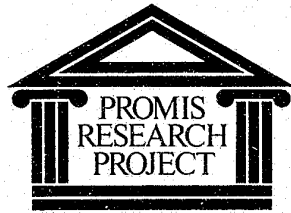


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Publication 1

Prosecutor's Management Information System

Highlights of Interim Findings and Implications

INSLAW
Institute for Law and Social Research
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

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Publication I

PROMIS Research Project Topics:

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

Highlights of Interim Findings and Implications

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Foreword

As this report notes, an information vacuum long has existed regarding what occurs between police station and prison. Hence, questions about what happens to arrests (most of which typically do not result in conviction) and why it happens have been largely matters of conjecture or pure speculation. This has seriously impeded informed decisions by policymakers in most jurisdictions.

A major step toward closing this information gap has now been taken. The Institute for Law and Social Research (INSLAW), supported by National Institute grants, has analyzed an unusually comprehensive body of data that arose out of normal prosecution and court operations in the District of Columbia over a six-year period. Primarily relying upon the data stored in PROMIS (Prosecutor's Management Information System) on approximately 100,000 "street crime" cases, INSLAW's PROMIS Research Project is yielding a wide range of findings that warrant careful study by those responsible for criminal justice management and operations. Among the interim findings:

- More than 25 percent of felony arrests in 1974 in the District of Columbia involved defendants on some form of conditional release (bail, probation, parole) stemming from a previous offense. This was true for almost one-third of the robbery and burglary defendants.

- Over a period of almost five years in the District of Columbia, 7 percent of the defendants accounted for almost one quarter of all arrests; 12 percent of those prosecuted, for 32 percent of all prosecutions; and 5 percent of those convicted, for 15 percent of all convictions. Thus, it appears that a relatively small number of individuals have been responsible for a disproportionately large share of the criminal justice system's work load.

- From a crime-control standpoint, targeting prosecutory resources on repeat offenders appears to be a productive policy. Statistical analyses suggest, however, that resources presently are allocated almost exclusively on the basis of the probability of conviction. While there is evidence that priorities are affected slightly by the seriousness of the crime, prosecutors do not appear to adjust their priorities based on the offender's criminal history.

- Many repeat offenders switched regularly between felonies and misdemeanors and did not specialize in particular crimes within those categories. Prosecutors establishing special career criminal units that concentrate on repeat offenders should be alert to this fact: repeat offenders apparently do not observe the felony-misdemeanor legal distinctions important to lawyers.

- The extensiveness of an individual's criminal history (whether expressed in terms of arrests, prosecutions, or convictions) seems to be a good predictor of future criminality.

- Performance measures appropriate for individual agencies may obfuscate their effectiveness as a *team*. For example, for felonious assaults, the police clearance rate is 72 percent and the prosecutor's indictment-based conviction rate is 88 percent. These figures present a picture quite different from the one that victims perceive—that less than 7 percent of felonious assaults led to a conviction and even fewer resulted in incarcerations. To obtain system-oriented performance indicators and to determine where, from victimization to conviction, most crimes are dropping out of the system, INSLAW researchers suggest changes in how crime data are collected.

- A relatively small number of officers made a disproportionately large volume of arrests in the District

of Columbia in 1974: about 10 percent accounted for over half of all arrests. Research is continuing in an attempt to identify the characteristics of those officers whose arrests are more likely to result in conviction. Findings to date suggest that one characteristic is residency outside the District of Columbia.

These and other findings from the study have already had an impact on criminal justice system operations not only in Washington, D.C., but also elsewhere in the United States. Nationally, for example, findings related to repeat offenders helped spur the establishment of LEAA's Career Criminal Program, now operating in many local jurisdictions throughout the country. And INSLAW's witness cooperation study, a precursor of the PROMIS Research Project, contributed to the formation of LEAA's nationwide demonstration project on victim-witness assistance, which has been adopted by numerous prosecution agencies.

These examples show that criminal justice research can provide critically needed information so that policies can be based less on intuition and more on facts. Nowhere has the need for information been more severe than in what some observers have referred to as the nerve center of the criminal justice system: the prosecution and court arena, an area that the PROMIS Research Project is probing with unprecedented thoroughness.

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JANUARY 1977

Preface

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

The publications of the PROMIS Research Project present findings derived from what is probably the richest source of criminal justice facts ever gathered within a jurisdiction: 100,000 "street crime" cases (felonies and serious misdemeanors) processed by District of Columbia prosecutors over a six-year period. Up to 170 facts on each case are stored in PROMIS (Prosecutor's Management Information System), facts that help fill the information gap which has long existed between arrest and incarceration, a void that has seriously impeded informed decisions by policymakers in most jurisdictions.

Exploiting these facts in the District of Columbia, staff members of the Institute for Law and Social Research (INSLAW) analyzed data that arose out of normal operations and generated a wide range of findings pertaining to what some observers regard as the criminal justice system's nerve center—the prosecution and court arena. This empirical research has yielded recommendations regarding criminal justice priorities, policies, and procedures.

Funded by the Law Enforcement Assistance Administration, the PROMIS Research Project is a demonstration of how automated case management information systems serving the prosecutor and court can be tapped in order to provide timely information by which criminal justice policymakers may evaluate the impact of their decisions. The significance of this demonstration is by no means restricted to the District of Columbia. At this writing, approximately 50 state and local jurisdictions throughout the nation have im-

plemented PROMIS, or are planning to do so. In the foreseeable future, PROMIS is expected to be operational in as many as 100 jurisdictions.

Hence, many areas in the United States are, or soon will be, in a particularly advantageous position to benefit from the types of insights—and the research methodology employed to obtain them—described in the reports of the PROMIS Research Project. There are 17 publications in the current series, of which this is Number 1. A noteworthy feature of this series is that it is based primarily on data from a prosecution agency. For those accustomed to hearing the criminal justice system described as consisting, like ancient Gaul, of three parts—police, courts, and corrections—the fact that most of the operations of the system can be assessed from the perspective of an agency usually omitted from the system's description may come as a surprise. The major topics addressed by these publications are summarized as follows:

1. *Overview and interim findings.* Presenting highlights of interim findings and policy implications of the multiyear PROMIS Research Project, the report provides thumbnail sketches of INSLAW studies in such areas as police operations when analyzed in terms of the percentage of arrests resulting in conviction, prosecution operations as viewed from the standpoint of their potential impact on crime control, and criminal justice system effectiveness as viewed from the victim's vantage point as well as from a crime-specific perspective. Findings related to robbery, burglary, sexual assault, and "victimless crimes" are summarized. Further analyses pertain to recidivism, female offenders, victims of violent crimes, court delay, plea bargaining, bail, sentencing, and uniform case evaluation, among other topics.

2. *Enhancing the policy-making utility of crime data.* Why do statistics that are valuable indicators of the performance of individual agencies often tend to obfuscate the com-

bined, systemwide effectiveness of those same agencies? How might the collection of crime data be improved to enhance their utility to policymakers? Addressing these questions, INSLAW made various statistical adjustments so that court, prosecutory, police, and victimization data could be compared to obtain systemwide performance measures for various crimes and to analyze at what points—from victimization to conviction—criminal incidents dropped out of the criminal justice process.

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

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

5. *The prosecuting attorney as a manager.* Focusing on "street crime" prosecutions, the research analyzes the cumulative impact of various case-level prosecutory decisions, such as those relating to case rejections, nolle, dismissals, pretrial release recommendations, plea bargaining, and sentencing. Broad discretionary power exercised by prosecutors over the fate of individual cases is contrasted to the role played by prosecutors in provid-

ing overall direction to policies and priorities of the criminal justice system. Examples of policies that harness the prosecutor's power over individual cases to achieve systemwide objectives and priorities are presented. The research focuses on the challenge of measuring, monitoring, and enforcing priorities and evenhandedness in a large, high-volume court system.

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

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

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

9. *Prosecution of such "victimless crimes" as gambling, prostitution, and drug offenses.* These crimes are examined from arrest to sentencing. By what process are decisions made to enforce laws proscribing victimless crimes and to prosecute offenders? Is this process different from that utilized with regard to nonvictimless crimes? What factors affect decisions regarding enforcement and prosecution? To what

extent are criminal justice resources allocated to combat victimless and nonvictimless crimes? What are the policy-making ramifications? These and other questions are addressed by the report.

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

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

12. *Impact of victim characteristics on the disposition of violent crimes.* Analyzing how the victims' age, race, sex, relationship to offender, and other characteristics affected the case processing of violent crimes, INSLAW research views the victim both as a decision maker (in terms of his or her behavior as a witness) and as an influence on the decisions made by prosecutor, judge, and jury.

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

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

cess are offered.

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

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

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

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

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

Of critical importance to the success of the PROMIS Research Project has been the farsighted, progressive stance of the United States Attorney's Office for the District of Columbia, both in terms of its willingness to permit INSLAW to submit many of its operations to detailed examination and in terms of its active assistance regarding the development, analysis, and dissemination of data. The office is deserving of great admiration and respect.

INSLAW is also indebted to the Superior Court of the District of Columbia, which has been extremely generous in making data available for the project's studies and in helping researchers assess the meaning of the statistics.

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

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

National Advisory Committee: Robert A. Shuker (Chairman), Chief, Superior Court Division, United States Attorney's Office for the Dis-

trict of Columbia; Colonel Curtis Brostron, Secretary, St. Louis Board of Police Commissioners; The Honorable William L. Cahalan, Wayne County (Detroit) Prosecuting Attorney; The Honorable William H. Erickson, Justice, Supreme Court of Colorado; Professor Edith E. Flynn, College of Criminal Justice, Northeastern University; Paul L. Friedman, Attorney, Washington, D.C.; Mr. Phillip H. Ginsberg, Attorney, Seattle, Washington; Lester C. Goodchild, Senior Attorney, Temporary State of New York Commission on Judicial Conduct, Buffalo, New York; Professor Willie King, Antioch School of Law, Washington, D.C.; Professor Albert J. Reiss, Jr., Institution for Social and Policy Studies, Yale University; Professor Leslie T. Wilkins, State University of New York, Albany; Professor Marvin E. Wolfgang, Director, Center for Studies in Criminology and Criminal Law, University of Pennsylvania; and Professor Hans Zeisel, University of Chicago Law School.

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

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

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

Ultimate responsibility for the research and the interpretation of the data rests with INSLAW and the following members of its staff: Sidney H. Brounstein (Director of Research), Kathleen B. Brosi, Sarah J. Cox, Joyce Deroy, William D. Falcon, Katherine Falkner, Brian E. Forst, Sherrie L. Harbert, Cynthia Huth, Etta Johnson, Susan Katzenelson, Kandace Klumpp, Frank J. Leahy, Jr., Judy Lucianovic, Dean C. Merrill, Elizabeth Ogata, Jeffrey A. Roth, and Kristen M. Williams.

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PROMIS: Serving the Twin Needs of Research and Administration

I

*Accurate data [is] the beginning of wisdom.*¹—Wickersham Commission (1931).

*Criminologists, criminal justice officials, and others familiar with the problems of crime control have long emphasized that the lack of adequate, complete, and timely information lies at the root of many of their problems.*²—President's Commission on Law Enforcement and Administration of Justice (1967).

*Official judgment in criminal justice, as in other policy areas, is not likely to be sounder than the available facts.*³ *Without information, prosecutors have little to guide them in the exercise of their functions.*⁴—National Advisory Commission on Criminal Justice Standards and Goals (1973).

Of the needed factual data whose paucity has been decried for decades by numerous studies and commissions, two major categories of criminal justice information, especially, have been in short supply: (1) facts to assist criminal justice administrators meet their daily operational and decision-making responsibilities and (2) research data. PROMIS (Prosecutor's Management Information System), which is being increasingly adopted by prosecutors' offices and/or courts, enables administrators to collect the data required for research as an automatic by-product of the process by which the system gathers information for case-by-case, day-to-day decision making and administration. (See Appendix A for background information on PROMIS. Appendix B indicates the progress of PROMIS implementation nationwide.)

Significance of the Flexibility of PROMIS

This ability of PROMIS to serve simultaneously the operational and research information needs of criminal justice administrators, such as chief prosecutors or court administrators, is highly significant for a number of reasons.

First, today's research is often a vital precondition for tomorrow's new or improved prosecutory or judicial policies, administrative methods, or operational procedures. The direct link that can and should connect research with operations and administration is effectively described by the President's Commission on Law Enforcement and Administration of Justice:

"Information about the consequences of actions by the criminal justice system is essential for improving these actions. In this sense the criminal justice system may be compared to a blind man far down the side of a mountain. If he wants to reach the top, he first must move. And it matters little whether his first move is up or down because any movement with subsequent evaluation will tell him which way is up."⁵

Second, the capability of PROMIS to serve both operations and research is significant because hard pressed criminal justice administrators are not likely to be predisposed to obtain the quantity and quality of data needed for research unless most of the data also help them in their daily decision making.

Third, "piggybacking" a research by-product onto a data system that records actions taken regarding all cases permits the application of advanced research analyses and promotes acceptance by operating

personnel of subsequent research findings.

Fourth, the benefits resulting from the merger of research and administration through either the automated or manual⁶ version of PROMIS are likely to be felt beyond the confines of the district attorney's office, where the system is most commonly located, because the prosecutor's reach and influence extend from one end of the criminal justice system to the other, as highlighted by the President's Commission:

"The decisions [the prosecutor] makes influence and often determine the disposition in all cases brought . . . by the police. The prosecutor's decisions also significantly affect the arrest practices of the police, the volume of cases in the courts, and the number of offenders referred to the correctional system. Thus, the prosecutor is in the most favorable position to bring about needed coordination among the various law enforcement and correctional agencies in the community. . . .

" . . . needed changes frequently depend on the vigorous leadership of the prosecutor."⁷

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

² President's Commission, *Task Force Report: Science and Technology* (Washington: Government Printing Office, 1967), p. 2.

³ National Advisory Commission on Criminal Justice Standards and Goals, *Criminal Justice System* (Washington: Government Printing Office, 1973), p. 2.

⁴ *Ibid.* p. 68.

⁵ President's Commission, *Task Force Report: Science and Technology*, op. cit.

⁶ See Institute for Law and Social Research, *PROMIS for the Nonautomated or Semi-automated Office* (Washington: 1976).

⁷ President's Commission, *Task Force Report: The Courts* (Washington: Government Printing Office, 1967), pp. 72-73.

Finally, the fifth reason for the significance of PROMIS's ability to service the twin needs of research and operations management relates, again, to the location of the information system in the prosecutor's office or court, where a critical research and statistical void has commonly existed.

Historically, the collection of criminal justice statistics in the United States has focused on the extremities of the system. Through the FBI's Uniform Crime Reports, we keep track of the intake at the police end of the system by counting crimes reported and crimes solved by arrest. At the opposite end of the system, which maintains custody for the relatively small percentage of arrestees who are ultimately convicted and incarcerated, pertinent data are collected by the Federal Bureau of Prisons.

But an information vacuum regarding what happens between police station and prison has existed. The fate of the majority of arrests, which do not result in convictions, has been largely a matter of conjecture or pure speculation for most of the nation.

Until PROMIS, there has been an absence of a systematic collection and analysis of data pertaining to what happens in the nerve center of the criminal justice system—the prosecution and court arena—where arrests are or are not transformed into convictions. Criminal justice policy makers and administrators operating within this nerve center possess broad discretionary authority but have not had access to research-generated analyses and statistics by which to assess the consequences of their decisions.

PROMIS Research Project

The significance—as noted above—of an information system that serves both research and administrative needs has been confirmed during the PROMIS Research Project, now in its third year.

Like the initial development of PROMIS in Washington, D.C., and like the efforts of the Institute for Law and Social Research (INSLAW) to transfer⁸ the system to numerous other jurisdictions, the PROMIS Research Project is funded by the Law Enforcement Assistance Administration (LEAA).

Probing police, prosecutory, and court actions pertaining to some 100,000 street-crime cases received by District of Columbia prosecutors⁹ during a six-year period, the research program is analyzing what these nerve-center data—all recorded by PROMIS—reveal about the operation and performance of the criminal justice system.

The project links research and operations in this manner: operations-based facts stored in PROMIS form the research data base, which is used to analyze how the prosecutor's office and other components of the justice system are functioning, identify and diagnose problems, recommend system improvements, and, as appropriate, test and implement those improvements as new or revised administrative policies, procedures, or methods.

To put the findings and potential operational impact of the PROMIS Research Project in better perspective, a brief review of how the information system serves the administrative and managerial needs of Washington's prosecutors is provided in Appendix C.

⁸ See INSLAW's PROMIS Briefing Paper No. 20, *Transferability*.

⁹ In the District of Columbia, the U.S. Attorney serves as the local prosecutor. About 75 lawyers are assigned to the D.C. Superior Court (equivalent to a state court of general jurisdiction), where prosecution of local "street crime" cases is conducted. About 16,000 allegations of such crimes are considered for prosecution annually.

Areas of Analysis And Potential Operational Impact of the Research

II

The PROMIS Research Project encompasses six broad areas of analysis: police operations from the perspective of the prosecutor and court, prosecution operations, judicial decision making, plea bargaining, speedy trial, and patterns of criminal and related community behavior. One intent of the project is to demonstrate how the many communities throughout the United States that are adopting PROMIS can use the system as a tool for evaluating and improving the performance of the criminal justice system. The research design for each area studied is carefully documented to facilitate replication of the analysis in other jurisdictions.

Among the many areas where the research could potentially affect operations or policies are the following:

1. Recruitment, staff assignment, and training policies of prosecutor and police.
2. Procedures relating to notification of witnesses and defendants.
3. Allocation of prosecutory resources to cases involving career criminals.
4. Comparability of interagency statistics.
5. Measures of performance for police, prosecutors, and the criminal justice system generally.
6. Decision making regarding bail, plea bargaining, and sentencing.

Because of the information already generated to date, the project is indirectly influencing the development of criminal justice standards and goals for the District of Columbia—a program in which INSLAW is participating—in the areas of case scheduling, defense services for indigents, and pretrial release; data resulting, in part, from the PROMIS Research Project have contributed insights into how well the present system is working, which is a precondition for the formulation of objectives.

Similarly, based on its sentencing

work performed under the PROMIS Research Project, INSLAW has been asked by the District of Columbia Law Revision Commission to conduct analyses relevant to sentencing, suggest options for needed reforms, and contribute to the redrafting of sentencing statutes. Also, a recently formed citizen anticrime organization in the District of Columbia intends to utilize the project's data as one source of information by which to further its announced objective of assuring the incarceration of habitual, violent offenders.¹

A forerunner of the PROMIS Research Project serves to further illustrate the impact that research can have on daily operations of criminal justice agencies. In early 1973, PROMIS's management reports disclosed that "witness problems" comprised the largest single category of reasons listed by District of Columbia prosecutors for case refusals and dismissals. Nearly 40 percent of the refused or dismissed cases were dropped because of problems with witnesses. This fact led to INSLAW's decision to probe the problem through a major research effort, which was funded by LEAA.

First, a random sample of witnesses was drawn from the PROMIS data base. Then, nearly 1,000 of the witnesses were interviewed in their homes. They were questioned about their general attitudes toward the criminal justice system, their experiences with the system during case processing, and their suggestions for improving witness cooperation. The responses from these interviews were merged with the PROMIS data, and various statistical techniques were applied in an attempt to explain what factors systematically caused the prosecutor to perceive witness problems in some cases and not in others.

While some of the techniques em-

ployed were complex, the results were fairly simple: during the period studied, there was a significant lack of communication between criminal justice agents and witnesses, and insufficient communication caused many witnesses not to be notified or not to appear when needed, resulting in dropped cases.

Failure of police officers to record names, addresses, and telephone numbers accurately at the crime scene precluded future contact with one out of every four witnesses. Witnesses stated that police officers often asked for their names and addresses within earshot of the suspects.

A substantial proportion of interviewed witnesses reported that the major steps of the court process were not explained by police, prosecutor, or judge. Some witnesses, unfamiliar with the arcane procedures of the court system, misconstrued appearances at preliminary events with trial appearances and failed to come again when needed.

The study² included detailed recommendations for prosecutors, police, and courts on ways to improve witness management. Based on those recommendations, a training film outlining revised procedures for handling witnesses has been prepared by the police department in the jurisdiction studied.

Similar impacts on the administration and management of criminal justice operations are anticipated from the still ongoing PROMIS Research Project. The following pages report the highlights of the interim findings unearthed by some of the analyses.

¹ Prospectus for the formation of the Nicky Solomon Foundation, Washington, D.C. 1976.

² The study was recently published by Lexington Books under the title *Witness Cooperation—With A Handbook of Witness Management* (1976).

III

Recidivists And Their Crimes

A major inquiry is directed toward recidivism, which falls within the research area of patterns of criminal and related community behavior. For a recent 56-month period, PROMIS data revealed that over 50 percent of the "street crime" cases in the District of Columbia involved defendants who had prior arrest records.¹

Also indicative of the recidivism problem is the finding that more than 25 percent of felony arrests in 1974 involved defendants on some form of conditional release (bail, probation, parole) for a previous offense at the time of their arrest. About 12 percent of the felony defendants were on bail at the time of their arrest, and another 14 percent were on probation or parole. As noted in Exhibit 1, these conditional release figures were significantly higher for robbery and burglary defendants. (Following the release of these findings, trial court judges adopted new procedures for

expediting the revocation of probation when offenders commit new crimes.)

Rearrests, Reprosecutions, and Reconvictions

In early September 1975, a research data file of all arrests between January 1, 1971, and August 31, 1975, was compiled from PROMIS. Included in the file are data on 72,610 arrests; these arrests involved, however, only 45,575 defendants. This data file was used to describe the frequency with which individuals were rearrested, reprosecuted, and reconvicted during the 56-month period under study.²

Thirty percent of the defendants (arrested at least twice during the period) accounted for the majority of arrests (felonies and serious misdemeanors) during the period (Exhibit 2). Almost one-quarter of the arrests were accounted for by only 7

percent of the defendants.

Another way of measuring recidivism is by reprosecutions. The statistics for prosecuted cases (cases accepted by the prosecutor and filed with the court) are very similar to those for arrests. During the period of study, there were 58,116 prosecutions involving 37,840 defendants (Exhibit 3). Again, the majority of the cases prosecuted involved *defendants* who had two or more *cases* prosecuted during the period. Twenty-eight percent of the defendants were prosecuted two or more times, and they accounted for 53 percent of all cases prosecuted.

Data on convictions yielded results which were striking, if somewhat less dramatic. Thirty-five percent of all the convictions during the period involved defendants convicted two or more times during that time span (Exhibit 4). One reason why the reconviction figures are probably understated for the 56-month period is that those defendants sentenced to incarceration had little or no opportunity for reconviction.

When INSLAW examined arrests, prosecutions, and convictions for crimes of violence, we found the following: 18 percent of the persons arrested for crimes of violence accounted for 35 percent of the arrests; 17 percent of those prosecuted accounted for 33 percent of the pros-

EXHIBIT 1

Percentage of Arrests In 1974 Involving Defendants on Conditional Release (Washington, D.C.)

Crime	Bail	Probation or Parole	Total Conditional Release
All Felonies (N = 7673)	12%	14%	26%
Burglary (N = 1320)	15%	17%	32%
Murder (N = 285)	10%	18%	28%
Rape (N = 295)	8%	11%	19%
Robbery (N = 1761)	13%	18%	31%
Felonious Assault (N = 1186)	4%	7%	11%

¹ Unless otherwise indicated, findings pertain to nonfederal crimes and cases—that is, to street-crime cases falling within the jurisdiction of the Superior Court of the District of Columbia.

² All of the statistics about recidivism are derived from fingerprint-based identifications made at the time of the arrests. In the District of Columbia, the Metropolitan Police Department fingerprints each person who is arrested for a serious misdemeanor or felony prosecutable in the District of Columbia Superior Court and assigns to that person a unique identification number, which is used to identify the person on the occasion of each subsequent arrest. The fingerprint-based number is included in the PROMIS data.

EXHIBIT 2

Proportion of Total Arrests in a 56-Month Period Accounted for by Defendants According To Their Frequency of Arrest (Washington, D.C.)

Number of Arrests from January 1, 1971 to August 31, 1975	Percentage of Defendants Having the Indicated Number of Arrests	Percentage of Total Arrests Accounted for by Defendants Having the Indicated Number of Arrests
At Least 1 Arrest	100% (45,575)	100% (72,610)
At Least 2 Arrests	30%	56%
At Least 3 Arrests	14%	36%
At Least 4 Arrests	7%	24%
At Least 5 Arrests	4%	16%

ecutions; and 7 percent of the persons convicted accounted for 14 percent of the convictions.

The foregoing sets of statistics understate the problem of recidivism among the population studied for several reasons. First, the statistics are based only on those crimes that resulted in arrests. Second, the statistics do not take into account arrests processed in neighboring jurisdictions (such as the United States District Court, which handles such federal offenses as bank robberies, or the courts in the neighboring states of Maryland and Virginia). Third, juvenile offenses are not included. Since many adult defendants were young, they may have had arrests which were handled in juvenile court until well into the period of study.

This would mean that only their more recent adult offenses would be counted in the statistics.

There is also a possible understatement in the conviction statistics arising from a peculiarity in the jurisdiction under study. During the period of analysis, some of the serious felonies were accepted for prosecution in the "state" court (District of Columbia Superior Court) but actually tried in the United States District Court. This phenomenon occurred as the result of the phased transfer of jurisdiction for common law felonies from the federal court to the newly created District of Columbia Superior Court.

Despite possible understatement, a disproportionate share of the work load of the Superior Court seems to

be accounted for by persons who are being repeatedly arrested, prosecuted, and convicted.

Tracking a Panel of Defendants and Their Crimes

In the 56-month file, all of the defendants do not have an equal length of time in which to be rearrested. Specifically, persons first arrested on August 30, 1975, had only one day to be rearrested, while those first arrested on August 30, 1971, had four years. To overcome this problem, a sample panel of defendants was chosen to be studied in depth on a longitudinal basis. All panel defendants had been arrested at least once between November 1, 1972 and February 28, 1973. (A defendant's first arrest in this period is referred to as his or her "panel case.") The panel group selected for more intensive analysis constituted approximately 10 percent of the 45,575 defendants from the 56-month study.

The intent of the panel analysis is to determine ways of predicting the likelihood of recidivism based on data available during case processing and contained in PROMIS. If the defendant had five or more PROMIS arrests prior to the panel case, the probability of subsequent arrest approached certainty. The same was true for prosecuted cases. The probability of another conviction after a conviction in the panel case increased with the number of prior convictions. (However, not enough time was available for a defendant to have had many convictions.) Thus, the extensiveness of criminal history (regardless of whether expressed in terms of arrests, prosecutions, or convictions) seems to be a good predictor of future criminality.

Whether the seriousness of crimes committed increases or decreases over time was addressed by looking at arrests for felonies and misdemeanors. Defendants arrested for felonies in the panel case were more likely to be rearrested for felonies, and defendants arrested for misdemeanors in the panel case were more likely to be rearrested for misdemeanors. However, a considerable proportion of the defendants switched between felonies and misdemeanors. Defendants arrested for felonies had a higher rate of rearrest, in general, than those arrested for misdemeanors.

Analyses were also performed by

EXHIBIT 3

Proportion of Total Cases Filed with the Court in a 56-Month Period Accounted for by Defendants According to Their Frequency of Prosecution (Washington, D.C.)

Number of Cases Filed from January 1, 1971 to August 31, 1975	Percentage of Defendants Having the Indicated Number of Cases Filed	Percentage of Total Cases Filed Accounted for by Defendants Having the Indicated Number of Cases Filed (Prosecuted)
At Least 1 Filed Case	100% (37,840)	100% (58,116)
At Least 2 Filed Cases	28%	53%
At Least 3 Filed Cases	12%	32%
At Least 4 Filed Cases	6%	20%
At Least 5 Filed Cases	3%	13%

type of crime. The crimes were first classified into violent, property, and victimless offenses and then into specific crime categories, such as burglary.

Defendants arrested for robbery, burglary, larceny, consensual sex offenses (mainly prostitution), and bail violations were found to involve a large percentage of recidivists.

Consensual sex and gambling defendants had the highest proportion of rearrests for the same type of crime. At the other extreme, defendants arrested in their panel cases for homicide, arson or property destruction, or weapons offenses seldom were rearrested for the same type of crime.

Defendants whose panel case was a violent crime (i.e., homicide, assault, sexual assault, or robbery) had the highest proportion of rearrests for violent crimes. (However, the rearrests of these persons for violent crime were less than 50 percent of all their rearrests.) There also appeared to be some specialization in property offenses. Defendants arrested for property crimes in their panel cases were more likely to be rearrested for property crimes than for any other offense.

Also explored was the relationship between the final disposition in a case and the later rearrest rates for defendants. Those convicted in their panel case were more likely to be rearrested than defendants who were not convicted. (This may be an understated finding since periods of incarceration are not yet available for defendants in the panel.) This relationship was also true for defendants who were first offenders in their panel case, both for those arrested for felonies and those arrested for misdemeanors. Regarding those defendants who had previous arrests at the time of the panel case, the findings were mixed. With one exception, these defendants were not likely to be rearrested if they were not convicted. The exception was that misdemeanants found guilty at trial had the highest rearrest rate, 65 percent.

EXHIBIT 4

Proportion of Total Convictions in a 56-Month Period Accounted for by Defendants According to Their Frequency of Conviction (Washington, D.C.)

Number of Convictions from January 1, 1971 to August 31, 1975	Percentage of Defendants Having the Indicated Number of Convictions	Percentage of Total Convictions Accounted for by Defendants Having the Indicated Number of Convictions
At Least 1 Conviction	100% (14,782)	100% (18,650)
At Least 2 Convictions	18%	35%
At Least 3 Convictions	5%	15%
At Least 4 Convictions	2%	6%
At Least 5 Convictions	1%	3%

Summary and Policy Implications

The data indicate that persons who are repeatedly arrested, prosecuted, and convicted accounted for a disproportionately large share of the "street crime" work load of the criminal justice system in the District of Columbia during the period under study. A significant percentage of these repeat offenders switched between felonies and misdemeanors; for example, today's petty larceny defendant may have been involved in a past robbery case and might be the subject of a future homicide prosecution or simple assault arrest.

As noted later in the section in Chapter VIII on uniform case evaluation and rating, the final products of the analyses described above will be several predictive tools for decision makers. The first of these will be a set of weighted factors which indicate the likelihood of crime on bail. The second is a similar set of factors indicating the probability of the defendant's failure to appear in court proceedings. Both predictors will be based on multivariate empirical analyses of the PROMIS data. INSLAW hopes to have these predictors (and their interpretations) available to judges for consideration at the time they make pretrial release decisions.

Scales indicating the likelihood of rearrest, reprosecution, and reconviction also will be developed. They will be made available to prosecutors and parole officials.

When available, these tools for predicting recidivism can assist prosecutors to identify cases meriting special attention such as would be given by career criminal units (see Chapter VI for a related discussion). Recidivism predictors would seem particularly useful in identifying repeat offenders in those jurisdictions where the volume of misdemeanors and preindictment felonies has led prosecutors to process them in a mass production, assembly line fashion, a procedure that often guarantees "anonymity" to defendants.

Information on a given defendant's recidivism potential also could be useful at pretrial release hearings and during plea bargaining.

Research results indicating significant crime switching by recidivists has policy-making implications for career criminal units: the prosecution of a significant number of repeat offenders may be delayed or precluded if a career criminal program focuses on felony arrestees only or just on certain crimes.

Criminal Justice System Performance From a New Perspective: The Victim's

IV

As the National Advisory Commission on Criminal Justice Standards and Goals reminds us: "Historically, criminal justice information and statistics systems have been conceived, designed, and implemented separately, and often reflected the isolated environment in which their agencies operated."¹ This situation has caused marked differences in the way agencies have perceived their effectiveness vis-a-vis the perceptions of average citizens.

For example, we may be tempted to conclude that police, prosecutors, and the courts are functioning extremely well as a team when the clearance rate for aggravated assault in a jurisdiction is reported as 72 percent, and the conviction rate is publicized as 88 percent. Yet when viewed from the much broader perspective of how many actual incidents (victimizations) of aggravated assault resulted in a conviction, the sobering reality is that the performance of the agencies—as a system—was much more modest than might be inferred from the figures above: less than 7 percent of all aggravated assaults led to a conviction. This represents the "bottom line" for system performance, especially from the perspective of the citizens, who are the "consumers" of criminal justice.

The more traditional measures of criminal justice performance are agency-bound, and may obfuscate overall system performance as much as they illuminate segments of individual agency performance. These traditional intraagency measures cannot routinely be "added up" to gauge the combined performance of the individual agencies chained into a system. This is so because there are

too many inconsistencies among interagency data—too many instances where one would be forced to compare apples with oranges or criminal incidents with criminals or court cases.

The separation of powers concept, built into our criminal justice system to safeguard our freedom, precludes an overall management authority for the criminal justice system. The independence of the various executive agencies further fragments control. Voluntary cooperation and coordination, sometimes aided by citizen pressure, constitute the only real basis for hope that the independent criminal justice agencies can work together as a system. If the only measures of performance are agency-bound measures, such as the 72 percent clearance rate or the 88 percent post-indictment conviction rate in the above example, there will be no basis for energizing the cooperation and coordination to improve overall system performance. Until systemwide measures are developed, such as the 7 percent conviction rate for felonious assault incidents, we will not even begin to ask the right questions: Are citizens not reporting? Are police not apprehending? Are prosecutors not convicting? Are witnesses not cooperating? Are judges not incarcerating? Are legislators not appropriating?

The Perspectives of the Police, Prosecutor, Victim

Based on PROMIS data, Exhibits 5-7 indicate criminal justice performance—in terms of convictions—from the perspectives of the police, prosecutor, and victim for the crimes of aggravated assault, commercial robbery, and commercial burglary.

Note that for each of the three crime categories, the wider the perspective taken, the more ineffectual the criminal justice system appears.

For example, from a prosecutor's perspective (performance measure 1 in each of Exhibits 5-7), the conviction rates for aggravated assault, commercial robbery, and commercial burglary are, respectively, 88, 95 and 86 percent. Viewed from the systemwide perspective of the victims (measure 6), however, the conviction rates are 7, 5, and 1 percent, respectively. Incarcerations as a percent of victimizations would, of course, be less since not all convicted defendants are sentenced to prison.

The process of extending the perspective of crime data is a highly useful one but, under present record-keeping practices, very difficult to achieve. The LEAA victimization surveys, which estimate the number of actual occurrences of various types of crimes, are not compatible with the F.B.I.'s Uniform Crime Reports, which count the number of crimes of various types reported to police and the number that resulted in arrests. The major sources of incompatibility are record-keeping differences relating to the residence of the victim, place of the offense, age of the victim, type of victim (individual, household, or business), sex of victim, victim-offender relationship, and basis for counting (victim or incident). Relatively straightforward adjustments to both the victimization survey and Uniform Crime Reports record-keeping practices could sig-

¹ National Advisory Commission, *Criminal Justice System* (Washington: Government Printing Office, 1973), p. 35.

EXHIBIT 5

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

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

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

EXHIBIT 6

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

	MEASURES OF PERFORMANCE	N	RATE	COMMENTS
	A. Conviction Rates (Closed Cases)			
Prosecutor's Perspective	1. GUILTY PLEAS AND FINDINGS (F)	89	95%	Only 6 postindictment dismissals.
	INDICTMENTS LESS DISMISSALS (F)	94		
	2. GUILTY PLEAS AND FINDINGS (F)	89	89%	Evidentiary problems = 24% of preindictment dismissals.
	INDICTMENTS (F)	100		
	3. GUILTY PLEAS AND FINDINGS (MF)	93	56%	Most cases accepted for prosecution
	CASES ACCEPTED AT SCREENING (MF)	167		
	4. GUILTY PLEAS AND FINDINGS (MF)	93	53%	Great difficulty in apprehending suspects.
	ARRESTS (F)	177		
Police Perspective	B. Conviction Rates (Criminal Incidents)			
	5. AT LEAST ONE ADULT GUILTY (MF)	108	5%	Most incidents are reported to police.
	REPORTED OFFENSES (F)	2070		
Victim's Perspective	6. AT LEAST ONE ADULT GUILTY (MF)	108	5%	
	VICTIMIZATIONS (F)	2300		
	(F) = Felonies (M) = Misdemeanors			

Data Sources: All data from PROMIS (Prosecutor's Management Information System), except for denominators of measures 5-6, which reflect survey-based victimization data. Bank robbery incidents were added to PROMIS data for the numerators of measures 5-6 (bank robberies were adjudicated in a court where PROMIS had not yet been installed).

EXHIBIT 7

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

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

(F) = Felonies (M) = Misdemeanors

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

nificantly enhance the future usefulness of each source.²

Fortunately, PROMIS possesses the flexibility to aggregate data in many different ways in order to perform the kind of "data gymnastics" required to make the victimization data and the Uniform Crime Reports data comparable.

Summary and Policy Implications

Research results indicate that a given crime statistic, such as a conviction rate, can have many different legitimate interpretations depending upon the perspective of the agency involved. However, systemwide performance measures, such as a conviction rate based on victimizations,

cannot be routinely computed without changes in how crime data are gathered and analyzed by federal agencies.

Once such changes are made, state and local governments would be able to use systemwide performance measures to improve interagency communication and cooperation in establishing and meeting crime-control goals. Crime-specific performance measures can be expected to help criminal justice planners address problems unique to each offense.

² The following chart depicts the changes needed to increase the compatibility between the LEAA city victimization surveys and the F.B.I.'s Uniform Crime Reports:

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

Police Performance From the Prosecution or Court Perspective

V

The National Advisory Commission on Criminal Justice Standards and Goals stated: "... no element of the criminal justice system completely discharges its responsibility simply by achieving its own immediate objective. It must also cooperate effectively with the system's other elements. . . . Police agencies have a responsibility to participate fully in the system and cooperate actively with the courts, prosecutors, prisons, parole boards, and noncriminal elements. . . ."¹

Perhaps the most frequently quoted measure of police performance is the clearance rate: the percentage of reported crimes that are solved by arrests. Because PROMIS contains names, badge numbers, and unit assignments of police officers, and prosecutors' and judges' reasons for rejections and dismissals of cases brought by the police, we can, for the first time, assess the *quality* of police clearances.

For example, relationships between characteristics of officers and the likelihood that arrests will be accepted for prosecution or result in conviction can be probed. INSLAW supplemented PROMIS data with information from the automated personnel files of the District of Columbia Metropolitan Police Department so that the probe of relationships could include sex, place of residence, age, marital status, assignment, and other factors. The analysis is based on arrests in calendar year 1974 for felonies and serious misdemeanors.

The Quantity and Quality of Arrests

One remarkable feature of police activity revealed by the data is that 445 officers, about 10 percent of the force, accounted for over half of all

arrests. Less than 36 percent accounted for over 92 percent of the arrests. Even when the 46.3 percent of the force which made none of the arrests is subtracted on the theory that they were not in assignments that could lead to arrests, INSLAW still found that a relatively small number of officers made a disproportionately large volume of the arrests. For example, the 9 officers who made the most arrests accounted for a larger volume of arrests than the total number of arrests made by the 450 officers who made exactly one arrest.

The quality of the arrests, measured in terms of the likelihood of the arrests resulting in conviction, is being analyzed. Research is continuing in an attempt to identify characteristics of officers who make quality arrests so that police officials can take those traits into account when formulating recruitment, promotion, and assignment policies.

Most of the arrests that are refused prosecution for apparent police problems (such as "no probable cause for arrest," "inadmissible confession," and "failure of officer to appear at court proceeding") are misdemeanor drug possession cases. Refusals based on apparent police problems accounted for only about 2 percent of all arrests and 6 percent of all refusals.

The research is also examining the effects of police apprehension procedures on prosecution and conviction rates. Specific arrest procedures being analyzed are the recovery of tangible evidence, securing of witnesses, and the amount of time that elapses between the offense and the arrest. This analysis is being done by crime category and relationship between victim and arrestee.

Law Enforcement Issues

INSLAW analyses of police performance have led to findings that throw light on law enforcement issues debated in recent years. For example, many discussions have centered on the use of women in policing. In 1973, many women on Washington's police force were rookies, recently recruited under a program to increase the number of females in the department. While the number of female officers on the force remained fairly constant from 1973 to 1974, many of 1973's rookies found themselves in positions where they could make arrests in 1974. Women officers made almost four times as many arrests in 1974 as in 1973.

In 1974, female officers who made any arrests at all tended to make about 1.5 more arrests per officer than did male officers who made at least one arrest (the mean number of arrests per arresting officer for the entire force was 6.2 in 1974). There are indications that many arrests by female officers resulted from decisions to use them as decoy prostitutes. Male officers made significantly more arrests accepted for prosecution involving serious offenses and repeat offenders.

In recent months, the combination of increased costs and a dwindling tax base have encouraged officials in a number of American cities, including Washington, D.C., and Detroit, to advocate that city employees be required to live within the city proper. Besides arguing that such a requirement would result in increased tax revenues, officials in both cities have

¹ National Advisory Commission, *Police* (Washington: Government Printing Office, 1973), p. 70.

argued that there would be an additional benefit in enforcing such a requirement for police officers: their residence within the city would result in better protection for citizens.

INSLAW's analysis, however, indicates that an officer who resides outside of the District of Columbia tends to make significantly more arrests and is significantly more likely to have arrests accepted for prosecution and result in convictions than the

officers who reside within the District, even after accounting for differences in experience and other factors among these officers.

Summary and Policy Implications

A salient conclusion suggested by research findings is that a relatively small number of officers made a disproportionately large percentage of total arrests.

Many factors are being explored in an attempt to explain why certain officers seem significantly more productive than others. The finding that police officers residing outside of the District were more productive in terms of both the quantity and quality of arrests suggests that local government officials should carefully weigh the trade-offs involved when considering residency requirements for police officers.

VI

Prosecution Performance From a Crime Control Perspective

The statistics on recidivism reported earlier clearly indicate that a relatively small number of offenders are accounting for a large part of the crime problem. In calendar year 1974, only about 33 out of every 100 felony arrests resulted in a conviction for anything. The rest were either refused prosecution or initially accepted for prosecution but subsequently dismissed, except for about six out of 100 that resulted in acquittals. The results for 1973 were quite similar.

Against the backdrop of these statistics, it would seem reasonable for the prosecutor to attempt to increase the proportion of recidivists' cases that result in convictions. The prosecutor would accomplish this objective by advancing these cases and systematically devoting more effort to them in order, for example, to maintain a high level of witness cooperation and, in some instances, enhance the quality of evidence to meet the trial standard of "beyond a reasonable doubt."

In addition to reporting that the relatively small number of recidivists are responsible for a disproportionately large volume of crime, the earlier section on recidivism pointed out that the extensiveness of a defen-

dant's criminal history—whether expressed in terms of arrests, prosecutions, or convictions—seemed to be a good predictor of future criminality. Thus, by concentrating resources on repeat offenders, prosecutors would seemingly be able to maximize reductions in future crime rates and work loads through the conviction and incarceration of those whose criminal histories reflect a relatively high potential for future criminality. Not only would incarceration prevent recidivists, at least for a period, from committing crimes in the community, but imprisonment might also deter some of their like-minded associates at large.

Analysis of Prosecution Priorities

Using the amount of time cases are carried by the prosecutor as a proxy for prosecutive effort, INSLAW analyzed 5,700 felony arrests in calendar year 1973 to determine what explained the decision to apply more resources to one case than to another. The likelihood of conviction, based on case factors present at the time of arrest, was revealed as the most important influence on prosecution priorities. Further, the analysis found that the seriousness of the crime was the next most important in-

fluence, although only about one-tenth as powerful as the likelihood of conviction. No evidence was found that the defendant's criminal history influenced the prosecutor's priorities, except to the extent that cases involving recidivists were found to be inherently more convictable.¹ (An analysis of felony arrests in 1974 yielded essentially the same finding.)

(Recognizing that the number of prior arrests is unlikely to be perfectly correlated with the number of prior offenses or convictions, and that the most adept repeat offenders might have the fewest arrests, an attempt was made to minimize this problem in a subsequent analysis by using another measure of criminality: whether the victim in the current case knew the defendant prior to the crime. This was done on the theory that persons who choose illegal activities as an occupation will be inclined to select strangers as their victims to reduce the likelihood of being apprehended. The introduction of this factor did not materially alter the original conclusion.)

Some may question whether the figure representing the number of days a prosecutor carries a case was an accurate enough proxy for the prosecutive effort or resources allo-

cated to the case for it to have been used to draw inferences about the relative importance the prosecutor's office in the District of Columbia attached to the seriousness of the crime, gravity of the defendant's record, and the probability of conviction.

However, INSLAW's researchers are persuaded that it was a suitable proxy even though it is less than perfectly correlated with the true amount of prosecutive effort in felony cases (if, indeed, one could imagine a perfect measure of prosecutory effort).

To elaborate, in the District of Columbia, about one-fourth of all felonies were rejected by the prosecutor at initial screening in 1973. Those rejected, obviously, received less prosecutive effort and were in the system for less time than those accepted. Slightly more than half of those that were accepted were indicted in 1973. Indicted felonies were in the system 109 days longer, on average, than other cases originally accepted as felonies; indicted felonies receive more prosecutive attention per case than unindicted felonies. At the next stage, 27 percent of the indicted felonies went to trial. Indicted cases that went to trial were in the system 78 days longer, on average, than those that were dropped or involved guilty pleas; the researchers are quite certain that the former received more attention per case than the latter.

Moreover, the cases that are more serious and that have higher probabilities of conviction do tend to be carried longer than other cases; hence, the most important cases do not appear to be in the system for the shortest amount of time.

In short, INSLAW is not aware of any factor that would make errors in the proxy measure (number of days the case is carried as an estimate of prosecutive effort) distort the findings.

Prosecutors in the jurisdiction under study consider the finding that their prosecutive effort was not influenced by defendants' criminal histories to be at variance with their own experience and intuition. Senior prosecutors report that it was and is a matter of office policy to devote extra effort to potentially convictable cases that involve repeat offenders. (The 1973 and 1974 findings may not apply to current office operations in view of

the recently formed "Operation Doorstop" unit, which "is focused on the individual about whom the public as a whole has been worried—the repeat offender."²)

Explaining the Paradox

One possible explanation for the paradox of a strong office policy on repeat offenders and a statistical finding that fails to disclose evidence of the policy may lie in the lack of suitable tools for monitoring and enforcing the policy. One way that senior prosecutors monitor adherence to policies is to review the daily calendars that have been annotated to reflect dismissals and associated reasons, the nature of plea settlements, and so forth. These calendars, however, do not contain any characterization of the seriousness or extensiveness of the defendant's prior criminal record, thereby depriving top management of the type of feedback by which to evaluate whether office policy is being consistently followed by assistant prosecutors.

Under such conditions, it is quite understandable that assistant prosecutors would inadvertently deviate from office policy, for their instinctive criterion of success appears to focus more on conviction rates than allocation of more time (perhaps at the expense of rejecting some convictable nonrecidivist cases) to the prosecution of repeat offenders.

The "classic" prosecutive management system might be described as one where rank and file prosecutors are given extensive latitude in the handling of cases. It appears that the management system generally intrudes on this latitude only to the point of requiring special accountability for a relatively small portion of the work load: those cases involving very serious crimes.

In a small-town environment where prosecutors would recognize the names of repeat offenders, the classic prosecutory management system is likely also to hold rank-and-file prosecutors to a special level of accountability regarding the habitual offender. But in a large, urban office, the collective memory of the staff is not likely to recognize recidivists by name, and, consequently, the office is deprived of a "handle" to use when communicating priorities on that issue, whereas the legal charges constitute a "handle" to use when evaluating whether assistants are allocating

sufficient time to cases involving serious crimes.

The rating that PROMIS generates to reflect the gravity of each defendant's history is intended to be the "handle" or "proxy" for the seriousness of the accused's criminal record. However, in the jurisdiction studied, the ratings did not appear to be utilized extensively.³ (Uniform case evaluation and rating is discussed in more detail in Chapter VIII.)

Given the foregoing conditions, it becomes apparent that the finding that a defendant's criminal history did not affect prosecutive effort could easily have coexisted with a top-management policy to the contrary.

Summary and Policy Implications

Research findings suggest that targeting prosecutory resources on repeat offenders could be a productive policy in terms of its impact on crime control. This is so in the light of findings indicating that a disproportionately large volume of crime is attributable to recidivists and that the extensiveness of a defendant's criminal history—whether expressed in terms of arrests, prosecutions, or convictions—is a good predictor of future criminality.

An example of how such a policy might be implemented is Operation Doorstop, a career criminal unit established in 1976 by the U.S. Attorney's Office for the District of Columbia and the Metropolitan Police Department. Felony defendants identified as repeat offenders are given special attention, especially at the preindictment stage: their crimes are investigated, as appropriate, by the unit's prosecutors and police offi-

¹ The finding that the criminal histories of defendants have no bearing on the amount of prosecutive effort devoted to their cases is not inconsistent with the prior finding (see section on recidivism) that defendants with prior convictions are relatively more likely to be convicted in the future. This is so because recidivists, by definition, are arrested more often than other defendants and, therefore, have a greater exposure to conviction. Whether these arrests receive prosecutive attention appears to depend primarily on the prosecutor's estimate of the likelihood of conviction, secondarily on the seriousness of the crime, and, evidently, not at all on the defendant's criminal history.

² The quoted statement was made by a spokesman for the U.S. Attorney's Office for the District of Columbia, as cited in the *Washington Post*, August 26, 1976.

³ As described later, the PROMIS rating reflecting the gravity of a defendant's criminal history is being restructured in an attempt to enhance its utility and acceptance.

cers to reduce the number of dismissals and increase the probability of conviction; procedures are followed that help assure the cooperation of witnesses; and steps are taken to revoke parole or probation and to utilize preventive detention, when appropriate. Furthermore, a case involving a habitual criminal is not passed from one prosecuting attorney to another, assembly line fashion;

rather, it receives detailed attention from one prosecutor.

Other facets of a repeat offender policy that prosecutors may wish to consider are those relating to pretrial release hearings (assuring release decisions are consistent with the defendant's recidivist status), plea bargaining (taking cognizance of leverage offered by the defendant's prior conviction record and possible multiple

pending cases), and at sentencing (allocation). In view of crime switching between felonies and misdemeanors (and between crimes in each of those major categories) by a significant percentage of repeaters, careful consideration should be given to the question of whether to restrict the scope of career criminal units to felonies or certain crimes only.

VII

Evaluating Criminal Justice Performance From a Crime-Specific Perspective

As they flow through the criminal justice system from victimization to conviction, different crimes bring with them different sets of problems, which occur at various points in the system and affect different agencies. Such differences are not apparent from analyses or statistics reflecting overall crime totals. Each type of criminal incident must be tracked through the system separately. When this is done, one type of offense may be seen as associated with significant nonreporting by victims or other witnesses; another crime, with apprehension problems by police; still another, with refusals to prosecute or court dismissals. Some crimes may engender an above average number of witness problems or involve recidivists to an unusual degree. Such characteristics or problems, of course, can have significant policy implications for criminal justice officials.

To track criminal incidents and the defendants associated with them through the criminal justice process, a method had to be devised to overcome the traditional lack of comparability among victimization, police, prosecution, court, and corrections data. Apples-with-apples comparisons were achieved through a new crime classification system de-

veloped by INSLAW for use in conjunction with PROMIS.

(While the types of crime in the classification scheme were designed to be general enough to be applicable not only to the District of Columbia but also to other jurisdictions, the method enables one to focus on either large or small groups of offenses depending on the purpose of the research.¹)

Tracking different types of criminal incidents through the justice process permitted the computation of "system flow" rates—that is, enabled researchers to determine the percentage of incidents that dropped out (attrition) at various stages of the criminal justice system.

For example, of 2,300 commercial robbery incidents (victimizations) occurring in the District of Columbia during 1973, 5 percent resulted in a conviction, although 90 percent of the incidents were reported to the police. The point at which most incidents dropped out of the system was between offense report and arrest: 11 percent of reported commercial robberies resulted in at least one adult arrest.

This finding raises policy-related questions: Can the apprehension rate be improved substantially, or does the very nature of the crime make this

unlikely? Should commercial robbery receive increased police attention in terms of alerting businessmen to crime prevention methods? Put another way, should police strategy focus more intensely on preventing commercial robbery in contrast to increasing arrest rates?

Using the classification scheme, tracking various crimes through the criminal justice process, and identifying where criminal incidents (and defendants) were falling out of the justice system, researchers selected several crimes from among those that seemed to warrant further analysis because of their characteristics and the problems associated with them.

Sexual Assault. Sexual assault cases were examined because of the apparent difficulties in prosecuting them. Of the serious violent crimes that resulted in an arrest, sexual assault had the lowest conviction rate. This crime—along with aggravated assault—was more likely than other cases to be subsequently dismissed by prosecutor or court, less likely to result in a grand jury indictment, and less likely to have the defendant plead guilty or go to trial. Many reasons were probed to explain why sexual assault cases did not go forward as readily as others (a reluctant

complaining witness did not seem to be a factor), and recommendations for improvement will be developed. Consistent with the findings of this research, various reforms have been implemented in the District of Columbia including abandonment of the requirement for corroborating testimony in rape cases, utilization of women on sex squads, and the preparation of a helpful booklet for victims of sexual assaults.

Robbery and Burglary. Robbery and burglary are two crimes that are of great concern to the public. Unlike assaults or homicide, robbery and burglary are primarily stranger-to-stranger crimes. In 1973, they comprised about one-third of the prosecutor's felony work load in the District of Columbia. Defendants involved in these crimes were identified as being highly recidivistic, both in terms of prior arrests and likelihood of future contact with the criminal justice system.

The crimes of robbery and burglary were analyzed in terms of the victim, defendant, and court case.

The section on the victim's perspective addresses the questions a victim might have about how the criminal justice system responds when a robbery or burglary is reported. Victim reporting behavior, police apprehension rates, and conviction rates are computed. Crimes are traced from victimization through the conviction of one or more offenders. The processing of several

defendants for the same crime is presented to determine if uniformity exists.

In the section on defendants, criminal career patterns are described in terms of past criminal history, probability of recidivism, and other types of crimes for which robbery and burglary defendants are arrested.

Finally, court cases of robbery and burglary are examined. The attrition of these cases is followed from arrest through final disposition. The reduction of the original charges to lesser charges is described and the sentencing of these offenders is discussed.

Weapons Offenses. Weapons-possession cases were identified as one of the types of crime that resulted in high conviction rates. However, the offenders in such cases had a high employment rate and a low rate for previous arrests in contrast to defendants in other criminal cases. The handling of cases in which a weapon is used, such as robbery, is contrasted to those involving possession only. Recidivism patterns of both groups of defendants are explored. Through an analysis of the application of weapons statutes in the District of Columbia, an attempt is made to develop recommendations that may have national implications regarding handgun legislation.

Because of the relatively high employment rate and low number of prior arrests of defendants in weapons *possession* cases, jurisdictions now vigorously prosecuting such of-

fenses may wish to reevaluate their priorities.

Gambling, Prostitution, and Drug Offenses. These "victimless" crimes were examined to determine how much of the court's and prosecutor's work load they comprised. In 1973, 19 percent of all cases filed by the prosecutor's office in the District of Columbia were either gambling, prostitution, or drug cases. Closed, filed victimless-crime cases consumed 5 percent of the number of court days spent on processing all closed, filed cases. Ninety percent of the filed, closed victimless cases were misdemeanors. Final dispositions closely paralleled those for all crimes: most of the cases were dropped at screening or were nolle; 32 percent resulted in convictions; 10 percent went to trial. Thirty-eight percent of the victimless cases had codefendants compared with 14 percent for all cases. The percentage of white, female, and young defendants was high in relation to defendants in other offense categories. Defendants charged with victimless crimes had a lower rate and frequency of prior arrests and a lower rate of arrest for crimes against persons than did all other defendants.

¹ In addition to allowing one to trace the progress of defendants and crimes through the criminal justice process, the crime classification scheme permitted geographical and ecological studies of crime, a study of victims, and the previously described analysis of recidivism.

VIII

Other Ongoing Research of PROMIS Data

Ecological patterns of crime, female offenders, characteristics of crime victims, plea bargaining, court delay, pretrial release, sentencing, and case evaluation and rating also are subjects of the ongoing PROMIS Research Project.

Ecological Patterns of Crime

Research on ecological patterns of crime seeks to identify the geographic distribution of offenses and arrests in the District of Columbia, residential patterns of defendants, prosecution and conviction rates for offenses occurring throughout the District of Columbia, and prosecution and conviction rates for defendants living in particular sections of Washington.

Female Offenders

An understudied area of criminality is the female offender. PROMIS data for 1973 indicate that of 15,460 arrests for felonies or serious misdemeanors, 16.4 percent were of females. Fifty percent of the arrested women were 24 years old or younger; 79 percent, black; 31 percent, employed; and 60 percent had no prior criminal record.

A striking difference was found in the types of crimes charged to black and to white females: 26 percent of black female crime was violent and 32 percent was against property in contrast to 9 percent and 24 percent, respectively, for white females. Forty percent of female offenses charged to blacks were "victimless," compared to 64 percent for white females.

Some researchers have suggested that the higher involvement of black females in violent and property crimes is related to their more independent socioeconomic status in the

black family as breadwinners. Using black female crime as an indicator, one could predict a possible future increase in the amount and seriousness of all female crime as the economic participation and independent social status of women increase.

Characteristics of Crime Victims

Regarding INSLAW's study of the effect of crime victim's characteristics on case outcomes, findings indicate that certain victim attributes, such as opiate use, alcohol abuse, and criminal record did affect the prosecutor's decision to dismiss cases. In addition, the perception of the prosecutor at case intake and screening that the victim had either provoked the defendant or participated in the crime increased the likelihood that the case would not be filed with the court. Very young and very old victims were less likely to have their cases dismissed than others; female victims of assault had their cases pursued at higher rates than did male victims.

In general, when a close social or family relationship existed between the victim and defendant, a dismissal was more likely. The critical relationships appeared to be spouse or lover; in these cases dismissals were most likely. Some of these dismissals occurred because the victims, at some point, refused to cooperate with the prosecution; others, however, seemed to be the result of the prosecutor's anticipation of problems that had not yet developed.

The impact of victim characteristics on case dispositions was found to be most pronounced in the pretrial stages. Once the case went to trial, victim characteristics did not seem to be influential.

Plea Bargaining

Before plea bargaining is either excised from or expanded within the system of justice, empirical evidence about its functioning should be examined. PROMIS data provide an opportunity to analyze plea bargaining at a particularly detailed level. An important objective of the research is to develop empirically-based recommendations about the plea negotiation process so that equity and efficiency in the courts will be enhanced.

The primary questions the research attempts to address are as follows:

- To what extent, and under what circumstances, does the prosecutor produce desired results by reducing charges rather than by preparing cases for trial or otherwise enhancing their evidence?
- To what extent is the present case load reduction that is attributable to plea bargaining offset by the opportunity of persons who plead to recidivate and reappear in the system soon, thereby increasing future case loads?
- What is the average reduction in charges if the defendant is convicted through a guilty plea rather than through a guilty verdict, other factors held constant?
- What is the average reduction in sentence imposed by judges for defendants who plead guilty to a charge or set of charges rather than go to trial and be found guilty of the same charges?
- Are defendants who make money bond less likely to plead guilty than those who do not? (The research will control for the amount of bond and other pertinent factors.)
- What effect do changes in case load have on the ratio of pleas to trials

and on the extent of reduction in charges?

Analysis of Court Delay

The National Advisory Commission on Criminal Justice Standards and Goals has recommended maximum limits of 60 and 30 days, respectively, for felony and misdemeanor delay between arrest and trial. Before binding limits are imposed on court delay, prudence suggests that researchers should examine empirical data on the causes of delay; on the nature and extent of delay; and on the effects of delay on the rights of the accused, the outcomes of the cases, and the public safety of the community.

Researchers are probing the extensive data recorded in PROMIS on the elapsed time between the various case-processing events. The objectives are to identify the causes of delay, to predict delay between case-processing events on the basis of case and processing characteristics, and recommend policy changes, tested through simulation techniques, to reduce delay. As appropriate, recommendations will reflect findings drawn from other INSLAW research (conducted under a National Science Foundation grant) on the state of the art in criminal and civil court scheduling across the country.

PROMIS also records the reasons for each continuance in each case and which party requested it. These data will enable researchers to relate continuance frequency to crime type, seriousness of the defendant's criminal history, judge, defense attorney type, disposition, and bail status. A method to predict the number of continuances on the basis of case characteristics will also be developed.

The foregoing analyses will help supply a sound rationale for changes in court scheduling and the assignment of prosecutors.

Pretrial Release in the District of Columbia

The pretrial release study probes factors that influence the likelihood of various forms of pretrial release decisions, such as those relating to cash bond, surety, third-party custody, and personal recognizance. Factors influencing the dollar amount of bond in financial-release cases will also be explored. Statistics will be presented that indicate (1) the percentage of defendants who meet fi-

nancial conditions of release and (2) variations in the time from bond setting to release.

Other facets of the bail research will attempt to address such questions as these: What are the failure-to-appear rates by release type and by crime? What factors predict failures to appear? For each type of release, what is the rearrest rate? For what types of crimes are those on pretrial release arrested and convicted? What factors predict rearrest while on pretrial release?

Sentencing

Another study now under way is an analysis of sentencing patterns. Focusing on the Superior Court of the District of Columbia, the research is seeking to identify how the incarceration rates and lengths of sentences are affected by the characteristics of the defendant and his or her criminal history, as well as by the seriousness of the charge for which the conviction was secured, and other factors. These analyses attempt to measure the consistency and evenhandedness of the sentencing process. In order to conduct this research, sentencing data from the court were added to PROMIS data.

Uniform Case Evaluation and Rating

A key concept incorporated in PROMIS when originally developed was that of using numerical ratings, generated by the computer's weighting various facts in the case, to help overburdened prosecution and court officials identify from among the masses of cases on the calendar each day those few deserving of the most earnest attention. Toward this end, immediately after arrest, prosecutors compile (for input to PROMIS) data that differentiate cases according to the seriousness of the current crime and the seriousness of the defendant's prior criminal record.

Background of the Method. The Sellin-Wolfgang scale¹ was modified and incorporated into PROMIS for the purpose of differentiating among cases according to crime seriousness. Thus, a prosecutor surveying a calendar containing a dozen cases of assault can tell at a glance—by reviewing the Sellin-Wolfgang ratings—which assault cases are more serious in terms of harm to the victims and apportion scarce time accordingly.

The Base Expectancy Scale,² developed by Donald Gottfredson, was modified and incorporated into PROMIS as a means of removing some of the anonymity from the faceless defendants crowding the day's calendar, with the objective of enabling prosecutors to devote greater amounts of time and energy preparing the cases of the serious repeat offenders.

Another case-rating tool that was incorporated into PROMIS at the outset was the predicted convictability of the case, assessed subjectively by the prosecutor who filed the case with the court, and incorporated into PROMIS in terms of a percentage estimate of 0 to 100.

Prosecutors have not been convinced that such ratings can help them in their day-to-day decision making. Initially, prosecutors resisted using the ratings and later on abandoned even the collection of the subjective estimate of probability of conviction on the sensible grounds that the relatively inexperienced intake and screening prosecutors were not suitable judges of convictability. Gradually, they have come to ignore the crime seriousness ratings in favor of using just the legal charges and to ignore the defendant seriousness ratings.

Past imperfections in the implementation of the method for uniform case evaluation rating need not undermine confidence in the importance of the concept. Such a technique seems indispensable if overburdened justice systems are to begin to direct their increasingly scarce resources on a systematic basis toward processing the most important business. In addition to using ratings in decisions about *prospective* uses of resources, it is evident that such ratings are likely to enhance prosecutors' ability to conduct *retrospective* evaluations of the effectiveness and fairness of operations.

¹ T. Sellin & M. Wolfgang, *The Measurement of Delinquency* (New York: John Wiley & Sons, 1964).

² D. Gottfredson & R. Beverly, "Development and Operational Use of Prediction Methods in Correctional Work." (Proceedings of the Social Statistics Section of the American Statistical Association, Washington, D.C., 1962.) D. Gottfredson & J. Bonds, *A Manual for Intake Base Expectancy Scoring*, April 1, 1961 (Form CDC/BEGIA) (California Department of Corrections, Research Division, Sacramento); Gottfredson & Ballard, "Differences in Parole Decisions Associated with Decision-Makers," *Journal of Research in Crime and Delinquency*, July 1966, p. 112.

Revising the Technique. Accordingly, INSLAW plans to revise the uniform-case-evaluation-and-rating scheme so that it reflects certain results from empirical research on PROMIS data. These research insights are expected to make the technique a more effective tool for day-to-day and case-by-case decision making.

First of all, INSLAW has developed a method to predict the likelihood of conviction. The method assesses the systematic relationships between convictions and certain objective facts available on each case in PROMIS (such as the number of citizen witnesses, the relationship between the defendant and the victim, whether the victim is an institution/business, the amount of time elapsed between the crime and the arrest, and the recovery of tangible evidence). This permits a demonstrably reliable indication of convictability that can supersede the abandoned subjective estimate.

Second, INSLAW has asked a panel of prosecutors from the many jurisdictions that are adopting PRO-

MIS to verify that the Sellin-Wolf-gang scale mirrors their sense of priorities about crime seriousness.

Third, the Base Expectancy Scale, originally developed as a tool for predicting recidivism among persons eligible for parole, is being replaced by a scale designed to help prosecutors predict recidivism among arrestees.

Fourth, enlarging upon its study of bail decisions, INSLAW will develop the means to predict the potential for flight among defendants awaiting trial.

A fifth rating will combine the previous four into a single expression that is weighted according to the degree of importance each jurisdiction attaches to likelihood of conviction, seriousness of current crime, potential for recidivism, and potential for flight while awaiting trial. This weighted average will also allow local jurisdictions to incorporate additional weighted factors, such as use of weapons in the crime.

In the past, defendant ratings and crime ratings have been displayed on PROMIS's television-like screens

and on hardcopy printouts in terms of the raw scores. These are difficult to use because prosecutors need to recall from memory the range of scores that are experienced in order to decide whether the rating associated with a given case indicates above-average seriousness. Accordingly, the revised case-evaluation-and-rating method will display the results according to percentiles based on each jurisdiction's experience with the numerical ratings. Thus, the recidivist rating for the defendant might indicate that he or she is in the 99.5 percentile, meaning that less than 1 percent of the defendants processed by that jurisdiction have a greater statistical likelihood of recidivating.

As Attorney General Edward H. Levi commented, the case-rating capability of PROMIS "could become an important tool" to help prosecutors determine which cases need the most urgent attention.³

³ The comments were contained in an address by the Attorney General before the American Bar Association Business Assembly, August 11, 1976, Atlanta, Georgia.

IX

Additional Plans For Serving The Needs of Administration And Research Through PROMIS

Further insights into the research uses of PROMIS data are provided by a brief summary of some of INSLAW's future research plans: cross-jurisdictional analyses of PROMIS data, the deterrent effect of selected criminal sanctions, new techniques for the management of discretion, use of criminal justice resources and predictions of needs, and resolution of potentially criminal conflicts among nonstrangers.

Cross-Jurisdictional Analyses of PROMIS Data

In the United States, there is a virtual information vacuum on what happens between the police station and the prison. As mentioned earlier, our knowledge of what happens to most of the arrests, which are not transformed into convictions, is usually a product of pure speculation.

With the advent of PROMIS in major urban centers of the United States, we can begin to eliminate this information blackout.

The availability through PROMIS of truly comparable data on many different criminal justice systems is important to the marriage of research and administration. Criminal justice administrators are often precluded by both legal and ethical considerations from engaging in research experiments. The alternative approaches to common problems among the PROMIS cities, however, can take the place of experiments. By controlling for case and offender characteristics, we should be able to identify the most successful policies, procedures, and statutes in various cities and states.

The research on the criminal justice system of Washington, D.C., has

succeeded in eliminating, to a great extent, the information blackout at the system's nerve center. But comparative data from other PROMIS communities are required to help the public formulate its expectations about acceptable levels of performance. We need to better define acceptable limits for such matters as the rate of abscondency, the rate of refusals to prosecute and dismissals based on lay witness problems, the rate of rearrests while awaiting trial, and the rates of dismissals based on police problems.

The unfamiliar perspectives that PROMIS data provide on system operations, discussed earlier, need reaffirmation in other communities if they are to compete with more traditional perspectives. Cross-jurisdictional analyses can be expected to increase receptivity to these new perspectives by exposing to public view the fact that many popularly held beliefs are rooted in television-inspired mythology.

For example, the typical arrest is not followed by a plea bargain, a conviction, or an acquittal. Instead, the typical arrest is followed by a dismissal. Many believe that offenders escape punishment because of "technicalities" induced by Supreme Court rulings or because of unwarranted leniency of judges. However, PROMIS data reveal that neither technicalities nor judges have much opportunity to affect case outcomes, because as many as two out of three arrests never reach a stage where defendants are tried or enter into plea negotiations with prosecutors. This is so because, at an earlier point in the proceedings, the typical arrest is fol-

lowed by a dismissal. The public needs to discard its myths and begin to ask "Why?"

The Deterrent Effect of Selected Criminal Sanctions

Students of the criminal justice system have inferred from criminal laws and judicial decisions the existence of a number of different goals for the imposition of criminal sanctions. Among these commonly ascribed goals are rehabilitation and deterrence. Recent studies have questioned the efficacy of virtually all systematic efforts at rehabilitation. Accompanying this skepticism is a renewed interest in the possibility of at least doing a good job with regard to crime deterrence.

The deterrence notion is not new. What is new is the ability to estimate the magnitude of the deterrent effects of selected sanctions and policies on selected crime rates. That ability depends upon the availability of data on crime, the sanctions imposed, and social conditions, combined with the use of advanced statistical techniques and high speed computers.

There are two types of deterrence: general deterrence and special deterrence. General deterrence focuses on the ability of criminal justice policies and sanctions to discourage persons other than those currently being processed from committing crimes. Special deterrence focuses on what policies and sanctions can do to reduce the likelihood of rearrests, reprosecutions, reconvictions, and reincarcerations among those who are subjects of the criminal justice process.

INSLAW has completed original

research on the question of capital punishment, which examines the separate effects of executions, length of incarceration, and convictions on homicide offense rates during the 1960's. This study suggests a strong deterrent effect of conviction rates on homicide rates but fails to identify any deterrent effect of executions.

A significant implication of this study is that it lends support to the contention that the key to crime reduction lies primarily in the certainty of punishment rather than in its severity; this suggests that those interested in reducing homicide rates would do well to channel their activities toward increasing the rate of conviction of homicide offenders, rather than on the issue of capital punishment.

The advent of PROMIS data in dozens of communities throughout the United States will enable INSLAW to conduct both special and general deterrence studies that go beyond the issue of homicide and capital punishment to examine the effects on the rates of other kinds of crime, such as robberies and burglaries, of various sanctions and policies of the criminal justice system.

Developing New Techniques for the Management of Discretion

There is relatively little empirical research on the exercise of prosecutive and judicial discretion. The research that has been done has tended to focus on questions of systematic bias based on race, sex, and class.

INSLAW believes that the exercise of discretion should be the subject of much broader-based research and that the PROMIS data bases make a broader approach feasible.

Rather than focusing exclusively on systematic bias, INSLAW believes the analysis of discretion should examine the question of whether there is a random unfairness in the form of a failure to treat similar cases similarly. The reverse side of this fairness question is whether the failure to treat cases evenhandedly reduces the *effectiveness* as well as the *fairness* of the criminal justice system.

In accordance with a strongly entrenched legal tradition of approaching decision making on a case-by-case basis, and of maintaining the professional independence of attorneys, there is a tendency to overlook the importance of managing decision

making by professionals.

Few prosecution offices have ever attempted to provide and enforce policies and standards in order to channel the exercise of discretion among the lawyers. Those few offices that have developed such policies and standards have not always actively enforced them, probably because of the lack of tools to monitor adherence to policy.

Presumptive evidence that unfairness and ineffectiveness result from the absence of carefully explicated policies and standards and enforcement mechanisms can be found in the Rand Corporation study of a large, urban district attorney's office. That study revealed that the 20-odd branch offices followed widely different policies and priorities in the exercise of prosecutive discretion, with similar cases apparently being treated totally dissimilarly by the various branches.

PROMIS can be enhanced as a tool for assuring fairness and effectiveness through the following types of research and development:

- First, the system could be programmed to enable individual lawyers to describe, via a terminal, the pertinent facts in their cases and receive back, via the terminal, the wording of the relevant policy and standard, as well as the range of the decisions made in the office for similar cases.

- Second, those whose duty it is to manage the exercise of discretion could be equipped with and trained in the use of new types of reports, which would cite for individual attention instances of apparent deviation from stated policies and norms. Several products of INSLAW's previous research make this proposed development work feasible.

- Third, INSLAW is in the process of refining several case measures that provide a basis for identifying cases that are similar. These include an objectively computed strength of evidence measure, a measure of the seriousness of the prior criminal history of the defendant, and a measure of the seriousness of the committed crime.

Use of Criminal Justice Resources and Predictions of Needs

In recent years, criminal justice agencies at all levels of government have found themselves squeezed financially as increasing crime rates

raise agency work loads, while operating budgets fail to keep pace with inflation. If criminal justice quality is to be maintained in this climate, it is vital that agencies make efficient use of their limited resources.

Work at INSLAW has already begun to address this problem. The inclusion of crime-seriousness and defendant-gravity ratings in PROMIS can help prosecutors target their efforts against habitual serious offenders. The results of INSLAW's analysis of court-scheduling systems should help court administrators to make better use of judges, court facilities, and support personnel.

A future, and as yet unfunded, INSLAW project will address the problem of cost-effective legal representation for indigent defendants. As a pilot project, indigent defense in the District of Columbia will be studied to answer such questions as:

- Do efforts to provide high-quality indigent defense produce indirect benefits for the system?

- Could changes in defender assignment rules permit more effective indigent representation without undue cost increases?

- Could more efficient use be made of existing defender resources, such as the legal library and investigation pool?

By combining management and administrative data from the D.C. Public Defender Service with case-related data from PROMIS, INSLAW will be able to control statistically for such factors as case complexity, strength of evidence, and severity of sentence in analyzing these questions. The methodology will be sufficiently general so that the D.C. pilot study can be replicated in other PROMIS cities where indigent defenders face equally severe financial constraints.

Analysis and forecasts of resource requirements is a task common both to prosecution and court officials. How many judges, prosecutors, and clerks will be needed? Will detention facilities and witness rooms have to be enlarged? Unfortunately, reasonable estimates of these and other resource needs depend on more information than is provided by estimates of the number and type of cases expected over a given future period.

A method that maximizes the chances of accurate resource predictions is to base them on case characteristics, which may have little or

nothing to do with the legal charges involved but possibly a great deal to do with whether there are codefendants, a confession, an arrest at the crime scene, a recovery of tangible evidence, etc. To oversimplify, a given number of cases may tend to move more quickly through the justice system and require less resources if only 10 percent, rather than 40 percent, were to involve codefendants.

Of course, many case characteristics, in addition to the possible influence of the average number of codefendants per case, may affect resource requirements. The problem is to identify such characteristics, quantify the impact each has on the array of prosecution and court resources, determine or estimate the percentage of cases possessing each characteristic, and compute the characteristic-based resource needs.

With up to 170 facts stored on each case, PROMIS data constitute a rich source of case characteristics to analyze and to relate to resource needs. INSLAW plans to supplement PROMIS information with time studies of case-processing events in an effort to identify the more significant "resource-consuming" case characteristics and to develop a generally applicable technique by which prosecutors and court officials can more accurately analyze their resource requirements.

Resolution of Potentially Criminal Conflicts Among Nonstrangers

In the District of Columbia, as in a number of other communities, the prosecutor's office has a Citizen's Complaint Section. In a pilot study of this problem, INSLAW examined, from the PROMIS records of actual court cases, 35 cases of aggravated assault or murder among family members. In 25 percent of these instances, INSLAW found (in the manual records of the Citizen's Complaint Section) documentation that the underlying problems had previously been brought to the attention of the Section. Obviously, the intervention was unsuccessful.

PROMIS data indicate that 13 percent of all arrests involve defendants who are known to the victim. The

crime of assault is much more likely to be dropped for citizen witness problems than is any other type of crime. Simply refusing prosecution of such cases is not the answer, however, because they may later escalate into even more serious crimes, such as homicide. PROMIS data reveal that 16 percent of the homicides involve family members and about 60 percent involve parties who were not strangers to one another.

INSLAW is proposing to conduct research to improve the success of the Citizen's Complaint Section in preventing such crimes. The research envisioned would involve tracing a 1973 cohort of citizen-complaint cases to isolate characteristics which help explain escalation into more serious crimes.

In Conclusion. . .

The quantitative-oriented analyses of criminal justice operations described in this report will not expose to light all of the problems of criminal justice. What the research emphasizes, the counting of what happens after arrest, brings us well beyond the preexisting level of knowledge about the criminal justice system, and, as the President's Commission observed:

"There is no activity, technique, program, or administrative structure in the criminal justice system that is so perfect it does not need to be systematically scrutinized, evaluated, and experimented with."¹

Peter F. Drucker, noted management theorist and industrial consultant, has stated: "Without ability to motivate by means of the written or spoken word or the telling number, a manager cannot be successful."² Prosecution and court officials are managers,³ and PROMIS can supply "the telling number" to service both their research- and administration-related needs.

¹ President's Commission, *The Challenge of Crime in a Free Society* (Washington: Government Printing Office, 1967), pp. 273-274.

² Peter F. Drucker, *The Practice of Management* (New York: Harper & Brothers, 1954), p. 346.

³ See William A. Hamilton and Charles R. Work, "The Prosecutor's Role in the Urban Court System: The Case for Management Consciousness," *Journal of Criminal Law and Criminology*, June 1973.

Appendix A

The Background Of PROMIS

With funding from the United States Department of Justice, Law Enforcement Assistance Administration (LEAA), PROMIS was developed and placed into operation on January 1, 1971, to serve the United States Attorney's Office for the District of Columbia in its Superior Court Division. The Superior Court Division, although housed within a federal agency, is analogous to a local district attorney's office in that it has prosecution jurisdiction for "street crime" offenses in a court that is the equivalent of a state court of general jurisdiction.

After several years of operating PROMIS for the U.S. Attorney's Office and helping to refine and expand its usefulness to that Office, the Institute for Law and Social Research (INSLAW) undertook an LEAA-funded project to redesign and reprogram PROMIS so that it would be

generally useful to state and local prosecution offices throughout the United States. In late 1974, INSLAW began an LEAA-funded effort to transfer the revised PROMIS system to interested public agencies. In late 1975, to accommodate public agencies that sought the PROMIS technology but lacked access to computers or could not afford using them, LEAA commissioned INSLAW to develop a fully compatible, nonautomated version of PROMIS. In July 1976, LEAA funded an INSLAW project to develop a version of PROMIS that could be operated on a wide variety of different manufacturers' minicomputers, computers which many state or local prosecution or court agencies could afford to purchase or lease.

As of this writing, approximately 50 jurisdictions are in one stage or another of adopting PROMIS. These

include some of the largest prosecution entities in the United States, such as the Los Angeles County District Attorney's Office, the New York County (Manhattan) District Attorney's Office, and the Wayne County (Detroit) Prosecuting Attorney's Office (see Appendix B).

More recently, PROMIS has begun to be accepted at an increasingly rapid rate by the courts themselves. For example, Milwaukee County, Wisconsin, has made some modifications to PROMIS, renamed it "JUS-TIS," and implemented it as its trial court information system. The unified court systems of the States of Florida and Rhode Island have decided to adopt PROMIS as the nucleus of their state judicial information systems, serving both trial court needs and state-level judicial planning and management requirements regarding criminal cases.

Appendix B

Progress of PROMIS Transfer

JURISDICTION City (County) State	POPULATION SERVED	OPERATIONAL	OPERATIONAL BY 1/1/77	IN TRANSFER	PLANNING	NON AUTOMATED
1. Washington, DC	750,000					
2. Marietta (Cobb), GA	250,000					
3. (Los Angeles), CA	7,000,000					
4. Indianapolis (Marion), IN	850,000					
5. Detroit (Wayne), MI	2,700,000					
6. State of Rhode Island	950,000					
7. (Orleans Parish), LA	600,000					
8. (Milwaukee), WI	1,050,000					
9. (Salt Lake County), UT	500,000					
10. Las Vegas (Clark), NV	350,000					
11. Little Rock (Pulaski), AR	330,000					
12. Commonwealth of Puerto Rico	2,800,000					
13. (Kalamazoo), MI	205,000					
14. (New York), NY	1,700,000					
15. St. Louis Circuit, MO	650,000					
16. (St. Louis), MO	1,000,000					
17. Elizabeth (Union), NJ	550,000					
18. (Palm Beach), FL	450,000					
19. Louisville (Jefferson), KY	700,000					
20. San Diego, CA	777,000					
21. (San Diego), CA	1,591,000					
22. 2nd Judicial Circuit, FL	160,000					
23. State of Alabama	3,444,000					
24. Mineola (Nassau), NY	1,500,000					
25. Brockton (Plymouth), MA	330,000					
26. Chicago (Cook), IL	6,000,000					
27. Pittsburgh (Allegheny), PA	1,605,000					
28. Tulsa, OK	401,000					
29. Des Moines (Polk), IA	286,000					
30. Portland (Multnomah), OR	556,000					
31. Albuquerque (Bernalillo), NM	350,000					
32. Oklahoma City, OK	367,000					
33. (Oklahoma County), OK	527,000					
34. Golden (Jefferson), CO	233,000					
35. Seattle Pub. Def. (King), WA	462,000					
36. Riverhead (Suffolk), NY	404,000					
37. Buffalo (Erie), NY	444,000					
38. Newark (Essex), NJ	393,000					
39. Imperial (Polk), FL	227,000					
40. Kalamazoo, MI	86,000					
41. Columbia (Richland), SC	233,000					
42. (Halifax), VA	30,000					
43. Westminster (Carroll), MD	69,000					
44. Norman, OK	52,000					
45. Hancock Police Dept. NH	1,000					
46. Wilmington (Newcastle), DE	393,000					
47. Va. Commonwealth Atty. Assn.						
48. 4th Judicial Circuit, AL	117,000					
TOTAL POPULATION	44,423,000*	14,650,000	3,685,000	7,578,000	17,529,000	981,000

*Represents 21% of U.S. population.

Appendix C

Administrative And Managerial Uses of PROMIS

As utilized in the District of Columbia, PROMIS may be viewed as serving different levels or layers of administrative or managerial needs—those related to clerical workers; line prosecutors, defense counsel, and judges; middle management; and top management.

At the *clerical level*, PROMIS is equipped or can easily be modified to prepare automatically a wide range of prosecutory and/or court documentation, including subpoenas, thank-you letters to witnesses and victims informing them of the final disposition of their cases, labels for cases jackets, calendars, docket books, police and expert witness appearance lists, schedules for laboratory tests or lineups, and various cross-reference lists, such as those that, in response to witness inquiries, can link witnesses' names to their pending cases (including docket number, current status, and next trial date) and those that serve a similar function for police officers scheduled to testify.

At the *level of line prosecutors, defense counsel, and judges*, PROMIS serves administrative and managerial needs in a variety of ways, such as:

- Informing all parties of the date for the next court event in any given case.
- Alerting the prosecutor's office when a defendant has more than one case pending in the same court. Immediately following an arrest and before filing charges with the court, prosecutors check the PROMIS terminal to determine if there are other cases against the same defendant already pending in either the felony trial, misdemeanor, or grand jury sections of the office. Knowledge of such information can affect recommendations to the court regarding

bond and, under specified circumstances, lead to consolidation of the cases before the same judge. This knowledge can also be used by prosecutors in plea negotiations with defense counsel. As described in Chapter III, one out of every ten persons arrested in the District of Columbia for felonies or serious misdemeanors (punishable by six months to a year in jail) has another case pending. Determination of pending cases is, therefore, a vital administrative use of PROMIS.

- Flagging cases of persons on parole or probation for other crimes. The parole or probation status of an arrestee is captured for PROMIS immediately after arrest, so that prosecutors can monitor the progress of the case with a view toward possible revocation of parole or probation, if warranted.

- Providing skeletal information about cases when vital documents are temporarily misplaced or lost. PROMIS can print out sufficient information to enable prosecutors to proceed with scheduled hearings, so that unnecessary postponements are avoided and dismissals less likely.

At the *middle-management level*, periodic PROMIS statistical reports permit prosecution or court officials to monitor case volumes at key points in the judicial process in order to plan for needed shifts in resources. For example, significant increases in indictment volumes could lead to the deployment of additional judges to felony trials to avoid the development of unacceptable backlogs.

Similarly, fluctuations in case acceptance, rejection, or dismissal rates can alert officials to possible changes in the quality of police or prosecution work. A prosecutor may

receive a PROMIS-generated report indicating that many rape cases are dropping out early in the prosecutory process because of witness (victim) problems. This might be caused by what some maintain is a trauma suffered by the victim that begins a few days after the crime. Faster initial processing of such cases might, therefore, prove beneficial.

Management officials can use PROMIS case-aging lists to identify cases whose progress must be accelerated to avoid violation of speedy trial strictures or rules restricting the duration of pretrial detention.

At the *level of top management*, PROMIS can assist officials by identifying cases warranting special attention, such as those involving particularly serious crimes or repeat offenders who should be prosecuted on a priority basis as career criminals.

Through PROMIS's reports, adherence to office policy by assistant prosecutors can be monitored effectively in such areas as decisions to prosecute, changes in police-recommended charges, negotiation and acceptance of pleas, requests for continuances, and decisions to nolle prosequi or to allow defendants entry into diversion programs.

By analyzing PROMIS data regarding the types of cases flowing through the court, officials can determine if a disproportionate amount of time and staff are devoted to relatively trivial offenses; if so, the criteria governing the acceptance of such cases for prosecution might be tightened.

Also, prosecutory and judicial officials can, through PROMIS, view their effectiveness from different perspectives. For example, the felony conviction rate may be viewed

not only as a percent of indicted felonies but also as a percent of all felonies accepted for prosecution. By analyzing convictions in this way, officials can determine at what stage or stages of prosecution cases seem to be dropping out and where procedures or policies may require revision—at screening, between screening and grand jury, at grand jury, etc.

Although the periodic PROMIS statistical reports¹ cover a broad range of management issues, the cost of preparing periodic reports on all possible issues that could be raised would be clearly prohibitive. However, once an unanticipated need for a set of statistics does arise, the auxiliary Management Report Package of PROMIS helps prosecutors or court administrators produce the required ad hoc report(s) without the necessity of additional computer programming. Officials may select from 13 different types of reports² and have great flexibility in adjusting their range or focus.

The reports of the package can be prepared on either a *work-load or tracking* basis. The work-load version presents totals for case-processing activities that were performed during a specified past period. The tracking version “follows” cases initiated (received by the prosecutor for review) during a specified period in the *past*, and presents totals regarding the cases’ *current* status as determined by prosecutory or judicial activities that occurred between the initiation of those cases and the date of the report.

Just as the periodic statistical reports of PROMIS might prompt management officials to use the Management Report Package to probe a particular phenomenon more thoroughly, the insights gained from the Management Report Package might indicate a need to examine detailed descriptive data from cases which typify the phenomenon in question. This is the function of PROMIS’s Generalized Inquiry Package, which focuses not on aggregate numbers (as does the Management Report Package) but on descriptive details (name of the defendant, arrest date, etc.) associated with each case selected for study.

Reports Serve Both Local and State Needs

PROMIS data and reports are significant not only to local-level offi-

cials but also to state-level management of the criminal justice system. This is so because PROMIS dovetails very closely with components of the Comprehensive Data System (CDS), a criminal justice information program that LEAA is encouraging states to implement.

A major CDS responsibility incurred by the states is the collection of statewide Offender Based Transaction Statistics (OBTS). The OBTS component of CDS is designed to provide statistics about each significant step in the criminal justice process. In a very real sense, OBTS analyses at the state level perform the same function that the PROMIS Management Report Package performs for local-level officials.

OBTS data, of course, must be collected by each implementing state from the local level, where most arrests, prosecutions, and adjudications occur. Such data will be particularly easy to supply by users of PROMIS, which, for arrest through sentencing, contains both quantitatively and qualitatively all the data elements required for state-level OBTS purposes.

Going Beyond Administrative and Managerial Reports

Though the information contained in the foregoing reports is vital to the management of day-to-day operations, powerful research techniques are available by which to conduct analyses of greater depth and detail.

Statistical techniques not only can reveal relationships between factors and permit inferences about causality but also can predict outcomes (such as the likelihood of conviction) given the presence of various conditions (such as number of witnesses, recovery of tangible evidence, and the time between offense and arrest).

This and other types of methodology³ are being applied during the PROMIS Research Project to an exceptionally fertile data base—six years of prosecutory and court data pertaining to about 100,000 cases; for each, PROMIS has recorded up to 170 items of information, including characteristics of the defendant, offense, witnesses and victims, and case-processing events. (For certain studies undertaken by the project, INSLAW’s researchers supplemented PROMIS data with information from household surveys and from automated or manual systems of the

police, court, or correctional agencies.)

The Array of PROMIS Data

As implemented in the prosecutor’s office in Washington, D.C., PROMIS captures the vital facts about each case prosecuted or considered for prosecution. This information falls into six major categories:

1. Information about the accused or defendant. This includes name, alias, sex, race, date of birth, address, facts about prior arrests and convictions, and employment status. If judged appropriate, additional data could be added, such as information about alcohol or drug abuse. Some of this information is used to rate the gravity of the case in terms of the defendant’s criminal history.

2. Information about the crime. The date, time and place of the crime; the number of persons involved in the crime; and a rating pertaining to the gravity of the crime in terms of the amount and degree of personal injury, property damage or loss, and intimidation.

3. Information about the arrest. The date, time and place of the arrest, the type of arrest, and the identity of the arresting officers.

4. Information about criminal charges. The charges originally

¹ As described by INSLAW’s PROMIS Briefing Paper No. 1, *Management Overview of PROMIS*, basic PROMIS generates statistical reports indicating the number of felony cases, by charge, handled by a given prosecutor; misdemeanor and felony cases considered, charged, rejected, reduced or raised; cases at preliminary hearing that were bound over, dismissed, nolle, and reduced for trial or plea; grand jury cases indicted, ignored, dismissed, or referred to misdemeanor prosecution; dispositions by type of case—dispositions are noted in terms of guilty (pled, jury, nonjury) and not guilty (jury, nonjury, insanity), and dismissals, whether by court or prosecutor, are also indicated; days misdemeanors and felonies have been in process; cases pending at various points in the prosecutive process; and bench warrants issued, pending, and quashed.

² The 13 basic tables produced by the PROMIS Management Report Package are Case Intake Statistics, Declination Reasons Summary, Release and Bail Decisions, Felony Preindictment and Grand Jury Dispositions, Court Dismissal Reasons, Prosecution Dismissals, Speedy Trial and Time Delay Statistics, Pending Case Status Table, Nonprocedural Continuance Summary, Sentencing Summary, and Crime and Defendant Rating Summary.

³ Use of statistical techniques to examine relationships among several factors (or variables) falls under the general heading of “multivariate analysis.” Among these techniques are multiple regression analysis, Goodman’s technique for analyzing relationships among taxonomic variables, factor analysis and the related method of principal components, and cluster and discriminant analysis.

placed by the police against the arrestee, the charges actually filed in court against the defendant, the *reasons* for changes in the charges by the prosecutor, the penal statute for the charge, the F.B.I. Uniform Crime Reports Code for the charge, and the Project SEARCH Code for the charge.

5. Information about court events. The date of every court event in a case from arraignment through motion hearing, continuance hearing, and final disposition to sentencing; the names of the principals involved in each event, including the defense and prosecution attorneys and judge; the outcomes of the events and the *reasons* therefor.

6. Information about witnesses. The names and addresses of all witnesses, the prosecutor's assessment of whether witnesses are essential to the case, and any indications of reluctance to testify.

Three special identifiers stored in

PROMIS permit the prosecutor's office to track the work load of the criminal court process from different vantage points—a capability with major research implications. First the work load is tracked from the vantage point of the crime or criminal incident. This is accomplished by including in PROMIS the *complaint number* that the police department assigns to a reported crime. With this number, prosecutors can follow the full history of court actions arising from the crime even though those actions may involve multiple defendants, multiple cases, and multiple trials and dispositions.

Second, PROMIS tracks the court's work load from the vantage point of the accused or defendant. This is achieved by incorporating in PROMIS the *fingerprint-based number* the police department assigns to the individual following his or her arrest. This identification number is used again by the department if the

same individual is subsequently arrested. Through this number, prosecuting attorneys accumulate criminal history files on offenders and note incidents of recidivism.

Finally, PROMIS tracks from the vantage point of the court proceedings. This is accomplished by including in PROMIS the *docket number* the court assigns to the case pending before it. Through this number, prosecutors trace the history of any formal criminal action from arraignment through final disposition and sentencing, and account for the separate fate of each count or charge.

The inclusion of these three identifiers in PROMIS appears simple but is extremely significant. The numbers provide an "instant replay" capability to track the criminal incident, the defendant, or the court actions and provide a basis for communication among the various constituent agencies of the criminal justice system.