the person an opportunity to explain the information. DIS complies with the Privacy Act so that individuals consent to these checks and have access rights; they do have a chance to know whether there is something negative in the file. The same is true with credit checks. If there is negative information, people have a chance to explain in the subject interview. Through this process we come up with some interesting examples. Since we are one of the biggest users of criminal records, I thought you all might be interested in our successes and our problems in terms of data quality.

One of the problems for the Defense Investigative Service, and Steve Schlesinger pointed this out in his remarks, is the lack of disposition reporting by the courts to central repositories or back to the arresting agency. DIS agents often get the arrest record and then go to the courts to find sometimes that the conviction records are sealed. That presents a very interesting problem. For example, in New York State, DIS agents tell me, there is a statute making it a misdemeanor to release sealed records. What can DIS do then? I understand that in New York State, they have the individual's name, the identifier, and a secret code that indicates that the record has been sealed. That is very helpful to us in being able to evaluate an arrest record.

I recently learned, however, that Tennessee has enacted a statute mandating that the courts destroy all records if they are sealed. DIS received an inquiry at headquarters from one of our agents in Memphis. He has an arrest record of an alleged pedofile. The agent then went to the court and found no information. What should the agent report? That is one of the problems I think we are facing. Clearly we respect the decision by the states to seal records, but—and I think you all must face this at the state level too—what do you do when the arrest record exists

but the disposition is sealed? That remaining arrest record can present a problem for the individual. For example, DIS agents recently interviewed a woman at an agency who was surprised to learn that the record that she thought was sealed—she had stolen several thousand dollars from a savings and loan association in Baltimore and had been convicted—had been reported to the FBI, and subsequently to DIS. She did not want that information included in her file as the conviction had been sealed by the courts. Indeed, there is a new DOD policy indicating how important information or convictions are to national security determinations. If someone has been convicted of a felony, that is a major indicator that should be looked at in deciding whether to trust that person with national secrets. I am not sure if you would call this an accuracy, liability or systems problem, but I think it is one we all need to be looking at, asking what can we do about it, and how can we make sure that accurate information gets reported?

There has been concern expressed about the ultimate adjudication of national security clearances, about the whole problem of someone being denied a clearance. Keep in mind DOD does clearances for millions of people. DIS does investigations for people who need access to classified information at the DOD itself, which is no small agency, and for defense contractors. When we get derogatory information, as I stated earlier, we do not stop there; we have a due process procedure that ensures that before people working for a defense contractor are denied a security clearance, they ultimately have the right to a hearing. Those Defense Industrial Clearance Review Board hearing examiners do not see inaccurate criminal history records as a problem, because if there is an arrest without a conviction, or if a DIS agent does not get all of the information, he just simply asks for more investigation.

Our major concern ultimately goes to the second element of data quality—the completeness of the records. If information is not reported, either to the FBI where DIS does national agency checks, or to the central state repositories, then perhaps there is someone out there who is a potential John Walker and whose record would indicate that, but we would have no way of knowing it. That is a major problem, one I am sure concerns you as state and local criminal records managers. We worry when we hear that in one of the states where the law mandates that local agencies report to the state repository, that they do not do it. Why don't they? They say there are not enough people, which comes as no surprise to some of you. Or, some particular county sheriff or a particular local police department does not wish to report to the Bureau of does not want to report to the state repository, and simply chooses not to. Our biggest concern is the extent to which information is not reported, and we are then unaware of key negative indicators that the Department of Defense should be considering in determining if an individual should be trusted with the nation's secrets.

In making security determinations, the Department of Defense ultimately looks at the whole person. We look at not just criminal history records. DOD looks at a whole conglomerate of information to determine whether or not the person is reliable, loyal, etc. DIS only investigates but DOD adjudicators eventually make that decision on a mosaic of information, not just one piece. Certainly, criminal history records and access to criminal history records are fundamental to our being able to do a professional job at the Defense Investigative Service and at the Department of Defense in our role in clearing people to have access to national secrets. That is why I hope that you, our agents, and those of us at DIS headquarters can continue a partnership relationship. DIS is not doing an employment screening job. In fact, for defense contractors, we will not even begin a national security clearance until the person is hired. Many states have statutes prohibiting the use of arrest data for pre-employment screenings. As a result, in certain states DIS had trouble getting access to arrest records. Certain states pointed out that DIS is not a criminal law enforcement agency, which is true. We investigate for national security purposes. These barriers to access arose at a hearing here in the Dirksen building last April 1985. Senator Nunn was concerned about the whole process of national security. The Director of the DIS, Tom O'Brien, sat in the hearing room upstairs and gave testimony about the problem in certain states over access to criminal history records. Subsequently, on June 25, 1985, Senator Nunn introduced a bill, S.1347, and attached it to the Intelligence Authorization Act which was ultimately passed. When

that went over to the House, SEARCH played a major role in shaping H.R.2419 which was ultimately passed with the concurrence and the assistance of SEARCH. The Congressional Record of November 14, 1984 has a summary of the language and a legislative history.

As Professor George Trubow said yesterday, if you are to give access to noncriminal justice users, then we should have a clear legislative mandate indicating that there is a legitimate need for access. And I think that is essentially what Congress had in mind when they passed this statute. They wanted to make clear to everyone that the national security is a legitimate basis for accessing CHRI. An essential part of DIS being able to do a professional job of investigating for access to classified information is knowing a person's criminal history background. Congress acted to let everyone know that security clearances are a legitimate access purpose. This law signed by the President on December 11, 1985, should solve the access problem in particular states.

The DIS Director wants to work with states to facilitate access to criminal history records. In fact, today he is at a meeting in the California Attorney General's Office to facilitate direct terminal access. We are working out direct terminal access in Virginia as well. Clearly, if we can get terminal access, if we can go to your computerized data bases, computer to computer, with appropriate safeguards, then you are better off at the state and local levels and we are better off when we take advantage of the technology to make access easier, faster and cheaper.

We are one of the biggest noncriminal justice users of CHRI; we estimate for FY 1986, 1.5 million record checks. As we are trying to think of ways to protect the nation's secrets, your role in maintaining accurate and complete records is going to be more and more important. We look forward to a continuation of a cooperative partnership relationship. We can continue, I hope, to have a dialogue that reflects how important these records are to you and also to the defense community in making security determinations.

Conference Summary and Analysis

Conference Summary and Analysis

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Thank you. It's a pleasure to be here. I believe that I win the award for having the most words in my title and the fewest accomplishments, but that's what academia is all about. I'm sure you're familiar with Wallace Sayres' famous remark about academic politics. He compares them to all other forms of political struggles and concludes that academic politics are the most vicious because the stakes are so small.

My task is to help you put into perspective what you have heard the last two days. In the language of this meeting, I think that means my job is to help you to create a record of these events. As all of you who create criminal justice records know, to do that requires both a substantial reduction in data and, often, an interpretation. In doing this, I cannot vouch for either my reliability or accuracy. I'm counting on the utility of what I say to you to carry the weight of justifying the summary.

As I listened to the conference and thought about organizing this talk to create a record for you, I was reminded of a story about Conrad Hilton. Conrad Hilton was being interviewed on the Johnny Carson show. Unexpectedly, Johnny Carson seemed somewhat in awe of the man. He leaned forward to Conrad Hilton and said, "Mr. Hilton you certainly have accomplished a great deal and must have learned a great deal about life. Maybe you'd like to share your secret of success or your philosophy of life with the American public." Then he sat back and waited. Unexpectedly, Conrad Hilton said, "Well yes there is something I have to say to the American public that is terribly important." Johnny Carson was amazed; he was on the verge of a scoop and his salary was going to go to $4 million from the measly $2 million he was now making! He leaned forward and said, "Well what is it Mr. Hilton?" The TV cameras closed in. Conrad Hilton cleared his throat. He looked gravely at the TV cameras and said, "Citizens of America, put the shower curtain inside the bathtub."

Now, the reason I find that story helpful in this case is that there is a nice concrete quality to it. It was operational; it was advice; everybody could understand it. For an academic, who spends most of his life talking about *abstract* questions, the concrete character of that comment is refreshing. One of the things that I've noticed in this meeting is that the conversation was not being carried on at a high level of abstraction about philosophy and grand issues about the nature of man and society. It was being carried on at a very pragmatic operational level. I think that that's an important indication of the maturity of the policy debate in this area and the fact that we may have successfully integrated some of the important competing values that were previously thought to be at stake in this area. I sometimes ask my students, how can you tell when a policy decision has been made? The only reliable answer to that is not the passage of legislation—though it's sometimes that—and not even the issuance of some administrative regulation. One can say that a policy decision has been made when there is a temporary silence in the debate, the conversation moves down to a lower level of abstraction, and people get on with the work. That's the important test of when a policy decision is made. And it feels to me, from the operational tone of this conversation, that some important policy decisions have been made, and we're now doing the implementation.

My talk will be organized at two different levels. One—the biggest part—is summarizing what was said. The second is thinking a little bit about to whom it was said and with what intended effect. That is, thinking a little bit about you.

The Major Topics of Discussion

The broadest description of the subject that we've been addressing is the role of information as it bears on society's ability to recognize and deal effectively with the problem of crime in the United States. There are five narrower questions within that broad question. You can think of these as headings or "baskets" into which you might drop pieces of information and ideas that you heard here.

The first is what data is now telling us (and what could it tell us) about the aggregate crime problem, the society's response to it, and its effectiveness. That could be thought of broadly as the *policy* question having to do with the control of crime. That issue did not capture a great deal of attention. Mr. Jensen talked about it briefly the first day. A little bit later in the conference, we had a policy analyst introduced as a somewhat exotic user of criminal justice infor-

mation. But I think those were the only references to the aggregate problem of crime and the organization of society's response to that.

The second issue that was discussed was the development and use of systems of individual criminal history records. In the last speech, Mr. Hawkins defined this as the central issue of the conference, because he said it was the one document that is common to all the endeavors that are wrapped around it. He observed that if one was looking for a core of this enterprise, it would be about the development and application of a particular kind of information called an individual criminal history record.

The third issue would be the definition of quality in the development and application of systems that include criminal history information.

The fourth would be the development and use of automated systems and telecommunication links in operational systems for independent criminal justice agencies regardless of whether they use criminal history information or not.

The fifth and last would be the relationship between the last two things; namely, the nature of the independent systems created by separate operational units and how they might be linked to systems that were built around individual criminal history records.

Those are the headings that you might want to use. Now let me tell you what I saw in each of those headings.

Information Systems and Criminal Justice Policy

The capacity of information systems to show us the nature of the crime problem was a neglected area. No doubt, this was because this issue was not a major focus of the conference. Nonetheless, it is something that interests me a great deal. Moreover, there was enough at the edges on this subject to be quite interesting as an area for you to think about.

Mr. Jensen began his speech by talking about UCR and victimization surveys as things that were designed to show to the rest of society the nature of the crime problem. He described the victimization surveys as a useful supplement to the limitations of the UCR. He also observed that modifications in the UCR were now being made. Finally, he argued that these systems are all terribly important because, as a practical matter, we can only see the crime problem as a society in the terms in which it is reported. Consequently, those systems become very powerful mechanisms for shaping our views of crimes and for beginning to hold criminal justice agencies accountable for performance. So, the development of those systems and what they include and what they don't include is terribly important.

We also had two important policymakers in the Department of Justice—Mr. Jensen and Ms. Herrington—point to rather revealing omissions, lacks and errors, in the way that they were able to see and represent the crime problem from the vantage point of either the UCR or the victimization surveys. Mr. Jensen talked about the problem of representing drug trafficking, organized crime, and white collar crime in traditional crime statistics, and how difficult that made it for him to both focus attention on those problems and to determine whether or not the current administration was producing improvements. Ms. Herrington pointed to the difficulty of getting accurate information about an important piece of the crime problem called family violence or sexual molestation of children, which also was hard to get into those reporting systems.

What they were telling you, then, was that there were some things that they thought were high priority crime issues that were not now very well reflected in the criminal justice system or in the records that we had about crime. Further, they thought that that was a problem for them in terms of their ability to make policy and manage the nation's response to crime.

I would point to two additional, important areas of omission in this discussion. Since crime policy wasn't a central focus on the conference, the omission may be appropriate. Nonetheless, it is worth raising the issues. One is that there was a noticeable lack of a discussion about the role of intelligence in this forum. Notice that when one begins thinking about family violence, organized crime, and drug abuse, one begins examining something quite different than the offense alone. One begins looking at the characteristics of offenders and the circumstances out of which offenses grow. That means our criminal justice records, our curiosity about crime, begins moving away from the concreteness

that's associated with a specific criminal offense (which up until this point has always been our anchor and our boundary) and we get into a much broader field where it might be appropriate to investigate circumstances leading to crime, or individuals or groups that have a propensity to commit crime without necessarily knowing in the first instance where the offense is. That ordinarily falls under the category of intelligence information. I happen to be interested in that. I believe it's an important part of information systems in criminal justice. But I notice that the problems associated with that were not discussed here. That feels to me like a piece not on the agenda.

The second thing I noticed that wasn't discussed is something else that a stranger might have thought would be discussed at a conference like this. That would be the question of performance measures for each of the independent criminal justice agencies as well as for the system as a whole. There was very little discussion of that problem. The only allusion to it was an implicit allusion to it by Mr. Jensen who worried about the inability to establish a benchmark as to whether things were getting better or worse with respect to crime in this country because we couldn't make either accurate comparisons over time or we couldn't make accurate international comparisons. Again, maybe performance measures were the subject of a different conference and a different panel, but it is significant that it was not on the agenda here. That's basket number one.

Criminal History Records

Basket number two was the heart of the conference. That was the question of how we might better develop and use systems to create records and files about individual criminal histories. I think that was the most consistent of the themes in the conference. The issue of criminal history records turned out to be two slightly different issues. One could be thought of as how could such data on individual criminal history records be used successfully in criminal justice agencies: that was the subject we addressed for the most part yesterday. The other question was who else might make use of that if that information were available and what effect that would have. That was the subject of most of today's conversation.

With respect to the first question—criminal justice applications—I think we received overwhelming testimony as to the potential value of criminal history records in controlling crime and doing so in a way that was both just and economical. There was also a lot of testimony—and I think this was terribly important because it put the pressure on you—that the value of criminal history records was probably the greatest at the "front end" of the system; that is, at the moment of charging and setting bail. (I would go even further to the front of the system and suggest that it might be terribly important in police investigations as well.) Others noted that we already had a lot of capacity for including information about criminal history records at the "back end" of the system—when we got in the business of plea bargaining or sentencing. Thus, the new and challenging applications of criminal history records were the ones that were "up front" in the system. When I say "up front," I mean within 24 hours of the arrest.

Now, if that's where the interesting applications are, that's going to put enormous pressure on the performance of these systems in terms of timeliness. And if it's also true that that's the moment when enormous damage can be done to individuals, particularly in the case of inaccurately identifying the person and assigning him a record that is not his, that's going to mean your systems are not going to have to get just a little bit faster and a little bit more accurate, they are going to have to improve a lot. You're going to have to make a quantum leap in your capacity for speed and accuracy to insure the value of criminal history records to criminal justice operations. So, if the applications are where they seem to be, by testimony of the operational people yesterday, that's a big problem for you.

The second related point is that the people that were making those decisions were beginning to feel the heat of making errors. It wasn't some abstract interest. Both Judge Glancey and Bill Summers talked about personal and organizational liability for errors. I took that as a challenge to us all to realize the magnitude of the task that we were undertaking in trying to develop these particular applications. So, in the criminal justice area, there were lots of benefits, lots of risks. An awful lot seemed to depend on how good these systems could become.

With respect to the second question of noncriminal justice users

of this information, I was very surprised to learn (from consistent testimony) that those requests were now more common than requests from criminal justice agencies. We had that testimony about four times. Having heard the speakers today, I can begin to understand why that would be true. I think there is a question here, an important one, about how much such success we should allow. It's a question both of economy and of justice. I think there is disagreement in the group on that question. Trubow yesterday said there should be an outright ban, except for narrow purposes legislatively mandated. That was his position. You heard today a series of poeple who really wanted to get their hands on those records, and made passionate and powerful arguments as to how their purposes could be aided by such access. I suspect they could have brought a whole stream of additional potential users, each one bidding for a special authorization to use this information on behalf of things they would like to have done. I think that's an important unresolved, anxiety-provoking shadow hanging over the operation. The question is how we're going to cope with those new demands.

I'd like to say one more thing about this, because if you heard the conversation here today from the perspective of 10-15 years ago, you would be astonished by change. Fifteen years ago, the idea of creating a record of individual criminal histories was intolerable to the society. It was intolerable both on grounds of justice and efficacy. And the reason it was is that we were worried about "labelling" people, which would be both unjust and unuseful to the task of getting criminals to stop committing crimes. The dominant view was that if we created a criminal history record, we would stigmatize and label people, and that would turn out to be a problem for us as well as unjust, rather than something that is beneficial. Yet, we have here testimony quite the opposite: that this is not only helpful, it's also just to create these criminal history records and to have consequential decisions in the criminal justice system depend on those records.

Now where in the world did that change come from? What is it that has changed that fifteen years ago made it impossible for us to talk about the subject and now makes it easy for us to talk about the subject? I don't know the answer to that question, but I'd like to suggest a possibility. The possible explanation is that there has been a rather substantial change in our ideology that goes to the question of who's responsible for crime and how durable peoples' characters are. When we were thinking in a world of "stigma" and "labelling," we had the picture that human beings were importantly influenced by their external environment. Therefore they couldn't be held accountable for crime. Therefore, it was terribly important that we exposed them to attractive influences rather than unattractive influences. That meant making opportunities available to them. That's the *gestalt* that lay behind the concepts of stigma and labelling.

Now, it appears to me now that we've changed our views a little bit and said, "Well, even if we think these views are accurate empirically, we're going to act as though it were true that people were accountable for their actions." What's more, we're going to assume that their characters are relatively permanent and therefore perfectly appropriate to reveal and maintain in the context of criminal history records. This is a quite different view about human nature—one that's sterner and less forgiving. I think that that's related to a very broad ideological difference with people on the left wishing that people who commit offenses could rehabilitate themselves and be reintegrated into the rest of society and those on the right being much more pessimistic about the prospects for rehabilitation, and judging that the only thing to be done with criminal offenders is to protect ourselves against the evil in people that's been revealed by their prior conduct.

My own personal view is that character is pretty durable but not irrevocable. And I think that conclusion raises an important operational question for you—namely the question of sealing or purging records after a period of good behavior. You might even think of this activity as a ceremony through which people were reintegrated into full citizenship in the society. The question of exactly when to do that and how, with what kind of ceremony, might be a terribly important thing for you to focus your attention on. Not simply as an operational matter, but as a way of reflecting in your operations, something important about the philosophies and values of the society. I just pull that out as one possible way of thinking about it.

The Definition of Quality in Criminal Justice Records

The third basket was the definition and establishment of quality in criminal history information. The words that were frequently used were "accuracy," and "completeness." A third one was "timely." Sometimes different words such as "available" and "contemporary" were used to mean the same thing. The way I think you ought to think about those words is as attributes that any system of records and use of records has: that is, any *system* has some level of accuracy, completeness and timeliness. There are three questions about these dimensions of performance.

The first is how good do the systems have to be on each of these dimensions to be able to use them? There's one notion which is they had to be perfectly accurate, have to be very fast, and so on. As Dave Nemecek said, those unreasonable expectations are crippling us. My standard would be this: better than they now are and constant improvement. Perfection is the goal in the long run. In the short run what we're interested in is getting concrete improvement on each of those attributes, year after year after year after year. We're after an accumulation of hard-won operational gains.

The second question is how good are we now? Again we had testimony that we probably aren't quite good enough for the scale and significance of the applications that we're now considering. This was said explicitly by Nemecek. Steve Schlesinger was nicer, pointing to lots of recent improvements, but he also concluded that a lot of work needs to be done. There was apparent agreement about the central problems. The principal problem was in obtaining disposition data which was terribly important for all uses. Improvements in accuracy were also important. And as I mentioned before, I think the hard problem we have to solve is going to be getting accuracy and timeliness both up. That's going to be a hard problem because it comes a cropper on the problem of accurate identification.

The Development of Automated Operational Systems

Fourth basket: how are we doing with respect to developing automated systems in operating agencies? In that area I think we got a lot of advice from lawyers about the introduction and management of the systems. I was quite struck by the fact that the lawyers seem much more uncomfortable and uncertain about how to do this than everybody else. And that may reveal the truth of something that we've always known, which is that lawyers make lousy managers. Quite interestingly, among those who had succeeded in installing systems (very few lawyers) there was unanimous testimony as to the importance of starting from day one integrating that system into the operating unit. There should *not* be a separate development followed by an elaborate training period to teach everybody to use the new system. There was also agreement that you had to trust nonprofessional people to develop the system. I think that conclusion is terribly important. A further point was made that relying on non-professionals was consistent not with reduced quality in the operational system, but with *improved* quality because—as it was repeatedly pointed out—the people that use the information had the biggest stake in having it be accurate. If you sequester the inputting of data, you're going to be in big trouble. I think that creates a problem for central state repositories of criminal history information because for the most part they are not the users of the information. I think that means they may have more problems over the long run with the accuracy of the information they've got than the using agencies.

The Relationship Between Operating Systems and Criminal History Records

That leads me into the next area (this is the last one you'll be glad to know), the relationship between operating systems in individual operational agencies to criminal history files. There's an obvious logical relationship there. For current operations to have value, by the testimony of the practitioners, it is necessary that they have convenient access to criminal history information. That's how police, prosecutors and judges use criminal history records. The link the other way is that that criminal history file requires information about operational decisions to update their stock of information. That's how they remain timely and current and comprehensive.

What seems to happen, however, is that individual systems in the operating agencies use the criminal history record—they input that into their own files, and they do not,

then, update files on criminal history either in other operational units or in the criminal history repository. Therefore, there are many criminal history files, none of which is both complete and timely. That seems to be the reality of the current situation. We also had some testimony that interagency cooperation to solve that problem is largely unsuccessful. That's another problem.

I propose two rules which seem to me to describe the operations of the system. Rule number one: if two agencies both need the same information, neither gathers it. We heard that testimony from both the prosecutors and the courts. The second rule: if a piece of information can be used to evaluate the performance of an organization, make sure it isn't collected; or if it is collected, make sure *you* do it and do it badly.

Notice my two principles line up to mean that all of the boundary conditions between agencies will never be reported on. That seems to me to be the characteristic of the system as it now operates. That's a lousy system.

Were any solutions offered to these problems? I think we had three solutions hanging there in the wings—interestingly different ones. Nemecek argued that we should subordinate individual and organizational goals to the achievement of a common purpose. The FBI is always working on peoples' moral character. The second idea is that we would have central repositories with auditing capabilities that would insist on the relationships being established among these organizations. The problem with this is that the constituencies that support the central repositories are substantially weaker than the constituencies that support the operating agencies and therefore the mandate to do that is likely not to appear. The third, again a Nemecek idea, is that a wholly decentralized system will develop as a result of each individual organization pursuing its own interests, and that gradually that decentralized system will have 90 percent of what we'd like to have in a centralized criminal history record system. That seems to me to be the third option. I don't know which of those you would choose. I don't know which of them, regardless of our choice, is going to happen. I think I'd bet more on the third than I would either on the first or the second.

The Challenge to the Audience

My last word is not about what was said, but about to whom was it said and with what intended effect. This focuses on the issue of the audience. The audience is varied. To some degree, you're managers of criminal history record systems: some state repositories, some agency specific criminal history record systems. You're also systems people who are inventing new technology to apply within operating agencies. And you're working on systems linking operational systems for your agencies to criminal history record systems. You're also suppliers of equipment. And last, you're overseers of the development that is being undertaken by all the others—overseers in the sense of interested in making policy that guides the development in these areas. So, that is who the audience is.

I have to tell you I have the sense that you as the audience were not used terribly well in this conference. There was more that you could have contributed to this enterprise than we managed to get. This was a big group and it was hard to organize. But I have the feeling that there was more available in the audience than the enterprise managed to draw out. And yet I think it is also true that an awful lot of work got done in the coffee breaks.

In that respect this meeting is a metaphor for systems development. You have some people at the front who are trying to organize things and get it under control and have it be orderly and tidy and helpful to everybody. And it turns out all the productive work is going on around the edges in the coffee breaks where the central thrust of the conference is being absorbed and then quickly integrated and used in a lot of different areas for personal objectives and personal reasons. What that reveals to me is the truth of an old adage: "You can't keep a good man or woman down." I think that the opportunity that the audience represents here is the possibilty to take a fairly coherent policy consensus indicated by the lack of complicated policy issues, and apply your own individual talents to the development of opportunities presented here. That seems to me to be a very interesting challenge.

As we heard the managers who had been successful in installing computer systems in organizations talking about it, it seems to me that

they reveal two important things about how to do that well. One was to give the employees the context in which the enterprise was being undertaken and why it was important. The other was to hold the individual employees individually accountable for their performance. Similarly this meeting—Steve Schlesinger was most explicit about this—is designed to show you the context, to show you why the development of these information systems is important, to show you what the possibilities are, and if the conference organizers were really lucky, to begin making the audience feel a little bit personally accountable for the quality development of a series of systems that can bring the potential benefits that we talked about to bear for the benefit of the society.

On behalf of Steve Schlesinger and the other speakers, I'd like to wish you well, because the values that can be created and produced in the society are going to depend on your work. So we hope you do well. If we can contribute to it in the future, please let us know. Thank you.

Contributors' Biographies

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Joseph R. Glancey, First President Judge, Philadelphia Municipal Court, 1969-present. Private practice of law, 1957-1968. Lecturer on Civil Law, National College of the State Judiciary, Reno, Nevada. Member, Philadelphia, Pennsylvania and American Bar Association; Pennsylvania Conference of State Trial Judges; Judicial Administration Committee, Pennsylvania Bar Association. Vice Chairman, Criminal Justice Coordinating Commission of the City of Philadelphia. Past President and present member of Executive Committee, National Conference of Metropolitan Court Judges. B.EE., Villanova University; J.D., Villanova University Law School.

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Through the Office of Justice Programs, Mrs. Herrington coordinates the activities and provides support services for five bureaus: The National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice, the Bureau of Justice Assistance and the Office for Victims of Crime. Other programs under her supervision are Public Safety Officers Benefits Program, Emergency Federal Law Enforcement Assistance Program, Surplus Federal Property Program, the National Citizens Crime Prevention Campaign, and the implementation of the recommendations of the Attorney General's Task Force on Family Violence.

A former prosecutor, probation officer and juvenile hall counselor in California, Mrs. Herrington has served as a member of the Alameda County Women's Coalition on Domestic Violence, a member of the California Sexual Assault Investigators, a coordinator for Probation and Courts for Domestic Violence diversion programs, a participant in the National Conference of Juvenile Justice and Judge's Seminars, a Coordinator of the Drug Diversion and Education Program in Contra Costa County, and a member of the Contra Costa County Child Development Council.

She is currently Chairman of the Crime Prevention Coalition, the Advisory Board of Crime Stoppers International, the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention, the Advisory Board of the National Institute of Corrections, the Advisory Committee on Rape Prevention and Control of the Department of Health and Human Services and the National Sheriffs' Association Standards, Ethics, Education and Training Committee. She recently served as a member of the United States Delegation to the Seventh United Nations Decade for women in Nairobi, Kenya and a member of the United States Delegation to the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders in Milan, Italy. B.A., University of California, Davis; LL.B., J.D., University of California, Hastings College of the Law.

D. Lowell Jensen, Deputy Attorney General of the United States, Former Associate Attorney General, 1983-1985, Assistant Attorney General in charge of the Criminal Division, 1981-1983. Served as District Attorney for Oakland, California, 1969-1978. Mr. Jensen has been a lecturer panelist and instructor on criminal law at many colleges and universities, including the University of California School of Law, Boalt Hall, National College of District Attorneys, Northwestern School of Law, and Hastings College of Advocacy.

Past President of the California District Attorneys Association and past officer of the National District Attorneys Association. Served as a founding member of the Commission on Victim/Witness Assistance of the National District Attorneys Associations, a member of the California Council on Criminal Justice, a member of the National Crime Information Center Advisory Policy Board, and a member of the Advisory Committee on Criminal Rules to the Judicial Conference of the United States. He is a Past President of the Boalt Hall Alumni Association and a fellow of the American College of Trial Lawyers.

His prosecution experience includes: *People v. Joseph Remiro, Russell Little* (assassination murder of Marcus Foster, superintendent of Oakland schools by members of the so-called Symbionese Liberation Army); *People v. Huey Newton* (Black Panther Party founder charged with murder of an Oakland police officer); *People v. Mario Savio, et. al.* (Free Speech Movement sit-in at Sproul Hall, University of California, in 1964, resulting in arrest and prosecution of 778 defendants and four-month non-jury trial of 155 defendants in a single trial). A.B., University of California, Berkeley; LL.B., University of California School of Law, Boalt Hall.

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Steven R. Schlesinger, Director, Bureau of Justice Statistics, U.S. Department of Justice. Prior to accepting a Presidential appointment as Director of BJS, Dr. Schlesinger was Associate Chairman and Associate Professor in the Department of Politics at The Catholic University of America.

Dr. Schlesinger's major academic interests have been American criminal justice, American government, and American constitutional law. He is author of *Exclusionary Injustice: The Problem of Illegally Obtained Evidence* and *The United States Supreme Court: Fact, Evidence and Law*. In addition, he was editor of *Venue at the Crossroads* and has written more than 25 articles on legal subjects. He was Adjunct Scholar at the National Legal Center for Public Interest and a consultant to the U.S. Senate Committee on the Judiciary's Subcommittee on the Constitution. B.A., Cornell University; M.A., Ph.D., Claremont Graduate School, California.

Charles E. Schumer, Congressman, U.S. House of Representatives, United States Congress. Representing New York's 10th District, Congressman Schumer's committee assignments include Banking, Finance and Urban Affairs; Budget; and Judiciary. Upon graduating with Honors from Harvard Law School, Schumer was elected to the New York State Assembly, making him at age 23 the youngest legislative member since Theodore Roosevelt. In 1980, he won a seat in the U.S. House of Representatives, representing Brooklyn's 16th District. He was re-elected in 1982 to the reapportioned 10th Congressional District. In the 98th Congress, Schumer won a seat on the House Judiciary Committee and as a regional whip.

William C. Summers, Director, Legal Section, International Association of Chiefs of Police, Inc. As Director of Legal Services, Mr. Summers advises the IACP on all legal matters. Also serves as Acting Director of IACP's Research and Development Division. He is Project Manger of the Fleece Discipline Training Programs and the Civil and Vicarious Liability Training Programs conducted by IACP. Has served as Secretary-Treasurer of IACP's Legal Office Section.

George Trubow, Professor of Law, The John Marshall School of Law, Chicago, Illinois. Director, Center for Information Technology and Privacy Law, The John Marshall Law School. Reporter, Drafting Committee, National Conference of Commissioners on Uniform State Laws, in the development of a Model Criminal History Records Act. Served as General Counsel for the Domestic Council Committee on the Right of Privacy; Director of the LEAA Office of Inspection and Review; Deputy Director, LEAA Office of Law Enforcement Programs; Executive Director, Maryland Governor's Commission on Law Enforcement and Administration of Justice; Deputy Counsel, U.S. Senate Judiciary Subcommittee on Improvements in Judicial Machinery; Advisor, National Commission on Uniform State Laws; Chairman, American Bar Association Privacy Committee. Has participated in SEARCH Group conferences and on the SEARCH Security and Privacy and Intergovernmental Policy Standing Committees.

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*U.S. GOVERNMENT PRINTING OFFICE: 1986-181-478:40021

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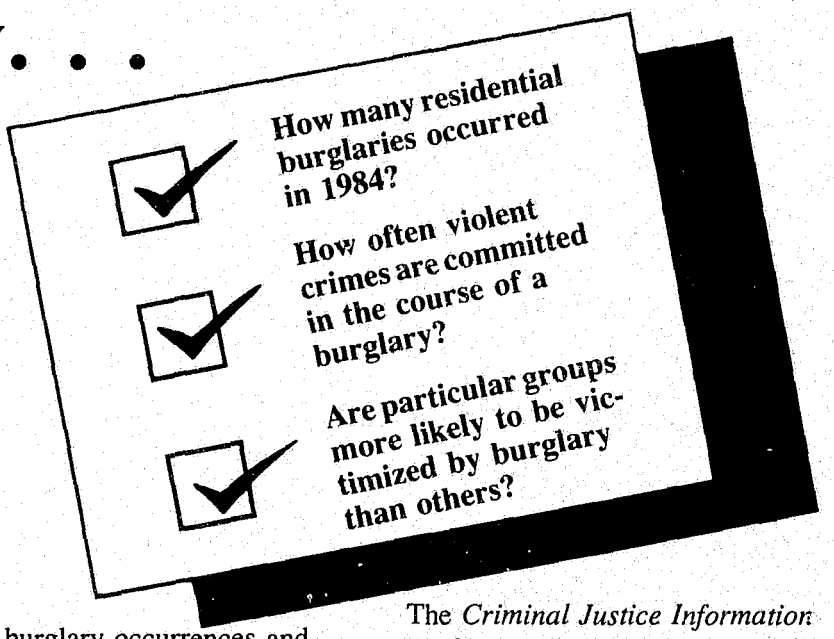

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