

# LEAA REAUTHORIZATION

DEPOSITORY

HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

**H.R. 2061**

LEAA REAUTHORIZATION

FEBRUARY 13, 22, 23, 26, 27, MARCH 8, 15, 22,  
AND APRIL 3, 1979

PART 2

Serial No. 70



155191

135191  
**LEAA REAUTHORIZATION**

---

---

**HEARINGS**  
BEFORE THE  
**SUBCOMMITTEE ON CRIME**  
OF THE  
**COMMITTEE ON THE JUDICIARY**  
**HOUSE OF REPRESENTATIVES**  
NINETY-SIXTH CONGRESS  
FIRST SESSION  
ON  
**H.R. 2061**  
LEAA REAUTHORIZATION

—  
FEBRUARY 13, 22, 23, 26, 27, MARCH 8, 15, 22,  
AND APRIL 3, 1979  
—

**PART 2**

---

**Serial No. 70**

**NCJRS**

**JUL 26 1995**

**ACQUISITIONS**



Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1981

## COMMITTEE ON THE JUDICIARY

PETER W. RODINO, Jr., New Jersey, *Chairman*

JACK BROOKS, Texas	ROBERT McCLORY, Illinois
ROBERT W. KASTENMEIER, Wisconsin	TOM RAILSBACK, Illinois
DON EDWARDS, California	HAMILTON FISE, JR., New York
JOHN CONYERS, Jr., Michigan	M. CALDWELL BUTLER, Virginia
JOHN F. SEIBERLING, Ohio	CARLOS J. MOORHEAD, California
GEORGE E. DANIELSON, California	JOHN M. ASHBROOK, Ohio
ROBERT F. DRINAN, Massachusetts	HENRY J. HYDE, Illinois
ELIZABETH HOLTZMAN, New York	THOMAS N. KINDNESS, Ohio
ROMANO L. MAZZOLI, Kentucky	HAROLD S. SAWYER, Michigan
WILLIAM J. HUGHES, New Jersey	DAN LUNGREN, California
SAM B. HALL, Jr., Texas	F. JAMES SENSENBRENNER, JR., Wisconsin
LAMAR GUDGER, North Carolina	
HAROLD L. VOLKMER, Missouri	
HERBERT E. HARRIS II, Virginia	
MIKE SYNAR, Oklahoma	
ROBERT T. MATSUI, California	
ABNER J. MIKVA, Illinois	
MICHAEL D. BARNES, Maryland	
RICHARD C. SHELBY, Alabama	

JOSEPH L. NELLIS, *General Counsel*  
GARNER J. CLINE, *Staff Director*  
FRANKLIN G. POLK, *Associate Counsel*

## SUBCOMMITTEE ON CRIME

JOHN CONYERS, Jr., Michigan, *Chairman*

ROBERT W. KASTENMEIER, Wisconsin	JOHN M. ASHBROOK, Ohio
DON EDWARDS, California	HENRY J. HYDE, Illinois
LAMAR GUDGER, North Carolina	F. JAMES SENSENBRENNER, JR., Wisconsin
HAROLD L. VOLKMER, Missouri	
MIKE SYNAR, Oklahoma	

HAYDEN W. GREGORY, *Counsel*  
STEVEN G. RAIKIN, *Assistant Counsel*  
SMITH DAVIS, *Assistant Counsel*  
THOMAS M. BOYD, *Associate Counsel*

(II)

155191

U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by:

Public Domain

U.S. House of Representatives

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

# CONTENTS

	Page
Meeting of February 7, 1979, held in New Orleans, La.-----	1
<b>HEARINGS HELD</b>	
February 13, 1979-----	99
February 22, 1979-----	165
February 23, 1979-----	361
February 26, 1979-----	427
February 27, 1979-----	563
March 8, 1979-----	619
March 15, 1979-----	765
March 22, 1979-----	941
April 3, 1979-----	1097
<b>TEXT OF BILL</b>	
H.R. 2061-----	1288
<b>WITNESSES</b>	
Ackerman, John E., dean, the National College of Criminal Defense Law- yers and Public Defenders-----	1281
Prepared statement-----	1277
Biderman, Dr. Albert D., Bureau of Social Science Research-----	806
Prepared statement-----	798
Bonacum, William T., Deputy Commissioner Division of Criminal Jus- tice Services State of New York-----	837
Prepared statement-----	831
Browne, Ernest C. Jr., Michigan Commission on Criminal Justice-----	168
Prepared statement-----	166
Burton, Robert, VisionQuest, Tucson, Ariz-----	1188
Prepared statement-----	1111
Butzner, Hon. John D., Jr., Chairman, Subcommittee on Statistics of the Judicial Conference of the United States-----	791
Prepared statement-----	789
Calhoun, John A., Commissioner, Department of Youth Services, Boston, Mass-----	1064
Prepared statement-----	1054
Carsner, Charles, mayor of Victoria, Tex, and chairman of the National Association of Regional Councils Public Safety Policy Committee-----	1049
Prepared statement-----	1052
Cavanagh, Judge, chairman of the Michigan Judicial Planning Committee--	403
Prepared statement-----	402
Chilton, Prof. Roland, University of Massachusetts-----	820
Prepared statement-----	813
Chisholm, Hon. Shirley Anita, a Representative in Congress from the State of New York-----	1100
Prepared statement-----	1097
Civiletti, Benjamin R., Deputy Attorney General, Department of Justice--	108
Prepared statement-----	109
Clinard, Prof. Marshall, University of Wisconsin-----	643
Prepared statement-----	621
Cooper, G. Michael, associate dean, University of Houston-----	1281
Corrada, Hon. Baltasar, Resident Commissioner of Puerto Rico-----	945
Prepared statement-----	942
Cunningham, Douglas R., executive director, Office of Criminal Justice Planning for the State of California-----	513



IV

	Page
Cushenberry, Lou, California Council on Criminal Justice.....	467, 568
Devine, Michael, chairman, Criminal Justice Statistics Association, Montgomery, Ala.....	827
Dogin, Henry, Acting Administrator, LEAA.....	750
Prepared statement.....	740
Douglas, Walter, New Detroit, Inc.....	200
Prepared statement.....	195
Evans, Robert D., associate director, Governmental Relations Office, ABA.....	1230
Prepared statement.....	1218
Ewing, Blair, acting director of the National Institute of Law Enforcement and Criminal Justice.....	750
Farmer, Nancy, Detroit-Wayne County Criminal Justice Coordinating Council.....	256
Fienberg, Prof. Stephen, Department of Applied Statistics, the University of Minnesota.....	1247
Prepared statement.....	1243
Foley, Patrick J., assistant prosecuting attorney for Wayne County and Director of the Wayne County Organized Crime Task Force.....	274
Prepared statement.....	272
Freitas, Joseph, Jr., district attorney for the city and county of San Fran- cisco.....	428
Prepared statement.....	437
Gaines, George, deputy director, Detroit Department of Health.....	264
Geltman, Richard B., chief counsel, Justice Planning Administrators.....	837
Ginger, Ann Fagan, president, Meiklejohn Civil Liberties Institute of Berkeley.....	551
Graff, Bobbie, Wayne State University.....	277
Hammel, Richard A., Criminal Justice and Public Safety Commission of the National Association of Counties.....	140
Prepared statement.....	142
Henderson, Erma, president, Detroit City Council.....	250
Humes, Hon. Marian, Alderwoman of the city of Chicago, member of the Public Steering Committee of the National League of Cities.....	954
Prepared statement.....	953
Hunter, William, U.S. Attorney for the northern district of California.....	443
Hurst, Hunter, director, National Center for Juvenile Justice, Pittsburgh, Pa.....	971
Prepared statement.....	966
Jones, Herbert.....	149
Jones, Roy, director, Detroit Transit Alternative, Inc.....	363
Prepared statement.....	361
Kelley, James F., general counsel, Institute for Law and Social Research.....	847
Prepared statement.....	844
Kossack, Nathaniel, Esq., Washington, D.C.....	677
Prepared statement.....	672
Kress, Susan, director, North Central Seven Community Organization.....	375
Low, Hon. Harry W., judge of the Superior Court in California.....	566
Prepared statement.....	563
Lowery, Aaron, New Detroit, Inc.....	563
Lucas, William, National Institute of Corrections.....	268
Luvall, Alexander, Detroit-Wayne County Criminal Justice Coordinating Council.....	256
Madden, Thomas, general counsel for LEAA.....	263
Mahaffey, Mary Ann, president pro tem Detroit City Council.....	750
McCafferty, James A, Chief, Statistical Analysis and Reports Division, Administrative Office of the U.S. Courts.....	409
McClory, Hon. Robert, a Representative in Congress from the State of Illinois.....	791
Prepared statement.....	99
McCullum, Judge Donald, Alameda County Superior Court, California.....	100
531	
Miller, Herbert S., chairman-elect, Criminal Justice Section, American Bar Association, Co-Director, Institute of Criminal Law and Proceed- ure, Georgetown University Law Center.....	1230
Prepared statement.....	1192

	Page
Morial, Hon. Ernest N., Mayor, New Orleans, La.....	5
Prepared statement.....	3
Nugent, William, Acting Director, office of criminal justice.....	180
Prepared statement.....	176
Ordin, Andrea, U.S. attorney for the central district of California.....	443
Parsons, James C., chief of police, New Orleans, La.....	41
Prepared statement.....	38
Renfrew, Hon. Charles B., U.S. District Court, Northern District of California.....	496
Prepared statement.....	503
Rish, Ray, Community Probation Organization.....	375
Rittneberg, William E., Advocates of Juvenile Justice, New Orleans, La.....	60
Prepared statement.....	57
Robinson, Don, fire marshal, Detroit, Mich.....	416
Rubin, Hon. Alvin B., judge, Fifth Circuit Court of Appeals.....	23
Prepared statement.....	20
Sarri, Dr. Rosemary G., School of Social Work, University of Michigan.....	207
Prepared statement.....	208
Scarr, Harry A., Administrator, Federal Justice Research Program, Office for Improvements in the Administration of Justice, U.S. Department of Justice.....	914
Prepared statement.....	852
Schwartz, Dr. Jeffery A., president, Law Enforcement Training and Research Association.....	596
Prepared statement.....	593
Seigel, Ron, Wayne State Coordinating Council.....	280
Prepared statement.....	280
Sellin, Thorsten, professor emeritus, University of Pennsylvania.....	772
Prepared statement.....	765
Serpas, Frank, director, Criminal Justice Coordinating Council, New Orleans, La.....	9
Shapiro, Richard, project director, Midwood Kings Highway Development Corporation, Brooklyn, N. Y.....	1272
Prepared statement.....	1253
Smith, Darrow, associate warden, California State Prison at San Quentin president of the California Black Correctional Coalition.....	544
Prepared statement.....	548
Smith, Monica Herrera, president, Mexican American Correctional Association.....	608
Prepared statement.....	608
Spaniol, Joseph, Deputy Director, Administrative Office of the U.S. Courts.....	791
Stanley, Rev. John, Member of the Board of Directors, North Central Seven Community Organization.....	375
Prepared statement.....	376
Stone, Prof. Christopher D., University of Southern California Law School.....	454
Prepared statement.....	463
Tooley, Dale, district attorney, Denver, Colo.....	725
Prepared statement.....	679
Treanor, William, executive director, National Youth Work Alliance.....	1081
Prepared statement.....	1072
Turner, Mel, Executive director, Capture, San Mateo, Calif.....	613
Van De Kamp, John K., Los Angeles County district attorney.....	472
Prepared statement.....	487
Van Leer, Rev. Tom, pastor, Mount Calvary AME church.....	375
Vogt, Jeanne R., treasurer of the board of directors, Detroit Transit Alternative, Inc.....	363
Prepared statement.....	362
Washburn, Ben, Detroit-Wayne County Criminal Justice Coordinating Council.....	256
Prepared statement.....	732
Wheeler, Prof. Stanton, Yale Law School.....	87
White, Wingate M., Louisiana Commission on Law Enforcement and Administration of Criminal Justice.....	66
Prepared statement.....	393
Yagerlener, William G., Walter P. Reuther senior centers.....	393
Prepared statement.....	393

VI

ADDITIONAL STATEMENTS

	Page
American Institute of Architects, President Ehrman B. Mitchell, Jr. letter to Hon. John Conyers, Jr. dated April 25, 1979.....	1286
Gilford, Rotea J., executive director, Mayor's Criminal Justice Council..	557
Jones, I. Roy, director, Detroit Transit Alternative.....	282
Rodino, Hon. Peter W. Jr., A Representative in Congress from the State of New Jersey and chairman of the Committee on the Judiciary.....	154
King, Glen D., executive director, International Association of Chiefs of Police, Gaithersburg, Md.....	924
Reuther, Walter P. Senior Centers, Inc. LEAA Crime Prevention Project..	420

## LEAA REAUTHORIZATION

THURSDAY, MARCH 15, 1979

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met at 9:30 a.m. in room 2237 of the Rayburn House Office Building, the Honorable John Conyers, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Conyers, Edwards, Gudger, Volkmer, and Synar.

Staff present: Hayden Gregory, counsel; Roscoe Stovall, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

Today, we continue our examinations of proposals within the reauthorization and reorganization of LEAA and today's hearing turns around the National Institute for Research and the Bureau of Justice Statistics.

These provisions are in most of the bills before this subcommittee with reference to LEAA and the fundamental question is how much crime occurs in America and how can those reporting statistics be as accurate as possible.

LEAA began a few years ago the national crime survey, which attempted to do more than the FBI crime index, and from the results, it appeared that this study added new dimension to what we know about crime and crime rates.

So we're very pleased to have before us a number of witnesses today from both academia and the bench. And our first witness will be Dr. Thorsten Sellin, who has spent literally years in the subject of our question today.

He is author of a number of texts, was an original participant in an effort to create a National Crime Center and for many years has studied the issues involved in a centralized criminal justice statistical bureau.

We appreciate receiving your statement, Professor Sellin, and without objection, it will be entered into the record and we welcome you before the subcommittee this morning.

[The statement follows:]

COMMENTS ON H.R. 2108 BY THORSTEN SELLIN, PROFESSOR EMERITUS, UNIVERSITY OF PENNSYLVANIA

I appreciate being invited to comment on H.R. 2108 but in doing so I shall limit myself to a discussion of only some of its provisions. My concern is only with

criminal justice statistics, which according to Sec. 416.3 cover "matters relating to the detection and prevention of crime and the prosecution and treatment of offenders, including juvenile offenders." This is a subject with which I became acquainted nearly half a century ago, when as consultant to and special agent of the Bureau of the Census, I assisted in the coordination of the classifications of offenses then used by that Bureau and by the FBI, the reorganization of the Bureau's annual report on prisoners in state and federal prisons and reformatories for adults, and the initiation of its plan to gather judicial criminal statistics from the States of the Union. Therefore, I shall not discuss statistics of civil justice, which lie outside my field of competency, nor specifically the programs and agencies concerned only with federal criminal justice. My focus will be on the organization and functions of the proposed Bureau of Justice Statistics in the development of uniform comparative statistics based on criminal justice data secured from state and local agencies.

This will be the projected Bureau's chief and most difficult task. Since it cannot compel such agencies to report the data it needs but must rely on its ability to persuade them to co-operate in the venture, being aided in that effort mainly by the financial grants-in-aid it can offer as inducement.

The greatest barrier to the development of national uniform criminal justice statistics is that we are a federation of independent states, each with its own substantive and procedural laws, similar in many respects but in others quite different. This complicates any attempt to arrive at uniformity in the classification of statistical data, when two or more jurisdictions are to be compared. It has proved baffling to all federations of states as it has to the United Nations, whose Economic and Social Council soon after the last world war called for the collection of comparative criminal statistics from member nations. In 1950 an expert committee recommended that, as a starter, the reporting of only three major crimes known to the police be instituted. This modest plan was approved but after ten years of preparation it evaporated, partly because the variety of definitions of these crimes in the legislations of the nations seemed to defy coordination.

We are in the same situation as Switzerland, where each canton had its own laws and institutions until half a century ago, when a national penal code was adopted, making truly national statistics possible for the first time.

Critics remind us that other advanced nations have excellent criminal statistics. The oldest, those of France, date from 1825. We are told that, by comparison, we are a very backward country. This judgment, while essentially true, fails to take into account the difficulties faced by a federation of states, which seeks to develop uniform national statistics of criminal justice. Indeed it is improper to compare any European country, for instance, with the United States. It would be closer to the mark to compare France or England, for instance, with California or any other of our states. Such a comparison would still favor France or England, for although New York, Maine and Massachusetts began to produce some criminal justice statistics as early as the 1830's partly inspired by the French initiative, no American state can even today, with the possible exception of California, match the annual reports of criminal justice statistics published by many foreign countries.

In an address to the International Statistical Institute, meeting in Chicago in 1893, General Francis A. Walker, who was recognized as the leading authority on the statistical work of the United States in the latter half of the 19th century, said: "A strong passion for statistics early developed itself in the life of our people. . . . No government in the world has ever lavished money and labor more generously on statistical inquiry." This passion seems to have been spent on financial, commercial, industrial, labor, population and vital statistics. Its concern for national criminal justice statistics has been tepid, indeed, as though the shadiest side of our communal life should be shunned and hidden. Prior to the 1920's the only national statistics of the kind called for by the present bill were found in the decennial population censuses and were practically limited to the enumeration of inmates in penal institutions on the census date until the census of 1904, which also deal with inmates committed to the institutions during the year. Even so, a truly national coverage of such data was not achieved until the institutional census of 1933.

The statute providing for the census of 1900 limited it to population, mortality, agricultural and manufacturing statistics, but it also directed the Bureau, soon to be made a permanent agency, to produce a later report on statistics relat-

ing, among other things, "to crime, including judicial statistics pertaining thereto." No such report was issued. Earlier censuses had, in fact, called for some data on convicts, based on court records, but they were so defective they were given little or no space in the published reports. Even some police statistics of little value appeared in the 1880 census reports. It was not until 1927, when the Children's Bureau began to issue an annual report on Children processed by some juvenile courts that judicial statistics got a tenuous toehold on the national scene.

After the first world war interest in the development of criminal justice statistics grew, intensified by the famous survey of "Criminal Justice in Cleveland" conducted by Roscoe Pound and Felix Frankfurter and directed by Raymond Moley. Published in 1922, it stimulated two great state surveys of similar nature, "The Missouri Crime Survey" (1926) and "The Illinois Crime Survey" (1929). They, as well as the criminality spawned by the prohibition decade, played a role in the creation of the National Commission on Law Observance and Enforcement, commonly called the Wickersham Commission, which issued its remarkable series of reports in 1931.

One of its recommendations resulted in the passage by Congress of an act which made the Census Bureau a national agency for the collection, analysis and publication of criminal justice statistics. The Bureau had already, without specific authorization, begun to gather statistics on inmates of state and federal prisons and reformatories for adults committed or discharged during the calendar year. The schedules on which these annual reports were based contained a large number of items concerning each inmate, his or her offense and method of discharge. They were prepared in the institutions, which gave the Bureau excellent cooperation. Yet the reports suffered from inevitable defects from a comparative point of view. Two or three states refused to join the project. More serious was the omission of certain county institutions, such as the county prisons of Pennsylvania and the houses of correction of Massachusetts. In the former state fifteen county prisons received prisoners with sentences as long, in most cases, as the inmates in the state prisons and in Massachusetts prisoners with sentences under two and a half years served them in the county houses of correction. The result was that commitment rates in these states, published in the census reports, were amazingly low compared with those of other states, giving the unwary student a false impression of the comparative criminality of the states.

In his attempt to comply with the directives of the 1931 statute, the director of the Census Bureau sought help. He appointed an advisory committee, which recommended that the Bureau begin the collection of judicial criminal statistics. Pilot studies had already been made by the Institute of Law of Johns Hopkins University, the most important of which were Leon C. Marshall's "Comparative Judicial Criminal Statistics—Six States" and W. C. Hotchkiss and C. E. Gehlke's "Uniform Classification for Judicial Criminal Statistics," both published in 1931. The summary schedules of the procedural outcome and the disposition of defendants in courts of general trial jurisdiction, devised by these researchers, were recommended by the committee for use by the Bureau and in 1932 sixteen states supplied the Bureau with uniformly compiled data on the criminal business of such courts. The Bureau issued a brief summary report for each cooperating state and assembled them with some comparative tables into an annual publication. In 1937, thirty states participated in the program.

The Census Bureau's activities in the collection and publication of both the institutional and the judicial statistics were terminated in 1946. Afterwards, the Department of Justice would presumably accept responsibility, but it paid no further attention to the judicial statistics. Its Bureau of Prisons tried valiantly, without special appropriations or encouragement, to carry on the collection of the institutional statistics and did so for many years with sporadic publication.

With respect to the demise of the judicial statistics, the judgment on the failure of the program passed by the man, who headed it in the Census Bureau, is significant for the lesson it should teach to those who would have to implement the provisions of the present bill. That man was Ronald H. Beattie, lawyer and sociologist and highly competent statistician, who after leaving the Bureau was in charge of the statistical service of the Administrative Office of the United States Courts and later director of the Bureau of Criminal Statistics of the State of California. He has this to say:

"Among criminologists, administrators and others concerned with the problem of crime these new reporting series were acclaimed with enthusiasms [out] little

attention was given to the recommendation in the Wickersham Commission report that the states undertake the development of basic criminal statistics within their own borders. Somehow it was assumed that the new national reporting system would automatically supply the type of information desired without the states assuming any responsibility. The inherent weakness of this approach was most vividly demonstrated in the collection of court disposition information. In each state reporting in this series, arrangements were made to designate a Special Agent of the Census Bureau, often a person in the State Attorney General's Office. This made possible the use of the government postage frank in sending forms and returning reports. The agent's responsibility presumably was to insure completeness of reporting from all counties within the state, although he was not assigned responsibility for the accuracy of the information or its interpretation. As might be anticipated, the result was a great lack of uniformity in the way data were completed. There was no possibility of the Census Bureau's office in Washington exercising any effective control over more than 1500 separate reporting agencies in thirty states. The problem of variability among the state court systems, particularly with respect to jurisdictional coverage of criminal cases, became increasingly complex and could not be resolved satisfactorily. The last annual publication in this series was for the year 1946. The series was then abandoned because of its incompleteness and the tremendous difficulty in obtaining uniform and comparable data from local counties without state responsibility for collecting, checking and editing the information summarized at the end of each year." (In Marvin E. Wolfgang, ed., "Crime and Culture," 1968, p. 172.)

Today the most important annual national report that we have in the field of criminal justice in the "Uniform Crime Reports" issued by the FBI. The history of the development of the system, which makes these reports possible, is significant, because it points the way that the proposed Bureau of Justice Statistics must inevitably follow. In the late 1920's the International Association of Chiefs of Police created a Committee on Uniform Crime Records, which was to design record systems for police departments permitting the collection and analysis of data on crimes known to the police, persons arrested, etc. The Committee was principally interested in finding some kind of measure or index of criminality in order to test the efficiency of law enforcement. A technical staff was engaged, who after a study of the criminal codes of the states devised a classification of offenses and a plan for reporting them periodically to a central agency. Seven classes of serious crimes were segregated from the rest. For them, the number of offenses known to the police would be reported, while for the rest only data on persons arrested and charged would be collected.

During the first seven months of 1930, the Committee published monthly reports of "crimes known" to about 750 cooperating urban police departments, and in August of that year the responsibility for carrying on the system was assumed by the FBI, which already had close contacts with most of the police agencies in the country, because of its national fingerprint identification service. Monthly reports, on forms designed by the FBI, were received from the police and consolidated in a bulletin published monthly. This method of assembling data was extremely cumbersome. The number of cooperating police departments increased very slowly. After fifteen years it did not quite reach 1100, but by 1967 the number was about 8400, within whose jurisdictions about 92 percent of the nation's population lived, the percentage varying from 97 percent for standard metropolitan statistical areas to 75 percent for the rural population. That year a new concept governing the reporting system also began to take shape—the concept of registration area already well-known for being instrumental in the development of our vital statistics. Instead of collecting data from individual law enforcement agencies, the Bureau would increasingly rely on state agencies or bureaus that would assemble the data in their respective states and report the results to the FBI for inclusion in its annual report. No state would be permitted to join the registration area until it had an agency that would be able to meet the following conditions formulated by the Bureau:

"(1) The State Program must conform to the national Uniform Crime Reports standards, definitions, and information required. These requirements, of course, do not prohibit the state from collecting other statistical data beyond the national collection. (2) The state criminal justice agency must have a proven, effective, mandatory, state-wide program and have instituted acceptable quality control procedures. (3) Coverage within the state by a state agency must be, at least, equal to that attained by national Uniform Crime Reports. (4) The state agency must

have adequate field staff assigned to conduct audits and to assist contributing agency in record practices and crime reporting procedures. (5) The state agency must furnish to the FBI all of the detailed data regularly collected by the FBI in the form of duplicate returns, computer printouts and/or magnetic tape. (6) The state must have the proven capability (tested over a period of time) to supply all the statistical data required in time to meet national Uniform Crime Reports publication deadline." ("Uniform Crime Reports" . . . 1976, p. 2)

If, as might happen, the FBI would find that the state could not meet these conditions and provide the data needed for the national program, the old system of collecting them from individual agencies in the state would be reinstated. In 1969 the first states admitted to the registration area, referred to by the FBI as the Program, were Michigan and New Jersey. The collection of data by the FBI directly from municipal and country police agencies in these states then ceased. The registration area widened rapidly until it contained 41 states in 1976. When the remaining states have joined it, a complete national system of uniform statistics of crimes known, persons arrested, etc. will have been achieved.

Since the Wickersham Commission faced the same problem confronting the drafters of the present bill, its observations and recommendations are worth noting. (See National Commission on Law Observance and Enforcement, "Report on Criminal Statistics," April 1, 1931.)

First, a single bureau should have charge of the whole system of nation-wide statistics. Such a bureau should preferably be attached to the Census Bureau, which has statistical expertise, but placing it in the Department of Justice would be an acceptable alternative.

Second, this national bureau should not try to gather data directly from individual federal, state or local agencies of criminal justice. It should deal only with a state bureau in each state. Therefore, "a uniform state law with respect to gathering and transmitting of state statistics of criminal justice, so far as required for general national purposes should be drafted and enacted."

It was suggested that this task be undertaken by the National Conference of Commissioners on Uniform State Laws. I drafted such a law for the Conference which promulgated it in 1946 and saw the American Bar Association approve it the same year. It has been adopted by California (1955), Kentucky (1968) and Pennsylvania (1970). Its most important provisions have been incorporated in a New York statute and in 1969 the LEAA recommended that all states enact it.

Third, the national bureau should not only promote the establishment of state bureaus but should give them technical assistance in organizing their work of collecting and transmitting data needed for a national report.

Fourth, the Commission approved the idea of a federal agency placed in the Department of Justice and charged with the annual collection and publication of all statistics pertaining to federal criminal justice. So far as the national bureau was concerned, the federal agency would be on a par with the state bureaus and required to supply the uniform data needed by the bureau for its annual report.

Fifth, the Commission realized the magnitude and the difficulty of the national bureau's task. We have already noted that it has taken the FBI forty-six years to secure uniform data from 41 states. It took the federal government fifty-three years to increase the size of the registration area for mortality statistics from two states, Massachusetts and New Jersey, in 1880 to all states in 1933.

Considering the multitude of criminal justice agencies of all kinds, the time involved and the problems associated with the development of standard definitions and classifications of the subject matter, one can understand why the Commission proposed the establishment of registration areas by the bureau, which would then with the aid of state bureaus collect criminal justice statistics only from the states that met the standards set by the bureau. Since the speed of progress in the development of a comprehensive national system of criminal justice statistics would vary depending on the sources of the data, the concept of the registration area could be applied separately to data supplied by the police, the courts, the prisons, etc. In any case, the Commission believed that the complexity of the problem would require the bureau to focus its activity on collaboration with state bureaus, who would take the responsibility for the production of the statistics which the national bureau would process for inclusion in its annual report, and constitute the building blocks of the foundation



on which the national bureau would be constructed. It would be difficult to improve on these recommendations made in 1931.

These introductory remarks have shown that earlier advocates of national criminal justice statistics have been fully aware of the problems involved in producing them. They also furnish the background for my brief comments on the provisions of the present bill and of that supported by the Administration. These bills differ somewhat in their organization of the subject matter but are substantially similar. I shall speak only about the sections dealing with the purpose, structure and functions of the proposed bureau of justice statistics and its relations with other statistical agencies.

The purpose of any agency established by law can usually be inferred from the specification of its functions and duties, but legislators commonly formulate that purpose in a preamble, which according to Webster's Dictionary is "the introductory part of a statute, which states the reasons and intent of the law or is used for other explanatory purposes or to recite facts, knowledge of which is necessary to an understanding of the law." In the preamble of the present bill there is only a short statement (Sec. 101.b) that Congress "provide the necessary leadership, coordination and resources" in order "to encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, civil disputes, and the operation of the judicial system."

The Administration's bill, which I have only seen in a Senate version (S. 3270, *Congressional Record*—Senate, July 10, 1978) contains more elaborate statements of purpose. It observes (Title I) first that "although crime is essentially a local problem that must be dealt with by State and local governments, the financial and technical resources of the Federal Government should be made available to support such state and local efforts," and that one means to accomplish this is "to encourage the collection and analysis of statistical information," etc., like in the present bill, yet seemingly superfluous since it also appears in the special preamble (Sec. 301) to the part which establishes the Bureau of Justice Statistics. In this subsidiary preamble, however, the following addition occurs—"and to support the development of information and statistical systems at the Federal, State and local levels, to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency and civil disputes, and the operation of the civil, juvenile and criminal justice systems." I find these formulations of purpose more explicit than the brief statement in the present bill, because they lay a better foundation for the organization and functions of the bureau and the policies it should follow.

A preambulatory paragraph does, indeed, appear later in the present bill. In Sec. 304.2.2, after ordering the Bureau to "collect, collate, analyze, publish, disseminate and maintain data systems accessible to the general public, "there is a sub-paragraph (A), which seems out of place, since it only expresses a hope or wish that the data collected will be useful for certain specific purposes. This comment applies equally to a corresponding section in the Administration's bill, Sec. 302.c.3.

Many of the substantive provisions of the two bills are couched in identical language and are all essential. Other provisions, differently formulated or found in only one of the bills, raise questions in my mind. I am puzzled by the phrase in Sec. 304.a.2 which requires the Bureau to "maintain data systems accessible to the general public." Especially since Sec. 410.b states that the Bureau "shall assure that the security and privacy of all information collected, stored or disseminated . . . is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes." Furthermore, in a later section, 304.a.9C, it is stated that data gathered on the characteristics and criminal histories of defendants in criminal or juvenile cases or arrested for offenses "shall be used only for research purposes" and "gathered in a manner precluding their use for law enforcement or any purposes relating to a particular individual other than statistical or research purposes."

Both bills (H.R. 304.a.3; S. 302.c.8) require the Bureau to establish national standards for justice statistics but the Administration's bill adds a useful note in another section (302.3) by requiring that in establishing such standards the Bureau "shall consult with representatives of State and local governments, including where appropriate representatives of the judiciary."

The present bill (Sec. 304.a.4) orders the Bureau to maintain liaison with "the judiciary in matters relating to justice statistics," etc. The corresponding section of the Administration's bill (Sec. 102.c.9) is identical except that for the word

"judiciary" the phrase "judicial branches of the Federal and state governments" is inserted. Elsewhere, the Administration's bill (Sec. 302.d.4) also urges the Bureau to "seek the cooperation of the judicial branch of the Federal government in gathering data from civil, juvenile and criminal justice records." I assume that these sections are meant to deal with judicial statistics and not with justice statistics, which as defined by the bill includes police and correctional data.

The bill contains an explicit and apparently commendable provision (304(a) (7)) that permits the Bureau to "consider the requests of persons engaged in criminal justice research to gather data from a multitude of Federal, State and local agencies for the purposes of analyzing crime over time and across jurisdictional boundaries, or matching demographic, economic and survey data about individuals with their criminal records." The meaning of this provision is obscure. The Bureau is, according to Sec. 304.a.1 empowered to give grants or make contracts with private persons to do research on anything that falls within the Bureau's area of activity, but unless the provision means that the requests mentioned are aimed at gaining access to data collected by the Bureau from the multitude of agencies referred to, the provision is meaningless, at least to me.

The bill specifically requires the Bureau (Sec. 304.9.D-E) to gather at all levels of government data concerning white collar crime and "public understanding of and respect for the observance of law." These matters are not mentioned in the Administration's bill. Granting that information about both these subjects is desirable, the proper agency to do research on them is the National Institute of Justice, for which the bill also provides.

Both bills make a single agency, the Bureau of Justice Statistics in the Department of Justice, responsible for the development of national criminal justice statistics. This is logical, considering that the data are to be gathered from fifty states—and also from the District of Columbia and the Federal government, which as components of the national system of statistics may be equated with states—and from the records of police, judicial and correctional agencies in all these diverse jurisdictions with diverse laws and procedures. These diversities make it imperative that a single agency be empowered to (a) formulate the definitions of statistical units and standards that will ensure uniformity and comparability of data, and (b) collect the data required, analyze them comparatively and publish the results periodically.

The plan poses both organizational and procedural problems for the projected Bureau. In the area of federal criminal justice, for instance, all agencies concerned are obliged to supply the Bureau with the data it needs for a national report, but federal agencies are also, and have been for a long time collecting and publishing the only national criminal justice statistics we have. I refer to the FBI and now the LEAA.

According to some plans I have seen, the new Bureau would take over the National Crime Panel Victimization Surveys, the Expenditure and Employment Data for the Criminal Justice System, the Juvenile Detention and Correctional Facility System, the National Prisoner Statistics and the Grant programs for the upgrading of state and local statistical capabilities, all of which are now managed by the LEAA as well as the collection and tabulation portions of the Uniform Crime Reporting System and the technical assistance and development portion of that system, now the responsibility of the FBI.

I expect that the transfer of the Uniform Crime Reporting System to the new Bureau will be strenuously opposed by the International Association of Chiefs of Police, which created the system, and by police agencies in states in the registration area. There are reasonable arguments on both sides of the question. The FBI has developed a system that functions well and it has close and direct professional relations with the reporting police departments. It has tried to improve the system and impose standards. On the other hand, it has found it difficult to enforce compliance with these standards and its presentation of the summarized data in its reports has raised questions regarding its reliability.

I have, in the past, been a strong though sympathetic critic of the UCR system and the FBI has taken heed by, for instance, removing statutory rape from the rape class in the index part of its classification of known offenses, and by stopping the practice of computing crime rates on the basis of the population of the latest decennial census and instead use the estimated population at mid-year, but there still remain defects in the method of computing rates and the interpretation of data. The most important defect in the crime rates cannot be re-

moved, however, until a more scientific way of measuring the injury to persons and property by crime is employed. The measurements now being used by police and the FBI in many instances undervalue and in others overstate the degree of such injuries. The technique for remedying this situation exists but is not being used by police departments. It is being experimentally tried in the current victimization survey for the first time.

Because the Bureau will be facing so many formidable problems, especially in the area of judicial statistics, it might be wise to have the FBI continue the collection of data on crimes known and arrests for the time being, but make it subject to oversight by the Bureau and responsive to the Bureau's directives aiming at the improvement of the system and its integration in the national program of criminal justice statistics.

This brings me to the end of my prepared statement. I have raised some questions about some of the provisions of the bill, but I am, of course, hopeful that at long last Congress will approve a bill creating a Bureau of Justice Statistics. Thank you.

**TESTIMONY OF THORSTEN SELLIN, PROFESSOR EMERITUS,  
UNIVERSITY OF PENNSYLVANIA**

Mr. SELLIN. Thank you very much, Mr. Chairman. I appreciate being invited to comment on your bill, but my comments and references will be to your earlier bill because I didn't see this present bill until last night.

But I assume that the similarities are great.

Mr. CONYERS. Right. The subject is still the same: How do we compile statistics on crime and how do we consider the research mechanisms in these Federal law enforcement levels?

Mr. SELLIN. I'm going to limit myself to a discussion of only some of the provisions of the bill. My concern is only with criminal justice statistics, which, according to one section, cover "matters relating to the detection and prevention of crime and the prosecution and treatment of offenders, including juvenile offenders."

This is a subject which I became acquainted with nearly half a century ago when, as consultant to and special agent of the Bureau of Census, I assisted in the coordination of the classifications of offenses then used by that Bureau and by the FBI, the reorganization of the Bureau's annual report on prisoners in State and Federal prisons and reformatories and adults, and the initiation of its plan to gather judicial criminal statistics from the States of the Union.

Therefore, I shall not discuss statistics of civil justice which lie outside my field of competency, nor specifically the programs and agencies concerned only with Federal criminal justice.

My focus will be on the organization and functions of the proposed Bureau of Justice Statistics in the development of uniform comparative statistics based on data secured from State and local agencies.

This will be the projected Bureau's chief and most difficult task, since it cannot compel such agencies to report the data it needs but must rely on its ability to persuade them to cooperate in the venture, being aided in that effort mainly by the financial grants-in-aid it can offer in inducement.

I submitted a prepared statement, which you have. So parts of this I'm not going to read. One of the greatest difficulties in producing national crime statistics in this country is that we are a federation of States, each with its own substantive and procedural laws, similar in many respects but, in others, quite different.

This has baffled all federations of states, as it has the United Nations, whose Economic and Social Council soon after the last World War called for the collection of comparative criminal statistics from member nations. An expert committee suggested to them in the year 1950 that they try to secure information on some crimes. As a starter, the reporting of only three major crimes known to the police should be instituted.

They worked for 10 years trying to get some kind of an agreement on definitions and the coordination of data for those three offenses, and then gave it up.

Mr. CONYERS. Which three?

Mr. SELLIN. The result is that we don't have any international criminal justice statistics at all.

Mr. CONYERS. What three crimes were they more interested in?

Mr. SELLIN. Criminal homicide, aggravated assault, and robbery. As I recall, it was those three offenses.

We are often criticized for having such poor statistics nationally. European nations have had good criminal justice statistics for a long time. France began in 1825. As a matter of fact, as a result of this French initiative, a couple of American States tried to begin to collect State statistics on crime in the 1830's, but it petered out.

We are told in an address by Gen. Francis Walker in 1893 to the International Statistical Institute which met in Chicago that year, and Francis Walker was the leading authority on national statistics during the last half of the last century. And he said that,

A strong passion for statistics early developed itself in the life of our people. No government in the world has ever lavished money and labor more generously on statistical inquiry.

Well, he did not include criminal statistics.

Mr. CONYERS. He was talking about the United States?

Mr. SELLIN. Yes; as I say, this passion seems to have been spent on financial, commercial, industrial, labor, population, and vital statistics. Its concern for national criminal justice statistics has been tepid; indeed. Prior to the 1920's, the only national statistics of the kind called for by the present bill were found in the population censuses, and were practically limited to the enumeration of inmates in penal institutions on the census date until the census of 1904, which also dealt with inmates committed to the institutions during the year.

An attempt was made to get some judicial statistics through the population census back in 1904. The Census Bureau was supposed to produce a report on crime, including judicial statistics pertaining thereto. But no such report was issued.

Earlier censuses had, in fact, called for some data on convicts based on court records. But they were so defective, that they were given little or no space in the published reports. Even some police statistics of little value appeared in the 1880 census reports.

It was not until 1927, when the Children's Bureau began to issue an annual report on children processed by some juvenile courts, that judicial statistics got a tenuous toehold on the national scene.

It was after the First World War that interest in the development of criminal justice statistics developed, intensified by the famous survey of criminal justice in Cleveland conducted by Roscoe Pound and Felix Frankfurter, and directed by Raymond Moley.

Published in 1922, it stimulated two great State surveys of similar nature: The Missouri Crime Survey of 1926 and the Illinois Crime Survey in 1929. They, as well as the criminality spawned by the prohibition decade, played a role in the creation of the National Commission on Law Observance and Enforcement, commonly called the Wickersham Commission, which issued its remarkable series of reports in 1931.

One of its recommendations resulted in the passage by Congress of an act which made the Census Bureau a national agency for the collection, analysis, and the publication of criminal justice statistics.

The Bureau had already begun to gather, in 1926, annual statistics from State and Federal prisons and reformatories for adults and publishing the data in annual reports, but without authorization. The authorization came in 1931.

Now, in an attempt to comply with the directives of the Congress under the 1931 act, the Director of the Census Bureau sought help. He appointed an advisory committee which recommended that the Bureau begin the collection of judicial criminal statistics.

Pilot studies had already been made by the Institute of Law of Johns Hopkins University, the most important of which were Leon C. Marshall's Comparative Judicial Criminal Statistics: Six States; and W. C. Hotchkiss and C. E. Gehlke's Uniform Classification for Judicial Criminal Statistics, both published in 1931.

The summary schedules of the procedural outcome and the disposition of defendants in courts of general trial jurisdiction devised by these researchers were recommended by the committee for use by the Bureau and in 1932, 16 States supplied the Bureau with uniformly compiled data on the criminal business of such courts.

The Bureau issued a brief summary report for each State and assembled them in annual reports. But, the judicial statistics activities of the Census Bureau were terminated in 1946. Afterwards, the Department of Justice would presumably accept responsibility, but paid no further attention to the judicial statistics, and the Federal Bureau of Prisons, without any special appropriation or encouragement, attempt to carry on the burden of the Census Bureau, so far as the prisons were concerned. And it did so for many years with sporadic publication.

With respect to the judicial statistics, the judgment on the failure of the program passed by the man who headed it in the Census Bureau is significant for the lesson it should teach to those who would have to implement the provisions of the present bill. That man was Ronald H. Beattie, lawyer and sociologist and highly competent statistician who, after leaving the Bureau, was in charge of the statistical service of the Office of the U.S. Courts and later director of the Bureau of Criminal Statistics of the State of California.

He had this to say:

Among criminologists, administrators and others concerned with the problem of crime, these new reporting series were acclaimed with enthusiasms, [but] little attention was given to the recommendation in the Wickersham Commission report that the states undertake the development of basic criminal statistics within their own borders.

Somehow it was assumed that the new national reporting system would automatically supply the type of information desired without the states assuming

any responsibility. The inherent weakness of this approach was most vividly demonstrated in the collection of court disposition information.

In each state reporting in this series, arrangements were made to designate a Special Agent of the Census Bureau, often a person in the State Attorney General's Office. This made possible the use of the government postage frank in sending forms and returning reports. The agent's responsibility presumably was to insure completeness of reporting from all counties within the state, although he was not assigned responsibility for the accuracy of the information or its interpretation.

As might be anticipated, the result was a great lack of uniformity in the way the data were completed. There was no possibility of the Census Bureau's office in Washington exercising any effective control over more than 1500 separate reporting agencies in thirty states. The problem of variability among the state court systems, particularly with respect to jurisdictional coverage of criminal cases, became increasingly complex and could not be resolved satisfactorily.

The last annual publication in this series was for the year of 1946. The series was then abandoned because of its incompleteness and the tremendous difficulty in obtaining uniform and comparable data from local counties without state responsibility for collecting, checking and editing the information summarized at the end of each year.

Today, the most important annual national report that we have in the field of criminal justice is the Uniform Crime Reports issued by the FBI. And you all know, I'm sure, the history of the development of this particular reporting system. But it also shows how very slowly the system could develop.

A committee of the International Association of Chiefs of Police, had begun to campaign to get uniform records established in police departments in the country. It started the reporting system of crimes known to the police for index offenses, seven index offenses, as they are called, and the rest of the offenses in the classifications and also the number of persons arrested for each of these offenses.

The FBI took over this job after a few months in 1930 and they started with about 750 police departments.

Well, it took the FBI 15 years to reach 1,100 police departments, and it wasn't until 1967 that the number had increased to about 8,400 police departments, within whose jurisdiction about 92 percent of the Nation's population lived, the percentage varying from 97 percent for standard metropolitan statistical areas to 75 percent for the rural population.

That year, a new concept for governing the reporting system also began to take shape in the FBI, the concept of a registration area.

The FBI called it the program, already well-known for being instrumental in the development of our vital statistics. Instead of collecting data from individual law enforcement agencies, the FBI would increasingly rely on State agencies or bureaus that would assemble the data in their respective States and report the results to the FBI for inclusion in its annual report.

No State would be permitted to join the registration area until it had an agency that would be able to meet the number of conditions laid down by the FBI, or conditions that would make it possible for the FBI to certify that they were receiving data from the State agencies that met certain qualifications.

The first States that were admitted into the registration area in 1969 were Michigan and New Jersey. But by 1976, 41 States had been admitted to the registration area for the FBI statistics. When the re-

maining States have joined it, a complete national system of uniform statistics of crimes known versus arrest will have been achieved.

Since the Wickersham Commission faced the same problem confronting the drafters of the present bill, its observations and recommendations are worth nothing.

First, a single bureau should have charge of the whole system of nationwide statistics, preferably placed in the Census Bureau, said the Wickersham Commission, because the Census Bureau had the expertise. But it admitted that the Department of Justice would be a perfectly acceptable alternative.

Second, this National Bureau should not try to gather data directly from individual Federal, State, or local agencies of criminal justice. It should deal only with a State bureau in each State.

Therefore, a "uniform State law with respect to gathering and transmitting of State statistics of criminal justice so far as required for general national purposes should be drafted and enacted."

And they suggested that the National Conference of Commissioners on Uniform State Laws be given this job of drafting the law.

I drafted that law for the conference in 1946 and it was promulgated by the National Conference at that time, and approved by the American Bar Association the same year. It has been adopted by California, Kentucky, and Pennsylvania, and its most important provisions in New York. In 1969, the LEAA recommended that it be enacted by all States of the Union.

What has happened since that time I do not know.

Mr. SYNAR. Mr. Chairman, may I ask a question this morning?

Mr. CONYERS. Yes.

Mr. SYNAR. You just mentioned in designing a nationwide bureau two of the qualifications would be, that it should be attached to the Census Bureau, which has the statistical expertise. And then you mentioned that the National Bureau should deal only with the State bureau.

Is that correct?

Mr. SELLIN. I'm simply quoting what the Wickersham Commission recommended. It's not my recommendation.

Mr. SYNAR. That's not your recommendation?

Mr. SELLIN. No.

Mr. SYNAR. What would you recommend?

Mr. SELLIN. I'm perfectly satisfied with the plan for as to the location of the Bureau.

Mr. SYNAR. The location of the Bureau where?

Mr. SELLIN. Well, in the Department of Justice.

Mr. SYNAR. And accumulating the information through individual agencies?

Mr. SELLIN. Accumulating information from State agencies not from individual departments. It would be an absolute impossibility for any national agency, to try to set up a system of having contacts with every sheriff and every police commissioner or every court or institution.

It's impossible. That is not, could not be the function of a national agency.

Mr. SYNAR. Let me ask you this, then. How are you going to get the crime statistics down to an accurate and reliable level? Because later in your prepared statement, you make the statement that, "on the other hand, it has found it difficult to enforce compliance with these standards and its presentation of the summarized data in its reports has raised questions regarding its reliability."

My question is this: Under the present system, or proposed system, how are we going to insure reliability, which, broken down to the local level, can insure reliable crime statistics?

The reason I ask this question is that we're about to propose a new formula for the distribution of LEAA funds based upon criminal conduct within various jurisdictions.

How can we accurately determine criminal levels under a system which is questionably reliable?

Mr. SELLIN. It's difficult to answer that question. The reliability depends upon the ability of an agency to set up records and assure a proper reporting of the data that are needed. And where it has the responsibility of collecting such data, it must have some way of inspecting or controlling or auditing the work of the primary agencies that supply the data, or rely upon some State agency to do it for the State which supplies the data to the National Bureau.

Those who are actually operating statistical services, and I'm not such a person, can probably answer that question better than I can. But it seems obvious that there must be control of some kind.

Mr. SYNAR. Let me ask you this: How do we include in small town communities or metropolitan areas of a size less than 100,000, how do we include the factor of unreported crimes in any accurate statistical data?

Mr. SELLIN. Unreported crimes you wouldn't be able to put in statistics. That's the unknown quantity.

Mr. SYNAR. In other words, any national bureau or State bureau set up to accumulate statistics reliability must be questioned because of the ever-present factor of unreported crimes.

Mr. SELLIN. Well, the adequacy of reporting of offenses depends on the nature of the offenses. When it comes to offenses against the public and there is no personal victim, but the State or the city or the public is the victim, the reporting of such offenses is minimal.

Consensual crimes, where both the offender and the so-called victim are eager to hide the crime from the authorities, from anybody, are not going to be reported.

We know that. But in crimes where there is some substantial injury to person or property, we may assume that the reporting is fairly good.

It's particularly good when it comes to homicide. It would appear that the vast majority of homicides come to the attention of the authorities. Robberies probably also furnish an adequate basis for judging what the trend of criminality is. But too much of the criminality that we know of is known only through law enforcement. And when law enforcement becomes more effective, we have more reported offenses. If it becomes less effective, we have fewer reported offenses.

Mr. SYNAR. I don't think there's any doubt about major crime, where homicide occurs. It's not hard to indicate statistically what homicide and major robberies occur.



Mr. SELLIN. I believe when it comes to homicide, we can, on the basis of the trends, be fairly sure of whether it is increasing or decreasing.

Mr. SYNAR. You still haven't answered my question. If the present system, in your own words, has been unreliable, and the Wickersham proposal may not be the approach to use, and we're really trying to arrive at a reliable means by which to determine criminal activity, what do you suggest?

What do you suggest?

Mr. SELLIN. Well, to get reliable data I was struck by a phrase in one of your sections here, section 304(A), that you want the Bureau "to provide sources of accurate and unbiased data essential for informed public consideration."

I don't understand what that means because I don't understand what "unbiased" means. Bias may exist, or lack of bias may exist in the collector or the user of data. But no data can be said to be unbiased or biased. The manner in which the collection is made may be poor.

Mr. SYNAR. Let me ask this since we're not going to get to the National Bureau of Crime Statistics:

Do you think, based upon criminal activity reporting, that criminal activity funds being dependent on that, that we're encouraging even more biased reporting of criminal activity?

Mr. SELLIN. I don't think so.

Mr. SYNAR. Or that we would have those agencies—State and local agencies—spending more effort to find the unreported crime, or the crimes that would not necessarily be thrown into statistical hold.

Mr. SELLIN. Well, as I understand it, what we try to find out now about unreported crime is through the victimization surveys that have been conducted and are being conducted in order to get some idea of the dimensions of the unreported offenses—that is, unreported to the police.

We have a great many of those victimization surveys made now. There's one going on now, as a matter of fact, which gives us some idea. But after all, all agencies, all public agencies can deal only with the matters that come to their direct attention either in the case of through the activity of the police or the reports made by the public to the law enforcement authorities.

And I don't think any agents can do more than, well, perhaps there may be some educational measures that could be taken to improve and increase the desire to report offenses to the police, but that's about all.

Mr. SYNAR. Thank you, Mr. Chairman.

Mr. SELLIN. Well, the Wickersham Commission also recommended that the National Bureau should promote the establishment of State bureaus and give them technical assistance in organizing their work. And finally the Commission approved the idea of a Federal criminal justice agency in the Attorney General's Office to lead the Federal criminal justice statistics. But the Commission realized the language and difficulty of the National Bureau's task.

We have noted that it has taken the FBI 46 years to secure uniform data from 41 States. It took the Federal Government 53 years to increase the size of the registration area for mortality statistics from

2 States—Massachusetts and New Jersey—in 1880 to all States in 1933.

Considering the multitude of criminal justice agencies of all kinds, the time involved and the problems associated with the development of standard definitions and classification of the subject matter, one can understand why the Commission proposed the establishment of registration areas by the Bureau which would then, with the aid of State bureaus, collect criminal justice statistics only from the States that met the standards set by the Bureau.

Now I've perhaps spent too much time on this history, but I think it's good to realize that there have been efforts made in the past to secure national justice statistics, and that they have often been very poorly supported, especially when it comes to judicial statistics—which is the homogeneous criminal justice statistics that we have—the judicial statistics are by all the poorest.

We know less about the courts system, what the courts do than we know about what the police, parole agencies, and probation agencies, and so on do.

I talk only about the sections dealing with the purpose, structure, and functions of the proposed Bureau of Justice Statistics and its relations with other statistical agencies.

I have found the reading of the bill interesting. It seemed interesting, and I haven't—I don't think I claim competency in criticizing it, criticizing the provisions.

I want to call attention to a few of them. Most of the provisions in the bill, so far as the Bureau of Human Justice, the Bureau of Justice Statistics are concerned, I find unexceptional.

Mr. CONYERS. "Unexceptional"? Or acceptable?

Mr. SELLIN. I think they are fine. I think they're good. So I'm not going to talk about them.

The purpose of any agency established by law can usually be inferred from the specification of its functions and duties, but legislators commonly formulate that purpose in a preamble according to Webster's Dictionary—

which states the reasons and intent of the law or is used for other explanatory purposes, or to recite facts, knowledge of which is necessary to an understanding of the law.

In the preamble of the present bill, there is only a short statement that Congress—

provide the necessary leadership, coordination, and resources in order to encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, civil disputes, and the operation of the judicial system.

The administration's bill, which I have only seen in a Senate version, Congressional Record, Senate, July 10, 1978, contains more elaborate statements of purpose.

It observes, first, that:

Although crime is essentially a local problem that must be dealt with by state and local governments, the financial and technical resources of the Federal Government should be made available to support such state and local efforts.

And that one means to accomplish this is, "to encourage the collection and analysis of statistical information," et cetera.

Just as in the present bill, yet seemingly superfluous since it also appears in the special preamble to the part in the administration's bill which establishes the Bureau of Justice Statistics.

In this subsidiary preamble, however, the following addition occurs:

And to support the development of information and statistical systems at the federal, state, and local levels, to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and civil disputes, and the operation of the civil, juvenile, and criminal justice systems.

I find these formulations of purpose more explicit than the brief statement in the present bill, because they lay a better foundation for the organization and functions of the Bureau and the policies it should follow.

A preambulatory paragraph does indeed appear later in the present bill. In section 304.2.2, after ordering the Bureau to "collect, collate, analyze, publish, disseminate, and maintain data systems accessible to the general public," there is a subparagraph (A) which seems out of place, since it only expresses a hope or wish that the data collected will be useful for certain specific purposes.

This comment applies equally to a corresponding section in the administration's bill, section 302.c.3. Many of the substantive provisions of the two bills are couched in identical language and are all essential.

Other provisions differently formulated or found in only one of the bills raise questions in my mind. I am puzzled by the phrase in section 304.a.2 which requires the Bureau to "maintain data systems accessible to the general public."

Especially since section 410.b states that the Bureau "shall assure that the security and privacy of all information collected, stored, or disseminated is adequately provided for and that information shall only be used for the law enforcement and criminal justice and other lawful purposes."

Furthermore, in a latter section, 304.a.9C, it is stated that data gathered on the characteristics and criminal histories of defendants in criminal or juvenile cases or arrested for offenses "shall be used only for research purposes" and "gathered in a manner precluding their use for law enforcement or any purposes relating to a particular individual other than statistical or research purposes."

In other words, I read those, and then—I find a statement that "should maintain data systems accessible to the general public." I'm confused.

Mr. CONYERS. It appears to be a slight contradiction, doesn't it.

Mr. SELLIN. Both bills require the Bureau to establish national standards for justice statistics, but the administration's bill adds a useful note in another section by requiring that, in establishing such standards, the Bureau "shall consult with representatives of State and local governments, including where appropriate representatives of the judiciary."

The present bill orders the Bureau to maintain liaison with "the judiciary in matters relating to justice statistics." The corresponding section of the administration's bill is identical, except for the word "judiciary," the phrase "judicial branches of the Federal and State governments" is inserted.

Elsewhere, the administration's bill also urges the Bureau to "seek the cooperation of the judicial branch of the Federal Government in gathering data from civil, juvenile, and criminal justice records."

I assume that these sections are meant to deal with judicial statistics and not with justice statistics which, as defined by the bill, includes police and correctional agencies.

The bill contains an explicit and apparently commendable provision that permits the Bureau to "consider the request of persons engaged in criminal justice research to gather data from a multitude of Federal, State, and local agencies for the purposes of analyzing crime over time and across jurisdictional boundaries, or matching demographic, economic, and survey data about individuals with their criminal records."

The meaning of this provision is obscure. The Bureau is, according to section 304.a.1, empowered to give grants or make contracts with private persons to do research on anything that falls within the Bureau's area of activity, but unless the provision means that the requests mentioned are aimed at gaining access to data collected by the Bureau from the multitude of agencies referred to, the provision is meaningless, at least to me.

The bill specifically requires the Bureau to gather at all levels of government data concerning white-collar crime and "public understanding of and respect for the observance of law."

These matters are not mentioned in the administration's bill. Granting that information about both these subjects is desirable, the proper agency to do research on them is the National Institute of Justice for which the bill also provides.

A statistical bureau is not capable of doing much in this way. They can gather information, shall we say, about the occupations of persons arrested, their education, other data which makes it possible to infer which social class, shall we say, the defendant or the arrested person comes from, and they can also get information about the kind of crime committed by persons, but fraud of certain types—if the schedules or inquiry sent out by the Bureau of Statistics calls for certain such information. they can get some data. But to get at more information about white-collar crime should be done by a research agency.

And when it comes to the public understanding of respect to the service of law, I don't see how the Bureau of Justice Statistics would be equipped to conduct such research.

The very nature of the Statistical Bureau prevents it. That is, again, to me something the National Institute should do.

Both bills make a single agency—the Bureau of Justice Statistics in the Department of Justice—responsible for the development of national criminal justice statistics. This is logical, considering that the data are to be gathered from 50 States, and also from the District of Columbia and the Federal Government, which as components of the National System of Statistics may be equated with States and from the records of police, judicial, and correctional agencies in all these diverse jurisdictions with diverse laws and procedures.

These diversities make it imperative that a single agency be empowered to formulate the definitions of "statistical units and stand-

ards" that will insure uniformity and comparability of data, and collect the data required, analyze them comparatively, and publish the results periodically.

The plan proposes both organizational and procedural problems for the projected bureau in the area of Federal criminal justice. For instance, all agencies concerned are obliged to supply the Bureau with the data it needs for a national report.

The Federal agencies are also unhappy for some time publishing, collecting, and publishing the only national criminal justice statistics we have.

I refer to the FBI, and now the LEAA. According to some plans I have seen, the new Bureau would take over the National Crime Panel Victimization Surveys, the expenditure and employment data for the criminal justice system, the juvenile detention and correctional facility system, the national prisoner statistics, and the grant programs for the upgrading of State and local statistical capabilities, all of which are now managed by the LEAA, as well as the correction and tabulation portions of the uniform crime reporting system and the technical assistance and development portion of that system, now the responsibility of the FBI.

I expect that the transfer of the uniform crime reporting system to the new Bureau will be strenuously opposed by the International Association of Chiefs of Police which created the system, and by police agencies in States in the registration area.

There are reasonable arguments on both sides of the question. The FBI has developed a system that functions well, and it has close and direct professional relations with the reporting police departments.

It has tried to improve the system and impose standards. On the other hand, it has found it difficult to enforce compliance with these standards and its presentation of the summarized data in its reports has raised questions regarding its reliability.

I have in the past been a strong—though sympathetic—critic of the UCR system and the FBI has taken heed by, for instance, removing statutory rape from the rape class in the index part of its classification of known offenses, and by stopping the practice of computing crime rates on the basis of the population of the latest Decennial Census, and instead use the estimated population at mid-year.

But there still remain defects in the method of computing rapes and the interpretation of data. The most important defect in the crime rates cannot be removed, however, until a more scientific way of measuring the injury to persons and property by crime is employed.

The measurements now being used by police and the FBI in many instances undervalue, and in others overstate the degree of such injuries.

The technique for remedying this situation exists but is not being used by police departments. It is being experimentally tried in the current victimization survey for the first time.

Because the Bureau will be facing so many formidable problems especially in the area of judicial statistics, it might be wise to have the FBI continue the collection of data on crimes known and arrest for the time being, but make it subject to oversight by the Bureau

and responsive to the Bureau's directives aiming at the improvement of the system and its integration in the national program of criminal justice statistics.

That's all the comments that I have, Mr. Chairman. I apologize for the length.

Mr. CONYERS. Well, we appreciate it.

You reviewed in a very historical fashion the nature of the problem, and we appreciate the questions that you have posed in the hearing and the bills that were put before you. We appreciate that very much.

In your last comment, were you suggesting that we might leave the index crimes with the FBI? Or have them working under the Bureau of Justice Statistics?

Mr. SELLIN. Well, I am suggesting that, to begin with at least, the National Bureau will be so completely flooded with the job of trying to develop a judicial, for instance, it would be wise to let the FBI continue its work, but under the oversight of the Bureau.

Mr. CONYERS. In other words, you're thinking of a transition period situation?

Mr. SELLIN. Yes.

Mr. CONYERS. How bad is the crime statistics business in the United States? Has it always been pretty sloppy, so that we shouldn't get too excited about it? Has it always been bad? Is it going from bad to better? Or is it getting worse all the time?

Mr. SELLIN. So far as I can see, I think it's improving; and as a result of this registration area idea they worked out, my impression is that, as a result of assistance from the LEAA fund, that States have been able to develop for the police—I'm speaking now only of the police—the police statistics, developed through the State police agency or some other agency, a reporting system that meets pretty good standards. So that I think that it's improving greatly.

Mr. CONYERS. How suspicious should we be of police statistics, since sometimes their crime waves help? Sometimes reduction of crime reporting is what's needed politically, or grantwise. Should a reasonable Member of Congress be very suspect of the need for people to tailor crime statistics?

Mr. SELLIN. I don't know exactly what you have in mind. The collection of the data that are issued by the statistical agencies as to, for instance I think now take crimes known to the police, that was crimes reported or that become known, whatnot, that I think is improving greatly.

When it comes to the meaning of these—interpretation and meaning of these crimes—these data for the community and so on, that's something else entirely different.

And of course when it comes to data on arrest, for instance, or data that deal with the offenders and offenders of certain characteristic types, well the meaning of those data in relationship to what we know of crimes known becomes important.

But again that's a question of interpretation.

Mr. CONYERS. Well, Professor Sellin, let me introduce you to the real world of police statistics.

You've got an election coming up, and it's appropriate that there be a crime wave which a politician can raise hell about. So all of a sudden we start finding that juvenile crime is going off the charts. The fact of the matter is, juveniles are committing less crime—if anybody read the stats. Example B: Federal funding depends on how much crime is going on. So all of a sudden we find in one particular area the crime is going wild.

We need to send in Federal money, State money, and everything else. Or, in the alternative, a heavy election is coming off and we've got to find that there has been a diminution of crime just around November.

We find it's been a vast improvement over the last 2 years.

Now is this—am I getting too suspicious about the way these statistics come and go? Or is this improving, too, in the American body politic?

Mr. SELLIN. Well, I'm afraid you know more about it than I do. That particular aspect—

Mr. CONYERS. Well, that particular aspect is the part that you experts are supposed to be correcting some of us about. I mean, that's why we're all here today in the same room.

Mr. SELLIN. We can't correct that at all. We can tell you about how to set up a system of criminal justice statistics and how to go about collecting the data. We can't guarantee that the data that you get are perfect, because that becomes a matter for local initiative, local problem, and whatnot.

I remember how the story that was told when Lincoln Stephen, and Jacob Reiss in New York, both reporters, created a crime wave. Jacob Reiss had been sitting in a police station as a young police reporter for one of the daily's and everything was quiet, and he didn't seem to be able to get anything to write about.

And then suddenly there was this case—an important case. He wrote a big, big story for his paper and got a byline on it. And the editor of the other paper who hired Lincoln Stephen said—called Stephen and said, "Look, why didn't you get this scoop? Look what's happened."

And so Lincoln Stephen got out and made a scoop on one case that he had. It really didn't take very long until both these papers were vying with each other about crime and it was a "crime wave" occurring until Teddy Roosevelt, who was commissioner of police in New York City at that time, called in the two fellows and said, "Now you've got to stop this business. There isn't any 'crime wave.' You know very well. This is all done by the newspapers."

Well, I mean, criminal statisticians can't do anything about that.

Mr. CONYERS. What we're trying to document at this hearing this morning is that it exists, and that that is a pertinent part of this inquiry into how we proceed about obtaining more accurate statistics and to what extent it exists, and to what extent therefore it may be cured.

Do you know anything about this?

I mean, in moderate terms. I appreciate the Roosevelt era problems but bringing it up into the 1960's and 1970's, about the manipulator

of crime statistics for the purpose of—for political purposes—for Federal grant and money purposes.

Are you aware of this phenomena?

Mr. SELLIN. I know that it has happened in the past in places, and the FBI has tried at various times—as a matter of fact, for a long time. New York, they did not accept any crime figures from New York City at all.

And the researches that were made later on in New York in the re-establishment of a new statistical bureau there resulted in a tremendous increase in the rates for the crime of robbery and whatnot in the city of New York due simply to the fact that under a new system they reported honestly and not under the old system.

And these are things that political matters, problems of that kind, statistician cannot deal with. That is a bureau statistics cannot.

Mr. CONYERS. Well, we don't consider this. We rush out here and create a National Bureau of Justice Statistics, and then when the figures come in as bad as they've always been, they'll turn to those of us that have had something to do with this bill and say, "What were you gentleman thinking about?"

We'll say, "Well, the experts told us that there was nothing that they could do about it, that we just had to hope that it didn't happen so much more."

I think we've got to study it, and I'm not sure how we go about it.

Let me raise this final question now and turn this over. Have you considered the problem of arrest data getting into computers and also getting into the general public as a major problem in this whole business of crime statistics keeping?

Mr. SELLIN. I think that that is being done.

Mr. CONYERS. Well, I mean, suppose we create this great bureau and it even operates pretty effectively, but every Joe Dokes that gets arrested goes into a computer and this starts getting circulated among employers and different agencies of the government, different levels of police administration.

Don't you think that that could be a major problem of which we ought to guard against?

Mr. SELLIN. Yes. It becomes a matter of the invasion of privacy, I realize that.

Mr. CONYERS. Yes. Have you any suggestions of caution that we might take, or are there any safeguards that we might want to consider with respect to this problem?

Mr. SELLIN. Well, you're proposing that there's a policy board to supervise the Bureau. Seems to me that it would be the function of that policy board to consider problems of that kind, and they're the ones that are going to advise and direct the Bureau's work.

Mr. CONYERS. Mr. Gudger.

Mr. GUDGER. Thank you, Mr. Chairman.

Professor Sellin, I commend you for your very comprehensive review of the history of the development of our efforts, our current efforts toward gathering or consolidating criminal justice statistics, and I commend you for your conclusion and your statement that you feel that both of these bills are on the right track in proposing that



there be a Bureau of Justice Statistics in the Department of Justice responsible for the development of national criminal justice statistics.

You explain and I think effectively the purpose of this particular Bureau, and why it is so important that there be uniformity of formula and a developing uniformity of classification so we can avoid the disparities that have been traditional in the 50 different States jurisprudence, and which make it so hard to identify one crime with another crime. I understand how, as statistical facts, one prosecution, in one State may parallel that of another and be called something entirely different.

This is in substance what you are saying in part, is it not, that such a bureau is a good thing and that we do need to have formulas that are relatively uniform State to State in the Federal agencies, in the Federal Department of Justice, and that such data be collected so it can be used effectively in policy formation.

Mr. SELLIN. Yes. After all, when the International Association of Chiefs of Police set up the system committee on uniform crime records, they had a limited purpose in mind that they read all through—they read all of the statutes of all of the States, and attempted to get a classification within which it would be possible to place the different things from the different States where you would have uniformity in the classification.

Mr. GRUDGER. And this point you refer to as the uniform crime reporting system is now in existence in which the International Association of Chiefs of Police Cooperate with the FBI in developing statistics and data and a compilation.

Now, I'm concerned about one thing here. You say that if we develop this new Bureau—that as, you understand it, a new Bureau will take over the national crime panel victimization survey expenditure, employment data, criminal justice system, juvenile detention, national prisoner statistics, all of these various programs; do you subscribe to that, or do you feel that these programs should continue to function until this Bureau has had some experience got even into place?

Mr. SELLIN. This is a practical matter. One of these programs that you referred to is the old program of juvenile institutions; that was gathered by the—used to be done by the Office of Education. And another program is the old Census Bureau program of commitment and discharge of prisoners from State and Federal prisons and reformatories, so on; so that some of these old programs that have gotten other names now and are being done by the LEAA.

But they would be presumably all assembled together and done in this national bureau to gather data, not only on crimes known and arrests, but on the processing through the courts: prosecutions, indictments, prosecutions, convictions, and then the panel system afterward acts as a probation, parole, commitment to institutions and those that—that whole story.

Mr. GRUDGER. Now, do you agree with me that much of the progress in uniformity of data collection that has been realized in the past decade is probably attributable in some degree to the LEAA program, the fact that it has made available to the States funds with which to develop uniform systems to correlate with the FBI and the association referred to?

Mr. SELLIN. I understand that that is so.

Mr. GUDGER. And do you agree that many of these commendatory purposes that are declared in the preamble of one of the bills which you referred to—I think you referred to it as the administration bill—that many of these preamble declarations of purpose are consistent with the preamble declaration of purpose of the existing LEAA act?

Mr. SELLIN. I haven't looked at it from that point of view, but I wouldn't be surprised.

Mr. GUDGER. And so you feel that the Law Enforcement Assistance system now in place has served a useful purpose in bringing the States into some degree of conformity in their statistical data collection and in their processing of criminal offenses, even in their court processing itself as we have moved to a position now where this bureau may become effective?

Mr. SELLIN. Well, I know that they've been active in it, and I haven't made a particular study of the work of these agencies and in the LEAA, but I'm willing to grant that it's worthwhile.

Mr. GUDGER. But you do conceive of the Bureau of Justice Statistics within the Department of Justice as proposed by these two bills and in remarkably similar form as a projection or continuum of what has been the developing program of the law enforcement system concept?

Mr. SELLIN. Yes, I do.

Mr. GUDGER. Thank you.

Mr. CONYERS. Mr. Volkmer.

Mr. VOLKMER. No questions.

Mr. CONYERS. Counsel Gregory.

Mr. GREGORY. Do you feel, Professor Sellin, that the Federal bureau of whatever entity is charged with this statistical responsibility should have the authority to establish standards, with perhaps conditioning Federal aid that States or other units of government gathering these statistics receive on compliance? That's a necessary element?

Mr. SELLIN. Absolutely.

Mr. GREGORY. And I take it you would consider that to be a legitimate condition of Federal aid?

Mr. SELLIN. Yes, indeed. You can't have uniformity without somebody setting standards and in making a definition of units or data to be collected, and so on. And this is necessary. Otherwise, there would be no uniformity. There would be no comparability. And of course a national bureau must, if it has to, if it's going to have uniformity statistics, must be able to define the terms and set the standards for the collection of such data.

Mr. GREGORY. More than the concerns that have been raised about a bureau of justice statistics—and we're going to hear more of these concerns today—are, one, on the part of the courts, both Federal courts and State courts, that they should continue to be responsible for gathering statistics for their systems; and second, the concern on the part of States generally that State crime statistics should be gathered by States.

I take it from your testimony that certainly at least in the case of the States that is not inconsistent with your design for a national bureau?

Mr. SELLIN. No; the State bureaus—the State of California, for instance—the State bureaus of statistics have gathered data reports, and a national bureau will never be able to prepare reports as full or as

detailed as a State bureau can. And in answer, a national bureau would have to be selective from what it wants from the State. Otherwise, the annual report of the national bureau of justice statistics alone would be 10 big volumes every year or maybe 15.

You know, you can't; I think people find it difficult to realize that when it comes to a comparable data from, say, 50 jurisdictions or 52 jurisdictions, really—the District of Columbia in the Federal system plus the States—comparable data. Imagine listing all of these States in every column, in every table, and then certain data in tabular form for each State.

And you will have to ask only about two or three questions and you'll have statistical reports of 400 or 500 pages. You know—and so that, I think—it's probably difficult to visualize what the national bureau—how extensive it can be in its regular reporting.

Mr. GREGORY. In other words, if I may attempt to summarize what you've told us, that the role for the States and for the courts for the State and Federal level is not only compatible but necessary; is that the essence of what you are telling us, that the initial gathering would have to be there, not only can be, but would have to be there?

Mr. SELLIN. In the States; absolutely.

Mr. GREGORY. Thank you very much.

Mr. CONYERS. Counsel Roscoe Stovall.

Mr. STOVALL. Thank you, Mr. Chairman.

Professor, would it be keeping with Counsel Gregory's last line of questions—would it be appropriate in your mind for criminal code study commissions in the various States to enact or to recommend uniform crimes for the legislatures in consonance with a Federal crime gathering program?

Mr. SELLIN. Well, already agencies have attempted to get uniformity in the penal code, the American Law Institute model penal code, a couple of others, model penal codes, have been developed.

The only thing a federal system, a federal government can do is to encourage; after all, the States are independent.

Mr. STOVALL. Well, to what extent has the Federal system encouraged this sort of uniformity to date?

Mr. SELLIN. I don't know how effective the Federal system has been in getting uniformity. I think the American Law Institute has been fairly effective in getting the provisions of a penal code adopted by a vast number of States, but not by all.

Mr. STOVALL. Can you see a benefit, or would you recommend that the LEAA fund State criminal code revision committees as such so as to create a uniformity of State laws?

Mr. SELLIN. I think it could spend its money more wisely than that. I don't see that that would be particularly useful in working for a national penal code like that of Switzerland. Switzerland had their own penal code and their own procedural code and so on for a long, long time. It was not until the thirties that Switzerland succeeded in adopting a national penal code and applied.

Now, if it were possible to get a national penal code in the United States, that would facilitate matters greatly when it comes to the work any bureau of justice statistics does.

Mr. STOVALL. In other words, sir, you feel as though the States really—the time should not be spent in continuing to promote autonomy in State criminal law, but Federal resources be spent to nationalize the system.

Mr. SELLIN. I would doubt it.

Mr. STOVALL. I'm trying to gather if that's what your position is. You think we should replicate what Switzerland has done; is that correct?

Mr. SELLIN. That would facilitate matters for me.

Mr. STOVALL. Facilitate matters for you? Do you think that would be an ideal goal for Congress?

Mr. SELLIN. Well, I should—well, I don't know. After all, there are so many differences when you think of the West and the Southwest, the Northeast and the South and the areas, State codes, whether it's possible to even think of a national code.—

Mr. STOVALL. But your answer is "yes"?

Mr. SELLIN. It would be very difficult, but if it could be done, I should think it would be desirable.

Mr. STOVALL. Thank you, sir.

Mr. CONYERS. Thank you very much, Professor Sellin. You've been a very good witness. We appreciate your expertise.

Our next witness is Circuit Judge John Butzner of the Fourth Circuit, Richmond, Va.

We welcome you before the subcommittee, sir, and we recognize that you have been a member of the judicial statistics subcommittee and chairman of that subcommittee of four administrations since 1971, that you come here with a really wide experience in law enforcement, and then criminal justice statistics.

We appreciate your judicial restraint in allowing us to have the witness here before you. We also have your prepared statement which will be incorporated in full in the record and this point, and that will free you to proceed in your own way.

Would you begin by introducing those that you brought with you.

[Complete statement follows:]

PREPARED STATEMENT OF HON. JOHN D. BUTZNER, JR., CHAIRMAN, SUBCOMMITTEE ON STATISTICS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

Mr. Chairman, my name is John D. Butzner, Jr. I am a judge of the United States Court of Appeals for the Fourth Circuit. For the last ten years I have served as a member of the Judicial Conference's Court Administration Committee's Subcommittee on Judicial Statistics. For the last eight years I have served as chairman of that Subcommittee.

As you know, the Director of the Administrative Office of the United States Courts is required, under the supervision and direction of the Judicial Conference of the United States, to compile statistical information pertaining to the caseloads and work of the United States courts. Since 1940 the Administrative Office has been collecting and evaluating statistical data for the entire federal court system. Under current statutory authority, primarily 28 USC § 604, quarterly and annual reports are regularly filed with the Judicial Conference of the United States, the Attorney General, and, of course, with the Congress. One of the functions of the Subcommittee which I chair is the oversight of the administrative operations which make the reports possible. Working with the Director of the Administrative Office, the Subcommittee formulates and approves statistical system programs, offers advice and assistance in the resolution of

policy questions, and assures the accuracy and reliability of reported information.

The statistical information compiled by the Administrative Office is frequently used by the Congress and executive agencies, as well as by the courts, for a multitude of purposes. During the past forty years, I do not believe it would be inaccurate to describe our performance as having earned a deserved reputation for accuracy and reliability. Although our data has not always yielded information desired by the Congress on a given issue, I believe our reports have always consistently served those purposes they were designed to serve and those purposes they are required to serve by statute—the management and informational needs of the federal courts system.

Mr. Chairman, I genuinely thank you for this opportunity to appear today to testify on those aspects of H.R. 2061 and H.R. 2108 which would establish a Bureau of Justice Statistics which would have the capability of collecting and evaluating much-needed information on a national scope.

The two bills before you today have, in fact, not been thoroughly studied by the Judicial Conference—or for that matter by my Subcommittee—simply because we have not had enough time to devote to the careful study they deserve. Both bills are currently on the Subcommittee on Statistics' agenda. The Subcommittee is scheduled to meet on May 21 and 22. In the course of that meeting the Subcommittee will carefully evaluate Part C of each bill and formulate recommendations for consideration by the Conference's Court Administration Committee which will meet in late July. The Subcommittee's focus of study will be limited to those provisions in both bills governing data to be collected by the proposed bureau and processes to be employed for that purpose. Given the very specific scope of our study, and the relatively limited scope of our recommendations, I believe I would be acting responsibly in filing our recommendations with this House Subcommittee when I file them with the Court Administration Committee.

Obviously both pending bills encompass objectives far broader than the establishment of a bureau of statistics alone. Those additional objectives, in several instances, reach to policy matters which only the Court Administration Committee should evaluate; indeed several encompass policy questions which should be evaluated by the judiciary, if at all, only by the Judicial Conference.

Let me, therefore, today address that matter which I know best and upon which I believe I am authorized to comment by virtue of my Subcommittee chairmanship. In doing so, however, I should note that the Judicial Conference has in the past in general expressed approval for the overall objectives envisioned in this legislation. In October of 1969, at the request of Congress, the Conference evaluated a bill which would have established a national crime statistics center independent of any existing department or agency (H.R. 5225, 91st Congress), and expressed its approval of the bill. In April of 1972 the Conference expressed approval for the concept of a national institute of justice then contained in S. 3612, 92d Congress, specifically refraining from endorsing the bill in light of a then ongoing American Bar Association study. As you also know, the Chief Justice, the presiding officer of the Judicial Conference, has on several occasions urged the creation of a national institute for justice in his public addresses.

The Judicial Conference has consistently recognized the compelling need for a truly consistent and comprehensive record of information reflecting criminal activity and criminal justice experiences throughout the nation. While it is true that many states and local governments have in recent years developed exemplary statistical reporting systems, other states still have only rudimentary reporting systems, or none at all. National statistical profiles for crime have been few, generally the product of scholarly studies conducted by using differing methodologies and specific government programs designed to serve limited purposes. There is no question that a single federal governmental authority, responsible for compiling and correlating criminal justice information is needed. Just as necessary is a single authority cognizant of data-gathering processes and program methods.

Having acknowledged those needs, let me frankly say that whatever central bureau may be established by Congress, I firmly believe that the responsibility for compiling that data needed by the judicial branch, now vested in the Director of the Administrative Office under the supervision of the Judicial Conference, should remain unaltered. Without question, over the years Congress and the

executive have come to rely upon reports compiled by the Administrative Office for many uses. During the last Congress several hundred copies of our publications were provided for use in processing the omnibus judgeship legislation. Nevertheless, our reports have always been designed to serve one principal purpose: the expeditious and efficient administration of our federal courts. As important as is information about the courts to sociologists, criminologists, many government agencies, and the Congress, the fundamental purposes to be served can simplistically be described in one phrase—making our courts work well.

While the burden which has been borne by the Administrative Office's programs has been demanding, those programs have always been available to the Department of Justice for specialized purposes; and, of course, they will continue to be so available. Because our obligation to the court system is fundamental, and because our programs will continue to be readily available to all governmental offices, I believe I have a basic obligation to ask that Congress take special care in creating a central bureau responsible for information acquisition, especially in the area of civil justice statistics as distinguished from criminal justice statistics. In reviewing the proposed bills, it is obvious to me that one of your major objectives is the elimination of confusion which may result from statistical reports apparently reaching contradictory conclusions. I can assure you that all too often identical data can result in contradictory conclusions, in spite of the good faith of those using the data, only because analytical methodology differs. There is no question in my mind that every effort must be made to vest responsibility for retrieval of information with those most qualified to both collect and analyze it. Furthermore, analytical techniques employed in data assessment should be fully coordinated to avoid both confusion and duplication.

Mr. Chairman, I was especially impressed with the language you have incorporated in Section 304(c) of H.R. 2108 providing that: "Authority of the Bureau shall not extend to statistical activities of the Department of Justice carried out solely to meet the internal management needs for information of the Department."

From my comments so far, it will come as no surprise to you that I would recommend a similar provision applicable to the programs which my Subcommittee monitors. I am not presenting to you a brief based upon separation of powers concept—although I believe one could be written—nor do I appear today merely to advocate the preservation and continuance of "an agency function." Notwithstanding periodic criticism of the judiciary for extending its reach beyond its scope, our views on a central bureau for statistics are not motivated by a desire to "empire build." Frankly, there are responsibilities with which we are now vested, which we believe properly belong elsewhere, such as a duty to assemble annual statistics on wiretapping throughout the nation for purposes of filing required reports to the Congress.

Fundamentally, in order to function properly, the courts must continue to rely upon the Administrative Office assembling and evaluating more of the data it currently processes. We believe that there is no need to duplicate our programs in another governmental institution. We have always made our information fully available to other government offices, and would welcome the opportunity to continue to do so.

In summary, Mr. Chairman, I believe that when the Judicial Conference has fully reviewed your proposals for a central statistical unit, it will fundamentally approve many of your objectives, but I am certain it would be unable to approve the duplication in another governmental unit of most of the authority now assigned to the Administrative Office under title 28. In the rather quaint words of an established guideline: "If it isn't broken, don't fix it." Thank you very much for this opportunity to have presented our views.

#### **TESTIMONY OF HON. JOHN D. BUTZNER, JR.; ACCOMPANIED BY JAMES A. McCAFFERTY; AND JOSEPH SPANIOL**

Judge BUTZNER. Yes, Mr. Chairman, thank you very much. On my left is Mr. Joseph Spaniol, who is the Deputy Director of the Administrative Office of the U.S. Courts and who has played a very, very

active role in the development of the administrative office's statistical system since the fifties.

On my right is Mr. James A. McCafferty, who is the present Chief of the Systems of Statistical Analysis and Reports Division.

We thank you very much for this opportunity to appear before you today and to testify on those aspects of H.R. 2061 and H.R. 2108, which will establish a bureau of justice statistics that would have the capability of collecting and evaluating much needed information on a national scope.

The two bills before you today have in fact not been closely studied by the Judicial Conference or for that matter, by my subcommittee simply because we have not had enough time to devote to that study. I can assure you, however, that the results of our study will be furnished to you as promptly as we can do so.

My preliminary views are set forth in my formal statement which I would like to file along with supporting documents. I can very briefly summarize that statement. First, without equivocation or qualification, we want to assure you that in every way possible the Administrative Office and the judiciary will cooperate with the Bureau if it is established. We approve the aims of the bill. In fact, the Judicial Conference has gone on record in previous years as approving similar concepts.

I can't speak for the Judicial Conference, however, about this particular bill because the Conference has not considered it. We recognize the need for uniform statistics, and we appreciate the problems of collecting and verifying them.

Now, we have a second point that we'd like to emphasize. We have need in our own house, in the judicial branch, for very detailed statistics. We need them for management purposes. We need them for budgetary purposes. We need them for many purposes. We also are required by the Congress—and when I say “we,” I mean the Administrative Office—the Director of the Administrative Office is required by the Congress to collect and publish certain statistics.

We've developed—and again, I mean the Administrative Office—has developed very sophisticated systems for doing that. We particularly urge that the aims of the Bureau accommodate our aims and our needs and that we don't get at cross purposes.

From our standpoint, we will try not to get at cross-purposes. I was impressed with the language incorporated into section 304(c) of H.R. 2108, which provides that the authority of the Bureau shall not extend to statistical activity of the Department of Justice carried out solely to meet the internal management needs of the Department. We think that possibly a provision like that concerning the judicial branch of the Government would be helpful in delineating the responsibility of the bureau and our responsibility to continue with the statistical reports that we have.

Mr. CONYERS. Do you generate confidential or nonpublished statistics now?

Judge BUTZNER. Well, I'll speak on that very briefly, and then Mr. Spaniol can answer it in more detail. The records of and individuals, of course, are known to the probation department. The probation department needs to know what record a specific person has, but that

information is carefully secured. It is not made known to the public, and we've tried over the years to avoid using the statistics which are collected to give information about any specific person. And I think we've been very successful in that regard.

I don't recall if there's been any abuse of the right of privilege or the right of privacy because of the statistics that have been collected by the administrative officers. Mr. Spaniol may be able to tell you in some detail.

MR. SPANIOL. Mr. Chairman, that is perfectly right. The information we compile is for specific purposes in connection with the operation of the judiciary. We do not have any need to compile information about individuals as such, to use in the judiciary.

The information we do compile could perhaps be used for some other purpose, but it is not compiled in a way that it can be readily assembled for uses other than for management purposes.

MR. CONYERS. Well, I've got some of it here. Is it not all public information anyway?

MR. SPANIOL. Everything that we have is public, yes, sir. We have no private files or confidential files.

MR. CONYERS. That is the assurance that I was seeking. Would you like to make a comment, sir?

MR. McCAFFERTY. Well, you do have all of the reports there.

MR. CONYERS. We have not gone through these reports, I must say.

MR. McCAFFERTY. On wiretap reports, which we have the responsibility that this material is not given to the public, but individuals can go to the court and refer to the defendant data for criminals. Absolutely this is not given out. In the civil area because of what we call civil—the defendant and plaintiff data is available at the court and it can be made available. It has been made available to certain committees, like on diversity, civil rights matters, anything that they want by nature of suit.

MR. CONYERS. So, you're saying, Judge, that short of us being sensitive to the work that you have already—the judiciary is already engaged in, that you think we're moving in a generally correct step in terms of creating a bureau of statistics?

Judge BUTZNER. Yes, sir. That's a policy matter which I find no fault with.

MR. CONYERS. There seem to be a couple of schools of thought that, one, the judicial system has had a lot of trouble getting on top of its own recordkeeping, and another, maybe the preferred view, that they've always been rather exemplary in this field.

Could you shed light on this?

Judge BUTZNER. Yes, sir. I think we've been rather exemplary. Our system has been widely adopted. But it's developed over a period of time, and there are problems that we find in it. That's what we want—to have the flexibility to continue to correct problems as they come up.

We constantly revise the forms that we use to get the data—it is not simply adding it up that causes the problems. We create forms and send questionnaires to our deputy clerks of courts that they understand and can use to report accurately what's going on.

We constantly are changing our instructions as we see that something is not being interpreted the way we think it should be.



To clarify it, we have people who are standing by to answer telephone calls, all of which is designed to get data as accurate as we can. But I think, by and large, the data proves to be accurate.

Now, it only deals with—well, I say “only”—with cases. We never collected statistics on arrest, for example. It’s only if a case comes into court that our statistics start to flow.

Mr. CONYERS. This subcommittee has jurisdiction over speedy trial legislation, and we have to go into statistics data rather extensively there to come to formulations as to how this whole thing was going to operate.

And I think we can. As I recall it, we were impressed with the recordkeeping. That was reliable. It helped us establish that criminal trials appear to be processed more effectively and that it would not be unreasonable to put limits in terms of the length of time that would elapse between initiating and bringing to trial a criminal prosecution.

It was very helpful there. But now the State courts—as I remember my visit to the center in Virginia, they kind of go all over the map.

Of course, we’re talking about 51 or 52 other jurisdictions, but it was seen that, somehow through the process of judicial osmosis, somebody would begin to look at the Federal judicial system of these State court administrators.

Is there any relationship being developed, accentuated, between the Federal, State, and judicial?

Mr. SPANIOL. Yes, Mr. Chairman.

We do work closely with the State center, but I think your observation is right, that the States have lagged behind us in developing systems for the compilation of judicial statistics.

Some States have very good, very excellent systems. Other States have virtually no system, or a very rudimentary system.

Our understanding is that the State center is now working very quickly to try to develop better information on the caseloads of State courts, something comparable to ours.

Mr. CONYERS. Mr. Gudger.

Mr. GUDGER. Thank you, Mr. Chairman.

I would state it’s a particular pleasure to hear the testimony of Judge Butzner of the fourth circuit, having been a bar member of that circuit, and I believe I’ve seen him on occasion, and many of his colleagues, down at Hot Springs and other places.

I want to commend you on your conclusion, and I think it was stated specifically—that there is no question that a single Federal Government authority responsible for compiling and correlating criminal justice information is needed, and just as necessary, that the single authority be cognizant of data gathering processes so as to improve methods.

Now, in your comments earlier, Judge, you pointed out how forms had developed with the Federal system so that your information gathering evolved into a system.

And I think you’re familiar with my own State of North Carolina, where we have an administrative office of the courts and we have a single court of justice in North Carolina, as I think you are aware.

We have been evolving rapidly, I think, a law enforcement program keyed to a judicial system, which—like the Federal courts—

operates with some degree of uniformity, with the forms reporting, and processing designed to get the kind of data that we think is necessary for the evolution and development of a sound criminal justice system in North Carolina.

Do you agree, in substance, with the testimony of the preceding witness when he, in effect, was saying that we don't need 8,400 different agencies reporting in for statistical data? What we need is 50 States and one Federal system.

Judge BUTZNER. I think that—without giving this the study that I need—that I was impressed by the testimony, and I think that's probably a very sensible way to approach this.

Let me just explain what the Federal system does. For every case that's filed, a form is filled out, giving quite a bit of information. It's sent in. That shows the case in the system.

When that case is completed, another form is sent in. In the central office—at the AO—they're matched, and we've a history of that case. That means that throughout the system tens of thousands of forms are coming in to make up the final report.

Then the information is broken down in many, many different ways, as you can see in the books.

Now, I think it would be a Herculean task for one bureau to start receiving all those forms. It seems to me that the point that you make is well taken, sir.

Mr. GUDGER. Now, I was gratified that you commented upon the importance of the Federal judiciary continuing through its AOC to development of its own data, but do you see this Bureau as possibly accommodating situations where the data evolving in your court system can feed the Bureau, so to speak.

Judge BUTZNER. Yes, sir.

And we work the other side of the street, too. If the Bureau needs specific data and we have the capability of getting it, we would like to furnish the Bureau with that information, even though we don't now have it.

Mr. GUDGER. And do you perceive some advantage in States moving as rapidly as they can to some degree of parallel, if not uniform, reporting, since in different States you're going to have different statutory crimes?

Do you perceive that there is an advantage perhaps in each State having its own data developing process which might correspond with this Bureau, but might experiment in areas, where that State might have some advantage over other States and be more progressive than other States in data assimilation?

Judge BUTZNER. Yes, sir. I think that's a justifiable aim.

It isn't only with the different States that you run into problems. I am sure Mr. McCafferty can elaborate this better than I, but we have problems. An indictment charges several crimes under several statutes—a defendant is charged with bank robbery and abduction, for example. We have to accommodate that type of thing and it only comes through adjustment, experience.

If we find out we're wrong we correct it. We like that flexibility.

Mr. GUDGER. I had the experience, in the 95th Congress, of serving on the Criminal Justice Committee of the Judiciary Committee of the

House, which was addressing the problem of developing a uniform code of the Federal criminal jurisprudence.

As you know, one of the concerns which we addressed, was the probability of ultimately evolving standards of criminal penalty.

Do you see that this type of data gathering could perhaps lead to greater uniformity of punishment, not just in the Federal system, but State by State?

Judge BUTZNER. It's essential to have data, because if the data is not there, you don't know that there's a lack of uniformity. We collect and publish data on the results of criminal trials, and that's where it's shown that there is a lack of uniformity.

Collecting the data isn't going to change things, as Dr. Sellin said, but at least exposes them.

Mr. GUDGER. Thank you very much—certainly grateful for your testimony.

Mr. CONYERS. Mr. Volkmer.

Mr. VOLKMER. Yes, Judge, I sure appreciate the testimony, and I'd like to extend this a little bit further—the thought I think we started, and again at the end of your statement as to procedures that you presently used, do you determine such things as indictments that were dismissed—indictments, trials, not guilty, indictment of guilty, and on appeal and indictments, no appeal, et cetera?

Judge BUTZNER. I think Mr. McCafferty can answer that much better than I can, sir.

Mr. VOLKMER. Is it—are those details broken down—and further into detail as to the statutory violations?

Mr. McCAFFERTY. Starting about 2 years, we did take what we did call the most serious offensive and put this into our computer operation. We have a secured system so that the chairman will know that our data is not getting out.

It's a completely secured area, and we enter the most serious offenses—time intervals of the case—coming into our office. There may be eight or nine charges, as you know, and the most serious is collected on the basis of the crime against the person, followed by crime against property, and then—so forth.

That is entered into the system, and we have the method of the procedure. Let's say, was it an indictment? Was it information? Was indictment waived? Is it juvenile proceeding? Rule 20? Coming in from another district—so forth?

Mr. VOLKMER. Appreciate that.

Now, I believe Congressman Gudger has already touched on this, but basically you're already gathering some of the data that would be useful to this?

Judge BUTZNER. We think—

Mr. VOLKMER. I agree with that.

The next question is: Do you believe you could work in cooperation with—and you can furnish, we know that—but in evolving a standard that would be suitable so that where States also are feeding into this same operation, that they can be—you know, work together with other computer operations.

Judge BUTZNER. Well, the day-to-day cooperation would be with the Administrative Office.

Mr. VOLKMER. I'm not saying just day-to-day; I'm saying evolving standards, not only reporting, but in methodology of reporting, things like that.

Judge BUTZNER. I'd like the Deputy Director to answer that.

Mr. SPANIOL. I believe that the system we now have is far more detailed than this new Bureau would need.

We collect a great amount of detail on criminal cases and other types of cases in the Federal courts. There is no reason why we cannot cooperate in helping a bureau, such as this in the Department of Justice to evolve standards, and perhaps better standards than we have now. We could conform—

Mr. VOLKMER. Let me ask you—a question just entered my mind—let me interrupt.

I want to know the history of the last 2 years—let's say, now, 3 years—now, I can say 5 years—record of indictments for persons accused of a crime against persons; all right?

In Cook County—Chicago—Cook County, Ill., Federal indictments—would I be able to get one?

Mr. SPANIOL. You could get the information for the U.S. District Court for the Northern District of Illinois, which of course includes more than Cook County.

We do not break it down by county.

Mr. VOLKMER. Could not break it down by Cook County?

Mr. SPANIOL. No.

Mr. VOLKMER. Just in that district?

Mr. SPANIOL. That district; yes, sir.

Mr. McCafferty. We do it by office.

Mr. VOLKMER. By courts?

Mr. McCafferty. Where his case is filed.

Mr. VOLKMER. Thank you very much.

Mr. Conyers. Judge Butzner, we're indebted to you.

I'm sorry, did Mr. Gudger have any questions?

Mr. GUDGER. Mr. Chairman, I only had one question.

Many of your districts break down into subunits, divisions. Do those reflect in your data—by subunits like Nashville office, Charlotte office within the Western District of North Carolina—would break down to that point?

I want a little further comment on the questions addressed by Congressman Volkmer—or does it break down only to the district itself?

Mr. SPANIOL. We can provide information on outlying divisional offices in each court providing that the court maintain separate dockets at divisional offices, because we control where the dockets are located.

Some divisions do not have separate dockets and, of course, we can't—

Mr. GUDGER. That answers my question.

Thank you very much.

Mr. CONYERS. We're indebted to your coming, Judge Butzner. We appreciate it, and we're glad that you brought along Deputy Director Spaniol and Division Chief McCafferty, as well.

Mr. VOLKMER. Could I ask you, Mr. Chairman, if I may indulge—

Mr. CONYERS. You're getting a lot of ideas this morning, Mr. Volkmer.

Mr. VOLKMER. Would you know of any criminal data involving the U.S. district courts that you do not presently incorporate within your system?

Mr. SPANIOL. Yes, sir.

Mr. McCafferty. We consider a case when its docketed by the U.S. attorney and brought before the clerk of the court, and filed. Any matters prior to that, you are thinking, I think, of drafting complaints before the U.S. attorney—other matters we would not have knowledge of.

Mr. VOLKMER. So you included any type of administration—speedy?

Mr. McCafferty. Under "speedy trial offenses," minor and above, we do include—and misdemeanor, no petty offenses unless they are tried by a judge.

Mr. VOLKMER. All right, now.

Mr. SPANIOL. I should supplement that by saying that we do have a reporting system for the U.S. magistrates to cover offenses on military reservations. That report comes to us in the form of a summary report showing mostly traffic cases which are petty offenses. We do not have separate individual reports on those cases.

For every indictment and every information filed by the U.S. attorney—we do receive a separate report.

Mr. VOLKER. Thank you.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you again.

Our next witness is Dr. Albert Biderman, from the Bureau of Social Science Research. He comes to us in a relationship to his work with white-collar-crime statistics, having authored numerous articles, surveys, studies, reports, and has worked on a number of projects in this connection.

We welcome you before the subcommittee and invite you to proceed in your own way.

#### STATEMENT OF ALBERT D. BIDERMAN, CONCERNING A PROPOSED BUREAU OF JUSTICE STATISTICS

It is a special pleasure to have the opportunity to present a statement to this Committee in that I have followed its work closely for a number of years and I esteem the role it has played.

With regard to both the bill introduced in the Senate by Mr. Kennedy and the alternative provisions in the bill you are currently proposing, Mr. Chairman, I believe that either measure, or some combination of provisions of the two, will represent a major step forward in the long history of efforts to build a coherent national system of statistics on law and justice. I have had the opportunity to discuss particular provisions at some length with your staff on various occasions during the past two years and I have also made written response to requests for comments both from this committee and from the Justice Department's Statistical Systems Policy Review Group staff.

#### ON ORGANIZATIONAL SEPARATION BY FUNCTION

My concern with the matter you are considering today extends further than my involvement with research and statistics on crime, even though that has been a fairly intensive involvement for me during the past 15 years. Fundamentally, my interest is more general and I was drawn originally to the subject of crime through a broader engagement with the question of how the public and the shapers of public policy come to be informed about the major developments affecting our national life. My inquiry into crime statistics led me to conclude that they fully lived up to their bad reputation. I have been concerned about statis-

tical indicators in other specific areas such as military and international affairs, work, and education, as well as social statistics, generally considered. The same thrust toward achieving some coherence, coordination and improved scope and refinement that the Subcommittee is applying to Justice Statistics is also animating considerable intensive current attention toward the nation's statistical system as a whole. I hope the concerns you have don't get lost in the current general planning for national statistical functions which tend to be dominated by more central preoccupations of economists and demographers.

Eleven years ago, I gave testimony before the House Subcommittee on Census and Statistics in its excellent "Hearings Regarding a Proposed National Criminal Justice Statistics Center" (90th Congress, 2nd Session, Serial No. 90-38). I am highly adverse to repeating what is already on paper, even if that is quite old paper, but I presented some general views then a few of which may merit repeating now.

These are on the implications I saw for statistics organization in the important role that crime and justice statistics play among all the statistics that shape our judgments regarding where the society and its particular communities stand and where they are heading. Offense counts are the "moral statistic" that for two centuries have been used as a basis for reaching conclusions about the basic vitality of the social order and the goodness of the country's citizens. Because crime statistics are so important to these critical social judgments, great weight has been attached to getting statistics that would inform social judgments. The source of data for these statistics, however, had to be data from the agencies with action responsibility—police, courts, corrections, etc. The result has been unsatisfactory for all concerned. Action agencies have not been terribly well-served by pressures on them to collect data that were so general and highly aggregated as to have little fit to their immediate problems and their particular rules and procedures. The general indicator uses of data were also poorly served because the action agencies were suspected of producing only data that would not result in adverse judgment of their needs or their performance. Further, not all agencies had good capabilities as statistical bookkeepers, and national data had to adapt to the lowest common denominator of local agency statistical recording capability.

In my 1968 testimony, therefore, I stressed the importance of some organizational separation of crime statistics in accordance with the different levels of social organization they were to serve. Separate organizational systems are needed for (1) the informational data necessary at the operational level, for example, the police precinct or the jail, (2) the intelligence statistics needed at intermediate levels of administration, such as for heads of large police departments or the planning offices of counties or states, (3) the knowledge applicable to formation of broad social policy and for the enlightenment of public debate and consensus to which such policy formation is responsible. The last and most crucial function is perhaps stated even better by the language of Sec. 4(a) of H.R. 2108. The issues remain with us to the present day, and, in different ways, each of the proposals relating to Justice Statistics activities attempts to deal with them.

In 1968, as now, I would prefer to see at least part of the social indicator mission insulated more completely than in the Kennedy-Rodino proposal. In addition, at least for the most general level of analysis and social reporting for broad policy and enlightenment functions, I would like to see adequate attention to crime and justice indicators by some general statistical agency with broad purview for integrated social reporting across the entire range of economic and social concerns, rather than one solely preoccupied with justice matters. I hope the current effort in the Executive Office on national statistical reorganization will recommend such an agency.

Whether or not a new general statistics agency is created, there will remain a need for more specialized attention to justice statistics for "informed public consideration of the problems of crime and justice" and for appraisal of the workings of our institutions in these fields. Such functions deserve some independence and buffering from politics as Congressman Conyers' proposal advocates, or that Senator Bayh's bill also aims toward. But it does not follow that all statistical activities in the justice area should be so divorced from the direction and control of the Attorney General. To do so is either to deny the importance of statistical functions to the exercise of the responsibilities of the Department for which the Attorney General is responsible or else to strip the responsible officer of control over an important set of tools needed to exercise those responsibilities.

There is no way to resolve this matter except by not regarding as duplication the making of separate organizational provision for statistical activities that are alike in general topic and scope, but that are quite different in function. The Attorney General should have control of justice statistics developed for specific government uses, as provided in Sec. 304(c) of HR 2108, but we also need greater autonomy, as the bill recognizes, for the more general functions, that is, where the generation of statistics is done by or paid for by the government for the country—for use by business, research, state and local government, education, and, in the well-chosen words of Sec. 304(a)(2)(A), "for informed public consideration of the problems of crime and justice." A number of recent studies of who uses government social statistics suggests that so-called "public uses" probably outweigh intra-agency uses of most important series.

I would hope, however, that the phrase "The internal management needs for information" in Sec. 304(c) will not be construed too narrowly and that these needs include information of the types described in May of the paragraphs pertaining to the proposed Bureau of Justice Statistics. At the same time, I would not wish to see preemption of those topics by the "internal" statistical activities, to the diminution of the role of the proposed Bureau of Justice Statistics under a Policy Board. I hope it is intended and clear that the proposed Bureau's functions are distinct in being oriented primarily toward the outward service functions of Justice Statistics, rather than by topic or type of statistical instrumentality.

It would be hard to find a neat verbal formula for distinguishing precisely the activities to be undertaken by the office responsible to a Policy Board and insulated from the remainder of the Justice Department from those that merit the highest integration with and responsiveness to the activities of the Department. But perhaps these are matters that have to be worked out in the concrete, rather than the abstract.

With regard to the Uniform Crime Reports, for example, we probably will always be dependent upon the police systems of the country to collect the data that would afford the degree of local detail on offenses, arrests, dispositions, etc., that the UCR affords. An agency with the close working relationships with the police agencies of the country, as is the FBI, is probably the most suitable one for maintaining the collaborative relationships necessary for this important data collection system. The FBI is also excellently suited to carry out analyses that will be of highly direct value to the law enforcement system. Such uses of the data, however, as the construction and reporting of the highly aggregated "Crime Index" or national trends in clearance rates as a measure of general system efficacy, are the type of activity that might be more suitably performed by the independent Bureau.

The UCR system indeed was designed and is conducted along lines largely set by independent expertise and advice. It could well benefit from further advice and guidance of the kind a Justice Statistics Bureau could provide. This autonomous influence can be strengthened, particularly with regard to the function of these statistics as indicators of what is going on in society at large, with the law enforcement agency having the responsibility for handling these data in the manner that may best inform the policing function and best inform government about that system's activities and problems.

While the general statistical functions, such as those stated in Sec. 304(a)(2)(A), will in considerable measure have to depend upon the data produced by the operations of the administrative and operational system, agencies having such functions should also have collection resources that are totally autonomous of the operational and administrative agencies, as well. The National Crime Survey is one such system. We could well use others. Perhaps the National Electronic Injury Surveillance System suggests a model. It is designed to collect data on injuries from consumer products. It uses its own statistical personnel in a national sample of hospitals from which the data are collected. This kind of model is adaptable to collecting information on crime from, but not through the agency of, a sample of law enforcement agencies. Analogous efforts are being undertaken by the government to gain data on highway accidents, unreported as well as reported.

In my 1968 testimony on a National Criminal Justice Statistics Center, I discussed such possibilities in more detail. I also stressed that such systems can employ sampling, protection of the anonymity of sources and subjects (whether individuals, firms, or localities) and other devices which obviate many sources of fear about illegitimate uses of the data furnished.

## ON DEFINING TOPICS AND OBJECTIVES

Another important concern is that the language of legislation will not be interpreted as too specifically restrictive with regard to permissible objectives and topics for statistics, as well as for research and categorical programs. It is important that legislation not choke off prematurely some orientation to problems that may prove to be most productive in substantially relieving the country from the burdens of crime or for elevating the level of civility in our social life. For example, I wonder if the language used in H.R. 2108 is sufficiently conducive to following-up in statistical activities some important suggestions from previous research. I have in mind various findings with implications for the crime field that may be described by an analogy to medicine. Medicine recognizes that many symptoms may be misread, that often the symptoms are the major problem rather than the disease (as in the case of the common cold), and that some attempted cures can be worse than the disease.

In past studies of the effects of crime, for example, it has been found that many people impoverish their lives to a degree totally out of proportion to the hazards they face from the crime they fear—particularly as considered in relation to other hazards of their environment. In a study I did in 1965, and in others subsequent studies summarized by Prof. DuBow of Northwestern University, it was evident that many people react to what they see as disorderliness in neighborhoods as signs that the neighborhood is a dangerous one. The perceptions are not always correct. In such instances, the best program activity may be symptom-treating—for example tidying-up streets, buildings and grounds, providing alternatives to street loitering and drinking, segregated locales and outlets for youthful boisterousness, etc.

In the same situation, certain kinds of "anti-crime" programs might exacerbate misplaced alarm and provoke the hostility of youth or of groups with life styles that are not sufficiently sedate from the perspective of dominant middle-class norms. Resources also get misdirected from the true dangers of crime.

In the area of public safety, as in medicine, there are conditions where the most useful thing to do may be to control the "fever" or control "allergic over-reaction." Our statistics program should be encouraged to take "fever and symptom" readings in its surveys, as well as direct measures of crime. That means indicators of attitudes toward crime and data on what people do to try to ward off the threats of crime they perceive. In the National Crime Survey, for example, while I would put lower priority on such measures than on perfecting the counting of victimization and explanatory variables for understanding crime incidence distributions, it is important to pursue the repeated finding that levels of fear and costly protection do not correlate well with actual victimization experience. Because of the occasionally-held view that federal statistics should stick to simple, objective data, I would prefer it to be clear that some "subjective" data are extremely useful in the crime statistics field just as consumer intentions and confidence are in the economic field.

I would also prefer the language of the Administration's proposal that would place civil and administrative aspects of the system of justice within the Office of Justice Statistics domain. It is not easy or wise to separate out for statistics things that are so intertwined in the real organization of our legal and enforcement systems. I will return to this matter in connection with white-collar crime statistics.

In looking at the lessons of the past for future guidance regarding the programs you are considering, the record this Subcommittee has compiled suggests caution regarding overly-sweeping conclusions regarding how well the country has been served by its LEAA programs. If the data on crime and techniques for assessing program effects are as feeble as it is suggested they are, may our judgments be off? I would not quarrel with many judgments that particular activities were off the right track or worse. What would have been true had we not had the LEAA programs, however? If we examine historical demographic charts for the past 30 years, it is apparent that we are now just about at the end of long-sustained period of increase in precisely those components of the population that are most productive of crime statistics. This development was part and parcel of other radical changes affecting our society including the adjustment we have gone through from a heavily-defense oriented nation to a peacetime economy. One aspect of this process has been that we have moved out of the armed forces and retain in civil society that large percentage of the youth population which once



spent some of their critical years in uniform. Over 80 percent of men in my age group are veterans; something like 10 percent will be the figure for men now passing through their twenties. (One problem of organization of justice statistics is that we have never been able to put together information on military discipline and justice with all the rest of our information. Were we to add to our crime and arrest time series those cases that were handled in the military system, I am sure it would show that the increases have not been as large as we believe. Here is another important need for a lead agency function in crime and justice statistics in which I hope the future Office in Justice can play a powerful role.)

Demographic change, demobilization of an economy and other far reaching changes in society may have had the capacity for creating far worse crises of crime and disorder than any we have experienced. Perhaps it was only the magnitude of our national effort that forestalled these crises. Or, perhaps these efforts were fundamentally misdirected. Hardly any uses of statistics can be more important than those which will permit sound judgments by contemporary observers, or even future historians, regarding the consequences of major directions of policy.

It is instructive that criminological statistics and their origin (as part of what then was called "moral statistics") during similar kinds of developments in Europe as these countries went through a period of transition from mass mobilization during the Napoleonic wars into the period of the Industrial Revolution. A particularly discerning English statistician of the time, Thomas Plint, saw that both a period of intensive alarm about crime, and then the occurrence in certain places of marked lowering of rates was attributable in part to population change and movements, in part to real new problems, and in large measure to changes in what systems of recording took note of. He presented a program for national crime statistics for England that remains worthy of emulation.

#### ON WHITE-COLLAR CRIME STATISTICS

Committee counsel has suggested that I might present to the Subcommittee some information on work we are doing on white-collar crime statistics as it may bear on today's concern. I will try to keep my remarks brief at the risk of being overly abstract in describing the work underway solely for its bearing on the matter of Justice statistics organization.

Previous witnesses before this Committee have deplored the lack of any statistical report resembling the "Uniform Crime Reports" that might continuously direct the attention of the public and public officials to the magnitude and the characteristics of the national white-collar crime problem. With financial assistance from the U.S. Justice Department's National Institute of Law Enforcement and Criminal Justice, we are exploring the availability of data on white-collar crime at the federal level, the quality of the data, and the prospects for their systemization and aggregation into generally useable, comprehensible and digestible form. When I say "we are exploring," I refer to a one-year project begun last October at the Bureau of Social Science Research which is directed jointly by Prof. Albert J. Reiss, Jr. of Yale University and myself. Because the list is fairly long, I will submit the names and qualifications of the three other members of the project staff and of the consultants to our project in writing to the Committee if it desires. You will note that these consultants are all scholars who have contributed to the record this Committee has built on this topic and we are pleased that the probability of the Committee's choice of witnesses affords endorsement to our choice of consultants (Attachment A).

I will confess to the Committee that we approached this project with considerable trepidation and diffidence because we knew at the outset that we faced a difficult and complicated job. We will have to deal with massive amounts of information diffused among almost innumerable offices of the Federal establishment, organized in a multitude of different forms of information and reporting systems relating to acts defined as wrong by hundreds of different statutes—acts which may involve as offender or as victim any level of actor from a single individual to some gigantic social organization and in which these levels may figure as victim or as offender in almost every conceivable combination. I have just begun to enumerate the complexities of the problem of which we were aware at the outset and I would exorbitantly tax the time of this Committee, if not its patience, were I to try to catalog all of them here. If it pleases the Committee, I can submit for its record a paper we prepared for this project which examines many of these

complexities as they had bearing on "Definitions and Criteria for a Selection of Prospective Federal Sources of White-Collar Crime Data." (Attachment B)

We are selecting agencies of necessity since the resources available to our \$235,000 project would not permit exhaustive inquiry into the information in every agency that has some responsibility for enforcement, adjudication, or record keeping in some area that falls within our operating definition of white-collar crime. We made a listing from the Government Manual and similar sources of about 70 possible agency sources from which we selected about 40 for scrutiny. We hope to give fairly careful attention to about 30 of the more important ones.

My point in stressing the difficulties and complexities confronting our inquiry on white-collar crime statistics is not to wallow apologetically in them. We do anticipate that our project will have clear, instructive and important things to say about how the Federal government may develop regularized statistics that in turn, will have clear, instructive and important things to say about white-collar crime. At this early stage of our work, there are a few such things to say that may merit your attention.

First of all, the problem is not, as is sometimes asserted a dearth of statistics that have to do with white-collar crime. Were we to attempt to assemble in our offices of all the statistical reports, tabulations, computer-printouts and their assorted documentation, from the agencies on our lists we would have to amend our budget to provide for a fork-lift truck as government furnished scientific equipment. We have been using some government and private computerized bibliographic and data information services—for example, the National Criminal Justice Reference Service, the American Statistics Index, the Congressional Information Service—and we developed lists of search terms relevant to white-collar crime. We determined quickly in our preliminary search that what we thought was a fairly generous budget for such searches would not begin to cover the huge volume of statistical source abstracts these systems would crank out in response to our search specifications.

One printout (107 items) for example, is what the American Statistics Index produces using only the search term "fraud." The abstracts produced by NCJRS on "White Collar Crime" totalled 3,786 works. I am attaching a list of other searches we have performed (Attachment C). We will, of course, be happy to make the results of any of our searches available to the Committee. Susan Long, who is a visiting scholar with our project and who has been carrying out for some years an intensive study of Internal Revenue Service enforcement statistics has the walls of an office lined with the material dealing with just this one agency.

Now a large part of these searches is of course duplicative in the original data covered by various sources. A large volume comes from single-shot special studies and the same kind of effort usually would be infeasible as part of some continuing program for generating statistical series that is the object of our efforts. While most all of the material I am talking about has some pertinence, a great deal of it is pertinent only from the standpoint of the narrow administrative needs of some agency with its peculiar operational categories, rules, and procedures. But that is not universally the case. There are statistical reports that are extremely illuminating with regard to the incidence of crimes, violations, and civil suits alleging some wrong that would be also subject to criminal or administrative penalty. There are data that disclose the levels of enforcement activity and the resources going to enforcement, and other important white-collar crime topics. As to data quality, there is little we can say at this juncture except that there are some sources that appear the product of highly expert statistical attention.

The important question is not how much data there is or even how many statistics there are, but rather what does it all "add up to"? The whole point of statistics is to be able to add things together so that we can get some general sense out of the profuse, the disparate, the dispersed. We want those general understandings that will enable us to deal effectively and equitably with things using general principles, by dealing with categories rather than with each and every case in all its uniqueness. Categorization, generalization—these are the landmarks of policy, of law, of administration, and of science. Although for each domain, we may need somewhat different levels and principles for generalization. Our dissatisfaction with statistics on white-collar crime stems from our inability to find a basis in them for the generalizations we are after. There are some statistics that either are exclusively on white-collar crime or which

have clear pertinent subcategories that have been found worth including in the Criminal Justice Research Center's "Sourcebook of Criminal Justice Statistics." (A list of tables containing pertinent data is submitted with this statement. Attachment D.) But most of these tables deal with a narrower particular than serves the most often expressed wish for white-collar crime data. It has been clear from the previous testimony you have received that much of the dissatisfaction resides in the inability to answer extremely general questions about white-collar crime. These are questions such as:

Is American business and government rife with criminality?

Is observance of the rules of the game getting worse or getting better?

What is the injury and cost to the public from white-collar crime illegality?

Is there enough control or are we creating much of the problem by attempting overregulation?

Now, I doubt that it is reasonable to try to treat all white-collar crime in one lump, any more than it is terribly enlightening when, say, treason, parricide and bicycle thefts are lumped together. We may not even be able to derive much meaning in the white-collar crime area out of indicators with as small a number of categories as that used for the "Uniform Crime Report's" Crime Index. Nonetheless, we want far more aggregation than is now possible. Why don't we have such aggregate statistics?<sup>1</sup>

Fairly explicit in some of the complaints about white-collar crime information is that it is lacking because it is denied us by an implicit conspiracy of "the system" which protects the rich and the powerful from exposure of their misdeeds. I am perfectly willing to grant a considerable role to that kind of factor. But as compared with the past it is a factor that now is far less endemic when we have the kind of support for information and for action on white-collar crime from the Executive and Legislative branches displayed in these hearings. Now, or at any time, we would be less apt to be denied the statistics we would like to have on white-collar crime by the complicity of self-protective institutions if we had a very clear agenda with regard to the information we wished to have from those institutions and the form in which we wished to have it. In the area of white-collar crime, no one to my knowledge, has specified clearly the set of general categories of offenses, offenders, enforcement actions, and the rest, that would serve as a set of summary, general-purpose statistics for, say, an annual national report on white-collar crime by the Attorney General, or for a section in a National Social Indicators publication, for sets of tables in the "Statistical Abstract" and the "Historical Statistics of the U.S.," or, as say, an Annex to the "Economic Report of the President." Once we get down to brass tacks about what amounts to the critical Table of Contents for these statistical sets can we begin concretely to consider what possibilities exist that could yield the required data. White-collar crime isn't the only area in which you won't get answers until you've asked the right questions.

In sum then, we have a great deal of data, but these are data that answer only very specific informational needs. We don't have general statistics because there has been no powerful and resourceful organization entrusted with the responsibility for getting them. I am delighted that this Committee and the Department of Justice are endeavoring to remedy that, and I specifically applaud the specific mention of white-collar crime in your bill. The concept of a Justice Statistics Agency, with responsibilities for data in the areas of civil and administrative law, is also imperative because "the system" I just mentioned is one which is disposed to handle most white-collar crime through means other than criminal law enforcement.

The relations of the research and statistics functions deserve careful considerations. Both the formation of the statistics agenda of which I speak and the specification of what kinds of data will meet the agenda have to come in part from

<sup>1</sup> As an example, the Executive Office of United States Attorneys breaks all federal offenses referred (approximately 2,500 types broken by section and title of the federal criminal code) into about 300 categories, as requested by the Justice Department. A similar subset of these categories are code sections applied exclusively or most commonly to white-collar crimes. The Bureau of Social Science Research project will be developing a smaller set of major categories into which this subset can be further aggregated. Once this major set of categories is developed, more generally instructive indicators of white-collar crime can be constructed for judging the dimensions of the problems. We are working toward categories for these and other classifications, such as victims and penalties, that would help to integrate the data systems of federal agencies currently collecting data on white-collar crime, making it easier to coordinate data systems and to count events across agencies.

research. Prof. Marshall Clinard's testimony last week on his research into the major corporations illustrated that point exceedingly well. His study, for example, showed how we have to have a system that permits matching up records relating to violations by the same corporate entity, and various records concerning the same crime events, in the data systems of many different agencies of government.

The solutions to such problems of data availability must be heavily organizational in character because the problem of statistics, too, is always fundamentally organizational and institutional. This is particularly true in the white-collar crime area as compared with what is commonly although not necessarily appropriately called "ordinary" crime. Police, prosecution, courts of original criminal jurisdiction, etc., do come in various shapes and sizes, and the problems of gaining data on "ordinary" crime in consistent and coherent form from such agencies are not simple ones. But they are the ultimate in simplicity as compared with the mazes of organizations I discussed early in my statement. I fear the coherence we will achieve in statistics at the national level will be in considerable measure dependent upon the achievement of greater coherence in the systems of justice and legal control more generally. The portions of the legislation under consideration that deal with research and statistics are not isolatable from the remainder of its objectives.

#### ORGANIZATION IDLE WITHOUT RESOURCES

While my remarks and the various documents I have examined relating to the proposed legislation focus on organizational considerations, it is important to keep in mind that it is not the boxes on organizational charts that get anything done, but rather the people who will be assigned to jobs under those headings, and the resources they have at their command. Much of the situation with regard to justice statistics that was lamented so cogently in the report of Mr. Harry Scarr's staff study is not attributable to imperfect organization, but rather to inadequate personnel resources. Those resources were terribly inadequate to the exercise of the functions that have been entrusted to the statistics agency that exists currently in the LEAA.

With regard to one matter of intimate concern to me, what I estimate as vast costs to the government from the delay in implementing plans presented to your committee in its hearings in October 1977 on the future of the National Crime Survey are due, I believe, mainly to the inadequate resources available for the agency to do its work.

As you doubtless are aware, it will be some months before the external research program presented to your Committee in those 1977 hearings begins, and there is not at present the commitment to it of the funds that will permit its progress at the pace you were assured of. Meanwhile, the government will be investing millions of dollars each year in generating victimization data by what is known to be an imperfect, albeit perfectible mechanism. (I confess to some self-interest here, not only because I will be submitting a proposal as part of research consortium for a role in NCS redesign, but also because for years I have devoted vast amounts of uncompensated time to efforts toward developing an optimum national crime survey.) Inadequacy of personnel resources seems to me to have been a more severe problem of the Justice statistics programs than organizational arrangements. The current proposals seem to be looking for the programs to produce data on many more things, as well as better data. The redirection and narrowing of objectives from those of previous LEAA emphases that HR 2108 prescribes do not relate to the agency's past and current statistics functions in that LEAA's statistics program has not involved in any significant degree attention to matters which the bill would eliminate or subordinate.

While they may afford means for gaining greater return from resources in terms of quality and coherence, they do not appear to me to hold forth promise of great gains in efficiency. Appreciable cost reductions would seem to me to be dependent on reductions in the scope of objectives. It is also preferable to do a few things well than many things badly. Nonetheless, I do not find myself alone in arguing for extensions, rather than reductions of the scope, as well as the quality, of Justice statistics.

I have grave fears that it will avail us nothing to invest all this effort in organizational planning and the consideration of important new functions if, as is currently in immediate prospect, there will be even fewer resources available than have proved to be inadequate to the current important tasks.

I apologize to the Committee for ending my statement on so familiar a note.

**TESTIMONY OF DR. ALBERT BIDERMAN, BUREAU OF SOCIAL  
SCIENCE RESEARCH**

Dr. BIDERMAN. Thank you, Mr. Chairman, members of the committee. It's a special pleasure for me to present a statement to this committee. I've followed its work for the last several years very carefully, read a lot of the hearings, and I have seen the role the committee has played. Its work toward improving the system of statistics on crime and justice is high on the list of activities—under the present chairman—that I follow approvingly, but it's not alone on that list of its excellent work.

I have prepared material for this presentation in two parts:

First, I prepared a statement that I've submitted, dealing specifically with the problem of statistics on white collar crime, as these statistics might relate to the organizational topic you are considering.

And I've also sketched out—although in a rough form, because my secretary had a malady and wasn't able to type it—

Mr. CONYERS. Excuse me. Let me point out to my colleagues on the subcommittee that we have only received one copy of your prepared statement, so we just want everybody to know that.

Dr. BIDERMAN. She wasn't able to put it in the file in multiple copies, so I'll sketch out remarks on the more general topic of the bills you are considering.

Mr. CONYERS. You summarize those for us, and we'll ask you questions.

Dr. BIDERMAN. Well, Mr. Conyers, the hearing isn't my medium. My oral style tends to be too prolix. I prefer to write and spell out things in words. I can submit this, the more general statement, in writing; and if you prefer for me to go to my statement on white-collar crime data, I will do that.

Mr. CONYERS. Well, I want you to do whatever is most comfortable for you. Since we only have one copy, I thought that you might just summarize what's in your prepared statement, whatever points of emphasis.

Dr. BIDERMAN. OK.

Well, we have been doing an exploration of the statistics available in Federal agencies bearing on white-collar crime. When I say "we," I'm referring to myself and Albert J. Reiss of Yale, and to a project funded by the National Institute of LEAA that's being conducted at the Bureau of Social Science Research.

It's sometimes said that there aren't data on white-collar crime. Well, the problem for our project is that there are so many data on white-collar crime. There are so many sources, and they're scattered over so many agencies; and they're in so many different forms, using so many different categories, based on hundreds of statutes, that we're simply swamped with the number of sources we have had to examine.

We've made various computer searches of bibliographic and data files, using systems such as the American Statistics Index and the National Criminal Justice Reference Service.

The problem we face here is that the budget for such information searches, which we thought would be a fairly generous one, would

get exhausted if we tried to search all the highly pertinent materials related to white-collar crime violations, and were we to have printed out all of the abstracts of all the pertinent statistical sources.

Mr. CONYERS. Wouldn't we help you a lot by including a category of white-collar crime statistics in the Bureau of Statistics, and then you wouldn't have to exhaust your budget?

Dr. BIDERMAN. I think the specific inclusion of the white-collar crime statistics in the provisions for the Bureau of Justice Statistics has merit and is to be highly commended. I'm glad it's there.

Now, in relation to some remarks I heard in other witnesses' statements this morning, it's important to remember, as our project illustrates that the kind of statistics we are considering—that something that is to be administered by a Bureau of Statistics—such statistics are almost always institutionalized, routinized research. So we're doing this exploration of what's available, in what ways different agencies collect data, what possibilities there might be for organizing the original collection of data and the ways in which categorizations are made originally, and the ways then of aggregating across agencies, so that all of these data will add up to something, so that there is statistics, not just data.

But data become statistics only when they become part of some regular operating system. Before they can become part of that kind of system, somebody has to do all of that design work, all of that exploration, try out many different methods; just as your hearings into development of the national crime survey indicate the further developments that will be required before that is a perfect, institutionalized, regularized system for producing continuing data series.

Now, the problem we face in white-collar crimes statistics is that there has not been an organization with general responsibility for assembling data from all of the disparate and dispersed activities of government relating to this topic.

As I say in my statement, we sometimes think that—and I think you know that there certainly is a good deal of truth to the idea—that we're denied data about white collar crime because there is a conspiracy on the part of the system to protect the rich and powerful from disclosure of their misdeeds.

Well, that ability would certainly be considerably less were we in a position to ask questions of the system and if we had an agenda of questions about those deeds that we wanted to record statistically. Until we have a systematic agenda of pertinent questions and an organization with general responsibility for asking them, you won't have the general kinds of data to answer these relatively abstract questions you are asking about white-collar crime: How much is there? Is it on the rise in business and in government, or are we just passing more regulations and paying more attention to it in the newspapers?

Now, I also would like to say that with regard to the bill introduced in the Senate or the alternative provisions in the bill you are currently proposing, Mr. Chairman, I believe that either measure, any combination of provisions of the two, will represent a major step forward—that is, almost any combination.

I've had the opportunity to discuss particular provisions with members of your staff and I've made comments in writing during the past

couple of years and I've written answers to requests for comments from the Justice Department's statistical policy reviewing staff.

My concern with the matter you're considering comes about not primarily because of my interest in criminology. My interest is more general. I was drawn originally to the subject of crime statistics by engagement with the question of how the public and the shapers of public policy come to be informed about major developments affecting our national life.

I've been concerned about this in other specific areas such as the military, international affairs, work and education, as well as social indicators, generally.

By virtue of training, I've been interested in statistics as social indicators, particularly. The same thrust toward achieving some coherence, coordination and improved scope and refinement that the subcommittee is applying to justice statistics is also animating intensive current attention toward the Nation's statistical system, generally.

I hope that the committee will attempt to see to it that the concerns you have don't get lost in the general planning for national statistical functions, which, as you know, tend to be dominated by the preoccupations of economists and demographers.

I was drawn to crime statistics when I was preparing a paper in 1962 on social indicators and national goals during the period immediately after the President appointed a National Goals Commission.

Now, because crime statistics was reputed to be so notorious, an example of how far short statistics can fall from being able to do the work we wish them to do as indicators of the State and problems of the State and problems of the society, I gave special attention to an exploration of crime statistics and particularly, offense statistics.

My inquiry into these statistics led me to conclude that they fully lived up to their bad reputation; 11 years ago, in testimony before the House Subcommittee on Census and Statistics, in its hearings regarding a proposed National Criminal Justice Statistics Center, I presented some general views I developed on the implications I see for statistics organization in the important role that crime and justice statistics play among all statistics that shape our judgments regarding where the society and its particular communities stand and whither they are heading.

Offense counts have been for a couple of hundred years the moral statistics that has preoccupied people as providing perhaps some basis for making some general judgments about the source of moral strength; the strength or the firmness of the society. Because of the great weight that has been placed upon this kind of use of crime statistics for the forming of these basic social judgments about how good or how bad we are as a nation, there have been tremendous pressures upon the statistics system to yield statistics that would be interpretable in that way.

The source of such statistics, however, has had to be the data from the agencies with action responsibilities: Police, courts, corrections, and so forth. The result has been terribly unsatisfactory for all concerned. Action agencies haven't been terribly well served by pressures on them to produce data that were so general and so highly

aggregated as to have little fit to their immediate problems and their particular rules and procedures.

The general indicator uses of data were also poorly served because the action agencies were suspected of producing only data that would not result in adverse judgment of their needs or their performance.

Further, not all agencies have good capabilities as statistical bookkeepers and national data had to adapt to the lowest common denominator of local agency capability.

In my 1968 testimony, therefore, I hope the committee will retain continuity with these earlier—

Mr. CONYERS. We're slipping out of continuity fast here. I've got some questions I've got to ask you before we get to our other witnesses.

How would you conclude your overview of this?

Dr. BIDERMAN. My overview is I place emphasis upon separating organizationally the various kinds of functions and, particularly, the levels of generality of the different statistical functions. There are functions that certain kinds of analyses of statistics serve that require the greatest possible insulation from political influence—

Mr. CONYERS. Like what? Arrest statistics?

Dr. BIDERMAN. Like the Crime Index or the equivalents that are being sought through the victimization surveys—those indicators which inform and which shape general public judgments regarding the state of the society and those indicators which enter into the consideration here in the Congress and among the other leaders of the policy for judgments about the shape of the Nation.

Those general indicators should require that kind of insulated function. But on the other hand, statistics are a major tool of administration, as your bill recognizes in its not depriving the Attorney General of statistical tools need for administration. He needs to operate the activities of government, for which he is responsible.

If an officer is to be responsible for an area of activity, he has to have the kind of information or resources necessary to serve that activity in the way he thinks best for providing information for guidance of that activity.

I see no way out of these kinds of difficulties that is ideal, except by some organizational separation in this regard. And I think we have to avoid being overly afraid of what is seeming duplication in terms of topics and even scope, to provide for a satisfactory division of responsibility with regard to functions.

I would like to see some functions of this general kind with regard to justice statistics be part of some national general statistics agency. And I hope perhaps that the statistical reorganizational activity in the Executive Office will recommend that kind of activity—an activity that will have the job of producing the general economic and social reports for the country. But that provision will not obviate the utility of a much more specialized function, also, at this general policy and public enlightenment level, specialized to the justice system.

Mr. CONYERS. Do you know that we separate research from statistics gathering?

Dr. BIDERMAN. Yes.

Mr. CONYERS. Capability from our statistic-gathering functions?



Dr. BIDERMAN. Yes, I've read the bills carefully.

Mr. CONYERS. Are you suggesting that we enter very carefully into a design study of how we're going to implement a bureau of statistics, or do you support the transition notion that was authored tentatively by Professor Sellin?

You remember when he talked that we might have to ease into this because we might overburden a brand new agency trying to perform all of this at once?

Dr. BIDERMAN. I think the steps of either bill and an immediate transformation is much to be desired.

Mr. CONYERS. Will the study that you're engaged in presently of white-collar crime impact on anything that we're doing as proposed for statistics gathering of the bill?

Dr. BIDERMAN. With regard for providing any specific guidance with regard to organizational matters, only with respect to perhaps suggesting very specific attention to the functions of the Bureau of Justice Statistics as a lead agency in the Federal Government for statistics on white-collar crime. And also, in many of these other fields.

Mr. CONYERS. You say that there's a relationship?

Dr. BIDERMAN. That the idea of the lead statistical agency for a particular domain, I think, requires spelling out and also to assure some further definition of responsibilities during the early course of this agency. That is, there are many other agencies that have large programs and functions that overlap with those of the concerns of a justice statistics agency.

And the same would be true in the research area.

So there are a great deal of—we know about the overlaps within the area of juvenile justice and the requirements of these overlaps in the previous programs, in their involving three different agencies in that kind of program.

The Department of Housing and Urban Development also has major concerns and does major work toward the problems of crime in housing and communities and they're contemplating a major effort.

Mr. CONYERS. What does this have—

Dr. BIDERMAN. Because they have important justice statistic needs and important capabilities for generating statistics that will inform the identical problems with which the justice statistic agency is concerned.

So to the extent that we need information about the vulnerability of particular structures to particular forms of crime, information from the national housing survey will be very important for this justice organization, and perhaps, some kinds of housing victimization might go into that survey rather than into the national crime survey.

Mr. CONYERS. Mr. Volkmer, have you questions of the witness?

Mr. VOLKMER. Yes, I do. I hope I don't take too much time. The Bureau of Social Science Research, was that a nonprofit agency?

Dr. BIDERMAN. Yes, sir.

Mr. VOLKMER. And who are the operators of that besides you?

Dr. BIDERMAN. It was founded in 1949 and has been chartered since 1955 as an independent, nonprofit corporation in the District of Columbia. The fiduciary control of the organization resides in the board of trustees.

That board is about half academicians, about half distinguished public citizens. And they appoint the director, who is Robert T. Bower, who has day-to-day responsibility for the operations of the organization.

Mr. VOLKMER. You, undoubtedly, do some contracts with the U.S. Government.

Dr. BIDERMAN. Without the Federal trough, we would go mighty hungry.

Mr. VOLKMER. Let me ask you this. After listening to your testimony, reading your statement, and knowing now that you have a grant, studied this whole problem, what are you looking for?

Dr. BIDERMAN. We're trying to determine, first of all, the extent to which there is now available in agencies data that might provide a basis for aggregation across agencies—

Mr. VOLKMER. Tell me again. Let me ask you this, another problem. Let me tell you I'm going to come right out and tell you. You know, we've got a man around here in Washington. I hear about him. I hear it on the radio. He like beats up all kinds of bureaucratic gobbledy-gook.

But what I've heard this morning, to me, listening to this, going to my ears has been a lot of that bureaucratic gobbledy-gook.

I would like to ask you to speak in plain language what you're trying to do. I don't understand all this language. That's not my problem. I'm just a hard working, average American citizen.

Dr. BIDERMAN. I'll present to the committee a list of agencies, each of which present—I mean collects information and processes that information into some kind of statistical tables and collects some of these statistical reports and puts others of these in their annual reports.

Now going through the "Government Manual" and similar sources on the functions of government agencies we made a list of 70 agencies—neglecting the fact that these have various levels and offices—that have quite autonomous data-generating functions on white-collar crime and that we knew by a scan of what kind of things these agencies were doing, that they deal with white-collar crime. While we would be simply swamped in attempting to look intensively at the data that they had, we want to know how they collected it, what its quality was, and what is the degree to which that kind of data could be put together with other data to answer more general questions, to make more general tables of the kind that would meet—that would do something to answer the kind of questions that were being raised last week in the hearings you had.

So Professor Clinard, for example, was talking about the enormous amount of effort and expenditure he had to go through to find, to identify, the same company's violations of various different kinds of statutes and regulations because these records cross so many different agencies.

God must have loved the U.S. Government, he made so many of them.

Now statistics are an aggregating, a collecting thing. That means you have to add up the disparate and the diverse and diffuse into a relatively neat package.

How are you going to make these neat packages when you have things so scattered? OK?

That is what the subject of the exploration we're engaged in is.

Mr. VOLKMER. Have you come up with any planned course of action to pursue in order to do that?

Dr. BIDERMAN. One, the courses of action will be the attempt to develop categories that will be applicable across agencies. So that you have—if you get a printout of the cases handled by the U.S. attorneys now, you'll see that there is a certain level of aggregation there. They'll talk about—depending upon the particular category in that printout—they may take five statutes, or 10 or 12 paragraphs of those statutes, and they'll come up with one of a stack of more general offense categories. But that stack is still much too long—

Mr. VOLKMER. In other words, you really haven't come up with a methodology yet?

Dr. BIDERMAN. We're in the very early stages of starting.

Mr. VOLKMER. How many people are working on this study?

Dr. BIDERMAN. There are—I do have a list that I submitted to the counsel, I believe it was sent over yesterday—

Mr. VOLKMER. Let me ask you a question. All right?

When you get through the very end of what you're all about, starting way back when, when you get to the very end, are you hoping to have statistics to be able to prove or disprove certain social behavior or misbehavior?

Dr. BIDERMAN. No; we do not. The aim of our study is not to be a statistics producer. We are addressing the same kind of question that was addressed in—

Mr. VOLKMER. You're supposed to be able to figure out how to put it all together so it will come out right.

Dr. BIDERMAN. That has to be done, Mr. Volkmer, but in the long run, by the creation of some organizational mechanisms that will be able to do that kind of thing in the Federal Government and by their being armed with some kind, with some list of concepts that will be able to be common denominators for the great variety of different concepts in these many different agencies.

Mr. VOLKMER. Last question. I promise that.

Among that staff, do you have one efficiency expert? I wonder if the whole bureau has an efficiency expert.

Dr. BIDERMAN. Oh, yes, we certainly do.

Mr. VOLKMER. Thank you. You answered the question. Undoubtedly, you do not. In this program that you're working on, you do not.

Dr. BIDERMAN. No.

Mr. VOLKMER. Thank you.

Mr. CONYERS. Well, I think that wraps it up for today. We're going to have to move along a little more swiftly. Thank you for joining us.

Dr. BIDERMAN. Thank you, Mr. Congressman. It's been my pleasure.

Mr. CONYERS. Our next witness is Prof. Roland Chilton of the University of Massachusetts, who has served on the staff of the President's Commission of Law Enforcement and Administration of Justice, recently completed a manuscript entitled "Criminal Statistics in the United States," was Secretary of the American Sociological Associa-

tion's criminology section up until 1978, and is currently chairing the section's committee on criminal justice statistics.

We have your statement, sir, and you may proceed.

Welcome to the subcommittee.

[The statement follows:]

STATEMENT IN SUPPORT OF THE AUTHORIZATION OF A BUREAU OF JUSTICE  
STATISTICS BY ROLAND CHILTON

THE NEED FOR A BUREAU OF JUSTICE STATISTICS

Persons interested in improved criminal justice statistics have recommended the creation of a single agency with responsibility for all federally supported efforts to develop statistical information on crime, persons accused or convicted of criminal conduct, and the operation of the system of justice for at least 50 years. Such an organization was recommended by presidential commissions on crime in 1931 and 1967.<sup>1</sup> However, the need for such an organization is more pronounced today because of the increased number of programs capable of producing such information and the fragmentation and duplication this has produced. Fragmentation, as used here, refers to the creation of statistical efforts of a similar type which are developed independently, producing data which cannot be collated and organizations whose work cannot be coordinated.<sup>2</sup>

The need for a unified approach will be even greater in the future because more dependable information will be required to carry out the purposes of pending criminal justice improvement legislation. Attempts to measure the incidence of crime and delinquency, to assess the extent to which existing programs have succeeded or failed, to provide the accurate and unbiased data essential for informed public consideration of the problems of crime and justice,<sup>3</sup> will require a better organized federal statistics effort than we now have. The reorganized Bureau of Criminal Justice Assistance proposed in the legislation now being considered (LEAA in the Administration Bill) will require dependable and timely statistics for informational, evaluational, and planning purposes.<sup>4</sup> And a new National Institute of Justice will need such information to evaluate the effectiveness of specific programs, conduct research, and administer grants.<sup>5</sup>

One of the first tasks of a Bureau of Justice Statistics should be to attend to a basic shortcoming of our present situation by coordinating comparable federal and national criminal statistics efforts—which are now operating almost in complete isolation from each other. The term "federal criminal statistics" is used here to refer to statistics on federal offenses, persons accused or convicted of federal offenses, and statistics reflecting the operation of the federal system of justice. "National statistics" is the term used to describe programs designed to produce figures for the country as a whole, usually through the compilation of state and local information. Currently, federal arrest and offense known statistics are not systematically collated with arrests and offenses presented in the Uniform Crime Reports. Federal court and correctional statistics, with minor exceptions, operate independently of efforts to develop national court and corrections data. Although considerable effort has gone into having the states develop criminal justice record statistics (OBTS), there has been no comparable federal effort.

To achieve at least part of a badly needed coordination of federal and national criminal statistics efforts, the proposed statistics bureau must be authorized to

<sup>1</sup> U.S. National Commission on Law Observance and Enforcement "Report on Criminal Statistics." Washington, D.C.: U.S. Government Printing Office, 1931, pp. 3-6. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Crime and Its Impact—An Assessment. Washington, D.C.: U.S. Government Printing Office, 1967, pp. 123-137.

<sup>2</sup> The FBI's development of the CCH program and LEAA's development of several closely related criminal justice record statistics efforts (OBTS, OBSCIS, SJIS and PROMIS) is an example of such fragmentation. To the extent that these programs encourage the independent collection of similar information about the same individuals, they also illustrate duplication of effort.

<sup>3</sup> These purposes are presented in Title I—Justice System Improvement of H.R. 2061.

<sup>4</sup> These purposes are presented in the following Sections of H.R. 2108: 101(c)(1), 103(a)(2), 104(b)(2), 108(b)(3), and 108(c)(2). Similar purposes are presented in H.R. 2061.

<sup>5</sup> These purposes are presented in Section 203(b)(1), (2) and (3) of H.R. 2108 and Section 202(c)(2), (3) and (4) of H.R. 2061.

obtain data from agencies outside the Department of Justice. This is also needed to develop comprehensive information on crime in the United States. The language in the legislation should be worded to apply to the law enforcement statistics of the Department of the Treasury, the military justice data of the Department of Defense, statistics compiled by or for the U.S. Parole Commission, as well as other criminal justice data routinely collected and compiled by executive branch agencies.<sup>6</sup>

The Bureau must also be authorized to obtain statistical information from prosecution and court files. The importance of liaison and cooperation with, as well as access to statistical data produced by, the judicial branches of federal and state governments cannot be stressed too strongly. Without such access and cooperation, the development of comprehensive statistical information on the system of justice is almost impossible. Passages to this effect in current legislation are crucial.<sup>7</sup> If there is an acceptable way to modify and strengthen these provisions for liaison and cooperation to assure access to such data, the legislation should be amended to incorporate it.

One possibility for obtaining statistical information about judicial outcomes which seems to move beyond liaison activities and requests for cooperation is the development of programs, (similar to the Prosecutor's Management Information System) in which such information is collected by local, state, and federal prosecutors. Even in this approach, however, constitutional restrictions may limit the new bureau to seeking the cooperation of judicial agencies, as specified in both bills.<sup>8</sup>

One area in which the Bureau's authority should be limited, however, is in the development of statistics on civil disputes and the civil justice system. The necessity for such a limitation is suggested by the volume of civil cases and the absence of existing national civil justice statistics programs. James McCafferty of the Administrative Office of the U.S. Courts reported in 1965 that after years of experience it was determined that 78 percent of a federal judge's time was spent on civil litigation.<sup>9</sup> Just as research in civil rights justice is excluded as an activity of the National Institute of Justice in H.R. 2108 because it would tend to divert resources from the critical area of criminal justice,<sup>10</sup> the development of civil justice statistics programs should be approached cautiously because it will tend to divert resources from the still underdeveloped criminal statistics programs.

#### BACKGROUND

These recommendations and those which follow are based in part on my experience while on the staff of the President's Commission on Law Enforcement and Administration of Justice in 1966. Initially, the Commission attempted to use existing statistical information to assess the nature, extent, and impact of crime in the United States. However, the limitations of the statistical information which was available at that time, and the uncoordinated state of the statistics programs which then existed, led the Commission to encourage the development of two new approaches to criminal statistics (victimization statistics and criminal justice record statistics) and to recommend the creation of a National Center for Crime Statistics.<sup>11</sup>

My current recommendations also grow out of a comprehensive review of major criminal statistics programs in the United States, which I carried out in 1976

<sup>6</sup> Sections 302(c) (4), (5) and (6) and 302(d) (3) of H.R. 2061 appear to accomplish this end, as does Section 304(b) (2) of H.R. 2108.

<sup>7</sup> See Sections 302(c) (9) and 302(d) (4) of H.R. 2061 and Section 304(a) (4) of H.R. 2108.

<sup>8</sup> See Sections listed in Note 7 above.

<sup>9</sup> McCafferty, James A., "Statistical Measurements used by the Administrative Office of the United States Courts," paper presented at the 1965 meeting of the American Statistical Association in Philadelphia, p. 4. The Administrative Office should be able to provide more recent data. But it seems unlikely that the civil justice workload in the federal courts will have diminished greatly in relation to the criminal justice workload. To my knowledge, there is no existing criminal justice statistics program capable of producing national estimates of this division of labor for non-federal courts.

<sup>10</sup> House of Representatives, Subcommittee on Crime, "Comparison of Major Provisions of the Conyers and Administration Proposals to Restructure the Law Enforcement Assistance Administration," Washington, D.C.: U.S. Government Printing Office, 1978, p. 7, item 16. (Page 8, Item 19 of the revised version of this comparison, 1979.)

<sup>11</sup> See the Assessment Task Force Report cited in Note 1 above and President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology. Washington, D.C.: U.S. Government Printing Office, 1967, pp. 68-79.

and 1977 as a Visiting Fellow at the Social Science Research Council's Center for Coordination of Research and Social Indicators.<sup>12</sup> In that review, I studied the operation of 14 different national criminal statistics programs located in the Department of Justice and two closely related national programs located in the Department of Health, Education, and Welfare. (See fig. 1)

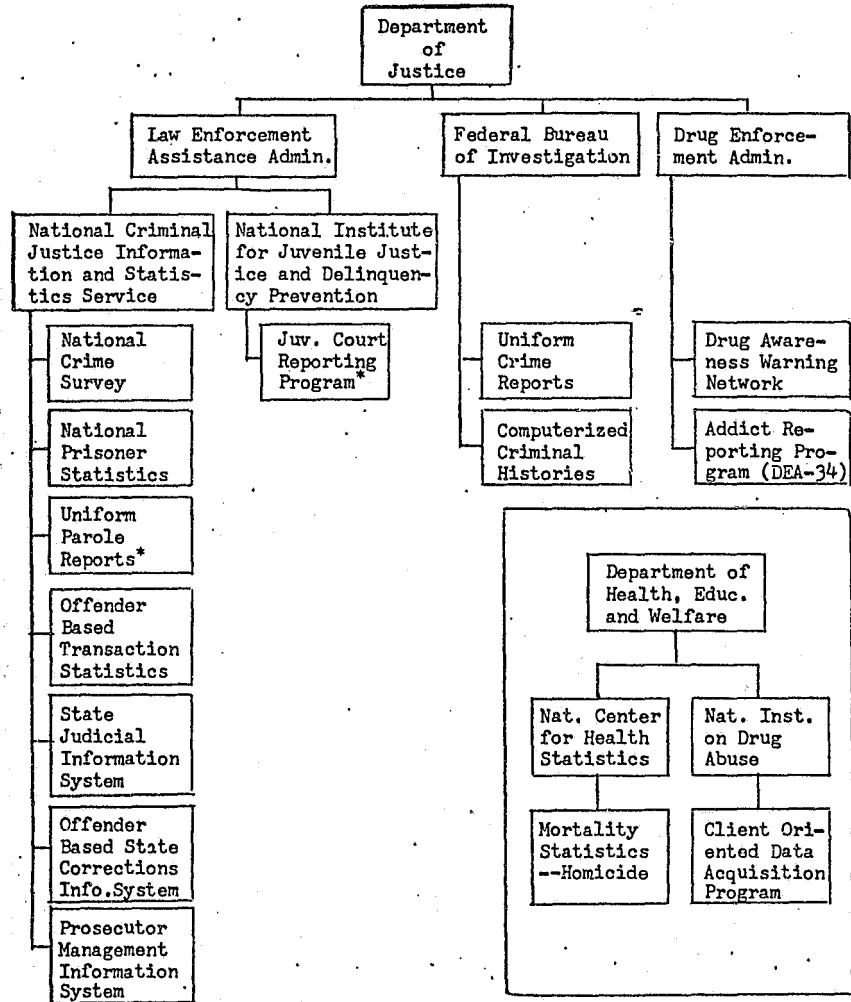


FIGURE 1.—Organizational location of national criminal statistics programs.

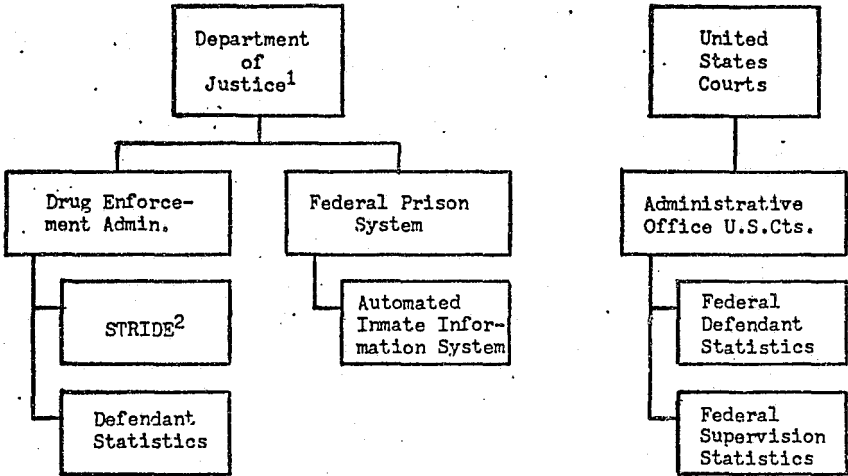
There is currently one one victimization statistics program, the National Crime Survey. It is conducted by the Census Bureau for the National Criminal Justice Information and Statistics Service. NCJISS is also responsible for two agency statistics efforts (the National Prisoner Statistics Program and Uniform Parole Reports) and four criminal justice record statistics programs (Offender Based Transaction Statistics, the State Judicial Information System, the Offender

\*Contracted out to a non-government agency.

<sup>12</sup> The Council's Criminal Justice Statistics Fellowship Program was supported by the Law Enforcement Administration (Grant Number 75-SS-99-6017).

Based State Corrections Information System, and the Prosecutor's Management Information System). The most extensive agency statistics program in this set, the Uniform Crime Reporting program, is run by the FBI, which is also responsible for the major criminal justice record program (the Computerized Criminal History program). Another important national agency statistics effort, Juvenile Court Statistics, is run by a non-government agency under a contract with the National Institute for Juvenile Justice and Delinquency Prevention. In addition, several programs producing federal criminal statistics and a number of limited or special programs were also examined. (See Figure 2)

Agencies with Major Programs



Other Agencies Providing Some Crime Data

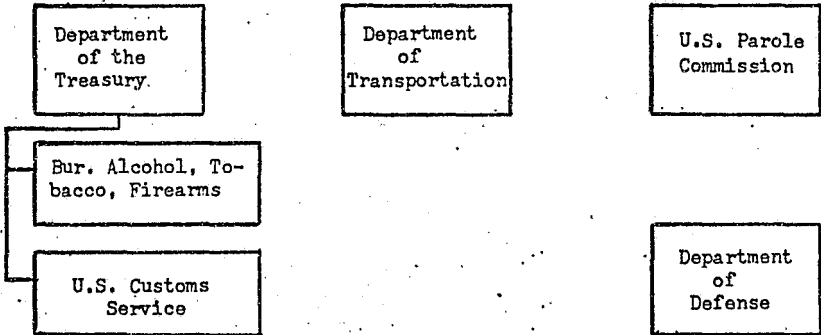


FIGURE 2.—Federal agencies with Federal criminal statistics programs.

Organized according to the kinds of events they reflect, the national programs produce three distinct kinds of data: (1) victimization statistics, (2) criminal justice record statistics, and (3) agency statistics. (See Figure 3). The federal statistics programs produce both agency statistics and some modified

<sup>1</sup> Other DOJ entities providing some crime data are the Criminal Division, the INS, and the Pardon Attorney.

<sup>2</sup> System to Retrieve Information from Drug Evidence.

criminal justice record statistics but no victimization data.<sup>13</sup> The two specialized and limited programs (DAWN and CODAP) are more difficult to classify because they reflect activities which might be defined as criminal if they came to the attention of the police as well as activities which have produced official response by criminal justice agencies.<sup>14</sup>

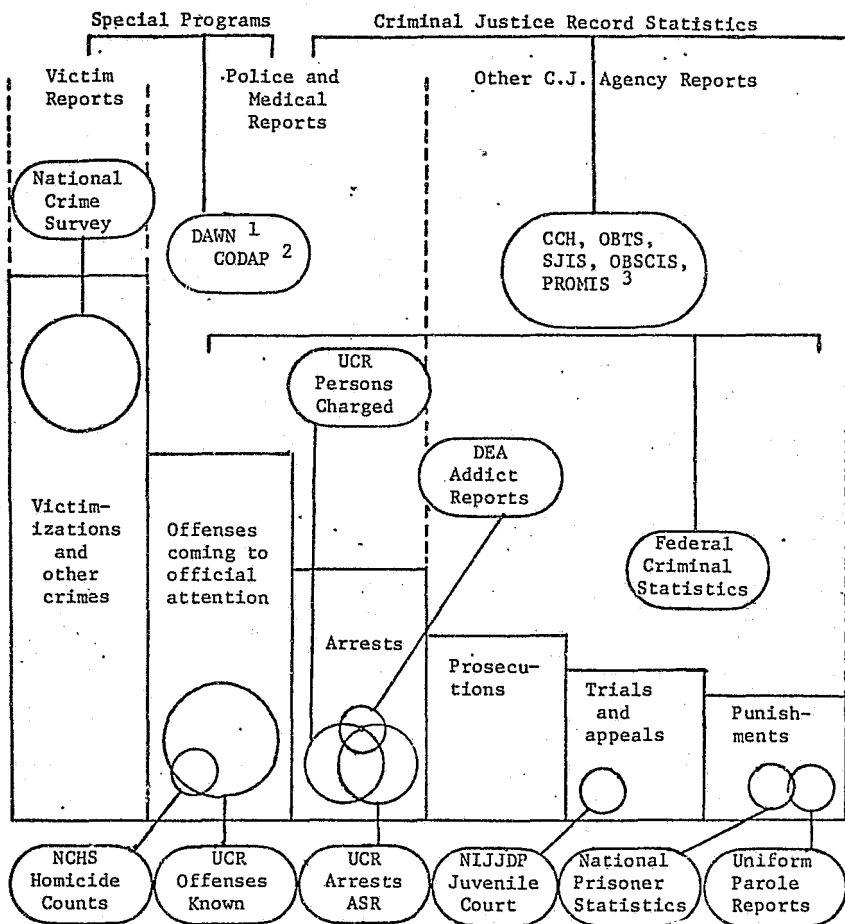


FIGURE 3.—Events affecting the system of justice and the national statistics programs providing reports or estimates of such events.

<sup>13</sup> Statistics on criminal incidents, arrests, and official actions taken by the Bureau of Alcohol, Tobacco and Firearms, the U.S. Customs Service, the Federal Aviation Agency (DOT), the U.S. Parole Commission and the Department of Defense are essentially agency statistics efforts. Some of the statistics on defendants, prisoners, and releases compiled by the Administrative Office of the U.S. Courts, the Drug Enforcement Administration, and the Federal Prison System are taken from automated files and can therefore be viewed as limited criminal justice record statistics.

<sup>14</sup> The Drug Awareness Warning Network program (DAWN) was an attempt to estimate the number of persons adversely affected by the use of a variety of drugs (which may have been obtained legally or illegally) by soliciting reports from medical examiners, hospital emergency rooms, and drug crises centers. The Client Oriented Data Acquisition program (CODAP) compiles statistics on the drug treatment activities, some of which are court ordered, of federally assisted treatment programs throughout the country.

<sup>1</sup> Drug incidents and usages.

<sup>2</sup> Drug treatments.

<sup>3</sup> Computerized criminal histories, offender based statistics, state level judicial and correctional information systems, and local prosecutor's information systems.



## IMPACT OF A BUREAU ON EXISTING PROGRAMS

Existing criminal justice statistics programs would be improved by the creation of a Bureau of Justice Statistics in several ways. The agency statistics programs, particularly the Uniform Crime Reports, Juvenile Court Statistics, and National Prisoner Statistics, which are currently located in three separate organizations, should be improved by the possibilities the Bureau would create for greater uniformity in the procedures used and by the increased comparability of the data collected in each program. Increased coordination among the programs, and the opportunity for greatly expanded exchanges of ideas and techniques which a single organization would provide should result in better programs and better agency statistics.

Inclusion of the victimization statistics program in a bureau responsible for agency statistics as well as criminal justice record statistics could stimulate activities while would lead to greater comparability of the results produced by all three efforts. Increased coordination between the victimization statistics program and the Uniform Crime Reports would be particularly useful because it could lead to the kind of mutual support originally envisioned for these programs.

Criminal justice record statistics efforts, including the Computerized Criminal History, Offender Based Transaction Statistics, and the existing information systems (Offender Based State Corrections Information System, State Judicial Information System, and the Prosecutor's Management Information System) would be improved by the central direction a bureau would provide. With the problems created by competing disposition reporting programs resolved, and cooperative arrangements mandated between the agency responsible for the national rapid response system and a Bureau of Justice Statistics, a more efficient and rational approach to criminal justice record statistics could be developed.

An important step toward the reduction of confusion and duplication could be made if all systems capable of producing statistical information about crime, criminals, and the system of justice were identified as criminal statistics programs—regardless of their other uses or their designation as information systems or management information systems. This kind of clarification might be accomplished without creating a Bureau of Justice Statistics. But the possibilities for the kind of broad clarification which is needed would be increased by the creation of a single federal agency with responsibility for (1) all efforts to produce national criminal statistics and (2) all executive branch data systems which are potential sources of criminal statistics. Authorization for the new Bureau to work with existing federal criminal statistics programs and to request, analyze, and publish criminal justice data collected by other executive branch agencies should eventually produce federal criminal statistics which would be consistent with, and generally comparable to, the statistics produced by their national counterparts.

Some existing programs might not survive the kind of reorganization and restructuring envisioned here. But I believe that the most useful and the most basic programs would not only survive but be improved by the establishment of a Bureau of Justice Statistics which is authorized to "collect, analyze, publish and maintain accessible data systems" on crime, persons accused or convicted of criminal conduct, and the operation of the system of justice.

## FOUR RECOMMENDATIONS FOR IMPROVING CRIMINAL STATISTICS WITHOUT ESTABLISHING A SEPARATE BUREAU

Some of the general recommendations suggested by my review of existing programs would not require the creation of a Bureau of Justice Statistics, although the existence of such an organization might be helpful in their execution. For example, a reorganization short of the establishment of a Bureau might reduce some of the fragmentation suggested by Figures 1 through 3. Extending the authority of NCJISS to permit it to integrate existing executive branch federal criminal statistics efforts with appropriate national statistics efforts, for example, would reduce some of the current fragmentation. It should also provide us with better information about the operation and activities of a variety of federal criminal justice agencies. A transfer of responsibility for the juvenile court statistics program from NIJJDP to NCJISS would also reduce fragmentation.

But other reorganization short of the authorization of a Bureau of Justice Statistics, would be more difficult, particularly the treatment of the UCR and CCH programs.

It might also be possible to reassign existing programs so that a single agency would be responsible for all criminal justice record statistics efforts, thus eliminating the duplication and deadlock currently impeding the development of such statistics. My review of past efforts to produce national criminal justice statistics has convinced me that as long as the full authority for the creation and maintenance of a national criminal justice record file resides in an organization other than a national statistics service, the production of national criminal justice record statistics will be impeded.

One possibility short of assigning responsibility for such automated files to the Bureau of Justice Statistics would be the unification of the Identification and Computerized Criminal History programs within the FBI and the designation of such a newly created division as a National Criminal Justice Records Center—with a legislated requirement that the new Center cooperate with the new Bureau of Justice Statistics in the development of disposition reporting programs and the creation of automated criminal records which would permit not only rapid response to inquiries from criminal justice agencies, but the development of criminal justice record statistics. Such a center could either be required to provide the Bureau of Justice Statistics with access to the files or to cooperate in the creation of timely research files in a way which would not violate the privacy rights of the individuals whose records are in the file.<sup>15</sup>

The important point to emphasize in this discussion is that the current lack of national criminal justice record statistics, after almost ten years of effort and considerable federal funding, is largely a result of the inability of the National Criminal Justice Information and Statistics Service to overcome the problems created by the existence of a competing disposition reporting program (CCH) over which they have no control. State-level funding strategies, in this instance, did not produce the criminal justice record statistics (OBTS) which the NCJISS sought but did increase the number of individuals whose names and criminal justice records were included in CCH files.

My examination of the NCJISS effort leads me to believe that similar strategies will produce similar results. A new Bureau of Justice Statistics which does not have control over, or a clear right to, the statistical use of all computerized criminal justice records obtained by federal agencies cannot produce criminal justice record statistics—regardless of the size and quality of its staff or the money available to support statistical activities. Continuing the overlapping responsibilities of NCJISS and the FBI for the development of programs which might produce such statistics (CCH and OBTS) and the continued absence of central direction for these efforts is certain to slow the development of dependable criminal justice record statistics.

It would also be possible to establish a national criminal justice data repository within a single agency without creating a Bureau of Justice Statistics. But the agency operating the repository would have to be authorized to request machine readable data from all national and federal criminal statistics programs. No such permanent central repository now exists, although several privately run repositories are being supported by federal agencies. (DUALabs for victimization survey data, DAEDAC for drug information, and CJAIN for some of the data collected by NCJISS).<sup>16</sup> The FBI's Uniform Crime Reporting Section has its own well organized data archive. But response to requests for information are treated on an ad hoc basis, depending upon the resources available.

Finally, it would be possible for a National Institute of Justice or NCJISS to commission or carry out utilization studies of all federally supported criminal statistics programs on a regular, rotating basis. Currently, there is almost no systematic information on the persons and organizations using the statistics being generated. Nor is there systematic information on the uses to which the figures

<sup>15</sup> The legislation should not permit the use of privacy issues or classification of the data as "sensitive," "confidential," or as an "intelligence file" to block access to the statistical data based created by the file.

<sup>16</sup> The DAEDAC (Drug Abuse Epidemiology Data Center) data base contains information on drug use and drug enforcement compiled by the Drug Enforcement Administration and the National Institute on Drug Abuse. It is supported by NIDA. The Criminal Justice Archive and Information Network (CJAIN) and the Data Use and Access Laboratories (DUALabs) are supported by NCJISS.

are put. The creation of a Bureau of Justice Statistics would not be necessary for the initiation of such utilization studies, but the existence of a central organization might simplify their introduction and routinization.

#### BIOGRAPHICAL SKETCH

Roland Chilton, Professor of Sociology at the University of Massachusetts, Amherst, received his Ph.D. in Sociology from Indiana University in 1962. He has published in major sociological and criminological journals since 1963. In 1966 he served on the Assessment Staff of the President's Commission on Law Enforcement and Administration of Justice. He was a Visiting Fellow at the Social Science Research Council's Center for Coordination of Research on Social Indicators for the 1976-77 school year and has recently completed a manuscript based on his work at the center entitled "Criminal Statistics in the United States: An Evaluation of Recent Federal Efforts." Professor Chilton was Secretary of the American Sociological Association's Criminology Section from 1976 through 1978 and is currently chairing the Section's Committee on Crime and Justice Statistics.

#### TESTIMONY OF PROF. ROLAND CHILTON, UNIVERSITY OF MASSACHUSETTS

Dr. CHILTON. Thank you, Mr. Chairman. As Professor Sellin has indicated, the notion of a single organization responsible for all federally supported efforts to develop statistical information on crime, persons accused or convicted of criminal conduct, and the operation of the system of justice is at least 50 years old and has been recommended by Presidential commissions in crime in 1931 and 1967. However, the need for such an organization is more pronounced today because of the increased number of programs capable of producing such information and the fragmentation and duplication this has produced. By fragmentation, I mean the creation of statistical efforts of a similar type which are developed independently, producing data which cannot be collated, and organizations whose work cannot be coordinated.

The need for a unified approach will be even greater in the future because more dependable information will be required to carry out the purposes of pending criminal improvement legislation. Attempts to measure the incidence of crime and delinquency, to assess the extent to which existing programs have succeeded or failed, to provide the accurate and unbiased data essential for informed public consideration of the problems of crime and justice will require a better organized Federal statistics effort than we now have. The reorganized Bureau of Criminal Justice Assistance, proposed in the legislation now being considered, will require dependable and timely statistics for informational, evaluational, and planning purposes. And a new National Institute of Justice will need such information to evaluate the effectiveness of specific programs, conduct research, and administer grants.

One of the first tasks of the Bureau of Justice Statistics should be the coordination of comparable Federal and national criminal statistics efforts. By Federal criminal statistics, I mean statistics on Federal offenses, persons accused of committing or convicted of Federal offenses and statistics reflecting the operation of the Federal system of justice. By national statistics, I mean figures for the country as a whole; to achieve at least part of the coordination of Federal and national criminal statistics efforts.

A new Statistics Bureau must also be authorized to obtain data from agencies outside the Department of Justice. It must be authorized to request information from prosecutors and trials courts. Without such information, the development of statistics on the operation of the system of justice is almost impossible.

However, one area in which the Bureau's authority should be limited, in my view, is in the development of statistics on civil suits and the civil justice system. This is necessary because of the volume of civil cases and the absence of existing national civil justice statistics programs. Just as research in civil justice is excluded as an activity of the National Institute of Justice in H.R. 2108, because it would tend to divert resources from the critical area of criminal justice, the development of civil justice statistics programs should be approached cautiously because it will tend to divert resources from the still underdeveloped criminal statistics program.

These recommendations and those which follow are based in part on my experience while on the staff of the President's Commission, and in part, as a result of an extensive review of major criminal statistics programs in the United States, which I carried out in 1976 and 1977.

In that review, I studied the operation of 14 different national criminal statistics programs and approximately 6 different Federal statistics programs. These efforts are indicated in figure 1, which I believe illustrates the fragmentation of our national programs. Figure 2, which follows it, illustrates the fragmentation of our Federal criminal statistics efforts. The national and Federal programs shown in figures 1 and 2 produce three distinct kinds of data—victimization statistics, criminal justice records statistics, and what I refer to as agency statistics. These are shown in figure 3.

A great deal of information is presented in figure 3. But the main points the figure is intended to illustrate are the types of programs producing criminal statistics, their relation to phases of the system of justice, and the fact that all three types of programs—victimization statistics, criminal justice record statistics, and agency statistics—have limitations.

All three kinds of data could be improved by the creation of a Bureau of Justice Statistics. The agency statistics programs would be improved by the possibility a bureau creates for greater uniformity in procedures and by the increased comparability, the data collected in each program. Inclusion of victimization statistics, agency statistics, as well as criminal justice record statistics, in one organization should produce greater comparability of the figures developed by all three efforts.

Criminal justice record statistics efforts, including the computerized criminal history program of the FBI, the offender-based transaction statistics of the National Criminal Justice Information and Statistics Service, and the other information systems funded by NCJISS would be particularly improved by the central direction a bureau would provide.

In addition, authorization for the new Bureau to work with existing Federal criminal statistics programs and to request, analyze, and

publish criminal justice data collected by other executive branch agencies should eventually produce Federal criminal statistics which would be consistent with, and generally comparable to, the statistics produced by their national counter-parts. Some existing programs might not survive the kind of reorganization and restructuring envisioned here. But I believe that the most useful and the most basic programs would, not only survive but, be improved by the establishment of a Bureau of Justice Statistics which is authorized to collect, analyze, publish, and maintain accessible data systems on crime, persons accused or convicted of criminal conduct, and the operation of the system of justice.

Mr. CONYERS. Professor Chilton, does this indicate where we are, or where we ought to be?

Mr. CHILTON. Figure 1 is an indication of where we were, at least in 1977, and where I believe we still are. The figure indicates that there are at least three agencies within the Department of Justice responsible for criminal justice statistics. The NCJISS, within the LEAA, which is responsible for many of these systems, has within it the national crime survey, the victimization statistics program, the national prisoners statistics effort, and the uniform parole reports, but does not have the juvenile court reporting program.

On the other hand, the Federal Bureau of Investigation has a major agency statistics program—in the uniform crime reports. The Drug Enforcement Administration has some minor agency statistics programs and some criminal justice record statistics programs.

All three have programs which would produce.

Mr. CONYERS. Could one argue from this chart that if we just coordinated what we have now, we would have a pretty good criminal justice statistics bureau?

Mr. CHILTON. Yes, if we coordinated what we already have in the Department of Justice, what we have in other Federal agencies such as the Administrative Office of the U.S. Courts, and some minor programs such as the programs run by the Department of the Treasury, the Bureau of Alcohol, Tobacco, and Firearms, the Custom Service and a few others.

Mr. CONYERS. Is this suggesting, then, that we have a lot of information out here that is not being utilized properly?

Mr. CHILTON. Utilization studies are necessary. But it would be presumptuous for me to say that all this information is not being utilized properly.

My examination of these programs leads me to conclude that the development of "criminal justice record statistics" has been slowed by this fragmentation, particularly by the existence within the Federal Bureau of Investigation of the computerized criminal history program and the existence within NCJISS of an OBTS effort which was designed to produce statistical information on the operation of State level systems of justice.

Mr. CONYERS. Would you support a Bureau of Criminal Statistics?

Mr. CHILTON. Yes; I certainly would.

Mr. CONYERS. Now how does all of the business that exists impact? And how would it relate to that proposed Bureau. We throw all of this away? Is it useless?

Mr. CHILTON. No, sir, I wouldn't throw all this away. I see the proposed Bureau as bringing together these programs in one organization; I see that as absolutely essential for development of some of these programs.

Mr. CONYERS. Have you any questions before we recess?

Mr. VOLKMER. Yes. I understand from your statement that the report of the Census Bureau and do you support that, and central fact gathering bureau, too?

Mr. CHILTON. I also support the idea of a separate, a national institute for research purposes. But I'm not sure I understand "fact gathering Bureau."

Mr. VOLKMER. In other words, crime statistics gathering.

Mr. CHILTON. Yes; I support a central bureau of criminal statistics. The only thing I'm hesitant about is supporting the notion of a Bureau of Statistics which includes statistics on civil disputes.

Mr. VOLKMER. Eliminate that. Let's just stick to criminal.

Mr. CHILTON. Yes.

Mr. VOLKMER. But what concerns some of us is: Are they going to get into notifying and prosecuting States, counties, district attorneys, local or State level people, local courts, right down the line, INFORUM, and they're all sending all of these reports up here, and all the data up here?

Mr. CHILTON. No; I agree with Professor Sellin on that. It would be impossible for a single Federal agency to try to work with 12,000 police departments, and I don't know how many thousand court and correctional agencies. I recommend continuing the work developed by the Law Enforcement Assistance Administration which has been working in cooperation with the FBI and has encouraged a series of statistical analysis centers and other organizations at the State level.

Mr. VOLKMER. In other words, you believe in a 50-plus-1 type system—50 States plus the Federal, into the one system?

Mr. CHILTON. Yes. I think it's the only workable approach.

Mr. VOLKMER. For reporting, and then have that formulated?

Mr. CHILTON. Yes. I don't see how it could be done otherwise.

There are a few other points in the bills which I would like to comment on. Do I have time?

Mr. CONYERS. Please proceed.

Mr. CHILTON. Part of the discussion with previous witnesses concerned a difference between H.R. 2061 and H.R. 2108. I believe it is H.R. 2108 which contains the provision for using the Crime Index, as well as population data, to apportion funds to various States. From what I know of existing Federal and national criminal statistics programs, I believe this would be a serious mistake. In fact, I believe that if Paul Zolbe, Chief of the FBI's Uniform Crime Reporting Section, were asked about this, he would say that that is a very unwise move.

Another point in the bill on which I think I probably disagree with some other witnesses concerns the exclusion of certain administrative statistics within the Department of Justice from those which will be available to the new Bureau. What concerns me about this is the possibility that such a clause will permit segments of the Department of Justice to identify a variety of programs which contain useful statistical information as administrative statistics and thus prevent them from being obtained by the Bureau.

I think that that would be a serious mistake. Legislative concerns for privacy can be separated from such concerns for administrative confidentiality. The possibility for the creation of, or access to, research files with identifying names and numbers removed is one possibility. It would be a serious mistake to make it possible for some Government organizations to say that their statistical information is somehow confidential. When this happens, it usually means that they believe their statistical information might be embarrassing to the agency, rather than indicating a concern for the privacy rights of individuals.

Another difference between the two bills concerns the way in which policy will be set for the Bureau of Justice statistics if it is established. I find the policy board notion in H.R. 2108 to be the preferable route to providing some assurance of political independence. This is not simply a concern for the utilization of criminal statistics for political purpose by some future administration.

Damage could be done simply by withholding the release of information which might be considered embarrassing. I think that a policy board constituted as H.R. 2108 suggests would be the most useful way to avoid such potential problems.

Mr. CONYERS. I suppose we'll have to stand in recess until we've registered our vote on a matter taking place on the floor at this point.

So the subcommittee will stand in brief recess.

[Brief recess.]

Mr. CONYERS. The subcommittee will come to order.

Professor Chilton, thank you for agreeing to this recess. You were making a few concluding recommendations in terms of how the proposed legislation might be improved.

Mr. CHILTON. Yes; and I believe I reach the end of what I considered the major recommendations. I did want to comment on a statement made by Professor Sellin regarding his lack of understanding of the notion of a statistical data base accessible to the general public. I think that if we assume that this means that the records of individuals would be accessible to the general public, all of us would have problems—privacy problems—with that. But there should be possibilities for public access of a different kind. I mean by this that criminal justice investigators, researchers of any kind, should have public access to a criminal justice data base without identifying information such as names and numbers.

I think section 304(a)(2) contains an important provision of the bill. It may require clarification, but certainly not deletion.

I want to return to one issue in my statement which I didn't get to, one that also illustrates what I think is the major problem of the current approaches—fragmentation. I mean by that, fragmentation of authority, the division of authority for agency statistics programs for example, between the Federal Bureau of Investigation on one hand and the NCJISS and LEAA on the other. However, the division is more acute in the area of "criminal justice records statistics"—statistics which are developed from the analysis of criminal justice records.

I use "criminal justice records" as a more general term, and as a less inaccurate, less misleading term than "criminal history," because not every one charged with crime is convicted, and not everyone whose name currently appears in what are called criminal history files is a

criminal. Simply changing the designation of those criminal justice record files and giving the new Bureau of Justice Statistics authority for access to that information would improve the operation of such systems.

The attempt to develop such programs at the State level has not worked because a computerized criminal history program which I'll call a criminal justice record program is essential for the operation of development of criminal justice record statistics. It may be possible to develop such a program short of establishing a Bureau of Justice Statistics with authority for all of these records—because these records, after all, have operational uses which are independent of their statistical uses. However, if a Bureau of Justice Statistics does not have access to that statistical data base created by such files then statistics on the operations system of justice are, I believe, impossible.

I think that we are currently stalled in the development of criminal justice records statistics, just on this point. We have two agencies both attempting to develop similar, very closely related but independent programs. NCJISS has no authority for the development, operation, or modification of the computerized criminal history program and the FBI has no authority for the development of OBTS and other information systems.

Mr. CONYERS. Do you have any observations about the use of arrest records in this computerized national statistic-keeping era that we're coming into that you would want to share with the subcommittee?

Mr. CHILTON. I think the major point I want to make is that, while the creation of a Bureau of Justice Statistics with some authority for access to such files will not exacerbate the privacy problems that we now have, it won't make them better either. However, even without the development of criminal justice record statistics, the existence and growth of a large-scale, automated, criminal justice record programs will continue—if for no other reason than that the Bureau of Identification within the FBI is currently developing an automated identification system which creates virtually the same files as the computerized criminal history program. If we fail to recognize this, we will continue to believe that we don't have such a file. We will, however, have such a file, but its statistical potential will be ignored—without necessarily improving the privacy rights of the individual in that file.

Mr. CONYERS. Did I hear you raising a duplication problem?

Mr. CHILTON. There is a duplication of effort, but I think the duplication of effort is not as serious as the problem of inability to move forward with the program. It is possible that, for operational purposes, one kind of criminal justice records statistics program, one kind of automated record program, will be developed and that for the purposes of national criminal statistics, another kind of program will be developed.

In any case, it is important that a Bureau of Justice Statistics have access to such information. And it certainly would be a mistake to have a Bureau of Justice Statistics attempt to have the States collect separately the same information. NCJISS went through a phase in which they attempted to do both things. It was a mistake.

Mr. CONYERS. Mr. Edwards?

Mr. EDWARDS. I think it is important to decentralize criminal records, fingerprint files, so the States can have control of them. The sys-



tem would include an index and a pointer system in Washington the control of which has not yet been determined.

The agency in charge of statistics will have to have access on the State basis, and subject to State laws. That's one of the problems now with the criminal system and why Massachusetts refuses to go into the NCIC computerized system, because they lose control over Massachusetts' criminal records.

But a decentralization which is something that I'm sure is going to take place, you'll have no problem with that?

Mr. CHILTON. Yes, I'm aware of that. That has been being considered for quite a while—at least since early in 1976 when I began to look at these programs. I don't know why it has been suspended, but certainly decentralization would be important.

Mr. EDWARDS. There is a lot of politics in it. There is the question of who is to control the message switching? There are all kinds of aspects to it. But it's the wave of the future; it's going to save a lot of money. It's going to do away with duplication.

But more importantly, it's going to give States control over their own records.

Mr. CHILTON. I hope the national Bureau of Justice Statistics will have authorization for access to the statistical data bases thus created. Statistical personnel do not need access to names and numbers.

Mr. EDWARDS. Thank you.

Mr. CONYERS. That's an important addition. Mr. Edwards' subcommittee is holding hearings involving the Federal Bureau of Investigation, among others, and invariably a very related question.

Mr. EDWARDS. That's priority No. 1 for this year, the decentralization of this huge amount of records that actually, it's almost 19th century the way they handle them.

Mr. CHILTON. There are probably a million records in NCIC's computerized file.

Mr. CONYERS. Well, this has been most helpful, and I appreciate your joining us, Professor Chilton. You made an important contribution.

Mr. CHILTON. Thank you.

Mr. CONYERS. Our next witness is chairman of the Criminal Justice Statistics Association for the State of Alabama, Mr. Michael Devine.

We welcome you before the subcommittee. We note that you've been with the association from the beginning and have participated in most of its planning activity, and you've done special work in the field of criminal justice statistics.

We have your statement and will incorporate it in the record at this time, and welcome you before the committee.

**THIS PAPER REPRESENTS THE STATED OPINION OF THE CRIMINAL JUSTICE STATISTICS ASSOCIATION AND IS NOT NECESSARILY REPRESENTATIVE OF THE OPINIONS OR POSITIONS OF ANY GOVERNMENT ENTITY**

**Purpose and history:** The CJSA, Inc., was formed "in order to assist the users and suppliers of criminal justice data and statistics in the meaningful collection, analysis and exchange of data. . . ."

At the time of the inception of CJSA, the criminal justice system in this country was being buried both by cases and information concerning those cases. LEAA had responded by funding the CDS program which included SAC, the computerized criminal history (CCH), offender-based transaction statistics (OBTS) system, and the managerial and administrative statistics (MAS) system. This data

and that provided by on-line data systems was entering into a criminal justice system largely unprepared to use it.

The SAC units were designed not only to analyze data but to interpret statistical findings to the criminal justice agencies and to instruct these agencies on how to use the data to their benefit, especially in the policymaking process.

Because of differing placement, differing demands for service and the diversity of available data, it proved virtually impossible for any single SAC unit to keep track of how data was being used across the country and the changing CDS guidelines while performing their in-State duties.

The CJSA sought to solve this problem by bringing SAC directors and other interested parties together periodically for information exchange and problem solving sessions.

Since its beginning, CJSA has engaged in studies which have measured development of statistical programs across the country, identified relative availability of data, examined anticipated programs, and generally kept its membership and other interested parties abreast of developments in the criminal justice system.

The CJSA's bottom-line goal is increased professionalism in the criminal justice area in the belief that this is the single best method to assure that data will be used and used well.

Position: Because the CJSA has identified itself as a professional group rather than political, it normally discusses but does not take a position on various activities. However, the anticipated reorganization of the Law Enforcement Assistance Administration prompted the association to pass the following resolution in February of 1978:

*"Resolved, that the Criminal Justice Statistics Association, Inc., supports the concept of a Federal Bureau of Justice Statistics with the understanding that the establishment of this Bureau should provide for the funding of State-level statistics bureaus, and further, that the establishment of this Bureau should include representation from State-level statistics bureaus on any advisory committee which might be formed."*

Adopted this 22nd day of February, 1978. Signed Roger Hall, chairman, Criminal Justice Statistics Association, Inc.

Rationale: The concept of a National Bureau of Justice Statistics is consistent with both the expressed ends and needs of the SAC units and the CJSA. The proposed Bureau could serve as a clearinghouse and focal point for incoming statistical data, as well as developing standards for data quality and uniformity thereby increasing the utility of locally generated data.

The rationale for BJS associated funding is multifold. (1) Infant State-level statistical bureaus which were begun under Federal support and had not had time to mature and those local bureaus caught between multi-year legislative sessions might be supported until such time as State-level support may be attained. (2) the use of Federal funds in some form of State/local data gathering program would insure that (a) data would come into the program, (b) such data as would come into the Bureau would meet Federal specifications, (c) necessary changes in incoming data requirements could be made with minimum upheaval. (3) moneys previously spent on the development of State-level statistical systems could be utilized as a base for continued data collection efforts. Federal Government agencies could receive data from State-level statistics bureaus without recreating the wheel, that is, recreating data collection and submission systems such as SAC.

The concept of statistical bureau representation on any BJS advisory or policy board is a simple effort to insert a note of reality and professionalism into a situation where over enthusiasm or lack of experience may result in requirements or guidelines so unrealistic that they must be modified continuously, as previous experience with the comprehensive data system guidelines has so vividly illustrated.

#### TESTIMONY OF MICHAEL DEVINE, CHAIRMAN, CRIMINAL JUSTICE STATISTICS ASSOCIATION, MONTGOMERY, ALA.

Mr. DEVINE. Thank you, sir.

I would like to say, since it's a subject that has been brought up, that I'm the director of the Alabama Statistical Analysis Center, and there were some questions awhile ago that could not be answered.

As long as I'm allowed to change hats, I'll be glad to respond.

Mr. CONYERS. Please do.

Mr. DEVINE. The Criminal Justice Statistics Association is the association of the directors of Statistical Analysis Center of the various States or the people designated to represent those States by the Governor of the States in—

Mr. CONYERS. You're the State personnel that coordinates with the Federal Government in terms of directing people?

Mr. DEVINE. Yes, sir. Statistical processing and of the data program set up by LEAA in 1972.

Mr. CONYERS. Are your salaries paid by the State, or by the Federal?

Mr. DEVINE. At this point in time, about 25 percent of the States have assumed full State funding. The rest are somewhere between full Federal funding and full State funding, I think skewed toward full State. Of 41 identified in the country, as I remember, something like 25 or 26 of them are on the verge this year or next year, assuming full State funding.

Mr. CONYERS. And are the operations funded mostly by federal monies?

Mr. DEVINE. It depends on what—where you started, early on or yesterday. By the time you get to your third year, which is the maximum length you can have funding, you are supposed to be about 20 percent Federal, 80 percent State.

Mr. CONYERS. Let's talk about Alabama, for example. Now how does it operate there?

Mr. DEVINE. We are, except for some improvement funds we received in October, we are 100 percent State funding now, the whole program. We are one of the older programs in the United States, by the way.

I might add that we had a 5-year development plan that was cut down to three.

I would like to read the resolution, if you wouldn't mind.

Mr. CONYERS. We've read it already.

Mr. DEVINE. Fine.

Mr. CONYERS. So what else is new? It was passed unanimously. It's been printed. It's in the record.

Mr. DEVINE. Yes, OK.

Mr. CONYERS. So, I mean, is there something more than you'd like to add?

Mr. DEVINE. Not as Chairman of the CJSA.

Mr. CONYERS. What are you going to do now? Campaign around with the congressional offices and hit on a few Senators?

Mr. DEVINE. We've never been—we're not a lobbying agency.

Mr. CONYERS. Well, that's the appropriate response. Very good.

Mr. DEVINE. This is the first response we've ever made to any Federal actions, except for raising hell with LEAA at times.

Mr. CONYERS. Now that you are up here, tell us how are your unit functions in connection with our statistics-gathering activities?

Mr. DEVINE. Which unit, sir? Alabama?

Mr. CONYERS. Yes.

Mr. DEVINE. We coordinate and nationally run the data gathering in Alabama.

Mr. CONYERS. What I'm trying to find out is: What do you—how many people are in it? And what precisely is the nature of the operation?

Mr. DEVINE. The SAC unit has four people, including me, right now, statisticians, that sort of thing. We run the uniform crime report section which has, I think, four clerks and—

Mr. CONYERS. And you get the Uniform Crime Statistics from all the law enforcement agencies in your State, forward them to the FBI here in Washington?

Mr. DEVINE. Yes, sir.

Mr. CONYERS. How is that done?

Mr. DEVINE. The forms we're using, we're starting a transition right now. The forms we are using though, for the most part, are old FBI summary reports which are, very frankly, no use to anybody.

The aggregation level, they're aggregated at too high a level. We're interested in teaching police how to use this information for management purposes at local levels. The problem we have is the police frequently didn't know what they were doing. They didn't have the people compile the data.

Mr. CONYERS. Their statistics could be highly uneven, unreliable themselves?

Mr. DEVINE. They have been, yes, sir.

Mr. CONYERS. And then the mechanism which they used for reporting was not precise enough, either. Is that what I heard you say?

Mr. DEVINE. Yes, sir.

Mr. CONYERS. You don't happen to have the forms here so that we could enter them into the record?

Mr. DEVINE. No.

Mr. CONYERS. You could send me one?

Mr. DEVINE. Yes.

Mr. CONYERS. How does that happen? You've got hundreds of local police units in the State of Alabama. How on Earth do you get all that stuff together? Is it for every week, or every month?

Mr. DEVINE. It's submitted monthly, except the new program which is on a staggered basis. The locals actually submit copies of the new form, an incident report that we created for them, and the others report later.

Mr. CONYERS. Starting off with the old system, people mailed it in; right?

Mr. DEVINE. Yes.

Mr. CONYERS. So the sheriff in one county forgets to mail it in. His clerk is sick, forgot. So what do you do then?

Mr. DEVINE. We call and ask them to submit it.

Mr. CONYERS. What kind of problems are experienced in trying to secure law enforcement information from that many agencies?

Mr. DEVINE. Mostly the mass of data that comes in, there is obviously some resistance and small agencies have such a turnover that frequently we have to retrain people three or four times, six times a year.

Mr. CONYERS. Now how many law enforcement units report to your office in Alabama?

Mr. DEVINE. 383, as of yesterday. Today it may be 384, 385.

Mr. CONYERS. What is the difference in this new system now as opposed to the way you were doing it before?

Mr. DEVINE. The old system we were using required that at the end of the month agencies take their incident reports which most agencies already had, and then compile the data on these, frankly, very clumsy forms and submit them to us. The forms were not designed for data entry, were not designed for anything as far as we can tell, and quite a few agencies, especially the larger ones, resented the man-hours involved in putting them together.

As soon as we could, we put in forms, standardized forms, which would meet data entry requirements and suit the need of the agencies. We had the agencies participate in the development, and we have had a trial program working 6 months on it.

Mr. CONYERS. Starting what kind of program?

Mr. DEVINE. A trial program of the incident report.

Mr. CONYERS. Are computers involved?

Mr. DEVINE. Yes, sir.

Mr. CONYERS. LEAA funded?

Mr. DEVINE. No, sir, not the incident report forms.

Mr. CONYERS. What's the average time for reporting agencies that would be consumed in filling out the forms for you?

Mr. DEVINE. Smaller agencies send in blank forms that the administrator has signed, sheriff, police chief or whatever, usually no index crimes had happened.

In larger agencies, it could go up to 80 man-hours a week on summary forms.

Mr. CONYERS. So that a small, local unit could feel fairly put out by that?

Mr. DEVINE. Actually, the people that feel the worst impact are medium-sized counties.

Mr. CONYERS. Mr. Edwards, do you have any questions of the witness?

Mr. EDWARDS. Thank you, Mr. Chairman. How do you make sure the statistics are sent?

Mr. DEVINE. The process is, we have people, a technical assistance staff, that make periodic audits of the records.

Mr. EDWARDS. What are your sources?

Mr. DEVINE. The files of the agencies.

Mr. EDWARDS. I suppose they don't send them—sometimes they say they don't have enough money to send them to you?

Mr. DEVINE. We supply postage and forms.

Mr. EDWARDS. So you get 100 percent?

Mr. DEVINE. We run around 98 percent. We're not too sure if that's accurate. We think that's accurate, but some of these small agencies just swing in and out of existence overnight. It's hard to say—although they only represent about one-half to 1 percent of the actual crime reported.

Mr. EDWARDS. Thank you, Mr. Chairman.

Mr. CONYERS. Thanks for coming up. We appreciate hearing from you. Your contribution is important. It ties in with the work of Subcommittee Chairman Edwards who is, as you heard, examining this

whole question from the point of view of his subcommittee's jurisdiction over the FBI.

So we appreciate your coming at a time when he was present, and that you could be here.

Thank you very much.

Our next witness is the deputy commissioner, Division of Criminal Justice Services, State of New York, Mr. William Bonacum, who is here on behalf of the National Conference of State Justice Planning Administrators.

We welcome you here. We note that you're a deputy commissioner and administrator of the New York State office, and that you served 21 years in the New York City Police Department, and you have degrees in political science and criminal justice, as well.

We appreciate your report in your statement, and it will be included in these hearings in full, and if you will identify the gentleman that is with you, you may begin.

[The complete statement of Mr. Bonacum follows:]

STATEMENT OF WILLIAM T. BONACUM, DEPUTY COMMISSIONER DIVISION OF  
CRIMINAL JUSTICE SERVICES STATE OF NEW YORK

Mr. Chairman and distinguished members of the Committee: On behalf of the National Conference of State Criminal Justice Planning Administrators<sup>1</sup> and as Deputy Commissioner of the Division of Criminal Justice Services of the State of New York, I appreciate the opportunity you have extended to me to address you on the matter of the reauthorization of the Crime Control Act as amended, the reorganization of the Law Enforcement Assistance Administration, and specifically H.R. 2061 and H.R. 2108.

We appreciate the work that Representatives Conyers and his staff as well as Representatives Rodnio and McClory and their staffs, and the Administration, have done on the two bills.

From the outset you should know that the National Conference strongly supports the reauthorization of the Crime Control Act.

We believe the Justice System Improvement Act (H.R. 2061) provides the conceptual framework for the reauthorization of this nation's federal assistance program to improve state and local criminal justice systems. Yet H.R. 2061 is not perfect and could certainly benefit from some of the provisions and concepts embodied in H.R. 2108. Let me state some of those provisions of H.R. 2108 which we would think could improve H.R. 2061.

(1) The Criminal Justice Assistance Act of 1979 (H.R. 2108) resolves a number of the problems which have surfaced in the last few years, related to the relationship of the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration. We support the provisions in H.R. 2108 which: (a) clearly state that the Administrator of the Bureau of Criminal Justice Assistance shall implement overall policy and develop objectives and priorities for all federal juvenile delinquency programs and activities (Section 101(c) (4)) and (b) continue the Office of Juvenile Justice and Delinquency Prevention within the Bureau (Section 103). H.R. 2061 should be amended to adopt similar positions. In H.R. 2061, (a) Section 101 should be amended to state that the "Administration including the Office of Juvenile Justice and Delinquency Prevention shall be under the direction of the Administrator",

<sup>1</sup> The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-seven (57) State and territorial criminal justice Planning Agencies (SPAs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The SPAs have been designated by their jurisdictions to administer federal financial assistance programs created by the Omnibus Crime Control and Safe Streets Act of 1968 as amended (the Crime Control Act) and the Juvenile Justice and Delinquency Prevention Act of 1974 (the Juvenile Justice Act). During Fiscal Year 1979, the SPAs have been responsible for determining how best to allocate approximately 63 percent of the total appropriations under the Crime Control Act and approximately 64 percent of the total appropriations under the Juvenile Justice Act. In essence, the states, through the SPAs, are assigned the central role under the two Acts.

and (b) Section 822(a) should be deleted or in that section "the Administrator" should be substituted for the "office established by Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974". The National Conference has recently reviewed the Juvenile Justice and Delinquency Prevention Act. In light of the provision in H.R. 2108 to repeat Titles I and II of that Act, I am attaching and making part of my statement the positions recently adopted by the National Conference on that Act's possible reauthorization.

(2) The National Conference particularly supports the H.R. 2108 provisions found in Section 105(a) (2) and (5), Section 107(b), (c) and (e), and Section 109, which set out the application review and approval role of the Council vis-a-vis the state agencies, units of local government and combinations of such units desiring to receive grants. These sections in combination appear to permit the state council to coordinate the activities of the various levels of government and component agencies of the criminal system, thereby making it more likely that the system will operate effectively and efficiently with the least amount of duplication and overlap.

(3) The provisions for the National Institute of Justice in H.R. 2108 and H.R. 2061 are similar, but we prefer two of the concepts in H.R. 2108. First, the Criminal Justice Assistance Act of 1979 (H.R. 2108) restricts research activity to the area of criminal justice assistance while H.R. 2061 would permit funding of civil research. Since both bills would be authorized at modest levels, there would be inadequate funds made available to perform all the research needed in the area of criminal justice alone. There would definitely be insufficient funds to undertake programming in criminal and civil justice areas. Therefore, as in H.R. 2108, all references to civil justice and civil disputes should be struck from Part B of H.R. 2061. Second, H.R. 2108 creates a board for the National Institute which can not only make recommendations to the Director of the Institute but also establish policies and priorities and create where necessary formal peer review procedures. Similar powers should be vested in the Board created in H.R. 2061.

(4) H.R. 2108 should be commended for omitting the National Priority Program created by Part E of H.R. 2061. The National Priority Program will be problematic as its predecessor the "Incentive Grant Program" has already proven to be. Rather than meeting high priority needs identified by states and units of local government, it will taint the problem identification and priority setting process. It will be based on national rather than state or local priorities, create administrative and red tape problems, contain an urban bias and shift the conceptual pivot of assistance from state and local to federal control. Part E in H.R. 2061 should be eliminated.

(5) For purposes of the Act, H.R. 2108 considers the U.S. territories of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands and the Virgin Islands as "states" just as the Crime Control Act does. However, H.R. 2061 pursuant to Sections 402(a) (1) and 405(f) treats the territories sui generis, and authorizes only a total of \$1 million for both formula and administration funding to the five combined territories. The National Conference and the five territories would strike Section 405(f) and the exception in Section 402(a) (1) so that the territories could continue to be treated as "states". The National Conference feels it is inequitable that while the states are held harmless at their FY 1979 funding levels, the combined funding for the five territories (including under the Crime Control Act Part C block, Part E block, Part B and Small State Supplements) would drop from \$2.5 million in fiscal year 1979 to \$1 million in fiscal year 1980. Treating the territories as states would permit them under the Part D and Part J formulas to receive approximately \$2 million. We would support continuing to treat U.S. territories like states.

Let me now turn specifically to H.R. 2061 and suggest some improvements where appropriate.

(1) *Program Administration.*—We support the current provisions for program administration found in Section 1003 of H.R. 2061 for fiscal years 1981 and beyond. We understand, however, there is some consideration being given in the Senate to the elimination of Section 1003 in S. 241 and funding program administration, instead, out of the proposed Part D, which we oppose. We understand that the new provisions would have a fixed dollar no match base for administration for each state and the authority of the state to take as much additional amounts for administration as it desired, provided it matched the additional

amount on a dollar for dollar basis. It would also require the cost of administration to be assumed by the states and local units of government after a reasonable period of time. There are at least five disadvantages to this approach. (a) States and localities would be required to compete for planning and administration dollars against action dollars. In most states planning is not looked upon with a benevolent eye and is not considered as important as support for operational activities. (b) It would be difficult to compete for planning and administration dollars under unequal terms; the provision would permit action dollars to be match free but would require planning and administration dollars above the base amount to be matched on a dollar for dollar basis. (c) It would authorize states to provide funding on a voluntary basis for activities the benefits of which might accrue solely or primarily to the federal government, with no or slight benefits to the states, yet it would not make voluntary the state administrative functions that would have to be performed. (d) It would further deemphasize planning by eliminating its separate status, recognition and authorization. (e) It would establish federal mandates and costs, but it would eventually require the states and localities to pay for them in full, and would delete from the partnership of federal, state and local government, the participation of the federal government.

The formula set out for funding of state and local administration in Section 1003 was designed to generate \$55 million in federal, state and local funding for administration. It is this amount, about which it appears there is some consensus, that is needed for the states and localities to maintain the financial accountability, planning, and program development functions contemplated by both the Crime Control Act of 1976 and the Justice System Improvement Act of 1979.

We have some concern with the fiscal year 1980 transition period because the amount generated for state and local administration under the President's budget request and transition provisions would generate only \$38.5 million. Thus, we could very well have a situation where administration funding will be at a \$55 million level in fiscal year 1979, a \$38.5 million level in fiscal year 1980 and a \$55 million level again in fiscal year 1981. To prevent this roller coaster effect from occurring with administration funding, we would recommend that for fiscal year 1980 there be transition language to permit federal funding of \$50 million with a 10 percent state/local match, to generate the same \$55 million we have in fiscal year 1979 and would expect in fiscal year 1981.

(2) The provisions for the creation of a Bureau of Justice Statistics are essentially the same as in H.R. 2061. Therefore the following comments are equally applicable.

Statistics on crime and the administration of justice are in need of improvement. While the primary responsibility for making such improvements lies with state and local governments, the federal government has a key role in such improvement efforts.

With regard to federally generated statistics, there is the need to establish an office to receive these statistics, to establish standards as to how these statistics are collected and compiled; to analyze them and to make recommendations as to how they may be improved.

A Bureau of Justice Statistics should initially limit its scope to (a) justice statistics that emanate from federal agencies and (b) those justice statistics derived from state and local agency operations for which no national series exists. Existing series of national justice statistics should be phased into Bureau operations only after the Bureau has demonstrated an ability to produce timely statistics that accurately reflect the functioning of those areas enumerated in (a) and (b) above.

To meet the informational needs of national officials (the Executive Branch and the Congress) on national issues confronting state and local efforts to impact crime and to administer justice, the Bureau should obtain statistical information on these topics through appropriate means which should not duplicate the resources or data available at the state and local levels. The Bureau should accommodate itself to statistics derived as a by-product from operational information systems designed to meet the responsibilities and obligations of state and local agencies. Serious consideration should be given to the use of survey instruments which would sample available data. Surveys could operate as alternatives to the collection of raw data by the federal agency or the amalgamation of aggregate data provided by state and local units of government.



The Bureau should foster the improvement of state and local criminal and administrative statistics through the sponsorship of research and technical assistance on the improvement of data collection techniques as well as increased utilization of available statistical data.

Federal financial assistance provided to states and local units of government to develop and demonstrate state and local comprehensive data systems, statistical analysis centers and similar developments, and demonstration efforts to improve state and local data collection and analysis efforts should be funded by the Law Enforcement Assistance Administration advised by the Bureau of Justice Statistics.

Finally, the Bureau must have a policy board composed principally of state and local officials that will provide direction to activities designed to collect and interpret state and local data or assist state and local criminal justice agencies.

(3) Because crime is primarily a state and local problem, the major grant-in-aid program under H.R. 2061 and H.R. 2108 should be the Formula Program (Part D in H.R. 2061, Section 104 in H.R. 2108). We would suggest that not less than 80 percent of the total appropriation for the Act be set aside for distribution to LEAA in the case of H.R. 2061 and the Bureau of Criminal Justice Assistance in the case of H.R. 2108, and that 85 percent of that amount be set aside for distribution to state and local governments under Part D in the case of H.R. 2061 and under Section 104 in the case of H.R. 2108. These amendments would, as suggested by Senator Kennedy, prevent the state and local units of government from bearing the brunt of proposed LEAA budget cuts.

(4) We would support the removal of the arbitration procedure set forth in Section 402(b)(3)(D) of H.R. 2061 and substitute for it a state appeal procedure reviewed and approved by LEAA at the request of an entitlement jurisdiction.

(5) We support an authorization level of not less than the \$825 million set forth in H.R. 2061. As Chairman Rodino stated before you, we are "hopeful it can be authorized at an even higher figure".

(6) Finally, and by no means least, we are concerned with any categorization of the formula program. It is in this respect that H.R. 2061 is far superior to H.R. 2108. We would hope that you will resist all attempts to circumscribe the flexibility of the states and local units of government. Formula grants without categorization leave the states and local units of government with the flexibility to allocate funds to substantive areas of greatest need and priority. It permits decisions to be made at the local level where knowledge of the programs are greatest. We oppose all initiatives which would earmark limited funds for specific purposes.

I appreciate the opportunity you have provided me on behalf of the National Conference to testify, and I would be happy to respond to any questions you may have.

POSITIONS OF THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS PERTAINING TO REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 AS AMENDED

(Approved February 13, 1979)

*Position 1: Juvenile Justice Act reauthorization.*

A separate Juvenile Justice and Delinquency Prevention Act should be retained.

*Position 2: The Office of Juvenile Justice and its administration.*

There should be an Office of Juvenile Justice and Delinquency Prevention. The head of the Office shall not be a presidential appointee. The Office shall be comparable to the Office of Community Anti-Crime.

*Position 3: Maintenance of effort.*

The National Conference reaffirms its opposition to categorization of the Federal criminal justice assistance program and reaffirms its opposition to the maintenance of effort provision which requires 19.15 percent of funds appropriated under the Crime Control Act to be committed to juvenile justice and delinquency prevention programming.

*Position 4: Deinstitutionalization, separation and monitoring requirements.*

The deinstitutionalization, separation and monitoring requirements should be retained but modified as follows.

(a) Section 223(a)(12)(A) would be amended to delete the word "juvenile" and add the word "secure" in front of the two words "detention" and "correctional."

(b) Section 223(a) (12) (B) would be amended to read that a state which had passed a statute prohibiting the institutionalization of status offenders would not be required to monitor its secure detention or correctional facilities.

The state would be presumed to be enforcing its legislation and to have achieved deinstitutionalization. If the state failed to pass such legislation or if the Administrator of the Office of Juvenile Justice and Delinquency Prevention found, after a hearing, that the legislation did not adequately provide for compliance with the deinstitutionalization standard or that the statute itself was not enforceable, the state would be required to submit to the Office annual monitoring reports. The annual monitoring reports would provide information consistent with that currently required under Sections 223(a) (12) (B) and 223(c).

(c) Section 223(a) (12) (B) would be further amended to strike Subsections (i), (ii) and (iii). Subsection (i) would be incorporated in the definition of "community-based" set forth at Section 103(1) of the Act. The intent of Subsections (ii) and (iii) is believed to be adequately addressed throughout Section 223(a) (10).

(d) Section 223(a) (13) would become Section 223(a) (13) (A).

(e) Section 223(a) (13) (A) would be amended to provide that state youthful offender laws would be reviewed by the Administrator of the Office who would have the authority to grant exceptions to the separation requirement for state youthful offender statutes which would otherwise violate the separation requirement but still promote the well-being of youthful offenders without doing harm to juvenile delinquents.

(f) A new Section 223(a) (13) (B) would be created to parallel Section 223(a) (12) (B). A state which had passed a statute requiring the separation of juveniles from adults in institutions would not be required to monitor its institutions.

The state would be presumed to be enforcing its legislation to achieve separation.

If the state failed to pass such legislation or if the Administrator of the Office of Juvenile Justice and Delinquency Prevention found, after a hearing, that the legislation did not adequately provide for compliance with the separation standard or that the statute itself was not enforceable, the state would be required to submit to the Office annual monitoring reports. The annual monitoring report would provide the information currently required under Section 223(a) (14).

(g) Section 223(a) (14) would be stricken.

(h) Section 223(c) would be amended consistent with the modified deinstitutionalization and separation requirements.

(i) Section 223(c) would be further amended to clarify that inadvertent and de minimis violations of the deinstitutionalization requirement which did not constitute a pattern of violations would not be considered failure to achieve full compliance.

*Position 5: Definitions.*

(a) Section 103(12) would be amended to read:

"(12) the term 'secure detention or secure correctional facility' means any residential place . . ."

(b) Section 103(1) would be amended to read:

(1) the term "community based" facility, program, or service means an open group home or other suitable place located near the juvenile's home or family and which is the least restrictive alternative appropriate to the needs of the child and the community; and programs of community supervision . . .

*Position 6: Emphasis on "small" facilities.*

Section 223(a) (10) (H) (ii) would be amended to add the word "small" in front of the word "nonsecure".

*Position 7: The Federal Coordinating Council.*

The heads of OJARS and LEAA should be substituted for the Associate Administrator and Deputy Associate Administrator in Section 206(a) (1), Section 206(b) should be amended by making the head of OJARS the Vice-Chairman, and Section 206(e) should be amended by having OJARS provide the staff support to the Council.

*Position 8: Special emphasis and formula fund allocations.*

Of all funds appropriated for the purposes of the Juvenile Justice and Delinquency Prevention Act, the percentage directed to the formula program shall be set at a minimum of 75 percent and the percentage directed to the special emphasis program at a minimum of 15 percent.

**Position 9: Priorities for use of special emphasis funds.**

Section 224(a) should be amended to delete Subsections 1-11 and to insert in lieu thereof language requiring that not less than 75 percent of the appropriation for the special emphasis program be used to support activities enumerated under Section 223(a) (10). The remaining funds under the special emphasis allocation should be used to support priorities developed and approved by the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

**Position 10: Reverted formula funds.**

Sections 223(d) and 228(g) should be amended to provide that reverted formula funds be reallocated as formula funds.

**Position 11: Juvenile Justice Advisory Groups.**

(a) Under Section 223(a) (3), there should be an advisory group required which shall have a representative character appropriate to the purposes of the Juvenile Justice and Delinquency Prevention Act. The size, composition and role of the advisory group should be made more flexible. Therefore, Section 223(a) (3) would be modified by: eliminating the reference to numbers of people required on an advisory group in (A) and substituting the word "representation" for the word "representatives" in (C).

(b) Section 222(d) would be amended to read:

In accordance with regulations promulgated under this part, a reasonable amount of the minimum annual allotment to any state under this part shall be available to assist the advisory group established under Section 223(a) (3) of this Act.

**Position 12: National Advisory Committee for Juvenile Justice and Delinquency Prevention.**

(a) Section 207(c) would be amended to require that ten of the twenty-one members of the National Advisory Committee shall be chairmen of state juvenile justice advisory committees. This section would be further amended to provide that these individuals will be selected one each from the ten federal regions and will serve by virtue of their positions as state advisory group chairmen.

(b) Section 208(b) would be amended by inserting the word "Administrator and" in front of the words "Associate Administrator" at line 2.

(c) Section 208(c) would be amended to insert in lieu of the extant language the sentence: "The chairman shall have the authority to establish such subcommittees as he deems necessary".

(d) Sections 208(d) and (e) would be stricken.

(e) Sections 208(f) and (g) would be amended by deleting the word "Associate" before the word "Administrator" at lines 2 and 1 of those sections respectively.

**Position 13: The National Institute for Juvenile Justice and Delinquency Prevention.**

The National Institute should be abolished.

Sections 241 through 250 should be amended in order to accomplish the following purposes: (a) transfer the research, evaluation and clearinghouse functions to the National Institute of Justice; (b) transfer the data functions to the Bureau of Justice Statistics; and (c) leave in the Office of Juvenile Justice the functions of conducting training, seminars and workshops, performing and disseminating studies, reviewing, refining and recommending juvenile justice standards.

**Position 14: Legislative provisions relative to assumption of cost, continuation funding and matching contributions.**

A grant recipient shall assume the cost of improvements funded under this part after a reasonable period of federal assistance unless the project has proven to be unsuccessful. The portion of a federal grant may, at the option of the state, be up to 100 percent of the cost of the program or project specified in the application. Each application, plan or amendment submitted for approval to the Office shall be deemed approved by the Office within ninety days after first received unless the Administration informs the applicant of the disapproval in whole or in part and the specific reasons therefor.

**Position 15: "Advocacy" as a programmatic thrust.**

(a) Section 223a(a) (10) (D) would be reworded to strike the word "advocacy" at line 2.

(b) Section 224(a) (7) would be amended to delete the word "advocacy" and to amend the substance of the section consistent with Section 223a(a) (10) (D).

(c) Section 224(a) (10) should be stricken.

(The amendments were proposed to clarify intent and eliminate confusion because the word "advocacy" had been left undefined. Section 224(a)(10) was struck because the legislative activity was better funded at the state rather than at the federal level.)

*Position 16:* Power of SPA to implement the JJ plan.

Section 223(a)(2) should be amended to insert in lieu of the word "implement" the word "develop".

*Position 17:* The Runaway Youth Act.

Runaway youth should be a priority under both the special emphasis and formula programs of the Juvenile Justice and Delinquency Prevention Act. There should not be a separate Runaway Youth Act.

*Position 18:* Authorization level and period.

Section 261(a) should continue at a yearly authorization level of \$200 million for a period of four (4) years. Section 263(c) should be appropriately amended.

*Position 19:* Modifications to provisions relating to equitable arrangements for employees.

Section 223(a)(17) should be amended to read: provide that fair and equitable arrangements are made to protect the interests of employees effected by assistance under this Act.

*Position 20:* The purposes of the Juvenile Justice Act.

Section 102(a) would be amended to add to the purposes, a purpose relating to encouraging the development and use of small, nonsecure community-based facilities as alternatives to institutionalization of juveniles.

**TESTIMONY OF WILLIAM T. BONACUM, DEPUTY COMMISSIONER,  
DIVISION OF CRIMINAL JUSTICE SERVICES, NEW YORK, N.Y.;  
ACCOMPANIED BY RICHARD B. GELTMAN, CHIEF COUNSEL,  
JUSTICE PLANNING ADMINISTRATORS**

Mr. BONACUM. Mr. Chairman, I have Mr. Richard B. Geltman, chief counsel of the National Conference of Criminal Justice Planning Administrators with me this afternoon.

My statement is a little broader than the scope of the committee.

Mr. CONYERS. It's quite all right. It's appropriate.

Mr. BONACUM. Mr. Chairman, distinguished members of the committee.

On behalf of the National Conference of State Criminal Justice Planning Administrators, and as deputy commissioner of the division of criminal justice services of the State of New York, I appreciate the opportunity you have extended to me to address you on the matter of the reauthorization of the Crime Control Act as amended, the reorganization of the Law Enforcement Assistance Administration, and specifically H.R. 2061 and H.R. 2108.

We appreciate the work that Representative Conyers and his staff, as well as Representatives Rodino and McClory and their staffs and the administration have done on the two bills.

From the outset, you should know that the National Conference strongly supports the reauthorization of the Crime Control Act. We believe the Justice System Improvement Act provides the conceptual framework for the reauthorization of this Nation's Federal assistance program to improve State and local criminal justice systems, yet H.R. 2061 is not perfect and could certainly benefit from some of the provisions and the concepts embodied in H.R. 2108.

Let me state some of those provisions of H.R. 2108 which we would think could improve H.R. 2061.

The Criminal Justice Assistance Act of 1979 resolves a number of the problems which have surfaced in the last few years related to the relationship of the Office of Juvenile Justice and Delinquency Prevention, and the Law Enforcement Assistance Administration.

We support the provisions in H.R. 2108 which (a) clearly state that the administrator of the Bureau of Criminal Justice Assistance shall implement overall policy and develop objectives and priority for all Federal juvenile delinquency programs and activities; and (b) continue the Office of Juvenile Justice and Delinquency Prevention within the Bureau.

H.R. 2061 should be amended to adopt similar positions. In H.R. 2061, section 101 should be amended to state that the administration, including the Office of Juvenile Justice and Delinquency Prevention shall be under the direction of the administrator; and section 822(a) should be deleted, or in that section, the administrator should be substituted for the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

The National Conference has recently reviewed the Juvenile Justice and Delinquency Prevention Act. In light of the provision in H.R. 2108 to repeat titles I and II of that act, I am attaching and making part of my statement the positions recently adopted by the National Conference on that act's possible reauthorization.

The National Conference particularly supports H.R. 2108 provisions found in section 105(a) (2) and (5); section 107 (b), (c), and (e); and section 109, which set out the application review and approval role of the council vis-a-vis the State agencies, units of local governments, and combination of such units desiring to receive grants.

These sections, in combination, appear to permit the State council to coordinate the activities of the various levels of government and component agencies of the criminal justice system, thereby making it more likely that the system will operate effectively and efficiently with the least amount of duplication and overlap.

The provisions of the National Institute of Justice in H.R. 2108 and H.R. 2061 are similar, but we prefer two of the concepts in H.R. 2108.

First, the Criminal Justice Assistance Act of 1979 restricts research activity to the area of criminal justice assistance, while H.R. 2061 would permit funding of civil research.

Since both bills would be authorized at modest levels, there would be inadequate funds made available to perform all the research needed in the area of criminal justice alone. There would definitely be insufficient funds to undertake programing in criminal and civil justice areas.

Therefore, as in H.R. 2108, all references to civil justice and civil disputes should be struck from part B of H.R. 2061.

Second, H.R. 2108 creates a board for the National Institute which cannot only make recommendations to the Director of the Institute, but also establish policies and priorities, and create, where necessary, formal peer review procedures.

Similar powers should be vested in the board created in H.R. 2061. H.R. 2108 should be commended for omitting the national priority program created by part E of H.R. 2061.

The national priority program will be problematic, as its predecessor, the incentive grant program, has already proven to be. Rather than meeting high priority needs identified by States and units of local government, it will taint the problem identification and priority setting process. It will be based on national rather than State or local priorities, create administrative and redtape problems, contain an urban bias, and shift the conceptual pivot of assistance from State and local to Federal control.

Part E in H.R. 2061 should be eliminated.

For purposes of the act, H.R. 2108 considers the U.S. Territories of America Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands, as States, just as the Crime Control Act does, and authorizes only a total of \$1 million for both formula and administration funding to the five combined territories.

The National Conference and the five territories would strike section 405(f) and the exception in section 402(a)(1), so that the territories could continue to be treated as States.

The National Conference feels it is inequitable that, while the States are held harmless of their fiscal year 1979 funding levels, the combined funding for the five territories would drop from \$2.5 million in fiscal year 1979 to \$1 million in fiscal year 1980.

Treating the territories as States would permit them, under the part D and part J formulas, to receive approximately \$2 million. We would support continuing to treat the U.S. territories like States.

Mr. CONYERS. Could we justify keeping their many levels up because of any crime problems in that part of the world?

Mr. BONACUM. I think you cut across the whole spectrum of criminal justice, Mr. Chairman. There are definite needs there, and we obviously can produce statistics on crime in the areas. What we're arguing against is taking them out, separating them, treating them, and giving them such a pitifully small amount of money that they could not accomplish anything.

With your permission, sir, I now turn specifically to the Justice System Improvements Act and suggest some improvements, in our opinion, where appropriate.

We support the current provisions for program administration found in section 1003 of H.R. 2061 for fiscal year 1981 and beyond. We understand, however, that there is some consideration being given in the Senate to the elimination of section 1003 in Senate 241 and funding program administration instead out of the proposed part D which we oppose. We understand that the new provisions would have a fixed-dollar no-match base for administration for each State and the authority of the State to take as much additional amounts for administration as it desired provided it matched additional amounts on a dollar-for-dollar basis. It would also require the cost of administration be assumed by the States or local units of government after a reasonable time period.

There are at least five disadvantages to this approach.

States and localities would be required to compete for planning and administration dollars against action dollars. In most States planning is not looked upon with a benevolent eye and is not considered as important as support for operational activities.

The formula set out for funding of State and local administration in section 1003 was designed to generate \$55 million in Federal, State, and local funding for administration. It is this amount, about which it appears there is some consensus, that is needed for the States and localities to maintain the financial accountability, planning and program development functions contemplated by both Crime Control Act of 1976 and the Justice System Improvement Act of 1979.

We have some concern with the fiscal year 1980 transition period because the amount generated for State and local administration under the President's budget request and transition provisions would generate only \$38.5 million. Thus, we could very well have a situation where administrative funding will be in the \$55 million level in fiscal year 1979, a \$38.5 million fiscal year 1980, and a \$55 million level again in fiscal year 1981.

To prevent this roller-coaster effect from occurring with administration funding, we would recommend that for fiscal year 1980 there be transition language to permit Federal funding of \$50 million with a 10 percent State-local match to generate the same \$55 million we have in fiscal year 1979, and would expect in fiscal year 1981.

"Planning" apparently has become a dirty word in the LEAA process and with the people that are considering the reorganization. When I listen to people speak of taking away the planning functions it reminds me of reading the newspapers a while back when China was in their agrarian reform movement where they were sending the intelligentsia out into the field, and I remember my glee when I read that and said, "There's a nation we don't have to fear." Further thought brings to mind the German actions in either exporting or executing their Jewish intelligentsia. The only group of people that we have that are doing across-the-board thinking in criminal justice today, in my mind, are the State and local planning and administration groups and some Federal groups.

In criminal justice you have your police departments with an entry-level requirement of a high school equivalency or less. In your corrections departments it's similar. And those are your two largest criminal-justice agencies.

In the courts, obviously, you have a body of talent, and in the district attorneys offices you have a similar body of talent.

But you take the State planning agencies away from the cops and corrections people, and you are leaving a tremendous void there, both in their individual capabilities and in the ability to look across the entire spectrum of the system.

Mr. CONYERS. Let me assure you that there is no bias against planners that can be found anywhere here on the Hill.

Jus. a reluctance to give more planning money to the planners, the idea has been hit upon that after 10 years the planners should be able to plan without this large amount of bucks every year that comes down with a certainty that is almost chronological. And the notion occurred to somebody is, "How much planning would go on anyway if they didn't get all these millions of dollars?"

Why, the answer almost suggests itself: They keep on planning like they always have been.

Mr. BONACUM. Who?

Mr. CONYERS. The planners. The planners have fixed amounts of money in all the prior bills, and the suggestion now is that, first of all, that no planning be discontinued but that it go on; but if you want to plan, take it out of a block grant and plan your head off and attach as much money to it as you want.

But as soon as somebody raises the scissors to snip the tie that binds, then the planners get the mistaken notion that there is some bias operating against them. I assure you there is not. We expect the planning to go on. We want it to go on. It is—it has never failed us. But why do you have to keep getting millions and millions of dollars to keep coming up with the same musty old plans that go on the shelf at the beginning of every year after everybody has gone through their planning ritual and then they get down to the business of dividing the bucks, which frequently is totally unrelated to the planning process?

Mr. BONACUM. I debate that somewhat. I would suggest to you, though, that the proposed LEAA application is going to look god-damned similar to that plan, unfortunately. New York's plan was only 300 pages long, so we couldn't be a substantial part of that annual planning pages that come into LEAA. We didn't submit a big, fat document. We submitted a rather lean document.

Mr. GELTMAN. If I may just add two things which I think probably warrant continuation of funding for this activity.

One is that I think there is a proposal within the administration bill for 50-50 match, and I think the Governors and the planners think that's appropriate and should be the substantial assumption, of course, of the planning activity by the State and local governments and make them a part of their own activities and not just for Federal activity. And I think that's occurring under the administration's bill.

The second point I would like to make is we think the Federal Government does have a responsibility to continue to provide money for the mandates which are required redtape mandates, the administrative mandates which are part of this program, and that for that reason there should be moneys continued from the Federal Government for that activity.

Mr. CONYERS. We don't reduce any money. You can put—as a matter of fact, you can put more money under 2108 into planning; right?

Mr. BONACUM. One of the points we made previously—is it's going to be difficult for planning to compete with action—that if there's not a specific set aside of money, 7½ percent matched 50-50 or whatever, the plan will probably suffer at the hands of action.

There is a heck of a lot more power-seeking in the district attorneys offices and in the police chiefs association, sheriffs association, than there is in miniscule planning offices in each State.

Mr. CONYERS. Well, usually, those SPA's are working under the biggest muscle in the State; namely, the Governor. You are telling me the Governor isn't going to be able to squeeze out a few measly billion for his planners?

Mr. BONACUM. "A few measly billion"? I hope not. Not "a few measly billion."

All right. I can see we differ a little bit on this.

Mr. CONYERS. What would the Governor of the great State of New York do under a proposal such as the one that's been put forward, say, no planning or no planning money?



Mr. BONACUM. There are other influences besides the Governor. I can tell you what happened in 50-50 match for juvenile justice. The State budget office said to us, "Your 50 percent match for juvenile money is in new expenditures in State criminal justice programs" and we practically had to take them to court to get them back off from that position.

New York State traditionally has not provided cash for this program. We provide new expenditures in criminal justice and we've had more than enough every year, never to have to meet the match in the LEAA with hard dollars. We met them with hard dollars going to criminal justice in general but not going specifically into the program. We're the only State—

Mr. CONYERS. So, you just take the Federal grant and forgive the State of any real monetary obligation?

Mr. BONACUM. The Federal grant happens to be 2 percent of whatever we are spending. The Federal bread is not really sufficient to influence the direction of criminal justice in the State unless criminal justice wants to come along, which fortunately it has done. The 2 percent has had an influence far beyond the amount of money, and I think other parts of the testimony will touch on that, in the other areas.

Mr. CONYERS. We're required to proceed to the floor for a vote that's now in consideration. So, we will stand in recess. This will be continued.

[Brief recess.]

Mr. CONYERS. The subcommittee will come to order. We will continue with our witness, Mr. Bonacum.

Mr. BONACUM. Thank you, Mr. Chairman.

The provisions for the creation of a Bureau of Justice Statistics are essentially the same as in H.R. 2061. Therefore, the following comments are equally applicable.

Statistics on crime and the administration of justice are in need of improvement. While the primary responsibility for making such improvement lies with State and local governments, the Federal Government has a key role in such improvement efforts.

With regard to federally generated statistics, there is the need to establish an office to receive these statistics, to establish standards as to how these statistics are collected and compiled, to analyze them and to make recommendations as to how they may be improved.

A Bureau of Justice Statistics should initially limit its scope to justice statistics that emanate from Federal agencies and those justice statistics derived from State and local agency operations for which no national series exist. Existing series of national justice statistics should be phased into bureau operations only after the Bureau has demonstrated an ability to produce timely statistics that accurately reflect the functioning of those areas enumerated above.

To meet the informational needs of national officials on national issues confronting the State and local efforts to impact crime and to administer justice, the Bureau should obtain statistical information on these topics through appropriate means which should not duplicate the resources of data available at the State and local levels.

The Bureau should accommodate itself to statistics derived as a byproduct from operational information systems designed to meet the responsibilities and obligations of State and local agencies.

Serious consideration should be given to the use of survey instruments which would sample available data. Surveys could operate as alternatives to the collection of raw data by the Federal agency or the amalgamation of aggregate data provided by State and local units of government.

The Bureau should foster the improvement of State and local criminal and administrative statistics through the sponsorship of research and technical assistance on the improvement of data collection techniques, as well as the increased utilization of available statistical data. Federal financial assistance provided to States and local units of government to develop and demonstrate State and local comprehensive data systems, statistical analysis centers, and similar developments and demonstration efforts to improve State and local data collection and analysis efforts should be funded by the Law Enforcement Assistance Administration, advised by the Bureau of Justice Statistics.

Finally, the Bureau must have a policy board composed principally of State and local officials that will provide direction to activities designed to collect and interpret State and local data or assist State and local criminal justice agencies.

Because crime is primarily a State and local problem, the major grant-in-aid program under H.R. 2061 and H.R. 2108 should be the formula program. We would support that not less than 80 percent of the total appropriation for the act be set aside for distribution to LEAA in the case of H.R. 2061, and the Bureau of Criminal Justice assistance in the case of H.R. 2108, and that 85 percent of that amount be set aside for distribution to State and local governments under part D in the case of H.R. 2061, and under section 104 in the case of H.R. 2108.

These amendments would, as suggested by Senator Kennedy, prevent the State and local units of government from bearing the brunt of proposed LEAA budget cuts.

We would support the removal of the arbitration procedure and substitute for it a State appeal procedure, reviewed and approved by LEAA at the request of an entitlement jurisdiction.

We support an authorization level of not less than \$825 million, set forth in H.R. 2061.

As Chairman Rodino stated before you, we are "hopeful it can be authorized at an even higher figure."

Finally and by no means last, we are concerned with any categorization of the formula program. It is in this respect that H.R. 2061 is far superior to H.R. 2108. We would hope that you will resist all attempts to circumscribe the flexibility of the State and local units of government. Formula grants without categorization leaves the State and local units of government with the flexibility to allocate funds to substantive areas of greatest need and priority. It permits decisions to be made at the local level where knowledge of the programs are greatest. We oppose all initiatives which would earmark limited funds for specific purposes.

I appreciate the opportunity you have provided me on behalf of the national conference to testify, and I would be happy to respond to any questions you may have.

Mr. CONYERS. We appreciate your analysis of the legislation before us, and I think you presented very effectively your perception of the

directions that we should move toward in strengthening LEAA in the future.

I appreciate your coming here.

Are there any questions?

Mr. GREGORY. No questions.

Mr. STOVALL. No questions.

Mr. CONYERS. Thank you very much.

Our next witness is Mr. James Kelley, general counsel, Institute for Law and Social Research, formerly prosecuting attorney, Marion County, Indianapolis.

Welcome, before the subcommittee. We have Dr. Scarr coming after you and probably in a little race against time.

Mr. SCARR. Yes.

Mr. CONYERS. I appreciate your statement, and it will be, without objection, incorporated in the record in its entirety.

[The complete statement of Mr. Kelley follows:]

TESTIMONY OF JAMES F. KELLEY, GENERAL COUNSEL, FORMER PROSECUTING ATTORNEY MARION COUNTY, INDIANAPOLIS, IND.)

Mr. Chairman, Members of the Committee, I would like to thank the Committee for the privilege of presenting some of my ideas concerning research funded by LEAA. I come to you today in a dual role: until January 1, 1979, I was Prosecutor of Indianapolis (Marion County), Indiana a jurisdiction of 850,000 people, the eleventh largest jurisdiction in the country. The second role is that of General Counsel for the Institute for Law and Social Research (INSLAW), which I joined the first of February after deciding not to run for re-election in my home jurisdiction. INSLAW has been funded by LEAA to do a number of research projects in the area of criminal justice.

Mr. Chairman, I know of your interest and concerns in the area of white collar crime prosecution in this country, and I would like first to address that subject from the standpoint of a prosecutor. I believe my response will be typical of most of the prosecutors in metropolitan areas across the country. We are very concerned about the prosecution of white collar crime but the realities of the situation are that the pressures are enormous to devote the limited resources we have to the areas of fear-inducing street crime. Rapes, robbers, burglaries, murders, obviously cannot be ignored. The reason that white collar crime has been relegated to a second-class status in prosecution is that the resources available to prosecutors' offices are very small when compared with the resources that are available to the other parts of the criminal justice system. Therefore, a prosecutor must react to this pressure from his constituents and place priorities on the expenditures of his resources in such a way that he provides adequate prosecution for those kinds of crime that directly and immediately threaten the lives and property of his community.

The second major problem with the prosecution of white collar crime is that it often is of a highly sophisticated and complicated nature which requires special techniques for investigation and special qualifications for prosecutors to prosecute. Most police departments are not trained to conduct these kinds of investigations nor are the investigative staffs of prosecutors' offices. And even if they were trained, the staff is often so small that the time they would have to spend on investigation and prosecution of white collar crime would have to come at the expense of their efforts in the prosecution of fear-inducing crimes. Research is under way at INSLAW which, I believe, will have a major impact on this problem. We have been funded by the Office for Improvements in the Administration of Justice to develop case weights that will indicate the resources required to handle the criminal and civil case loads of the 94 U.S. Attorneys' Offices throughout the country. The System Development Division of LEAA is sponsoring a similar study in the Los Angeles County District Attorney's Office. Among those crimes we are studying are a number of white collar crimes. When these studies are completed in the next several months, we will be able to determine the actual amount of effort that is spent on the average white collar crime prosecution as compared

with other types of cases. Armed with this information, the local practitioner will be able to demonstrate his need for additional resources to prosecute white collar crime and to justify his request for federal assistance and greater local assistance to address the problem of white collar crime.

Mr. Chairman, I understand and share your strong personal concern that our society is devoting a grossly insufficient effort to the prosecution and punishment of white collar criminals at all state levels. In my opinion, there is a close correlation between that concern and another issue before this subcommittee. I refer to the proposed creation of a Bureau of Criminal Statistics. It is a well accepted management principle that what you count affects the kind of results you obtain. We need to extend Uniform Crime Reports to encompass white collar crimes. Of critical importance, the Bureau of Criminal Statistics needs to develop Uniform Prosecution and Court Statistics to show the country what happens to all arrests, whether street crimes or white collar crimes, in our court systems. We believe that the spread of PROMIS systems across the country can begin to answer this need. Under funding from LEAA's Statistics Division, INSLAW has recently used PROMIS data from 13 jurisdictions across the country to see what happens to felony arrests—all street crimes—in the courts. The most common fate is that these arrests are declined prosecution or dropped before trial because of insufficient evidence or poor attendance of witnesses. As the Bureau of Criminal Statistics hopefully begins the task of monitoring white collar crimes, it will be equally important to find out what happens to such cases in court.

Another study under way at INSLAW that I believe will be of some interest to this committee is a study of sentencing throughout the federal criminal system. The study will compare the sentences given for various types of crimes including white collar offenses and compare the backgrounds of the defendants who are sentenced. It is our hope that this study, which is funded by the Office for Improvements in the Administration of Justice, will disclose whether there are disparities in sentences across the federal system for the same type of crime and the same type of defendant. It will also disclose any disparities that may exist between sentences for different types of crime with defendants having similar backgrounds.

Addressing the problem of white collar crime or sentence disparity is very similar to addressing the problem in the prosecution of any major classification of crime. It is first necessary to understand what is going on inside the criminal justice system before one can make intelligent judgments as to what improvements and what changes need to be made. Unfortunately, up until a few years ago, data were not readily available to make such studies possible. With the advent and installation of the computerized PROMIS case control and office management system developed under LEAA funding and, I am proud to say, by INSLAW, we are now building in most of the major jurisdictions across the country, a broad data base that will provide easily accessible information about what is going on within the criminal justice system, to provide the very necessary facts upon which to base remedial legislation to alleviate some of the problems of the criminal justice system. Let me outline for the Committee several research projects that have resulted in direct benefits and improvements in criminal justice. INSLAW was funded by LEAA's National Institute to do a study of witness problems in criminal cases handled by the District of Columbia's Superior Court. What we discovered was that a very large percentage of the cases were being dismissed or never filed because of the lack of cooperation of the witnesses whose testimony was necessary to prove the case. INSLAW presented this research study at a meeting of prosecuting attorneys from across the United States who had installed the PROMIS system. I know of two prosecutors, specifically myself and Mr. William Cahalan of Detroit, who went home from that meeting and studied our own PROMIS data bases and discovered we both had a serious witness problem. We immediately moved to install within our offices a witness/victim assistance program, which I am pleased to report has resulted in a dramatic drop in the number of cases that are being dismissed because of the failure of witnesses to appear and to testify.

Another example of the very pragmatic use of research is a recent study completed by INSLAW on the commission of crime on bail here in the District of Columbia court system. I would call to the committee's attention that both the Chief Justice and the Attorney General of the United States have recently expressed concern about the commission of crime on bail. What we found was that many of the criteria used by the courts to determine who shall be let to

bail and what security will be required are not relevant to the issue of whether those defendants will in fact appear at the time of trial or whether those defendants will commit crimes while on bail. For instance, classically, the community ties of the defendant have been considered to be of primary importance in making these determinations. What this study found was that there was no correlation between community ties and the likelihood of the appearance of the defendant at the time of trial or upon his refraining from the commission of other crimes while on bail. Now what needs to be done is further study to determine what factors should be used to make a bail decision. And rather than base those factors on hunches or guesses, it should be based on solid research, which can provide clues as to who will appear at the time of their trial and which defendants are likely to commit additional crimes if let to bail.

A third area in which research has provided an invaluable insight into the criminal justice system are those studies which were done by Professor Marvin Wolfgang of the University of Pennsylvania, the Rand Corporation and INSLAW on recidivism. These organizations have identified a small core of offenders who account for a disproportionate share of crime. For example, INSLAW discovered that 7 percent of the defendants from the District of Columbia case load accounted for 24 percent of the cases. Based on this sort of information, it becomes obvious that there is a certain class of criminals who are career criminals. Out of that information grew an important new LEAA program which has been recognized as one of its more successful. This program provides for priority prosecution of those individuals who are career criminals.

I believe that there exists within the criminal justice system three basic types of criminals, and I recognize, Mr. Chairman, that this is probably an oversimplification of the issue. The first of these groups are the self-rehabilitators. In other words, as soon as they are arrested, booked and photographed, they have learned their lesson. At that point they could be diverted from the system and you would never see them again. They appear to have been rehabilitated by the very fact that they were caught. The second group is that group of defendants who have become seriously involved in criminal activity but who could with proper programs of rehabilitation, including education and job training, be returned to society as contributing members and substantial citizens. This group can be rehabilitated. The third and last group are the career criminals. Those defendants appear determined to persist in serious crime for a substantial part of their lives. The problem is that we are not properly identifying these three groups of individuals, and we are treating all of them the same. We are expending resources unnecessarily on the first group of self-rehabilitative defendants—they don't need the services of the criminal justice system. We are wasting our efforts at rehabilitation on the career criminals for nothing will change their life style except possibly age. The end result is that perhaps two-thirds of our efforts at rehabilitation and re-education are going for naught. All of these resources ought to be brought to bear on the middle group of defendants—who with the proper kinds of programs and sufficient resources could be returned to society with a high expectation of their rehabilitation. I mention this because we desperately need to determine if there are means by which these three classes of defendants can be identified early on in the criminal justice system so that we can provide the treatment that is appropriate to each group and therefore not waste our resources on those who do not need it or on those for whom it will do no good, but concentrate our resources on those that we can genuinely help.

There are many, many other areas in which we are discovering that the conventional wisdom is just plain wrong. For instance, plea bargaining. In a study done by INSLAW, and funded by LEAA's National Institute, we discovered that most defendants who plead guilty do not really do better than those defendants who go to trial; in fact, for some crimes we found that the defendant who insists on a trial tends to have fewer convictions and sentences that are no longer than those who plead guilty.

As a criminal justice practitioner, I have repeatedly said and a year ago testified before another Subcommittee of the U.S. House of Representatives, that research should run on two tracks. One of these tracks is the very important broad overviews that attempt to uncover the basic motivating factors behind the causes of crime and the effects of crime. There needs to be a second track. A track that is pointed toward providing assistance to the practitioner and the decision makers in our legislative bodies who are called upon to modify

our criminal laws. First, we need studies of what is actually going on inside the criminal justice system. It is embarrassing how little we really know about what is taking place. Second, after we have discovered what is going on, studies need to be carried forward to determine possible solutions—very pragmatic solutions—but still solutions to the trouble spots in our criminal justice system. This research is remedial in nature and looks towards reinforcing those on the front lines while at the same time we attempt to push forward the frontiers of knowledge about human behavior and the socioeconomic factors that underlie the causes of crime itself. These two tracks of research should be complementary; only by working together—the practitioner and the researcher—can we hope to find solutions to America's crime problem.

Mr. Chairman, again I would like to thank you for the privilege of appearing before your Subcommittee. I have appended to my written statement copies of a number of the research reports that I have mentioned and I request that they be made a part of the record of my testimony.

**TESTIMONY OF JAMES KELLEY, GENERAL COUNSEL, INSTITUTE  
FOR LAW AND SOCIAL RESEARCH**

Mr. KELLEY. Thank you, Mr. Chairman.

As you indicated, I was prosecutor of Marion County, Indianapolis, Ind., the 11th-largest jurisdiction in the country, up until January 1 of this year.

I chose not to run, and joined the Institute for Law and Social Research as their general counsel.

Mr. Chairman, I know of your interests and concerns in the area of white-collar crime prosecution in this country, and I would first like to address that subject from the standpoint of the prosecutor.

I believe my response will be typical of most of the prosecutors in metropolitan areas across the country. We are very concerned about the prosecution of white collar crime, but the realities of the situation are that the pressures are enormous to devote the limited resources we have to the areas of fear-inducing street crime.

Rapes, robberies, burglaries, murders obviously cannot be ignored. The reason that white-collar crime has been relegated to a second-class status in prosecution is that the resources available to prosecutors' offices are very small when compared with the resources that are available to the other parts of the criminal justice system. Therefore, a prosecutor must react to this pressure from his constituents and place priorities on the expenditures of his resources in such a way that he provides adequate prosecution for those kinds of crime that directly and immediately threaten the lives and property of his community.

The second major problem with the prosecution of white-collar crime is that it is often of a highly sophisticated and complicated nature which requires special techniques for investigation and special qualifications for prosecutors to prosecute.

Most police departments are not trained to conduct these kinds of investigations nor are the investigative staffs of prosecutors' offices. And even if they were trained, the staff is often so small that the time they would have to spend on investigation and prosecution of white-collar crime would have to come at the expense of their efforts in the prosecution of fear-inducing crimes.

Research is underway at INSLAW which, I believe, will have a major impact on this problem. We have been funded by the Office for Improvements in the Administration of Justice to develop case

weights that will indicate the resources required to handle the criminal and civil caseloads of the 94 U.S. Attorneys' offices throughout the country. The System Development Division of LEAA is sponsoring a similar study in the Los Angeles County district attorney's office. Among those crimes we are studying are a number of white-collar crimes.

When these studies are completed in the next several months, we will be able to determine the actual amount of effort that is spent on the average white-collar crime prosecution as compared with other types of cases. Armed with this information, the local practitioner will be able to demonstrate his need for additional resources to prosecute white-collar crime and to justify his request for Federal assistance and greater local assistance to address the problem of white-collar crime.

Mr. Chairman, I understand and share your strong personal concern that our society is devoting a grossly insufficient effort to the prosecution and punishment of white-collar criminals at all levels. In my opinion there is a close correlation between that concern and another issue before this subcommittee. I refer to the proposed creation of a Bureau of Criminal Statistics.

It is a well-accepted management principle that what you count affects the kind of results you obtain. We need to extend Uniform Crime Reports to encompass white-collar crimes. Of critical importance, the Bureau of Criminal Statistics needs to develop uniform prosecution and court statistics to show the country what happens to all arrests, whether street crimes or white-collar crimes, in our court system.

We believe that the spread of PROMIS systems across the country can begin to answer this need. Under funding from LEAA's Statistical Division, INSLAW has recently used PROMIS data from 13 jurisdictions across the country to see what happens to felony arrests—all street crimes—in the courts.

The most common fate is that these arrests are declined prosecution or dropped before trial because of insufficient evidence or poor attendance of witnesses. As the Bureau of Criminal Statistics hopefully begins the task of monitoring white-collar crimes, it will be equally important to find out what happens to such cases in court.

Another study underway at INSLAW that I believe will be of some interest to this subcommittee is a study of sentencing throughout the Federal criminal system. The study will compare the sentences given for various types of crimes, including white-collar offenses, and compare the backgrounds of the defendants who are sentenced. It is our hope that this study, which is funded by the Office for Improvement in the Administration of Justice, will disclose whether there are disparities in sentences throughout the Federal system for the same type of crime and the same type of defendant. It will also disclose any disparities that may exist between sentences for different types of crime where defendants have similar backgrounds.

Addressing the problem of white-collar crime or sentencing disparity is very similar to addressing the problem in the prosecution of any major classification of crime. It is first necessary to understand

what is going on inside the criminal justice system before one can make intelligent judgments as to what improvements and what changes need to be made.

Unfortunately, up until a few years ago, data were not readily available to make such studies possible. With the advent and installation of the computerized PROMIS case control and office management system developed under LEAA funding and, I am proud to say, by INSLAW, we are now building a broad data base in most of the major jurisdictions across the country, which will provide easily accessible information about what is going on within the criminal justice system. It will provide the very necessary facts upon which to base remedial legislation to alleviate some of the problems of the criminal justice system.

Let me outline for the committee several research projects that have resulted in direct benefits and improvements in criminal justice. INSLAW was funded by LEAA's National Institute to do a study of witness problems in criminal cases handled by the District of Columbia Superior Court. What we discovered was that a very large percentage of the cases were being dismissed or never filed because of the lack of cooperation of the witnesses whose testimony was necessary to prove the case.

INSLAW presented this research study at a meeting of prosecuting attorneys from across the United States who had installed the PROMIS system. I know of two prosecutors—specifically, myself and Mr. William Calahan of Detroit—who went home from that meeting and studied our own PROMIS data bases and discovered we both had a serious witness problem. We immediately moved to install within our offices a witness/victim assistance program, which I am pleased to report has resulted in a dramatic drop in the number of cases that are being dismissed because of the failure of witnesses to appear and testify.

Another example of the very pragmatic use of research is a recent study completed by INSLAW on the commission of crime by person's on bail here in the District of Columbia court system. I would call to the committee's attention that both the Chief Justice and the Attorney General of the United States have recently expressed concern about the commission of crime by person's on bail.

What we found was that many of the criteria used by the courts to determine who shall be let to bail and what security will be required are not relevant to the issue of whether those defendants will in fact appear at the time of trial or whether those defendants will commit crimes while on bail.

For instance, classically, the community ties of the defendant have been considered to be of primary importance in making these determinations. What this study found was that there was no correlation between community ties and the likelihood of the appearance of the defendant at the time of trial or upon his refraining from the commission of other crimes while on bail.

Now what needs to be done is further study to determine what factors should be used to make a bail decision. And rather than base those factors on hunches or guesses, it should be based on solid research,



which can provide clues as to who will appear at the time of their trial and which defendants are likely to commit additional crimes if let to bail.

A third area in which research has provided a valuable insight into the criminal justice system are those studies on recidivism which were done by Prof. Marvin Wolfgang of the University of Pennsylvania, the Rand Corp., and INSLAW. These organizations have identified a small core of offenders who account for a disproportionate share of crime.

For example, INSLAW discovered that 7 percent of the defendants from the District of Columbia caseload accounted for 24 percent of the cases. Based on this sort of information, it becomes obvious that there is a certain class of criminals who are career criminals. Out of that information grew an important new LEAA program which has been recognized as one of its more successful. This program provides for priority prosecution of those individuals who are career criminals.

I believe that there exists within the criminal justice system three basic types of criminals, and I recognize, Mr. Chairman, that this is probably an over-simplification of the issue. The first of these groups are the self-rehabilitators. In other words, as soon as they are arrested, booked, and photographed, they have learned their lesson. At that point they could be diverted from the system and you would never see them again. They appear to have been rehabilitated by the very fact that they were caught.

The second group is that group of defendants who have become seriously involved in criminal activity but who could, with proper programs of rehabilitation, including education and job training, be returned to society as contributing members and substantial citizens. This group can be rehabilitated.

The third and last group are the career criminals. Those defendants appear determined to persist in serious crime for a substantial part of their lives.

The problem is that we are not properly identifying these three groups of individuals, and we are treating all of them the same. We are expending resources unnecessarily on the first group of self-rehabilitation defendants—they don't need the services of the criminal justice system. We are wasting our efforts at rehabilitating the career criminals, for nothing will change their life style except possibly old age.

The end result is that perhaps two-thirds of our efforts at rehabilitation and reeducation are going for naught. All of these resources ought to be brought to bear on the middle group of defendants who, with the proper kinds of programs and sufficient resources, could be returned to society with a high expectation of their rehabilitation.

I mention this because we desperately need to determine if there are some means by which these three classes of defendants can be identified early on in the criminal justice system so that we can provide the treatment that is appropriate to each group and therefore not waste our resources on those who do not need it or on those for whom it will do no good, but concentrate our resources on those that we can genuinely help.

There are many, many other areas in which we are discovering that the conventional wisdom is just plain wrong. For instance, plea bargaining. In a study done by INSLAW, and funded by LEAA's National Institute, we discovered that most defendants who plead guilty do not really do better than those defendants who go to trial; in fact, for some crimes we found that the defendant who insists on a trial tend to have fewer convictions and sentences that are no longer than those who plead guilty.

As a criminal justice practitioner, I have repeatedly said, and 1 year ago testified before another subcommittee of the U.S. House of Representatives, that research should run on two tracks. One of these tracks is the very important broad overviews that attempt to uncover the basic motivating factors behind the causes of crime and the effects of crime. There needs to be a second track, a track that is pointed toward providing assistance to the practitioner and the decisionmakers in our legislative bodies who are called upon to modify our criminal laws.

First, we need studies of what is actually going on inside the criminal justice system. It is embarrassing how little we really know about what is taking place. Second, after we have discovered what is going on, studies need to be carried forward to determine possible solutions—very pragmatic solutions, but still solutions—to the trouble spots in our criminal justice system.

This research is remedial in nature and looks toward reinforcing those on the front lines while at the same time we attempt to push forward the frontiers of knowledge about human behavior and the socioeconomic factors that underlie the causes of crime itself. These two tracks of research should be complementary; only by working together—the practitioner and the researcher—can we hope to find solutions to America's crime problem.

Mr. Chairman, again, I would like to thank you for the privilege of appearing before your subcommittee. I have appended to my written statement copies of a number of the research reports that I have mentioned, and I request that they be made a part of the record of my testimony.

Mr. CONYERS. Well, submit them, and we will consider them.

Mr. KELLEY. Fine.

Mr. CONYERS. And I appreciate your joining us here. Good luck in your new assignment here in Washington.

Mr. KELLEY. Thank you.

Mr. CONYERS. We now call, from the Department of Justice, Dr. Harry Scarr, administrator.

I appreciate the forbearance of the Federal justice research director in the Office of Improvements in the Administration of Justice Office of the Attorney General, whose duties include such responsibilities as management of program of research into civil and criminal law, substantive issues and studies of administration which may have long-range implications on Federal policies.

Thank you very much for joining us today. I appreciate your being here.

And we will incorporate your entire statement into the record at this point.

[The complete statement of Mr. Scarr follows:]

STATEMENT OF HARRY A. SCARR, ADMINISTRATOR, FEDERAL JUSTICE RESEARCH PROGRAM OFFICE FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

Mr. Chairman and members of the subcommittee, I am pleased to be able to testify before you today with respect to H.R. 2061 and H.R. 2108 establishing a Bureau of Justice Statistics. Since H.R. 2061 is supported by the Administration, my remarks will substantially address the Bureau created by it. However, the degree of similarity between the statistics portions of the bills is sufficiently great, and the statistics bureaus proposed by each perform such similar functions, that most issues and concerns about crime and justice statistics apply to each.

Probably the most remarkable fact about the proposed Bureau of Justice Statistics is that it does not already exist. Calls for a central crime and justice statistical capability for the nation have been made repeatedly. For example:

1870: Section 12, Act of June 22, 1870, Ch. 150, 16 Stat. 164, The Establishment of a Department of Justice.

1931: The National Commission on Law Observance and Enforcement (The Wickersham Commission), Report No. 3: "Report on Criminal Statistics."

1934: The Committee on Government Statistics and Information Services.

1964: The Bureau of the Budget Report, The Reporting of Criminal Statistics in the United States.

1967: The President's Commission on Law Enforcement and the Administration of Justice.

1968: Hearings before the Subcommittee on Census and Statistics, Proposed National Crime Statistics Center.

1971: The Report of the President's Commission on Federal Statistics.

1976: Surveying Crime, A Report of the National Research Council.

What the President's Commission on Law Enforcement and the Administration of Justice noted in 1967 is, unfortunately, still all too true today, over 10 years later:

"The United States is today, in the era of the high speed computer, trying to keep track of crime and criminals with a system that was less than adequate in the days of the horse and buggy."

The continuing recognition of the need for a Bureau of Justice Statistics raises two obvious questions: (1) Why, since the establishment of the Department of Justice, has every relevant analysis of the Department identified a statistics bureau as one of the most important components to be developed?; and (2) why has such a Bureau not been developed?

The consistent recognition of the need for a bureau has been prompted by inadequacies of the existing situation. Recently it has been observed that:

"\* \* \* The United States is a backward country so far as national criminal statistics are concerned \* \* \* [There is] an absence, paucity and poverty of our criminal statistics."

And the situation with respect to civil dispute statistics is even worse. While other countries (and some states) have developed centralized, comprehensive crime and justice statistical systems, the United States at a national level has only moved partially in that direction. The Uniform Crime Reports (since 1931), the National Crime Panel Survey (since 1972), and the National Criminal Justice Information and Statistics Service program to upgrade state and local statistical systems (since 1973) represent some of the major efforts to move the United States out of the "dark ages" of understanding the extent, distribution, characteristics and impact of crime and the functioning of American justice systems. In addition, the Department of Justice and other state and local agencies have developed statistical and management information series on the activities of courts, prisons, parole, etc.

In summary, by any measure, these developments have improved the statistics on criminal justice in the United States. Although there are valid criticisms that can and have been made of each of these efforts, and the proper use to be made of them remains the source of such debate, the development of these efforts was a prerequisite to the establishment of a national statistics program. And this development is the factor which makes a Bureau of Justice Statistics possible now.

But, as you know, Mr. Chairman, despite these efforts, there remain many problems with justice statistics as they currently exist which a Bureau of Justice Statistics, as we envision it, will be particularly well equipped to deal with. In the initial planning document, which provided the basis for the Administration's proposal, seven deficiencies are described at some length. These are:

1. A lack of credibility of many national crime and justice statistics, as compared with, say, labor, health, or census statistics, because the statistics sources are not sufficiently disinterested agencies.

2. Wide variation, from place to place, in definition of terms, which makes comparisons and analysis virtually impossible in most instances. (A noteworthy exception to this are police report statistics compiled by the Uniform Crime Reporting Program.)

3. Inefficiency and waste in compiling and producing comprehensive statistics, in large measure due to the excessive fragmentation of crime and justice statistics, both in terms of sources, and in terms of availability.

4. Incompleteness of data, rendering possibilities of offender-based tracking analyses remote.

5. Inadequate analysis of statistics that are available, resulting in the production of reams of raw, unintelligible numbers, rather than problem-oriented analyses.

6. Inadequate statistics for planning a national strategy for crime control, and justice improvement at the Federal level of government, in coordination with State and local levels of government.

7. An inability to keep track of offenders and disputants, in a systematic way, at the Federal, State and local levels.

Mr. Chairman, I have attached to this testimony a copy of the report describing these deficiencies in greater detail for the information of the Committee.

In order to correct this situation, we propose to create through H.R. 2061 a Bureau of Justice Statistics. In developing the concept of the Bureau, we have solicited and taken into account the views of technical experts in the field of justice statistics; operational personnel from police, courts, and corrections; the staff of the President's Reorganization Committee; representatives of relevant interest groups, such as The Police Executive Research Forum, the American Bar Association, the Criminal Justice Statistics Association, the National Center for State Courts, the International Association of Chiefs of Police, the National League of Cities, the National Conference of State Criminal Justice Planning Administrators, the Advisory Corrections Council; numerous Congressional staff; other Federal statistical agencies; state criminal justice planners; and Department of Justice officials.

The response to our plans was gratifyingly positive. In fact, of the 152 opinions provided to us, out of 311 we sought, the overwhelming majority was in favor of a Bureau of Justice Statistics. In addition, the objections to the Bureau, in many instances, were not total, but represented dissatisfaction with some particular portion of our proposal. We then followed up this general "survey" with an intensive seminar involving a small group of representative experts from the operational world, government agencies, academia, and interested associations, and further refined our plans on the basis of that effort.

For the information of the Committee, Mr. Chairman, I have attached a detailed description to my testimony of this entire effort of consulting with relevant groups and individuals.

In addition to this endorsement by professionals, we have received a positive editorial response in major newspapers, including The New York Times, The Washington Post, and The Wall Street Journal, since the announcement of the decision to proceed to create a Bureau of Justice Statistics. I have attached a sampling of that opinion which we have compiled.

Based on all these efforts, we have proposed establishing a Bureau of Justice Statistics with the following functions (and here, Mr. Chairman, I quote directly from Part C of H.R. 2061):

1. To collect and analyze information concerning criminal victimization and civil disputes;

2. To collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency and civil disputes, and other statistical factors related to crime, juvenile delinquency and civil disputes, in support of national, State and local justice policy and decision making;

3. To collect and analyze statistical information, concerning the operations of the criminal, juvenile, and civil justice systems at the Federal, State and local levels;

4. To collect and analyze statistical information, concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, and civil disputes at the Federal, State and local levels;

5. To analyze the correlates of crime, juvenile delinquency and civil disputes by the use of statistical information, about criminal, juvenile and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, delinquency and civil disputes in the Nation and at the Federal, State and local levels.

6. To compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of justice, crime, juvenile delinquency, civil disputes, criminal offenders, and juvenile delinquents in the various States;

7. To establish national standards for justice statistics and for insuring the reliability and validity of justice statistics;

8. To maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

9. To provide information to the President, the Congress, the judiciary, State and local governments and the general public on justice statistics;

10. To conduct or support research relating to methods of gathering or analyzing justice statistics;

11. To provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

12. To maintain liaison with State and local governments and governments of other nations concerning justice statistics;

13. To cooperate in and participate with national and international organizations in the development of uniform justice statistics; and

14. To insure conformance with security and privacy regulations with respect to justice statistics.

In brief summary, then, the Bureau of Justice Statistics, as we envision it, will:

Establish national definitions and standards for justice statistics;

Oversee Federal support for the development of State and local justice statistics;

Collate and analyze crime and justice data nationally;

Improve the quality of statistics at the Federal level.

Currently, Mr. Chairman, a small task force within the Department, of which I am the chairman, is developing detailed plans for implementing a Bureau of Justice Statistics, should the Congress act favorably on our proposed legislation. I expect this committee to complete its work within the next several months, and to make detailed recommendations for establishing and having in operation, the Bureau of Justice Statistics as soon as possible after passage of legislation.

In concluding, Mr. Chairman, I would like to make two final points about the proposed Bureau. First, I would hope that no one establishes unrealistically high expectations for the Bureau. Many current series will be examined very carefully before any changes with respect to them will be recommended. It will take time to correct deficiencies and make headway. This caution should not be thought of as dithering, or as resistance to improvements in our statistics or as unresponsiveness to a real need. A statistics bureau must be conservative, in the best sense of that word. It does not change its measures without careful planning and without extremely good and sufficient reasons for doing so. Trends are one of the major pillars on which analysis supporting a statistics bureau's conclusions rests. They depend on comparability over many time periods, and across many situations for their value in showing us whether we are doing "better" or "worse" with respect to some problem. Too much change in indicators, and comparability is lost; too little, and relevance is lost. This chronic dilemma of any statistics agency must make us initially cautious because even our small decisions about change will have large consequences for the functioning of the Bureau as an indicator of social processes.

Second, it should be clearly understood that the model we propose for the Bureau is one of collaboration and cooperation among local, State and Federal levels of government. In particular, we emphasize that cooperation between

State and Federal governments is essential to the Bureau's success. The state statistical analysis centers, and the information they collect and analyze from the State and local levels, is collated at the Federal level and presented as a national portrait of crime and justice. This Bureau does not usurp State and local law enforcement, or justice system prerogatives, in any way. The Bureau will succeed, or fail, as the cooperative efforts of the States and the Federal government wax, or wane.

Mr. Chairman, I will be happy to answer any questions the Committee may have, or to elaborate on any of my remarks.

Thank you.

#### ATTACHMENTS

1. DRAFT PLAN FOR A BUREAU OF JUSTICE STATISTICS; 2. REPORT ON RESPONSES TO THE DRAFT PLAN; AND 3. SELECTED NEWSPAPER EDITORIALS AND ARTICLES ON THE BUREAU OF JUSTICE STATISTICS

#### ATTACHMENT 1

#### MEMORANDUM

JULY 26, 1977.

To: Daniel J. Meador; Assistant Attorney General, Office for Improvement in the Administration of Justice.

From: Griffith B. Bell, Attorney General.

Subject: Civil and criminal justice statistics.

I have reviewed the materials forwarded to me by you on May 4, 1977, concerning the problem of national statistics on crime and justice. In particular, I have considered the action plan to create a Bureau of Justice Statistics forwarded to me on that date.

I agree that a central capability for statistics about crime and justice, located within the Department of Justice and embodying the principles noted in your memorandum, should be developed.

Accordingly, I would like the Office for Improvements in the Administration of Justice to assume primary responsibility for the creation of a central statistical capability for the Department. The Statistical Systems Policy Review Group proposal, dated January 6, 1977, should serve as the basis for designing the facility. We should refrain from undertaking any legislative initiatives without coordinating with the President's reorganization team. Additionally, it would be my preference to organize the statistical bureau on a more modest scale than that suggested by the Statistical Systems Policy Review Group. Once the bureau is organized, it can be expanded if such expansion is warranted.

You should consult with all units within the Department that will be affected by this effort; you may call upon any units within the Department for whatever assistance you need in carrying out this activity.

#### A PLAN FOR A BUREAU OF CRIMINAL JUSTICE STATISTICS, PREPARED BY THE STATISTICAL SYSTEMS POLICY REVIEW GROUP STAFF

##### I. INTRODUCTION AND SUMMARY

Nationwide, information about crime is so fragmented, unreliable, and varied, that it is impossible to state, with any reasonable degree of confidence, conclusions about the state of the nation's crime problem. The information collected by the states and other jurisdictions is of uneven quality and of uncertain validity; that collected by the various federal agencies is in many respects worse. Consider the following:

1. The Attorney General of the United States remarks in a speech that statistical information about crime on a national scale is of questionable credibility.

2. A leading criminology text notes that:

"The statistics about crime and delinquency [in the United States] are probably the most undesirable and most difficult of all social statistics. It is impossible to determine with accuracy the amount of crime in any given jurisdiction at any particular time. We measure the extent of crime with elastic rulers whose units of measurement are not defined."

3. The Deputy Administrator of the Law Enforcement Assistance Administration observes in an address that the gathering of federal criminal justice infor-

mation—information which should provide a model for states to follow—is “more fragmented and the data available . . . less comprehensive than that in the several states.”

4. In a comparison of sentencing practices in Japan and America, a noted scholar laments that “though experts agree that . . . sentencing [in Japan] are much more lenient than in the United States, the point is not easy to substantiate statistically. . . . [I]n the United States, data are not available on average sentences for similar offenses across the country.”

5. The Majority Leader of the Senate makes the identical request for the number of federal prosecutions under a particular statute twice during a three year period, and each time is told by the Department of Justice that it cannot answer the question because its data are so poor.

6. National figures collected by the Uniform Crime Reports of the FBI, an agency of the Department of Justice, indicate that crime, defined as crimes known to the police, is continuing to increase; figures collected by the Victimization Panel Survey of the Law Enforcement Assistance Administration, another agency in the Department of Justice, indicate that crime, defined as crimes known to victims, has leveled off and in some instances declined. Confusion exists as to which should be believed. Ignorance exists as to the portent of the figures if they correctly reflect different events.

7. The Department of Justice spends at least forty million dollars on information systems to provide its managers with statistics upon which to base decisions affecting prosecution of crime, yet it is an open secret that this same Department relies very heavily on the statistics of the Administrative Office of United States Courts—statistics that are only somewhat less seriously flawed—when preparing its annual reports on prosecutorial activity.

It is impossible to know on a national scale how many crimes committed result in reports to police, how many reported crimes result in arrests, how many arrests result in prosecutions, and how many prosecutions result in convictions. It is impossible to know on a national scale how many convictions result in probation, in fines, and in prison sentences, and, of the prison sentences imposed, what proportion of each sentence is served. It is impossible to know on a national scale who among those who serve sentences are likely to return to prison. In brief, it is impossible to follow on a national scale criminal offenders through the criminal justice process and know what happens to them and what, in turn, happens to the system.

This situation would be almost comically absurd, if its consequences were not so stark. Unless one knows, with some degree of certainty, the path of offenders across all of the transitions which occur between different steps in the criminal justice process—from arrest to court, from court to prison, from prison to the streets—one can never tell what effect action in one part, for example increased police activity, has or will have on any other part, for example the amount of delay in the courts. Consequently, any overall effort to control crime must base its strategy on hunch, opinion, prejudice, and occasional fragments of information totally inadequate to the magnitude of the problem, and not on national statistics which are accurate, credible, and to the point.

This memorandum presents a model for a Bureau of Criminal Justice Statistics (BCJS) which is intended to correct these deficiencies. The model was developed by the staff of the Statistical Systems Policy Review Group (SSPRG) of the Systems Policy Board of the Department of Justice.

The model BCJS would have five primary responsibilities:

1. The Bureau of Criminal Justice Statistics would be an agency within the Department of Justice whose responsibility is to compile, collate, analyze, publish, and disseminate national statistics concerning all aspects of crime, criminal justice, and criminal offenders.
2. The Bureau would be responsible for assuring the development and maintenance of compatible components in State and federal offender-based transaction systems in order that useful national data may be produced.
3. The Bureau would be responsible for relations with the federal legislative and judicial branches and the states concerning justice statistics, including programs of federal support to state and local governments in the development of justice statistical information systems.
4. The Bureau would be responsible for establishing national definitions and standards for justice statistics.

5. The Bureau would have the authority to audit the justice statistical components of all Executive Branch federal information systems.

6. Authorization by the Bureau would be required for the development of new justice statistical components of all Federal Executive Branch information systems, in order to assure compatibility and utility.

The proposed BCJS would be headed by a Director who will report to the Attorney General. It would be organized along functional, rather than substantive lines. It will have an Advisory Committee with a membership assuring the representation of state, federal, and academic interests.

The Bureau's scope of interest would encompass information-gathering and analysis regarding all aspects of the nation's crime problem and justice systems. In particular it would be concerned with:

1. Victimization data, including attitudinal information and victim and offense characteristics;
2. Data concerning the processing of offenses, including law enforcement activities, prosecutorial and defense activities, court activities, and penal and correctional activities;
3. Data about the processing of, and characteristics of, offenders, including social characteristics, demographic characteristics, and criminal histories, individual and aggregate, with criminal history to be defined so as to be consistent with standard offender based transaction system usage, since a principal use for the information encompassed by the Bureau is to be able to follow an offender from the streets through the criminal justice system and back onto the streets;
4. Criminal justice system manpower and budget allocation, and institutional structure and operations, including law enforcement agencies, prosecutorial and defense offices, courts, penal and correctional agencies, probation and parole agencies, technical assistance and planning agencies, and foundations and other agencies related to the criminal justice system.

The establishment of the BCJS would require legislative action, suitably modifying existing statutes with respect to Department of Justice statistical activities. These activities include those of the Offices, Boards, Divisions, Administrations, Commissions, and Bureaus, which are currently operative in the production of statistics, or in providing support for the production of statistics at the State and local level.

## II. BACKGROUND

Probably the most remarkable fact about the proposed Bureau of Criminal Justice Statistics is that it does not already exist. Calls for a centralized statistical capability for the nation have been made repeatedly. For example:

1870: Section 12, Act of June 22, 1870, Ch. 154, 16 Stat. 164, The Establishing of a Department of Justice.

1931: The National Commission on Law Observation and Enforcement (The Wickersham Commission), Report No. 3: "Report on Criminal Statistics."<sup>1</sup>

1934: The Committee on Government Statistics and Information Services.

1964: The Bureau of the Budget Report, The Reporting of Criminal Statistics in the United States.

1967: The President's Commission on Law Enforcement and the Administration of Justice.

1968: Hearings before the Subcommittee on Census and Statistics, Proposed National Crime Statistics Center.

1971: The Report of the President's Commission on Federal Statistics.

As the President's Commission on Law Enforcement and the Administration of Justice noted in 1967:

"The United States is today, in the era of the high speed computer, trying to keep track of crime and criminals with a system that was less than adequate in the days of the horse and buggy.

And as the Philadelphia Bulletin commented early in September, 1970, in connection with its editorial support for a Bureau of Criminal Justice Statistics:

"If the government can trace a hog from a farm to market, it ought to be able to trace crime from the streets through the whole criminal justice system."

<sup>1</sup> A list of at least six other calls for a central criminal statistics agency is presented on pp. 8-12 of Report No. 3.



## III. THE RATIONALE FOR A CENTRAL JUSTICE STATISTICAL CAPABILITY

The continuing recognition of the need for a centralized justice statistical capability (CJSC)<sup>2</sup> raises two obvious questions: (1) why, since the establishment of the Department of Justice, has every relevant analysis of the Department identified a CJSC as one of the most important components to be developed?; and (2) why has a CJSC not been developed? While it is easier to answer the first of these questions, it is also important to consider the latter especially to identify the relationships that exist between the answers to these two questions.

The consistent recognition of the need for a CJSC has been prompted by the obvious inadequacies of the existing situation. Recently it has been observed that:

"... The United States is a backward country so far as national criminal statistics are concerned . . . . [There is] an absence, paucity and poverty of our criminal statistics."<sup>3</sup>

While other countries (and some states) have developed centralized, comprehensive statistical systems, the United States has only moved partially in that direction. The Uniform Crime Reports (since 1931), the National Crime Panel Survey's (since 1972), and LEAA's program to upgrade state and local statistical systems (since 1973) represent some of the major efforts to move the United States out of the "dark ages" of understanding the extent, distribution, characteristics and impact of crime and the justice systems. In addition, the Department of Justice and other state and local agencies have developed statistical and management information series on the activities of courts, prisons, parole, etc. By any measure, these developments have improved the statistics on crime and criminal justice in the United States. Although there are valid criticisms that can and have been made of each of these efforts (the Uniform Crime Reports of the Federal Bureau of Investigation are the most frequently criticized series<sup>4</sup>), and their usefulness is the source of much debate,<sup>5</sup> the development of these efforts was a prerequisite to the establishment of a national statistics program.

Given this gradual improvement over the last forty-five years, one could ask why a CJSC is necessary (i.e., why "gradual" improvement would not continue). The rationale for the establishment of such an entity is found in the limitations that are built into the current organizational structure at the national level and into the federal justice system. These limitations include: (1) reduced credibility of the statistics; (2) variation in definition and treatment of common data elements; (3) inefficiency; (4) absence of relevant data; (5) inadequate analysis of data; (6) under-utilization of the statistical series for decision-making and planning; and (7) absence of leadership in implementing an OBTS for Federal offenders.

**A. Credibility.**—The relative absence of credibility of national crime and criminal justice statistics (as compared for example, to labor or health statistics) derives from three primary considerations. First, the statistics, particularly those relating to the level of reported crime, are generated by operating agencies. These agencies have or represent agencies with obvious ideological or organizational interests in the interpretation of these data by Congress, the public, etc. The "rise in crime" following changes in police administrations<sup>6</sup> and automation of reporting systems,<sup>7</sup> and the "decrease in crime" following the commitment of public officials to such accomplishments,<sup>8</sup> are usually cited to substantiate the contention that the statistics on crime are not valid.

<sup>2</sup> In this section we distinguish between a centralized justice statistical capability and the proposed Bureau of Criminal Justice Statistics. This reflects the fact, that, in the past, there have been differences of opinion concerning the location of a CJSC (i.e., within the Department of Justice, as a component of the Bureau of the Census, or as a separate entity within the Federal Government). The issue of location is discussed in the next section where the basis for the current recommendation of location within the Department of Justice is explained.

<sup>3</sup> Testimony of Professor Thorsten Sellin, March 5, 1968, before the House Subcommittee on Census and Statistics.

<sup>4</sup> See for example Marvin Wolfgang, "The Uniform Crime Reports: A Critical Appraisal," 111, *University of Pennsylvania Law Review* 708 (1960).

<sup>5</sup> For a brief version of the controversy see, 64 *Michigan Law Review*, and the President's Commission on Law Enforcement and Administration of Justice, "Crime and Its Impact—An Assessment," 14-42 (1967).

<sup>6</sup> Wolfgang, *supra*, note 4, at 719.

<sup>7</sup> President's Commission, *supra* note 5, at 22.

<sup>8</sup> Seidman, D. and M. Couzens, "Getting the Crime Rate Down: Political Pressure and Crime Reporting," 8 *Law and Society Review*, 467 (1974).

Second, there is no independent audit or analysis of most of these data that would assess the contention that the data are, to varying degrees, manipulated to reflect these organizational interests. As the Chief of Police in Kansas City recently observed, in an article calling for the collection and analysis of crime data by an agency other than the FBI:

"The FBI . . . could hardly rate the quality of local police reporting systems without impairing its ability to get along with local police. And it is important to note that the FBI never claimed that it screened the police reports. . . . The FBI, by reputation, is a fine investigative agency, but it is not in a position to guarantee the accuracy of local police crime reports."<sup>9</sup>

Third, there are frequently different or contradictory conclusions reached by the existing agencies generating statistical reports. This leads the consumers (the public, Congress, those who conduct research, etc.) of these reports to doubt their usefulness. For example, a recent analysis of the changes in rate of crime between 1973 and 1974 observed that the level (and in one case the direction) of change was a function of the data source.<sup>10</sup> Using the Uniform Crime Reports one would estimate that burglary rose 18 percent, robbery 18 percent and purse-snatching 23 percent. Using LEAA's National Crime Panel victimization survey one would conclude that burglary rose only four percent, robbery three percent, and that purse-snatching decreased 18 percent. Given such disparate findings it would be reasonable, without further data, for citizens and policy-makers to question both data sources.

*B. Variation in Definition.*—In 1931 the Wickersham Commission observed: "[I]f statistics are to achieve their purpose they require unity of treatment. There are not four distinct tasks, namely gathering and compilation of police statistics, of court statistics, of statistics of penal treatment, and of statistics of juvenile delinquency. What is sought in each of these fields must be determined in connection with what is needed in the others and what may be obtained in the others. What is gathered in each must be correlated with what is gathered in the others. As things are now, different Federal bureaus dealing with different aspects of Federal penal treatment of crime continually publish tables on different bases dealing with the same subject, with the result that assured figures are not obtainable. Obviously the same thing would be likely to happen as between different Federal bureaus compiling and publishing statistics with respect to State administration of criminal justices. When one bureau has control of and responsibility for the whole, it can check the materials received, one item against the others, and discover the causes of and adjust discrepancies. Without this the published tables will be of doubtful utility. Moreover, the several bodies of criminal statistics can be made and kept comparable only if one single agency is responsible for them."<sup>11</sup>

Unfortunately, the situation at the Federal level has not changed substantially since that conclusion was reached. Although a considerable degree of uniformity in police statistical systems has been achieved through the efforts of the Federal Bureau of Investigation, a comparable degree of uniformity in the definition and method of statistical systems of other agencies (i.e., judicial, prosecutorial, penal and correctional, and parole) has not yet developed.

In addition, due to the fragmented nature of the existing statistical systems, there continues to be variation between units. The National Crime Panel uses crime categories that are not easily analogous to the index offense categories of the Uniform Crime Reports. Moreover, a number of assault (at least three) upon a single victim during a six month period of time would be counted only once by the National Crime Panel, but would be counted each time by the Uniform Crime Reports if the victim reported those offenses to the police; this results in a serious undercounting of assaults (estimated at 70 percent) by the National Crime Panel. As the Wickersham Commission observed, such variations (between and within statistical systems) will continue until one bureau is established that will develop, utilize, and promote consistent data definitions and collection methods.

*C. Efficiency.*—Although numerous reports concerning the possibility of a CJSC have contended that such an agency would be more efficient (an appar-

<sup>9</sup> McNamara, J. D., "FBI Statistics," Washington Post, August 16, 1976.

<sup>10</sup> Memorandum from Wesley Skogan, Visiting Fellow, National Institute of Law Enforcement and Criminal Justice, dated May 26, 1976.

<sup>11</sup> U.S. Wickersham Commission Report No. 3, Report on Criminal Statistics, GPO, 1931.

ently reasonable assumption), one cannot estimate with any precision the cost/benefit ratio for the proposed system as compared to the current system. However, it certainly is reasonable to assume improvements in efficiency under the proposed BCJS, because in the current system one cannot identify any real policy-relevant benefits. The current structure has resulted in an extensively under-utilized system. Because of their recognized inadequacies and inaccuracies, existing data are rarely used for planning or resource allocation. Rather, data generated by current systems are primarily used—with understandable hesitation—to justify or describe the past. In contrast, a primary purpose of a CJSC would be to provide the information necessary to plan for the future.

D. *Missing Data.*—The current fragmentation of national justice statistics efforts has resulted in the failure to develop a comprehensive data system. The frequently noted "non-system" status of the criminal justice system (i.e., the relative autonomy of the elements of the system relative to operations, planning, and purpose) is perpetuated in part by the absence of data identifying and highlighting this problem. The recent state and federal emphasis on developing offender-based transaction systems (OBTS) is an attempt to resolve this condition. Such systems, however, cannot be utilized effectively on a national basis unless a unified agency is created to collect, analyze, and interpret system statistics.

In developing a model for a "National Crime Data Reporting System" the President's Commission observed:

"There are no national statistics from the area of criminal prosecution such as bail statistics, statistics on release on one's own recognizance, detention statistics, prosecuting attorney statistics, jail statistics, no judicial criminal statistics, probation statistics or parole statistics, to name the major ones. It appears obvious that for the development of these statistics on a national scale, creation of a National Agency is indispensable for promotional purposes, for development of uniform categories for reporting the relevant data, for the development of standard reporting procedures, and for the actual operation of these systems."<sup>12</sup>

While there have been advances in the area of detention and jail statistics since 1967, the other areas remain undeveloped. Furthermore, while a few states have developed all of these areas and several have begun to move toward the creation of effective OBTS data, the federal criminal justice system does not have an OBTS capability nor are national OBTS data available. While data on criminal justice personnel and expenditures for the nation are now being collected (if not analyzed), the output of the criminal justice system (i.e., the "transactions") cannot be described and analyzed (e.g., related to personnel and expenditures). As the President's Commission stated, this will not occur until a national agency is established that transcends operational issues and focuses on the analysis of crime and the criminal justice systems.

E. *Inadequate Analysis.*—A recent analysis of LEAA's National Crime Panel observed that the reports emanating from that effort were primarily descriptive, not explanatory.<sup>13</sup> Data were presented that described crime with little or no attempt to relate those data to other characteristics or conditions. Similarly the National Prisoner Statistics and Uniform Crime Reports are, at least, selectively descriptive documents. In fact, it is the limited interpretation of police data—based in part upon limited interpretability absent more information about other events in the system to which such data may be related—that has attracted the most criticism to the Uniform Crime Reports. Every proposal for a CJSC has recognized the need for a significant analytic capability that would offer the prospect, for example, of examining the factors that account for the variation in the probability of an offense being reported to the police (e.g., in Milwaukee it is estimated that 19 percent of reported robbery are reported by police, while in Cleveland the estimate is 74 percent); of identifying and explaining the distribution of chronic victims of crime; and of determining the ways in which changes in the age composition of the population affect crime and the effectiveness of the criminal justice system. The CJSC would be expected to explain and anticipate changes in crime and in the necessary criminal justice system response to that crime. Its analyses of competing explanatory models would meet an unmet need in the current system. The creation of a CPSC would provide an analytic

<sup>12</sup> President's Commission, *supra* note 6 at 81.

<sup>13</sup> National Research Council, *Surveying Crime* (draft) 195-197 (1976).

and explanatory capability that at last could supply the basis for intelligent decision-making and planning.

*F. Statistics for Planning.*—Prior to the 1960's, the Department of Justice was not significantly involved in the formulation of national strategies for crime control. The problem was strategically and operationally local. Beginning in the 1960's the Department of Justice, primarily through LEAA, became the leader in the national effort to reduce crime and fear of crime. At the same time, the importance of a more unified federal criminal justice system became apparent. These developments have placed the Department in a position of responsibility for the control of crime on the national level and the improvement of federal and local criminal justice systems. This change has highlighted the need for more and better information—information providing a rational base for planning, decision-making, and program design.

For example, in the consideration of S. 1 during the last session, the absence of sentencing, recidivism, and offense pattern data made estimates of the impact of changes on the federal prison population subject to considerable debate. Similarly, the development and evaluation of LEAA programs such as the High Impact effort have been controlled by relatively unanalyzed police data.

Given the absence of routinely collected and credible data, a staff to analyze those data on a continuing basis, and responsiveness to the immediate needs of decision-makers in the Department, the determination of policies and practices proceeds on the basis of factually unprecipitated estimates and hazards extrapolations rather than empirical and replicable explanations. While this does not mean that policy can or should be dictated only by "the facts," the establishment of policy in the area of crime and crime control has, to a greater degree than all other major, federal programs, been undertaken without any facts. While the presence of appropriately analyzed data cannot guarantee effective policy, the absence of such data will guarantee either ineffective policy or, when by chance an appropriate policy is selected, the inability to determine if that policy was correct (i.e., the ability to evaluate). A CJSC is necessary to assist the Department of Justice in developing effective and defensible policies, plans, and programs to reduce crime, to lessen the fear of crime, and to improve the criminal justice systems of the states and nation.

*G. Federal OBTS.*—As noted in the above discussion of limitations in the current system of national criminal justice statistics, the Federal system has not demonstrated leadership in developing an OBTS. The Department of Justice has exhorted the states to develop a sophisticated OBTS capability while failing to accomplish this with regard to the processing of federal offenders. One of the principal responsibilities of a CJSC would be to assure the development of a Federal criminal justice statistical component compatible with the developments the Department has and is funding at the State and local level.

This is not only necessary to provide an understanding of the most basic operation of the federal criminal justice system, it is supportive of the primary mission of a CJSC—describing and explaining the level and impact of crime in the United States and the operation and impact of the criminal justice systems (local, state, and federal). The accomplishment of this mission demands that immediate attention be directed to the federal system, which is more fragmented and less comprehensive than those of several states. In combination with the continuing support of improvements in state and local systems, the development of the necessary components of a federal OBTS will result in the creation of a national statistical system that can provide the data required for the primary mission of a CJSC.

#### IV. THE FORMATION AND LOCATION OF A CENTRAL JUSTICE STATISTICAL CAPABILITY

In 1931 when the Wickersham Commission (The National Commission on Law Enforcement and Observance) recommended the creation of a CJSC, it suggested that the agency be placed within the Bureau of Census. In 1967, when the President's Commission on Law Enforcement and the Administration of Justice recommended the creation of a CJSC, it suggested the agency be placed within the Department of Justice. The reasons for this shift provide insight into why such an agency has not yet been created and why its location within the Department of Justice is now deemed advisable.

The Wickersham Commission justified its recommendation on the contention that: (1) the problem of criminal statistics is "at bottom a statistical problem;

(2) the Bureau of Census was the only federal department collecting criminal statistics; and (3) the economies associated with one agency handling all federal surveys and data collection."

The President's Commission reached its contrary conclusion favoring location of a CJSC within the Department of Justice, on the basis of the observation that since 1931 progress in this area had been achieved by methods that were "diametrically opposite to those recommended by the Wickersham Commission." The Commission observed:

"The most significant advance was unquestionably made in the area of police statistics through the development of the Uniform Crime Reports, which were just being started when the Wickersham Commission was making its surveys. The Uniform Crime Reports are being produced by the Federal Bureau of Investigation, a Bureau within the Department of Justice, and through direct cooperation with some 8,000 local police departments. This development becomes especially intriguing if one remembers the two specific recommendations made by the Wickersham Commission regarding police statistics. . . .

"The Juvenile Court Statistics, which are presently collected and published by the Children's Bureau, even if only on the basis of a sample, are also not produced by the Census, and the information is obtained not from State statistical bureaus but from the local operational agencies, in this case the juvenile courts. The Federal agency in question—the Children's Bureau—has notably contributed to the development of the court records and the reporting by the distribution of forms and determination of the reporting procedures.

"The Bureau of the Census, in the course of the intervening 35 years, not only failed to become the central agency for criminal statistics, but actually gave up the two series in the publication of which it was engaged at the time of the Wickersham Commission. It gave up one of these series as a complete failure, that is, the Judicial Criminal Statistics, and dropped the other one—the National Prisoners Statistics—for it to be picked up by the Federal Bureau of Prisons, which operates very successfully in cooperation, again, not with the State statistical bureaus, but with the State operational agencies, i.e., the State correctional systems and in some cases the individual institutions.

"The preparatory work for national parole statistics which was discussed in some detail in this proposal and which by all symptoms is shaping up as a major breakthrough, is being carried out by a private national organization—the National Council on Crime and Delinquency—with the support of Federal funds and working through the State operational agencies, the State parole systems."<sup>14</sup>

The Wickersham Commission assumed that a CJSC could not develop until "feeder" systems, both State and Federal, were established. Therefore, the problem was collecting, independent of the Federal and State criminal justice systems, data on crime and the criminal justice system. Defining the problem as primarily one of data collection, the Wickersham Commission assigned this function to the Bureau of Census.

As the President's Commission observed, however, the Bureau of Census has not been successful in the criminal statistics area. As a data collection agency (i.e., sampling, design, collection, editing, etc.) it is unparalleled. But it is not equipped, nor could it readily be equipped, to undertake the operationalization of concepts, the analysis of data, the formulation of policy relevant questions, and the development of local, State, and Federal cooperation and utilization required by a CJSC. Nor is any other federal agency, except the Department of Justice so equipped. It appears that it would make more sense to locate a CJSC within the Department of Justice because of its responsibilities in the field of criminal justice, permitting the CJSC, like the Bureau of Labor Statistics, to utilize when appropriate the Bureau of Census for data collection purposes.

Also, since 1931 and especially since 1967, there have been significant advances in local and state statistical systems. A CJSC within the Department of Justice is now a more obvious possibility because the importance of valid data is better understood, several credible State and local systems have been developed, and the methodology of victimization surveys has been tested by the national crime panel surveys. These perceived impediments to the establishment of a CJSC have not been removed.

<sup>14</sup> President's Commission, *supra* note 6, at 206.

V. PREVIOUS EFFORTS TO ESTABLISH A CENTRAL STATISTICAL CAPABILITY WITHIN THE DEPARTMENT OF JUSTICE

Within the Department of Justice, there have been in the past four years at least three efforts, including this one, to create a central justice statistical capability.

A. *The Office of Criminal Justice Proposal.*—In November of 1972, the Office of Criminal Justice forwarded to selected parts of the Department a plan for a Bureau of Criminal Justice forwarded to selected parts of the Department a plan for a Bureau of Criminal Statistics.<sup>15</sup> The plan included a draft Executive Order and draft legislation to create the Bureau, and a discussion of the expressed need by the public and criminal justice officials for such a Bureau. As envisioned, the Bureau will begin as a modest operation responsible for dissemination of crime statistics, and some analyses of crime data. The staff size was estimated to be forty, including a support staff of ten to twelve.

The proposed Bureau was to be headed by an Executive-V level Director, appointed by the Attorney General. It was to make grants in support of research and state statistical capability development, but was not to collect information directly. Moreover, there were to be two bodies intended to oversee the Bureau's activities: A Federal Council on Criminal Statistics, to aid in developing plans and programs for the Bureau and to review its activities, and a National Conference on Criminal Statistics to advise the Bureau on State and local aspects of its operations. The former group was to include federal executives; the latter to include representatives of states, private industry, and the federal government.

Although the proposal was favorably reviewed by, among others, the head of the Criminal Division, the proposal was abandoned after some perfunctory attention from an *ad hoc* Departmental committee looking into the matter.

B. *The Office of Justice Policy and Planning Proposal.*—In a memorandum of August of 1974, two staff members of the Office of Justice Policy and Planning (OJPP) once again raised the issue of a Bureau of Criminal Justice Statistics.<sup>16</sup> At about the same time, the Office of Management and Finance forwarded to the Deputy Attorney General a plan for a central statistical capability to be located with it.<sup>17</sup> These two memoranda prompted a process of considering once more, this time under the direction of OJPP, the whole issue of a central statistical capability. The OJPP staff prepared a memorandum presenting a variety of forms which such a central capability might assume, and this memorandum was forwarded to the Deputy Attorney General for his review.<sup>18</sup> The five options presented were:

1. Make no change.
2. Adopt the OMF proposal for a small cadre of statisticians within their office.
3. Make the National Criminal Justice Information and Statistics Service (NCJISS) of the Law Enforcement Assistance Administration (LEAA) the Department's central statistical capability.
4. Create a new Office of Justice Statistics to function in a coordinative way, but to have little if any analytical capability, and no data collection responsibilities.
5. Create a Bureau of Criminal Justice Statistics.

A severely abbreviated version of these options was circulated for comment within the Department,<sup>19</sup> but responses were slow in coming and the project was not pursued.

C. *The Current Proposal: The Systems Policy Board.*—The present effort was initiated by the Department's Systems Policy Board soon after its inception

<sup>15</sup> "A Proposal to Establish a Bureau of Criminal Statistics," Office of Criminal Justice, November 1972. The proposal was written by Irving Slott, currently the Acting Administrator, Office of National Priority Programs, Law Enforcement Assistance Administration (LEAA).

<sup>16</sup> Memorandum to Jonathan C. Rose from Harry A. Scarr and Andrew Saffr, August 16, 1974, "Establishing a Bureau of Criminal Justice Statistics."

<sup>17</sup> Memorandum to the Deputy Attorney General (Laurence Silberman) from Glen E. Pommerening, September 6, 1974, "Alternatives for Establishing a Central Statistical Capability Within the Department of Justice."

<sup>18</sup> Memorandum to Jonathan C. Rose from Harry A. Scarr and Mary E. Wagner, October 31, 1974, "A Centralized Statistical Capability for the Department of Justice."

<sup>19</sup> Memorandum to various addresses from Jonathan C. Rose, December 6, 1974, "A Centralized Statistical Capability for the Department of Justice."

in June of 1975.<sup>20</sup> At that time four factors converged that reflected a renewed interest in creating a Bureau of Criminal Justice Statistics:

1. The Deputy Attorney General had been for some time an advocate for better crime statistics in general and for a bureau responsible for criminal justice statistics in particular.<sup>21</sup>

2. The Priorities Committee of the Department forwarded to the Attorney General, in December of 1975, the recommendation that better information systems be the top priority for the Department until achieved.<sup>22</sup>

3. In the revised Order creating the SPB, a subcommittee of the Board—the Statistical Systems Policy Review Group—was given the responsibility and authority to plan for the creation of a central criminal justice statistical capacity.<sup>23</sup>

4. The Deputy Attorney General directed the Coordinator of the Statistical Systems Policy Review Group to have the Group consider as its foremost priority the creation of a national criminal justice statistical capacity.

Paralleling the Systems Policy Board activity just noted, two other efforts contributed to the current plans:

1. The Office of Management and Finance, in connection with its Freedom of Information Act responsibilities, surveyed all Departmental information systems in the summer of 1975.<sup>24</sup>

2. The Office of Policy and Planning, at the request of the Deputy Attorney General, followed that survey in the Spring of 1976 with an inventory of Departmental information systems which were statistical, or which collected information of a kind which could generate general purpose statistics.<sup>25</sup>

In expression of his interest, the Deputy Attorney General gave two speeches calling for a central bureau responsible for criminal justice statistics, and noting, in the second of those speeches, the current effort.<sup>26</sup> Collaterally, the Office of Management and Budget in its draft ten-year plan for federal statistics strongly pointed out the desirability of a single statistical source for criminal justice information in the Executive Branch.<sup>27</sup> Those events provide the immediate background for the current effort.

## VI. THE PROPOSED BUREAU OF CRIMINAL JUSTICE STATISTICS

The staff of the Statistical Systems Policy Review Group proposes the creation of a Bureau of Criminal Justice Statistics. The proposed Bureau would operate as follows:

### A. Organization

The Bureau would be an agency within the Department of Justice, reporting directly to the Attorney General. The advantage of having the Department of Justice be the spokesman for the government concerning the state of crime and criminal justice in the nation, just as the Department of Labor is the spokesman with respect to employment and price indexes, and the Department of Commerce is the spokesman with respect to census data, when combined with the reasons discussed in the preceding section, clearly outweigh whatever might be gained by severing the Bureau completely from the principal agency whose policies its

<sup>20</sup> The current Order controlling the activities of the Board is DOJ 2420.3A, dated February 25, 1976. It modified the original Order, DOJ 2420.3, dated July 16, 1975, which established the Board in June of 1975.

<sup>21</sup> Addresses by Deputy Attorney General Harold R. Tyler, Jr., (1) before the Federal Business Association of New York, March 31, 1976; and (2) before the Criminal Justice Symposium, New York, September 29, 1976.

<sup>22</sup> Memorandum to Edward E. Levi, Attorney General, from Harold R. Tyler, Jr., December 31, 1975, Departmental Priorities.

<sup>23</sup> DOJ Order 2420.3A, February 25, 1976, Department of Justice Systems Policy Board.

<sup>24</sup> Information Systems Catalog, March 1976. This is the current catalog of Department information systems. It was prepared by the Information Systems Staff of OMF.

<sup>25</sup> Memorandum to Heads of Offices, Divisions, Boards, and Bureaus from Harold R. Tyler, Jr., Deputy Attorney General, January 6, 1976, "Inventory of Departmental Statistical Systems"; Memorandum to Mr. Tyler through Ronald L. Galner, Director, OPP, from Harry A. Scarr, February 24, 1976, "An Inventory of Departmental Statistical Systems." Memorandum to Mr. Tyler from Harry A. Scarr, March 2, 1976, "An Inventory of Departmental Statistical Systems: How we Compare with Other Parts of the Executive Branch." Memorandum to Mr. Tyler from Harry A. Scarr, March 11, 1976, "An Inventory of Departmental Statistical Systems."

<sup>26</sup> Address by Harold R. Tyler, Jr., Deputy Attorney General, before the Criminal Justice Symposium, September 29, 1976, New York.

<sup>27</sup> U.S. Federal Statistics: A Framework of Planning 1978-1980, Section III—The State of Statistics by Functional Areas, prepared by the Statistical Policy Division, OMB.

products would affect. The advantage of having the agency report directly to the Attorney General is the enhancement of its credibility. In creating the BCJS, selecting members of the advisory board, and in appointing its Director the importance of the Bureau's independence from political and organizational pressures must be recognized.

The essential responsibility of the Bureau would be to establish national standards for justice statistics, and to compile, analyze, and publish statistical information on all aspects of crime, criminal offenders, and criminal justice throughout the nation. The Bureau would eventually subsume all of the current Federal Executive Branch efforts in the field of justice statistics, including the Uniform Crime Reports, the Victimization Panel Surveys of the Department of Justice, and all Department of Justice programs of Federal support to state and local governments on the development of justice statistical systems; and would coordinate those programs with relevant federal judicial statistical programs and all state and local justice statistical programs. Within the Department of Justice 54 systems and programs would potentially be affected to at least some degree by the operation of the Bureau. These systems are referred to below, and their role with respect to the new Bureau is suggested.

Attachment A presents the organizational structure of the proposed Bureau. Its first organizing principle is functional (i.e., according to stage in the data handling process or in the administration of system support programs); its second organizing principle is substantive (i.e., according to the kind of information considered, such as victimization information or recidivism information). In this respect it closely resembles the current organizational structure of the Bureau of Labor Statistics.<sup>28</sup>

#### *B. Duties of Major Offices*

*Director.*—The Bureau would be headed by a Director (Executive Level) who would be responsible for its administration. It would be the Director's duty to develop, analyze, and publish national justice statistics, including periodic reports on the state of crime and delinquency in the United States and data of national significance on the operation and administration of the nation's criminal justice systems. The Director would be the liaison with, and, where appropriate, a member of, any advisory bodies that may be mandated to assist the Bureau in meeting its responsibilities.

The following two staff offices would report directly to the Director.

*Planning and Budget Staff.*—This staff would be responsible for the coordination of national justice statistics program plans prepared by the operating Offices of the Bureau, including the determination of the scope of programs, and the adequacy of the formulation of program elements, the coordination of funding and staffing resources, and the setting of priorities among programs. In addition, this staff would review and evaluate the operations and products of the operational elements of the Bureau.

*Office of General Counsel.*—This office would be headed by a General Counsel who would report to the Director of the Bureau. The office would be responsible for providing the legal support necessary for the operation of the Bureau and for ensuring that the Bureau conforms to all legal requirements in the course of obtaining and releasing information. In addition, the staff would provide legal support for the administration of the Bureau, including responses to Freedom of Information Act requests and promulgation of Bureau regulations.

*Advisory Committee.*—The Director would have available the advice and counsel of an Advisory Committee. The membership of the Committee would consist of individuals from outside the Department of Justice, from both the public and private sectors, who are recognized as distinguished experts in fields relevant to Bureau operations. Representation would also include public and private consumers of justice statistics, and federal, state, and local providers of data to the Bureau. Through such representation, the committee would serve as an intermediary between the Bureau and the entities which provide data to, and use the products of, the Bureau. The purpose of the Advisory Committee would be: (1) to provide policy guidance on the substantive programs of the Bureau; (2) to provide technical guidance on specific operational aspects of the Bureau; (3) to examine regularly the operations of the Bureau in order to serve as the independent auditor of Bureau operations; and (4) to provide guidance on administrative practices and problems of the Bureau.

<sup>28</sup> Bureau of Labor Statistics: Organization Chart, January 1976.



*Deputy Director.*—The chief operating officer of the Bureau would be the Deputy Director, who would be responsible for the management of the operations of the Bureau and the achievement of the Bureau's stated goals and objectives. The following four principal line offices would report to the Deputy Director.

*Office of Quality Control and Technical Audit.*—This office would be responsible for the review and evaluation of the various sources of data and statistics which are submitted to the Bureau, including the statistical data collection, procedures, policies, and mechanisms at the federal, state, and local level. In order to accomplish these objectives this office would be responsible for the establishment of national definitions and standards of justice statistical systems.

*Office of Operations and Research.*—This office would direct all programmatic activities concerned with the collection, analysis, dissemination, and publication of national justice statistics.

*Office of Coordination of Federal Effort.*—This office would be responsible for the formulation and management of programs to facilitate the development of adequate federal, state, and local justice statistics programs. The office would have responsibility for the disbursements of funds to improve federal, state, and local justice statistical systems.

*Office of Administrative Services.*—This office would be responsible for the administrative program support within the Bureau, including procurement, personnel, financial management, and administrative support. The following two offices would report to the Associate Deputy Director for the Office of Quality Control and Technical Audit.

*Office of Federal Statistical Auditing.*—This office would be responsible for auditing federal statistics and federal statistical systems development. It would audit existing systems producing justice statistics throughout the Executive Branch where production remains outside the Bureau. This would require access to samples of raw files and other data from which such statistics are produced. In addition, this office would have authority to examine procedures for collection, recording, and compiling of statistical information. Auditing of federal judicial branch statistics would be a cooperative effort involving the new Bureau and the Administrative Office of United States Courts.

The office would also exercise Bureau authority over any new statistical systems within the Department, or justice statistical components of other Departmental information systems, before they are implemented. For Executive Branch justice statistical systems outside of the Department, the office would have notice authority and become a part of the OMB clearance process for authorization of such systems or relevant components thereof. For federal judicial branch systems, it would be necessary to rely on good relations with, and the cooperation of, the federal courts, primarily through the Administrative Office of United States Courts. It should be noted that since better criminal justice statistics will serve many interests of the federal courts, they may be expected to provide the necessary cooperation.

*Office of State and Local Statistical Auditing.*—This Office would be responsible for auditing state and local statistics. Encouragement of the development of state justice statistical systems would be undertaken through the demonstration of advantages, the offer of technical assistance, and the contribution of funds if standards are met; it is reasonable to expect that it would be possible to obtain voluntary cooperation from most state jurisdictions.

The following four offices—one staff office and three line offices—would report to the Office of Operations and Research.

*Computer Services Staff.*—This staff would be responsible for providing computer services to the Office of Operations and Research, and through that Office, to other parts of the Bureau.

*Office of Data Analysis.*—This office would be responsible for the analysis and interpretation function within the Bureau. Statistics which have been gathered and tabulated would be examined in order to determine the incidence of crime and delinquency within the United States, the state of the criminal justice systems, and the implications which are to be derived from justice statistics and from analysis and interpretation of those statistics. Demographic and economic data as well as justice statistics would be the basic resource for the analysis function, and would be employed in order to determine trends and prepare projections. The office would have two principal divisions, one to concentrate on conducting research on the data collected by the BCJS, the other

to fund research using those data and advancing the methodology of data collection and analysis.

*Office of Data Collection and Tabulation.*—This office would be responsible for the collection, collation, and tabulation of national justice statistics.

*Office of Publications.*—This office would be responsible for the publication and dissemination of the reports developed by the Bureau.

The following office would report to the Office of Coordination of Federal Effort.

*Office of State and Local Data Systems Development.*—This office would be responsible for a program of federal assistance in the development of state justice data systems and the implementation of such systems on computers and computer networks.

There are various forms which the structure for a Bureau with the foregoing offices could assume. The configuration, within broad limits, would not be critical to the successful functioning of the Bureau, but the existence of this set of offices, however, configured, would be necessary for the Bureau's effective operation. For that reason only, this one configuration out of a variety of alternatives considered has been presented in detail.<sup>29</sup> Several points should be made about the proposed structure:

First, as noted earlier, a lack of quality in data analysis has been one of the most telling criticisms with respect to current national statistics about crime. Therefore, the Associate Deputy Director in charge of the Office of Operations and Research, who is responsible for this function, would be the most important line officer. The grade-level of this position should reflect the importance of the analytic function relative to other line functions of the Bureau.

Second, the Computer Services Staff would be attached to a single office in order that its priorities be set by its very location. Servicing the research and data analysis needs of the Bureau would be its primary responsibilities. Secondly, as determined by the Associate Deputy Director responsible for analysis, it would also serve the other computer needs of the Bureau.

Third, the auditing function would be distinct and separate from the operating functions. This is necessary in order to establish maximum credibility for the products of the Bureau. In particular, although cooperation between the Offices of State and Local Data Systems Development and State and Local Statistical Auditing would be essential, in order that there be no question about the priority assigned by the Bureau to assuring data quality these offices would report to different major officers of the Bureau. The awkwardness that this arrangement might entail is secondary in importance to the need to assure credibility of information produced by the Bureau.

Fourth, the Office of Administrative Services would be the lowest ranking major line office, emphasizing the fact that its role is to be one of service to the total Bureau.

Fifth, the Planning and Budgeting functions for the entire Bureau would be located in the same office and attached to the Director. Planning is primarily the allocation of resources and it is essential that both the allocation and execution functions be carried out under one authority at the highest level of the organization.

### *C. Scope of the Operations of the Bureau*

There exist a variety of detailed lists of data which one theory or another indicates are at least useful, if not essential for a Bureau of Criminal Justice Statistics to collect.<sup>30</sup> There is broad agreement, however, on the general kinds of data which a Bureau should encompass. This broad agreement would include the following kinds of information:

1. Data concerning victimization:
  - A. Attitudinal and opinion information;
  - B. Victim characteristics;
  - C. Offense characteristics.
2. Data concerning characteristics of offenders:
  - A. Social characteristics of offenders;
  - B. Demographic characteristics of offenders;
  - C. Criminal histories, individual and aggregate (defined so as to be consistent with standard offender based transaction system usage).

<sup>29</sup> Memorandum to SSPRG Staff from Harry A. Scarr (OPP), September 14, 1976, enclosing "Draft of Proposed Data to be Encompassed by an Ideal Bureau of Criminal Statistics."

<sup>30</sup> For example, see the excellent draft plan prepared by LEAA, "Program Plan for Statistics 1977-1981."

3. Data concerning steps in the processing of offenders :
  - A. Law enforcement activities ;
  - B. Prosecutorial and defense activities ;
  - C. Court activities ;
  - D. Penal and correctional activities.
4. Data concerning criminal justice system manpower and budget allocation, and institutional structure and operation :
  - A. Law enforcement agencies ;
  - B. Prosecutorial and defense offices ;
  - C. Courts ;
  - D. Penal and corrections agencies, including probation and parole ;
  - E. Technical assistance and planning agencies, foundations, etc. ;
  - F. Other agencies related to the criminal justice system.

It is important to assure that data obtained by the Bureau will under no circumstances be used for any purpose—including law enforcement, case management, and penal and correctional decision-making—in which identification of individuals is required.

It should be emphasized that the Bureau would not act with the authority of an oversight function regarding the performance of any operating elements of federal, state, or local criminal justice agencies. Rather, its direct oversight responsibility extends only to federally supported programs for providing statistical information regarding crime and justice operations.

#### VII. TRANSITION PLAN FOR IMPLEMENTING A BUREAU OF CRIMINAL JUSTICE STATISTICS

The Bureau just described is an ideal toward which the Department should move. One step in achieving that goal is the coordination in the BCJS of the Department's existing efforts in the statistical area. That requires both legislation to create the Bureau, and administration action to shift authority and responsibility for certain existing efforts within the Department. In this section, we will describe the kinds of statistical and information systems currently operating in the Department in order to provide a basis for recommendations concerning the identification of those programs and systems that are essentially statistics-producing systems which should be included in the BCJS, and those that are primarily management information systems. Obviously, the latter should remain under the control of operational and administrative units within the Department.

*A. Statistical and Information Systems and Programs in the Department of Justice.*—The Department of Justice for FY 1977 will spend \$64.1 million supporting 54 systems and programs located in 17 different Divisions, Bureaus, Boards, etc., which produce, or are readily capable of producing, general purpose statistical series or which support the development of such programs at the state level. (See Attachment B). The Department will have the equivalent of 1,320 employees operating these systems. \$8.1 million of the \$64.1 million total will be spent on automatic data processing, \$16.4 million on salaries and benefits for employees, and the remainder on upgrading state and local comprehensive data systems (\$20.5 million) on maintaining manual systems (\$19.2 million).

There are six functional areas in which the Department spends this money. Five of them represent different kinds of statistical series content: one of them represents assistance to state and local governments.

Considering only the five substantive statistical series, the Department will spend \$12.5 million characterizing victims of crime; \$21.4 million supporting systems describing investigations of crime; \$6.7 million keeping track of prosecutions of crime; \$2.2 million characterizing prisoners in custody; and \$0.4 million studying recidivism among ex-offenders still on parole. These five substantive areas will cost \$43.2 million, will involve the equivalent of 1,314 departmental employees, will include 49 statistical systems, and will be located in 17 different Divisions, Bureaus, Boards, etc.

The Department's effort to upgrade state and local data systems will cost \$21.0 million, will involve the equivalent of six departmental employees, will involve five information systems, and will be located in a single Departmental Administration.

The total of \$64.1 million the Department will spend represents 2.98 percent of its total FY 1977 budget request, and the 1,320 personnel or their equivalent represent 2.55 percent of its FY 1977 position request.

There are basically three kinds of "statistical" systems in the Department :

First, there are a number of systems whose only purpose is to produce general purpose statistical series. The Department has eight such systems, located in five different agencies. These systems will account for \$15.3 million and 143 employees or their equivalent.

Second, there are two efforts which only support the development of state and local statistical systems. These will involve \$19.5 million, and two departmental employees.

Third, there are 44 systems which are capable of producing general purpose statistical series, or do produce such series, but which also perform other information functions to greater or lesser degrees. These systems will involve \$29.3 million, and 1,175 employees or their equivalent.

Attachment B lists the 54 systems just discussed, indicating their functional area and Departmental location.

*B. Systems Affected by the Creation of a Bureau of Criminal Justice Statistics.*—We recommend that the following Offices of the new Bureau incorporate the following existing systems and programs immediately upon the establishment of the BCJS :

*Office of Operations and Research.*—(1) National Crime Panel Victimization Surveys (LEAA) ; (2) Expenditure and Employment Data for the Criminal Justice System (LEAA) ; (3) Juvenile Detention and Correctional Facility System (LEAA) ; (4) National Prisoner Statistics (LEAA) ; and (5) collection and tabulation portions of the Uniform Crime Reporting System (FBI).

*Office of Coordination of Federal Effort.*—(1) Grant programs for upgrading state and local statistical capabilities (LEAA) ; and (2) technical assistance and development portion of the Uniform Crime Reporting System (FBI).

These systems and programs would provide a core effort and accompanying resources for the BCJS. However, these systems and programs alone will not permit the BCJS to accomplish the federal portion of its mission. The operating systems of the Department (those identified in Section B of Attachment B) produce a considerable amount of information that would relate to responsibilities of the BCJS. When established, the BCJS should develop practices and procedures by which the relevant statistical products produced by those systems could be incorporated into the statistical systems of the Bureau, and should also develop practices and procedures for auditing those portions of operating systems that produce information upon which the Bureau must be able to rely in performing its mission. In addition, the operating systems and programs should be responsible to the BCJS through its Publication Office, in that all statistical publications would be reviewed by that office.

Several proposals in the past, particularly that of the OMF and of the Office of Criminal Justice, have recommended that such a Bureau begin as a small operation, located in an existing departmental office, and evolve gradually to its necessary size. We have rejected this concept. Not only is the realization of a considerable amount of the potential value of the Bureau lost or delayed by such an approach, the supposed benefit of a gradual approach—lessened disruption—is illusory. The organizational problems which would accompany the changes we recommend are no more disruptive, in most instances, than those which would accompany a lesser change. The adjustments that individuals must make are no less awkward, and the problems of getting used to new organizational forms will exist regardless of scale. As a matter of fact, the more severe disadvantages lie in creating a BCJS gradually—such a process would result in a continuous organizational strain over a long period of time occasioned by the frequent addition of new bits and pieces to its responsibilities. An agency that has a professional responsibility as delicate and demanding as that of producing highly accurate, fundamental information for criminal justice planning purposes, is particularly vulnerable to this kind of internal stress. In our judgment, the wisest course is to accept the temporary disruption, acknowledge that what is being done is in certain respects upsetting to existing institutions, and face squarely the business of managing change.

The creation of the BCJS will entail the reorganization of existing statistical efforts within the Department and the development of new ones. This reorganization and development will, for the first time, provide for the effective management and operation of the Department's efforts in this area. In our judgment, the period from the time appropriate legislation is enacted until the time when the

BCJS is functioning as a viable, responsible organization, should be no more than two years, during which period, the BCJS will be able to meet the statistical needs of the Department and the states at least as well as they are being met now. After that period, there will be no comparison.

C. *Steps in Implementing the Plan for the BCJS.*—In outline form, the following sequence of events is necessary from this point on to the creation of the BCJS:

1. Approval of the plan, with any necessary modifications, by the Systems Policy Board.
2. Approval of the plan, with any necessary modifications, by the Attorney General.
3. Passage of appropriate legislation.
4. Establishment of the BCJS.
5. Completion of a working plan for beginning BCJS operations.
6. Movement of selected existing resources into the BCJS.
7. Development of BCJS working relationships with departmental operating systems and programs.
8. Execution of the plan.

Draft legislation which could provide the basis for step number 3 of the above sequence, is appended as Attachment C.

#### VIII. CONCLUSION

During the 1960's, crime emerged as a principal if not the primary concern of the citizens of the United States. In response to that concern, the federal government became more heavily involved in crime and criminal justice than at any time since the Civil War. Billions of dollars later, one of two conclusions is possible: 1) this involvement of the federal government in crime control has failed because recorded crime continues to increase; or, 2) the criminal justice system is "better" but we cannot determine whether crime has increased or decreased, or, if it has increased, whether it would have increased far more absent the federal effort. The fact that we cannot even approximate a resolution of these positions is the fundamental indication of the need for a BCJS.

In short, we do not know if crime is increasing or decreasing. We cannot explain why it is changing or remaining stable. We cannot describe the way in which our criminal justice system operates. We cannot explain why the system operates in the ways it does. We cannot recommend programs or policies to reduce crime that can be defended by reference to our knowledge of the phenomenon of crime. We can only continue to make "reasonable" guesses, to utilize uncoordinated responses, to react to crime not anticipate and prevent it, to follow blindly the fads and foibles of the legal profession and the social sciences, and to suspect all the while that the proffered conclusions about crime and its control are ideologically predicated or interest serving.

Our system of justice must be able to respond effectively to legitimate demands to reduce crime while maintaining the basic fairness of the criminal justice process. The fundamental assumption underlying this plan for a BCJS is that we will not be able to respond to the public's concern about crime until our response is guided by valid data which are properly analyzed. This is a necessary condition to the achievement of responsible governmental policy.

The stimuli for this plan we have proposed have been the glaring inadequacies of national statistics that purport to inform us about crime and the criminal justice system. The purpose of the plan is to correct those deficiencies. Since the worst problems with national criminal justice information are the unreliability of that information, the degree to which the information is not comparable from one jurisdiction to another, and the fact that the information is simply not credible to many law enforcement and judicial personnel, the solution we propose is the creation of a central federal statistical capability which will audit information to assure its reliability, set national standards to insure comparability of information from jurisdiction to jurisdiction, and place the responsibility for the accuracy of the information with the nation's chief law enforcement officer, the Attorney General of the United States. As we have documented throughout this proposal, the current situation is so untenable that only the strong commitment of its correction implied by the creation of a full-fledged Bureau will produce the kind of national information about crime and the criminal justice system that will enable us to marshal an intelligent effort to control it. It is clear from the experience of the past forty years that any lesser effort will be to no avail.

## ORGANIZATIONAL CHART FOR A BUREAU OF CRIMINAL JUSTICE STATISTICS

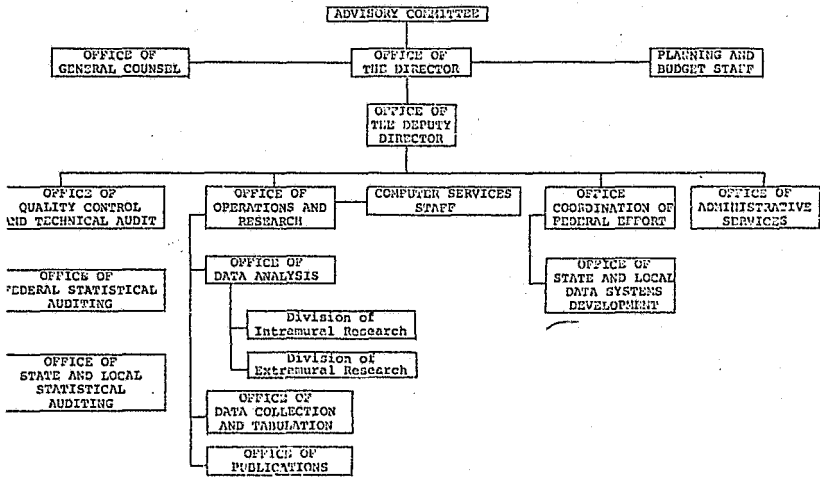


TABLE OF DEPARTMENT OF JUSTICE SYSTEMS AND PROGRAMS WHICH PRODUCE, OR ARE CAPABLE OF PRODUCING, GENERAL PURPOSE STATISTICS, OR WHICH SUPPORT THE DEVELOPMENT OF SUCH SYSTEMS

Victimization and investigation	Prosecution	Prison	Recidivism	State and local support
National crime panel victimization surveys (LEAA): <sup>1</sup> Uniform crime reporting system (UCR) (FBI). <sup>1</sup>		National prisoner statistics (LEAA) <sup>1</sup>		Comprehensive data systems matching grants (LEAA). <sup>2</sup>
		Juvenile detention and correctional facility system (LEAA). <sup>1</sup>		Expenditure and employment data for the criminal justice system (LEAA). <sup>1</sup>
Identical bidding in public procurement reports (ATR): <sup>1</sup> Defendants statistics system (DSS) (DEA).	U.S. attorneys docket and reporting system (EOUSA).	Inmate information system (ISS) plus new information system (BGP).	Statistical, educational, and developmental system (BPR). <sup>1</sup>	State planning agencies grant management information system (LEAA). <sup>2</sup>
Crisis reporting system (CRS): <sup>1</sup> Drug abusers reporting system (DARS) (DEA). Automated reports and consumed orders system/diversion analysis and detection system (ARCOS/DADS) (DEA).	Prosecutor's management information system (PROMIS) (EOUSA). Automated caseload and collections system (ACCSYS) (EOUSA).	Community services population system (COSPOS) (BOP). Community program system (BOP).	Research followup study project application system (BOP). Parolee information (BPR).	
	Case file system (CIV).	Rating, age, prior commitments sentence system (RAPS II) (BOP). Monthly statistical reporting system (USM).		
Controlled substances Act of 1970 (CSA) (DEA).	Weekly attorney statistical reporting system (CRM).			
Narcotics and dangerous drugs information system (NADDIS) (DEA).	Litigation support applications (CMF).			
System to retrieve information from drug evidence (STRIDE) (DEA).	Central civil rights division index file and associated records (CRT).			
Alien address reporting system (INS).	Automated monthly caseload reports (ATR).	Narcotic addict Rehabilitation Act system (NARA) (BOP).	Institutional features (including: Custodial and security record system, safety and accident record system, inmate administrative remedy record system, and special offender listing system) (BOP).	Grant management information system (GMIS) (LEAA).
INS statistical reporting system (INS).	Case reporting system (TAX).			
	Docket card system (LDM). Organized crime and racketeering information system (CRM).	Inmate information system/NCIC interface (BOP).		Law enforcement education program system (LEAA).
Centralized automated nonimmigrant document control (INS). Hytrak (DEA). Patterns (DEA). Nimrod (DEA).	Central classification cards, index docket cards, and associated records (TAX).	Data communications system (BOP).		
Source registry narcotics (SRN) (DEA). National crime information center system (NCIC) (FBI).	Customs caseload system (CIV).	Prisoner coordination system (USM). Inmate and supervision files (BPR).		
		Docket scheduling and control system (BPR). Executive clemency files (OPA).		

ATTACHMENT C—DRAFT LEGISLATION TO ESTABLISH A BUREAU OF CRIMINAL JUSTICE STATISTICS<sup>1</sup>

A BILL To amend title 28, United States Code, to create a Bureau of Criminal Justice Statistics, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part II of title 28 of the United States Code is amended as follows:*

(a) A new chapter 32 is added after chapter 31 to read as follows:

**"CHAPTER 32. BUREAU OF CRIMINAL JUSTICE STATISTICS**

**"Sec.**

**"527. Definitions.**

**"528. Establishment; Director and Deputy Director.**

**"529. Powers and duties of the Bureau.**

**"530. Rules and regulations.**

**"§ 527. Definitions**

"As used in this chapter, unless the context requires another meaning.

"'Bureau' means the Bureau of Criminal Justice Statistics;

"'Director' means the Director of the Bureau of Criminal Justice Statistics;

"'Deputy Director' means the Deputy Director of the Bureau of Criminal Justice Statistics; and

"'State' includes the District of Columbia.

**"§ 528. Establishment; Director and Deputy Director.**

"(a) There is created in the Department of Justice and under the direction of the Attorney General a Bureau of Criminal Justice Statistics.

"(b) The Bureau of Criminal Justice Statistics shall be under the charge of the Director of the Bureau of Criminal Justice Statistics who shall be appointed by the President, with the advice and consent of the Senate. The Director shall have had training and experience with criminal justice statistical programs.

"(c) The Attorney General shall appoint, with the approval of the President, a Deputy Director of the Bureau of Criminal Justice Statistics, who shall perform such duties as the Attorney General shall prescribe. The position of Deputy Director of the Bureau of Criminal Justice Statistics is in the competitive service.

**"§ 529. Powers and duties of the Bureau.**

"(a) The Bureau shall have responsibility for

"(1) compiling, collating, analyzing, publishing, and disseminating uniform national statistics concerning all aspects of justice, crime, and criminal offenders in the United States;

"(2) establishing national standards for justice statistics;

"(3) maintaining liaison with the judicial branch of the Federal Government in matters relating to justice statistics, and cooperating with the judicial branch in assuring as much uniformity as feasible in statistical systems;

"(4) providing information to the Congress of the United States on justice statistics;

"(5) maintaining liaison with State and local governments concerning justice statistics;

"(6) auditing justice statistics supplied by departments of the Federal Government;

"(7) auditing justice statistics supplied by State or local governments pursuant to Federal grants or contracts; and

"(8) reporting at least annually to the President, the Congress, the appropriate Federal, State, and local justice agencies, and the public, on crime and justice in the United States.

"(b) Data gathered by the Bureau shall include at the Federal, State, and local levels information concerning:

"(1) victimization;

<sup>1</sup>The Staff of the Statistical Systems Policy Review Group is grateful to Karen Skrivseth, of the Office of Policy and Planning, for her assistance in the preparation of this draft bill.



"(2) The processing of criminal and civil cases, including data on law enforcement, prosecutorial, defense, court, and penal and correctional activities;

"(3) defendants, including social characteristics, demographic characteristics, and characteristics of criminal histories, but such data shall be gathered in a manner that precludes its use for law enforcement purposes relating to a particular offender;

"(4) manpower and budget allocation in the national, State, and local criminal justice systems; and

"(5) organization of criminal justice systems at the national, State, and local levels.

"(c) In order to carry out the duties described in subsection (a), the Bureau shall have the power to:

"(1) procure for the Bureau temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5;

"(2) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(3) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(4) without regard to section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Bureau, with any public agency, or with any person, firm, association, corporation, educational institution, or non-profit organization;

"(5) subject to continuing compliance by a State with standards for gathering justice statistics set forth in rules and regulations promulgated by the Attorney General, make grants to or contract with each State to cover the costs of developing adequate systems for collecting criminal justice data and of obtaining and providing to the Bureau the data it is required to gather under this section;

"(6) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Bureau as required to carry out the purposes of this section; and

"(7) seek the cooperation of the judicial branch of the Federal Government in coordinating criminal justice records to the extent feasible and gathering data from such records.

#### "§ 530. Rules and regulations

"(a) The Attorney General shall issue such rules and regulations as may be necessary to carry out the purposes of this chapter."

(b) The analysis at the beginning of part II is amended by adding after the item relating to chapter 31 the following new item:

"32. Bureau of Criminal Justice Statistics----- 527".

Sec. 2. Title 5 of the United States Code is amended as follows:

(a) Section 5108(c) is amended by:

(1) deleting the word "and" at the end of paragraph (13);

(2) deleting the period at the end of paragraph (14) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(15) the Attorney General, subject to the standards and procedures prescribed by this chapter, may place a total of — positions in GS-16, GS-17, and GS-18 for purposes of carrying out the functions of the Bureau of Criminal Justice Standards."

(b) Section 5315 is amended by adding the following new paragraph at the end thereof:

"(105) Director of the Bureau of Criminal Justice Statistics."

(c) Section 5316 is amended by adding the following new paragraph at the end thereof:

"(137) Deputy Director of the Bureau of Criminal Justice Statistics."

Sec. 3. [Technical amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to be included here to effect the transfer to the Bureau of functions concerning gathering of data by the States and the upgrading of State data systems.]

## ATTACHMENT 2

NOTE: This material was originally a part of a complete package concerning the Bureau of Justice Statistics, which also included draft legislative language and a draft organizational structure, forwarded to the Attorney General on January 31, 1978, by Assistant General Daniel J. Meador.

## DRAFT MATERIALS CIRCULATED FOR COMMENT

## MEMORANDUM

July 26, 1977.

To: Daniel J. Meador, Assistant Attorney General, Office for Improvements in the Administration of Justice.

From: Griffin B. Bell, Attorney General.

Subject: Civil and criminal justice statistics.

I have reviewed the materials forwarded to me by you on May 4, 1977, concerning the problem of national statistics on crime and justice. In particular, I have considered the action plan to create a Bureau of Justice Statistics forwarded to me on that date.

I agree that a central capability for statistics about crime and justice, located within the Department of Justice and embodying the principles noted in your memorandum, should be developed.

Accordingly, I would like the Office for Improvements in the Administration of Justice to assume primary responsibility for the creation of a central statistical capability for the Department. The Statistical Systems Policy Review Group proposal, dated January 6, 1977, should serve as the basis for designing the facility. We should refrain from undertaking any legislative initiatives without coordinating with the President's reorganization team. Additionally, it would be my preference to organize the statistical bureau on a more modest scale than that suggested by the Statistical Systems Policy Review Group. Once the bureau is organized, it can be expanded if such expansion is warranted.

You should consult with all units within the Department that will be affected by this effort; you may call upon any units within the Department for whatever assistance you need in carrying out this activity.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE FOR IMPROVEMENTS IN THE  
ADMINISTRATION OF JUSTICE,  
Washington, D.C.

As you know, for many years numerous experts have supported, and studies have recommended, a central capability for civil and criminal justice statistics in the Federal Government. Recent developments have encouraged us in the belief that such a capability, in the form of a Bureau of Justice Statistics within the Justice Department, may be near.

In a memorandum dated July 26, 1977, the Attorney General directed our Office to create such a Bureau. As you can see from that memorandum, a copy of which is attached, however, he has imposed several conditions: First, the effort is to be guided by an existing planning document. This will assure that prior efforts that have gone into this non-partisan initiative will not be lost. Second, any capability proposed is to deal with civil justice statistics and criminal justice statistics. This is a major modification which we already intend to make of the draft plan, and about which we would be particularly appreciative of any suggestions and recommendations from you. Third, the Bureau is to cost initially no more than the efforts which it will encompass already cost. In other words, the Bureau should begin at a sufficiently modest level to be manageable, but be large enough to have an impact, and be able to carry out its mission. Fourth, and finally, our efforts are to be coordinated with those of the President's reorganization effort.

We would like you to review this draft plan and make detailed criticisms and suggestions with respect to its proposal for a central statistical capability. We consider it vitally important that the implementation of this idea take advantage of all the technical know-how guidance that can be brought to bear upon it. We would also appreciate your bringing these materials to the attention of others who you believe would be able to offer helpful comments about them.

The deadline for comment and review is October 14, 1977. If you decide not to comment, I would appreciate receiving a note to that effect. If you have any questions about this matter, please call me on (202) 731-5368, or my colleague, Charles Wellford, on (202) 739-2061.

I want to thank you in advance for your help.

Sincerely yours,

HARRY A. SCARR, Ph. D.,  
Administrator,  
Federal Justice Research Program.

Attachment.

A PLAN FOR A BUREAU OF CRIMINAL JUSTICE STATISTICS, PREPARED BY THE  
STATISTICAL SYSTEMS POLICY REVIEW GROUP STAFF

PUBLIC COMMENT ON THE DEPARTMENT OF JUSTICE PROPOSAL TO CREATE A BUREAU  
OF JUSTICE STATISTICS

WRITTEN COMMENTS OF THE BUREAU

A total of 311 requests for comment on the Draft Plan for a Bureau of Justice Statistics were made of experts, users of justice statistics, other Federal agencies, state and local agencies, and Department Officials. Of these requests, 207 were made by the Office for Improvements in the Administration of Justice, 75 were made by the Federal Bureau of Investigation, 27 were made by the Office of Legislative Affairs, and 2 were made by the Office of Professional Responsibility.

In addition to these requests for comment, several organizations distributed the Draft Plan with a request for comment to their memberships, or to relevant portions of their memberships. These included, for example, the American Bar Association, the American Psychological Association, the American Sociological Association, the American Statistical Association, the Criminal Justice Statistics Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the National Center for State Courts, the National District Attorney's Association, the National League of Cities, and the State Planning Administrators Conference.

The 311 requests can be conveniently grouped into nine categories for analytic purposes: Members of the research community; Congressional staff members; Federal Agency heads; Federal Judiciary staff; State Agencies, including State Police Agencies; Local Agencies, including Local Police Agencies; Formal Organizations; International Organizations or Foreign Governments; and Department of Justice Offices, Boards, Divisions, Bureaus, Administrations, Systems, and Commissions. Attachment V is a complete list of the requests made.

A total of 152 replies, including 14 from within the Department of Justice, were received. Between 130 and 140 of these replies were the result of direct requests for comments; the remainder were the result of spontaneous reactions to newspaper or other media publicity, or a direct consequence of the distribution of the draft materials already noted by organizations outside the Department. This return rate of 49 percent compares quite favorably with return rates of similar recent efforts of the Department. (For example, the return rate for requests to comment on the LEAA study group report was approximately 10 percent.)

Sixty-one percent of those replying expressed support for the creation of a Bureau of Justice Statistics, while only 10 percent expressed opposition to the creation of a Bureau. The remaining 29 percent commented on the materials without making either an explicit statement of endorsement, or of opposition. Limiting ourselves to those who expressed either a favorable or unfavorable opinion about the desirability or undesirability of a Bureau, 85 percent responded favorably, and 15 percent responded unfavorably. Table I presents this information.

TABLE I

Group	Sent out	Replies	Percent- age re- sponding	Percent positive <sup>1</sup>	Percent positive <sup>2</sup>
Research community.....	99	52	52	73	97
Congressional staff members.....	27	9	33	44	100
Federal agency heads.....	14	4	29	100	100
Federal judiciary.....	6	4	67	25	100
State agencies.....	69	34	49	38	59
Local agencies.....	39	17	42	81	87
Formal organizations taking an organizational position.....	5	9	(?)	55	55
Formal organization expressing an informal sentiment only.....	23	6	25	50	100
International organizations.....	5	3	60	100	100
Subtotal.....	287	138	48	61	84
Department of Justice.....	24	14	58	64	100
Grand total.....	311	152	49	61	85

<sup>1</sup> All respondents.

<sup>2</sup> Only respondents who expressed either a positive or negative view towards a Bureau of Justice statistics.

<sup>3</sup> 4 organizations taking a formal position with respect to the Bureau were not directly requested to do so.

Here are some representative statements of support for the Bureau which convey the flavor of the replies.

"... the creation of a Bureau of Justice Statistics encompassing . . . factions of both civil and criminal justice is an important and worthwhile objective. I endorse it most strongly. Yet my endorsement carries with it some genuine concern lest the combining of these objectives delay unduly the creation of the bureau."—Professor Albert Reiss, Yale University.

"A plan to unify the federal activities concerned with the gathering and analyzing of crime statistics is long overdue and deserves full support. To locate such a BCJS within the DOJ is therefore undoubtedly the first step. Within this limited scope, the plan is completely acceptable; its realization will be an important historical step."—Professor Hanss Zeisel, University of Chicago.

"Both as a scholar and as a representative of the Committee on Research on Law Enforcement and Criminal Justice of the National Academy of Sciences, let me say how strongly I endorse your proposal. This would be one of the most valuable contributions the federal government can possibly make to the study of criminal justice and in my opinion to the reform and improvement of criminal justice."—Professor Samuel Krislov, Chairman of the National Academy of Sciences Committee on Research on Law Enforcement and Criminal Justice.

"We further support the view that such organization will strengthen considerably the statistics program within the criminal justice area and will provide the necessary direction for this program, since the statistics function will reside in one organizational unit whose major responsibility is statistics, rather than in many units whose primary function is program oriented."—Manuel Plotkin, Director, Bureau of the Census.

"... the approach suggested in this plan is appealing to our cities. National criminal justice statistics in most instances are unreliable, inconsistent, and inapplicable, fragmented and very often totally nonexistent. This type of statistical compilation, on the part of the Federal government, will prove to be of immeasurable benefit to the local criminal justice agencies."—William Drake, National League of Cities.

Ten themes were frequently raised by commentators concerning specific aspects of the Bureau:

1. The Bureau should have a strong analytical capability. (23 respondents, or 15 percent) Typical of these comments were the following remarks:

"It is our opinion that the contemplated analysis function is the single most important component of your plan and should be initiated at the earliest stages of the BJS."—Gary Hayes, Police Executive Research Forum.

"I am in complete agreement on the desirability of establishing a central statistical office and believe that both improvements in the underlying data and more useful analyses for policy purposes should result."—Margaret Martin, National Research Council.

"One of the salient features of the responses we have received is the nearly unanimous agreement that there is a need for significant improvement in the collection, analysis, and dissemination of information concerning the criminal justice system at both the state and federal levels."—William B. Spann, Jr., American Bar Association.

2. Attention should be paid to security and privacy considerations in the Bureau's handling of data. (20 respondents, or 13 percent) For Example:

"It is important, of course, that civil liberties and privacy be guaranteed. I believe that one large Bureau, established with the sole purpose of collecting valid data, has the best chance of avoiding civil liberties abuses."—Richard Schwartz, Syracuse University Law School.

"I oppose the proposal to the extent that it and the draft legislation (and more particularly, § 529(a) (7) and §§ 529(c) (3) and (5), and rules and regulations which are contemplated thereunder) would eventually require state and local agencies, including this office, to submit to review of their files by federal auditors."—David H. Sauter, Attorney General, New Hampshire.

3. Statistical quality control over data collated by the Bureau, or directly collected by the Bureau, is an appropriate function for the bureau to perform. (20 respondents, or 13 percent) Comments included, for example, these:

"Attention should be focused on the degree of compliance by local agencies to the standards of data collection and calculation. Just as a chain is only as strong as its weakest link, a national total of a given crime can be invalidated by any one component of that total being invalid."—E. Wilson Purdy, Director, Public Safety Dept., Dade County, Florida.

"A Central Bureau of Justice Statistics should reduce the duplication of efforts involved in data collection. It should also provide for intangibles that are frequently overlooked. An agency charged specifically and solely with data collection will define what should be collected and how, which will facilitate the standardization of definitions, the units of tabulation, the reporting process, as well as the method of submission."—Robert Kane, Attorney General, State of Pennsylvania.

"The provision for an audit function to assure the quality of data and programs is an excellent idea."—Julius Shiskin, Commissioner, Bureau of Labor Statistics.

"We, the recordkeepers of the U.S.A., have a real need for a central authority to establish national definitions and standards for central justice statistics."—Elton J. Coulon, Captain of Police, Reports Division, Dallas, Texas.

"We endorse transferring the funding for developing state level systems in its entirety from LEAA to the new BJS. This would insure comparability of systems development at local, state, and federal levels."—R. W. Blaylock, Director, Alabama Criminal Justice Information Center.

"The glaring problems of reliability, comparability, and credibility which currently characterize the state of criminal justice data have their roots at the local level and cannot be alleviated by a national program alone, regardless of its structure and technical sophistication. Any planning toward an agency, such as the Bureau proposed, must entail an analysis of the linkages both within and between the reporting jurisdictions and the Bureau."—James F. Kelley, Prosecuting Attorney, Marion County, Indiana.

4. The Bureau should have an advisory committee or committees. (18 respondents, or 12 percent);

5. The UCR program should remain in the FBI, (12 respondents, or 7.5 percent made this recommendation) For example, Chief Krashy of the Ann Arbor Police Department, stated:

"I personally prefer to have the crime reporting data processed by the FBI, a police-oriented agency. Fully understanding this agency is part of the DoJ, I do not see the need to establish another agency."

Glen D. King, International Association of Chiefs of Police, stated:

"We certainly urge you to pursue an immediate objective of establishing federal statistics on par with state and local statistics. Once that objective is achieved, a review could then be undertaken to determine whether the collection

of local UCR from the various states and local jurisdictions should logically become part of the BCJS or continue to function under the auspices of the FBI and the IACP."

On the other hand, note:

"The National Crime Panel Victimization Surveys, the Expenditure and Employment Data for the Central Justice System, the Juvenile Detention and Correctional Facility System, the National Prisoner statistics, the UCR system and the grant programs for upgarding state and local statistical capabilities should all be transferred to the new bureau."—Professor Floyd Feeney, University of California

6. The Bureau should be outside the Department of Justice. (7 respondents, or 4.5 percent) On the other hand, Julius Shiskin, Commissioner of the Bureau of Labor Statistics, observed:

"In 1971, when I was at OMB, we developed a plan to consolidate all statistical collection and analysis activities into a few major statistical centers located in the Departments primarily served. The present BCJS plan is quite consistent with our earlier concept."

And Manuel Plotkin, Director of the Bureau of the Census, stated:

"The Census Bureau, in general, supports the establishment of a BCJS within the DOJ."

7. The Bureau should have enhanced resources, particularly in order to be able to include an adequate analytical capability. (10 respondents, or 7 percent) Patrick Murphy, President of the Police Foundation, remarked:

"I have only one serious concern. It is that funds for the necessary analysis capability will be insufficient and late in becoming available under the constraints you have been given in commencing this task."

8. The Director of the Bureau should have professional experience, serve a fixed term, and be an Executive Level appointment. (8 respondents, or 5 percent) The American Statistical Association Ad Hoc Committee on Law and Criminal Justice Statistics commented:

"We believe the appointment and tenure of the Director of the BJS should be part of the enabling legislation. The Director should be appointed by the President for a fixed term, subject to Congressional approval, and should report directly to the Attorney General."

9. The Director of the Bureau should report directly to the Attorney General or the Deputy Attorney General. (Only 2 respondents, or 1.3 percent, specifically proposed this recommendation of the Draft Plan).

10. The primary role of the Bureau should be to put the Federal Justice System's statistics in order, and its secondary role should be its relationship to state and local statistical systems. (6 respondents, or 4 percent) For example,

"We certainly urge you to pursue an immediate objective of establishing federal statistics on par with state and local statistics. Once that objective is achieved, a review could then be undertaken to determine whether the collection of local UCR from the various states and local jurisdictions should logically become part of the BCJS or continue to function under the auspices of the FBI and the IACP."—Glen D. King, International Association of Chiefs of Police. There was also explicit support for the position that the Bureau should include civil justice statistics:

"The close integration in the real world of criminal and civil justice makes it sense to have a single justice statistics agency, rather than one restricted to criminal justice and law enforcement statistics."—Albert D. Biderman, Bureau of Social Science Research.

"We endorse the broadening of the proposed Bureau to include a civil justice component. In this regard, we believe that any organizational recommendations could provide for coordination between relevant components of the Executive and Judicial Branches of the Federal government."—American Statistical Association Ad Hoc Committee on Law and Criminal Justice Statistics.

#### THE DECEMBER 14TH SEMINAR ON THE BUREAU

After the comments on the draft plan were tabulated, and the ten themes just noted identified, a Seminar on a Bureau of Justice Statistics was held. Fifteen experts were invited to the seminar on the basis of their interests; qualifications as either researchers, users, or producers of justice statistics; and their representativeness, as a group, of major sets of users of justice statistics.

The participants were asked to comment on the ten major themes just noted which were used as the agenda for the seminar. There was no intention of achieving consensus on a position relative to the themes. Rather, there was an attempt to assure that the issues identified as critical on the basis of the formal written responses were, in the judgment of a set of highly qualified experts, the issues of moment for the Department as it creates a Bureau of Justice Statistics.

Table II lists the 15 invited participants who attended the meeting, and Table III provides the agenda for the meeting. The two invited participants who were unable to attend, Professor Albert Reiss of Yale University, and Judge Harold R. Tyler, Jr., were both kind enough to offer their guidance with respect to the Bureau—Professor Reiss by an elaborate written response and by telephone conversation prior to the Seminar; Judge Tyler by an extended discussion of the Seminar and the Department's activities with respect to a Bureau the day following the Seminar.

Among all issues, seminar participants most sharply diverged on the location of the Uniform Crime Reporting program. Representatives of the International Association of Chiefs of Police expressed the view that it was undesirable to move the program from the Federal Bureau of Investigation; they cited potential problems of maintaining the cooperation of local law enforcement personnel with the program were it to be removed from the FBI. Other participants, with the exception of the representatives of the UCR who indicated they would, of course, accede to Department wishes in the matter, felt that such concerns were exaggerated.

With respect to other items on the agenda, several specific ideas emerged during the meeting which have proven helpful in preparing the revised plan for the Bureau, and in preparing both draft legislation and reorganization materials to implement such a plan. These included the following:

1. Even though security and privacy considerations may not be critical to a statistical Bureau per se, as opposed to an organization which would have operational information system responsibilities, it was nevertheless thought desirable to include, in any plans for a Bureau, a small staff whose principal, though not sole, concern was with such issues.

2. There were a variety of suggestions with respect to the UCR Program. All, however, except for the IACP representatives, seemed to concur that it was desirable for the Bureau to include that program. Disagreement centered about how soon it should be included, and whether or not the literal collecting portion of it should remain with the FBI or not. The fact that not to include the Program in a Bureau would make any such central capability a much less important agency that it would be with the Program, was the thrust of the argument for including the UCR Program in the Bureau of Justice Statistics.

3. There was universal and strong support for a more adequate analytic capability for understanding the implications of justice statistics, than the Department now has. Sufficient resources should be made available to this analytic capability initially so that it may begin to make sense of the myriad of data that will be available to it. Work should also begin immediately on building an indicator for the state of the nation in terms of justice, that is as credible, simple, direct, and useful to policy-makers as is, say, the unemployment rate routinely published by the Bureau of Labor Statistics.

4. There was support for a single advisory committee, representing a variety of users, researchers, and other statistical agencies and experts, rather than separate committees for different interests or groups relating to the Bureau. In fact, multiple committees were seen as inherently undesirable, since such a Bureau must serve the needs of all, and an Advisory Committee should have as one of its principal functions reconciliation of conflicting interests among different sets of users.

5. Seminar participants reaffirmed the notion that the Bureau should be both a national spokesman for crime and justice, and be responsible for developing and improving Federal justice statistics.

6. The Bureau should be located in the Department of Justice, even given the problems of assuring its independence within that bureaucracy, for reasons detailed in the Draft Plan. However, sign-off authority to commit funds should be lodged in the Director of the Bureau, not in his supervisor, whether that be the Attorney General, the Attorney General's designee, or the head of a National Institute of Justice.

7. There should be statutory grounding for the Bureau to safeguard its autonomy and, hopefully thereby assure the objectivity and credibility of its statistics.

8. Although there was strong sentiment that the Bureau head should report directly to the Attorney General, there would be no objection to the Bureau being part of a National Institute of Justice so long as sign-off authority to commit funds is lodged in the Director of the Bureau (see point 6), and so long as the Bureau has a separate appropriation within the Departmental budget.

SUMMARY: SUPPORT FOR AND OPPOSITION TO THE BUREAU

Based on the responses to the Draft Plan, and the proceedings of the Seminar, resistance to creating a Bureau of Justice Statistics will come, in all likelihood, from two primary sources:

1. Although the Police Executive Research Forum represents a group of police agencies who strongly support and endorse the idea of a Bureau which includes the UCR program, some state and local police agencies will oppose any change with respect to the UCR Program. Their concerns are expressed by the International Association of Chiefs of Police.

2. The National Center for State Courts will want assurance that the Bureau will not be competitive with its efforts to collate judicial statistics on a nationwide basis. As they noted in their comments on the Draft Plan,

"Conference of Chief Judges adopted a Policy statement opposing the creation of such a bureau because: responsibility for the administration of justice rests, under our system of Federalism, with the states, counties and cities. Equally important, the separation of powers doctrine demands that State Judicial systems themselves manage their operations, which they do, including gathering judicial data."

The support for the effort, by contrast, will be broadbased and overwhelming. Endorsement and support can be expected from, among others, several committees of the National Academy of Sciences, the American Statistical Association's Ad Hoc Committee on Law and Criminal Justice Statistics, the Office of Management and Budget, the American Bar Association, the Bureau of the Census, the Bureau of Labor Statistics, the Police Executive Research Forum, and numerous experts on crime and justice statistics, and users of those statistics. These include numerous individuals of national stature, including Judge Harold R. Tyler, Jr., former Deputy Attorney General, Patrick V. Murphy, former Police Commissioner of New York City, Professor Albert Reiss of Yale, and Professor Marvin Wolfgang of Pennsylvania.

There has been, in addition, considerable public support represented by editorials in, for example, the Wall Street Journal and the Washington Post, as well as columns and news articles, including several in the New York Times. It is no exaggeration to say that the support for the creation of a Bureau of Justice Statistics is very widespread.

SEMINAR ON A CENTRAL STATISTICAL CAPABILITY FOR THE DEPARTMENT—  
DECEMBER 14, 1977

ATTENDEES

Mr. Ruffin W. Blaylock, Director, Alabama Criminal Justice Information Center, 858 South Court Street, Montgomery, Ala.

Mr. Harry M. Bratt, Assistant Administrator, National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration, Washington, D.C.

Mr. Walter M. Fiederowicz, Associate Deputy Attorney General, Department of Justice, Room 4111, Washington, D.C.

Mr. Ronald L. Gainer, Acting Deputy Assistant Attorney General, Office for Improvements in the Administration of Justice, Department of Justice, Washington, D.C.

Mr. George Hall, Deputy Director, Office of Federal Statistical Policy and Standards, Department of Commerce, Washington, D.C.

Mr. Roger Hall, Governor's Commission on Crime and Delinquency, Statistical Analysis Center, Concord, N.H.

Mr. Gary P. Hayes, Executive Director, Police Executive Research Forum, Washington, D.C.

Mr. Glen D. King, Executive Director, International Association of Chiefs of Police, Gaithersburg, Md.

Dr. M. E. D. Owens, Member, Ad Hoc Committee on Law, and Criminal Justice Statistics, Arlington, Va.



Dr. Harry A. Scarr, Administrator, Federal Justice Research Program, Office for Improvements in the Administration of Justice, Department of Justice, Washington, D.C.

Mr. Anthony G. Turner, Member, Ad Hoc Committee on Law and Criminal Justice Statistics, Bureau of the Census, Washington, D.C.

Dr. Charles F. Wellford, Deputy Administrator, Federal Justice Research Program, Office for Improvements in the Administration of Justice, Department of Justice, Washington, D.C.

Professor Marvin Wolfgang, Center for Studies in Criminology and Criminal Law, University of Pennsylvania, Philadelphia, Pa.

Professor Hans Zeisel, University of Chicago, Sociology Department, Chicago Ill.

Mr. Paul A. Zolbe, Chief, Uniform Crime Reporting Section, Administrator Services, Federal Bureau of Investigation, Washington, D.C.

#### AGENDA

Form of the Central Statistical Capability.

Office.

Bureau.

Institute.

Insuring proper security and privacy of information.

Creating a separate office.

Adding these duties to the General Counsel.

Replacing the General Counsel with a Security and Privacy Officer.

The nature of the Director's appointment.

Qualifications.

Executive level or career.

Fixed term or not.

The relationship of the Uniform Crime Reports Program to the Central Statistical Capability.

Remain in the FBI and be a Central Statistical Capability feeder.

Become a part of the Central Statistical Capability.

Advisory committee.

More than one committee.

What kind of committee or kinds of committees.

Local user representation.

The future of the International Association of Chiefs of Police/Uniform

Crime Record Committee.

Relative emphasis on upgrading Federal statistics and being a national voice on crime.

Limitation of resources.

Adhering to the Attorney General's suggestion for no extra resources.

Asking for sufficient resources to create an analytic capability.

Location of the Central Statistical Capability.

Inside the Department.

Free standing.

To whom the Director of the Central Statistical Capability should report.

The National Institute of Justice option: Reporting through someone to the

Deputy Attorney General or Attorney General.

Reporting directly to the Attorney General or Deputy Attorney General.

Statistical quality control on state and local information provided to the Central Statistical Capability.

#### COMMENTATORS ON THE DRAFT PLAN FOR THE BUREAU

##### FEDERAL JUDICIARY

Mr. Geoffrey M. Alprin, Deputy Corporation Counsel, Criminal Division, Law Enforcement Section, Superior Court, Building A, Room 127, Washington, D.C.

The Honorable John D. Butzner, Chairman of the Subcommittee on Judicial Statistics of the Judicial Conference, P.O. Box 2188, Richmond, Va.—Replied: Oct. 3, 1977.

Dr. Mark Cannon, Administrative Assistant to the Chief Justice, Supreme Court of the United States, Washington, D.C.

Roland F. Kirks, Esquire, Director, Administrative Office of U.S. Courts, Supreme Court Building, Washington, D.C.—Responded to by Wm. E. Foley—Oct. 13, 1977.

Mr. A. Leo Levin, Director, The Federal Judicial Center, Dolley Madison House, 1520 "H" Street, N.W., Washington, D.C.—Replied: Oct. 14, 1977.

Mr. James McCafferty, Administrative Office of the United States Courts, Washington, D.C.—Replied: Oct. 17, 1977.

## INTERNATIONAL

Mr. N. H. Avison, Planning and Research Branch, Department of Justice, Ottawa, Canada, K1A 0H8.—Replied: Nov. 1, 1977.

Mr. D. N. Cassidy, Director General, Police Security, National Harbours Board, Transport Canada Building, Place de Ville, Ottawa, Ontario, K1A 0N6, Canada.

Mr. Gerhard O. W. Mueller, Director, Social Defense, United Nations, New York, N.Y.—Replied: Oct. 11, 1977.

John F. Townesend, Statistics Policy Adviser, Office of the Solicitor General of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0PS, Canada.—Replied: Oct. 17, 1977.

Dr. Irwin Waller, Director General, Research and Systems Division, Ministry of the Solicitor General, Ottawa, Ontario, Canada.—Replied: Oct. 13, 1977.

## CONGRESS

Mr. Nels Ackerson, Chief Counsel and Executive Director, Committee on the Judiciary, Subcommittee on Constitution, United States Senate, Washington, D.C.—Replied: Sept. 19, 1977.

Mr. Thomas P. Breen, Counsel, Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, U.S. House of Representatives, Washington, D.C.

Mr. Garner J. Cline, Counsel, Committee on the Judiciary, Subcommittee on Immigration, Citizenship and International Law, U.S. House of Representatives, Washington, D.C.

Honorable John Conyers, Jr., U.S. House of Representatives, Washington, D.C.  
The Honorable Alan Cranston, United States Senate, Washington, D.C.

Mr. Quentin Crommelin, Staff Director, Committee on the Judiciary, Subcommittee on Separation of Powers, United States Senate, Washington, D.C.

Mr. John Elliff, Senate Select Committee on Intelligence, Dirksen Senate Office Building, Room G-308, Washington, D.C.—Replied: Oct. 18, 1977.

Mr. Kenneth R. Feinberg, Administrative Assistant to Senator Edward M. Kennedy, United States Senate, Washington, D.C.—Replied: Sept. 28, 1977.

Mr. Michael J. Ferrell, Staff Director, Committee on Post Office and Civil Service, Subcommittee on Census and Population, U.S. House of Representatives, Washington, D.C.—Responded to by Hon. Wm. Lehman, Chairman. Replied: Oct. 3, 1977.

Mr. Mark Gitenstein, Senate Select Committee on Intelligence, Dirksen Senate Office Building, Room G-308, Washington, D.C.

Ms. Josephine Gittler, General Counsel, Committee on the Judiciary, Subcommittee on Juvenile Delinquency, United States Senate, Washington, D.C.

Mr. Hayden W. Gregory, Counsel, Committee on the Judiciary, Subcommittee on Crime, U.S. House of Representatives, Washington, D.C.

Mr. Thomas W. Hutchison, Counsel, Committee on the Judiciary, Subcommittee on Criminal Justice, U.S. House of Representatives, Washington, D.C.—Replied: Sept. 21, 1977.

Ms. Pat Lawrence, House Select Committee on Aging, HOB Annex 1, Room 717, Washington, D.C.—Replied: Nov. 1, 1977.

Mr. Bruce A. Lehman, Committee on the Judiciary, Subcommittee on Courts, Civil Liberties, and the Administration of Justice, U.S. House of Representatives, Washington, D.C.

Mr. Edward A. Loughran, Staff Director, Committee on the Judiciary, Subcommittee on Immigration, United States Senate, Washington, D.C.

Mr. Robert McNamara, Counsel, Committee on the Judiciary, Subcommittee on Antitrust and Monopoly, United States Senate, Washington, D.C.—Replied: Sept. 21, 1977.

Mr. James G. Meeker, Staff Director, Committee on the Judiciary, Subcommittee on Penitentiaries and Corrections, United States Senate, Washington, D.C.—Replied: Oct. 31, 1977.

Mr. Alan A. Parker, General Counsel, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

Mr. Francis Rosenberger, Chief Counsel and Staff Director, Committee on the Judiciary, United States Senate, Washington, D.C.

Mr. Herman Schwartz, General Counsel, Committee on the Judiciary, Subcommittee on Citizens and Shareholders Rights and Remedies, United States Senate, Washington, D.C.

Mr. William P. Shattuck, Counsel, Committee on the Judiciary, Subcommittee on Administrative Law and Governmental Relations, U.S. House of Representatives, Washington, D.C.

Mr. Paul C. Summitt, Chief Counsel, Committee on the Judiciary, Subcommittee on Criminal Law and Procedure, United States Senate, Washington, D.C.

Mr. Thomas M. Susman, Chief Counsel and Staff Director, Committee on the Judiciary, Subcommittee on Antitrust and Monopoly, United States Senate, Washington, D.C.

Mr. William Westphal, Chief Counsel, Committee on the Judiciary, Subcommittee on Improvements in Judicial Machinery, United States Senate, Washington, D.C.—Replied: Sept. 21, 1977.

Mr. Matt Meager, Consultant, House Subcommittee on Crime, 207-E Cannon House Office Building, U.S. House of Representatives, Washington, D.C.

Mr. Bradley Ziff, Senator Cranston's Office, 229 Russell Building, United States Senate, Washington, D.C.

#### LOCAL AGENCIES

Mr. John H. Ball, Chief of Police, Charleston County Police Department, Post Office Box 7537, Charleston Heights, S.C.

Chief Reginald D. Belville, Police Department, 230 Main Street, Brattleboro, Vt.

Captain Wilborn Britt, Crime Analysis Section, Metropolitan Police Department, Room 3120, 301 Indiana Avenue, NW., Washington, D.C.

The Honorable Nolan L. Brown, District Attorney, First Judicial District Hall of Justice, Golden, Colo.

The Honorable William L. Cahalan, Prosecuting Attorney, Wayne County 1441 St. Antonine Street, Detroit, Mich.

Mr. Dale Carson, Sheriff, Sheriff's Office, Post Office Box 2070, Jacksonville Fla.

The Honorable Harry F. Connick, District Attorney, Parish of New Orleans New Orleans, La.

Mr. Elton J. Coulon, Captain of Police, Report Division, Dallas Police Department, Dallas, Tex.—Replied September 15, 1977.

Mr. Thomas R. Darmody, Chief of Police, Lacey Township Police Department 818 West Lacey Road, Forked River, N.J.

Mr. Arthur G. Dill, Chief of Police, Police Department, 13th and Champ. Streets, Denver, Colo.

Mr. Vincent Faragalli, Chief of Police, Bureau of Police, Bristol, Pa.

Mr. Dean A. Fox, Chief of Police, Department of Police, 215 West Lovel Street, Kalamazoo, Mich.

The Honorable Harl Haas, District Attorney, Multnomah County, Room 600 County Courthouse, Portland, Oreg.

Mr. George K. Hansen, Chief of Police, Department of Police, 555 South Tenth, Lincoln, Nebr.

Mr. Robert Igleburger, Chief (Retired), Dayton Police Dept., 932 Westminister Place, Dayton, Ohio.—Replied October 12, 1977.

The Honorable Dan L. Johnston, County Attorney, Polk County Courthouse, Des Moines, Iowa.—Replied October 5, 1977.

The Honorable James F. Kelley, Prosecutor—Marion County, City-County Building, Indianapolis, Ind.—Replied October 28, 1977.

Mr. Walter E. Krasny, Chief of Police, Department of Police, 100 North Fifth Avenue, Ann Arbor, Mich.—Replied November 2, 1977.

Mr. Richard D. Kuntz, Commanding Officer, Tactical Support Division, Portland Police Bureau, 222 Southwest Pine Street, Portland, Oreg.

William J. Mallen, Executive Director, Mayor's Criminal Justice Council, 1182 Market Street, Suite 204, San Francisco, Calif.—Replied October 3, 1977.

Mr. James F. Moran, Chief of Police, Department of Police, Westfield, N.J.

The Honorable Robert M. Morgenthau, District Attorney for New York County, 155 Leonard Street, New York, N.Y.

Mr. Rodger L. Nickell, Sheriff, 813 State Street, La Porte, Ind.

Mr. Joseph F. O'Neill, Commissioner, Police Department Headquarters, Franklin Square, Philadelphia, Pa.—Replied October 26, 1977.

Mr. E. E. Peters, Chief of Police, San Antonio Police Department, Post Office Box 9436, San Antonio, Tex.

Peter J. Pitchess, Sheriff, County of Los Angeles, Hall of Justice, Los Angeles, Calif.—Replied November 28, 1977.

Director E. Wilson Purdy, President, Police Executive Research Forum, Metropolitan Dade County, Department of Public Safety, 1320 NW. 14th Street, Miami, Fla.—Replied September 23, 1977.

Mr. William F. Quinn, Chief of Police, Police Department, 1321 Washington Street, Newton, Mass.

Mr. Howard H. Schleich, Bureau Chief, Uniform Crime Reports and Statistics Bureau, Department of Law Enforcement, Post Office Box 1489, Tallahassee, Fla.

Chief Howard C. Shook, First Vice President, International Association of Chiefs of Police, Inc., Middletown Township Police Department, 700 New Rodgers Road, Levittown, Pa.

Chief Joseph Sprove, Police Department, Waterbury, Vt.

Mr. Michael Sullivan, Sheriff, El Paso County, 7356 Dale, El Paso, Tex.

Mr. Steve A. Tarris, Criminal Justice Analyst, Division of Criminal Identification, Office of the Attorney General, Post Office Box 1895, Cheyenne, Wyo.

Chief Thomas Taylor, Police Department, 147 Main Street, Windsor, Vt.

Mr. Richard L. Thayer, Jr., Sheriff, Cumberland County, 485 Woodford Street, Portland, Maine.

The Honorable John Van de Kamp, District Attorney for Los Angeles County, 210 West Temple Street, Criminal Courts Building, Los Angeles, Calif.

Mr. David A. Varrelman, Chief of Police, Mount Lebanon Township Police Department, 710 Washington Road, Pittsburgh, Pa.

Honorable Coleman Young, Office of the Mayor, Detroit, Mich.

#### FEDERAL AGENCIES

Mr. Paul Braden, Economist, Office of Economic Research, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution, NW., Room 6018, Washington, D.C.

Ms. Diane Cole, President's Reorganization Project, New Executive Office Building, Room 7227, Washington, D.C.—Responded to by F. T. Davis. Replied October 17, 1977.

Mr. Ren D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, Washington, D.C.—Replied November 29, 1977.

Dr. Joseph W. Duncan, Deputy Associate Director for Statistical Policy, Office of Management and Budget, Room 10-202, 726 Jackson Place, NW., Washington, D.C.

Mr. Eugene Eidenberg, Office of the Under Secretary, Department of Health, Education and Welfare, Room 614-G, 200 Independence Avenue, NW., Washington, D.C.

Mr. George E. Hall, Chief, Social Statistics, Office of Management and Budget, Room 10-222, 726 Jackson Place, NW., Washington, D.C.

Mr. Manuel D. Plotkin, Director, Bureau of the Census, U.S. Department of Commerce.

Major Dennis G. Prescott, U.S. Air Force Headquarters, U.S. Air Force Security Police, Washington, D.C.

Dr. Beryl Radin, Office of the Assistant Secretary for P & E, Department of Health, Education & Welfare, South Portal Building, Washington, D.C.

Dr. Salem A. Shah, Chief, Center for Studies of Crime and Delinquency, National Institute of Mental Health, 5600 Fishers Lane, Rockville, Md.

Mr. Julius Shiskin, Commissioner of Labor Statistics, U.S. Department of Labor, 441 G. Street, N.W.—Room 2108, Washington, D.C.—Replied October 21, 1977.

Mr. Tony Turner, Statistical Research Division, Census Bureau, Washington, D.C.

Ms. Joyce Walker, Deputy Associate Director for General Government, Room 9202, New Executive Office Building, Washington, D.C.

Mr. James M. Watson, Acting Chief, Bureau of Criminal Statistics, Department of Justice, Post Office Box 13427, Sacramento, Calif.—Responded to by Dale H. Speck, Director, Div. of Law Enforcement. Replied October 12, 1979.

## ORGANIZATIONS—FORMAL POSITION

Bert Early, Esquire, Executive Director, American Bar Association, 1155 E. 60th Street, Chicago, Ill.—Replied November 7, 1977.

Mr. Gary P. Hayes, Executive Director, Police Executive Research Forum, 1909 K Street, N.W.—Suite 420, Washington, D.C.—Replied October 14, 1977.

Mr. Glen D. King, Executive Director, International Association of Chiefs of Police, 11 Firstfield Road, Gaithersburg, Md.—Replied November 8, 1977.

Mr. Edward B. McConnel, National Center for State Courts, 1660 Lincoln Street, Suite 200, Denver, Colo.—Replied October 12, 1977.

The Honorable Harold R. Tyler, Jr., Chairman, Advisory Corrections Council, 320 First Street, N.W., Washington, D.C.—Replied August 15, 1977.

## CURRENT ADDRESS

Patterson, Belknap, Webb & Tyler, 30 Rockefeller Plaza, New York.

## ORGANIZATIONS—NO FORMAL POSITION

Dr. William E. Amos, President, The American Society of Criminology, United States Parole Commission, 3883 Turtle Creek Boulevard, Dallas, Tex.

Mr. Frank H. Bailey, Secretary-Treasurer, National Association of Attorneys General, 1150 Seventeenth Street, N.W., Washington, D.C.—Replied September 1, 1977.

Mr. Alan Beals, Executive Director, National League of Cities, 1620 I Street, N.W., Washington, D.C.—Responded to by Mr. Wm. R. Drake, Director, Technical Service. Replied October 17, 1977.

Mr. Noel Bufo, National SPA Conference, 444 North Capitol Street, Suite 30 Washington, D.C.

Chief Edward M. Davis, President, International Association of Chiefs of Police, Inc., Los Angeles Police Department, Los Angeles, Calif.

Dr. Russell R. Dynes, Executive Officer, American Sociological Association, 1772 N Street, N.W., Washington, D.C.—Replied October 17, 1977.

Professor Rendigs Fels, Secretary-Treasurer, American Economic Association, 1313 21st Avenue, S., Nashville, Tenn.—Replied September 7, 1977.

Mr. John S. Gunther, Executive Director, U.S. Conference of Mayors, 1620 Street, N.W., Washington, D.C.

Ms. Sandra R. Kertz, Legislative Assistant, National Fire Protection Association, Suite 570-South, 1800 M Street, N.W., Washington, D.C.

Dr. Charles Kiesler, Executive Officer, American Psychological Association, 1200 17th Street, N.W., Washington, D.C.—Replied October 13, 1977.

Mr. Euron M. Kirkpatrick, Executive Officer, American Political Science Association, 1527 New Hampshire Avenue, Washington, D.C.

Mr. Kenneth W. Libby, Director, Law Enforcement Technical Assistance Project, 62 Main Street, Montpelier, Vt.—Replied October 7, 1977.

Mr. Barry Mahoney, Associate Director for Programs, National Center for State Courts, 1660 Lincoln Street, Suite 3200, Denver, Colo.

Mr. Kenneth J. Matulia, Director, Police Management and Operations Division, International Association of Chiefs of Police, Eleven Firstfield Road, Gaithersburg, Md.

## ORGANIZATIONS—NO FORMAL POSITION

Dr. William E. Amos, President, The American Society of Criminology, United States Parole Commission, 3883 Turtle Creek Boulevard, Dallas, Tex.

Mr. Frank H. Bailey, Secretary-Treasurer, National Association of Attorneys General, 1150 Seventeenth Street, N.W., Washington, D.C.—Replied September 1, 1977.

Mr. Alan Beals, Executive Director, National League of Cities, 1620 I Street, N.W., Washington, D.C.—Responded to by Mr. Wm. R. Drake, Director, Technical Services. Replied October 17, 1977.

Mr. Noel Bufo, National SPA Conference, 444 North Capitol Street, Suite 30 Washington, D.C.

Chief Edward M. Davis, President, International Association of Chiefs of Police, Inc., Los Angeles Police Department, Los Angeles, Calif.

Dr. Russell R. Dynes, Executive Officer, American Sociological Association, 1772 N Street, N.W., Washington, D.C.—Replied October 17, 1977.

Dr. William E. Amos, President, The American Society of Criminology, United States Parole Commission, 3883 Turtle Creek Boulevard, Dallas, Tex.

Mr. Frank H. Bailey, Secretary-Treasurer, National Association of Attorneys General, 1150 Seventeenth Street, NW., Washington, D.C.—Replied September 16, 1977.

Mr. Alan Beals, Executive Director, National League of Cities, 1620 I Street, NW., Washington, D.C.—Responded to by Mr. Wm. R. Drake, Director, Technical Services.—Replied October 17, 1977.

Mr. Noel Bufo, National SPA Conference, 444 North Capitol Street, Suite 305, Washington, D.C.

Chief Edward M. Davis, President, International Association of Chiefs of Police, Inc., Los Angeles Police Department, Los Angeles, Calif.

Dr. Russell R. Dynes, Executive Officer, American Sociological Association, 1772 N Street, NW., Washington, D.C.—Replied October 17, 1977.

Mr. Keith Mulrooney, American Association for Public Administration, 1225 Connecticut Avenue, NW, Washington, D.C.

Mr. George P. McManus, President, National Automobile Theft Bureau, 390 North Broadway, Jericho, N.Y.

The Honorable C. William O'Neill, Chairman, Conference of Chief Justices, National Center for State Courts, Suite 200, Lincoln Center Building, 1660 Lincoln Street, Denver, Colo.—Replied November 4, 1977.

Ms. Rosemary C. Sarri, National Assessment Study, Boyer Building, 203 East Hoover, Ann Arbor, Mich.

Daniel L. Skoler, Esquire, American Bar Association, Commission on Correctional Facilities and Services, 1705 DeSales Street, NW., Washington, D.C.

Mr. Daniel D. Smith, Associate Director, The National Center for Juvenile Justice, 3900 Forbes Avenue, Pittsburgh, Pa.

Ms. Janice Zalen Stiers, National Association of Criminal Justice Planning Directors, 1012-14th Street, NW., Suite 403, Washington, D.C.—Responded to by Mr. Mark A. Cunni. Replied October 10, 1977.

Mr. Harry Swiegel, National Center for State Courts, 444 N. Capitol Street, Washington, D.C.

Mr. Anthony Trivisono, Executive Director, American Correctional Association, 4321 Hartwick Road, College Park, Md.

#### TECHNICAL EXPERTS

Mr. Chuck Bailey, Washington Crime News Services, 7620 Little River Turnpike, Annandale, Va.

Mr. John Beresford, Dualabs, Suite 900, 1601 North Kent, Rosslyn, Va.

Professor Bernard J. Bergen, Department of Psychiatry, Dartmouth Medical School, Hanover, N.H.

Dr. Albert Biderman, Bureau of Social Science Research, Inc., 1990 M Street, NW., Washington, D.C.—Replied October 20, 1977.

Professor Al Blumstein, Carnegie-Mellon Institute, Pittsburgh, Pa.

Professor David R. Brillinger, Department of Statistics, University of California, Berkeley, Calif.

Dr. David W. Britt, Acting Director, Criminal Justice Program, Nova University, 3301 College Avenue, Fort Lauderdale, Fla.—Replied September 28, 1977.

Mr. Sam Brooks, Administrator, American Association for Public Opinion Research, 420 Lexington Avenue, New York, N.Y.

Mr. Sidney H. Brounstein, Vice President, Institute for Law and Social Research, 1125 15th Street, NW., Suite 625, Washington, D.C.—Replied September 24, 1977.

Professor Gerald M. Caplan, Bacon 414, The National Law Center, The George Washington University, Washington, D.C.

Mr. Donald Campbell, Department of Psychology, Northwestern University, Evanston, Ill.

Professor Roland Chilton, University of Massachusetts, Department of Sociology, Thompson Hall, Amherst, Mass.—Replied September 14, 1977.

Mr. Philip Cohen, Executive Director, National Legal Data Center, 100 East Thousand Oaks Blvd., Suite 172, Thousand Oaks, Calif.—Replied September 29, 1977.

Mr. James J. Collins, Jr., Center for Studies in Criminology and Criminal Law, Room 203—McNeil Building, 3718 Locus Walk, Philadelphia, Pa.—Replied October 14, 1977.

Mr. Robert D. Conger, Burlington Industries, Post Office Box 21207, Greensboro, N.C.

Ms. Nancy Cowger, ABA Communications Division, 77 South Wacker Drive, Chicago, Ill.

Mr. Richard L. Creighton, Director, Management Information Systems, Room 207A, Transportation Building, St. Paul, Minn.

Martin B. Danziger, Esq., Director, UMWA Welfare and Retirement Fund, 2021 K Street, NW., Washington, D.C.—Replied September 7, 1977.

Mr. Jerome J. Daunt, 7506 Allan Avenue, Falls Church, Va.—Replied October 6, 1977.

Professor Morris H. DeGrott, Department of Statistics, Carnegie-Mellon University, Schenley Park, Pittsburgh, Pa.

Mr. Donald Deskins, Department of Geography, University of Michigan, Ann Arbor, Mich.

Henry S. Dogin, Esq., 80 Centre Street, New York, N.Y.

Professor Floyd Feeney, Executive Director, Center on Administration of Criminal Justice, University of California, Davis, Calif.—Replied October 12, 1977.

Mr. Stephen E. Fienberg, Professor and Chairman, University of Minnesota, Department of Applied Statistics, School of Statistics, 352 Classroom-Office Building, 1944 Buford Avenue, St. Paul, Minn.—Replied November 14, 1977.

Mr. A. L. Finkner, Senior Vice President, Research Triangle Institute, Post Office Box 12194, Research Triangle Park, N.C.—Replied November 2, 1977.

Dr. Bruce Finnie, Registrar, Princeton University, Princeton, N.J.

Dr. Edith E. Flynn, Northeastern University, Boston, Mass.—Replied September 20, 1977 (Interim).

Professor Daniel Freed, Yale Law School, New Haven, Conn.—Replied October 13, 1977.

Ms. Lucy N. Friedman, Director of Research, Vera Institute of Justice, 30 East 39th Street, New York, N.Y.—Replied October 13, 1977.

Dr. Alan E. Gelfand, Department of Statistics, University of Connecticut, Storrs, Conn.—Replied September 30, 1977.

Mr. Jack Gibbs, Department of Sociology, University of Arizona, Tucson, Ariz.

Mr. Abraham S. Goldstein, Yale Law School, 206 Elm Street, New Haven, Conn.—Replied October 12, 1977.

Dean Don M. Gottfredson, School of Criminal Justice, Rutgers University, 18 Bishop Place, New Brunswick, N.J.—Replied October 25, 1977.

Mr. Peter Greenwood, RAND Corporation, 1700 Main Street, Santa Monica, Calif.—Replied September 30, 1977.

Mr. Alan A. Hamilton, Regional Justice Information Systems Project, 1017 Olive Street, St. Louis, Mo.—Replied October 17, 1977.

Mr. William A. Hamilton, President, Institute for Law and School Research, 1125 15th Street, NW.—Suite 625, Washington, D.C.—Replied October 19, 1977.

Mr. Orville J. Hawkins, Executive Director, SEARCH Group, Inc., Suite 200, 1620—35th Avenue, Sacramento, Calif.

Mr. Charles Herzfeld, Defense Space Group, International Telephone & Telegraph Corporation, Nutley, N.J.

Professor Clifford G. Hildreth, Center for Economic Research, 315 Science Classroom Building, University of Minnesota, Minneapolis, Minn.—Replied October 6, 1977.

Dr. Michael Hindelang, Criminal Justice Research Center, Inc., 1 Alton Road, Albany, N.Y.

Professor J. Stuart Hunter, School of Engineering and Applied Science, Princeton University, Princeton, N.J.

Mr. Herbert Jacob, Northwestern University, 633 Clark Street, Evanston, Ill.—Replied September 12, 1977.

Professor Nathan Keyfitz, Center for Population Studies, Harvard University, 9 Bow Street, Cambridge, Mass.

Professor Florence R. Kluckhohn, The Highlands, Seattle, Wash.

Mr. Gary Koch, Department of Biostatistics, School of Public Health, University of North Carolina, Chapel Hill, N.C.—Replied September 15, 1977.

Mr. Samuel Krislov, Chairman, Department of Political Science and School of Law, University of Minnesota, Minneapolis, Minn.

- Professor William H. Kruskal, Chairman, Department of Statistics, University of Chicago, 5734 University Avenue, Chicago, Ill.—Replied September 22, 1977.
- Mr. William M. Landes, University of Chicago, Downtown Center, 65 E. South Water, Chicago, Ill.
- Professor Peter P. Lejins, Director, Institute of Criminal Justice and Criminology, University of Maryland, College Park, Md.
- Mr. Raymond Link, Director, Uniform Crime Reporting Program, 294 Colony Street, Meriden, Conn.
- Mr. William J. Lockhart, University of Utah Law School, Salt Lake City, Utah—Replied October 10, 1977.
- Mr. Richard Lyons, New York Times Bureau, Washington, D.C.
- Dr. Michael Maitz, Department of Criminal Justice, University of Illinois, Box 4348, Chicago, Ill.
- Charles R. Mann, Ph.D., Charles R. Mann Associates, Analytic Services for the Legal Profession, 818 Eighteenth Street, NW—Suite 540, Washington, D.C.
- Ms. Nancy R. Mann, Project Manager for Reliability and Statistics, Science Center, Rockwell International, P.O. Box 1085, Thousand Oaks, Calif.
- Dr. Burke Marshall, Yale Law School, 127 Wall Street, New Haven, Conn.
- Ms. Margaret Martin, Executive Director, Commission on National Statistics, NAS/NRC, 2101 Constitution Avenue, NW; Washington, D.C.—Replied September 7, 1977.
- Professor Charles V. Matthews, Center for the Study of Crime, Delinquency, and Corrections, Southern Illinois University, Carbondale, Ill.
- Professor Hans W. Mattick, Center for Research in Criminal Justice, College of Liberal Arts and Sciences, University of Illinois at Chicago Circle, Box 4348, Chicago, Ill.—Replied September 27, 1977.
- Mr. Geoffrey H. Moore, Vice President—Research, National Bureau of Economic Research, Inc., 261 Madison Avenue, New York, N.Y.
- Dean Norval Morris, University of Chicago Law School, 111 East 60th Street, Chicago, Ill.—Replied September 7, 1977 (interim).
- Professor Lincoln E. Moses, Department of Family, Community and Preventive Medicine, Stanford University Medical Center, Stanford, Calif.—Replied October 11, 1977.
- Professor Frederick Mosteller, Department of Statistics, Science Center, Room 603, Harvard University, One Oxford Street, Cambridge, Mass.
- Mr. Patrick V. Murphy, Police Foundation, 1909 K Street, NW, Washington, D.C.—Replied September 19, 1977.
- Mr. Phillip J. McCarthy, Cornell University, Ithaca, N.Y.
- Professor William F. McDonald, Research Director, Institute of Criminal Law and Procedure, Georgetown University Law Center, 412 Fifth Street, NW, Washington, D.C.
- Mr. Andrew McKean, 307 Meadow Hall Drive, Rockville, Md.—Replied October 7, 1977.
- Professor Marc L. Nerlove, Department of Economics, Northwestern University, 629 Noyes Street, Evanston, Ill.—Replied October 17, 1977.
- Professor Ingram Olkin, Department of Statistics, Stanford University, Stanford, Calif.—Replied September 26, 1977.
- Dr. Maurice E. B. Owens, 815 S. 18th Street, Arlington, Va.—Replied September 9, 1977.
- Mr. Orlando H. Patterson, Harvard University, Cambridge, Mass.
- Geoffrey W. Peters, Executive Director, Creighton Institute for Business Law and Social Research, 2500 California Street, Omaha, Neb.—Replied; Undated.
- Ms. Debra B. Powell, Project Manager, NCP Data Use Assistant Program, Data Use and Access Laboratories, Suite 900, 1601 N. Kent Street, Arlington, Va.—Replied October 5, 1977.
- Mr. David W. Power, Center for National Security Studies, 122 Maryland Avenue, NE, Washington, D.C.
- Professor Albert J. Reiss, Jr., Institution for Social and Policy Studies, Yale University, 111 Prospect Street, New Haven, Conn.—Replied October 17, 1977.
- Mr. Richard Rogin, ABC News, 7 West 66th Street, New York, N.Y.
- Mr. Simon Rottenberg, Department of Economics, University of Massachusetts, Amherst, Mass.—Replied September 20, 1977.
- Henry S. Ruth, Esquire, UMWA Welfare and Retirement Fund, 2021 K Street NW, Washington, D.C.



Mr. Richard Schwartz, College of Law, Syracuse University, Syracuse, N.Y.—Replied October 12, 1977.

Professor John H. Schweitzer, Associate Professor, Michigan State University, Department of Urban and Metropolitan Studies, East Lansing, Mich.

Dr. David Seidman, Social Science Research Council, 1755 Massachusetts Avenue NW, Washington, D.C.

Professor Thorsten Sellin, Gilmanston, N.H.—Replied September 7, 1977.

Dr. Eleanor B. Sheldon, President, Social Science Research Council, 605 Third Avenue, New York, N.Y.—Replied September 19, 1977.

Professor Maurice Sigler, 4019 Glengarry Road, Lakeland, Fla.

Professor Wesley G. Skogan, Department of Political Science, Northwestern University, Evanston, Ill.

Mr. Richard Stillman II, Professor of Public Administration, California State College, 9001 Stockdale Highway, Bakersfield, Calif.—Replied September 20, 1977.

Mr. Conrad F. Taeuber, Georgetown University, 37th and O Street NW, Washington, D.C.—Replied September 6, 1977.

Harold F. Tyler, Jr., Patterson, Belknap, Webb & Tyler, 30 Rockefeller Plaza, New York, N.Y.—Replied August 15, 1977.

A. E. Vandegrift, Director, Economics and Management Science Division, Midwest Research Institute, 425 Volker Boulevard, Kansas City, Mo.—Replied October 13, 1977.

Professor James Vorenberg, Center for Criminal Justice, Law School of Harvard University, Cambridge, Mass.—Replied September 20, 1977.

Mr. James E. Wallace, Executive Officer, Law and Society Association, University of Denver College of Law, 200 W 14th Avenue, Denver, Colo.

Professor David A. Ward, Department of Criminal Justice Studies, University of Minnesota, Social Sciences Building, Minneapolis, Minn.—Replied October 5, 1977.

Professor Stanton Wheeler, Yale University Law School, Wall Street, New Haven, Conn.

Ms. Susan O. White, Department of Political Science, Social Science Center, University of New Hampshire, Durham, N.H.

Dr. Ray Williams, Program Director, Administration of Justice, Howard University, P.O. Box 191, Washington, D.C.

Dr. Leslie T. Wilkins, State University of New York at Albany, 1400 Washington Avenue, Albany, N.Y.—Replied September 26, 1977.

Professor Marvin Wolfgang, Center for Studies in Criminology and Criminal Law, University of Pennsylvania, 3718 Locust Walk, Room 203, Philadelphia, Pa.—Replied September 7, 1977.

Professor Hans Zeisel, University of Chicago, Sociology Department, 1111 E. 60th Street, Chicago, Ill.—Replied September 19, 1977.

Professor Franklin E. Zimring, University of Chicago Law School, 1111 E. 60th Street, Chicago, Ill.

#### STATE AGENCIES

Mr. Charles G. Adams, Criminal Justice Planning Agency, Pouch AJ, Juneau, Alaska.

Mr. William L. Abbott, Director, Kansas Bureau of Investigation, 3420 Van Buren, Topeka, Kans.

Detective-Sergeant David R. Aaron, Uniform Crime Reporting Unit, Division of State Police, Department of Law and Public Safety, Trenton, N.J.—responded to by Major D. L. Small. Replied Oct. 13, 1977.

Captain Monroe K. Alexander, Bureau of Criminal Identification, New Mexico State Police, Post Office Box 1628, Santa Fe, N. Mex.

Lieutenant George Arfleck, Bureau of Criminal Identification and Statistics, Kentucky State Police, State Office Building, Frankfort, Ky.

The Honorable David Armstrong, Commonwealth Attorney, Jefferson County, Room 200, Courthouse Annex, 600 West Jefferson, Louisville, Ky.

Captain F. W. Armstrong, Communications—Data Processing, West Virginia Department of Public Safety, 725 Jefferson Road, South Charleston, W. Va.

Mr. Howard G. Bjorklund, Administrator, Division of Law Enforcement Services, State Department of Justice, State Capitol, Madison, Wis. Replied Oct. 14, 1977.

Mr. Ruffin W. Blaylock, Director, Alabama Criminal Justice Information System, 858 South Court Street, Montgomery, Ala. Replied Oct. 11, 1977.

Mr. Walter Boles, Georgia Crime Information Center, Georgia Bureau of Investigation, Post Office Box 1456, Atlanta, Ga.

Mr. Richard Burns, Chief, Criminal Identification Bureau, Idaho Department of Law Enforcement, Post Office Box 34, Boise, Idaho.—Replied Sept. 14, 1977.  
Agent Walter Chin, Project Director, Colorado Bureau of Investigation, 2002 South Colorado Boulevard, Denver, Colo.

Mr. James A. Cody, Executive Director, Georgia Sheriffs' Association, Post Office Box 100, Habira, Ga.

Mr. Ralph W. Collins, Chairman, Criminal Justice Statistics Association, Statistical Analysis Center, Texas Department of Public Safety, Box 4087, Austin, Tex.—Replied Oct. 14, 1977.

Mr. Adam F. D'Alessandro, Deputy Director, New York Division of Criminal Justice Services, Executive Park Tower, Stuyvesant Plaza, Albany, N.Y.

Captain H. W. Dashiells, State Central Crime Records Bureau, Maryland State Police Headquarters, Pikersville, Md.

Mr. David Eberdt, Administrator, Criminal Justice and Highway Safety Information System, Post Office Box 7445, Little Rock, Ark.

Bill Erwin, Montana Board of Crime Control, 1336 Helena Avenue, Helena, Mont.—Replied Oct. 4, 1977.

Dr. William B. Fairley, State Rating Bureau, Division of Insurance, Commonwealth Office, 100 Cambridge Street, Boston, Mass.—Replied Oct. 13, 1977.

Lieutenant Donald Flynn, Rhode Island State Police, Post Office Box 185, North Scituate, R.I.

Mr. Roger L. Hall, Director, Statistical Analysis Center, Governor's Commission on Crime and Delinquency, 169 Manchester Street, Concord, N.H.—Replied Sept. 16, 1977.

Reno S. Harp III, Esquire, Deputy Attorney General, 900 Fidelity Building, 320 East Main Street, Richmond, Va.—Replied Oct. 12, 1977.

Mr. Robert C. Harrall, Deputy State Court Administrator, Providence County Courthouse, 250 Benefit Street, Room 705, Providence, R.I.

Mr. Richard S. Hilde, Chief Agent, North Dakota Bureau of Criminal Investigation, Post Office Box 1054, Bismarck, N. Dak.

Lieutenant Paul Hollandsworth, Records and Statistics Division, Department of State Police, Post Office Box 27472, Richmond, Va.—(Responded to by Cpt. W. R. Wagner. Replied October 12, 1977.)

Colonel Gerald L. Hough, Executive Division, Michigan State Police, 714 South Harrison Road, East Lansing, Mich.

Major N. F. Huffman, Uniform Crime Reporting, Tennessee Bureau of Investigation, Room 200, 4950 Linbar Drive, Nashville, Tenn.

Mr. Delmore E. John, Uniform Crime Reporting Project Director, State Bureau of Criminal Identification, Utah Department of Public Safety, 300 State Office Building, Salt Lake City, Utah.

Robert P. Kane, Esquire, Attorney General, Commonwealth of Pennsylvania, Harrisburg, Pa.—Replied October 13, 1977.

Mr. Cal Killingsworth, Identification and Criminal Records Division, Uniform Crime Reporting Bureau, Texas Department of Public Safety, Post Office Box 4143, Austin, Tex.—Replied September 30, 1977.

Lieutenant James Kinder, Indiana State Police Headquarters, 100 North Senate Avenue, Indianapolis, Ind.

Mr. Takashi Kitaoka, Director, The Judiciary, Hawaii Criminal Justice Statistical Analysis Center, Room 502, 850 Richards Street, Honolulu, Hawaii.—Replied September 21, 1977.

Mr. Donald G. Licht, Director, Criminal Justice Training Center, South Dakota Division of Criminal Investigation, Post Office Box 1237, Pierre, S. Dak.

Dr. Howard M. Livingston, Director, Police Information Network, North Carolina Department of Justice, Post Office Box 27047, Raleigh, N.C.—Replied October 11, 1977.

Sergeant Irvin W. Maranville, Director, Vermont Crime Information Center, Vermont Department of Public Safety, Montpelier, Vt.

The Honorable Scott M. Matheson, The Governor of Utah, Salt Lake City, Utah.

Mr. Mike Meldahl, Chief of Data Processing, Montana Department of Justice, 1437 Helena Avenue, Helena, Mont.

Ms. Rita M. Mills, Senior Methods and Systems Analyst, Crime Reporting Unit, Massachusetts State Police, Department of Public Safety, 1010 Commonwealth Avenue, Boston, Mass.

Mr. Robert K. Mitchell, Director, Judicial Data Processing, Supreme Judicial Court of Commonwealth, Middlesex County Courthouse, 40 Thorndike Street, Room 942, East Cambridge, Mass.—Responded to by John A. Fiske, Exec. Secy. Replied October 5, 1977.

Mr. Jack E. McCormick, Superintendent, Ohio Bureau of Criminal Identification and Investigation, Post Office Box 365, London, Ohio.—Replied September 30, 1977.

Mr. James T. McGuire, Director, Records Division, Chicago Police Department, 1121 South State Street, Chicago, Ill.—Replied September 21, 1977.

Mr. Jack M. McNutt, Identification and Communications Division, Nevada Department of Law Enforcement Assistance, Capitol Complex, 430 Jeanell Drive, Carson City, Nev.

Mr. Russell G. Oder, Training Specialist, Department of Health and Rehabilitative Services, P.O. Box 2417F, Jacksonville, Fla.—Replied October 13, 1977.

Mr. Larry J. Quamme, Director, Crime Information Bureau, Division of Law Enforcement Services, Wisconsin Department of Justice, 123 West Washington Avenue, Madison, Wis.—Responded to by Steven C. Underwood. Replied October 19, 1977.

Lieutenant Colonel R. G. Quantz, Washington State Police, 4242 Martin Way, Olympia, Wash.—Responded to by Major J. J. Terhar. Replied October 6, 1977.

Mr. Kim Reagh, Supervisor, Field Services Bureau, Administrative Services Division, Department of Public Safety, 313 East 7th Street, Des Moines, Iowa.

Mr. James R. Reed, Unit Supervisor, Uniform Crime Reporting, Arizona Department of Public Safety, Post Office Box 6638, Phoenix, Ariz.—Replied October 10, 1977.

Mr. Art Richardson, Director, Criminal Justice Information Center, Mississippi Department of Public Safety, Post Office Box 958, Jackson, Miss.

Calvin N. Rolfson, Esquire, Deputy Attorney General, State Capitol, Bismarck, N. Dak.—Replied November 10, 1977.

Captain Sewell Scott, State Bureau of Identification, Delaware State Police Headquarters, Post Office Box 430, Dover, Del.

Ms. Kathy Shelander, JUSTIC Coordinator, Office of the State Court Administrator, 20005 Apalachee Parkway, Tallahassee, Fla.

Mr. Darrel Smith, Director, Louisiana Criminal Justice Information System Division, Room 502, 1885 Wooddale, Boulevard, Baton Rouge, La.

Colonel Irvin B. Smith Jr., Superintendent, Delaware State Police—Replied October 13, 1977.

Mr. Lloyd A. Smith, Manager, Law Enforcement Data Systems Division, Oregon Executive Department, 240 Cottage Street, Southeast, Salem, Oreg.—Replied October 10, 1977.

Colonel Sam Smith, Superintendent, Missouri State Highway Patrol, 1510 East Elm Street, Jefferson City, Mo.—Responded to by A. R. Lubker, Sup. Replied October 14, 1977.

David H. Souter, Esq., Attorney General, The State of New Hampshire, State House Annex, Room 208, 25 Capitol Street, Concord, N.H.—Replied October 13, 1977.

Richard C. Wertz, Executive Director, Governor's Commission on Law Enforcement and the Administration of Justice, Suite 302, Executive Plaza One, Cockeysville, Md.—Replied October 7, 1977.

Mr. Patron G. Wheeler, Executive Director, National Association of Attorneys General, 3901 Barrett Drive, Raleigh, N.C.—Replied October 13, 1977.

Mrs. Lynne Wood, Uniform Crime Reporting Project Director, Oklahoma State Bureau of Investigation, Post Office Box 11497, Oklahoma City, Okla.

Director, Bureau of Research and Development, Pennsylvania State Police, Harrisburg, Pa.

## ATTACHMENT 3

## BELL EDITORIALS

- Wall Street Journal*, "Knowing About Crime", Sept. 2, 1977.  
*Philadelphia Bulletin*, "A better crime count", Aug. 25, 1977.  
*Baltimore Sun*, "Crime Statistics", Sept. 2, 1977.  
*Washington Post*, "Counting Crime" Aug. 28, 1977.  
*Roanoke Times and World News*, "Griffin Bell's Better Idea," Sept. 11, 1977.  
*Atlanta Journal*, "Crime Statistics", Aug. 31, 1977.  
*Evansville Courier*, "Crime statistics unit, a worthwhile proposal" Aug. 23, 1977.  
*Sacramento. California Bee*, "Accurate Statistics on Crime", Aug. 31, 1977.

## COLUMNS

- Lyons: *New York Times*, "Fuzzy Crime Statistics", Sept. 18, 1977.  
 Wiedrich: *Chicago Tribune*, "Do we really need more crime data?", Aug. 26, 1977.

## BELL NEWS ARTICLES

- New York Times*: Basic AP article, "Bell Plans to Form Crime Data Bureau", Aug. 22, 1977.  
*IA Times-Picayune (AP)*, "Bell Creating Bureau to Gather Crime Data", Aug. 22, 1977.  
*Kennebec Journal (AP)*, "Crime statistics: 'Horse and buggy' days over?", Aug. 22, 1977.  
*Chicago Tribune (AP)*, "Bell updates crime data unit," Aug. 22, 1977.  
*Daily Oklahoman*, "White-Collar Crime Data Unit Nearing", Aug. 11, 1977.  
*ABA Journal* "F.B.I., L.E.A.A. may lose data chores", July, 1977.  
*Corrections Digest*, "Bell Approves New CJ Statistics Unit", Sept. 12, 1977.

## TYLER EDITORIALS

- Philadelphia Bulletin*, "If we knew more, we could move on crime" -Sept. 7, 1976.  
*Asheville Citizen*, "Crime Rate Difference Raises Serious Doubts" May 26, 1976.  
*Ashville Times*, "Raising Crime Rate May Be Overstated", June 4, 1976.  
*Terrace, Calif., Daily Breeze*, "Know the enemy", May 30, 1976.

## TYLER ARTICLES

- LA Times* (basic interview) "Ending FBI's Control Over Crime Statistics Proposed", April 19, 1976.  
*Worcester, Mass. Gazette*, "Justice May Ease FBI Out of the Crime-Reporting Business", April 21, 1976.  
*LA Times*, "Proposed Statistics Unit Would Curb FBI Power".  
*An example of the Problem with Statistics at the Local Level: Atlanta Journal*, "Crime Downturn a Sham, Police Officers Charge", Sept. 20, 1977.

[From the Wall Street Journal, Sept. 2, 1977]

## KNOWING ABOUT CRIME

Since 1930, the Federal Bureau of Investigation has served as clearinghouse for the Uniform Crime Reports, the national file of information about crimes and offenders known to the police. More lately the Law Enforcement Assistance Administration has undertaken to gather through surveys still other kinds of

data on the incidence of crime victimization. By now some 17 federal units produce statistics on the various aspects of the criminal justice system. Attorney General Griffin Bell has just approved the idea of centralizing this information-gathering in a single criminal justice statistics unit. All things considered, it's about time.

Statistical data have become increasingly prominent in most debates about domestic policy, but nowhere do they play a more central role than in the politics of crime. Increases in crime rates can cause widespread public concern. Information about just who is committing the crimes, and against whom, carries immense symbolic freight. News about how many criminals the courts actually send to prison, or what happens to them when they get out, becomes ammunition in the political and cultural wars. But when such statistics become important, they also become subjects of a secondary debate over their validity and worth. Crime statistics have been no exception.

The Uniform Crime Reports have gotten the most thorough examination. They have been faulted for the fact that they analyze only crimes known to the police, thus conveying an almost certainly distorted picture of the total population of crimes and criminals. Critics have pointed to difficulties in interpreting the figure over time and across jurisdictions. And some have said that they are distorted by the political needs of the police departments that actually collect them.

But the FBI has in fact been one of the most conscientious agencies in the field in its recognition of the importance of data like these and its attempts to improve them. The courts both state and federal, do much worse. And beyond failings in one or another part of the system, there's the loss of information from the fact that these data are collected by separate agencies for separate purposes.

Putting all the collection and analysis functions in one place doesn't exactly promise to solve the crime data problem completely. There's hardly a socioeconomic indicator in general use, from the unemployment rate to the Consumer Price Index, that doesn't operate on its share of dubious assumptions and unsuitable categories. And in the field of crime there are special obstacles to coming up with reliable and agreed-upon measurements. The crimes we want to measure are, after all, secret. And as for the behavior of our public agencies, there will continue to be fundamental political disagreements about how we should talk about and judge their performance.

But the federal government has a pretty good record in its pursuit of certain kinds of aggregate information about this society, and the field of criminal justice could clearly use some more of that kind of effort. It will be a good thing if the Attorney General's preliminary approval finally bears fruit.

---

[From the Philadelphia Bulletin, Aug. 25, 1977]

#### BELL SUPPORTS—A BETTER CRIME COUNT

In spite of public concern and political furor about crime in the United States, our national government has been curiously laggard about pulling together the best statistics possible to measure crime accurately and to record what is done to combat it.

So it's welcome news that U.S. Attorney General Griffin Bell is moving to create a new bureau of criminal justice statistics within the Justice Department. This would eventually take over the statistical work being done by the Federal Bureau of Investigation, the Law Enforcement Assistance Administration and numerous other units.

Those now compiling different sets of figures come at crime problems from different angles, using different methods, and sometimes with different bureaucratic axes to grind.

\* \* \* a central agency that would throw more light on the whole justice process, the volume of crime, arrests, prosecutions, convictions, sentences, prison terms, paroles and all the rest of it. If the country could see more than separate bits and pieces of the crime and corrections picture, more could be done to improve it.

Whether the Justice Department is the best place for a unified crime statistics bureau is open to debate. Possibly it would not be independent enough or broad enough in its coverage. But it could be made so, and better in Justice than nowhere. Attorney General Bell by his favorable response to the work of a

study group that antedated this administration has acted to make a good idea a reality.

The White House and Congress eventually will have to give their support if Mr. Bell's first move toward better crime records is to be made effective. We hope for steady progress from here on.

---

[From the Sun, Sept. 2, 1977]

#### CRIME STATISTICS

Attorney General Griffin Bell has given the go-ahead to a plan to expand and improve the collection of crime statistics at the federal level. The idea to do that is an old one, recommended by various individuals and groups over the past several years. The rationale for a "bureau of crime statistics" in the Justice Department is similar to the one for the Labor Department's Bureau of Labor Statistics. Only with reliable, comprehensive and comparable nationwide statistics on a social phenomena can government officials formulate policies and programs to combat social ills.

The Federal Bureau of Investigation already collects crime figures nationwide, and these are useful. The FBI is due credit for pioneering in the field of uniform crime statistics. But its statistics are hardly comprehensive. They deal only with seven specific crimes. There are many other crimes law enforcement policy-makers need to know about. Also, the FBI crime statistics deal only with crimes reported to police departments; more crimes go unreported than are reported. And a final weakness is that the FBI statistics don't provide enough data on the criminal, either before commission of the crime or after.

Some of the lacks in the FBI statistics are filled by other agencies. There are some 17 federal organizations collecting some 54 sets of statistics relating to justice and crime. But some statistical data that would help decision-makers are not being systematically collected. The proposed new agency would bring existing organizations together and develop a comprehensive program for data-collection.

Several years ago a commission studying crime in this country concluded that the system of collecting statistics on crime wasn't even adequate for "the horse and buggy age." A centralized bureau would bring it into the computer age, and it is high time this was done.

---

[From the Washington Post, Aug. 28, 1977]

#### COUNTING CRIME

When the Justice Department was set up in 1870, Congress directed the Attorney General to report annually on the extent and nature of crime. The effort was soon abandoned because the Justice Department did not have adequate data. A century later the situation is essentially the same: The government still cannot produce a comprehensive reliable report on crime and law enforcement for the country as a whole. Worse, the Justice Department cannot even track federal offenders easily through the criminal-justice process from indictment to parole.

There is no shortage of statistical programs and reports, but they are fragmented and often inconsistent or confusing. In one classic case, the FBI reported a while ago that crime was still increasing, while the Law Enforcement Assistance Administration said that crime was leveling off or decreasing. The FBI was talking about crimes known to the police; LEAA was measuring crimes known to victims. Because the two efforts were not coordinated, the public got confused, and an important message—that more crime is apparently being reported—largely got lost.

Attorney General Griffin Bell is trying to end such difficulties by creating a single bureau of criminal-justice statistics to consolidate the work now being done by the FBI, LEAA and other agencies. The concept is not new; it was proposed by the Wickersham Commission on law enforcement in 1931 and has been recommended in several major studies in the past decade. Until recently, though, the technical and—even more—the bureaucratic obstacles have been too formidable. Now, however, resistance from the agencies involved, especially the FBI, has been overcome. FBI Director Clarence M. Kelley told a conference of state and local statistical experts in June that he accepted the notion of consolidation "matter of factly" because the need for comprehensive criminal-justice statistics "is so compelling" and the technological, economic and managerial arguments are so strong.

The plan now being refined by the Justice Department builds on studies fostered by the Ford administration, notably former Deputy Attorney General Harold R. Tyler Jr. The new agency will have two major functions: to improve statistics about the federal criminal-justice system, and to collate and analyze law-enforcement data compiled by the states. The aim is not to replace state programs but, in many cases, to catch up with them and, in the process, to make crime statistics generally far more accurate, timely and complete. The results could be not just better reports, but a much better understanding of the workings—and weaknesses—of the whole process of fighting crime. This is one bureaucratic reorganization that could really make a difference. Mr. Bell should persevere.

---

[From the Roanoke Times & World-News]

#### GRIFFIN BELL'S BETTER IDEA

For all the talk from the federal government about crime in the past 20 years, the government knows little more about it now than it did then. Atty. Gen. Griffin Bell says he will now do what should have been done long ago: Establish a Bureau of Criminal Justice Statistics.

Almost the only source of crime statistics for the past 40 years has been the Federal Bureau of Investigation (FBI) reports. They are pretty good in counting up the number and kinds of crime, and when and where they took place, but almost non-existent on the causes of crime (if that elusive knowledge can even be discovered with relative certainty.)

The FBI reports have not remained consistent from year to year—and exactness of method is essential. For years some localities did not cooperate; in other years, the figures seemed susceptible to the zeal of local police chiefs and sheriffs to look good—or even look bad if more appropriations were desired. Former Atty. Gen. John Mitchell doctored the front page of one year's FBI annual report so as to make President Nixon look good. (Mr. Mitchell is now a crime statistic; in prison for Watergate.)

Mr. Bell should be commended. He should consider the wisdom of placing in the top echelon a control section composed of first-rate statisticians who are not psychologists, sociologists, lawyers, judges, policemen or others with a bent towards favorite solutions. This section should guard the statistical accuracy, completeness and relevance of all reports that go out of the bureau. The section should be given, or achieve, the kind of scholarly firmness that has given the U.S. Census Bureau a good reputation.

A logical place for the Bureau of Criminal Justice Statistics would seem to be the Law Enforcement Assistance Administration (LEAA). The LEAA seems, however, to have such a bent for boondoggling as to have brought recommendations for its dismantling. The Bureau of Criminal Justice Statistics deserves a firm, permanent place in the scheme of things.

---

[From the Atlanta Journal, Aug. 31, 1977]

#### CRIME STATISTICS

Generally we're opposed to the creation of new agencies and organization within government because too often they merely represent a proliferation of the bureaucracy.

But the move by Atty. Gen. Griffin Bell to create a Bureau of Criminal Justice Statistics is one that is long overdue. It is an idea that has been proposed many times. But Bell is the first attorney general to do something about it.

Just as you can prove anything you want to prove with figures, it follows that you can do the same thing with statistics. Indicative of this is that 17 departmental units produce 54 different sets of statistics dealing with crime or crime-related topics.

Further, statistics are no better than their input. If faulty material is used, the answer itself is going to be faulty. And with divergent agencies generating their own set of statistics, those products can be subject to various interpretations.

It is acknowledged that for decades the federal government has produced no reliable measurement of crime in the nation. And it is easy to see why. What i

not so easy to see, is why Bell's predecessors failed to take positive action to remedy the situation.

In any event, Griffin Bell has taken the step to provide centralized direction and authority over the preparation of crime statistics. Once the job is done, we should have a better view of where we stand in terms of crime. And from that vantage we can better judge what corrective action is needed and where and in what amount.

---

[From the Evansville Courier, Aug. 23, 1977]

#### CRIME STATISTICS UNIT A WORTHWHILE PROPOSAL

After ignoring exhortations by searchers and others for more than a century, the federal government is moving to pull together its disappointed sets of figures on crime.

Atty. Gen. Griffin Bell is seeking—and fragmentation of effort in the Justice Department's compilation and analysis of crime figures by creating a new Bureau of Criminal Justice Statistics.

In so doing, Bell is responding to what critics have described as the Department's "horse and buggy system" of collecting crime figures. The agency he is proposing could give the public and government officials to all levels important information about crimes trends and fresh insight about the causes of crime and ways to combat it.

The new agency would take over the crime statistics work of the FBI, the Law Enforcement Assistance Administration and a host of separate Department Offices.

SEVENTEEN DEPARTMENT units currently produce 54 different sets of statistics dealing with crime, the courts, prosecutors, prisons or other aspects of the criminal justice system.

Justice Department officials and private researchers long have maintained that the criminal records-keeping practices of the government have frustrated efforts to paint a reliable picture of crime in America.

"Nationwide information about crime is so fragmented, unreliable and varied that it is impossible to state, with any degree of confidence, conclusions about the state of the nation's crime problem," according to a recent staff report.

Ten years ago, a presidential commission said crime figures were collected through a "system that was less than adequate in the days of the horse and buggy."

BEST-KNOWN STATISTICS are those published in the FBI's annual and quarterly figures on the numbers of crimes reported to state and local police. But those reports include only seven crime categories—murder, rape, assault, robbery, burglary, larceny and motor vehicle theft. They say nothing about white-collar offenses and numerous other crimes.

LEAA sponsors regular polls of citizens to determine how many have been victims of what kinds of crimes. But those reports say nothing about who is committing the crimes and whether they were arrested and convicted.

It will take new legislation from Congress before the new bureau could take over the Justice Department's crime statistics work and go into full operation. Coordination of such information is badly needed. New bureaus don't necessarily solve problems but Congress should give this proposal a good look.

---

[From the Sacramento Bee, Aug. 3, 1977]

#### ACCURATE STATISTICS ON CRIME

The United States, through the Bureau of Labor Statistics, carefully collects national statistics on the cost of living and unemployment, so it should make an equally methodical effort to gather data on another phenomenon that has severe social and economic consequences.

We refer to crime and Atty. Gen. Griffin Bell agrees. He is creating a separate, independent Bureau of Criminal Justice Statistics to replace a much-criticized older system of gathering national crime statistics—a system linked by some skeptics to election-year politics and police budget requests.

Bell would take the job of gathering and interpreting crime statistics out of the hands of the FBI and place it in the new bureau.



It would cover not only the FBI's well-known Uniform Crime Reports, but also the statistics work of the Law Enforcement Assistance Administration and several other offices.

Currently about 17 department units produce 54 different sets of statistics dealing with crime, the courts, prosecutors, prisons or other aspects of the criminal justice system.

The Office of Management and Budget has estimated that the Justice Department now spends \$40 million a year on its statistical program.

For this amount of money the federal government can do a better job of reporting crime statistics than has been done and is being done.

Of course, removing the crime reporting function from the FBI and LEAA will bother officials who think that such a function is important in the organizations' relationship with state and local police. The FBI and LEAA want to be seen as supportive in every way they can of state and local police because they rely so heavily on them for many things, including information.

Since accurate statistics are essential for deciding on basic policies in the criminal justice system as they are for determining national economic policy, the move to establish an independent agency for crime statistics should be made.

And the crime statistics will be more believable if they are collected and analyzed by an agency with no direct role in law enforcement.

---

[From the New York Times, Sept. 10, 1977]

#### FUZZY CRIME STATISTICS

(By Richard Lyons)

WASHINGTON.—The national crime rate takes as many twists and turns as the Dow-Jones Industrial Average. It may be up, down or sideways, depending on the perceptions and prejudices of both the compilers and the beholders, and almost any interpretation can be justified because the collection of crime statistics throughout the country is acknowledged to be a mess by almost everyone in law enforcement and the administration of justice. Former Attorney General Edward H. Levi stated last year that national crime data was of questionable validity, and his successor, Griffin B. Bell, now is attempting to do something about it.

On Mr. Bell's order, the Justice Department is hatching a plan that would, if implemented, seek not only to find out in precise detail what crimes are committed, where, when and by whom, but also to interpret the information in ways that would help detect trends and use them in preventing crime. The proposal for an agency to collect and analyze data about crime is hardly new. As long ago as 1870 a provision calling for such an office was contained in the act that established the Justice Department, and in the ensuing century a dozen Federal and private commissions and committees have recommended a Federal crime data agency similar to the national Center for Health Statistics, created in 1960.

The main concerns of the attorney who run the Justice Department, which itself has been described as "one big law firm," have been to draft legislation, interpret laws and prosecute violators, not to gather statistical data and certainly not to try to analyze it. The inexact science of criminology itself is relatively new and its theoretical segment has yet to penetrate the Federal bureaucracy.

But the biggest deterrent to the creation of a crime statistics agency has been the inaccuracy of the data itself. The F.B.I.'s annual report, "Crime in the United States," is merely a compilation of serious crimes submitted to the bureau by the nation's 11,000 local police agencies. Most attention is paid to seven categories: murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and auto theft. The numbers themselves represent only those occasions when a citizen has chosen to tell the police that he has been victimized and when the local police department in turn has chosen to relay this information to the bureau.

The F.B.I.'s annual report is considerably distorted by the gross underreporting of crime to the police. Recent surveys conducted by the Census Bureau for the

Justice Department estimate that for each serious criminal act that is reported, two or three others are not, in part because the victims believe it is futile to file complaints.

Another omission of the bureau's reports is their lack of attention to so-called white-collar crime. They do not include such criminal acts as a politician taking a bribe, a merchant cheating a customer, a lawyer swindling a client, or a physician injuring a patient while drunk. In any case, the police never learn about many white-collar crimes. It has been estimated, for example, that 90 percent of crimes involving computer manipulations are never reported.

Even murders sometimes go unreported because they are known only to the perpetrator. In three now widely-publicized cases in recent years murderers in Houston, Los Angeles, and Vacaville, Calif., are believed to have killed a total of about 100 persons although the local police forces had been unaware of many of the slayings for years.

Even the definition of crimes can help fudge the numbers. Purse-snatching can be classed as either a robbery or a larceny, and a punch in the nose can be counted as an aggravated or a simple assault depending on motive.

Complicating the criminal numbers game in the variety of agencies playing it, even in the Justice Department. One departmental report notes that in the current fiscal year the department "will spend \$64.1 million supporting 54 systems and programs located in 17 different divisions, bureaus, boards, etc., which produce, or are readily capable of producing, general purpose statistical series or which support the development of such programs at the state level."

The author of this report, Dr. Harry A. Scarr, a sociologist and administrator of the Federal Justice Research program, is critical of the present criminal data system and wants to change and amplify it. He says there is a need to improve the present system to the point at which a statistically valid "crime indicator" can be produced in much the same fashion as the statistics on the gross national product, consumer prices and unemployment.

"You can more intelligently combat crime if you know more accurately the size of the problem at hand by obtaining the best information possible and depoliticizing it," he says. "If crime of a certain kind is increasing in a certain region, certain policies can be adopted to fight it."

One method that could produce better numbers would expand the five-year-old National Crime Panel Survey, which interviews a sampling of citizens through polling techniques to find out if they have been victimized, under what conditions and whether the crimes have been reported to the police. This is an outgrowth of the Census Bureau's original survey, taken in 1970, which detected an enormous reservoir of unreported crime.

Dr. Scarr stressed that an equally important objective of a national crime data agency would be compiling statistics on the results of crime, especially on how charges are disposed of by the criminal justice system. At present there is no cohesive data about the numbers of crimes resulting in prosecutions, much less on convictions, sentences, time served in prison and recidivism.

"The data is going along different tracks. We need to unify the collection system, make it more accurate and include statistics from our courts and prisons," he says. "Right now almost all the time spent on crime data is devoted to gathering it, no one digests it and we do not know what a lot of it means."

---

[From the Chicago Tribune, Aug. 26, 1977]

#### DO WE REALLY NEED MORE CRIME DATA?

Crime has gotten so bad that the United States now needs to separate bureaucracy to maintain the body count.

The figures either went up or down or remained constant.

However, the slightest fluctuation was enough to provoke an outpouring of pride or condemnation from those in charge of the nation's burgeoning law enforcement apparatus, depending on which way the figures moved.

And, just like the weather, politicians often talked about the crime statistics, especially at election time, but did very little about them.

Now, Atty. Gen. Griffin Bell has decided to give the oracles of government something into which they really can sink their indignant teeth.

He has announced his intention to create a Bureau of Criminal Statistics that presumably will give the citizenry the latest word each year about what must already be obvious to them:

That it isn't safe to walk many streets at night and that sometimes it is equally dangerous to stroll them by day.

There is almost a masochistic flavor to Bell's proposal.

It is like telling the people to keep count of how many times they have been stabbed because they can't tell how badly they have been stabbed until they count the wounds.

By then, the victim probably is dead as will be American society unless somebody starts doing something about making criminals pay for their antisocial misdeeds.

That, actually, is the most significant bottom line of any statistical study of crime in America.

And it probably is the most disconcerting figure of them all to citizens, who only have to read their newspapers or listen to TV to determine for themselves that more guilty criminals are beating the American criminal justice system than are feeling its sting.

One wonders is the money to be spent hiring more people to keep a numerical tab on crime could not be better applied putting criminals in jail instead of telling the American public just how bad things are on their streets.

They know that. And it hurts enough already. What they want is results. Not more figures.

Reports say the attorney general is creating the new agency to replace a "horse and buggy" system of recording crime.

Traditionally, the crime statistics with which most Americans are familiar are those compiled by the FBI. They are based strictly on what state and local police tell the government.

And there have been times when people were not willing to totally vouch for their accuracy because of so many hands and so many partisan interests being involved in assembling the data in so many communities.

Now, Atty. Gen. Bell wants to relieve the FBI of that responsibility along with 16 other departments of government that have been grinding out different sets of statistics on crime, the courts, prosecutors, prisons, and other facets of the criminal justice system.

That's wonderful, if the new agency will eliminate possible duplication of effort and assure greater accuracy.

However, what disturbs us is the concept of investing considerably more sums of tax money to tell the American people what they already know.

At what point, I wonder, do these figures become valuable? At what stage does their meaning get translated into action?

Does the President of the United States suddenly announce one day that all 220 million Americans are under house arrest for 30 days because the crime statistics have become so staggering?

Those whose profession it is to compile data about crime will tell you that their handiwork has been invaluable to communities wanting to dip into the federal treasury in search of cash with which to buy more police radios or paddy wagons.

Usually, they can claim their statistical assault on crime has prevented crime from getting worse in some part of town. But rarely can they produce evidence their efforts have reduced crime because their own figures generally indicate things are getting worse.

For several decades, the public has been fed criminal statistics which have been dutifully read and commented upon.

It is obvious, however, that certain segments of the American judiciary have not done the same because too few criminals continue going to jail for too little time.

As for the police, they are so overwhelmed by crime that they have little time to read their own depressing statistics, even after they have been distillated by the federal bureaucracy.

In this computerized and technologically sophisticated society, statistics have become the bane of taxpayers and a boon to bureaucrats. They perpetuate a legion of government workers.

But they serve merely to befuddle citizens who can't quite grasp why they should bankroll another bureaucracy so that Uncle Sam can tell them what any fool already knows is the reality of urban America.

So pray that this latest scheme doesn't prove to be another multi-million dollar boondoggle with a cast of hundreds, all firmly entrenched by civil service and dedicated to producing bigger and better columns of depressing and perhaps redundant statistics.

[From the New York Times, Oct. 1, 1977]

### BELL PLANS TO FORM CRIME DATA BUREAU

#### HE ACTS TO JOIN STATISTICAL DUTIES OF FRAGMENTED DEPARTMENT UNITS

WASHINGTON, Aug. 21.—Attorney General Griffin B. Bell has taken steps to create a new bureau of criminal justice statistics to replace a fragmented and much-criticized system of measuring crime in the nation.

The new Justice Department agency would take over the crime statistics work of the Federal Bureau of Investigation, the Law Enforcement Assistance Administration and several other department offices.

Various commissions and study groups have proposed the idea in one form or another for more than 100 years. But Mr. Bell has become the first Attorney General to take steps to accomplish it.

The project could give the public and government officials at all levels important information about crime trends and fresh insight about the causes of crime and ways to combat it.

Currently, about 17 department units produce 54 sets of statistics dealing with crime, the courts, prosecutors, prisons or other aspects of the criminal justice system.

The best-known statistics are F.B.I.'s annual and quarterly figures on the number of crimes reported to the state and local police. But those reports include only seven crime categories—murder, rape, assault, robbery, burglary, larceny and motor vehicle theft. They tell nothing about white-collar offenses and numerous other crimes.

The Law Enforcement Assistance Administration sponsors polls of citizens to determine how many have been victims of what kinds of crimes. But those reports say nothing about who is committing the crimes and whether the suspects were arrested and convicted.

Department officials and private researchers have complained for decades that the Government produces no reliable measurement of crime in the nation. Ten years ago, a Presidential commission said that crime figures were collected through a "system that was less than adequate in the days of the horse and buggy."

Under the direction of Dr. Harry A. Scarr, a department review group has been drafting plans to combine all the statistical functions in one agency.

In 1975, Dr. Scarr and his staff have been working since 1975 on a proposal that was presented to Mr. Bell shortly after the Attorney General took office in January. In a memorandum on July 26, Mr. Bell authorized the staff "to assume primary responsibility for the creation of a central statistical capability for the department."

In an interview, Dr. Scarr said that the new bureau could begin limited operations early next year if Mr. Bell approved final details. Before the bureau could take over the Department's crime statistics work and go into full operation, however, Congressional legislation would be needed. Dr. Scarr said that he hoped a complete proposal could be presented next spring to the Office of Management and Budget so as to be included in the Department's budget request for the fiscal year 1980.

He said that the cost of the statistics bureau in its first year would probably not exceed the estimated \$40 million the department now spends on collecting various crime statistics and financing state crime statistics programs. Under the proposal, the new bureau would coordinate its efforts with the state programs and would continue to finance them partially.

The plan may have a better chance of success than previous ones because some past opposition seems to be disappearing. Jurisdictional disputes among the affected agencies, notably the F.B.I., has hampered the effort to form a central statistics bureau. But Clarence M. Kelley, the Director of the F.B.I., recently endorsed the plan in a speech to state and local officials who gather the statistics for his bureau's crime reports.

[From the Times-Picayune, Aug. 22, 1977]

### BELL CREATING BUREAU TO GATHER CRIME DATA

WASHINGTON.—Atty. Gen. Griffin Bell is creating a new Bureau of Criminal Justice Statistics to replace a much-criticized "horse and buggy" system of measuring crime in the nation.

The new Justice Department agency would take over the crime statistics work of the FBI, the Law Enforcement Assistance Administration and several other department offices.

Various commissions and study groups have proposed the idea in one form or another for more than 100 years. But Bell has become the first attorney general to take steps to accomplish it.

The project could give the public and government officials at all levels important information about crime trends and fresh insight about the causes of crime and ways to combat it.

Currently, about 17 department units produce 54 different sets of statistics dealing with crime, the courts, prosecutors, prisons or other aspects of the criminal justice system.

The best-known statistics are the FBI's annual and quarterly figures on the number of crimes reported to state and local police. But those reports include only seven crime categories—murder, rape, assault, robbery, burglary, larceny and motor vehicle theft—and say nothing about white-collar offenses and numerous other crimes.

LEAA sponsors regular polls of citizens to determine how many have been victims of what kinds of crimes. But those reports say nothing about who is committing the crimes and whether they were arrested and convicted.

Department officials and private researchers have complained for decades that the government produces no reliable measurement of crime in the nation. Ten years ago, a presidential commission said crime figures were collected through a "system that was less than adequate in the days of the horse and buggy."

"Nationwide, information about crime is so fragmented, unreliable and varied that it is impossible to state, with any reasonable degree of confidence, conclusions about the state of the nation's crime problem," said a department staff report on the problem.

Without reliable and comprehensive crime statistics, "any overall effort to control crime must base its strategy on hunch, opinion, prejudice, and occasional fragments of information totally inadequate to the magnitude of the problem," the report continued.

Under the direction of Dr. Harry A. Scarr, a department review group has been drafting plans to combine all the statistical functions in one agency.

In a recent speech, Scarr noted that Congress in 1870 asked the attorney general for annual reports on the nation's crime problem. Three years later, "that effort was abandoned because the attorney general reported he was unable to collect the data to include in such a report," Scarr said.

The proposal has surfaced periodically since then, but has never gotten very far.

But in 1975, Scarr and his staff began work on a fresh proposal and presented it to Bell shortly after he took office in January.

In a memo July 26, Bell authorized the staff, "to assume primary responsibility for the creation of a central statistical capability for the department.

In an interview, Scarr said the new bureau could begin limited operations early next year if Bell approves final details.

But it will take new legislation from Congress before the bureau could take over all the department's crime statistics work and go into full operation.

Scarr said he hopes a complete proposal could be presented next spring to the Office of Management and Budget to be included in the department's budget request for the 1980 fiscal year.

He said the cost of the statistics bureau during its first year, probably would not exceed the estimated \$40 million the department already spends on collecting various crime statistics and financing state crime statistics programs.

Under the proposal, the new bureau would coordinate its efforts with the state programs and would continue to finance them partially.

The plan may have a better chance of success now because some past opposition seems to be disappearing. Political turf-battling among the affected agencies, notably the FBI, has hampered the effort to form a central statistics bureau.

But FBI Director Clarence M. Kelley recently endorsed the plan in a speech to state and local officials who gather the statistics for the FBI crime reports.

"I accept this notion of consolidation matter-of-factly, without tremor or alarm, because the need for comprehensive criminal justice statistics is so compelling," Kelley said. "Unfortunately, the peculiar chemistry necessary for such a concept to burst into life has not been present. I, for one, feel that the time is now ripe for its growth."

In their report, Scarr and his staff noted that the FBI statistics and other current data lack credibility because the figures are collected by law enforcement agencies. Police chiefs have been suspected of doctoring their crime figures to ensure a bigger police department budget, for example.

Crime statistics will be more believable if they are collected and analyzed by an agency with no direct role in law enforcement, the Scarr report maintained.

[From the Augusta Kennebec Journal, Aug. 22, 1977]

### CRIME STATISTICS: "HORSE AND BUGGY" DAYS OVER?

(By Margaret Gentry)

WASHINGTON (AP).—Atty. Gen. Griffin Bell is creating a new Bureau of Criminal Justice Statistics to replace a much criticized "horse and buggy" system of measuring crime in the nation.

The new Justice Department agency would take over the crime statistics work of the FBI, the Law Enforcement Assistance Administration and several other department offices.

Various commissions and study groups have proposed the idea in one form or another for more than 100 years. But Bell has become the first attorney general to take steps to accomplish it.

The progress could give the public and government officials at all levels important information about crime trends and fresh insight about the causes of crime and ways to combat it.

Currently about 17 department units produce 54 different sets of statistics dealing with crime, the courts, prosecutors, prisons or other aspects of the criminal justice system.

The best-known statistics are the FBI's annual and quarterly figures on the number of crimes reported to state and local police. But those reports include only seven crime categories—murder, rape, assault, robbery, burglary, larceny and motor vehicle theft—and say nothing about white-collar offenses and numerous other crimes.

LEAA sponsors regular polls of citizens to determine how many have been victims of what kinds of crimes. But those reports say nothing about who is committing the crimes and whether they were arrested and convicted.

The Department officials and private researchers have complained for decades that the government produces no reliable measurement of crime in the nation. Ten years ago, a presidential commission said crime figures were collected through a "system that was less than adequate in the days of the horse and buggy."

"Nationwide information about crime is so fragmented, unreliable and varied that it is impossible to state, with any reasonable degree of confidence, conclusions about the state of the nation's crime problem," said a department staff report on the problem.

Without reliable and comprehensive crime statistics, "any overall effort to control crime must base its strategy on hunch, opinion, prejudice, and occasional fragments of information totally inadequate to the magnitude of the problem," the report continued.

Under the direction of Dr. Harry A. Scarr, a department review group has been drafting plans to combine all the statistical functions in one agency.

In a recent speech, Scarr noted that Congress in 1870 asked the attorney general for annual reports on the nation's crime problem. Three years later, "that effort was abandoned because the attorney general reported he was unable to collect the data to include in such a report," Scarr said.

The proposal has surfaced periodically since then, but has never gotten very far.

But in 1975, Scarr and his staff began work on a fresh proposal and presented it to Bell shortly after he took office in January.

In a memo July 26, Bell authorized the staff "to assume primary responsibility for the creation of a central statistical capability for the department."

In an interview, Scarr said the new bureau could begin limited operations early next year if Bell approves final details.

But it will take new legislation from Congress before the bureau could take over all the department's crime statistics work and go into full operation.

Scarr said he hopes a complete proposal could be presented next spring to the Office of Management and Budget to be included in the department's budget request for the 1980 fiscal year.

He said the cost of the statistics bureau, during its first year, probably would not exceed the estimated \$40 million the department already spends on collecting various crime statistics and financing state crime statistics programs.

Under the proposal, the new bureau would coordinate its efforts with the state programs and would continue to finance them partially.

The plan may have a better chance of success now because some past opposition seems to be disappearing. Political turf-battling among the affected agencies, notably the FBI, has hampered the effort to form a central statistics bureau.

But FBI Director Clarence M. Kelley recently endorsed the plan in a speech to state and local officials who gather the statistics for the FBI crime reports.

"I accept this notion of consolidation matter-of-fact, without tremor or alarm, because the need for comprehensive criminal justice statistics is so compelling," Kelley said "Unfortunately, the peculiar chemistry necessary for such a concept to burst into life has not been present. I, for one, feel that the time is now ripe for its growth."

In their report, Scarr and his staff noted that the FBI statistics and other current data lack credibility because the figures are collected by law enforcement agencies. Police chiefs have been suspected of doctoring their crime figures to ensure a bigger police department budget, for example.

Crime statistics will be more believable if they are collected and analyzed by an agency with no direct role in law enforcement, the Scarr report maintained.

---

[From the Chicago Tribune, Aug. 22, 1977]

#### BELL UPDATES CRIME DATA UNIT

WASHINGTON (AP).—Atty. Gen. Griffin Bell is creating a Bureau of Criminal Justice Statistics to replace a much-criticized "horse and buggy" system of recording crime.

The new Justice Department agency would take over the crime statistics work of the FBI, the Law Enforcement Assistance Administration, and several other department offices.

Various commissions and study groups have proposed the idea in one form or another for more than 10 years. But Bell has become the first attorney general to take steps to consolidate the agencies.

The project could give the public and government officials important information about crime trends, and an insight to the causes of crime and ways to combat it.

There are now 17 department units producing 54 different sets of statistics concerning crime, the courts, prosecutors, prisons, and other aspects of the criminal justice system.

The FBI's annual and quarterly figures on the number of crimes reported to state and local police are the best-known. But those reports include only seven crime categories—murder, rape, assault, robbery, burglary, larceny, and motor vehicle theft. They tell nothing about white-collar offenses and numerous other crimes.

The LEAA sponsors regularly poll citizens to determine how many have been victims of various crimes. But those reports say nothing about who is committing the crimes and whether they were arrested and convicted.

Department officials and private researchers have complained for decades that the government produces no reliable measurement of crime in the nation. Ten years ago, a presidential commission said crime figures were collected through a "system that was less than adequate in the days of the horse and buggy."

Under the direction of Dr. Harry A. Scarr, a department review group has been drafting plans to combine all the statistical functions into one agency.

Scarr said the new bureau could begin limited operations early next year if Bell approves final details.

It will take new legislation from Congress, however, before the bureau can take over all the department's crime statistics work.

---

[From the Daily Oklahoman, Aug. 11, 1977]

#### WHITE-COLLAR CRIME DATA UNIT NEARING

(By Mick Hinton)

White-collar crime is on the increase, and a U.S. Justice Department official, speaking in Oklahoma City Wednesday, noted that Atty. Gen. Griffin Bell is urging the department to keep better track of civil cases involving such crime on a national scale.

Since Bell has been attorney general, the same amount of statistics on civil matters has been collected as on criminal matters, said Dr. Harry Scarr on Wednesday.

Scarr has been ordered by Bell to come up with a bureau of justice statistics within the Department of Justice.

"The attorney general on July 26 asked our office to proceed to create a central justice statistical capability in the Department of Justice," Scarr said.

Scarr said a problem has been that the right hand doesn't always know what the left hand is doing.

He cited differing reports by two agencies, both under the Department of Justice.

"National figures collected by the Uniform Crime Reports of the FBI indicate that crime is continuing to increase."

At the same time, "the Law Enforcement Assistance Administration indicates that crime has leveled off and in some instances has declined. Confusion exists as to which should be believed."

Scarr hopes the centralized system his office is working on will alleviate that problem and that crime statistics will be more available and accurate.

He complimented the representatives attending the Criminal Justice Statistics Association, Inc., semi-annual meeting. Most of those attending are directors of crime statistical analysis centers throughout the United States.

"The fact is there is no federal statistical analysis center with the scope of any of your operations," he said.

These state centers collect and analyze crime data for the benefit of law-enforcement officials throughout the country.

Scarr's agency has completed most of the research for implementing the bureau of justice statistics, but he doesn't expect that it will become a reality "until late 1979."

His next project for the Justice Department will be collecting and analyzing statistics which will be used in coming up with plans for uniform sentencing nationwide.

#### ADMINISTRATION OF JUSTICE

##### F.B.I., L.E.A.A. MAY LOSE DATA CHORES

Is crime increasing? Does rehabilitation work? How fast is the amount of civil litigation snowballing? Answers abound, but they often disagree. And even the legal profession can be confused by the myriad statistics supporting opposing views.

But gears could start turning by the end of July to upgrade credibility and usability of national crime and justice statistics emanating from the Department of Justice.

Attorney General Griffin B. Bell now is reviewing proposals for an independent information systems to collect and interpret data on both civil and criminal justice.

The reliability of such venerable statistical programs as the Federal Bureau of Investigation's Uniform Crime Reports occasionally has been questioned. Recent



release by the Law Enforcement Assistance Administration of reports on crime-victimization surveys has renewed interest in the issue.

The L.E.A.A. showed no significant increase in crime for 1974 or 1975. But the Uniform Crime Reports showed hikes of 16.7 percent in 1974 and 8.9 percent in 1975.

If Bell opts for a new service, it is almost certain to take on both F.B.I. and L.E.A.A. statistical functions. A Justice Department spokesman says the approach favored by the Office for Improvements in the Administration of Justice would encompass the Uniform Crime Reports, victimization surveys, and other department data services.

The ideas are not new with the Carter administration. Suggestions for a separate criminal-statistics office, either within the Justice Department or totally independent, have cropped up occasionally since the 1930s.

The ideas have finally become blueprints, and it appears a new information source is at hand.

Whether the data it produces will actually be clearer, more consistent, and more credible remains to be seen.

#### BELL APPROVES NEW CJ STATISTICS UNIT

Attorney General Griffin B. Bell has approved creation of a central statistical unit for the Department of Justice.

He said the Office for Improvements in the Administration of Justice (OIAJ) will assume primary responsibility for developing this unit.

Assistant Attorney General Daniel J. Meador, who heads OIAJ, said:

"The development of a central, effective statistical agency for both criminal and civil justice is long overdue.

"The need for such a capability has been widely recognized for many years and has been repeatedly recommended for more than 40 years.

"We can move quickly on this project because the Attorney General has decided that a report submitted by our Office should serve as the basis for designing the bureau."

Comments Sought. Meador said he hoped to have the comments of all interested federal agencies by the end of September and those of outside experts by the end of October.

"We will then move as quickly as possible to put our recommendations in final form," Meador said.

"Dr. Harry Scarr, of our Office, will direct the development of this agency."

Dr. Scarr directed the staff work of the task force that produced the preliminary plans for a Bureau of Justice Statistics. He is the administrator of the department's Federal Justice Research Program.

Currently, some 54 sets of statistics are being produced by 17 different areas of the Department, including the Federal Bureau of Investigation, the Law Enforcement Assistance Administration, the Drug Enforcement Administration, the Immigration and Naturalization Service and the Bureau of Prisons.

Meador said the statistical unit was expected in its first year of operation to have a budget that would not exceed the \$40 million the Department now spends annually gathering statistics. The development of the new unit, he added, would be closely coordinated with the Administration's reorganization effort.

Contact Dr. Scarr c/o the OIAJ, Department of Justice, Washington, D.C. 20530.

[From the Philadelphia Bulletin, Sept. 7, 1976]

#### IF WE KNEW MORE—WE COULD MOVE ON CRIME

A group in the Department of Justice is still plugging away at the idea of setting up a semi-independent Bureau of Criminal Justice Statistics.

It would collect, the Wall Street Journal reports, data now gathered by the Federal Bureau of Investigation, the Law Enforcement Assistance Administration, the Bureau of Prisons and other Justice Department divisions, by other government departments and courts, and by state and local crime units.

This is not a young idea but a middle-aged one. It is such a good one that it persists in spite of the fact that it hasn't been put into effect.

One reason has been the long domination of the FBI, a pioneer on crime figures. There's always bureaucratic wrangling over the best way to set up any-

thing new. Also, we'd add, care has to be taken these days to avoid misuses in centralizing any information that might affect the lives and reputations of people.

But we are talking about statistics and analysis, not dossiers, and it seems quite sensible for the United States to pull together figures in the field of criminal justice as effectively as it takes a census, or compiles crop yields, or produces the data on how business and labor are doing.

Such figures are used in research and help to guide us in dealing with our problems—of which crime is certainly one the biggest, if not the best reported.

This is not just arrest figures we're talking about but court, probation, and parole statistics. It would include numbers and dispositions of cases, supplemented by such checks as surveys of insurance claims and crime victim surveys.

That was the idea, anyhow, that was advanced almost 10 years ago by President Johnson's Commission on Law Enforcement and Administration of Justice. Actually, the idea long precedes that. If the Government can trace a hog from farm to market, it ought to be able to trace crime from the streets through the whole criminal justice system.

And if we really got it all together, just maybe we could figure out some better ways of dealing with our crime problems.

---

[From the Asheville, N.C., Citizen, May 26, 1976]

#### CRIME RATE DIFFERENCE RAISES SERIOUS DOUBTS

Year after year, for what seems a very long time, the FBI's annual report on crime in the United States has brought forth headlines announcing another percentage jump in almost every kind of felony.

It was the same in last year's report of the statistics from 1974, which showed an 18 percent increase in total murders, rapes, robberies, assaults, burglaries, larcenies and vehicle thefts.

Now a report made public Sunday by the government's Law Enforcement Assistance Administration raises questions about the FBI's annual summary, though the LEAA announcement warns about comparisons because of differences in the way the information was collected.

The LEAA report, compiled from a survey of 130,000 people, shows "no significant change" between 1973 and 1974 in the number of rapes, robberies, assaults, house burglaries and vehicle thefts.

Burglaries of business buildings rose 11 percent in that time, however, and "sneak thievery" increased by 16 percent.

Statistics on murder were not included in the new report, since it was made entirely from the responses of living victims.

While the overall crime rate (not counting murder) in the LEAA survey rose 7.5 percent, largely because of more sneak thefts and commercial burglaries, some categories actually showed decreases. Violent crimes against females aged 20-24 declined about 19 percent and against men aged 50-64 about 16 percent.

Since the LEAA warned against comparisons, it is right to keep that qualification in mind. Still, it is sensible to wonder how two surveys by federal law enforcement agencies covering almost the same ground could produce such widely different information.

True, there is a difference in the way it was collected. The FBI's Uniform Crime Report is compiled from case records kept by local and state law units. The LEAA survey went directly to a presumably typical selection of citizens.

There are possible weaknesses in the LEAA survey. Some people might not want to give any information they had on crime for fear of inviting further trouble. And the LEAA has made this survey only once before.

Even so, if we grant the survey is reasonably accurate, this much difference between its findings about crime and those reported by the FBI is enough to make us wonder, if we hadn't before, whether those appalling yearly increases in the FBI statistics are accurate.

The increase in murders in the FBI figures couldn't conceivably be large enough to make the difference between the FBI's 18 percent increase in major crimes and the 7.5 percent rise in total crime reported by the LEAA. Nor could a dramatic decrease in lesser crimes be responsible, since no decrease has taken place.

No one would even suggest that criminal activity might actually show a decline in any future we can foresee. But we are left with the large question whether it is growing by such great statistical jumps as we have grown accustomed to being threatened with every year or whether we are being subjected to a scare treatment for the FBI's purposes.

The LEAA or the FBI ought to explain this further, if they can.

---

[From the Asheville, N.C., Times, June 4, —]

#### RISING CRIME RATE MAY BE OVERSTATED

Annual reports from the FBI present a grim picture of crime in America. Every year the total number of serious crimes reported to local law enforcement agencies increases—by 6 percent in 1973, 18 percent in 1974 and 9 percent last year.

It is estimated that only one-third to one-half of serious crimes are ever reported, so the FBI's numerical increases probably should be multiplied by two or more. At these rates, compounded annually, crime is doubling every several years.

The figures are alarming, and they have helped make crime a major political issue. People are said to be concerned about the growing crime rate, and they are demanding action. Candidates from the presidential level on down are eagerly addressing the problem.

But is the situation really this bad? Several studies have come along recently that suggests both the crime rate and the public's fear of crime are being exaggerated.

One is a Census Bureau survey on the incidence of crime. It differs sharply from the FBI's figures.

In 1973 The Census Bureau began asking people if they had been victimized by crime during the preceding year. Their replies indicated "no significant change" in the number of serious crimes committed in 1974 compared to a year earlier. This was the same year the FBI was recording an 18 per cent increase.

The Law Enforcement Assistance Administration, which commissioned the survey, cautioned against comparing its figures with those of the FBI because of differences in the way the information was collected.

But even allowing for these differences, the survey raises questions about the validity of using crimes reported to police as a measurement of the actual crime rate. One possibility, of course, is that people are becoming less hesitant about reporting crimes. If this is the case, crime may be rising slower than FBI statistics indicate.

What about the growing fear and insecurity that crime supposedly is causing? The Census Bureau also has some useful information here. In another study people were asked to rate their neighborhoods and list major local problems. It turns out that most Americans are quite happy with where they live. The biggest complaint was noise. Crime was far down the list.

Other surveys, especially those of political issues, show that crime is a major concern of many people. But we wonder if it is given equal importance at the everyday, personal level.

In our own poll last week, we asked readers to give us their views on crime, specifically whether they thought the increase in crime was a serious problem. Only seven people responded. A previous poll on the teacher pay issue drew far more interest—about 60 people offered their opinions.

Crime probably is increasing, at least by some degree, and it should not be underestimated as a threat to the public safety. Even at the present level it is a serious problem. But we also should avoid the other extreme. Overstating the threat could prove just as detrimental to our efforts to deal with it.

---

[From the Torrance, Calif., South Bay Daily Breeze, May 30, 1976]

#### KNOW THE ENEMY

About all anyone has been able to say for sure about America's crime problem is that it always seems to get worse.

Now, while controversy continues to rage over crime's cause and cure, a new federal study suggests we may be proceeding from an imperfect understanding of the scope of the crime problem itself.

The Law Enforcement Assistance Administration (LEAA) offers some startling evidence that the crime reports assembled by the Federal Bureau of Investigation (FBI)—the generally accepted barometer of the crime rate—are not telling the full story.

The FBI compiles its statistics from crime reports amassed by state and local police agencies. The LEAA explored the possibility that many crimes are going unreported and enlisted the Census Bureau to try to measure the crime problem from the standpoint of its victims.

Based on interviews in 65,000 homes and 15,000 businesses, the census study indicates there were nearly four times as many serious crimes in 1974 than the FBI had reported—especially robberies, burglaries and other thefts.

On the other hand, the study suggested the crime rate did not increase as much between 1973 and 1974 as the FBI statistics would indicate. As has been suggested in the past, year-to-year differences in the FBI reports might be affected by changes in the reporting systems as well as actual increases or decreases in the number of crimes.

While the contrast between the LEAA findings and the FBI reports point to some confusion in how we measure crime—and the success of efforts to combat it—some conclusions can still be drawn.

For one thing, it is disturbing that many Americans do not report criminal incidents. Whether out of fear, a desire not to get "involved" or a feeling of futility, letting a crime go unreported to the police simply makes a criminal feel more successful and encourages his next offense.

The LEAA has pointed out a failing in public responsibility in attacking the crime problem.

Further, the obvious difficulty in getting an accurate reading of the extent of different types of crime in a community poses a problem in assigning resources to combat crime.

Crime statistics often are used as a basis for attacking the efficiency of a police force or to justify additional investment in police manpower or equipment.

Elected officials responsible for law enforcement cannot make wise decisions if they are working with an inaccurate profile of the crime problem.

An important rule of combat is to know your enemy. The new LEAA study has shed some significant light on the nature and scope of the criminal problem in our society and the manner in which it is being affected by public attitudes and law enforcement policies.

While the FBI crime statistics remain a valuable index of the flow of criminal cases through police channels, they need to be regarded as only a part of a large picture of the crime problem as a whole.

---

[From the Los Angeles Times, Apr. 10, 1976]

#### ENDING FBI'S CONTROL OVER CRIME STATISTICS PROPOSED

(By Ronald J. Ostrow)

WASHINGTON.—National crime statistics—linked by some skeptics to election-year politics and police budget requests—would be taken out of the hands of the FBI under a plan being drawn up in the Department of Justice.

A prime objective of the already controversial proposal, advanced by the No. 2 man in the department, Dep. Atty. Gen. Harold R. Tyler, Jr., would be to upgrade the "credibility" and "efficiency" of the data-gathering.

The proposal would strip the FBI of an instrument that has helped make the bureau the most listened-to authority on the degree of lawlessness in the United States.

Tyler's plan would cover not just the FBI's well-known Uniform Crime Reports but 53 other statistics-gathering programs in the Justice Department. It would create a central bureau of statistics to bring together and interpret the information, a unit without any other operational responsibilities and thus one with no ax to grind.

The Office of Management and Budget has estimated that the Justice Department now spends \$30 million a year on its statistical programs. But Tyler said in an interview that he thought the actual annual outlay might exceed \$60 million.

"Whatever figure is accepted, it's obviously a lot of money," Tyler said. "We really aren't getting that much use out of it, and the public certainly isn't."

"One of our problems over the years has been that actual and potential consumers of this kind of information and statistics tend to be very, very cautious, if not cynical, about its accuracy," Tyler said.

"This kind of skepticism, if not lack of credibility, is perhaps understandable. It's so easy with the best of motives when you're getting up a set of statistics to tend to shape outlook and bias, which has impact on the total neutrality, comprehensiveness and accuracy of figures," Tyler said.

Although the plan would affect statistics in 17 different divisions, bureaus, boards and other units of the Justice Department, its proposals for overhauling the reporting of crime rates is certain to produce the most controversy.

The FBI would not be the only agency involved. The Law Enforcement Assistance Administration's multimillion-dollar survey of unreported crime in large cities, which found, among other things, that crime in Los Angeles ran nearly three times higher in 1972 than the number of violations reported to police, would become part of the new bureau's operation.

(The first of the LEAA surveys to make a year-to-year comparison of unreported crime will be issued late next month. The \$5 million to \$6 million national sample, which will compare 1973 and 1974 crime rates, is expected to be studied by experts to see if it confirms or conflicts with the trend of crime reported earlier by the FBI.)

The FBI, prodded by then-Rep. Fiorello H. LaGuardia (D-N.Y.), took over the uniform crime reports from the International Assn. of Chiefs of Police in 1930.

Today, spending about \$3.5 million annually, a roomful of FBI clerks uses a semiautomated system at the bureau's headquarters in Washington to pore over crime reports by more than 12,000 city, county and state law enforcement agencies that furnish data.

In 1967, the President's Crime Commission, in analyzing the quality of the reports, harked back to 1931, when the Wickersham Commission cited the tendency of some cities to "use these reports in order to advertise their freedom from crime as compared with other municipalities."

"This tendency has apparently not yet been fully overcome," the 1967 commission, headed by then Atty. Gen. Nicholas DeB. Katzenbach, stated. "It sometimes arises from political pressure outside the police department and sometimes from the desire of the police to appear to be doing a good job of keeping the crime rate down.

"Defective or inefficient recording practices may also prevent crimes reported by citizens from becoming a part of the record," the crime commission said.

However, FBI officials say they use statistical methods of spotting inexplicable deviations and consistently ask police chiefs about them. If a city changes its reporting methods so that its statistics are questionable, it is dropped from the list until it has operated under the new practice for two years to demonstrate its reliability, officials said.

In the most recent FBI crime report, issued last month, 1974 data for Nashville, Tenn., was eliminated because, an FBI official said, the city had gone through an annexation and deannexation, which made its figures useless.

In a recently published 665-page study of the FBI, Sanford J. Ungar, Washington correspondent for the Atlantic Monthly, noted that the LEAA's crime victimization survey pointing to a high volume of unreported crime had cast a shadow on the FBI-collected data.

... The study stimulated serious questions about the sudden nationwide drop in crime reported by the bureau during the months leading up to the presidential election of 1972." Ungar wrote. (The suspicion was that some place along the line—perhaps in some local police departments—the figures had been tampered with the help the law-and-order reputation of the Nixon administration.)

FBI officials, on the other hand, relate the 4% drop in the 1972 crime rate—the first reduction in 17 years—to the tapering off of the Vietnam war. They point to similar reductions in crime after other major national events, such as the 1963 assassination of President John F. Kennedy.

Tyler, in advancing his proposal, has no illusions about winning easy acceptance for it.

"Some of the offices and bureaus here aren't going to be too pleased to lose control over this—or at least that's the way they will see it," Tyler said.

"Hopefully, I can persuade them that they're not going to lose control in the best sense at all.

"They're going to have to be part and parcel of furnishing information, to a degree at least," Tyler said. "They will also be one of the principal consumers of this bureau of information. In the long run, the credibility of their participation and the efficacy of their operation in using the figures would be improved."

Tyler said he had talked to FBI Director Clarence M. Kelley and LEAA administrator Richard W. Velde about the plan in "a largely theoretical way." Both officials responded guardedly when asked about their reactions.

"The FBI has not been formally apprised by the attorney general or the deputy attorney general that the department intends to assume the management of the Uniform Crime Reporting program," Kelley said.

"Of course, a decision of this type of necessity would be made by the attorney general, and if he should decide to make a change in the management role, a statement would be issued by him."

Said Velde: "It's only a proposal now, and it's at a very early conceptualization. I don't know if I'm for it or against it at this point. I don't know enough about it."

The department's telecommunications policy board, on which Tyler is chairman, is to discuss the proposal at its next meeting, the week of April 26.

Tyler said he recognized that removing the crime reporting function from the FBI would bother officials there who felt it had been "a very good thing for them in their relationship with state and local police. They always want to relate and be thought of as supportive in every way they can of state and local police because they rely so heavily on them for certain things, including information.

"I understand that, but I don't think their concerns are quite as important as they think," Tyler said.

Tyler said he thought that legislation would be needed to create a central bureau that would amend as much as the statistical unit. "Also, if it's as important as I and others think, Congress and the President ought to have something to say about it," Tyler added.

---

[From the Worcester Gazette, Apr. 21, 1976]

#### JUSTICE MAY EASE FBI OUT OF THE CRIME-REPORTING BUSINESS

(By Ronald J. Ostrow)

WASHINGTON.—National crime figures, linked by some skeptics to election-year politics and police budget requests, would be taken out of the hands of the FBI under a plan being drawn up in the Department of Justice.

A prime object of the already controversial proposal, advanced by the No. 2 man in the department, Deputy Atty. Gen. Harold R. Tyler Jr., would be to upgrade the "credibility" and "efficiency" of the data gathering.

The proposal would strip the FBI of an instrument that has helped make the bureau the most listened-to authority on the level of lawlessness in the United States.

Tyler's plan would cover not just the FBI's well-known Uniform Crime Report, but 53 other statistics-gathering programs in the Justice Department. It would create a central bureau of statistics to bring together and interpret the information, a unit without any other operational responsibilities and thus one with no one of its own to grind.

#### \$39 MILLION ON FIGURES

The Office of Management and Budget estimates that the Justice Department now spends some \$30 million a year on its statistical program. But Tyler said in an interview he thought the actual annual outlay might exceed \$60 million. "Whatever figure is accepted, it's obviously a lot of money," Tyler said. "We all aren't getting that much use out of it, and the public certainly isn't.

"One of our problems over the years has been that actual and potential consumers of this kind of information and statistics tend to be very, very cautious, not cynical, about its accuracy," Tyler said.

"This kind of skepticism, if not lack of credibility, is perhaps understandable. It's so easy with the best of motives when you're getting up a set of statistics to tend to shape outlook and bias, which has impact on the total neutrality, comprehensiveness and accuracy of figures," Tyler said.

While the proposal would affect statistics in 17 different divisions, bureaus, units and other units of the Justice Department, its overhaul of the reporting crime rates is certain to produce the most controversy.

## UNREPORTED CRIME

The FBI would not be the only department unit involved. The Law Enforcement Assistance Administration's multimillion-dollar survey of unreported crime in large cities, which found, among other things, that crime in Los Angeles ran nearly three times higher in 1972 than the number of violations reported to police, would become part of the new bureau's operation.

(The first of the LEAA surveys to make a year-to-year comparison of unreported crime will be issued late next month. The \$5 million to \$6 million national sample, which will compare 1973 and 1974 crime, is expected to be scrutinized by experts to see if it confirms or conflicts with the trend of crime reported earlier by the FBI.)

The FBI, prodded by then Rep. Fiorello H. LaGuardia, New York, took over the uniform crime reports from the International Association of Chiefs of Police in 1930.

Today, spending about \$3.5 million annually, a roomfull of FBI clerks uses a semi-automated system at the bureau's headquarters in Washington to pour over crime reports by more than 12,000 city, county and state law enforcement agencies that furnish data.

In 1967 the President's Crime Commission, analyzing the quality of the report harked back to 1931 when the Wickersham Commission cited the tendency of some cities to "use these reports in order to advertise their freedom from crime as compared with other municipalities."

"This tendency has apparently not yet been fully overcome," the 1967 commission, headed by Atty. Gen. Nicholas Katzenbach, stated. "It sometimes arises from political pressure outside the police department and sometimes from the desire of the police to appear to be doing a good job of keeping the crime rate down.

## DEFECTIVE RECORDING

"Defective or inefficient recording practices may also prevent crimes reported by citizens from becoming a part of the record," the crime commission said.

FBI officials, however, say they use statistical methods of spotting inexplicable deviations and consistently query police chiefs about them. If a city changes its reporting method so that its statistics are questionable, it is dropped from the list until it has operated under the new practice for two years to demonstrate its reliability, officials said.

In the most recent FBI crime report, issued last month, for example, 1974 data for Nashville, Tenn., was eliminated because, an FBI official said, the city had gone through an annexation and deannexation, which made its figures useless.

Sanford J. Ungar, Washington correspondent for the Atlantic Monthly, in a recently published 665-page study of the FBI, noted the LEAA's crime victimization survey pointing to a high volume of unreported crime had cast a shadow on the FBI-collected data.

"... The study stimulated serious questions about the sudden nationwide drop in crime reported by the bureau during the months leading up to the presidential election of 1972," Ungar wrote, "The suspicion was that someplace along the line—perhaps in some local police departments—the figures had been tampered with to help the law-and-order reputation of the Nixon administration."

FBI officials, on the other hand, relate the 4 per cent drop in the 1972 crime rate—the first reduction in 17 years—to the tapering off of the Vietnam war. They point to similar dips in crime after other major national events, such as the 1963 assassination of President John F. Kennedy.

[From the Los Angeles Times]

## PROPOSED STATISTICS UNIT WOULD CURB FBI POWER

National crime figures, linked by some skeptics to election-year politics and police budget requests, would be taken out of the hands of the FBI under a plan now being drawn up in the Justice Department.

A prime object of the already controversial proposal, advanced by the No. 2 man in the department, Deputy Attorney General Harold R. Tyler Jr., would be to upgrade the "credibility" and "efficiency" of the data gathering.

The proposal would strip the FBI of an instrument that has helped make the bureau the most listened-to authority on the level of lawlessness in the United States.

Tyler's plan would cover not just the FBI's well-known Uniform Crime Reports, but some 53 other statistics-gathering programs in the Justice Department. He would create a central bureau of statistics to bring together and interpret the information, a unit without any other operational responsibilities and thus one with no axe of its own to grind.

The FBI today compiles its reports from figures supplied by 12,000 city, county and state law enforcement agencies.

The Office of Management and Budget estimates that the Justice Department now spends some \$39 million a year on its statistical program. But Tyler said in an interview he thought the actual annual outlay might exceed \$60 million.

"Whatever figure is accepted, it's obviously a lot of money," Tyler said. "We really aren't getting that much use of it, and the public certainly isn't."

While the proposal would affect statistics in 17 different divisions, bureaus, boards and other units of the Justice Department, its overhaul of the reporting of crime rates is certain to produce the most controversy.

The FBI would not be the only department unit involved. The Law Enforcement Assistance Administration's multimillion-dollar survey of unreported crime in large cities, which found, among other things, that crime in Los Angeles ran nearly three times higher in 1972 than the number of violations reported to police, would become part of the new bureau's operation.

---

#### CRIME DOWNTURN A SHAM, POLICE OFFICERS CHARGE

(By Mike Kautsch and Chet Fuller)

Some rank-and-file Atlanta police officers are openly voicing complaints that the Bureau of Police Services has helped create a false downturn in the city's crime statistics by cutting down on the number of serious crime reports filed by officers.

Public Safety Commissioner A. Reginald Eaves stoutly maintains that the crime statistics are an accurate reflection of the city's crime rate.

However, Mike Maloof, president of the Fraternal Order of Police (FOP) in Atlanta, said Monday that statistics are "being downgraded." He charged that through highly conservative crime reporting policies, the administration minimizes the number of official reports filed by police in response to citizen complaints.

Maloof's remarks came in the wake of an FOP-sponsored weekend meeting where a number of Atlanta officers met with mayoral candidates and publicly cited examples of downgraded crime statistics.

The Metropolitan Atlanta Crime Commission, meanwhile, is pressing Eaves to agree to an independent audit of the crime statistics to determine whether they are valid.

The commission's effort came following an Atlanta journal article last month that detailed how police have helped create a downturn in statistics by not filing reports on every offense brought to their attention.

Eaves and Mayor Maynard Jackson often have cited crime statistics as evidence of the city's success in fighting crime. They have denounced criticism of statistics as being politically motivated.

Maloof, however, insisted it is "common knowledge" among Atlanta police officers that more conservative crime reporting policies than in the past have helped the police bureau show a downturn in crime statistics.

Examples, he said, include cases where burglaries are downgraded to vandalism for reporting purposes.

Maloof said he made the same point in a televised news interview and then abruptly was ordered off the evening shift and onto the morning watch, which covers the late-night and early morning hours.

Though Maloof said no reason was given for the transfer, he saw it as a penalty or speaking openly about crime statistics.

"To me it's a way of keeping a man from saying his piece," the 13-year Atlanta police veteran said.



Three mayoral candidates turned out for the weekend FOP meeting. Mayor Jackson was invited, Maloof said, but did not attend.

Present were an estimated 25-50 officers, including some non-members of FOP and black officers.

When Harold Dye appeared for questioning by the officers, according to checks with persons present, several policemen began citing instances of downgraded crime reporting.

As a candidate for mayor, Dye repeatedly has sought to make an issue of the city's crime statistics.

Among cases which the officers cited at the meeting were a rape labeled as simple battery, multiple burglaries that were lumped into one report, and certain street muggings that were not reported at all.

The Journal article on crime statistics detailed an auto theft and an assault that police declined to report.

Defenders of the police bureau pointed out that the administration has no official policy forbidding full crime reporting and that there are many reasons for the way crime is reported.

However, experts agreed that it is questionable whether valid comparisons can be made between crime statistics based on reporting policies now being used and figures gathered in the past under highly aggressive reporting policies.

The crime commission, a non-profit organization devoted to study of criminal justice problems in the Atlanta area, called on Eaves last month to support an audit of crime statistics.

The commission wrote Eaves that it "seems imperative that some affirmative action be taken to strengthen the credibility of police crime statistics."

Eaves was urged, along with the mayor, to approve an independent audit that would examine the validity of statistical comparisons.

Eaves replied that there "may exist some small concern about the credibility of the statistics." He said, however, the statistics were "accurate and fairly state the status" of crime in Atlanta.

The commissioner said he would consider approving an audit if an estimated \$8,000 could be found to finance it, but declined to authorize spending city funds on the effort.

#### **TESTIMONY OF HARRY A. SCARR, ADMINISTRATOR, FEDERAL JUSTICE RESEARCH PROGRAM, OFFICE FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE, U.S. DEPARTMENT OF JUSTICE**

Mr. SCARR. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, I am pleased to be able to testify before you today with respect to H.R. 2061 and H.R. 2108, establishing a bureau of justice statistics. Since H.R. 2061 is supported by the administration, my remarks will substantially address the bureau created by it. However, the degree of similarity between the statistics portions of the bills is sufficiently great and the statistics bureaus proposed by each perform such similar functions that most issues and concerns about crime and justice statistics apply to each.

Probably the most remarkable fact about the proposed bureau of justice statistics is that it does not already exist. Calls for a central crime and justice statistical capability for the Nation have been made repeatedly.

For example: In 1970, the establishment of the Department of Justice. In 1931, by the National Commission on Law Observance and Enforcement, commonly called the "Wickersham Commission," Report No. 3, "Report on Criminal Statistics." In 1934 the Committee on Government Statistics and Information Services. In 1964 the Bureau of the Budget Report, "The Reporting of Criminal Statis-

tics in the United States." In 1967 the President's Commission on Law Enforcement and the Administration of Justice. In 1968 hearings before the Subcommittee on Census and Statistics, Proposed National Crime Statistics Center. In 1971 the report of the President's Commission on Federal Statistics. In 1976 "Surveying Crime," a report of the National Research Council.

What the President's Commission on Law Enforcement and the Administration of Justice noted in 1967 is, unfortunately, still all too true today, over 10 years later: The United States is today, in the era of the high-speed computer, trying to keep track of crime and criminals with a system that was less than adequate in the days of the horse and buggy.

The continuing recognition of the need for a bureau of justice statistics raises two obvious questions: One, why, since the establishment of the Department of Justice, has every relevant analysis of the Department identified a statistics bureau as one of the most important components to be developed? And two, why has such a bureau not been developed?

The consistent recognition of the need for a bureau has been prompted by inadequacies of the existing situation. Recently it has been observed that—and, Mr. Chairman, here I quote from a remark that Prof. Thorsten Sellin made before the 1968 hearings: "The United States is a backward country so far as national criminal statistics are concerned . . . (There is) an absence, paucity, and poverty of our criminal statistics."

And the situation with respect to civil dispute statistics is even worse. While other countries—and some States—have developed centralized, comprehensive crime and justice statistical systems, the United States at a national level has only moved partially in that direction. The Uniform Crime Reports, since 1931, the National Crime Panel Survey, since 1972, and the National Criminal Justice Information and Statistics Service program to upgrade State and local statistical systems, since 1973, represent some of the major efforts to move the United States out of the "dark ages" of understanding the extent, distribution, characteristics and impact of crime and the functioning of American justice systems.

In addition, the Department of Justice and other State and local agencies have developed statistical and management information series on the activities of courts, prisons, parole, et cetera.

In summary, by any measure, these developments have improved the statistics on criminal justice in the United States. Although there are valid criticisms that can and have been made of each of these efforts, and the proper use to be made of them remains the source of much debate, the development of these efforts was a prerequisite to the establishment of a national statistics program. And this development is the factor which makes a bureau of justice statistics possible now.

But as you know, Mr. Chairman, despite these efforts, there remain many problems with justice statistics as they currently exist which a bureau of justice statistics, as we see it, will be particularly well-equipped to deal with. In the initial planning document, which provided the basis for the administration's proposal, seven deficiencies are described at some length. These are:

One, a lack of credibility of many national crime and justice statistics, as compared with, say, labor, health, or census statistics, because the statistics sources are not sufficiently disinterested agencies.

Two, wide variation from place to place in definition of terms, which makes comparisons and analysis virtually impossible in most instances. A noteworthy exception to this are police report statistics compiled by the uniform crime reporting program.

Three, inefficiency and waste in compiling and producing comprehensive statistics, in large measure due to the excessive fragmentation of crime and justice statistics, both in terms of sources, and in terms of availability.

Four, incompleteness of data, rendering possibilities of offender-based tracking analyses remote.

Five, inadequate analysis of statistics that are available, resulting in the production of reams of raw, unintelligible numbers, rather than problem-oriented analyses.

Six, inadequate statistics for planning a national strategy for crime control, and justice improvement at the Federal level of Government, in coordination with State and local levels of government.

Seven, an inability to keep track of offenders and disputants, in a systematic way, at the Federal, State, and local levels.

Mr. Chairman, I have attached to this testimony a copy of the report describing these deficiencies in greater detail for the information of the committee.

In order to correct this situation, we propose to create, through H.R. 2061, a bureau of justice statistics. In developing the concept of the bureau, we have solicited and taken into account the views of: technical experts in the field of justice statistics; operational personnel from police, courts, and corrections; the staff of the President's Reorganization Committee; representatives of relevant interest groups, such as the Police Executive Research Forum, the American Bar Association, the Criminal Justice Statistics Association, the National Center for State Courts, the International Association of Chiefs of Police, the National League of Cities, the National Conference of State Criminal Justice Planning Administrators, the Advisory Corrections Council; numerous congressional staff; other Federal statistical agencies; State criminal justice planners; and Department of Justice officials.

The response to our plans was gratifyingly positive. In fact, of the 152 opinions provided to us, out of 311 we sought, the overwhelming majority was in favor of a bureau of justice statistics. In addition, the objections to the bureau, in many instances, were not total, but represented dissatisfaction with some particular portion of our proposal.

We then followed up this general "survey" with an intensive seminar involving a small group of representative experts from the operational world, government agencies, academia, and interested associations, and further refined our plans on the basis of that effort.

For the information of the committee, Mr. Chairman, I have attached a detailed description to my testimony of this entire effort of counseling with relevant groups and individuals.

In addition to this endorsement by professionals, we have received a positive editorial response in major newspapers, including the New York Times, the Washington Post, and the Wall Street Journal, since the announcement of the decision to proceed to create a bureau of justice statistics. I have attached a sampling of that opinion which we have compiled.

Based on all these efforts, we have proposed establishing a bureau of justice statistics with the following functions—and here, Mr. Chairman, I quote directly from part C of H.R. 2061:

One, to collect and analyze information concerning criminal victimization and civil disputes;

Two, to collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency and civil disputes, and other statistical factors related to crime, juvenile delinquency and civil disputes, in support of national, state, and local justice policy and decisionmaking;

Three, to collect and analyze statistical information, concerning the operations of the criminal, juvenile, and civil justice systems at the federal, state, and local levels;

Four, to collect and analyze statistical information, concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, and civil disputes at the federal, state, and local levels;

Five, to analyze the correlates of crime, juvenile delinquency and civil disputes by the use of statistical information, about criminal, juvenile and civil justice systems at the federal, state, and local levels, and about the extent, distribution and attributes of crime, delinquency and civil disputes in the nation and at the federal, state, and local levels;

Six, to compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of justice, crime, juvenile delinquency, civil disputes, criminal offenders, and juvenile delinquents in the various states;

Seven, to establish national standards for justice statistics and for insuring the reliability and validity of justice statistics;

Eight, to maintain liaison with the judicial branches of the federal and state governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

Nine, to provide information to the President, the Congress, the judiciary, state and local governments and the general public on justice statistics;

Ten, to conduct or support research relating to methods of gathering or analyzing justice statistics;

Eleven, to provide financial and technical assistance to the states and units of local government relating to collection, analysis, or dissemination of justice statistics;

Twelve, to maintain liaison with state and local governments and governments of other nations concerning justice statistics;

Thirteen, to cooperate in and participate with national and international organizations in the development of uniform justice statistics; and

Fourteen, to insure conformance with security and privacy regulations with respect to justice statistics.

In brief summary, then, the Bureau of Justice Statistics, as we envision it, will: establish national definitions and standards for justice statistics; oversee Federal support for the development of State and local justice statistics; collate and analyze crime and justice data national; improve the quality of statistics at the Federal level.

Currently, Mr. Chairman, a small task force within the Department, of which I am the chairman, is developing detailed plans for implementing a Bureau of Justice Statistics, should the Congress act favorably on our proposed legislation. I expect this committee to complete its work within the next several months, and to make detailed recom-

mendations for establishing and having in operation the Bureau of Justice Statistics as soon as possible after passage of legislation.

In concluding, Mr. Chairman, I would like to make two final points about the proposed Bureau. First, I would hope that no one establishes unrealistically high expectations for the Bureau. Many current series will be examined very carefully before any changes with respect to them will be recommended.

It will take time to correct deficiencies and make headway. This caution should not be thought of as dithering, or as resistance to improvements in our statistics or as unresponsiveness to a real need.

A Statistics Bureau must be conservative, in the best sense of that word. It does not change its measures without careful planning and without extremely good and sufficient reasons for doing so. Trends are one of the major pillars on which analysis supporting a Statistics Bureau's conclusions rests.

They depend on comparability over many time periods, and across many situations, for their value in showing us whether we are doing "better" or "worse" with respect to some problem. Too much change in indicators, and comparability is lost; too little, and relevance is lost. This chronic dilemma of any statistics agency must make us initially cautious because even our small decisions about change will have larger consequences for the functioning of the Bureau as an indicator of social processes.

Second, it should be clearly understood that the model we propose for the Bureau is one of collaboration and cooperation among local, State, and Federal levels of government. In particular, we emphasize that cooperation between State and Federal Governments is essential to the Bureau's success. The State statistical analysis centers, and the information they collect and analyze from the State and local levels is collated at the Federal level and presented as a national portrait of crime and justice. This Bureau does not usurp State and local law enforcement, or justice system prerogatives, in any way. The Bureau will succeed, or fail, as the cooperative efforts of the States and the Federal Government wax, or wane.

Mr. Chairman, I will be happy to answer any questions the committee may have, or to elaborate on any of my remarks.

Thank you.

Mr. CONYERS. Well, I appreciate your examination of this issue. Some of us have begun to consider a transition-type design for the Bureau of Statistics, because it may be—in fact, it will be overwhelmed, and it might be really years before it even gets off the ground, and it might actually impede the present collection of statistics.

Mr. SCARR. I think, Mr. Chairman, that the model we have in mind is similarly a transition model. For example, if you look at the funding levels in both your bill and the Rodino-administration-Kennedy bill, the amount of money that's available there largely is constituted of funds from current LEAA programs. There are other programs within the Department of Justice which the Statistics Bureau will assume responsibility for, particularly national statistical series, but there is no intention of disrupting or destroying these programs by putting them too rapidly into the Bureau.

One the other hand, I think that the authorization level for the bill becomes important because these series, I assume, will bring resources with them, and they can't unless the authorization level is sufficiently high. But we concur that there should be a transition time.

However, we think that the established Bureau statutorily delimits these responsibilities, and we think we have a sensible plan for bringing them into full operation within a bureau within 3 or 4 years. I am not quite so pessimistic to say it will take 8-10 years, but give it 2, 3, 4 years, then we will have a substantial improvement.

Mr. CONYERS. Counsel Gregory.

Mr. GREGORY. Just to follow up on that, if I might, Mr. Scarr. Have you developed any sort of a specific transition plan for the bureau of justice statistics?

Mr. SCARR. No, that's what we're doing now. That's what we're working on now. We're trying to find out exactly what programs will be included in the Bureau of Justice Statistics within the LEAA authorization package. We're in touch with different parts of the Department—for example, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the Bureau of Prisons—in order to discuss with them what this initial relationship is going to be with the Bureau, and what programs which they now have would most sensibly become a part of the Bureau.

As you know, the Attorney General is continually remarking that he wants to take a piece from here, there, a piece from the other place to create his Bureau. That's not quite so easy. That takes a little bit of doing.

Mr. GREGORY. You weren't with us all day, but that seemed to be almost a universal concern among the people that appeared before the committee. Almost a universal endorsement of the concept of how it would be carried out.

Mr. SCARR. If I could interject a remark that a friend of mine occasionally makes: "Everybody wants to go to heaven, but nobody wants to die." That's the position everyone seems to be in with respect to his contribution to the Bureau.

Mr. GREGORY. The other question I have relates to the liaison with the courts. You used that specific language in your bill. Do you envisage that going beyond liaison or specifically how it would be carried out? I take it there would be some provision for Federal court data, as well as State court data. Of course, getting into the data base—

Mr. SCARR. I would hope that within the Bureau of Justice Statistics, for these data, that a working group might be set up in conjunction with the Administrative Office of the Courts, to make sure that in the tracking of information and the tracking of offenders and disputants within the justice system, there would be compatible definitions all the way down the line.

The Department of Justice includes almost everything but the courts: Prison statistics at one end, investigation statistics at the other. I would assume that the information about courts would continue to be gathered by court statistical centers and a Federal bureau would essentially collate the information, perhaps analyze it, as well as the courts analyzing it.

The State level is somewhat different. That would, I assume, be to some degree the province of the statistical analysis centers as they developed and became strengthened under the guidance from the national levels as those programs are guided now.

Mr. GREGORY. Thank you.

Mr. CONYERS. Mr. Synar, who has recently returned from the Subcommittee on Criminal Justice.

Mr. SYNAR. Thank you, Mr. Chairman.

This morning we heard some testimony concerning just the whole process of statistical assimilation of information and the obvious deficiencies of past programs. I think I should say that no program is going to be totally successful or a cure-all. A transitional accumulation of local, State, and national statistics will take time to perfect.

One of the concerns I have shared over the last couple of weeks on all the testimony is the lack of ability which small jurisdictions—counties and cities, even as small as 25,000—have obtaining the expert staff to fill out the forms and to meet the requirements for good statistical formulation.

Under the proposed model transition, how are we going to alleviate the problem of not having the technical expertise to solve the problems? Are there measures by which we could help train local law enforcement to do that?

Dr. SCARR. I'm not completely familiar with the current LEAA programs in this particular area, but I would assume that some of this, that the programs in support for development of data systems at the State level would in some way, in conjunction with other parts of LEAA funds, make available funds for this purpose, if the localities in the States requested it. That process is very long and very painful. I think the experience of the uniform crime reports is indicative of just how long and how painful it can be. I think it began with 30,000 to 40,000 separate jurisdictions. It took a lot of manpower.

I don't know. I can't predict the degree to which this bureau, or how this bureau, would go about doing that. But I ultimately believe it might be accelerated with a focal point, with a concentrated effort on identifying problems like these and sustaining efforts to try and deal with them.

Mr. SYNAR. Just a second. I've asked this question to seven, eight people in the last 3 weeks. Nobody can answer it. I'm going to try to get you to answer it.

You have county sheriffs in the State of Oklahoma who are paid \$650 a month. We've got county sheriffs who usually only have one car, one automobile for the whole county which they represent. We have county sheriffs who usually, if they do have a deputy, have been employed through a CEFA program. The sheriff makes \$650 a month. The secretary or support personnel in the office, which is usually one other person, obviously is making less than that.

You can go to Texas, Kansas, or Arkansas, and find the same thing. Similarly, when we require them to assimilate statistical information as a major part of their job, it takes time away from law enforcement and the prevention of crime.

And from the long history of other statistical models on crime reporting in the past, which most witnesses have agreed today are

inaccurate and unreliable, with their very high standard deviation, which I'm sure that my distinguished colleague from Missouri, Mr. Volkmer, pointed out that we don't get the kind of street crime. We don't even include white-collar crime.

My question is, Are we going to solve these basic, rudimentary fundamental problems by the creation of another program or by bringing together all these other unsuccessful areas?

Dr. SCARR. The Statistical Analysis Center, I believe, in Oklahoma has been funded out of the LEAA program, and we think would be available to offer technical assistance in this area.

Mr. SYNAR. What I'm saying is—and I think this is probably the history of many States—State-level administration of the local level in the country, with LEAA or any type of program for local law enforcement, has been unsuccessful. We have heard testimony that only 12.5 percent of the available law enforcement jurisdictions in the country even use the program; not a great example of how States have been able to administer the program to the local level, whether it be statistical information or whether it be just the administration of local law enforcement.

Dr. SCARR. Mr. Congressman, it's my impression that in 45 States—I believe Oklahoma is one of them—that the uniform crime report data is collated at the State level and is provided by the local law enforcement officials. That program, I think, can be an example of a program where what you're asking is in fact occurring, and where the collation of these statistics at a Federal level does presume one point in the Federal justice system. I think that's a good cooperative program between law enforcement personnel and statistical personnel. I think that's the kind of effort that's needed in other areas as well.

Mr. SYNAR. Well, I think if we've learned anything today, it's that necessary framework is there. You've pointed to it time and time again. So have others. And yet, in all the testimony, even yours, the basic underlying thing is, even though the framework is there, the reliability of those figures coming out of those cooperative areas on local, State, and Federal areas is less. And my question is, if that's what we're using as a direction of the past, if we cannot rely upon what we've done, why should we continue with another name, another program, combining a lot of unsuccessful programs?

Dr. SCARR. I think there are some additional things that are envisioned in the statistics bureau that can remedy some of these problems. For example, in the draft material provided as backup to my testimony, the draft plan that we have for a bureau, and in our current thinking in planning for a bureau, it's quite clear that there's going to have to be a staff of professional data analysts as part of this bureau, because that's one of the things that virtually everyone commented on, said, in effect, yes, that's an essential thing. As you pointed out, a good analysis component is one where they deal with that, the problem of data reliability.

A second component is a statistical standards component: to have a lot of high-powered professional statisticians there to help people with the quality of the information and the quality of the data.

The resource question to do all this is a question that I'm just not prepared now to deal with. It will cost something to do these things,



no question about that. How fast we can go, it seems to me, to some degree will depend on the resources available and the personnel available.

Mr. SYNAR. I'm not concerned—believe this or not, I'm not concerned about the cost. I'm willing to foot the bill if we get a good project.

And the other thing is, don't take my comments as peculiar to Oklahoma—this problem is widespread whether it be in Detroit, Los Angeles or New York. We've heard New York statistics for 7 years were considered unreliable.

As you know I'm new to this game. I come right out of the bush country in Oklahoma, and I know how much goes unreported, how pathetically undermanned we are. And I haven't heard anyone today come up with a reasonable explanation of how we can solve the fundamental problems.

But I appreciate your remarks. I think they've been very honest, very candid, and I share your feeling about the fundamental importance of statistical assimilation.

Mr. CONYERS. You know that's why our colleague's presence on the subcommittee is important, because this issue has been gone into, first of all, by the chairman of the Criminal Justice District Association, Mr. Devine of Montgomery, Ala., who is still here, who discussed with us some of the similar kinds of problems that can arise out of statistical analysis centers located within the State. And I think that your experiences and the problems that you presented here in this part of our hearing will be important in terms of how we finally formulate that.

So I would refer you to some of that testimony that has occurred here today.

Thank you very much, Mr. Scarr. We appreciate your presence here.

Dr. SCARR. Thank you.

Mr. CONYERS. Wait a minute. I'm sorry. Mr. Gudger is here, and I apologize.

Mr. GUDGER. Mr. Chairman, I think I'll forgo any substantial questions, but I would like to ask Mr. Scarr this: Do you look upon the criminal justice commitment as a constantly viable responsibility, where even forms of criminal conduct are being defined as we experience them in new contexts, in new experiences? For example, the multitude of fraud crimes is unlimited, limited only by man's ingenuity. And I recall an occasion in North Carolina in which an operation involving road signs resulting in a 17-count indictment when there was no statutory offense whatever within those 17 counts. And thus we see in that instance a classic example of the emergence of the definition of fraud crimes that meets the classic, basic common law structure, but does not meet a form or a code proscription.

Do you see that as we begin to deal with more sophisticated crime—some may call it white-collar crime, some may refer to it as fraud crime, some may refer to even a multitude of different assault-type crimes, with instrumental types of assault that haven't yet been invented—do you see that this is a method whereby, as we probe into new social experience, we at least have proper semantics and proper definitions evolving?

Dr. SCARR. I would think that, yes, that would be a major task of the Bureau of Statistics, to break down the real definition of the crime in developing the elements that make it comparable with things that are going on at different time and different places. And I would assume that would be one of its major tasks, to define it within a particular jurisdiction, but also try and tease out those real behavior elements. I would assume so, yes.

Mr. GUDGER. Do you perceive that someone with a responsibility of prosecuting a bizarre new type of crime—I remember once receiving a warrant in my office as district attorney in which the accused was accused in two words after words of the form: "Did willfully, maliciously, and unlawfully flimflam Mary Smith."

Now, what I'm getting at—

Mr. CONYERS. I think that's a crime under the statutes.

Mr. GUDGER. I can assure you in the State of North Carolina there was no such. But there had been a goldbrick-type pattern of conduct there which required the ingenuity of the district attorney, meeting with the law enforcement, to observe "flimflam" into something that prescribed the elements of offense consistent with known law.

Now, what I'm driving at, though, is this: As law becomes—I mean, as social misconduct becomes more complex, isn't there a greater need to experiment with forms of indictment and forms of charges? We try to evolve semantics that can be used in Oklahoma, in North Carolina, and perhaps in the federal system to deal with patterns of conduct which are bizarre and emerging.

Dr. SCARR. I can't really respond to that, but what I can respond to is to say that the challenge of what I've been discussing here, in the statistics bureau, is to insure that what you're measuring, and the kind of things you're counting, keep up with these kinds of changes you are talking about. I think that's a severe challenge. I think that's why it's not a simple thing to develop an agency like this based on administrative statistics. But that seems to be the kind of information that is most useful and most readily available, and that's the best, quote, unquote, to use as the basis for most of the statistics that we generate.

The alternate model might be just to do sampling, not try and rely on information the courts might be able to provide, or the States might be able to provide; do it directly, provide information. Rather than having the uniform crime reports program collect information directly, sample police departments, get estimates that way. But in some instances, that seems more appropriate and more logical, than in others. I would say, in response to your question, that a task of this bureau would be to make sure that the coding of the offenses are kept up with the nature of the offenses.

Mr. GUDGER. Thank you very much.

Mr. CONYERS. My thanks to you, Mr. SCARR, and all the witnesses that were present through this afternoon.

The subcommittee stands in adjournment.

[Whereupon, at 2:55 p.m., the hearing was adjourned.]

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,  
Gaithersburg, Md., August 30, 1978.

Chairman JOHN CONYERS,  
Subcommittee on Crime,  
Rayburn House Office Building,  
Washington, D.C.

DEAR CHAIRMAN CONYERS: Pursuant to your request for an outline of the potential testimony regarding H.R. 13948, I am forwarding to you a copy of the testimony which the IACP presented before the Senate Subcommittee on Criminal Laws and Procedures.

The testimony which we would submit regarding H.R. 13948 would be similar to the statement that we made regarding the Senate "Justice Systems Improvement Act."

We hope that you will allow our organization the opportunity to testify on this important legislation.

Thank you for your consideration.

Sincerely,

GLEN R. MURPHY,

*Director, Bureau of Governmental Relations and Legal Counsel.*

Enclosures.

STATEMENT OF GLEN D. KING, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION  
OF CHIEFS OF POLICE, GAITHERSBURG, MD.

I appreciate this opportunity to appear before the Senate Subcommittee on Criminal Laws and Procedures to express the views of the International Association of Chiefs of Police (IACP) regarding the reorganization of the LEAA.

The International Association of Chiefs of Police is a voluntary professional organization, established in 1893. It comprises Chiefs of Police and other law-enforcement personnel from all sections of the United States and 54 nations. Command personnel in the United States make up over 70 percent of the more than 11,000 members.

Throughout its existence, the IACP has strived to achieve proper, conscientious and resolute law-enforcement. This it has done in the interest of community betterment, conservation of the public peace and maintenance of good order. The IACP has always sought to achieve these objectives in full accord with the Constitution, and the IACP has been constantly devoted in all its activities to the steady advancement of this Nation's best welfare and well-being.

I would stress at this juncture that I am not expressing here the views of myself or a narrow segment of police, but represent the thinking of the majority of the association membership.

The IACP would like to address itself to the needs of law enforcement in relation to the reorganization of the LEAA rather than speak specifically on any bill which proposes specific changes or provisions. I must relate, however, that many of the comments I will make on behalf of the IACP and its members will refer to specific sections of the current Act or sections of the proposed "Justice System Improvement Act of 1978."

As evidenced by the wide variety of community and other programs aimed at making this a safer nation and the various office seekers campaigning on the issue of crime, it is apparent that there is an intense interest in public safety.

Crime has affected each of us, whether as a victim or indirectly through increased costs or reduced personal freedom of movement.

It is for these reasons and because criminal activity is of such a high visibility concern that the IACP continues to work to upgrade law enforcement. We are pleased with the degree of sophistication that has been attained in policing over the past decade, but there is much to be done to combat and conquer crime.

The interaction of the LEAA and the IACP is more than a peripheral one. As the preeminent representative of police executives, state law enforcement associations and the State and Provincial police, the IACP has almost daily contacts with the LEAA.

The IACP has been a grantee on several occasions and currently is operating projects under LEAA funding. Based on our experience with the bureaucratic and insensitive nature of LEAA, the IACP would vote to disband the agency unless major revisions take place.

I mentioned insensitivity and it is generally the opinion of police that LEAA, especially in recent years, has not attended to the needs and goals of police agencies. Police practitioners have virtually been ignored in planning and carrying out LEAA programs.

It is not my intention to suggest that police agencies and their personnel should constitute the sole source of information or exist as the only recipient of LEAA funds. However, police on the local, county and state level have a great deal of knowledge to contribute to an organized assault on crime. These agencies can particularly address the myriad problems faced by the police and the result can be a meaningful approach to getting the basic machinery in order to attack crime. Occasionally the police practitioner has been consulted, but not with the regularity that we honestly consider necessary to ensure that results are truly achieved in the programmatic areas.

Everyone, it seems, is capable of looking at law enforcement, but police are not enrolled to look at themselves, let alone other levels in the criminal justice strata.

I would like to discuss some specific problems facing police agencies regarding LEAA and S. 3270.

S. 3270 provides funding for civil law programs as well as criminal law programs. While the IACP is not opposed to the funding of civil programs, we do not believe that the inclusion of such funding is wise in the content of LEAA. The criminal law field is a highly specialized area with very little in common with civil law. The consolidation of the two separate areas will lead to a blurring of the specific needs and requirements in both fields. Police investigation, detection and apprehension in the different areas consists of mutually exclusive methods that cannot efficiently be integrated. Furthermore, the technical expertise required varies greatly.

The IACP is not opposed to the creation of a Bureau of Justice Statistics (BJS). We feel strongly that a central repository for the many statistics attendant to criminal activity is most desirable. However, we very strongly disagree with the proposal to immediately merge the Uniform Crime Reporting (UCR) program into the BJS at this time. We seriously believe that such a merger now would be nonresponsive to the needs of law enforcement.

The Uniform Crime Reporting Program is an attempt to measure, meaningfully, the occurrence of crime in the United States. While the Program is designed for use by the law enforcement profession, it has also become a yardstick for a public evaluation of the relative levels of criminal activity prevailing in the Nation.

Although the Program is not a perfect benchmark for gauging crime at a particular place and time, it does represent a valid approach toward this assessment. Furthermore, it is a disciplined effort with more than 46 years of experience which enhances the orderliness so fundamental to sound data collection.

The UCR gives a nationwide view of crime based on police statistics contributed by local law enforcement agencies.

Essentially, the Program collects as much data concerning the occurrence of certain root or index offenses as are known to the overwhelming majority of United States law enforcement agencies. It then estimates the probable total volume of these offenses had there been complete reporting of them throughout the Nation. Having all law enforcement agencies in the United States participating fully in the Program would, of course, make unnecessary any estimation process. However, the complex and independent structure of the Nation's law enforcement network has made this goal elusive even to a program of the size and duration of the Uniform Crime Reports. With the development of subsidiary state Uniform Crime Reporting Programs, intended for each of the 50 states, the complete, nationwide collection of offenses known to law enforcement nears fulfillment.

Whatever are the uses or whoever are the users of criminal justice data, the Uniform Crime Reports provide the only comprehensive, periodic accounting available of reported and discovered crime in the United States. Accordingly, they can serve constructively to organize public opinion against lawlessness and marshal our resources to combat crime.

The International Association of Chiefs of Police, in conjunction with the FBI, has expended numerous hours and much effort in the creation and continued development of the UCR. A wholesale abandonment of the UCR Program or merger of the Program into the BJS would promote the waste that has plagued the LEAA and would be a great disservice to the country.

It is our learned opinion that the UCR, the BJS and the Criminal Justice System as a whole will benefit more from a separate UCR program until such time as all of the other phases of a BJS are attained. The only functioning phase of such a program should not be subjected to the problems certain to come with a totally new and ambitious project.

I would now like to turn to the proposed creation of the National Institute of Justice (NIJ). Conceptually, the creation of such an Institute could provide an immensely valuable source of information to the area of law enforcement. In considering the goals of the NIJ, as set forth in S. 3270 . . . "to engage in and encourage research and development to improve and strengthen criminal," . . . "and juvenile-justice systems and to disseminate the results of such efforts to Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated." We must look to all fields of law enforcement in order to fully capture the picture.

In the past, many studies have been academic, esoteric, and theoretical in nature. They have lacked specificity and failed to deal with police problems and needs. Prior studies have not been function-oriented to the police practitioners nor have the study groups requested practitioner input, as mentioned earlier. Our country needs comprehensive studies involving research and development in all areas of law enforcement if we are to effectively combat crime. However, the exclusion of police agencies and the police practitioner as an integral part of such studies, is by definition, an abandonment of comprehensiveness.

There is no reluctance on the part of police to work with academicians to improve the system. There is, however, a very real resentment when the research excludes the people who must apply the results. I assure this committee that we are concerned and think you should share our concern.

The association is also very deeply disturbed by the often stated beliefs of many that there is a need to bar the expenditure of LEAA funds for equipment. We feel that what is being stated and included in legislation is an overreaction to administrative errors and judgments of the past.

The present configuration of the Institute and S. 3270 support the social areas of research overwhelmingly over the physical science and technological areas. The new result is to eliminate most of the effort in sciences and engineering and their application to the problems which face not only law enforcement but all other areas. We believe that this position has developed through misconceptions focused on the small number of programs which were failures, or disliked or even mythical, rather than on those which were successful and are working today. Let me cite a few examples of successful programs:

The explosives dog-detection program which almost, at its inception, found a bomb on a TWA jetliner.

The high-speed steel-belted tire warning issued three years ago.

The lightweight body armor program, currently credited with saving 30-40 lives.

The Standards Program which, together with the testing program, promises to be of enormous benefit with great cost savings to the public, while at the same time providing the agencies with the information which will enable them to buy superior equipment. Simple citation of the standards enabled the U.S. Marshal's Service to buy transceivers for half a million dollars less than the GSA catalog price and obtain higher quality radios.

If the mandate for science and technology is not specifically called out in the legislation, we expect that the Advisory Committee would contain no technical personnel and thus no national priorities will emerge in this area.

Consider for example, the following:

A body of evidence exists indicating that diet affects recidivistic rates of violent offenders. If biochemistry is a factor, who will conduct the research—or even recognize it?

Arson for hire cannot be affected by "basic research." The arsonist and his employer must be apprehended. This is an evidence problem not a social problem and will require enhanced technology.

If new equipment or techniques are developed—where do we get them evaluated?

We recommend inclusion of suitable language specifically requiring an effort by the Institute in science and technology and with any limitations you may feel necessary.

The IACP is interested that expenditures for equipment be consistent with the real needs of police. I pointed out the successes and there are others. We opposed the funding of the prototype police car and we were vocal in pointing out the unrealistic nature of that program. Most of our objections voiced to LEAA fell on deaf ears. The feeling one got was that they were saying, "What do the police know about police, anyway?"

In all fairness, I would point to a program, in its third year, that is conducted by the IACP in conjunction with the National Advisory Committee for Law Enforcement Equipment and Technology (NACLEET) and supported by LEAA funds. This program is a unique approach to equipment and is called the Equipment Technology Center (ETC).

The ETC effort has assisted thousands of police chiefs and their communities in making intelligent decisions in procuring equipment. It has enabled them to obtain the best equipment at the best price. Police administrators are no longer at the mercy of the salesman. Now, they have information from the IACP, through our publications and direct toll-free special telephones.

We buy equipment for no one. We furnish equipment to no one. What we furnish is information. Not only are tax dollars saved, but the police department usually ends up with more useable equipment.

We are now testing police body armor, hand-held transceivers, crash and other protective helmets, and forensic science equipment to aid the police administrator in making more intelligent decisions about acquisition of equipment.

So long as equipment needs exist and so long as the universalness of equipment is a fact, then the need to test and evaluate at a high level will exist. There is every bit as much evidence to support the rationale for equipment as there is for programs of a more social and behavioral bent.

The IACP supports the concept of the creation of the Advisory Boards as an integral part of the Office of Justice Assistance, Research, and Statistics and the National Institute of Justice. Any anti-crime program requires participation and input from experts in the different law enforcement areas, state and local government, state and local agencies, and the citizens of the states and localities. We must solicit a partnership between all these differing segments to formulate and carry out an effective anti-crime program. Again, however, I must reiterate the necessity for fair representation of police executives and police agencies within any such groups.

I would like now to direct attention to the general funding provisions of S. 3270. The IACP agrees that there should be an emphasis on funding in high crime areas. However, this must be closely balanced with the needs of small rural communities and suburban areas.

In the past, the LEAA has tended to ignore the needs of these areas, while 80 percent of the police departments in this country consist of 10 or fewer law enforcement officers. Consequently any program or series of programs which exclude small areas is inadequate and, in effect, disenfranchises small police agencies. Further, the most rapid growth rate in crime is not occurring in the major cities, but rather, in rural and suburban communities. We must balance the need to emphasize high crime areas with the law enforcement requirements of the smaller communities.

The subject of expenditures also leads me to observe that when LEAA was begun, police received more than 56 percent of the funds granted. The figures show that now, 10 years later, police are recipients of approximately 22 percent of the funds, yet law enforcement accounts for 65 percent of the funds expended in the criminal justice field. It is also interesting and revealing to note that while LEAA tends to ignore police during those periods when their are no funding or organizational problems, police are among the first to be courted if LEAA appears to be in jeopardy.

Police do not respond to this courtship on the basis of "what is in it for me?" But, rather, because they feel there are enough significant programs to be funded that they must respond. This is an undesirable position to be in when you consider that the primary responsibility of law enforcement is to provide maximum protection for citizens, not plead with a bureaucracy for help.

Many police executives believe that the LEAA has been unresponsive to the needs of law enforcement in recent years. Overemphasis has been placed on the

court system and rehabilitation programs and not enough focus has been placed on crime prevention, detection and criminal apprehension, where it is badly needed.

To illustrate the views of police executives towards the LEAA, I would like to summarize a survey that the IACP conducted in December of 1976. The IACP mailed to 3,396 police executives a survey instrument inquiring as to their perceptions of the Law Enforcement Assistance Administration. This survey sought police executive attitudes about the structure of LEAA, its funding policies and practices and the impact of certain LEAA programs. Forty-eight percent of the total surveys mailed were returned to the IACP (1619 surveys). The surveys were subsequently coded and subjected to computer analysis by the IACP staff. All surveys were analyzed using the SPSS (Statistical Package for Social Sciences) computer program.

The sample was described in terms of both demographic characteristics and funding experience. Attitudinal data were grouped in six key areas for analysis in terms of the total sample and then broken down by agency type, agency size and total LEAA funds received during the last four years. It was determined that these factors have a direct bearing on executive attitudes and thus comparisons between the entire sample and these subgroups are provided where appropriate.

Included in the report were the response category percentages for the total sample and for all subgroups as follows:

I. Attitudes for the Total Sample.

II. Attitudes for Type of Agency:

- (a) Attitudes for Municipal Agencies (including County Departments).
- (b) Attitudes for State Police Agencies.

III. Attitudes by Size of Agency:

- (a) Attitudes for Agencies of Over 500 Personnel.
- (b) Attitudes for Agencies Between 100 and 500 Personnel.
- (c) Attitudes for Agencies of Under 100 Personnel.

IV. Attitudes by Total Funds Received in Last Four Years:

- (a) Attitudes for Agencies Receiving Over \$500,000 in the last Four Years.
- (b) Attitudes for Agencies Receiving Between \$100,000 and \$500,000 in the Last Four Years.
- (c) Attitudes for Agencies Receiving Between \$10,000 and \$100,000 in the Last Four Years.
- (d) Attitudes for Agencies Receiving Less Than \$10,000 in the Last Four Years.
- (e) Attitudes for Agencies Receiving No Funds in the Last Four Years.

The respondents generally favored the provision of federal funds to support state and local criminal justice activities. However, the police executives were also quick to point out that crime is a state and local problem and must be dealt with as such. Hence, federal assistance is desirous but policy and tactical decisions must be made by the state and local authorities most familiar with the problem presented in a given jurisdiction. LEAA's performance in program development was seen, for the most part, as being consistent with its Congressional mandate. At the same time, respondents were critical of LEAA priorities, feeling that they do not correspond to local priorities. In spite of this criticism, respondents were satisfied that LEAA programs do have a positive impact on crime and local criminal justice system and individual law enforcement agency efforts.

Generally, the agencies surveyed felt that LEAA has not allocated funds fairly among police, courts, and corrections, but that police should not be the sole recipients of funds. LEAA should solicit local viewpoints and base programs on them. LEAA should not enforce EEO guidelines as a condition of funding, but should encourage the adoption of NAO recommendations.

In general, the agencies surveyed felt that LEAA should directly fund programs of departments. Respondents firmly believe that program priorities should be defined by those affected, as opposed to an LEAA mandate. The priorities of the SPA's and of local and regional planning groups were not seen as meeting needs. These views were held over more widely among agencies receiving little or no funds over the last four years. However, state agencies were not so critical of SPA funding priorities, and felt that SPA's should channel funds to departments, under a comprehensive state plan. Also, agencies with more than 500 members, and those receiving more than \$100,000 in the last four years, were less critical of SPA priorities, and felt that local and regional planning groups met their needs.

Some dissatisfaction existed concerning communications between law enforcement agencies and LEAA and other agencies in the planning and funding system. This dissatisfaction relates to the usefulness and timeliness of information concerning program and policy changes affecting specific grants.

The results showed support for the funding of programs for the criminal justice system as a whole rather than for law enforcement exclusively. Respondents for the most part, however, felt that law enforcement is not adequately represented on regional or local planning boards or SPA policymaking bodies.

Regarding specific types of LEAA programs, those surveyed felt that research and development funding should not take precedence over technical assistance projects. In general, respondents were more highly favorable toward LEAA programs which are managed by or directed toward law enforcement agencies as opposed to those programs devoted to other criminal justice system components. The LEEP program, in particular, received widespread, strong support from the sample, with respondents indicating that this program is useful and should be continued.

Efforts to reduce the funding of LEEP and diminish its vital contribution to law enforcement has been avoided on two previous occasions because of the expressed interest of the nation's police administrators. On both occasions when LEEP funding was threatened literally hundreds of letters and telegrams were sent to legislators, and the funding was reinstated.

Because of LEEP, law enforcement education in the United States is a practical reality, rather than a dream. As I am sure you know, close to 100,000 persons have on an annual basis been educated through LEEP, and a great majority of these students—almost two-thirds, were active, on-duty, full-time police officers. The ability of the police agencies to provide sensitive, informed law enforcement services has been enhanced greatly because of LEEP. It is fair to say that a large number of colleges and universities now offering degree programs in law enforcement will be forced to cancel those offerings if LEEP money is no longer available.

I would like to make one further comment on LEEP. The IACP opposes the transfer of the functions, powers, and duties regarding LEEP from the LEAA to the Department of Education upon its establishment by an Act of Congress. Someone close to the administration recently stated "if it ain't broke, don't fix it." I think that homily applies perfectly to removal of this significant activity from the Law Enforcement Assistance Administration and the Department of Justice.

The Public Safety Officers' Benefits (PSOB) program has been similarly effective and beneficial. In my own experience, I have never seen another program become effectively operational as rapidly as did PSOB. At the present time, only approximately six weeks is required from the application for benefits under this Act to the delivery of those benefits to public safety officers' survivors.

Several survey questions inquired as to the respondents' attitudes toward specific types of LEAA funded projects on two dimensions, their impact and their importance. Respondents were asked to indicate their opinions on a continuum ranging from "of great impact/importance" to "no impact/importance," with a "no opinion" option. The types of LEAA programs respondents were asked to comment on included programs administered by or directed toward law enforcement agencies and programs administered by or directed toward other agencies/groups in the criminal justice community (e.g., courts, corrections).

A majority of respondents felt that community-wide juvenile delinquency prevention and treatment programs have some impact (66 percent), but 20 percent of the sample felt they had no impact, with only five percent undecided. Nine percent felt these programs have great impact.

A majority felt that correctional and rehabilitational programs have some impact but the percentage of respondents listing "no impact" was higher (30 percent). The percentages of respondents who felt these programs have great impact were smaller (2-4 percent). Uncertainty about these programs was somewhat higher (8-12 percent).

Again, a majority of respondents felt that community education and crime prevention programs have some impact (66 percent), but respondents were more favorable toward these programs in that 14 percent of the sample indicated they have great impact and only 14 percent showed "no impact." Only a very small percentage (3 percent) were undecided.

The majority of respondents credited law enforcement research and development, technical assistance and demonstration projects with having some impact



(approximately 66 percent). Only a small percentage felt that R & D and demonstration programs had great impact (8 percent) while 13 percent rated technical assistance program this highly. Law enforcement demonstration programs received the highest percentage of "no impact" votes (19 percent), followed by R & D programs and technical assistance programs (approximately 13 percent). Uncertainty was highest concerning demonstration programs (14 percent), with only 6-7 percent listing "no opinion" on R & D and technical assistance questions.

Almost half of the sample (42 percent) felt that police-operated juvenile delinquency programs were of great importance, with 48 percent indicating they are of some importance. Negative and undecided responses to this to this question were very low (5 percent). Community operated juvenile delinquency programs received substantially fewer votes of "great importance" (22 percent), although the majority did feel these programs are of some importance. Conversely, a higher percentage felt that community operated juvenile delinquency programs were of no importance (10 percent).

Criminal deterrence/detention/apprehension programs received strong support from the sample, with 63 percent stating these programs are of great importance. One-third of the sample fell into the "some importance" category, with "no importance/no opinion" registering three percent each.

Half of the sample felt that law enforcement information/communication projects and law enforcement criminal justice education projects were of great importance (approximately 53 percent). Only two percent of the sample were negative or undecided as to the importance of these programs, with the remainder listing "some importance."

While the majority felt that criminal justice system coordination and development projects were of some importance, a significant percentage (one-third of the sample) indicated these programs are of great importance. Only four percent listed "no importance" or "no opinion" on this question.

Overall, the sample ranked LEAA funding priorities in order from most important to least important as follows; law enforcement training programs, law enforcement technical assistance programs, research and development programs and, lastly, law enforcement demonstration programs. In other words, respondents felt that LEAA money spent on law enforcement training was of highest benefit to agencies, with the least benefit resulting from demonstration projects.

Agencies with staffs of more than 500 persons were consistently less negative in their appraisals of the relative impact and importance of specific types of LEAA projects. This group registered the lowest percentage of "no impact/no importance" responses. This group had consistently higher percentages in the "some impact/some importance" ranges.

Agencies receiving no funds tended to list negative scores ("no impact/no importance") to a higher degree than the Survey I population on 75 percent of the questions. Conversely, this group listed the lowest percentage of high positive scores ("great impact/great importance") at the same rate.

As a consequence of this survey the IACP learned that 53 percent of the police executives responding favored the continuing existence of LEAA while 47 percent opposed the continuance of LEAA.

#### CONCLUSION

In concluding, let me reiterate that crime is a problem in this nation and it is a state and local problem in most nearly all instances. Since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, much money has been spent and, contrary to many critics, there has been progress made in the war with crime.

I have outlined in my testimony changes that we in law enforcement would like to see incorporated in any reorganization and reauthorization of the LEAA. We do not think it has been a total exercise in futility on the government's part. We do think that the LEAA as it is now constituted has become a bureaucratic swamp, with its people mired in a fight to preserve domain rather than in carrying out the mandate of the 1968 act.

The Attorney General, in his testimony on the reauthorization of the LEAA, mentioned that you can buy a lot of friends with six billion dollars. I would add that you can do a lot to make an impact on crime with less money than that if the direction is there and the police of this country, given the opportunity to demonstrate their knowledge and abilities, stand ready to prove that something can be done.

Thank you.

FEDERAL JUDICIAL STATISTICS<sup>1</sup>

## I. EARLY HISTORY

The first comprehensive judicial statistics compiled on the work of the United States Courts appeared in the published report of the Attorney General of the United States for the calendar year 1871. In order to compile information for this publication, summaries were manually made by the clerk of each individual court and submitted to the Department of Justice.

In 1934, a special committee which was appointed by the National Commission on Law Observance and Enforcement (Wickersham Commission) to study the business of the Federal Courts recommended that the summary or special reports system be abolished and that a case card reporting system be instituted. This was done in 1935. This transition to an individual case card system of reporting was a fundamental change designed to insure consistency and reliability both in reporting and in classification. It eliminated the anomaly of having classifications made by more than 80 different clerks of court or their deputies.

With the enactment of the Administrative Office Act of 1939 (52 STAT 1223), the well-developed case card system for reporting judicial statistics was easily transferred and continued in operation as authorized by the statistical duties of the Director.

The civil and bankruptcy statistical programs were transferred from the Department of Justice to the Administrative Office in 1940. In 1942 the data system on criminal cases in the United States district courts was transferred. In late 1945 an individual case card reporting system was initiated by the Administrative Office for persons received for supervision by the Federal probation offices. The authorization for statistical data to be submitted by the courts can be found in 28 USC 604(a) (2) ; 604(b) ; 604(d) (2) (3) ; 18 USC 3635, 3167, and 3155 and 11 USC 81.

## II. THE DIVISION OF PROCEDURAL STUDIES AND STATISTICS

A review of the Annual Reports of the Director will show the continuity of data collection and analysis for almost four decades. This operation was directed by Mr. Will Shafroth from 1940 to 1960. Then Mr. Ronald Beattie who was with the Administrative Office in 1941-1943 returned as the Chief of the Division in 1961. It was under his leadership that statistics on Federal Offenders and Persons Under Supervision of the Federal Probation System were commenced.

It was during Mr. Beattie's tenure that we began publishing statistics on weighted caseloads. Mr. Beattie took advantage of the findings obtained from six time studies carried out in the 1940's and 1950's where judges recorded very meticulously all of their work on the bench and in chambers.

Mr. Beattie returned to California in 1965 as Chief of the Bureau of Criminal Statistics. The new Chief was Mr. Joseph F. Spaniol, Jr. who had worked in the Division as an Attorney beginning in 1951. Mr. Spaniol helped stabilize the reporting program in an era of reduced budgets. Further, he moved us to a computer operation replacing the accounting machines first used in World War II. He also prepared the first report on wiretaps which was forwarded to Congress.

Mr. Ernest Friesen, Director, selected Mr. Norbert Halloran in 1969 to head up PS and S. Mr. Halloran brought to the Division his infinite wisdom in producing new forms and reporting methods. Hallmarks were his first Juror Utilization Report and the Court Management Statistics annual profile statement. During this period a revised court of appeals reporting system was established.

The imprint of Mr. Paul Bender brought on board by Director Rowland F. Kirks as Chief in September 1971 through August 1972 was changing the name of the Division to Information Systems, reorganizing the staffing and priorities in connection and processing of data beginning with civil statistics, followed by juror utilization and criminal processing. He further directed the effort to obtain the assistance of outside consultants in order to better use proposed computer equipment. The new Chief, William E. Davis, the sixth since 1940, was appointed to succeed Mr. Bender on September 19, 1972. On July 18, 1977, the Statistical Analysis and Reports Branch which had been part of the Division of Information Systems was designated as a new Division by Director Rowland F. Kirks.

<sup>1</sup> Prepared by: James A. McCafferty, Chief, Statistical Analysis and Reports Division, Administrative Office of the United States Courts, Washington, D.C.

### III. THE STATISTICAL ANALYSIS AND REPORTS DIVISION

The Division is divided into two branches. The Statistical Branch, which enters into mini-computer terminals, statistical reports furnished by the courts. These are for all filing and closing reports provided by the courts on appeals, civil and criminal cases, bankruptcy cases, trials, and all persons placed under the supervision of the Federal Probation System.

The Analysis and Reports Branch handles the manual reports submitted by components of the courts and the analysis and report writing. These will be discussed in detail later.

The Information Systems Division continues its responsibility for the computer and programming operations for not only the new Division but for other Divisions of the Administrative Office.

Currently, the Statistical Analysis and Reports Division processes over a million and a half separate statistical documents each year. Other reports are manually prepared. These are: Wiretap reports, magistrate reports, juror utilization forms, matters and cases under advisement and cases under submission, visiting judges, three-judge courts, passports and public defender reports. For these programs there are specialists who handle both the data and the analysis.

### IV. DESCRIPTION OF CASE REPORTING SYSTEMS

*A. Civil statistics (JS-5, 6 and 9).*—For each civil case docketed in the United States district courts, the clerk of court completes a civil docket package identifying the case, the parties in the case and the date filed. The clerk also describes what the suit is all about—the statute under which it is brought, the amount of damage claimed, etc. He also indicates how the case was filed—original action, removed from state court, remained from an appellate court, reopened, or transferred from some other United States district court, and he shows the basis of jurisdiction—U.S. a party, Federal Question, local or diversity of citizenship. For cases brought under diversity of citizenship jurisdiction of the district courts, the residence of the parties is also indicated.

When the civil case is terminated another card form is completed showing the manner in which the case was closed and other pertinent information including the outcome of the litigation. The case cards for filing and disposition are mailed to the Administrative Office by the clerks of court together with a monthly control form on the fifth day in the succeeding month.

*B. Trials (JS-10).*—This is a monthly report by individual district judges listing each civil or criminal trial before a judge or jury.

*Visiting judges (JS-10A).*—These statistics are obtained from our regular trial reports; however, each judge is asked to verify trial service so that the final table which appears in the printed Annual Report of the Director will be absolutely accurate.

*Places of holding court.*—Obtained from the trial reports, it is possible to account for days of trial (not days on which a trial was held) and the number of trials occurring in the various places of holding court as provided under Title 28. This is a manual operation.

*C. Bankruptcy Statistics (BK 74a and b and JS-19 and 22).*—Uniquely the statistical reports concerned with the filing and disposition of a bankruptcy case are part of an interleaf "snap-cut" set. When the clerk of court prepares the docket sheet opening a bankruptcy case, the pertinent statistical data as to identification, name and occupation of the bankrupt, date petition filed, and type of bankruptcy appear on the carbon copy attached to the docket sheet.

The docket sheet set also includes a form for the reporting of the closing of no asset cases showing the type and date of discharge. However, if there are assets in the bankruptcy proceeding, an additional statistical JS-19 schedule must be prepared by the referee showing the distribution of the assets of the bankrupt.

*D. Statistics for Courts of Appeals (JS-34).*—For each case filed in one of the eleven United States Courts of Appeals, an interleaf "snap-out" set is prepared identifying the case—the names of the appellant and appellee—and giving the docket number of the case in the district court. The appellate data can thus be tied in with the district court statistical data. A case card prepared at the final disposition of the appeal shows the procedural progress of the case together with the type of disposition.

*E. Criminal statistics (JS-1, 2 and 3).*—The statistics on criminal cases are also reported on cards prepared from a "snap-out" docket set. The clerk of court records the district and office number where the case was filed, the docket number and how the case was commenced—by indictment or information—and the name of each defendant. The offense charged (all counts) are fully described including the statutory offense citations. Further data required for speedy trial recording pursuant to the Speedy Trial Act of 1974 are supplied.

At the time of disposition for each defendant, a card showing the initial plea, and for those convicted the last plea together with the pertinent dates required for the Speedy Trial Act is then prepared by the clerk. When a defendant goes to trial, the outcome of a court or jury trial is likewise reported. The offense and type of sentence imposed is reported for defendants who were convicted. For all defendants disposed of, we obtain information concerning representation by counsel including any appointments made under the provisions of the Criminal Justice Act of 1964. The JS-2 and JS-3 cards and a control sheet for cases filed and disposed of are submitted monthly.

For convicted defendants, additional data are entered. These are: Sex, race, age, prior criminal record and the type of presentence investigation (whether complete or limited or none made at all). This information is forwarded to us by the Federal probation office where the conviction occurred.

With clear definitions the reports are edited, classified and entered on cathode ray terminals and entered on discs. These records are later transferred to magnetic computer tapes in the Information Systems Division which operates a IBM 370-135 computer.

*F. Probation statistics (Form 3 and 3a and Form 9).*—The probation statistical reporting program covers all persons placed under the supervision of Federal probation officers. This includes those placed on probation by the United States courts and by United States magistrates. It also includes a growing group of persons who are referred to the probation office for supervision by United States attorneys. Until recently these were called deferred prosecution cases which are now pretrial diversion cases. Most of them involve young persons who have had no prior contact with law enforcement or the courts. Also included in the program are those persons released by the U.S. Parole Commission from Federal institutions for parole of mandatory release supervision by probation officers.

Reports on persons received for supervision are completed by the probation office. These are filed monthly with the Statistical Analysis and Reports Division. The forms were specially designed with the assistance of the National Archives and Records Service. The type of data recorded on these reports includes the district and office number, the docket or institution register number, the type of case, the date received from supervision and certain demographic data as follows: sex, race, age, marital status and education. Also the prior criminal record and the type of presentence investigation are reported.

When supervision ends, the probation officer reports the conditions under which the person was removed from supervision. If a violation of the rules or conditions of probation or parole should be the reason for the removal, the type of violation is recorded. In the event a new crime has been committed, any new sentences or sanctions connected with these violations are shown on the reports. If there is no violation or the person under supervision is removed from supervision before his term is completed because of satisfactory behavior, this is also documented.

The data compiled in the criminal and probation statistical reporting programs form the basis for two special annual reports, Federal Offenders and Persons Under Supervision.

*G. Wiretap reports (Forms 1 and 2).*—Under provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, the Director has the responsibility of submitting to the Congress each year a written annual report on all applications for orders authorizing or approving the interception of wire or oral communications. These are filed with the Administrative Office of the U.S. Courts by Federal and state judges and by prosecuting officials of Federal, state and local governments.

*H. U.S. Magistrate reports<sup>1</sup> (Form JS-43).*—In the legislation establishing the U.S. magistrates in place of the former U.S. commissioner judicial officers, requirements for reporting statistics on matters and cases coming before the

<sup>1</sup> Responsibility transferred by Magistrates Division, Oct. 1, 1977.

U.S. magistrate were set forth. We have established a summary type of report to capture the major activity of the magistrates. For those cases where the U.S. magistrate handles and signs the final order of a case filed on the civil or criminal docket in the district court, this work is reflected in the civil and criminal JS reports. Further under the Speedy Trial Act all minor offenses disposed of by U.S. magistrates are reported in the criminal reporting system.

*I. Juror Utilization.*—Full-scale reporting commenced again in 1971 and the old JS-11 dropped in 1962 because of the faulty statistics it provided. The new form essentially tells all jury utilization on the petit jury side. In January 1974 statistical reporting has developed for grand jurors.

*J. Cases under submission—Courts of Appeals Cases and matters under advisement—District Courts.*—Since 1940 we have maintained liaison with the judges on cases which for all purposes of judicial administration have been tried and the final decision rests with the judges. For the Courts of Appeals and the Court of Claims any cases under submission more than three months become a part of a special quarterly report sent to the Chief Justice and to the chief judge of each circuit (their cases only). For the district judges, motions or cases held under advisement 60 days or more are recorded. These reports are distributed to the Chief Justice and the chief judges of the circuits and districts.

The purpose of these reports is to assist the chief judge in managing the circuit's workload. It is to be noted that with the increase in overall workload and a corresponding increase in judges the number of these cases either in the courts of appeals or in the district courts have not shown a marked rise in cases under submission or advisement. This entire reporting process is handled by correspondence with the judges.

#### V. STATISTICAL COMMENTARY

(a) About 2,000 court personnel in the Federal judiciary assist in the completion of statistical reports. These reports are required either by statute or by the Judicial Conference. The Statistical Analysis and Reports Division operates with the advice and direction of the Subcommittee on Judicial Statistics which reports to the Committee on Court Administration of the Judicial Conference.

The usual pathway for change is for the Division to provide the Subcommittee with a staff paper on a particular statistical problem or the effect of a change in a statute. The Subcommittee approves or disapproves recommendations (often several alternatives are provided). Upon approval of a final solution to the statistical problem, the Division prepares manuals or other types of instructions to inform the court personnel dealing with the particular form. The Subcommittee meets twice a year and makes its report to the parent Committee on Court Administration which then reports to the Judicial Conference.

(b) Statistical forms are mailed by court personnel to Washington, D.C. and processed by a small group of data analysts under the supervision of a professional staff. Two methods are used to capture the data. One method is key tape stations which utilize cathode ray terminals (CRT) which are on line to a mini-computer. The second method is manual and this covers the jury, public defender, wiretap and cases under submission and advisement programs.

(c) Many efforts are made to monitor the workload by furnishing the clerks with listings of pending cases. Also by Judicial Conference rule it is necessary to furnish lists of three year old civil cases on an annual basis. Also, lists of defendants pending in criminal cases are furnished one or two times a year.

(d) The Federal judicial statistics system has undergone many dramatic changes in terms of computerization and programming. Every effort has been made to provide complete continuity in reporting the events in the courts. Thus, one can be certain that a term used in the 1940's has the same meaning in the 1970's.

To do this it has been necessary to broaden categories of cases before the courts and to capture any new types of cases filed in the courts. For example in the prisoner petition area where there were only two classifications, habeas corpus and mandamus we now have a third category, prisoner civil rights.

(e) From a rather small beginning, the Federal judicial statistics program has gained wide recognition outside of the judicial family.

This is the result of a heavy publication program as well as furnishing data from computer runs or providing the means for approved researchers to data.

Publications provided by the Division and the fiscal year they were commenced are as follows:

Annual Report of the Director 1940.  
 Semi-Annual Report of the Director 1940.  
 Quarterly Reports, 1940-1971. Revitalized 1977.  
 Federal Offenders, 1963.  
 Persons Under the Supervision of the Federal Probation System, 1962.  
 Court Management Statistics, 1970.  
 Juror Utilization Statistics, 1971.  
 Pictorial Summary, 1973.  
 Speedy Trial Report, 1976.  
 Report on Wiretaps (Calendar year report), 1968.

(f) In the next three years, plans are underway to change the method of capturing data from the records. It is quite reasonable to expect all records to be entered on terminals. Also for some large courts we can expect statistical data from Courtran II, now being developed by the Federal Judicial Center. (The Center established on December 27, 1967 is the educational, training and research agency for the Federal judiciary).

A redesign in the programming of the data systems will also be accomplished. Such a system will move toward a data base management system keying all records by a unique docket number.

Improved data retrieval using terminals as well as programs which instantly obtain data will be fostered. For historical purposes microfiche of important listings as well as reports is now underway.

In summary, judicial statistics are no longer being regarded as spillover from the business of the courts. Statistics are an important task. They are regarded as important for budgetary programs, for determining workload and to provide the public a report card on the health of the Federal judiciary.

First presentation—October, 1972; revised—October 1976; revised—January 1977; revised—November 1977; revised—March 1978.

NATIONAL ASSOCIATION OF COUNTIES,  
 Washington, D.C., October 19, 1979.

HAYDEN GREGORY,  
 Chief Counsel, Subcommittee on Crime,  
 House of Representatives, Washington, D.C.

DEAR HAYDEN: Enclosed please find statements of National Association of Counties policy on the issue of eligibility and assumption of costs in the new LEAA program, together with recommended changes in the legislative language.

We appreciate the opportunity to comment on these issues.

Sincerely,

HERBERT C. JONES,  
 Associate Director.

Enclosures.

NATIONAL ASSOCIATION OF COUNTIES POLICY ON LEAA REAUTHORIZATION ISSUES

#### ELIBILITY

##### Discussion

NACo supports using the criterion of at least 100,000 population for both cities and counties to be eligible for entitlement status. Making counties equitable with cities in terms of eligibility would result in only one to two percent of balance of state money being shifted to the entitlement share. At the same time, it would benefit a number of counties by giving them enabling authority to choose to operate their LEAA programs more autonomously than in the past. They would, of course, also accept the increased responsibilities such a change would require.

NACo strongly believes that the legislative language should not be based on the low appropriation for LEAA in fiscal year 1980. The Senate report, in discussing the decision of the Judiciary Committee to support a 250,000 population floor for counties said: "Increased appropriations would allow these minimum population figures to be scaled down."

That is NACo's point: If the law mandates a 250,000 population floor, no amount appropriations would permit the population figures to be scaled down.

While the allocations to counties between 100,000 and 250,000 may be so small in fiscal year 1980 that most counties would not choose entitlement status, the option should be available now, and in the future.

#### *Recommended language*

Section 402(a)(3): A county which has no less than .15 per centum of total state and local criminal justice expenditures and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration;

Section 402(a)(4): Any combination of units of local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration.

#### ASSUMPTION OF COSTS

#### *Discussion*

A. One of the most important issue relating to local autonomy is who has the authority to establish match requirements for entitlement jurisdictions. While local authority to set assumption of cost policy is not specifically mentioned in the legislation, NACo believes that allowing local entitlements to set their own assumption of cost policy would be consistent with the clear intent to give local entitlements more autonomy.

This interpretation is supported by the Senate Report No. 96-142 on S. 241: "The autonomy of larger jurisdictions is thus increased in a real way through the presumptive finality given to their funding decisions and the various ways in which they can organize and participate in this program. They, rather than the State criminal justice council, determine priorities and actions affecting their criminal justice systems and crime problems. Their authority to administer the funds is also increased. The increase in authority and autonomy are supplemented by an increased share of responsibility to assure that Federal and State statutory requirements are met." (Italic added.)

As in other areas of increased authority, the entitlements would then have more responsibility, in this case, to assure that successful projects covered by the cost assumption requirement are fully funded by local government after three years of federal assistance.

Other language which indicates separate state and local authority to set cost assumption/match requirements is that which requires the LEAA administrator, not the state council, to determine whether a recipient "is unable to assume such cost because of State or local budgetary restraints." (Italic added.)

NACo urges LEAA to establish guidelines that give local entitlement jurisdictions the authority to set their own assumption of cost policies and match requirements.

#### *Recommended language*

Section 401(b) (S. 241): The Federal portion of any grant made under this part may be up to 100 per centum of the cost of the program or project specified in the application for such grant, except for any funds used for the purpose set forth under subparagraph (c) of this section. Except for funds allocated under subparagraph (c) of this section, a grant recipient shall assume the cost of improvements funded under this part after a reasonable period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints. States may establish match requirements and assumption of cost policies for State monies and Balance of State monies. Entitlement jurisdictions as defined in Section 402(a) 2, 3 and 4 may establish match requirements and assumption of cost policies for their monies.

B. The House and Senate bills differ on the issue of match. The Senate has approved 100 percent funding for formula grant action programs with an assumption of cost requirement. The House voted for a 10 percent State and local match with no assumption costs.

The LEAA program was established to foster innovative programs on which State and local governments could not afford to risk their own funds. NACo believes that counties should have the option to receive full federal funding for the first year of a project. Following that year, counties should begin contributing local funds to projects they determine to have a high probability of success, so that such projects could be supported entirely by local funds after a reasonable period of time.

NACo supports the Senate language with the addition recommended above.

To : Crime Subcommittee.

From : American Law Division.

Subject : Analysis of certain provisions in H.R. 13397 and H.R. 13948 which would grant authority to a Federal bureau to collect crime statistics from State and local governments.

This responds to your request for a constitutional analysis of certain provisions in H.R. 13397 and H.R. 13948. Such provisions would establish a Bureau of Justice Statistics and would give the Bureau authority to collect certain crime statistics from state and local governments. In regard to this authorization two questions have been raised. First, are there any constitutional problems with granting a federal bureau power to collect crime-related information from state and local governments. And, second, are there any constitutional problems if Congress provides that state and local governments must supply statistical information to a federal bureau as a condition to receipt of federal grant funds for criminal justice improvement and assistance. These two questions are discussed below.

A grant of power to a federal Bureau of Statistics to collect crime statistics from state and local governments would of necessity rely as its jurisdictional base upon Congress' power to regulate commerce among the States. U.S. Const., article I, § 8, cl. 3. Until 1937 the United States Supreme Court interpreted the scope of the commerce power relatively narrowly saying that only those activities which were in interstate commerce or which directly affected it were subject to regulation under the commerce clause. See, e.g., *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936). Since then, however, the Court has greatly expanded the reach of the commerce clause in several respects.

First, the Court has held that Congress may regulate those activities which, even though intrastate in character when considered separately, have "such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect commerce from burdens and obstructions." *National Labor Relations Board v. Jones and Laughlin Steel Corporation*, 301 U.S. 1 (1937). Thus, manufacturing or mining or agriculture which involves the expenditure of funds from sales, even if none of the activities themselves involve a state boundary, can have an effect, and it need not be substantial, upon interstate commerce to justify congressional regulation. *N.L.R.B. v. Fainblatt*, 306 U.S. 601 (1939); *Wickard v. Filburn*, 317 U.S. 111 (1942); *Heart of Atlanta Motel v. United States*, 379 U.S. 241 (1964). And the cumulative effects of a class of activities may be relied upon by Congress. *Perez v. United States*, 402 U.S. 146 (1971).

The power of Congress to regulate interstate commerce is thus undeniably broad, encompassing as it does, even private economic enterprises. Since 1937, the High Court has not held unconstitutional a federal statute regulating private activity on the ground that it exceeded the limits set forth by the interstate commerce clause, although in a few cases individual justices would have so held. See, e.g., Justice Stewart in *Perez v. United States*, 402 U.S. 146 (1971).

However, the commerce power is not unlimited. The Constitution requires a sufficient relationship between the congressional legislation and interstate commerce. It seems clear that a sufficient nexus exists between the congressional objectives in H.S. 13397 and H.R. 13948, collection of crime statistics to help strengthen and coordinate justice systems throughout the nation, and interstate commerce, since crime itself crosses states lines and impacts upon commerce between the States in a number of ways. See, for example, *Hoke v. United States*, 227 U.S. 322 (1931); *Brooks v. United States*, 267 U.S. 432 (1925). The relationship between the provisions of both bills and their nationwide scope is further set out in the findings as follows :

The Congress finds and declares that the incidence of crime in the United States is detrimental to the general welfare of the Nation and its citizens, and that existing programs have not adequately responded to the problems of crime reduction alternatives to incarceration, and juvenile delinquency. (H.R. 13948, Section 101.)

Congress further finds that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which requires : (1) systematic and sustained action by Federal, State and local governments; (2) greater continuity in the scope and level



of Federal assistance; and, (3) continuing efforts at all levels of government to streamline programs and upgrade the functioning of agencies responsible for planning, implementation and evaluating efforts to improve justice systems. (H.R. 13398, Section 2.)

Thus, in general terms, Congress would have the power under the interstate commerce clause to grant a federal Bureau the authority to collect crime statistics from state and local governments. However, one caveat exists to this general proposition. This caveat stems from the United States Supreme Court's decision in *National League of Cities v. Usery*, 426 U.S. 833 (1976). Justice Rehnquist, writing for the majority in this 5-4 decision, held unconstitutional those provisions of the 1966 and 1974 amendments to the Fair Labor Standards Act that had brought certain employees of state and local governmental entities under coverage of the Act. The fact that Congress was attempting to regulate a state activity was held to impose a limitation on its power under the Commerce Clause. A State is considered to have a separate and independent existence under the federalist structure of our nation, and it possesses a constitutional right to protect that existence from unduly intrusive federal regulations. Congress may not displace the freedom of the States to structure their own operations, particularly in traditional areas of state governmental concerns, such as education, medical care and police and fire protection.<sup>1</sup> As Justice Rehnquist stated, "... We have repeatedly recognized that there are attributes of sovereignty attaching to every state government which may not be impaired by Congress, not because Congress may lack an affirmative grant of legislative authority to reach the matter, but because the Constitution prohibits it from exercising the authority in that manner." *Id.*, 845. To permit the kind of regulation attempted in the Fair Labor Standards Act Amendments, said the Court, would endanger and perhaps impair the separate and independent existence of the States as States.

Under this view it is not enough to determine whether the congressional regulation of a particular state activity affects interstate commerce. One must then go on to determine whether such a regulation interferes unduly with the traditional and integral functions which a State performs in its sovereign capacity. If the federal regulation, though valid in other respects, nevertheless intrudes into state legislative processes, it may be struck down.

The *National League of Cities* decision constitutes the first major limitation enunciated by the High Court in forty years upon Congress' power to regulate interstate commerce. It squarely overruled the Court's previous, widely cited, holding in *Maryland v. Wirtz*, 392 U.S. 183 (1968), which had upheld the extension of the Fair Labor Standards Act to employees of state hospitals, schools and other institutions. However, one may find a limiting aspect to the implications of the Court's holding in *National League of Cities* in the division of the Court. In the majority of five, the deciding vote was cast by Justice Blackmun, who in his concurring opinion, said that he was "not untroubled by certain possible implications of the Court's opinion." *Id.*, 260.

Justice Blackmun interprets the majority's holding as a kind of "balancing approach." *Ibid.* He envisions a case-by-case balancing of interests whenever the Congress' power under the Commerce Clause conflicts with state sovereignty. For instance he indicates that the majority decision would not necessarily "outlaw federal power in areas such as environmental protection where the federal interest is demonstrably greater and where state facility compliance with imposed federal standards would be essential." *Ibid.* This uncertainty as to exactly where the line between permissible and impermissible regulation may be drawn limits to some extent the scope of the case's holding.

In the case at hand, the area of crime control undoubtedly is one of particular interest to a State, and an area which in many ways is handled on the state and local level. The question becomes whether federal regulation of certain aspects of state crime control would constitute a federal intrusion into the sovereign status of the States as States. Justice Blackmun's balancing approach in *National League of Cities* suggests that the mere collection of state and local crime statistics

<sup>1</sup>The Court specifically distinguished cases where Congress uses its authority to reach state activities in what may be called non-proprietary capacities, such as the operation of a business in competition with private business, a railroad or the sale of timber from state-owned lands. Such commerce power regulations of state activities remain unaffected by the decision, since such activities are not regarded, apparently as a matter of historical interpretation, as an integral part of traditional governmental operation.

(presumably already compiled) would not constitute an impairment by Congress of traditional state functions. The problem of crime control is nationwide as well as pervasive and, according to the findings in H.R. 13397 and H.R. 13948, in need of national coordination in order to strengthen and upgrade all levels of criminal enforcement. This national interest may tip the scales in favor of federal involvement, where the federal need for state and local crime statistics is demonstrably greater than state concerns for directing their own legislative processes. In addition, the States would not be required to undertake a large financial burden in order to comply with the Bureau's informational requests. Since the burden would be small, and the federal need arguably substantial, the limitations of the *National League of Cities* decision would not appear to control in this case.

The second question to be addressed in this memorandum is whether Congress may provide that state and local governments must supply crime statistics to a federal bureau as a condition to receipt of federal funds for criminal justice assistance. Legislation along these lines would involve Congress' power to tax and spend for the general welfare. U.S. Const., article I, § 8, cl. 1.

It is well settled that Congress has the power to fix the terms on which federal funds are allotted to recipients. See *Lau v. Nichols*, 414 U.S. 583, 569 (1974). The landmark case involving conditions imposed on benefits offered to a State by the Federal Government is *Oklahoma v. U.S. Civil Service Commission*, 330 U.S. 127 (1947). The Court in that case sustained the requirements of the Hatch Act which directed that an Oklahoma Highway Commission member be removed for participation in partisan activity or money equal to the commissioner's salary would be withheld from the state-federal highway funds. The Court explained:

While the United States is not concerned with and has no power to regulate local political activities as such of state officials, it does have power to fix the terms upon which its money allotments to states shall be disbursed. The Tenth Amendment does not forbid the exercise of this power in the way that Congress has proceeded in this case . . . The end sought by Congress through the Hatch Act is better public service by requiring those who administer funds for national needs to abstain from active political partisanship. *Id.* at 143-144.

While Congress can condition funds received pursuant to its spending programs it does not have absolute power to do so. Its use of the spending power is necessarily limited by other provisions of the Constitution. For instance, Congress cannot condition eligibility for welfare benefits on a one-year residency requirement, because such a condition would interfere with the beneficiaries' right to travel, which is protected against federal infringement by the due process clause of the Fifth Amendment. *Shapiro v. Thompson*, 394 U.S. 618 (1969). And, it is also limited to the extent that the attached conditions must be "reasonable conditions relevant to the federal interest in the project and to the over-all objectives thereof." *Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275, 295 (1958).

Thus, it is probably not valid for Congress to attach conditions to its taxing and spending programs that are extraneous to the purpose and objective of the programs. The mere fact that the conditions, in and of themselves, serve to promote the general welfare is not sufficient, since Congress may not legislate for the general welfare except through its granted powers. The conditions, rather, must directly promote the general welfare objective of the spending program itself and may not be utilized to go beyond the program to which they are attached. The standard is essentially the same as the due process standard which requires that the means selected should have "a real and substantial relation to the object sought to be attained." *Nebbia v. New York*, 291 U.S. 502, 525 (1934).

Since the condition to be compiled with and the grant of federal assistance are both related to the improvement of national and local criminal justice systems, the use of the spending power in this case seems quite appropriate. The rationality test is thus satisfied since the collection of crime statistics will arguably further the general goals of the Omnibus Crime Control and Safe Streets Act.

It should be remembered that the taxing and spending power is a non-coercive power, i.e., the States are not required to accept the federal grants of assistance (along with the attached conditions) and the Federal Government cannot force such an acceptance. However, once the States accept the federal assistance, they are obliged to comply with all the attached conditions. If a State fails to comply or if it complies inadequately, the Federal Government may cut off funds, or, the federal courts are available to compel through injunction compliance with the conditions agreed to by the State. *Rosado v. Wyman*, 397 U.S. 397 (1970).

Certain limitations expressed by the Supreme Court in *National League of Cities* should be noted at this point with respect to the Congress' power to attach the above discussed conditions to a federal grant program. Such limitations stem from a footnote in the Court's opinion. As discussed earlier in this memorandum, the Court in that case found that Congress has no power through the Commerce Clause "to force directly upon the States its choices as to how essential decisions regarding the conduct of integral governmental functions are to be made." 426 U.S. at 849.

The court also stated in footnote 17:

We express no view as to whether different results might obtain if Congress seeks to affect integral operations of state governments by exercising authority granted it under other sections of the Constitution such as the Spending Power, Art. I, sec. 8, c. 1, or sec. 5 of the Fourteenth Amendment. The Court thus leaves open the question of the validity of congressional use of its spending power to require the States to comply with federal standards so as to accomplish a result which would not be feasible as a direct regulation under the commerce power.

Since, however, it is arguable that Congress could indeed accomplish its objective of securing state and local crime statistics by use of its power to regulate interstate commerce, it follows that Congress could accomplish this same result by use of its spending power. The major difference would be that if Congress chooses to use its spending power it cannot compel compliance with the condition if a State refuses to accept the grant of aid to which the condition is attached.

We hope you will find the above discussion helpful for your needs. If further information or discussion is desired, please let us know.

KATHLEEN S. SWENDIMAN,  
*Legislative Attorney.*

## LEAA REAUTHORIZATION

THURSDAY, MARCH 22, 1979

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME,  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met at 9:45 a.m. in room 2237 of the Rayburn House Office Building, the Honorable John Conyers (chairman of the subcommittee) presiding.

Present: Representatives Conyers, Edwards, Volkmer, Synar, Hyde, and Sensenbrenner.

Staff present: Hayden Gregory, counsel.

Mr. CONYERS. The subcommittee will come to order.

Today in connection with LEAA, we will examine the juvenile justice portion and that problem of LEAA. We note that several considerations are brought immediately to our attention.

The first is the morale problem at the Federal level in the area of juvenile justice and delinquency prevention. The second is the multiple problems related to status offenders, their overemphasis and the important consideration to be given that they be separated. The third is the problems that relate to deinstitutionalization and how redtape and bureaucracy can foil even the best of our intentions.

We note additionally that there is a recurring trend toward what has been termed the hard line approach toward youth crime and the result, of course, is that people, regardless of age and maturity may get locked up together and, in connection with this trend, several States have lowered the ages which youth can be tried and incarcerated as adults.

The length of time that youth can be under the control of the criminal justice system has increased. The sanctions imposing discretion for juvenile crime has been diminished, and incarceration for serious youth offenders is more frequently being called for.

This represents a trend that is opposite of increased first amendment protections being afforded a juvenile brought up in that system.

We begin this part of our LEAA inquiry today with our colleague, the Resident Commissioner of Puerto Rico, Hon. Baltasar Corrada, who is also a practicing attorney, who has had a long interest in this whole area and serves with great distinction on the Education and Labor Committee as well as the Interior and Insular Affairs Committee.

We appreciate your preparation of a statement and it will be incorporated in full in the record, and we will permit you to proceed in your own way. Welcome, Mr. Corrada.

[The complete statement of Mr. Corrada follows:]

STATEMENT OF HON. BALTASAR CORRADA, RESIDENT COMMISSIONER OF  
PUERTO RICO

Mr. Chairman and members of the subcommittee, my name is Baltasar Corrada and I am the Resident Commissioner of Puerto Rico.

I want to thank you for giving me this opportunity to testify on the proposed legislation to improve the Law Enforcement Assistance Administration (LEAA). I will specifically refer to H.R. 2061, the "Justice System Improvement Act," and to H.R. 2108, the "Criminal Justice Assistance Act of 1979," introduced by Chairman Peter W. Rodino and John Conyers respectively.

LEAA was created in 1968 by Title I, Law Enforcement Assistance, of the Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351; 82 Stat 197: 42 USC 3701 et seq.). This has been the major Federal program providing financial aid and technical assistance to state and local government for crime control and prevention.

These hearings come at a most opportune and critical time. LEAA is geared to disappear if corrective and positive actions are not taken to save the program.

The bill under consideration is significantly different from the current LEAA statute and is designed, basically, to deal with the problems and criticisms directed at the program.

Perhaps the most innovative feature of LEAA since its inception was its block grant program. However, this method of fund allocation has been the most controversial. Some voices have also expressed concern with regards to the effectiveness of LEAA structure, priorities and administration of the program. I share this concern and feel that changes must be made if Congress is going to deal with states' crime problems and if we are going to remain responsive to the taxpayers. Hence, I want to make it clear that I will be joining your efforts in redirecting the activities of LEAA without cutting Federal anti-crime funds that states and local governments currently receive.

We are confronting the administrative and structural defects of LEAA. What I hope we will not be doing, is providing grounds or arguments that will buttress the position of LEAA detractors who believe it should be eliminated or could be saved only by reducing its funding level.

Among the significant features of the bill are: (a) simplifying the grant process and the elimination of the annual comprehensive plan requirement and the attendant red tape (b) more sophisticated and targeted formulas for the distribution of funds to those areas of greatest need (c) recognizing and strengthening the participation of local governments in the fighting against crime (d) eliminating wasteful uses of LEAA funds (e) the assurance of greater participation of neighborhood and community groups in the development of state and local applications for LEAA funds. I fully support these changes.

At this point, I would like to state that LEAA prepared in 1976 a profile for Puerto Rico providing an overview of the impact of LEAA programs in the island. The profile concludes that LEAA funds awarded have been responsible and instrumental in upgrading the criminal justice system as well as in the fight against crime in Puerto Rico.

Governor Carlos Romero-Bareló of Puerto Rico and I are committed to make the most efficient and effective use of LEAA funds by setting state priorities that reflect the needs of the island in its fight against crime.

The bill under consideration would replace the LEAA block and discretionary grant program with a formula grant program, a priority grant program and a discretionary grant program. Under current law, as well as under the bill under consideration, Puerto Rico is treated like a State. I trust this fair treatment remains all along the legislative process.

In respect to Formula Grants, the submission of a very simple three-year application to LEAA (rather than annually), is contemplated. It will be an application which does not contain much of the verbiage that has led to large paper submission requirements under current law. This is an excellent idea that will be helpful in streamlining the administration and lessen the ever prevailing red tape in Federal bureaucracy.

At the state level, allocations under the bill are based on one of two formulas, whichever results in the higher amount to the state. One formula is based on relative population, the method of fund distribution which is currently being used for

block grant allocations under LEAA program. The other formula divides the available funds into four equal portions: one portion is allocated on the basis of the relative population of each state; one portion on the basis of the relative number of index crimes reported in the states; one portion on the basis of relative criminal justice expenditures by each state from its own sources; and one portion on the basis of population weighted by the relative proportion of personal income paid in state and local taxes within each state. No state may receive an allocation under the latter four-part formula in excess of 10 percent over what it would have received under the population based formula. There is also a "hold harmless" provision that as long as the appropriation is at the current (1979) level, no state shall receive less than the amount it received under current law in 1979. This is an excellent idea that will allow certain states to receive the amounts of money they need in order to continue their fight against crime.

Sponsors of the bill have indicated that if the bill's authorization level of \$825 million is reached, \$450 million would then be made available for the purposes of the block grant program. The Congressional Research Service (CRS), at my request, has applied to Puerto Rico the statewide allocation formula to a \$450 million appropriation.

CRS analysis indicates that Puerto Rico will receive the greater allocation of funds under the "population only" formula, the same basis on which it is currently receiving block grants. The statistics show that under the 4-factor formula, the Commonwealth would receive 1.35 percent of the funds while under the population-only formula it would receive 1.46 percent. In dollar terms, Puerto Rico's allocation would be \$6,570,000. That is, \$1,191 million more than the amount we are currently receiving. Thus I favor the flexibility allowed in the bill to apply the most favorable formula to each state depending on its situation. However, under the President's budget for fiscal year 1980, Puerto Rico will be receiving only \$4.36 million, which is \$1.01 million short of the funds allocated for fiscal year 1979.

After determining the formula-based allocation, it would also be appropriate to consider the additional funds available to Puerto Rico for purposes of establishing and operating a State Criminal Justice Council. These funds would include \$250,000, plus \$50,000 if Puerto Rico has a judicial coordinating committee, plus another 7.5 percent of the item known as part D allocation, which would be \$492,750. The maximum amount of these funds available to Puerto Rico would therefore be in total of \$792,750. This compares with \$777,000 which will be available for similar purposes under current law for fiscal year 1979. Under the President's budget for fiscal year 1980, the Puerto Rico Crime Commission, which is our State Planning Agency, will be receiving \$581,000 of which \$281,000 will have to be 50-50 matched.

The Administration wants to increase the matching requirement for grants relating to administrative costs (the \$792,750 in "additional" funds), from the 10 percent under current law to 50 percent. This would require a greater financial burden for Puerto Rico with regard to the administrative costs of its state planning agency. What the Administration is saying is that they will not give away federal funds to request more federal funds. This approach is totally incorrect. If this 50-50 matching requirement is imposed, the states will have a re-direct part of its state criminal funds, mostly to buy hardware, to share the expenses of a federal office in charge of supervising the proper use of federal funds. If this divestment is projected into the 50 states and Puerto Rico, we will be having millions of dollars of state funds dedicated just to run the office of a federal program.

In summary, you will note that the above impact analysis on Puerto Rico is based on the assumption that LEAA will have a \$450 million appropriation for its block grant fund program. If the appropriations were to drop below the fiscal year 1979, amounts available for Puerto Rico and the other states would be reduced. I will be very pleased to join the efforts of this subcommittee in restoring the cuts proposed by the Administration. We will be losing momentum in our fight against crime if this drastic reduction is approved. I believe that the reorganization of LEAA marches hand in hand with the appropriations for the program. This legislation cannot work adequately if the authorization and appropriation levels are not sufficient.

I would like to refer now to a problem that I am sure can be clarified in the proposed legislation. Under current law, LEAA crime prevention and control efforts have frequently been undercut by disagreements over state and local roles and responsibilities.

As I understand, this new program will work, for local units of governments, in the following manner :

It will be required that each state establish or designate a Criminal Justice Council to (1) analyze criminal justice problems and establish priorities; (2) prepare a comprehensive application for funding; (3) receive and approve applications from state agencies and eligible jurisdictions; (4) receive, coordinate, monitor, evaluate, and audit applications received from state agencies, courts, and units of local government; (5) provide technical assistance. The Council must be under the jurisdiction of the chief executive and must have specified membership representation, including representatives of units of local government.

The process provides cities of over 100,000 population and counties or regions over 250,000 population with authority to identify the programs and projects they will implement with funds received from the state. An eligible jurisdiction is authorized to submit a single application to be included in the comprehensive state application.

The larger cities and counties will receive a fixed entitlement of funds. The amount of funds to be received by such cities and counties would also be determined by a complex formula and not, as under the current law, at the discretion of the state.

This might be, very well, a solution to the problems faced by some local units of government here in the mainland. The situation is different in Puerto Rico and perhaps in some other states. We have not suffered the bad experience that other local units of government have suffered in the mainland. This new approach should be amended to the extent of allowing states that operate law enforcement judicial and correctional systems on a statewide basis, that is, with a centralized type of government, like the one we have in Puerto Rico, to continue doing so without having to lose federal funds. There is no purpose in giving a fixed entitlement of funds from the total state share if the local units of governments do not have the mechanism to make effective use of such federal funds. In such case, all funds should go to the state, including funds that would otherwise go to the units of local governments with the required population.

I want to make myself clear that I do not have any objections to the participation of local units of government in this contemplated reform. My objections are geared to any possible dilution of state funds for the benefit of municipalities or units of local governments with no law enforcement, judicial or correctional functions or powers.

Puerto Rico is divided into seventy-eight (78) municipalities and only a few have established a municipal police to aid state police only in traffic matters. But none of them has statutory jurisdiction in the administration of criminal justice. The Puerto Rico Crime Commission has made a concerted effort to provide balanced allocations of action funds to the different components of the criminal justice system and to major centers of population. The Commission has, where possible, included in its comprehensive plan coordinated activity and use of action funds with metropolitan governments, municipalities and local non-profit organizations.

While the centralized government precludes the extended involvement of major cities, which would be found in the average state, in Puerto Rico we have given a balanced emphasis as to the larger centers of population. Although a larger percentage of action funding has been applied to metropolitan San Juan, which comprises one fourth of the total population of Puerto Rico and where nearly half of the total of major crimes take place, the majority of the programs and projects are islandwide in scope.

These projects apply basically to improvement of general services and capabilities of agencies having islandwide jurisdiction.

I trust that eligibility requirements for block grants will remain fashioned in such a way that agencies like the Puerto Rico Crime Commission will continue with its operations as they are presently doing.

I fully support the creation of the National Institute of Justice which would subsidize projects and programs which have been designated as successful. However, the incorporation of civil justice programs in a criminal justice agency must be carefully scrutinized. Basically, this institute will improve criminal and civil justice systems at all levels of government; prevent and reduce crimes and unnecessary civil disputes and insure citizens access to appropriate dispute resolution forums.

If those civil matters contemplated in this new approach are not qualified as having a direct bearing on crime prevention programs, like abandonment of children, adoptions and juvenile justice programs to prevent crime, we will be diverting resources from the critical area of criminal justice. It will be an exercise in futility and a waste of federal funds in an area in which such aid is not presently needed.

I believe that this kind of research should be geared to identifying the origins and factors contributing to criminal behavior, developing methods of preventing and reducing crimes and improving the quality and fairness of criminal and juvenile justice. Hence, pure civil matters should be excluded. I recommend to the subcommittee that in this particular area guidelines or standards be set in order to make this intended new program a more meaningful one.

Under existing law, LEAA is authorized to provide training and education to criminal justice personnel, public education on respect for law and order, and training to community service officers. This program must be preserved in the reorganization by reason of its valuable contributions in keeping informed all criminal justice personnel of new developments and techniques in the fight against crime. The benefits of this program should be also made extensive to citizens who have demonstrated concern in criminal justice problems. Furthermore, emphasis should be placed on acquainting the general public with criminal justice issues. The interest of the community and of concerned citizens is a cardinal point in the fight against crime. Criminal justice personnel cannot accomplish their duties in an efficient manner without the cooperation and assistance of the community. However, this is an area that could be best served if it is attended by the Health, Education and Welfare Department or by the future Department of Education.

Even though crime related, it falls more on the category of an educational program rather than one of direct crime prevention.

In relation to the Public Safety Officers' Death Benefits Program, I believe it should be transferred from LEAA to the Department of Labor, which in my opinion seems to be the more appropriate agency to administer this survivor's benefits program. Under existing law, LEAA is administering this worthwhile program for its relation to crime related activities. LEAA is authorized to make payments of \$50,000 to any public service officer who dies as a result of injury sustained in the line of duty. The Department of Labor should inform LEAA every year all payments made under the program as well as any other relevant information that should be of particular interest to LEAA.

On the question of converting the Office of Juvenile Justice and Delinquency Prevention into a line office within LEAA, I have some reservations. Traditionally the OJJDP has been under the jurisdiction of the Education and Labor Committee on which I am a member and I would like to postpone any further comments on this issue until I have the opportunity of having the views of my colleagues in the committee.

Undoubtedly, the contemplated reorganization should lead to considerable improvements in the Federal participation to continue helping the states in their fight against crime. The problems to be solved touches every one of us.

I urge you to consider favorably this intended reorganization and I look forward to working with you on this important endeavor. Your initiative and dedication is highly commendable.

### TESTIMONY OF HON. BALTASAR CORRADA, RESIDENT COMMISSIONER OF PUERTO RICO

Mr. CORRADA. Thank you very much, Mr. Chairman.

I appreciate the opportunity afforded me to testify on the LEAA bill. Mr. Chairman and members of the subcommittee, my name is Baltasar Corrada and I am the Resident Commissioner of Puerto Rico.

These hearings come at a most opportune and critical time. LEAA is geared to disappear if corrective and positive actions are not taken to save the program. The bill under consideration is significantly different from the current LEAA statute and is designed, basically, to deal with the problems and criticisms directed at the program.



Perhaps the most innovative feature of LEAA since its inception was its block grant program. However, this method of fund allocation has been the most controversial. Some voices have also expressed concern with regards to the effectiveness of LEAA structure, priorities, and administration of the program. I share this concern and feel that changes must be made if Congress is going to deal with States' crime problems and if we are going to remain responsive to the taxpayers. Hence, I want to make it clear that I will be joining your efforts in redirecting the activities of LEAA without cutting Federal anti-crime funds that States and local governments currently receive.

We are confronting the administrative and structural defects of LEAA. What I hope we will not be doing, is providing grounds or arguments that will buttress the position of LEAA detractors who believe it should be eliminated or could be saved only by reducing its funding level.

The bill under consideration would replace the LEAA block and discretionary grant program with a formula grant program, a priority grant program and a discretionary grant program. Under current law, as well as under the bill under consideration, Puerto Rico is treated like a State. I trust this fair treatment remains all along the legislative process.

In respect to formula grants, the submission of a very simple 3-year application to LEAA, rather than annually, is contemplated. It will be an application which does not contain much of the verbiage that has led to large paper submission requirements under current law. This is an excellent idea that will be helpful in streamlining the administration and lessen the ever-prevailing redtape in Federal bureaucracy.

At the State level, allocations under the bill are based on one of two formulas, whichever results in the higher amount to the State. One formula is based on relative population, the method of fund distribution which is currently being used for block grant allocations under LEAA program. The other formula divides the available funds into four equal portions: One portion is allocated on the basis of the relative population of each State; one portion on the basis of the relative number of index crimes reported in the States; one portion on the basis of relative criminal justice expenditures by each State from its own sources; and one portion on the basis of population weighted by the relative proportion of personal income paid in State and local taxes within each State.

No State may receive an allocation under the latter four-part formula in excess of 10 percent over what it could have received under the population based formula. There is also a "hold harmless" provision that as long as the appropriate is at the current—fiscal year 1979—level, no State shall receive less than the amount it received under current law in fiscal year 1979. This is an excellent idea that will allow certain States to receive the amounts of money they need in order to continue their fight against crime.

Sponsors of the bill have indicated that if the bill's authorization level of \$825 million is reached, \$450 million would then be made available for the purposes of the block grant program. The Congressional Research Service (CRS), at my request, has applied to Puerto Rico the statewide allocation formula to a \$450 million appropriation.

CRS analysis indicates that Puerto Rico will receive the greater allocation of funds under the "population only" formula, the same basis on which it is currently receiving block grants. The statistics show that under the four-factor formula, the Commonwealth would receive 1.35 percent of the funds while under the population-only formula it would receive 1.46 percent. In dollar terms, Puerto Rico's allocation would be \$6,570,000. This is, \$1.191 million more than the amount we are currently receiving. This I favor the flexibility allowed in the bill to apply the most favorable formula to each State depending on its situation. However, under the President's budget for fiscal year 1980, Puerto Rico will be receiving only \$4.36 million, which is \$1.01 million short of the funds allocated for fiscal year 1979.

After determining the formula-based allocation, it would also be appropriate to consider the additional funds available to Puerto Rico for purposes of establishing and operating a State criminal justice council. These funds would include \$250,000, plus \$50,000 if Puerto Rico has a judicial coordinating committee, plus another 7.5 percent of the item known as part D allocation, which would be \$492,750. The maximum amount of these funds available to Puerto Rico would therefore be in total of \$792,750. This compares with \$777,000 which will be available for similar purposes under current law for fiscal year 1979. Under the President's budget for fiscal year 1980, the Puerto Rico Crime Commission, which is our State planning agency, will be receiving \$581,000 of which \$281,000 will have to be 5-5 matched.

The administration wants to increase the matching requirement for grants relating to administrative costs—the \$792,750 in "additional" funds—from the 10 percent under current law to 50 percent. This would require a greater financial burden for Puerto Rico with regard to the administrative costs of its state planning agency. What the administration is saying is that they will not give away Federal funds to request more Federal funds. This approach is totally incorrect. If this 50-50 matching requirement is imposed, the States will have to redirect part of its State criminal funds, mostly to buy hardware, to share the expenses of a Federal office in charge of supervising the proper use of Federal funds. If this divestment is projected into the 50 States and Puerto Rico, we will be having millions of dollars of State funds dedicated just to run the office of a Federal program.

In summary, you will note that the above impact analysis on Puerto Rico is based on the assumption that LEAA will have a \$450 million appropriation for its block grant fund program. If the appropriations were to drop below the fiscal year 1979, amounts available for Puerto Rico and the other States would be reduced. I will be very pleased to join the efforts of this subcommittee in restoring the cuts proposed by the administration. We will be losing momentum in our fight against crime if this drastic reduction is approved. I believe that the reorganization of LEAA marches hand in hand with the appropriations for the program. This legislation cannot work adequately if the authorization and appropriation levels are not sufficient.

I would like to refer now to a problem that I am sure can be clarified in the proposed legislation. Under current law, LEAA crime prevention and control efforts have frequently been undercut by disagreements over State and local roles and responsibilities.

As I understand, this new program will work, for local units of governments, in the following manner:

It will be required that each State establish or designate a criminal justice council to (1) analyze criminal justice problems and establish priorities; (2) prepare a comprehensive application for funding; (3) receive and approve applications from State agencies and eligible jurisdictions; (4) receive, coordinate, monitor, evaluate, and audit applications received from State agencies, courts and units of local government; (5) provide technical assistance. The council must be under the jurisdiction of the chief executive and must have specified membership representation, including representatives of units of local government.

The process provides cities of over 100,000 population and counties or regions over 250,000 population with authority to identify the programs and projects they will implement with funds received from the State. An eligible jurisdiction is authorized to submit a single application to be included in the comprehensive State application.

The larger cities and counties will receive a fixed entitlement of funds. The amount of funds to be received by such cities and counties would also be determined by a complex formula and not, as under the current law, at the discretion of the State.

This might be, very well, a solution to the problems faced by some local units of government here in the mainland. The situation is different in Puerto Rico and perhaps in some other States. We have not suffered the bad experience that other local units of government have suffered in the mainland. This new approach should be amended to the extent of allowing States that operate law enforcement, judicial and correctional systems on a statewide basis, that is, with a centralized type of government, like the one we have in Puerto Rico, to continue doing so without having to lose Federal funds. There is no purpose in giving a fixed entitlement of funds from the total State share if the local units of governments do not have the mechanism to make effective use of such Federal funds. In such case, all funds should go to the State, including funds that would otherwise go to the units of local governments with the required population.

I want to make myself clear that I do not have any objections to the participation of local units of government in this contemplated reform. My objections are geared to any possible dilution of State funds for the benefit of municipalities or units of local governments with no law enforcement, judicial or correctional functions or powers.

Mr. CONYERS. Do they use a miniblock grant approach in your State?

Mr. CORRADA. Yes, well, we have the Puerto Rico Crime Commission that submits all the proposals to the LEAA and then administers the different programs.

Mr. CONYERS. So it's a unitary system that does not need to create direct funding arrangements from the State apparatus, which would be a SPA in a normal stateside situation.

Mr. CORRADA. Essentially because the law enforcement function in Puerto Rico is conducted by statewide agencies: that is correct. What we would want to make sure is that we will not be losing any funds to the State to fight crime as a result of the fact that the local units of government are not essentially involving law enforcement functions.

I would want to suggest that this be somewhat—as a matter of fact, either in the bill or in the report so that we do not suffer any loss of funds as a result of this situation.

Puerto Rico is divided into 78 municipalities and only a few have established a municipal police to aid State police only in traffic matters. But none of them has statutory jurisdiction in the administration of criminal justice. The Puerto Rico Crime Commission has made a concerted effort to provide balanced allocations of action funds to the different components of the criminal justice system and to major centers of population. The commission has, where possible, included in its comprehensive plan coordinated activity and use of action funds with metropolitan governments, municipalities, and local nonprofit organizations.

While the centralized government precludes the extended involvement of major cities, which would be found in the average State, in Puerto Rico we have given a balanced emphasis as to the larger centers of population. Although a larger percentage of action funding has been applied to metropolitan San Juan, which comprises one-fourth of the total population of Puerto Rico and where nearly half of the total of major crimes take place, the majority of the programs and projects are islandwide in scope. These projects apply basically to improvement of general services and capabilities of agencies having islandwide jurisdiction.

I trust that eligibility requirements for block grants will remain fashioned in such a way that agencies like the Puerto Rico Crime Commission will continue with its operations as they are presently doing.

I fully support the creation of the National Institute of Justice which would subsidize projects and programs which have been designated as successful. However, the incorporation of civil justice programs in a criminal justice agency must be carefully scrutinized. Basically, this institute will improve criminal and civil justice systems at all levels of government; prevent and reduce crimes and unnecessary civil disputes and insure citizens access to appropriate dispute resolution forums.

If those civil matters contemplated in this new approach are not qualified as having a direct bearing on crime prevention programs, like abandonment of children, adoptions and juvenile justice programs to prevent crime, we will be diverting resources from the critical area of criminal justice. It will be an exercise in futility and a waste of Federal funds in an area in which such aid is not presently needed.

What I am saying here is with regard to matters of essentially a civil nature in which LEAA may participate or projects might be funded, that we should be able to define those areas to avoid a divestment of funds from essentially the effort to combat crime and, having these funds go to essentially matters of a civil nature.

I believe that there are some matters of a civil nature that rightly belong here because of their close relationship to crime, but if we don't define this in the bill, we may be opening a loophole and, therefore, allowing the possible divestment of funds to other areas that are not in need of this program.

I believe that this kind of research should be geared to identifying the origins and factors contributing to criminal behavior, developing methods of preventing and reducing crimes, and improving the quality and fairness of criminal and juvenile justice. Hence, pure civil matters should be excluded. I recommend to the subcommittee that in this particular area guidelines or standards be set in order to make this intended new program a more meaningful one.

Under existing law, LEAA is authorized to provide training and education to criminal justice personnel, public education on respect for law and order, and training to community service officers. This program must be preserved in the reorganization by reason of its valuable contributions in keeping informed all criminal justice personnel of new developments and techniques in the fight against crime. The benefits of this program should be also made extensive to citizens who have demonstrated concern in criminal justice problems. Furthermore, emphasis should be placed on acquainting the general public with criminal justice issues. The interest of the community and of concerned citizens is a cardinal point in the fight against crime. Criminal justice personnel cannot accomplish their duties in an efficient manner without the cooperation and assistance of the community. However, this is an area that could be best served if it is attended by the Health, Education, and Welfare Department or by the future Department of Education.

Even though crime related, it falls more on the category of an educational program rather than one of direct crime prevention.

In relation to the public safety officers' death benefits program, I believe it should be transferred from LEAA to the Department of Labor, which in my opinion seems to be the more appropriate agency to administer this survivor's benefits program.

Mr. CONYERS. That would bring it under the jurisdiction of Education and Labor.

Mr. CORRADA. Yes; it would.

Under existing law, LEAA is administering this worthwhile program for its relation to crime-related activities. LEAA is authorized to make payments to \$50,000 to any public service officer who dies as a result of injury sustained in the line of duty. The Department of Labor should inform LEAA every year of all payments made under the program as well as any other relevant information that should be of particular interest to LEAA.

On the question of converting the Office of Juvenile Justice and Delinquency Prevention into a line office within LEAA, I have some reservations. Traditionally the OJJDP has been under the jurisdiction of the Education and Labor Committee, of which I am a member, and I would like to postpone any further comments on this issue until I have the opportunity of having the views of my colleagues in the committee.

Mr. CONYERS. There is some jurisdiction in your subcommittee now. If you take all of this, dear colleague, we will be put out of business.

Well, thank you very much.

Since you have raised some very fundamental questions of formula which have not been brought precisely before the subcommittee, I am going to ask that counsel Hayden Gregory spend just a couple minutes

laying out the distinctions and the formula in present and proposed legislation.

Mr. CORRADA. I would, Mr. Chairman, like to—

Mr. CONYERS. I am sorry, I thought you were finished.

Mr. CORRADA. I am finished, but I would just like to again emphasize the importance of preventing any cuts that are proposed in the budget presented by the administration with respect to LEAA funds.

Again, you may devote tremendous time and energy improving this agency as I am sure that you will and I think it is essential that the level of funding be at least kept within the ranges that we authorize in appropriating funds for fiscal year 1979.

Mr. GREGORY. In the case of the formula grant program you spoke of, Mr. Corrada, the present law, of course, provides that the money goes to the States based upon a population basis.

In 2108, the bill introduced by Mr. Conyers, that would continue to be the case and, as you have discussed in your testimony under the administration bill which was introduced by Senator Kennedy in the Senate and Mr. Rodino here in the House, there would be an alternative formula of either population or the multiple fact you spoke of, and, the 110-percent ceiling and the distribution of the money to sub-State or to local jurisdictions would be in the bill as introduced by Mr. Conyers based entirely upon the relative criminal justice expenditures.

This is somewhat modified in the Kennedy-Rodino bill and, takes into consideration the expenditures in each of the criminal justice sectors. I think the concern that you expressed about money going to jurisdictions that had little or no criminal justice expenditures would not be a particular problem under H.R. 2108 because the money is allocated entirely based upon expenditures.

That is to say, even in the case of a jurisdiction that was a so-called entitlement jurisdiction, the money would only go based on the relative expenditures so, theoretically, if a jurisdiction of a city of 200,000 would be eligible as a miniblock jurisdiction and had no criminal justice expenditures, it would be an empty gesture.

It would get no money, even though it's miniblock eligible.

The individuals who communicated with the subcommittee had great concern about the practical effect of the provision in the administration bill that connoted a 50-percent match in planning in administration. I think if you examine the provisions of 2108, which is different in that respect, in that the money made available to any jurisdiction, be it State, city or county or consortium, could be used for planning an administration with no match and no limit.

That is different, however, in the sense that the money could have to come out of the overall allocation which would otherwise go for action. Now, it's our understanding that Senator Kennedy in marking up the bill in the Senate and is making or has made a change in that provision to the effect that in addition to requiring the match, which is presently in the bill, the money would also come out of action so, if that change is made, it will be the same provision you spoke to, the 50-percent match, but it would also have to come out of action.

Mr. CORRADA. I appreciate your statements in that respect.

Again, I commend your interest in this legislation and look forward to your insuring that this significant and Federal program, in aid to

the States and units of local government in fighting crime, is improved and fully supported.

Mr. CONYERS. Who is the head of the planning agency or the criminal justice operation in your county?

Mr. CORRADA. She is the—we have what we call the Puerto Rican Crime Commission and it has a director, a lady by the name of Flavia Alfaro who is the executive director of the Puerto Rico Crime Commission.

Mr. CONYERS. I suppose with \$5.4 million from LEAA, what's your national budget like?

Mr. CORRADA. In Puerto Rico? We have a budget of approximately \$1.7 billion which over \$70 million, of course, go into crime-related functions.

Mr. CONYERS. Thank you.

Mr. Volkmer?

Mr. VOLKMER. Yes, I wish to commend Mr. Corrada for bringing the problems to our attention and I'm sure that we can work them out with a little bit of sit-down discussions and study to conclude the inequities. You have a problem that is similar to some of the States. Within the States, there are problems with this legislation.

I would like to point out to you that I do not have a city of over 100,000 nor do I have a county with over 250,000. There are quite a few of them—I have a large number of police departments, which is just really the opposite of what you have in a way. They are responsible for local police protection, fighting crime, burglaries, et cetera, and they would get very little under this bill.

You do not have the local problem. You have the statewide involvement. While we have the local involvement, but, on the other hand, none of the funds.

Mr. CORRADA. Basically my suggestion is that a formula should be worked out that is flexible enough to be able not to reduce the State allocation regardless of what the sub-state situation is.

In other words, the money going to your State would be allocated naturally to the State, but then it would be distributed on a sub-state basis based on whatever structure you have related to the Law Enforcement.

Mr. VOLKMER. The statement is whether or not you have it based on the State. If you use it on the State, you would be able to do so, right?

Mr. CORRADA. Exactly.

Mr. CONYERS. Mr. Hyde?

Mr. HYDE. No questions.

Mr. CONYERS. Mr. Synar?

Mr. SYNAR. No questions.

Mr. CONYERS. Mr. Sensenbrenner?

Mr. SENSENBRENNER. No questions.

Mr. CONYERS. Thank you very much.

I would like you to examine these different formulas and we would also be pleased to talk with your criminal justice coordinator from Puerto Rico whenever she comes into Washington, D.C.

Mr. CORRADA. I am sure that she will be very much interested in doing that.

Mr. CONYERS. Thank you very much for your time and attention.

The next witness is Marian Humes, the Alderwoman from the city of Chicago, a member of the public safety steering committee of the National League of Cities and a long-time friend of law enforcement efforts.

Welcome to the Subcommittee. We will incorporate your statement, and you may feel free to proceed.

[The complete statement follows:]

STATEMENT BY MARIAN HUMES, ALDERWOMAN, CITY OF CHICAGO, ON BEHALF OF THE NATIONAL LEAGUE OF CITIES

Mr. Chairman and Members of the Subcommittee. I am Marian Humes, Alderman for the Chicago City Council, testifying on behalf of the National League of Cities and the 15,000 municipalities it represents. I also serve as a member of the NLC Public Safety Steering Committee. On behalf of the National League, I thank you for the opportunity to testify on reauthorization of the Law Enforcement Assistance Administration.

We at NLC, and other national organizations representing state and local governments, agree that crime is a serious problem and a federal criminal justice assistance administration is necessary. My remarks today will concentrate on the role of cities in the LEAA program, community crime prevention, and juvenile justice and delinquency prevention.

THE URBAN ROLE IN LEAA

Last summer marked the tenth anniversary of the enactment of the Omnibus Crime Control and Safe Streets Act. Ever since the program was proposed in 1968, the National League of Cities has repeatedly stressed a familiar theme: cities should have the widest degree of authority and flexibility to use federal funds in a manner that best fits local needs.

Accordingly, we have asked the Congress many times to enact some form of block grant legislation for major cities. During reauthorization of the LEAA program in 1973, a provision to allow large cities to develop their own criminal justice plans was adopted. However, this activity was never properly implemented by the majority of state planning agencies.

In 1976 Congress tried to strengthen the city role through a mini-block grant approach similar to that proposed in the Criminal Justice Assistance Act of 1979. This provision required states to offer larger units of local government the option of developing and implementing their own criminal justice plans. Like its predecessor, this provision has not worked satisfactorily for cities for a variety of reasons, ranging from uncertain budget levels to dependency on the good will of state planning agencies.

As Deputy Attorney General Benjamin Civiletti testified before this Subcommittee last month, only 75 of 331 eligible jurisdictions are participating, or have indicated their intent to participate, in the mini-block grant process. He also testified that many more local jurisdictions had indicated that they would participate in such a process if they were assured of a fixed annual fund allocation, if they had more control over the use of funds, and if the red tape associated with grant applications were reduced. His testimony reinforces comments on the mini-block grant approach that NLC has received from its members.

Because of the generally disappointing history of local involvement in the LEAA program, the National League of Cities supports:

Guaranteed allocations of funds to cities of more than 100,000 population, counties of more than 250,000 population; or combinations of units of local government meeting these population criteria;

A set-aside of a specific portion of each state's allocation for distribution only to cities under 100,000 and counties under 250,000 population;

Reduced earmarking of formula funds;

Replacing the existing laws' numerous planning requirements with a streamlined three-year application process; and

Additional authority for cities to use their local planning, analytic coordination, and priority-setting capabilities.

NLC believes these provisions would enable cities to develop programs responsive to local needs with respect to the control of crime.



## COMMUNITY CRIME PREVENTION

The National League of Cities agrees with you, Mr. Chairman, that community crime prevention programs are a necessary component in the fight against crime. We have long since learned that the police and other criminal justice agencies cannot successfully combat crime without the active support of citizens in a community. Citizens themselves can work to lessen the fear of crime and to reduce the social and economic causes of crime in their neighborhoods.

However, NLC believes that even in such community anticrime efforts, participation by cities should be an important component. Local units of government can provide information dissemination, technical assistance, and coordination for community crime prevention programs. In addition, participation by local government enhances the possibility that programs would be supported after a federal grant to a citizen group terminates. Community-based organizations, with their inherent budgetary limitations, most likely could not effectively continue their programs without funding from local government.

In addition, NLC supports the President's new crime prevention initiative, to be jointly administered by LEAA and ACTION. We believe that this program would encourage the most promising process for achieving major innovation in crime prevention: a real partnership between community groups and locally elected officials.

## JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The National League of Cities supports a special program for juvenile justice and delinquency prevention. With youths under the age of 18 committing 41 percent of the serious crime in the United States, juvenile crime has become a severe problem in the Nation's cities. Moreover, urban juveniles are arrested for violent crimes about twice as often as non-urban youth.

The percentage of juveniles living in urban areas has increased substantially in recent years, further compounding the problems of cities. From 1968 to 1975, the total population between the ages of 15 and 20 increased 63 percent.

A study by the Vera Institute developed a profile of violent juvenile crime through an investigation of recent arrest statistics, self-report surveys, and cohort studies. The study revealed several undisputed characteristics of juvenile crime: it is concentrated in urban areas, among males at the upper age of juvenile court jurisdiction, and among minorities. Yet the real problems of these youths have been largely ignored by the Office of Juvenile Justice and Delinquency Prevention.

In keeping with the progressive, and quite successful, efforts to deinstitutionalize status offenders, there is a pressing need for programs and services geared toward this particular group of juveniles: the serious and violent offenders. It is time for OJJDP to direct its attention to these youthful offenders.

It now appears that it is beginning to do just that. OJJDP's three special emphasis initiatives for fiscal year 1979 are youth advocacy, alternative education, and promotion of the New Pride Project—a Denver-based program that has been successful in dealing with serious juvenile offenders. Even more promising, its major new initiative for fiscal year 1980 would encourage new approaches for dealing with violent juvenile crime.

Finally, the National League of Cities believes that the authorization for the LEAA program for fiscal year 1980 should be at least \$600 million, with a majority of those funds allocated to state and local units of government. In addition, juvenile justice programs should receive at least \$75 million, a modest cutback in view of the budget restraint needed this year.

Mr. Chairman, thank you again for this opportunity to testify on the reauthorization of the LEAA program. I would be happy to answer any questions you might have.

**TESTIMONY OF HON. MARIAN HUMES, ALDERWOMAN OF THE CITY OF CHICAGO; MEMBER OF THE PUBLIC STEERING COMMITTEE OF THE NATIONAL LEAGUE OF CITIES**

Ms. HUMES. Thank you, Mr. Chairman and members of the subcommittee. I am Marian Humes, alderman for the Chicago City Council, testifying on behalf of the National League of Cities and the 15,000

municipalities it represents. I also serve as a member of the NLC public safety steering committee. On behalf of the National League, I thank you for the opportunity to testify on reauthorization of the Law Enforcement Assistance Administration.

We as NLC, and other national organizations representing State and local governments, agree that crime is a serious problem and a Federal criminal justice assistance administration is necessary. My remarks today will concentrate on the role of cities in the LEAA program, community crime prevention, and juvenile justice and delinquency prevention.

The urban role—and there is a real need for the urban role in LEAA. Last summer marked the 10th anniversary of the enactment of the Omnibus Crime Control and Safe Streets Act. Ever since the program was proposed in 1968, the National League of Cities has repeatedly stressed a familiar theme: cities should have the widest degree of authority and flexibility to use Federal funds in a manner that best fits local needs.

Accordingly, we have asked the Congress many times to enact some form of block grant legislation for major cities. During reauthorization of the LEAA program in 1973, a provision to allow large cities to develop their own criminal justice plans was adopted. However, this activity was never properly implemented by the majority of State planning agencies.

In 1976 Congress tried to strengthen the city role through a miniblock grant approach similar to that proposed in the Criminal Justice Assistance Act of 1979. This provision required States to offer larger units of local government the option of developing and implementing their own criminal justice plans. Like its predecessor, this provision has not worked satisfactorily for cities for a variety of reasons, ranging from uncertain budget levels to dependency on the good will of State planning agencies.

As Deputy Attorney General Benjamin Civiletti testified before this subcommittee last month, only 75 of 331 eligible jurisdictions are participating, or have indicated their intent to participate, in the miniblock grant process. He also testified that many more local jurisdictions had indicated that they would participate in such a proposal if they were assured of a fixed annual fund allocation, if they had more control over the use of funds, and if the redtape associated with grant applications were reduced. His testimony reinforces comments on the miniblock grant approach that NLC has received from its members.

Because of the general disappointing history of local involvement in the LEAA program, the National League of Cities supports:

No. 1, guaranteed allocations of funds to cities of more than 100,000 population, counties of more than 250,000 population; or combinations of units of local government meeting these population criteria;

No. 2, a set-aside of a specific portion of each State's allocation for distribution only to cities under 100,000 and counties under 250,000 population;

Reduced earmarking of formula funds;

Replacing the existing law's numerous planning requirements with a streamlined 3-year application process; and

Additional authority for cities to use their local planning, analytic coordination, and priority-setting capabilities.

NLC believes these provisions would enable cities to develop programs responsive to local needs with respect to the control of crime.

In community crime prevention, the National League of Cities agrees with you, Mr. Chairman, that community crime prevention programs are a necessary component in the fight against crime. We have long since learned that the police and other criminal justice agencies cannot successfully combat crime without the active support of citizens in a community. Citizens themselves can work to lessen the fear of crime and to reduce the social and economic causes of crime in their neighborhoods.

However, NLC believes that even in such community anticrime efforts, participation by cities should be an important component. Local units of government can provide information dissemination, technical assistance, and coordination for community crime prevention programs. In addition, participation by local government enhances the possibility that programs would be supported after a Federal grant to a citizen group terminates. Community-based organizations, with their inherent budgetary limitations, most likely could not effectively continue their programs without funding from local government.

In addition, NLC supports the President's new crime prevention initiative, to be jointly administered by LEAA and ACTION. We believe that this program would encourage the most promising process for achieving major innovation in crime prevention: a real partnership between community groups and locally elected officials.

#### JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The National League of Cities supports a special program for juvenile justice and delinquency prevention. With youths under the age of 18 committing 41 percent of the serious crime in the United States, juvenile crime warrants more attention than it has received in recent years. In no place is this lack of attention more acute than in the Nation's cities which bear a disproportionately high percentage of serious juvenile crime. Urban juveniles are arrested for violent crimes about twice as often as nonurban youth. To further complicate the problem for cities, the percentage of juveniles living in urban areas has increased substantially in recent years.

A study by the Vera Institute developed a profile of violent juvenile crime through an investigation of recent arrest statistics, self-report surveys, and cohort studies. The study revealed several undisputed characteristics of juvenile crime: It is concentrated in urban areas, among males at the upper age of juvenile courts jurisdiction, and among minorities. Yet the real problems of these youth have been largely ignored by the Office of Juvenile Justice and Delinquency Prevention.

In keeping with the progressive, and quite successful, efforts to deinstitutionalize status offenders, there is a pressing need for programs and services geared toward this particular group of juveniles: the serious and violent offenders. It is time for OJJDP to direct its attention to these youthful offenders in an effort to provide a broader range of program strategies and policy options.

It now appears that OJJDP is beginning to do just that. Its three special emphasis initiatives for fiscal year 1979 are youth advocacy, alternative education, and promotion of the New Pride Project—a Denver-based program that has been successful in dealing with serious juvenile offenders. Even more promising, its major new initiative for fiscal year 1980 would encourage new approaches for dealing with violent juvenile crime.

Finally, the National League of Cities believes that the authorization for the LEAA program for fiscal year 1980 should be at least \$600 million, with a majority of those funds allocated to State and local units of governments. In addition, juvenile justice programs should receive at least \$75 million.

Mr. Chairman, thank you again for this opportunity to testify on the reauthorization of the LEAA program. I would be happy to answer any questions you might have.

Mr. CONYERS. You have been working in this area for some several years. Could you describe for the subcommittee what it is like in Chicago, the whole crimefighting situation? We have been plagued by lawsuits and difficulties of every nature, all kinds of problems about crime fighting.

LEAA has been suspended at one time in Chicago. What is the picture like from your perspective?

Ms. HUMES. The picture from my perspective and, of course, as a medium, sometimes it reads, I think we have a misrepresentation so often. Of course, what we in fact did have was a suspension of funds within our police department because, of course, there were some suits in which minorities had not been adequately represented and, of course, I think that received the largest amount of press and so forth, but the truth of the matter is that Chicago has long been the leader as far as the cooperative effort between communities and local government officials as far as crime prevention programs.

If you want to describe some successful programs in the city of Chicago, you would have to start with what I would call one of the most successful programs and it is called the beat representative program. It is important because the number of dollars that are spent in a beat representative program in which the citizens themselves are the crime watchers and you deal with 3,500 volunteers is a lot more successful perhaps than any program of which you would simply place a lot of money into hands of groups that might not be fiscally responsible and might not, if they had a successful program, at the end of funding, might not be able to have a continuation of such worthwhile programs.

Chicago is alive and well, sir, might I say, and let me say that our fight on serious offenses in juvenile crimes and the overall crimefighting effort is healthy.

Mr. CONYERS. Have you had a chance to discuss with the new mayor her attitude toward the whole crime approach and with specific reference to LEAA, and, if you have not and have an opportunity to do so, would you feel free to communicate that to the subcommittee?

Ms. HUMES. We do not as yet have a new mayor. The mayor is presently Michael Bilandic.

Mr. CONYERS. He is alive and well.

Ms. HUMES. What we are saying is after April 3 the distinct possibility will be that our mayor will be Jane Byrne.

Now, I have had some conversation with her not as it specifically relates to LEAA or the situation but, of course, let me say I will communicate with you about her ideas and I am sure that Chicago perhaps will be more active in coming before this committee and others and in participation and national organization.

Mr. CONYERS. We would always welcome your testimony.

Chicago is a very prototypical situation in terms of a large urban city faced with all the challenges that that brings about.

Ms. HUMES. And the fact that we have been able to deal with them.

Mr. CONYERS. Well, I am happy to accept your telling me that.

You know, I would like also for you to check with, if you don't—maybe you know something about the Safer Foundation, the National People's Action, Woodlawn organization, John Powers Association, that deals with ex-cons and alternative types of situations?

Ms. HUMES. Right.

Mr. CONYERS. Do you have any information to bring to us about those kinds of more or less community organizations that are working in Chicago?

Ms. HUMES. Let me say this, more definitely, I guess the Woodlawn organization, that is not far from the area that I represent and Leon Finney and that aspect of it, because what they do run, in fact, is a number of ACTION-kind of programs, employment programs for youth, in addition to that they have a training center right there within Woodlawn.

They have also branched out. I don't know if you know that housing is a part of that complement. As a community organization, the Woodlawn organization has been institutionalized.

Mr. CONYERS. So, in other words, even though your municipal political base is pretty powerful there, Chicago is considered the last bastion of the old-style political base, community groups do get a chance to input and relate to the criminal justice process.

Ms. HUMES. I could cite any number of community-based organizations, yes, sir.

In fact, community-based organizations do, in fact, operate a network of alternative schools. They operate, I would say right now I am looking at, as I look at my notes, they are operating some maybe 20 programs, community-based, that are quite successful and the important thing is that with the support of local government, with the technical assistance, with being able to disseminate information, these programs are a lot more successful.

I noticed when I was here with the National League of Cities here recently for a conference when you talked in terms of what the position is with LEAA and joining together with ACTION, that we have some real models of that in the city of Chicago and, of course, the prospect again of continuation of worthwhile programs is what we really want and that's what co-opting with neighborhood groups and local government officials will do.

Mr. CONYERS. Thank you very much.

Mr. Volkmer?

Mr. VOLKMER. Thank you, Mr. Chairman.

Can you tell me approximately what Chicago's budget is as far as for the crime prevention of police?

Ms. HUMES. Chicago's budget for crime—and if you want to talk about Chicago itself, we have \$336 million and some odd cents.

Mr. VOLKMER. That is —

Ms. HUMES. That is Chicago itself.

Mr. VOLKMER. Right.

Now, do you know how much you are receiving this current fiscal year on LEAA?

Ms. HUMES. We are receiving \$7,589,886 from LEAA.

Mr. VOLKMER. \$7.6 million.

Ms. HUMES. That's right.

Mr. VOLKMER. Out of the \$7.6 million, can you, if not now, furnish the committee with what programs you are using that money for?

Ms. HUMES. Yes, I cannot furnish all of them right now, but we will make available to you the number of programs and many of the programs, as you see since LEAA is such a small part of our budget, either do directly relate really to preventative crime, juvenile crime prevention, and that aspect.

Mr. VOLKMER. Now, in order to obtain those funds for this current fiscal year, was it necessary for Chicago to go through the State of Illinois?

Ms. HUMES. Yes.

Mr. VOLKMER. And then submit your applications, plans, et cetera?

Ms. HUMES. Right.

Mr. VOLKMER. What you are asking us is to cut that tie, provide new legislation to cut the tie?

Ms. HUMES. Yes.

Mr. VOLKMER. Basically?

Ms. HUMES. That is right.

Mr. VOLKMER. Now, would you agree with or disagree that there is—in the event that that is done that there would be guidelines at least somewhere provided for allocation?

Ms. HUMES. I don't think that—

Mr. VOLKMER. Let's say on LEAA.

Ms. HUMES. I don't think the Congress is really going to pass any legislation to give money to local jurisdictions without some guidelines municipally speaking, so, of course, you know that that, in fact, will happen.

Mr. VOLKMER. Even though you would prefer it didn't happen?

Ms. HUMES. We would prefer naturally to be able to set all of our own priorities.

Mr. VOLKMER. I am not too far away from disagreeing with that.

I take the position, too, in my State that the people there know better even than I, because they spend the time that they do.

Ms. HUMES. We agree with you on that.

Mr. VOLKMER. When you are asking for the guaranteed funds for certain sized communities, are you also asking that in proportion to funds, whatever they may be, in total be by population of the area that falls within that category? What I am trying to say is, let's say that those cities of over 100,000 population, those counties of over 250,000 population, if they would make up 60 percent of the total

population of the country, would you say 60 percent of the money that is being funded by LEAA should go into that category?

Ms. HUMES. The National League of Cities' position, of course, is that in proportion to population there be receipt of funds, but as far as my position is from Chicago, I would like to say that we go even beyond that, in proportion to the serious crime also within designating allocation which, in fact, you define that in the larger cities not only by population, but by the number of violent crimes so that cities of over 100,000, 250,000, general area, would, in fact, receive more funds.

Mr. VOLKMER. What would you estimate would be the percentage of those cities within those categories—

Ms. HUMES. What percentage of cities?

Mr. VOLKMER. What percentage of total amount would be allocated for those cities and counties of 100,000 to 250,000? With serious crime statistics?

Ms. HUMES. Yes, I could use Illinois as an example because of course, in Chicago, as far as the serious crime, I do believe that we would have 67.5 percent of the State and then all the other counties and so forth would then be allocated to what would then be the remainder because we, of course, have the most serious problem and we are in need the most.

Mr. VOLKMER. Let's assume if you had the 67 percent—

Ms. HUMES. I can't hear you.

Mr. VOLKMER. I'm saying from Missouri where I'm from, St. Louis would be approximately 65 percent. Then I look at Illinois and see cities of over 100,000, Springfield, East St. Louis, Decatur—I don't know if Decatur qualifies or not—Champaign-Urbana picking up another big percentage.

Now, what does that leave for the rest of us? This bothers me a little bit.

Ms. HUMES. OK; if you want to stretch out the argument, I might also say that it is also for the proportion of funds that we do send to the Federal Government, we are simply asking for our dollars to be spent in the areas from whence it comes.

Mr. VOLKMER. In other words, you don't believe in helping others out?

Ms. HUMES. Oh, we believe, and this is what I guess blacks would say, spread it out.

Mr. VOLKMER. Are you willing to share with the other States?

Ms. HUMES. We are willing to share in proportion to the crime or the population that they might have. In that regard, I think it would be ludicrous of us to say that we would then send funds to areas that do not need it perhaps to perpetuate the use of hardware and other kinds of things.

Mr. VOLKMER. I agree with that part, but then you have other problems, too, in the smaller towns.

Ms. HUMES. What we are talking about is, this legislation is not the end-all to everything. What we are saying, within this allocation, where it should go and we are talking about where the need is greatest.

Mr. VOLKMER. Thank you very much.

Mr. CONYERS. Mr. Hyde?

Mr. HYDE. Thank you, Mr. Chairman, and I want to congratulate Alderman Humes on a very excellent statement, and I couldn't agree with her more on the things she has been saying, and I would like, however, just to make two comments.

I don't have available to me a breakdown on what Chicago does with its LEAA funds, and I am in no hurry, but at some time I would like to see where it goes, just for my own information. I think Chicago is the best city in the world, in my judgment, and I am not from Chicago, although I was born there; that may have something to do with it, but my district abuts Chicago, and I am representing a suburban community.

What happens affects us intimately and directly, and we get superb cooperation from the law enforcement authorities in the Chicago area, but I just think one of the major problems that we all have to face is the prison situation.

Illinois is particularly racked with difficulties in its major prison, State prison, and also Pontiac is secondary and a very important prison, and we take millions of dollars and we pour them into law enforcement, and I am not sure enough of its going into prison reform, whatever that term means.

It means we have to do something. It means that the situation in our prisons is a disgrace and an outrage and it's everybody's fault because there is no constituency arguing for more money for prisons. It's very lowest on the totem pole, but it is really a blot, so I just am going to make it my personal interest to see if some funding can't go into that so we can upgrade the facilities, upgrade the guards, the prison guards, the personnel, and try to have some improvement over the medieval prison systems that affect every corner of this country.

I have no specific questions other than to again congratulate you on an excellent statement.

Ms. HUMES. Incidentally, \$1 million of the funds have been given to the county jail from LEAA.

Mr. HYDE. Good. Maybe we need more.

Ms. HUMES. Yes, I agree with you.

Mr. CONYERS. Mr. Synar?

Mr. SYNAR. Thank you, Mr. Chairman.

Let's go back to the fundamentals on this because I am very interested. Like my colleague from Chicago, I had the opportunity to live in Chicago for 1 year while I went to school, and lived in the downtown area. I felt the crime prevention there had been very adequate and safe. I was thrilled that Chicago had been adequately handling their crime problem.

What's the population of Chicago?

Ms. HUMES. Approximately 3½ million.

Mr. SYNAR. How many policemen are on Chicago's force, and what is the average salary of policemen in Chicago?

Ms. HUMES. Right offhand, I can't give you the exact number of police. The average salary of policemen in Chicago should be approximately \$15,000 a year.

Mr. SYNAR. Could you at a later date get that information for the record?



Ms. HUMES. I can give you specifics. I simply did not bring such information with me today as our direction—I am testifying on behalf of the National League of Cities and, of course, as we deal with Chicago and Chicago specifics, I did not bring those statistics, but, of course, I can get them to you, which also I would imagine that we are perhaps one of the highest paid police forces in the United States, which, of course, includes uniform allowances and other things that I am talking about and, of course, now we have a stepdown process in which 14,000 policemen in the city are officers in the city of Chicago.

Mr. SYNAR. What is the minimum population on requirement to be a member of the National League of Cities?

Ms. HUMES. I don't think there is a minimum requirement.

Mr. SYNAR. Within the city of Chicago, using Chicago because you obviously have more familiarity with it as you are on the city council there, how large is the staff within the police department which is used for compiling crime statistics?

Ms. HUMES. That number has been reduced because what we have done in Chicago is to have a great use of civilian aides to handle part of that statistical data and some of the paper shuffling that has been done so we can free more of our officers for the fighting of crime.

In addition to that, we have done another thing beyond that so we don't deal with a large number of paper shufflers; we use traffic aides to direct traffic who are, in fact, not policemen.

Mr. SYNAR. Can you give me a round ballpark figure or how many people you think are used in the compilation of crime statistics?

Ms. HUMES. What you are talking about in a sense is for me to delineate exempt rank in addition to those people who are used for office. I would not say that there are that many. I cannot give you an exact figure. I would have to get that.

Mr. SYNAR. How accurate would you consider the crime statistics compiled by the Chicago Metropolitan Police?

Ms. HUMES. Well, as a member of a legislative body of the city of Chicago who oversees those statistics, I support they are very accurate.

Mr. SYNAR. In the case of Chicago, we really don't have a definite figure for the number of people used in the compilation of crime statistics.

Let's go to southern Illinois. What is the average size of the police force in the counties of southern Illinois?

Ms. HUMES. I have no idea.

Mr. SYNAR. Would you agree that they probably do not have the same expertise in compiling out crime statistics that a major metropolitan area such as Chicago has?

Ms. HUMES. That could be possible, but I would not wish to make that assumption. You simply assume that those people have not been well trained in other areas. I would not make that assumption.

I know they don't have the degree of sophistication of equipment that we have in Chicago, but I could not say that they could not be able to compile adequate statistics and the compilation of the adequate statistics, then, you would say precludes the fact that since they could not compile the statistics, perhaps they did have the higher crime rate

and perhaps they would need more funds and perhaps you would then be allocating in a disproportionate manner, and I can't go along with that.

Mr. SYNAR. You have stated many times that 67 percent of the serious crimes within the State of Illinois are committed in Chicago. That leaves 33 percent for the rest of Illinois. Are the statistics for the rest of Illinois accurate, or is there a possibility that the 33-percent figure may be less accurate, based upon what you have already stated; that is, that they may not have the same technology or expertise in southern Illinois as they do in Chicago?

Ms. HUMES. In addition to that, the causal socioeconomic factors might not be as great in a nonurban area and that is part and parcel—that is why we in big cities lobby so hard for increased funding and when we get that, perhaps, and we are able to do a better job of crime prevention, perhaps we can come to you and say, now, we don't need as much money. You can have some more in the small towns and cities.

Mr. SYNAR. I hope you will be back when that day comes.

Let's go back to your reference to the level of participation in LEAA as cited by Deputy Attorney General Benjamin Civiletti. You stated there were 331 jurisdictions in this country who are eligible for LEAA funds, of which only 75 even participated in the program.

As a city council person yourself, you have been involved with what government is all about, local control and local people solving local problems. How would you, as a member of a city council, analyze the success of a program where only 25 percent of the people even use the program?

Ms. HUMES. What you are saying is you are not analyzing the success of a program because in the city of Chicago we don't have any minibloc grants for the simple reason as Civiletti has said, because of redtape, that it would cost us more time, more money to try to administer the program, and we would simply be losing time, effort, and not getting results.

Now, if you are able to cut through the redtape and develop some guidelines, we will be happy to use any funds that are available.

Mr. SYNAR. If you were considering a program that had been less than successful and participation in the program had been very poor, wouldn't you rather clean up a program before pumping more money into it?

Ms. HUMES. I think, first of all, you are talking about a fixed allocation because in many instances you are dealing with a basic allocation and a stepdown in funding the first year, the second year, and with cities having to pick up cash match and so forth, that really precludes, you know, really using these small grants.

I think you're right. I have grave concern personally about continuation, but as we have indicated, we would like the action cleaned up, in essence; that's what we are asking, so there will be more available and we have less redtape.

Mr. SYNAR. You cited the statistics of \$336 million used to fight crime in Chicago, of which only \$7.8 million were LEAA funds. What percentage of your budget is that \$7.8 million?

Ms. HUMES. 1.5 percent.

Mr. VOLKMER. Sorry about that.

Mr. SYNAR. If we were to take that same \$7.8 million and distribute it to those areas of Illinois out of Chicago where, according to you, 33 percent of the serious crime is committed, do you think the money would be used more efficiently?

Ms. HUMES. The money would be best used where it is in the city of Chicago. In fact, what we are asking is the allocation be increased so that since the city of Chicago, of course, has, of course, the kind of community and local government kinds of programs that have shown these kinds of results, we are saying to you what we deserve is a better percentage.

We deserve a fair share. But, speaking for the National League of Cities, let me say we made our position perfectly clear because the National League of Cities represents the 50,000 jurisdictions, it represents small and large. I think every community ought to be able to set its priorities and ought to be able to have some funding for the support.

Mr. SYNAR. I find this very interesting because at various points in your testimony and your answers you have suggested that LEAA funding should be used for those programs that emphasize crime prevention.

I totally agree with you. I don't see it as a measure to stop crime, but to prevent it. It seems especially appropriate in working with juveniles. Take the State of Oklahoma. You give me \$7.8 million, which is only 1.5 percent of your budget in Chicago, and I will solve the problem of crime in the rural areas of Oklahoma outside of Oklahoma City and Tulsa.

Ms. HUMES. What we have said is it's not all money that solves crime. It is money and people, and it is that cooperation that, in fact—

So, when we talk about that being 1.5 percent of the budget, what we actually have done is, using it very accurately, in that what we have done is to bring together people as well as that money to help solve whatever problems there are in crime.

Mr. SYNAR. I totally agree with that. I think participation is vital. In fact, I believe the key to alleviating the crime problem is to get people involved in programs that emphasize crime prevention.

What I think is very clearly indicated by testimony previously is that the money which has been appropriated by LEAA does not serve the real interest of people, and I would tend to agree with you on that.

Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Sensenbrenner?

Mr. SENSENBRENNER. Alderman, since we are all talking about our relationship with the city of Chicago, I was born there and left when I was 4 years old, but I haven't been back since.

Ms. HUMES. I invite you back.

Mr. SENSENBRENNER. I represent a suburban and rural district in Wisconsin and my local government officials, whether elected officials or in the police department and sheriff's office, have been less than unanimous in their support of the LEAA program, basically because they don't think suburban and rural areas are getting their fair share either, so there seems to be a common complaint not shared by people in big cities.

The National League of Cities wants to short circuit criminal justice agencies and to have direct grants being given to cities without having the approval in the State capitol. Given the choice of having the approval by a State criminal justice agency or not having LEAA at all, which would you choose?

Ms. HUMES. I would choose not having the State planning agency and having direct entitlement of cities and municipalities.

Mr. SENSENBRENNER. That is not my question.

The two choices on the ballot are continuing the present system of going through the State criminal justice agencies or having LEAA die at the end of the period for which it is authorized.

Ms. HUMES. That is not a viable alternative, but, of course, it would mean that at some point we would still receive funding if LEAA is still alive and so we are not asking to kill LEAA.

We are simply not supporting totally coming to the State agency. So you asked which do I—it's not an either/or as far as I am concerned. You are saying am I willing to see LEAA die or would I rather see it come through the State planning agency.

I am saying to you that I am not willing to see LEAA die nor am I willing to see it continue to come as it has.

Mr. SENSENBRENNER. That might be the alternative the Congress considers.

Ms. HUMES. That might be the alternative that Congress considers.

If that is the alternative, of course, it is narrow, I think. I think that, in fact, the Congress does have to give some real consideration to the fact that local jurisdictions do have expertise and are able to set their priorities and best, since they are closest to the people.

I am an alderwoman and I am the elected official closest to the people, I have the understanding perhaps of what then the community might need whereas, like in the State of Illinois where there is no other city as large as Chicago and, when you are dealing with a State planning agency, that basically deals with smaller municipalities sometimes there is not that sensitivity that is needed in order to be able to combat the kind of crime issue. We are saying that we have that expertise. We are able to set those priorities. We are asking Congress to allow us to be able to show what we can truly do, and I am not willing to let LEAA die even if it has to continue to come through the State planning agency if that is the answer you are looking for.

Mr. SENSENBRENNER. Yes; it is.

To follow up on Mr. Hyde's point that he made, the bill that has been introduced on LEAA by Chairman Rodino contains a specific ban on the use of LEAA funds for capital improvements which I interpret would include the construction and renovation of jail and prison facilities.

Given the fact that there are a limited number of dollars available, would you support this stand on capital improvements being financed partially by LEAA funds in order to increase the number of dollars that are available through institution of the formula or not?

Ms. HUMES. Let me say this, the amount of money is so small with construction costs what they are that we couldn't use it for capital improvements anyway.

Mr. SENSENBRENNER. OK, thank you.

Mr. CONYERS. Thank you very much.

Mr. O'Connell is the executive director of the Criminal Justice Commission for Chicago in Cook County.

Did you have an observation that you wanted to make?

Mr. O'CONNELL. Thank you for the opportunity, Mr. Chairman. No, I just commend your interest in the LEAA program.

Mr. CONYERS. Thank you.

Mr. VOLKMER. Mr. Chairman, could we get from their staff a list as to the cities that belong to the League? Send it to me at the office, please.

Mr. CONYERS. Ms. Humes, would you comply with the request of the gentleman from Missouri who would like to get the list of the cities that are participating members of the National League?

Mr. SYNAR. I would like a copy of that, too, Mr. Chairman.

Mr. CONYERS. Our next witness is the director of the National Center for Juvenile Justice in Pittsburgh, Mr. Hunter Hurst who has for a good number of years worked in the criminal justice area in Louisiana, Texas, and now in Pennsylvania, authored numerous articles and worked at all levels, and whose testimony is very important to this subcommittee today.

We are delighted to have you before the Subcommittee on Crime and we incorporate your prepared statement and allow you to make the points of emphasis that you feel this committee would benefit from. Welcome.

[Written statement of Mr Hunter Hurst follows:]

#### STATEMENT OF HUNTER HURST

Mr. Chairman, I am privileged to have this opportunity to appear before the House Subcommittee on Crime. The focus of my remarks will be the role of the Congress, and consequently the Federal government, in formulating policy affecting the lives of our children.

To the best of our knowledge (this is a key assumption to which I will return later), delinquency in the United States (delinquency defined as children found to be within the jurisdiction of the court for a law violation) has grown from ten cases per thousand eligible children (ages 10 through 17) to twenty cases per thousand in the past two decades. Please note that these figures are expressed in terms of cases, not children. We don't know how many children are affected by our intervention, but our best estimate is in the realm of 400,000 per year of a potential eligible population of 33,000,000.<sup>1</sup>

The point is that there has been significant growth in official delinquency. Why? Here the answers leave the realm of general estimates and become best guesses. Some of our best guesses are: improved reporting, social deprivation, parent and state over-control, emotional deprivation, geometric expansion of genetically-determined misfits, ineffective rehabilitation, inadequate education, learning disabilities, disintegration of the nuclear family, excessive social labeling and mislabeling, over-protection (mollycoddling), over-punitiveness, indiscriminate and disproportional dispensation of sanctions, racism, classism, economic deprivation, over-stimulation from the communications media, the threat of nuclear annihilation, substance abuse, a general breakdown in morality stemming from all of the above plus the failure of religious institutions to keep pace with dynamically changing society, growing normlessness, poor self-image, differential association and the perpetuation of a Killer Society through continued emphasis on military aggression. I trust that I have slighted no one and extend my apologies to anyone whose best guess may have been ignored, but I wanted to limit the

<sup>1</sup> Verob, T. S. and Finnegan, T. A., Juvenile Court Statistics—1975. National Center for Juvenile Justice, Pittsburgh, PA, 1977.

list to those opinions that have directly affected governmental actions in behalf of children during the last twenty years.

My own best guess is that all of the above have probably had some impact on the apparent growth in the numbers of children officially labeled delinquent but that their combined contribution is negligible compared to the failure of our government to deliver on its promises. I would further contend that this failure to keep promises has its basis in faulty reasoning.

Let me explain. Thomas Jefferson is credited with saying that the error of opinion may be tolerated as long as reason is left free to combat it. Suffice it to say, I think reason should be kept free and that, as today when you are listening to opinion, you should be especially diligent in keeping reason before you because it is precisely that failure (to keep reason free) which has caused us to default on our commitments and subsequently frustrated our efforts to stem increases in juvenile crime. You, the government, have been selling wolf tickets to the children of this nation for many years now. You have developed your policies on the basis of opinions: opinions of pollsters, opinions of charismatics, opinions of the news media, opinions of wise-appearing scholars from noble institutions, opinions of mean-looking and kind-looking police chiefs, dignified-appearing judges and irreverent-appearing judges, and public interest groups by the score. And just as systematically, you have written the new-found wisdom into legislation and discarded last year's defunct truth. Certainly, wise people change their minds and so do a lot of folks who may not fall in that beknighted category. But does a wise man change his mind every season without subjecting new knowledge to the hard test of reason?

I would submit that there are few abiding truths about the nature of man. Most are interim truths, at best. And, yes, government policy should be dynamic, but arbitrary and capricious? No! Because when you do, you create a false hope and the inevitable broken promise (wolf ticket).

Permit me to illustrate by example what are, in my opinion, some of the more devastating broken promises in recent years, growing directly out of poor reasoning.

Some fifteen years ago, the U.S. Supreme Court ruled that a child who was being waived from juvenile to criminal court must have benefit of basic due process protections. A short time later, the same court ruled that a child charged with conduct which could result in incarceration must receive the same basic due process as an adult in similar circumstances. Most knowledgeable people hailed those decisions as landmark decisions. And today, the beauty and wisdom of the *Kent* and *Gault* decisions remain in tact, and we all feel good that a blow was finally struck for that forever-disenfranchised minority—children. Finally, justice for all did truly include children. *Kent* and *Gault* were soon followed by *Winship*, *Goss v. Lopez*, *Morales v. Turman*, *Bartley v. Kremens*, and we felt better and better; more and more children were people, somebody with rights, not chattels. A few of the more socially responsible law schools even began to offer an elective course in juvenile law. The Yale Law School Class of 1962 (always being in the front) spawned a bevy of able young attorneys to people the New Haven Legal Services Clinic and defend the rights of youth. But meanwhile, back in the police stations, courts, and places of incarceration for children, counsel was slow to show, but that was only because attorneys were in short supply and this deficit would be erased soon. But here it is 1979, and counsel is still rare. And when she shows, she is employed by the state or the parent. But we continue to feel good and confident that one day soon this circumstance will change. But for the present, another promise—a very significant promise—has been broken. Can you imagine how betrayed our children must feel, after cutting through the propoganda of "right to counsel," to find themselves squarely in the jaws of our juvenile or criminal process holding only a wolf ticket?

How could we perpetrate such a cruel hoax? Are we genetically demonic? Are we hell-bent to heap the same deceptions on our children which we may have received? I prefer to think not, but we are guilty of poor reasoning. If we would stop and scrutinize our theses for a moment, several interim truths might surface that would keep us from engaging in such deception, such as: ours is a property-based society; you get counsel in this country if you have money (attorneys have to eat, too); if you don't like counsel, you fire counsel—provided you have the capacity to contract. Will all children ever have these two rights in order that we may keep our promise Extremely doubtful! Why? Our common and statutory

laws have consistently denied children under the age of eighteen the right to property and contract. The American Bar Association, after eight years of intensive study, last week affirmed the wisdom of that posture.<sup>2</sup> Our biological interim truths tell us essentially the same thing: Physical capacity is seldom fully matured before age eighteen and, consequently, cognition in the fullest sense is not really possible. And so the same with the social, psychological, and all of the other disciplines. Those murky remembrances of our own youth would tell us no differently.

If you doubt we have broken our promise, find the Yale Class of 1962 or the Wayne State Class of 1969 and count the numbers who are still ably defending the rights of children as a primary life occupation.

A more recent example: Congress passed the Juvenile Justice and Delinquency Prevention Act in 1974. A major feature of that legislation [Sec. 223 (a) (13)] was the emphasis on deinstitutionalization of youth charged with non-criminal behavior. The primary documentation offered to support that provision was labeling theory.<sup>3, 4</sup> A portion of the theory assumes that negative social labeling contributes to secondary crime causation.<sup>5, 6</sup> The empirical support for that assumption, then as now, was deficient.<sup>7, 8, 9, 10, 11</sup>

Yet we unwisely made the promise that deinstitutionalizing this group of children would reduce crime. Consequently, as time passes and the Act is implemented and the evidence mounts that it does not reduce crime, the whole initiative is jeopardized.<sup>12, 13, 14, 15, 16, 17</sup> Personally, I am dismayed by that prospect because the initiative can be justified on the principle of basic fairness. A principle firmly embedded in our Constitution and affirmed repeatedly by the U.S. Supreme Court.<sup>17</sup>

At least since the 1950 White House Conference on Children, the official rhetorical posture of the Federal government has been—The family is the most important unit in our society. Its sanctity, privacy and strengths must be maintained and preserved whatever the cost. But how have we gone about implementing that sacred truth? By funding a proliferation of programs all aimed at removing children from the family. Day care centers are one of the more prominent manifestations of such policy. Green Goblin nurseries have done quite well under this program, but what has happened to the child and the family? I can deduct up to \$5,000 a year on my income tax for child care if I pay at the Green Goblin. But have you tried claiming such a deduction paid to your wife, or aunt, or grandmother lately? Whatever happened to the original purpose of child-care legislation—preserving the family? Maybe the original promise was a mistake. Maybe we have learned that the state, or its vendors, can rear children better than a parent who cares, at a fraction of the cost. If that is the new truth, let's put it out front because, in my judgment, if we continue to deceive our children, we cannot expect them to respect us and our rules (laws).

<sup>2</sup> Institute of Judicial Administration/American Bar Association, Juvenile Justice Standards Project, Rights of Minors. (Tentative draft), Cambridge, Mass.: Ballinger, 1977.

<sup>3</sup> Lemert, E. M., *Social Pathology*. New York: McGraw Hill, 1951.

<sup>4</sup> Lemert, E. M., *Human Deviance, Social Problems, and Social Control*. Englewood Cliffs, N.J.: Prentice-Hall, 1967.

<sup>5</sup> Schur, E. M., *Radical Non-Intervention—Re-Thinking the Delinquency Problem*. Englewood Cliffs, N.J.: Prentice-Hall, 1973.

<sup>6</sup> Schur, E. M., "Comments" (Chapter 11) in Gove, W. E., (ed.), *The Labelling of Deviance: Evaluating A Perspective*. New York: John Wiley & Sons, 1975.

<sup>7</sup> Klein, M. W., "Labelling, Deterrence, and Recidivism: A Study of Police Dispositions of Juvenile Offenders," *Social Problems*, 22 (2), 292-303, 1974.

<sup>8</sup> Klein, M. W. and Carter, R. M. (eds), *Back on the Streets: The Diversion of Juvenile Offenders*. Englewood Cliffs, N.J.: Prentice-Hall, 1976.

<sup>9</sup> Hirschi, T., "Labeling Theory and Juvenile Delinquency" (ch. 7) in Gove, W. E. (ed.), *The Labelling of Deviance: Evaluating A Perspective*. New York: John Wiley & Sons, 1975.

<sup>10</sup> Tittle, C. R., "Labelling and Crime: An Empirical Evaluation," (ch. 10) in Gove, W. E. (ed.), *The Labelling of Deviance: Evaluating A Perspective*. New York: John Wiley & Sons, 1975.

<sup>11</sup> West, D. J. and Farrington, D. P., *The Delinquent Way of Life*. New York: Crane Russak, 1977.

<sup>12</sup> Thomas, C. W., "Are Status Offenders Really So Different?" *Crime and Delinquency*, 22 (4), 438-455, 1976.

<sup>13</sup> Gold, M., "Changing Patterns of Delinquent Behavior Among Americans 13 Through 16 Years Old: 1967-1972," *Crime and Delinquency Literature*, 483-517, December 1975.

<sup>14</sup> Gold, M., *Delinquent Behavior in an American City*. Belmont: Brooks Cole, 1970.

<sup>15</sup> Hamparian, D. M., et al., *The Violent Few: A Study of Dangerous Juvenile Offenders*. Lexington: Lexington Books, 1978.

<sup>16</sup> Ohlin, L. E., Miller, A. D. and Coates, R., *Juvenile Correctional Reform in Massachusetts. A Preliminary Report of the Center for Criminal Justice of the Harvard Law School*. Washington: U.S. Government Printing Office, 1977.

<sup>17</sup> See *O'Connor v. Donaldson*, 422 U.S. 563 (1975).

But what about the here and now? What promises will be broken? What promises will be kept by the Congress and the Federal government in 1979? The current administration devoted a whole paragraph in its campaign platform, pledging support of full implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. It now appears that "full" equals fifty percent in 1979, minus erosion from inflation, and your proposal, Mr. Conyers, is very similar to that of the administration's in this regard. Perhaps these cuts are unavoidable. Times are tough. And further, the Act has not been administered exactly as envisioned. But, if the reductions are unavoidable, might a word of explanation—addressed directly to this nation's children—be in order?

Even while these promises are being broken, new ones are being made, and I fear that the new ones are being formed not on the basis of reason but on hastily drawn and trendish opinions. Let me predict what the major promise of 1979 will be from these chambers and the administration. My imprecise figuring tells me that it will be a promise to smash serious juvenile crime; to get tough; to draw the line. I judge that to be the case because of the following developments. It took six years of congressional deliberation to produce the Juvenile Justice and Delinquency Prevention Act of 1974. It took another year to free the funds, and an additional year to hire an administrator. He lasted a year and was dismissed, and another eight months passed before a successor was chosen. In the meantime, the chief administrator of L.E.A.A. had been dismissed and has still not been replaced. An Act had been passed in 1974, funds had been appropriated, but 1977 was drawing to a close with little action being taken except continued hearings on school violence. TIME magazine tested the waters in July of 1977 with a feature article on juvenile violence. TIME claimed that they spent the time of fifteen of their best investigative reporters and countless man-hours in developing factual support for their conclusions. But significant among their conclusions was that, in most states, part of the problem is the law. They said that in most states children aged sixteen and under could not receive significant penalties for significant law violations, and called for immediate remedial action. At the time TIME did that story, forty-eight states had statutory provision for transfer of juveniles to criminal court for serious crimes. In the other two states (Vermont and New York) the age of juvenile jurisdiction was under sixteen, and all sixteen and seventeen-year olds went to criminal court in the first instance. Are there no law libraries where TIME reporters live?

The die was cast. The flame received additional fuel by, first, the inaction of the Office of Juvenile Justice and Delinquency Prevention (there was no one in place to run the shop). Then a rushed-reaction, with most of the activity being focused on non-criminal offenders, and probably correctly so since the Congressional Record leaves no doubt that Congress intended to emphasize funding de-institutionalization efforts for non-criminal offenders. A major network aired "A View from Behind the Gun." Mr. William Buckley made an equivocal plea to reconsider putting juveniles in stocks. CBS' "Thirty Minutes" program began hurriedly attempting to put together a program on juvenile violence. Dan Rather sent his "Sixty Minutes" staff in search of a story on female gang violence. Programs to "scare children straight" began to mushroom.<sup>18</sup> The current chairman of the Senate Judiciary Committee made a speech to the International Association of Chiefs of Police calling for criminal processing of juveniles who commit serious crimes and asking that they be sentenced to significant punishment. The TODAY show featured Jimmy Breslin; NBC News went to Mississippi to cover the story of a fourteen-year old being sentenced to forty-eight years in Parchman Penitentiary. So the mandate has suddenly become clear and convincing, and devilishly inviting: If you're in the business of public policy-making, certainly something must be done. Or must it?

If a promise is going to be made to smash serious juvenile crime, I would urge you to give reason a chance to combat opinion. Ask TIME for their citations to the statutes; ask Mr. Breslin for his proof of when the age of reason dawns; ask the chairman of the Senate Judiciary Committee to demonstrate the efficacy of criminal trial and sentencing to significant punishment. Analyse the evaluation of programs to "scare children straight."

I will venture that you may not be fully satisfied by the results of your inquiry. There is documentation that serious crime by juveniles is not a rampant phe-

<sup>18</sup> Documentary episodes involving delinquency programs which bring offenders to prisons to be "scared straight" have appeared in a number of films and on KDKA-TV, Pittsburgh, Pa., and WXIX-TV, Cincinnati, Ohio, among others.



nomenon today.<sup>19,20</sup> There is documentation that forty-nine of the fifty states do already make provision for criminal trial and sentencing of juveniles accused of serious crimes.<sup>21,22</sup> There is documentation of effective intervention with serious juvenile offenders within the juvenile justice system.<sup>23,24</sup> And, finally, there is empirical evidence which strongly suggests that criminal processing of children under eighteen does not result in increased punitive sanctions and may, in fact, increase the probability of no official sanction or attention.<sup>25</sup>

Incidentally, if you have not already done so and it is not a breach of state protocol, I would urge you to invite Senator Fred McGrand of Canada to come and show you the results of his hearings on childhood experiences as causes of criminal behavior.<sup>26</sup>

Before concluding, I would like to briefly address the legislation proposed by Mr. Conyers. The Bill, in my view, commendable for its provisions which appropriately recognize that:

Children are very special and require deliberate consideration;

The burden of street crime takes its heaviest toll at the neighborhood and community level, and efforts to engage citizens in developing policy and program have been insufficient;

The development of factual information about the nature, incidence, and etiology of criminal behavior is one of the greater impediments to reasoned policy;

Provisions for efficiency and continuity in funding criminal justice programs are essential to obtaining maximum benefit from our investments;

While white-collar crime is probably the most prevalent type of crime in our country, it has received the least attention.

Simultaneously, I respectfully present the following issues which, if not carefully considered, could defeat the purpose of this or any similar legislation:

Children are a disfranchised minority without a constituency and may remain so since they keep growing up to be adults. Therefore, it should not be assumed that such unrepresented citizens can successfully compete for program funds in a free market situation.

Citizen, community involvement, private sector, voluntary, do not ipso facto equal the welfare of the people. "The Good Neighbor Club" wants 16 retarded children evicted because of a zoning violation. ["We don't want this neighborhood to go downhill."] <sup>27</sup> In a free country, vigilantes and the Child Welfare League of America form private, non-profit corporations under identical provisions of law.

The Democratic party's reputed position on organizational structure is that, if you have the right organization, any fool can run it. The Republican view is that, if you have the right person, he can run any fool organization. I was born, and will probably die, a Democrat but on this issue I confess to being a closet Republican.

Justice does, in my view, require restraint in imposing criminal sanctions but the real support for such a position may very well lie more in humanitarian values than in numeric crime reduction. L.E.A.A.'s experience to date has demonstrated the unfortunate result of justifying a worthy initiative with less than a reasoned rationale. The agency has done a credible job in recent years

<sup>19</sup> Smith, D. D., Preliminary Report: National Uniform Juvenile Justice Reporting System. National Center for Juvenile Justice, Pittsburgh, Pa., 1979.

<sup>20</sup> White, W. S., Statement Before U.S. Senate Subcommittee to Investigate Juvenile Delinquency, Apr. 10, 1978.

<sup>21</sup> Hurst, H., Juveniles as Criminals—A Profile of the Statutes on Waiver of Children to Criminal Court. Address to American Academy of Child Psychiatry Annual Conference, St. Louis, Mo., October 1975.

<sup>22</sup> Hutzler, J., Juvenile Court Jurisdiction Over Children's Conduct: A Statutes Analysis. (Monograph) National Center for Juvenile Justice, 1977.

<sup>23</sup> Neithercutt, M. G., Effectiveness of Intervention Impacting Violent Juvenile Offenders. (Unpublished Manuscript) Bay Area Research Design Associates, San Francisco, Calif., 1978.

<sup>24</sup> Vera Institute of Justice, Violent Delinquents, New York: Vera Institute, 1978.

<sup>25</sup> Gable, R. J., The Pittsburgh-Buffalo Project: An Investigation of the Outcome of Judicial Proceedings Involving 16 and 17-Year Old Youth. (Monograph) National Center for Juvenile Justice, Pittsburgh, Pa., 1979.

<sup>26</sup> Proceedings of the Subcommittee on Childhood Experiences as Causes of Criminal Behaviour. Senator Fred A. McGrand, Chairman, Senate of Canada, Ottawa, Ontario, Canada, 1977-1978.

<sup>27</sup> Eisenberg, L. E., "An Epidemic of Kew Garden Syndrome: The Redefinition of Caring as Coercion." Address to the 1977 International Symposium: New Directions in Mental Health. Thistleton Regional Centre, Ontario, September 1972.

of funding the least restrictive alternative, only to confront its critics who say "but you promised a reduction in crime." Given the original promise, the critics have grounds for requesting a requiem instead of a revival.

Clearly, I feel that broken promises, irrespective of their substance, are a major cause of disrespect for the rules of organized society. And certainly I know you will make your decisions from the heart and not the head, and further trust that will always be the case. Yet, somehow, some way, I hope you can logically temper the heart.

Thank you.

#### TESTIMONY OF HUNTER HURST, DIRECTOR, NATIONAL CENTER FOR JUVENILE JUSTICE, PITTSBURGH, PA.

Mr. HURST. Thank you for the opportunity to address this committee. I am from Pittsburgh, home of the Pittsburgh Steelers and 57 varieties of potholes. I would like to address my remarks to the delinquency provision under the proposed legislation, and, if you would abide with me, hit a couple of high points.

The first point being we don't really know what the extent of delinquency in this country is. That's as a commentary. We guess that it has grown from 10 cases per thousand eligible children, ages 10 through 17, to 20 cases per thousand in the last two decades.

I note your proposed legislation does make a provision to attempt to remedy that deficit by deliberately trying to accumulate statistics on this matter and I commend you for that.

The major concern that I would like to take up with you is that you develop legislation that is soundly reasoned and legislation that can be delivered. I think that in the field of delinquency there is no greater cause of delinquency than our collective failures to keep our promises or to carry out our threats. To promise and not deliver, in my judgment, encourages disrespect for the law. And I feel that we have been guilty for a variety of reasons of failing to keep our promises.

Let me illustrate. Some 15 years ago the Supreme Court ruled that a child waived from juvenile to criminal court must have benefit of due process. Everyone lauded that decision. Fifteen years later, lawyers still are not in juvenile court. When they do show up, they represent the State or the parent. If we had thought about it at the time that change was occurring, I think we would have realized that we needed to do something else if we truly wanted to assure that children would be represented in court proceedings.

The reason we need to do something else has been clear to us from what happens in the criminal justice process generally. The disenfranchised are the ones who feel the brunt of it, and children in our society are among the most disenfranchised. They are not only without means and vote. They have no right to own property and no power to contract, two absolute requisites for effective counsel in this country.

We still haven't done anything about it. We feel comfortable that we funded some public defender services that are terribly overloaded, neighborhood legal services that are terribly overloaded.

Communities have on their own initiative tried to get volunteers to provide services but it's still not being provided. It's a broken promise and one bound to encourage disrespect.

Other areas where the same thing, in my judgment, has happened is in the area of preservation of the family. While we talk about doing

it, at the Federal level in particular, we have done very little to insure that the family will remain intact. In fact, by the time we get through agreeing on the kind of legislation that is needed in developing the regulations for it, we have in some instances accomplished the reverse. We will subsidize parents to place their children out of the home, but we won't subsidize parents to keep children in the home.

Another example is in the Juvenile Justice and Delinquency Prevention Act which was passed in 1974 after 6 years of very extensive hearings. A major provision would be to deinstitutionalize noncriminal behavior. We assumed that by doing that, and we told the public by doing that, we would prevent crime. We should have known better than to make that promise because—irrespective of whether that would happen or not, the real basis for making that change is found in our concepts of basic fairness in this country. You do not treat someone who has not committed a crime with the same sanction as one who has committed a crime.

That is a very strong legal precedent in the United States.

In the last year I have become quite concerned about the public outrage over violent crime and would like to share directly with you some of my testimony on that subject.

Even while these promises are being broken, new ones are being made, and I fear that the new ones are being formed not on the basis of reason but on hastily drawn and trendish opinions. Let me predict what the major promise of 1979 will be from these chambers and the administration. My imprecise figuring tells me that it will be a promise to smash serious juvenile crime; to get tough; to draw the line. I judge that to be the case because of the following developments. It took 6 years of congressional deliberation to produce the Juvenile Justice and Delinquency Prevention Act of 1974. It took another year to free the funds, and an additional year to hire an administrator. He lasted 1 year and was dismissed, and another 8 months passed before a successor was chosen. In the meantime, the Chief Administrator of LEAA had been dismissed and has still not been replaced. An act had been passed in 1974, funds had been appropriated, but 1977 was drawing to a close with little action being taken except continued hearings on school violence. Time magazine tested the waters in July of 1977 with a feature article on juvenile violence. Time claimed that they spent the time of 15 of their best investigative reporters and countless man-hours in developing factual support for their conclusions.

Significant among their conclusions was that in most States, part of the problem is the law. They said that in most States children aged 16 and under could not receive significant penalties for significant law violations, and called for immediate remedial action. At the time Time did that story, 48 States had statutory provision for transfer of juveniles to criminal court for serious crimes. In the other two States, Vermont and New York, the age of juvenile jurisdiction was under 16, and all 16- and 17-year-olds went to criminal court in the first instance. No law libraries where Time reporters live?

The die was cast. The flame received additional fuel by, first, the inaction of the Office of Juvenile Justice and Delinquency Prevention—there was no one in place to run the shop—then a rushed reaction, with most of the activity being focused on noncriminal offenders,

and probably correctly so since the Congressional Record leaves no doubt that Congress intended to emphasize funding deinstitutionalization efforts for noncriminal offenders. A major network—ABC, June 1978—aired “A View From Behind the Gun.” Mr. William Buckley made an equivocal plea to reconsider putting juveniles in stocks. CBS “30 Minutes” program began hurriedly attempting to put together a program on juvenile violence. Dan Rather sent his “60 Minutes” staff in search of a story on female gang violence. Programs to scare children straight began to mushroom.

The current chairman of the Senate Judiciary Committee made a speech to the International Association of Chiefs of Police calling for criminal processing of juveniles who commit serious crimes and asking that they be sentenced to significant punishment. The “Today” show featured Jimmy Breslin; NBC News went to Mississippi to cover the story of a 14-year-old being sentenced to 48 years in Parchman Penitentiary. So the mandate has suddenly become clear and convincing, and quite inviting: If you’re in the business of public policy-making, certainly something must be done—or must it?

If a promise is going to be made to smash serious juvenile crime, I would urge you to give reason a chance to combat opinion. Ask Time for their citations to the statutes; ask Mr. Breslin for his proof of when the age of reason dawns; ask the chairman of the Senate Judiciary Committee to demonstrate the efficacy of criminal trial and sentencing to significant punishment. Analyze the evaluation of programs to scare children straight.

I will venture that you may not be fully satisfied by the results of your inquiry. There is documentation that serious crime by juveniles is not a rampant phenomenon today. There is documentation that 49 of the 50 States do already make provision for criminal trial and sentencing of juveniles accused of serious crimes. There is documentation of effective intervention with serious juvenile offenders within the juvenile justice system. Finally, there is empirical evidence which strongly suggests that criminal processing of children under 18 does not result in increased punitive sanctions and may, in fact, increase the probability of no official sanction or attention.

As an aside, if you have not already done so and it is not a breach of State protocol, I would urge you to invite Senator Fred McGrand of Canada to come and show you the results of his hearings on childhood experiences as causes of criminal behavior.

Before concluding, I would like to briefly address the legislation proposed by Mr. Conyers. The bill is, in my view, commendable for its provisions which appropriately recognize that:

Children are very special and require deliberate consideration.

The burden of street crime takes its heaviest toll at the neighborhood and community level, and efforts to engage citizens in developing policy and program have been insufficient.

The development of factual information about the nature, incidence, and etiology of criminal behavior is one of the greatest impediments to reasoned policy.

Provisions for efficiency and continuity in funding criminal justice programs are essential to obtaining maximum benefit from our investments.

While white-collar crime is probably the most prevalent type of crime in our country, it has received the least attention.

The following issues could defeat the purpose of this or similar legislation. No. 1. At the same time, I would like to caution you that children are a disenfranchised minority without a constituency and may remain so since they keep growing up to be adults. Therefore, it should not be assumed that such unrepresented citizens can successfully compete for program funds in a free market situation; and I gather that your legislation does essentially create that circumstance with formula funds.

No. 2. Citizen, community involvement, private sector, voluntary, do not ipso facto equal the welfare of the people. This is a quote from my hometown newspaper. The Good Neighbor Club wants 16 retarded children evicted because of a zoning violation. "We don't want this neighborhood to go downhill." In a free country, vigilantes and the Child Welfare League of America form private, nonprofit corporations under identical provisions of law.

You emphasize getting the money to the community, and I wholeheartedly agree with you, but I would say to you that we have ample precedent to demonstrate that that is tougher than we think. Our communities are not here testifying, but rather their national representatives are here, and I have worked for 7 years for a national organization which in 1955 began to try to mobilize citizens in their communities to do something about crime.

Things went very well until the passage of the Omnibus Crime Control bill and the Federal Government took definite stances in setting priorities for crime control. That national organization's citizen action program came unglued at that point because the communities, when they do ask for funds, do want to set their priorities and they are going to set their priorities if they're going to be active.

You emphasize reorganization as a solution to some of the problems that LEAA has experienced. My testimony says that the Democratic Party's reputed position on organizational structure is that, if you have the right organization, any fool can run it. The Republican view is that, if you have the right person, he can run any fool organization. I was born, and will probably die, a Democrat, but on this issue I confess to being a closet Republican.

Mr. CONYERS. Let me explain what I was trying to accomplish. You see, we can't replace people in our legislation, so the only thing we can do is clumsily try to reform the structure of the organization, hoping that they will get the message over there in the bureaucratic wasteland.

Mr. HURST. I sympathize with you and somehow wish it were not that way.

Finally, justice does, in my view, require restraint in imposing criminal sanctions, but the real support for such a position may very well lie more in humanitarian values than in numeric crime reduction. LEAA's experience to date has demonstrated the unfortunate result of justifying a worthy initiative with less than a reasoned rationale. The agency has done a credible job in recent years of funding the least restrictive alternative, only to confront its critics who say, "But you promised a reduction in crime." Given the original promise, the critics have grounds for requesting a requiem instead of a revival. I would urge you not to promise a reduction in crime.

Clearly, I feel that broken promises, irrespective of their substance, are a major cause of disrespect for the rules of organized society. Certainly I know you will make your decisions from the heart and not the head, and further trust that will always be the case. Yet, somehow, some way, I hope you can logically temper the heart.

Mr. CONYERS. Thank you very much, Mr. Hurst. We were advised that you would have an idiosyncratic presentation to make. You did not disappoint us.

Is there any way that any of us in the criminal justice business can deal with these "scared straight" kinds of programs and their propensity to oversensationalize the juvenile justice programs?

Mr. HURST. I think you can, and I think it does entail some risk for you, the public official, but I think you can ask very reasoned questions about scared straight. You can also ask for evaluation, I'm talking about hard evaluations, of that program.

Mr. Peter Falk has not done an evaluation of that program and neither has Mr. Newman nor any of the people that you see on television, and when you hear someone say that 8 out of 10 of these kids have not come back, ask them who the kids were, because 8 out of 10 kids who come to juvenile court for the first time don't come back.

Scared straight makes no sense either just from a logical standpoint. Anyone who has ever even approached the delinquency business knows that one of the primary personal conflicts of delinquent children is their inability to balance and integrate the values of toughness and tenderness, and they are forever trying to accomplish that value by overdoing the toughness part of it.

For many, many delinquent children, it would be like dying and going to heaven to be sent to Rahway Prison to meet some of your heroes, especially when you consider the people who are there, but I think that major thing you can do is absolutely require hard assessment and evaluation and look very thoughtfully at the results of that.

Their program is receiving some evaluation, but that evaluation has not received any attention. It does have something to offer in forming policy on that subject.

Mr. CONYERS. What about the skimming process that goes on, unfortunately, in the juvenile justice system where all the nonprofits are anxious to take the good kids, namely the suburban runaway, and the inner city kid, who may be a lot tougher to deal with, is the one that nobody wants and is frequently neglected in this whole process?

Mr. HURST. That will continue to happen. All of us, in my experience, prefer less painful people. There has to be an incentive, there has to be some incentive to take the very painful person.

We did some work down in Texas 2 years ago in assisting them in improving their contracting with private vendors, and it was clear to us that if the private vendor is going to have any impact on the number of children that we institutionalize in this country, they are going to have to be offered clear incentives. You cannot expect a private vendor to survive with very tough kids on a per diem cost basis. You just can't do it. He has to have startup money. He has to have some incentive to develop the extra resources to deal with a very tough kid. That is one way. I really don't know any other way.

Mr. CONYERS. I know you are involved with the literature and do a great deal of writing and research. If you run into any studies that bear on this subject, this subcommittee would be very privileged to receive them.

Mr. HURST. One of the best was done in New York City in 1972 and I don't have the exact title of it, but I will be happy to get you a copy of the study; it was done by a committee of family and children's services there and it points out that the private vendor, given a choice—and ironically the better job he does, the better reputation he has—may deal perhaps with very cream-puff type kids; the more selective he can be, and the more leverage he can exercise. I think you have to offer direct incentive. I would like to make a comment about section 223(a)(12) of the Juvenile Justice Act. The first comment I would like to make is that I don't know how many times I have read section 223(a)(12), but a 100 would probably be a conservative estimate, because, in the last 4 years, we have on 4 different occasions done an assessment of State legislation in compliance with this provision. Once again doing that kind of work last week, I discovered that section 223(a)(12) does not explicitly prohibit the detention of non-criminal offenders in jail and prison.

We are spending a vast amount of money trying to monitor compliance with that provision and you rightfully want to make some of the funding under your bill contingent upon that. We need to do something about the legislation. Otherwise, it is going to cost us more than we will ever have to monitor it. I suspect if you check today in the Office of Juvenile Justice and Delinquency Prevention, you will find that the funds that they have on the books today, in the form of awards for people to monitor that provision, outstrip the actual dollars being given under special initiative deinstitutionalization programs.

It becomes a very complex task, and when you add in the truth that you cannot determine the behavior of a child by the legal label he presents today—and, of course, there are regulations that reflect that. We have 43 different dichotomies in order to just find out who a status offender is. The monitoring effort is going to grow like IRS and its tax collection effort, an incredible burden on the funding.

Mr. CONYERS. Finally, what do you feel about the States' efforts in improving the situation? I have been confronted with the realization that some States seem to be trying to move in a more constructive manner and other States are seriously dragging their feet.

Is there any way that we at the Federal level can impact upon this situation?

Mr. HURST. Clearly, the best way to impact is to get the money to local government or find some way of getting the majority of the communities for the provision of services, especially pretrial services, off the back of local government. All of the costs of shelter and detention in many States are on local government, and the States are not eager to take that burden off them. Unless you accomplish that, even in the States or communities where the intentions are good, I just don't know how you are going to do it. I really don't know how.

Mr. CONYERS. Speaking for myself, I don't either. It is a problem that really bothers you because we come up on an authorization every 3 years. We have a staffing situation merely to get the hearings and

rewrite the bill, and here is this enormous sociopolitical problem that's been out here for years that every time we come up to LEAA, hardly anything has been done.

In some respects we have slipped backward and there seems to be, outside of this huge bureaucracy, very little that I have been able to put my hands on or to digest in dealing with this part of our responsibility, very little that we can see is coming from even the experts, Mr. Hurst.

I mean, I just wonder what they bother to be writing about all the time, and maybe when they read this, they will send in a lot more material than I have seen before, but it really is disturbing when you consider there are so many people, thousands across the country, involved in this juvenile justice and delinquency prevention operation and yet very little in the way of dealing with the real life problems that you and other experts on the front lines are confronted with. There is very little relief coming, so we blunder through somehow and rewrite the bill, snatching out provisions from hither and yon, and we finally manage to appropriate a certain amount of money and, while everybody is watching to see whether the money—well, the question this year is, how much less.

I can't believe that witnesses are coming before us, in light of even the events of only 2 days ago, really thinking that we are going to get anything like the funding that has gone on. We keep worrying about the amounts and who is going to get what, and the eternal struggle between less urban areas and urban centers which, in a way, tragically misses the point of all this because we then become contributors to the whole problem ourselves in this carrying on of our part of the process.

I only wish we could reverse that somehow.

Mr. Hurst. On deinstitutionalization, it's been clear from the beginning if you really want to make progress, you have to do something on the local level. On one day of the week we went through 49 of the 50 States to see which one had developed legislation with language similar to the act, and on the manner of interim care, pretrial holding, about 16 States have such legislation.

Over in the area of posttrial commitment services, and this is on legislation, the number goes up to 31 very quickly, and perhaps even more when you add those who accomplished it by administrative regulation. The number may be as high as 42.

Lots of progress in getting these kids out of training programs; no progress at all in getting them out of detention homes and jails. The resources aren't there and they aren't getting there and, if you want to accomplish that, you must do something about it.

I had a conclusion on the matter of violent crime by juveniles I would like to share with you. Earlier today here, Paul Strassberg's study for the Vera Foundation was referred to, but the conclusion was not referred to.

Two conclusions that I would like for you to consider: first, there are too few of these youngsters and, second, their violent behavior usually appears to be a random subset of other predominant actions.

Consequently, violent offenders cannot be used for program purposes. Vera has turned its attention to the chronic offender. Another study called "The Violent Few," by Donna Hamparian, echoes the



same finding: If there is a substantial number of youths who are repetitively committing the violent acts, their delinquencies have not come to the attention of the police.

Mr. CONYERS. What do those things translate to?

Mr. HURST. They both translate into the nonwisdom of trying to build program efforts, developing programs aimed at violent juvenile offenders.

There is no pattern. It's a random subset of other offenses. This has been known for some time, by the way, in the juvenile areas. It's been ignored because people don't like to hear it, but there is no progressive growth from less serious to more serious in the juvenile crime business, absolutely none. So it's not, you know, that you come in for a status offense and then you come in for shoplifting, then burglary, then robbery, then aggravated assault, then homicide. It doesn't work that way.

You're just as likely to come in first for a felony and back as a status offense as you are to come in first for a status offense and back as a felony. There is no deliberateness. It's also illustrated by the assessment of programs for violent juveniles. You do not find a single State or community that attempts to treat violent juveniles in and of themselves by themselves. They are mixed in with people carrying other legal labels because, behaviorally, they are frequently quite like other kids who get caught for lesser offenses.

Mr. CONYERS. Thank you very much.

Mr. Hyde?

Mr. HYDE. Just to try to elicit a commentary or two. I have been most stimulated by the discussion. You know, deinstitutionalize neglected children. I have watched this happen and I don't—I suppose it works in some instances, but an awful lot of good kids came out of an awful lot of good orphanages when I was a youngster, and I could name them, and they were loved and cared for; but somebody got the idea we ought to mainstream everybody, and some of these foster homes they are going out in belong in a Dickens novel, and we see that happening a lot so I suppose our notions change from time to time, but I am not enthused about the pluses involved in deinstitutionalizing, and this goes for old people and retarded people as well.

There used to be an awful lot of good institutions. It wasn't equal to home and hearth, but it was better than a lot of foster homes and that sort of thing. That's just my opinion and I'm a cult of one on that problem.

You have highlighted, and I'm delighted about it, you have highlighted the attack on the family which really, in my judgment, is at the heart of a lot of our problems. You have with some courage criticized the great progressive move toward day care centers as the answer to our prayers, and I am pleased to see that you are, of course, more aware than I, perhaps, or the great move by the used-to-be vice president now and Senator Cranston, but this is progressing and we must have it.

You don't mention the feminist movement, and that is one that you really get dumped on if you start taking that on, but in my limited

opinion, the excesses of that, not that there were not many good things about it, have all contributed to downgrading the family as a noble career and housewife and homemaker and mother as being anything but subhuman. The liberal secular society that has sterilized any concept of supernatural values from our official society, and I know the long history of that and the problem, but I think all these things contribute to the malaise we find ourselves in and the bewilderment: what are we going to do.

Lastly, we have been kidding ourselves that money is the answer, or the total answer. You need money, of course, to do things, but you also need a lot of caring and a lot of people who will concern themselves with the dirty nonglamorous sides of this thing.

I suspect, and I hope I am wrong, that we think money is going to solve the problem in the Middle East, where you have religious and cultural problems that I don't think we solved at all. We are not going to buy our way out of it.

Those are my views on the subject matter that we have been discussing today. If you can comment on what I have said, I would like to hear.

Mr. HURST. I concur that we can only talk about the family. Take Mr. Conyers' proposal to get this money to the community. I believe it was Ms. Chisholm last summer, in criticizing OJJDP for not spending funds, who made the point among others that we try to get the money to citizen groups. Immediately the consulting business in the District of Columbia goes sky high. It does in Pittsburgh, too, and the national organizations proliferate and in our society that's the way it is.

The aggressive early bird gets the worm and even if we appropriate money to get into the community, you know, the national organizations who rightfully represent citizen constituent groups are going to end up with the money. It's not going to get to the kids or the family and—some of my best friends may hate me for saying this, but look at the Youth Employment Act. I think it would be very instructive to count the new consultant organizations in the District of Columbia formed around that issue since August 1977, and I can see it in my own hometown.

It is tough to get the money to the basic unit of society.

Mr. HYDE. Also, the minimum wage law where we refused to entertain the youth differential, I thought, was a big mistake. There was a phalanx of resistance that made it impossible to establish, but providing a job, no matter how menial, for a kid as an alternative to hanging around the corner is not a bad option. We foreclosed that.

Mr. HURST. I don't think it's a bad option.

Mr. CONYERS. It is necessary that the subcommittee stand in recess until we have recorded our vote on the floor. Accordingly, the subcommittee will stand in short recess.

[Recess.]

[Additional materials provided to the subcommittee by Mr. Hunter Hurst follow:]

REPRINTED FROM JUVENILE & FAMILY COURT JOURNAL VOL. 29 No. 3, AUGUST 1978  
 NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES  
 Box 8000, UNIVERSITY OF NEVADA RENO, 89507

# Positive Outcomes: A New Approach to Delinquency Research

By RICHARD J. GABLE AND WALN K. BROWN

*Editor's note: What experiences help formally adjudicated, institutionalized young people prefer to adopt a more socially approved lifestyle? Does the juvenile justice system help or hinder positive growth? Is it possible to raise the incidents of positive outcomes by studying what went right, as opposed to compiling recidivism statistics?*

*The National Center for Juvenile Justice, the research division of the National Council, recently initiated a project which seeks to answer these questions. The study has become known as the "What Went Right?" Project, and its first year of operations is*

*generously funded by a grant from the Buhl Foundation of Pittsburgh.*

*The following article is a philosophical statement regarding the concept of positive outcomes. It is also a rationale for studying delinquency from a more positive perspective.*

## INTRODUCTION

The study of juvenile delinquency, its causes and consequences, has long been of fascination to social scientists in the fields of psychology, criminology, sociology, and political science. From the earliest investigations of the nineteenth century<sup>1</sup> to the recent studies of the past decade researchers have examined the problem of delinquency from a multitude of perspectives, searching for a common thread upon which to build a theory concerning the development and maintenance of deviant behavior in youth.

Aichorn's *Wayward Youth*,<sup>2</sup> published more than forty years ago, was the first modern-day effort to systematically study and describe factors which play a significant role in the genesis of delinquent behavior. Since that time a host of investigators have produced volumes of information which have at-

---

### *Authors' addresses:*

Richard J. Gable  
 Associate Fellow  
 National Center for  
 Juvenile Justice  
 3900 Forbes Avenue  
 Pittsburgh, Pennsylvania 15260

Waln K. Brown Ph.D.  
 Associate Fellow  
 National Center for  
 Juvenile Justice  
 3900 Forbes Avenue  
 Pittsburgh, Pennsylvania 15260

tempted to sort out the intricacies involved in the emergence of delinquent behavior. While that body of literature has identified many consistent and replicated findings regarding the predeterminants of delinquency it is certainly not a field without controversy.

Proponents exist in a number of theoretical camps, arguing the relative merit of their position over others. Theories of labeling, differential-association, family pathology, and societal-environmental factors (poverty, disadvantage, discrimination, etc.), have become theoretical enclaves.<sup>3</sup> In each instance, the theoretical advocate argues that the factors which he has uncovered are the *most* influential in the development of deviant behavior. When pressed most theorists would agree that true "causes" have not been determined and that there are undoubtedly multiple determinants, the exact sequence and combination of which no one has yet unraveled. The student is encouraged nevertheless, to espouse one or another theoretical position in order to avoid becoming hopelessly confused by the multitude and variety of potential research prospects.

Such is the current state of delinquency research. It is small wonder that the prolific research establishments of the '40s and '50s concerned with delinquent behavior have vanished, and have been replaced by only and handful of investigators scattered widely across this country and throughout the world. The fact is that, with the exception of the cohort studies of Wolfgang in the United States and West and Farrington in Great Britain, there has been nothing substantially new added to the annals of delinquency research since the original work of the Gluecks, McCords, Robins, and others over a decade ago.

The field is a discouraging one. The antecedents of delinquency are elusive and extremely complicated. The majority of factors which have been consistently identified are so overpowering in nature that anyone interested in doing anything about them is likely to be overwhelmed at the outset. For example, it has been demonstrated that delin-

quency appears to be associated with: poverty, educational disadvantage, genetic factors, marital discord, subcultural norms, hyperactivity, parental criminality, alcoholism, violence on television, the effect of government scandal, overcrowding, poor nutrition, disrespect for authority figures, and the threat of nuclear war.<sup>4</sup> The list goes gloomily on. A judge, behavioral scientist, or concerned citizen interested in preventing or intervening in the process of the development of delinquent behavior finds himself trying to patch holes in a sieve while encouragement is shouted from researchers on the sidelines for him to direct his energies elsewhere. The research and treatment communities are in a morass of uncertainty, and like other processes at a stalemate need a new direction with a fresh approach and innovative ideas. The investigation of positive outcomes is an encouraging alternative available to behavioral scientists interested in the study of delinquency.

#### POSITIVE OUTCOME RESEARCH

The study of positive outcomes is basically a two part philosophical question which asks:

Given all the risk factors of growing-up, (1) why is it that most vulnerable children turn out relatively free from antisocial behavior and a juvenile or adult crime history; and, (2) why do many vulnerable children who do experience deviant behavior that leads to a juvenile crime history extricate themselves from the juvenile/adult justice system and realize a more positive lifestyle?

Such a question, although simplistic on the surface, sets the stage for an entirely new and optimistic approach to the study of delinquency.

#### FACTORS IN DELINQUENCY

When reviewing research findings of the recent and distant past from the perspective of positive outcomes, one is struck by the elegance of the argument and wonders why no one has chosen to examine things in this manner before. For instance, while it has often been reported that well over fifty percent of a delinquent population is made up of

## POSITIVE OUTCOMES

poverty children,<sup>5</sup> it is also true that well over fifty percent of all poverty children are *not* delinquent.<sup>6</sup> The great majority of children from broken homes are *not* delinquent,<sup>7</sup> nor are children who fail in school.<sup>8</sup> Such life circumstances will exert some influence on the development of these children; however, the point remains that there are obviously other, less researched factors which enable a child to grow up without evidencing serious antisocial behavior. Without a better understanding of the positive influences in a youngster's life, predictions based purely on the negative can be quite misleading. The pitfalls of such an explanatory analysis are succinctly stated by Sigmund Freud:

So long as we trace development from its final outcome backwards, the chain of events appears continuous, and we feel we have gained an insight which is completely satisfactory or even exhaustive. But if we proceed the reverse way, if we start from the premises inferred from the analysis and try to follow these up to the final result, then we no longer get the impression of the inevitable sequence of events which could not have been otherwise determined. We notice at once that there might have been another result, and that we might have been just as able to understand and explain the latter. The synthesis is thus not so satisfactory as the analysis, in other words, from a knowledge of the premises we could not have foretold the nature of the result.<sup>9</sup>

## RECIDIVISM VS. POSITIVE OUTCOME

Looking from the positive outcome perspective, the pessimism and gloom which is often reported about children *after* they come into contact with the juvenile justice system takes on a new and refreshing light. Specifically, the juvenile court and its various treatment appendages have often been criticized because of the ineffectiveness of its interventions and the high recidivism rates to be found in a delinquent population. Based on a variety of definitions, assumptions, and counting procedures, those rates are estimated to be between twenty and sixty percent.<sup>10</sup> The fact remains, however, that

perhaps one-half of all children, even after an official encounter with the juvenile justice system, do not reappear in the courts and are free of serious antisocial behavior from that point onward.<sup>11</sup> Even if a child returns to the court for a second offense the likelihood is that he will relinquish his criminal pattern of behavior by the time he reaches nineteen years of age.<sup>12</sup>

The question of whether the court or normal maturational processes can better account for this phenomena is argumentative and moot within a positive outcome framework. A more relevant question is: What went *right* in the life of that individual which contributed to his altering an established pattern of delinquent behavior? The answer to this question is essential in improving the effectiveness of juvenile justice intervention. The point is that, to date, the large majority of youngsters who have had a positive outcome have gone unstudied. We know very little about the factors which have been important in their beginning and later ending a deviant pattern of behavior. If positive outcome is the goal it would seem that we have missed the point and focused on the wrong group.

## THE PROBLEM — ORIENTATION

The somewhat confusing strategy of studying the negative in order to implement the positive is one in which delinquency researchers find company in the related social sciences. As Lois Murphy pointed out in her book, *The Widening World of Childhood*:

It is something of a paradox that a nation which has exulted in its rapid expansion and its scientific-technological achievements, should have developed in its studies of childhood a vast "problem" literature: a literature often expressing adjustment difficulties, social failures, blocked potential and defeat. . . . In applying clinical ways of thinking formulated out of experience with broken adults, we were slow to see how the language of adequacy to meet life's challenges could become the subject matter of psychological science. Thus, there are thousands of studies of maladjustment for each one that deals di-

## RICHARD J. GABLE and WALN K. BROWN

rectly with the ways of managing life's problems with personal strength and adequacy. . . . We know that there are devices for correcting, bypassing or overcoming threats, but for the most part these have not been directly studied.<sup>13</sup>

Dr. Murphy's observations were made in 1962. It has taken nearly fifteen years for researchers to take her comments to heart; the positive outcome strategy is one of the first to do so.

## WHY SO PESSIMISTIC?

One can rightly wonder why it has taken social scientists such a time to espouse this approach as a foundation for research. There are at least two reasons for this state of affairs. The first reason is that most social science research is problem-oriented because the profession as a whole is problem-oriented. That is to say that within psychology, criminology, and, to some extent, sociology, the primary focus of the profession, for researchers and clinicians alike, has been the remediation of individual and collective human woes. The concentration on problems and those factors which lead to future difficulties has become the focal point. There simply has not been enough time and energy to promote health and well-being; merely keeping up with the steady flow of human dilemmas has exhausted the most ambitious professionals in the field. The unfortunate result of this situation in the research arena has been a body of literature seriously deficient in its understanding of positive and adaptive influences in life. The counterpart in the clinical realm has been the relative devaluation of primary prevention approaches to mental health problems. Both find their roots in the same source.

There is a second reason for the persistence of the problem-orientation in social science research. It is a well-known fact that it is much more difficult to measure positive outcomes than it is to measure negative outcomes. The research establishment has documented and validated many indices of failure, including unemployment, school drop-out, psychiatric hospitalization, re-

arrest. Each of these represent easily obtainable data concerning the course of an individual's life. When viewed from a positive outcome perspective, however, it becomes difficult to produce a comparable set of measures. The fact is that no one has yet determined a positive definition of mental health or successful life. The pathway to such a definition is a rocky one indeed, strewn with obstacles of value and self-determination. Recognizing this problem, most definitions are rendered in the negative, that is, "free from mental illness" or "has never been arrested". Such definitions fall substantially short when attempting to derive a criterion for positive outcome.

## THE GENESIS OF POSITIVE OUTCOME RESEARCH

Within the past two years the notion of studying positive outcomes has arisen in a number of behavioral science research settings. The shift to positive outcomes is, in part, the result of a change in the basic philosophy of some researchers who have become uncomfortable with the pessimism expressed in the extant body of social science literature. For these researchers positive outcome research represents a more meaningful and encouraging approach to understanding the necessary components of successful prevention of treatment. In addition to this shift there have been a number of recent developments in the social science community which have reinforced the attention that is due positive outcomes as a strategy for investigation.

## EVALUATION RESEARCH

The study of positive outcomes has been encouraged by the maturation, within the past five years, of the field of evaluation research. Prompted, in large part, by the increasing call for program accountability, the field of evaluation research has developed many sophisticated models for determining the effectiveness of programs and their components. Starting from the rather simplistic question of Does it work?, the evaluative re-

## POSITIVE OUTCOMES

searchers have broadened their field of inquiry to questions of cost effectiveness, efficiency, differential treatment, and outcome. Confronted with the task of matching a particular intervention with an eventual outcome, these evaluators have been forced to develop a meaningful set of study guidelines; in effect, to answer the question: What works with whom? In so doing they have laid the foundation for positive outcome research.

## PRIMARY PREVENTION

A second development which can be seen as preliminary to the emergence of a positive outcome strategy has come from the increased attention paid by mental health professionals to the field of primary prevention. Primary prevention, by its definition, is concerned with intervention in a developmental process *prior to* the emergence of any definable problem. The research literature in this field, therefore, cannot be problem-oriented but must, instead, be concerned with factors which are seen as essential for normal, healthy development. The primary prevention researchers have spent long hours trying to document such factors and have contributed a great deal the methodology and assumptions underlying positive outcome research.

The focus on primary prevention has been stimulated by George Alber and his colleagues at the University of Vermont. For the past three years this group has organized the Annual Vermont Conference on Primary Prevention, which has brought together some of the outstanding leaders in social science research throughout the world. The theme of the latest meeting in June, 1977, was "Promoting Social Competence and Coping in Children." This theme is entirely consistent with the positive outcome approach in its focus on the adaptive necessities of living, rather than the consequences of societal, family, and individual deficiencies.

## INVULNERABILITY

A final development in the social science research community which has given im-

petus to the study of positive outcomes results from the contribution of a small number of investigators who have begun to examine those factors which appear to shield the child from what would seem to be a seriously detrimental environment. Most of this work has arisen, somewhat serendipitously, from the high-risk studies of schizophrenia. In this research a population of children who are seen to be at high-risk for schizophrenia (either due to genetic or environmental predispositions) are followed to learn about the early development of those children who will later break down. A captivating by-product of these investigations has been the discovery of a relatively large number of children who not only do not become schizophrenic but, in fact, appear to excel despite their environmental and genetic misfortune.

Norman Garnezy, at the University of Minnesota, has focused attention on this group which he calls the "invulnerables." Other researchers have coined their own terms; Michael Rutter's "protective factors" and E. James Anthony's "resilience factors." In each case the intent of the investigation is the same, "to find out what makes some children apparently invulnerable so that others who aren't so resilient can be helped."<sup>14</sup> Translated into the present context this research is concerned with determining those factors which, in the face of severe environmental deficit, produce a positive outcome.

## TWO RESEARCH MODELS FOR THE STUDY OF POSITIVE OUTCOMES

Given all the theoretical, historical, and common sense rationale for the study of positive outcomes the question still remains: How does one go about doing it? To answer this question two separate, but interrelated, research models are presented. The first model involves an investigation of *external factors* or *life events* which can be identified as having a significant effect in producing a positive outcome for an individual who has had repeated involvement with the juvenile justice system. The second model is intended as a guide for studying the *internal attributes* and *skills*

necessary for an individual to progress from involvement with the juvenile justice system to a positive outcome. Those two models constitute research currently under investigation at the National Center for Juvenile Justice, Pittsburgh, Pennsylvania.

#### MODEL I: LIFE EVENTS STUDY

The study of life events is a research paradigm which posits that individuals who manage to extricate themselves from the juvenile justice system do so, in large part, because of the influence of particular individuals or events.<sup>15</sup> Whether or not such life events are planned as a part of the court intervention, or are merely "accidents of fate," is not the question. What is important is the individual's recognition of that event as significant and the meaning which is ascribed to it.

Such research is not easily done. With little foundation for theory or method in the literature the researcher is left with the "boot-strap" approach, building on small bits of data gathered at one point in time which help consolidate and clarify findings at a later point in time.

The work presently being done is focused on identifying and locating individuals who have had a positive outcome in relation to prior juvenile justice contact. Extensive biographies are being solicited from those individuals who agree to participate. In addition, records maintained as a part of probation supervision for children are being sought, read, and analyzed. While this work is time-consuming and somewhat tedious, it is essential that the researcher maintain an open and objective ear in listening to the events as they are told. A more elegant and sophisticated procedure at this point would be meaningless and could potentially overlook the real significance of events as perceived by the individual involved.

It is anticipated that as the collection of life histories proceeds common factors will emerge which can act as a guide for future interviews. Even with such guides available, however, the temptation to reduce the signifi-

cance of the life history to a questionnaire must be steadfastly resisted. The fact is that the complexity of factors involved in the positive outcome for a composite of individuals is too great to be compressed into a series of Yes or No answers. For example, it will be necessary to begin to differentiate the impact of various life events on youngsters at successive stages in their development. It is possible, and even quite likely, that the influence of a particular intervention will have great value for the younger delinquent but be virtually meaningless for the older offender.

The intent of this model of positive outcome research is to be able to say with increasing certainty that specific life history events are shared in common by a large number of delinquents and appear to be associated with a positive outcome. Once known, it behooves the juvenile court and the juvenile justice treatment establishment to differentiate youngsters on the basis of the findings and to attempt to duplicate those conditions which have proved influential in the past.

#### MODEL II: INDIVIDUAL SKILLS AND ATTRIBUTES

The second model of positive outcome research is directed at the investigation of those individual factors which appear to be associated with a youngster's ability to avoid contact with the juvenile justice system or to enter the system and later remove himself. The research paradigm for Model II is more psychologically oriented than the one employed in Model I.

The essential task involved with this model of positive outcome research is to establish a set of measurable indices of an individual's ability to overcome adversity. Research mentioned earlier has provided a foundation for this task in the focus on the concept of social competence. Social competence can be seen as the collection of skills, attributes, and achievements which are required for successful interaction with the environment. Behavioral scientists have long acknowledged that such attributes exist and can be mea-



## POSITIVE OUTCOMES

sured. Most attention, however, has been focused on school-related competencies, such as school achievement and I.Q., with little concern for other functions in a child's life. With the recent social science fascination with group processes, the spotlight has been turned to peer and adult interpersonal skills. Further, assorted researchers have, at various points in time, concentrated on problem-solving skills. Further, assorted researchers have, at various points in time, concentrated on problem-solving skills, physical dexterity, and a wide range of affective-expression abilities. While it is clear that these, and perhaps many other factors, play a significant role in a child's development, little systematic attention has been paid to categorizing and measuring such factors. There has never been an attempt at investigating the role of social competence in the ability of a child to maintain himself outside of the juvenile justice system. This model of research is an attempt at that investigation.

The work thus far undertaken in this phase of the project has been involved primarily with a comprehensive literature review in an attempt to assemble a multi-dimensional index of social competence. Once completed, the index will be used in an empirical investigation to pretest the measure and to develop norms for the various scales. It is ultimately planned that a major substantive investigation will be undertaken to assess the social competence of a large number of children falling into one of three categories: (1) delinquent-recidivist [no positive outcome]; (2) delinquent-non-recidivist [positive outcome]; and (3) high-risk-non-delinquent [positive outcome/"invulnerable"].

Results from this investigation can be extremely valuable in high-lighting those specific competencies which appear to be associated with a positive outcome.

## SUMMARY

The study of positive outcomes is a novel and encouraging approach to research in the field of juvenile delinquency. The appeal of such research lies in its optimistic outlook and

in the ready applicability of the findings. The models presented for the utilization of this research strategy represent only the preliminary steps in the development of a more comprehensive study of positive outcomes. With an increased understanding of the processes involved in "things going right" for a child the study of positive outcomes offers a refreshing alternative to the discouraging mire of past research. The true value in the study of positive outcomes is the potential that it holds for the future.

## FOOTNOTES

<sup>1</sup>See for example two of the earliest published works concerning juvenile delinquency: C.B. Beccaria, *An Essay on Crimes and Punishments*, (London: Printed by E. Hodson and H.D. Symonds, 1804); and G. LeBon, *The Crowd; A Study of the Popular Mind* (London: T. Fisher Unwin, 1896).

<sup>2</sup>A. Aichhorn, *Wayward Youth* (New York: The Viking Press, 1935).

<sup>3</sup>For an excellent synopsis of the theories of juvenile delinquency causation see R.D. Wirt and P.F. Briggs, "The Meaning of Delinquency," in H.C. Quay (ed.), *Juvenile Delinquency: Research and Theory* (Princeton: D. Van Nostrand, 1965), 1-26.

<sup>4</sup>An excellent current review of factors involved in the development and maintenance of delinquent behavior is presented in M.R. Rutter and N. Madge, *Cycles of Disadvantage: A Review of Research* (London: Heinemann Educational Books, Ltd., 1976).

<sup>5</sup>D.J. West and D. P. Farrington, *Who Becomes Delinquent? Second Report of the Cambridge Study in Delinquent Development* (London: Heinemann Educational Books, Ltd., 1973); and M.E. Wolfgang, R. M. Figlio, and T. Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972).

<sup>6</sup>or an excellent review of work in this area see I. Berg, "Economic Factors in Delinquency," in *Task Force Report, Juvenile Delinquency and Youth Crime*, President's Task Force on Juvenile Delinquency (Washington, D.C.: Government Printing Office, 1967), 305-316.

<sup>7</sup>An interesting approach to the understanding of broken homes and the relationship of delinquency was demonstrated by J.P. Lees, and L. J. Newson, "Family or Sibship Position and Some Aspects of Juvenile Delinquency," *British Journal of Delinquency* 5 (1954), 46-65.

<sup>8</sup>The association between school failure and delinquency was discussed in great detail by S. Glueck and E. Glueck, *Unraveling Juvenile Delinquency* (New York: The Commonwealth Fund, 1950); and in *Predicting Delinquency and Crime* (Boston: Harvard University Press, 1959). School failure in the absence of any reported delinquent activity is noted by C.M. Louttit, *Clinical Psychology of Exceptional Children* (New York: Harper, 1957); and summarized by J.R.

## RICHARD J. GABLE and WALN K. BROWN

Eichorn, "Delinquency and the Educational System," in H.C. Quay (ed.), *Juvenile Delinquency: Research and Theory* (Princeton: D. Van Nostrand, 1965), 298-337.

<sup>9</sup>S. Freud, "The Psychogenesis of a Case of Homosexuality in a Woman," in J. Riviere (trans.) *Collected Papers Vol 2* (New York: Basic Books, 1959), 226-227.

<sup>10</sup>Most differences in reported recidivism rates are largely the result of variations in the unit of count (i.e., children, cases, disposition, etc.). There is also disagreement concerning the appropriate length of time in which to consider a child's return to the court as recidivism. For a specific article which agrees with the positive outcome approach to recidivism studies in the belief that recidivism cannot be explained by further degrees of negativism, see H. Dettenborn, "Relationships Among Psychologically Relevant Causes of Juvenile Delinquency Probleme Und Ergebnisse Der Psychologie 39 (1971), 27-79.

<sup>11</sup>A multi-variate prediction scheme for compiling the probability of recidivism for delinquents based an age and number of previous appearances has been derived by M.E. Wolfgang, R.M. Figlio, and T. Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972).

<sup>12</sup>*Ibid.*

<sup>13</sup>L.B. Murphy, *The Widening World of Childhood: Paths Toward Mastery* (New York: Basic Books, 1962), 186.

<sup>14</sup>R. Flaste, "The Invulnerable Children Who Thrive Against All Odds," *New York Times* July 22, 1977.

<sup>15</sup>For an example of the positive outcome approach to a specific delinquent life history see W. K. Brown, "The Vulnerable Child and Positive Outcomes: A Case History of Delinquent Behavior in Perspective," in E. J. Anthony and C. Koupernik (eds.), *The Child in His Family: The Vulnerable Child*, Vol. 4 (New York: Wiley-Interscience, 1978), forthcoming.



POSITIVE OUTCOMES RESEARCH: A STUDY IN THE SOCIAL ADAPTATION OF FORMER  
ADJUDICATED DELINQUENTS

(By Wain K. Brown, Ph.D., project director, and Richard J. Gable, M.A., director  
of research, National Center for Juvenile Justice, Pittsburgh, Pa.)

ABSTRACT

Little is known about what influences a delinquent child to abandon a deviant lifestyle and adopts a more socially approved way of life. The crime and delinquency literature holds little information on the subject. The information which does exist is often conflicting. Past research findings concerned with the reasons for an adaptation away from delinquency have pointed primarily to maturation. What factors are involved in this maturation process are uncertain. This article is a philosophical rationale and statement of method regarding a study being designed to understand the reasons for an adaptation away from delinquency. The approach taken to study what factors help change a delinquent way of life is termed "positive outcomes research."

Positive Outcomes Research: A Study of the Social Adaptation of Former Adjudicated Delinquents.

INTRODUCTION

The literature pertaining to the genesis and maintenance of delinquent behavior is so extensive and diverse that the enterprising student concerned with the relationship between deviant young people and society is hard pressed to keep abreast of current findings and theories. From anomie<sup>1</sup> to XY chromosomes<sup>2</sup> a myriad of causal theories extol the validity of their approach to understanding the precipitants and effects of delinquency. Anthropologists, criminologists, educators, geneticists, psychologists, psychiatrists, social workers, sociologists, and a growing number of other professions continue to display their interest concerning delinquency by saturating the literature with fresh hypotheses. Single and multiple causal theories point to social ills,<sup>3</sup> learned behavior,<sup>4</sup> low academic competence,<sup>5</sup> familial dissonance,<sup>6</sup> psychological abnormalities,<sup>7</sup> genetic predispositions,<sup>8</sup> and a number of other maladies as contributors to delinquency. Ontological and phylogenetic explanations regarding the existence of delinquency so dominate the literature that it appears as if a large percentage of young people exhibit some variant of delinquent behavior.

Despite the impressive mound of extant literature which highlights delinquency the problems of children in conflict remain unresolved. Large numbers of young people still exhibit delinquent behavior that results in intervention by the juvenile justice system.<sup>9</sup> Some of these young people remain enmeshed in the justice system throughout their youth and into their adulthood.<sup>10</sup> Yet some cease their deviant behavior and no longer officially penetrate the justice system.<sup>11</sup> Perhaps it is time to redirect some of the energy spent determining the maintenance of delinquent behavior and focus on how former delinquents have adapted to a more socially approved way of life and abandoned previous delinquent behavior patterns?

Positive outcomes research is an attempt to identify those change agents critical to the adaptation from delinquent behavior to more socially approved forms of conduct. Similar to other causal research pertaining to delinquency,

<sup>1</sup> R. K. Merton, *Social Theory and Social Structure* (Glencoe, Illinois: Free Press, 1957), 139-157.

<sup>2</sup> R. J. Davis, et al. "XYY and Crime," *Lancet* 2 (1970), 1086.

<sup>3</sup> R. A. Cloward, and L. E. Ohlin, *Delinquency and Opportunity* (New York: Free Press, 1960).

<sup>4</sup> R. L. Akers, *Deviant Behavior: A Social Learning Approach* (Belmont, California: Wadsworth, 1973).

<sup>5</sup> T. Hirschl, *Causes of Delinquency* (Berkeley, California: University of California Press, 1972), 110-134.

<sup>6</sup> E. I. Nye, *Family Relationships and Delinquent Behavior* (New York: Wiley, 1958).

<sup>7</sup> J. J. Conger, and W. C. Miller, *Personality, Social Class and Delinquency* (New York: Wiley, 1966).

<sup>8</sup> D. S. Borgaonkar, et al., "47, XYY Syndrome, Height, and Institutionalization of Juvenile Delinquents," *British Journal of Psychiatry* 120 (1972), 549-550.

<sup>9</sup> J. Corbett, and T. S. Vereb, *Juvenile Court Statistics, 1974* (Washington, D.C.: U.S. Government Printing Office, 1976).

<sup>10</sup> W. N. Rist, and E. Reis, "Juvenile Corrections: It Starts Here," *Personnel and Guidance Journal* 53 (1974), 142-145.

<sup>11</sup> K. Brown, "The Vulnerable Child and Positive Outcomes: A Case History of Delinquent Behavior in Perspective," in *The Child and His Family: Vulnerable Children*, ed. E. J. Anthony, et al. (New York: Wiley, 1978), 575-586.

positive outcomes research also approaches the subject from a causal perspective. The major difference in emphasis, however, resides in the causal phenomenon under scrutiny. Whereas the majority of causal research places emphasis on determining the precursors to a delinquent adaptation and the subsequent maintenance of a delinquent lifestyle, positive outcomes research focuses on the antecedents of prosocial adaptation from a delinquent way of life. Both approaches are etiological. Both attempt to discover the roots of the delinquent adaptation. The difference rests in the ultimate question asked. The traditional causal approach seeks to understand the reason or reasons for maintaining a delinquent lifestyle, in essence asking the question, "What went wrong and continues to go wrong?"; while the positive outcomes approach seeks to understand the reason or reasons for abandoning a delinquent lifestyle, in essence asking the question, "What went right to help dissipate the wrong?"

There are many former adjudicated delinquents who have made a positive transition from a deviant lifestyle to a more socially approved way of life. These people may have been involved in a singular offense or multiple offenses of one or more types, had one or more court appearances, been institutionalized once or repeatedly, but for some unknown reason these former delinquents have extricated themselves from a deviant behavior pattern and ceased further official involvement with the justice system. These are the positive outcomes people. They are the silent statistic in the recidivism literature. Seldom do we hear about or from them. Except for self reported accounts, the positive outcomes people have gone unnoticed.<sup>12</sup> Instead, the continued recidivists remain the major source of information.<sup>13</sup>

It would seem time for juvenile justice professionals to reevaluate the present perspective of delinquency intervention and prevention. Accurate hypotheses cannot be rendered only from the negative, nor extrapolations made primarily from the recidivism data, if a desired goal of juvenile justice truly is the positive reintegration of its clients into society.<sup>14</sup> The reasons for failure do not logically move to an understanding of success. Perhaps a change in perspective will help to discover appropriate questions that lead to insightful answers. For instance: Is it possible that the positive outcomes people have as much to relate about socially approved forms of adaptation from delinquency as the recidivists have to tell about continued involvement with delinquent and criminal acts? If rehabilitation is a purpose for the juvenile justice system doesn't it make sense to study how and why former delinquents have managed to adapt their behavior in line with social dictates, rather than extrapolate from the recidivists' reasons for failure? Finally, if prevention is a goal of juvenile justice intervention, wouldn't it be wise to understand what works with whom and why so that appropriate planning can be made to raise the incidence of positive outcomes people?

A quote from Becker best relays the philosophical rationale for positive outcomes research. Becker states:

"... We should not confine our interest to those who follow a career that leads them into ever-increasing deviance, to those who ultimately take on an extremely deviant identity and way of life. We should also consider those who have a more fleeting contact with deviance, whose careers lead them away from it into conventional ways of life. Thus, for example, studies of delinquents who fail to become adult criminals might teach us even more than studies of delinquents who progress in crime."<sup>15</sup>

#### PARALLEL CRIMINOLOGY RESEARCH

To give the impression that no past research has been directed at this subject would be erroneous. Several researchers have displayed an interest concerning what factors mitigate to help produce an adaptation away from crime and delinquency. Perhaps the first published explanation for an adaptation away from

<sup>12</sup> Ibid.; J. N. Sorrentino, *Up From Never* (New York: Bantam, 1977); C. Brown, *Man-child in the Promised Land* (New York: MacMillan, 1965).

<sup>13</sup> V. J. Sepsis, Jr., "Girl Recidivists," *Journal of Research in Crime and Delinquency* 11 (1974), 70-79. N. S. Tutt, "Recommitments of Juvenile Offenders," *British Journal of Criminology* 16 (1976), 385-388; S. Eysenck and H. Eysenck, "Personality and Recidivism in Barstal Boys," *British Journal of Criminology* 14 (1974), 376-384.

<sup>14</sup> H. Dettenborn, "Relationships Among Psychologically Relevant Causes of Juvenile Delinquency," *Probleme Und Ergebnisse Der Psychologie* 39 (1971), 27-79.

<sup>15</sup> H. S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1963), 24-25.

crime was presented by Adolphe Quetelet almost a century and a half ago.<sup>10</sup> Quetelet computed crime rates for different age groups by surveying the published statistics of criminal justice in France. The results of his statistical computations led Quetelet to conclude that the penchant for crime:

"... Seems to develop by reason of the intensity of man's physical vitality and passions; it attains its maximum about the age of twenty-five, when physical development has almost been completed. The intellectual and moral growth, which is slower, later abates the penchant for crime, which diminishes still later due to the enfeeblement of physical vitality and the passions."<sup>17</sup>

The theme of maturation has been reiterated in the criminological literature as a major reason for change. Perhaps the most ardent proponents of this theory of reformation have been the Gluecks. Through their researches of criminals and delinquents they conclude that:

"The factor of aging (maturation) emerges, then, as one of great significance in the reformatory process. No other factor, at least among those included in this research, appears to have any significant influence upon reformation. The sheer passage of time, with the maturation that accompanies it seems to be the key to an understanding of the reasons for reformation."<sup>18</sup>

Enlarging upon this theme in a later publication, the Gluecks attempt to further qualify their concept of maturation and reformation.

"... Not age, per se, but rather the acquisition of a certain degree of what we have called 'maturation' regardless of the age at which this is achieved among different groups of offenders, is significantly related to changes in criminalistic behavior once embarked upon."<sup>19</sup>

Pertaining to when this process of reformation through maturation occurs, the Gluecks state:

"Apparently abandonment of criminal conduct does not occur at any specific chronological age-level, but rather after the passage of a certain length of time from the point of first expression of definite delinquent trends."<sup>20</sup>

According to the Gluecks, beyond the age of 25 there occurs a phenomenon of a drop-off in the incidence of criminality.<sup>21</sup> This drop-off phenomenon proceeds to approximately age 36.<sup>22</sup> Implicit in this age span is the belief that the abandonment of criminal conduct occurs approximately the same distance away from the onset of the antisocial behavior.<sup>23</sup> The Gluecks term this process "delayed maturation," and suggest that it is a biological function.<sup>24</sup>

In fact, the Gluecks assert that the distinction between recidivists and non-recidivists is more biological than environmental.<sup>25</sup> From their research they conclude that:

"... It is clear beyond doubt that the offenders who always responded satisfactorily to extramural treatment were of a distinctly better type than those who responded poorly. Not only were they more better circumstanced in the economic and psychologic aspects of their childhood homes, but they were persons of more satisfactory innate and early acquired equipment, as is shown in their much better intellectual and emotional-volitional make-up, and (as partial expressions of these), in their more satisfactory school records, much better industrial equipment, and even more significant, in their embarkation upon delinquent careers at a later stage of development."<sup>26</sup>

Those characteristics to which the Gluecks point as distinguishing non-recidivists from recidivists include at least the following:<sup>27</sup>

- (1) Are reared in a less criminalistic environment.
- (2) Come from less criminalistic families.
- (3) Have slightly better economic status.
- (4) Have greater family solidarity.

<sup>10</sup> A. Quetelet, *Recherches Sur Le Penchant Au Crime Aux Différents Âges* (Bruxelles, Hayez, 1833).

<sup>17</sup> *Ibid.*, 75.

<sup>18</sup> S. Glueck, and E. Glueck, *Later Criminal Careers* (New York: Commonwealth Fund, 1937), 106.

<sup>19</sup> S. Glueck, and E. Glueck, *Juvenile Delinquents Grown Up* (New York: Commonwealth Fund, 1940), 98.

<sup>20</sup> *Ibid.*, 103.

<sup>21</sup> S. Glueck, and E. Glueck, *Delinquents and Nondelinquents in Perspective* (Cambridge, Massachusetts: Harvard University Press, 1968), 169-170.

<sup>22</sup> *Idem.*, *Later Criminal Careers*, 124.

<sup>23</sup> *Idem.*, *Juvenile Delinquents Grown Up*, 97.

<sup>24</sup> *Idem.*, *Delinquents and Nondelinquents in Perspective*, 169-170.

<sup>25</sup> *Idem.*, *Criminal Careers in Retrospect*, 133.

<sup>26</sup> *Ibid.*, 170-171.

<sup>27</sup> *Ibid.*, 132, 133.

- (5) Have higher intelligence.
- (6) Exhibit greater emotional stability.
- (7) Have fewer personality distortions.
- (8) Are better behaved in school.
- (9) Have better work habits.
- (10) Exhibit delinquent tendencies later in life.

The explanation for non-recidivism presented in the Gluecks' work points to biological determinism and social stability as the predictors of a positive outcome. From these findings one is left with the feeling that where these attributes are lacking so is the potential for reformation.

Somewhat supportive of the Gluecks' findings is the data obtained from the Cambridge Study in Delinquent Development, undertaken in England. Two publications resulting from the "Cambridge Study" have compared temporary and continued delinquents.<sup>28</sup> According to the findings of companion studies by Knight and West, and West and Farrington temporary delinquents differentiate themselves from continued delinquents in that they more often :

- (1) Come from less criminalistic families.
- (2) Are of slightly better economic status.
- (3) Have fewer juvenile convictions.
- (4) Attribute their offenses to motives of enjoyment rather than as a mean to some rational end, such as financial gain.

(5) Commit their offenses with companions.

(6) Give up large groups of male companions.

However, one finding of the Knight and West study contradicts the Gluecks' assertion that intelligence distinguishes non-recidivists from recidivists.<sup>29</sup>

Those life experiences which the temporary delinquents in the "Cambridge Study" point to as contributing to their reformation imply, for the most part, that they made an active decision to change their ways.<sup>30</sup> Reasons for change include: Withdrawal from former male friends; positive custodial service; loss of freedom through institutionalization; military service; and, disapproval of wife or girl friends.

Though particular life experiences can be pointed to as perceived reasons for change by the "Cambridge Study" participants, a similar study by Robins, was unable to do likewise.<sup>31</sup> Robins examined remission and improvement in children diagnosed sociopathic personality. Her findings hold particular significance when juxtaposed to the previously mentioned studies. For instance, Robins notes that the median age at which improvement occurred was approximately 35 years.<sup>32</sup> She also notes that fewer sociopaths improved before age 26 than did other patients, and that only the sociopathic groups showed improvement after age 45.<sup>33</sup> Could this be a reiteration of the "delayed maturation" by hypothesis?

Those factors Robins found associated with remission of a sociopathic personality include:

- (1) Threat of further punishment.
- (2) Loyalty to spouses.
- (3) Father's lack of probable psychiatric diagnosis.
- (4) Participation in formal organizations.
- (5) Current, close relationships with siblings and parents.
- (6) Married and living with spouse.
- (7) Lack of behavior problems of current or last spouse.
- (8) Brief incarceration.
- (9) Influence by a significant person.
- (10) Decrease in antisocial motivation and interest.

Robins further notes that although there occurred a remission within the sociopathic group, the effects of a sociopathic childhood were not totally diminished. In her words:

"The finding that more than a third of the sociopathic group have given up much of the antisocial behavior that brought them into contact with court martial boards, social agencies, the police, and the divorce courts, does not mean

<sup>28</sup> B. J. Knight, and D. J. West, "Temporary and Continuing Delinquency," *British Journal of Criminology* 15 (1975), 43-50; D. J. West, and D. P. Farrington, *The Delinquent Way of Life* (London: Heinemann, 1977), 132-139.

<sup>29</sup> *Idem.*, "Temporary and Continuing Delinquency," 46.

<sup>30</sup> *Ibid.*

<sup>31</sup> L. N. Robins, *Deviant Children Grown Up: A Sociological and Psychiatric Study of Sociopathic Personality* (Huntington, New York: Krieger, 1974), 229.

<sup>32</sup> *Ibid.*, 226.

<sup>33</sup> *Ibid.*, 226-227.

that at present they are strikingly well-adjusted and agreeable persons. Many of them report current interpersonal difficulties, irritability, hostility toward wives, neighbors, and organized religion. But they are in many cases no longer either a threat to the life and property of others nor a financial drain to society.<sup>34</sup>

The threat to life and property of others often is a cause for the institutionalization of young people. Bartollas and his colleagues have noted that the institutional experience may have positive implications for behavior change.<sup>35</sup> The authors of this publication assert that those boys who they found profited from the institutional experience were almost always black, same from ghetto areas, had previous multiple encounters with the juvenile justice system, were physically well developed, were older than the other inmates, developed a close relationship with at least one staff member, tended to become involved with some vision or goal, exploited their time wisely, refused to become part of the institutional exploitation matrix, and displayed concern for the future.

Upon release from an institution some young people have difficulty adjusting to public school. Novotny and Burstein have noted that those juvenile ex-inmates who graduated from high school had much lower recidivism rates than those who did not graduate.<sup>36</sup> The authors also went on to report that although there appeared to be little or no difference in innate ability between the graduates and non-graduates, there was a distinct difference in support and supervision available to the graduates.<sup>37</sup>

Finally, with respect to those factors associated with a positive parole experience, two studies are presented. A study by Gough and his colleagues posits that a "successful" parolee is a person who is "conscientious and moderate, not in any way flamboyant and perhaps even unduly subdued."<sup>38</sup> A study by Werner and Palmer states that the psychological picture of "successful" juvenile parolees include the following themes: relative lack of a pessimistic sense of alienation from others; relative absence of delinquent-oriented impulsiveness; and, relative absence of conflict and dissatisfaction with parents.<sup>39</sup>

A synthesis of the information thus far presented reveals the "state of the art" concerning positive outcomes research. The findings are often contradictory or in need of further expansion. Corroboration within the literature seems to point out that positive outcomes can result:

(1) Because the child is better circumstanced than the "average" delinquent child.

(2) Because of conscious effort is made to terminate deviant activities.

(3) Due to threat of further punishment or because of a "profitable" institutional experience.

(4) Due to the support and supervision of "significant others."

(5) After the twenty-fifth year.

These findings and assertions present an important point of reference. They provide a place from which to extrapolate. Yet they also exhibit a deficiency in delinquency research. Although there is a great body of information which seeks to determine the reasons for recidivism and sustained delinquent adaptation, studies designed to understand what factors converge to constitute a more socially approved adaptation are conspicuously absent.

#### PARALLEL BEHAVIORAL SCIENCE RESEARCH

Other areas of research into human adaptation have noted that potential benefits of a positive approach. Particularly noteworthy is the work being done by Anthony,<sup>40</sup> Garmezny,<sup>41</sup> and other investigators involved with the "high risk"

<sup>34</sup> *Ibid.*, 236.

<sup>35</sup> C. Bartollas, et al., "Boys Who Profit: The Limits of Institutional Success," in *Reform in Corrections: Problems and Issues*, ed. H. E. Allen and N. J. Beran (New York: Praeger, 1977), 8-16.

<sup>36</sup> E. S. Novotny, and N. Burnstein, "Public School Adjustment of Delinquent Boys After Release From a Juvenile Corrective Institution," *Journal of Youth and Adolescence* 3 (1974), 52.

<sup>37</sup> *Ibid.*, 59.

<sup>38</sup> H. G. Gough, et al., "Parole Outcomes as Predicted From the CPI, the MMPI, and a Base Expectancy Table," *Journal of Abnormal Psychology* 70 (1965), 440.

<sup>39</sup> E. Werner, and T. Palmer, "Psychological Characteristics of Successful and Unsuccessful Parolees: Implications of Heteroscedastic and Nonlinear Relationships," *Journal of Research in Crime and Delinquency* 13 (1976) 175.

<sup>40</sup> E. J. Anthony, "A New Scientific Region to Explore," in *The Child in His Family: Vulnerable Children*, ed. E. J. Anthony, et al. (New York: Wiley, 1973), 3-15.

<sup>41</sup> N. Garmezny, "Vulnerability Research and the Issue of Primary Prevention," *American Journal of Orthopsychiatry* 41 (1971), 101-116.

studies of schizophrenia. These researchers are not only attempting to ascertain why certain young people are vulnerable to schizophrenia, they are also concerned with discovering why an identical population of young people appear to be invulnerable. The intent of their investigations is to understand what "insulates" a young person who exhibits the predictors of a schizophrenic adaptation from becoming schizophrenic. They believe that by determining the reason for invulnerability a means can be implemented to help the less "resilient" make a successful adaptation away from schizophrenia. This approach to human adaptation is consonant with that of positive outcomes research.

The "coping" literature also dovetails with the thesis of positive outcomes research. Paramount in this area of inquiry is the research done at the Menninger Clinic where such investigators as Murphy and Moriarty have sought to emphasize the positive strengths of children as resilient, dynamically changing individuals.<sup>42</sup> Their approach has been longitudinal and has attempted to understand the coping patterns used by children who manage to stay "normal". They do not, however, exclude the child who deviates from the norm. Rather, they note that the difference between the "normal" child and the "deviant" child is not to be studied from the perspective of lack or presence of problems, but should be examined relative to how problems are handled.<sup>43</sup> The thesis to their approach is succinctly stated in the following quote:

"Each child struggles to find solutions and out of these struggles and these solutions develops an implicit or explicit view of life as well as of self. And so the personality is not just a patterns of predetermined (genetic) givens but an achievement or outcome of coping with the challenges and opportunities life has offered. When severe trauma, usually coupled with marked vulnerability, has disorganized the child or blocked development, therapy helps to mend the psychological fences or provide restitution for deprivation. Some vulnerable infants become more vulnerable as they grow; others are slow to develop effective ways of coping with the stress resulting from the interaction of their vulnerabilities with their environment. But when, as with most of this group, a child has been able to muddle through—by some combination of selection, escape, protest, or reconstruction of the situation—tolerance, strength, creativity, or triumph, or all of these, may be the outcome."<sup>44</sup>

The developmental approach to understanding human adaptation, with its emphasis on coping skills, attempts to understand how young people resolve their conflicts rather than why they succumb. This theme is consistent with the positive outcomes approach.

#### METHOD

Given the theoretical, historical, and common sense rationale for such a research perspective, the question still remains: "How does one go about doing it?" Such a research approach must attempt to identify and understand how and why former delinquents have managed to cope with the problems associated with their delinquent adaptation and acquired competency skills which helped to facilitate a socially approved adaptation to life. Yet such a goal is not easily accomplished. The literature holds little information on the subject of how and why delinquent/criminal lifestyles are abandoned. As a consequence, there exists minimal information concerning how to uncover and assess the reasons for such a behavioral change. Thus positive outcomes research, as we have presented it, is now primarily concerned with designing a method to collect such information.

In order to accomplish this goal, a retrospective life events method is being designed.<sup>45</sup> The life events model posits that individuals who manage to extricate themselves from the juvenile justice system do so, in large part, because of the influence of particular individuals or life events. Whether or not such life events are planned as a part of juvenile justice intervention, or are merely "accidents of fate," is of secondary importance. Specific importance resides in the individual's recognition of that life event as significant and the meaning which is ascribed to it.

In order to facilitate such a research model ten formerly adjudicated and institutionalized delinquents have been identified and asked to participate in the

<sup>42</sup> L. B. Murphy, and A. E. Moriarty, *Vulnerability, Coping, and Growth: From Infancy to Adolescence* (New Haven, Conn.: Yale University Press, 1976).

<sup>43</sup> *Ibid.*, 5.

<sup>44</sup> *Ibid.*, 13.

<sup>45</sup> R. J. Gable, and W. K. Brown, "Positive Outcomes: A New Approach to Delinquency Research," *Juvenile and Family Court Journal* 29 (1978), 57-64.



research effort. The major criteria for their selection as potential participants included the following: that they were adjudicated delinquent; that they were institutionalized, at least once, for no less than three months at a facility having a capacity of thirty or more residents that a minimum of at least five years has elapsed since their last juvenile justice system involvement; that they have not been subsequently adjudged an adult offender, and; that they be willing to open their lives to the research effort.

Interviews are the primary tool of investigation for the life events models. These interviews are conducted by a trained interviewer. No less than ten, one hour interviews are scheduled for each respondent. Except for the initial interview, wherein a standard biographical sketch is drawn, the remaining interviews are not standardized. Each respondent is viewed as a unique and questioned about his idiosyncratic involvements with life. Preceding interviews are used as a point of reference for successive interviews. There is, however, an attempt to cover specific areas intrinsic to the respondent's growth process. The topics to be covered include at least the following areas of inquiry: Infancy, latency, puberty, adolescence, adulthood, family, peers, important relationships, school, institutionalization(s), offense(s), child care intervention(s) and, most importantly, post juvenile justice system lifestyle(s), including present behavioral patterns.

To augment the interview data, copies of all obtainable official records are solicited on behalf of each respondent. These official records include: court transcripts, probationary records and reports, institutional records and reports, public school transcripts, psychiatric profiles, and any other stage-specific documentation which offers insights into the respondent's developmental history. These documents, though often incomplete or reported by the respondents to be inaccurate, are important in that they: represent an official view of the respondent's childhood development; afford a source of retrospection for the respondent, and; offer a second view which can be juxtaposed to the respondent's interpretation of the point in time under investigation.

Though to this point in the explication of the method it would seem as though a "classical" approach to research design is being undertaken, such is not wholly the case. Certain innovations and modifications to the usual research design are being attempted.

First, both the project director and the interviewer are positive outcomes people. The rationale underlying the use of positive outcomes people as the principal investigators in the project is twofold. (1) It is believed that individuals having similar life experiences may be able to establish a unique interviewer/interviewee rapport. (2) It is hoped that the similarity of life experiences offers a distinct means to produce insightful questions and stimulate meaningful answers.

Second, the respondents have been given an atypical role in the study. Not only are they asked about their own individual development, but they have been made an intrinsic component in the development of the study. Feedback relative to how interviews are conducted, where they are conducted, what areas or subjects need to be discussed, and many other decisions regarding the formulation of the method are included as part of the respondent's role in the study. The rationale underlying this approach is also twofold. (1) It is believed that the respondents have valuable insights concerning the questioning process. (2) It is conjectured that providing the potential for personal involvement in the design of the project will produce more commitment to the successful development of the project.

#### CONCLUSION

Positive outcomes research is in its embryonic stage. Presently it is developing a method. Though important information regarding the cessation or abandonment of a delinquent way of life is now surfacing, analysis of this information is not yet begun. The validity of the information will be tested later once a more universal sample of positive outcomes people have been identified and when a viable method for eliciting appropriate information has been established. Once collected and analyzed this information should be helpful to theoreticians, researchers, program planners, juvenile justice officials, and others interested or responsible for developing intervention strategies and supportive services to delinquent young people. It is hoped that the life events model of positive outcomes research will help to qualify the intricacies of a socially approved adaptation from delinquency and present information that can help raise the incidence of positive outcomes people.

THE PITTSBURGH-BUFFALO PROJECT:

AN INVESTIGATION  
OF THE OUTCOME OF  
JUDICIAL PROCEEDINGS INVOLVING  
16 AND 17-YEAR OLD YOUTH IN  
ALLEGHENY COUNTY, PENNSYLVANIA  
AND ERIE COUNTY, NEW YORK

Richard Gable  
Director of Research  
National Center for Juvenile Justice  
Post Office Box 7348  
Pittsburgh, Pennsylvania 15213  
(412) 624-6104

## Table of Contents

	Page
I. Acknowledgements . . . . .	1
II. Introduction . . . . .	3
Figure 1. States Which Have Considered or Enacted Legislation to Change the Age of Juvenile Jurisdiction . . . . .	6
Table 1. List of States . . . . .	7
III. Method . . . . .	10
A. Geographic Area . . . . .	10
Table 2. Demographic Comparison . . . . .	11
B. Identification of Data Sources . . . . .	12
C. Study Sample . . . . .	12
D. Data Collection . . . . .	13
IV. Results. . . . .	16
A. Offense Data . . . . .	17
Table 3. Actual Offenses: Recorded Offenses . . . . .	18
Table 4. Types of Offenses: Sellin & Wolfgang Classification . . . . .	19
Table 5. Types of Offenses: Buffalo Division of Youth Classification . . . . .	22
B. Disposition Data . . . . .	23
Table 6. Actual Dispositions: Recorded Dispositions . . . . .	24
Table 7. Types of Dispositions . . . . .	26
C. Offense by Disposition Data. . . . .	27
Table 8. Types of Disposition by Offense: Pittsburgh . . . . .	28
Table 9. Types of Disposition by Offense: Buffalo . . . . .	29
D. Time in the System . . . . .	31
Table 10. Time in the System . . . . .	33
Figure 1. Time in the System . . . . .	35

	Page
E. Arrest Data . . . . .	36
Table 11. Arrest Rates by Age: Buffalo and Pittsburgh, 1975 . . . . .	37
Graph 1. Arrests by Age: Pittsburgh and Buffalo . . . . .	38
Graph 2. Arrest Rate (Arrests per 1000 Eligible Population) by Age. . . . .	39
V. Discussion . . . . .	41
A. System Profiles . . . . .	41
B. Pittsburgh . . . . .	41
C. Buffalo. . . . .	42
D. Qualifications for the Findings . . . . .	43
E. Future Work . . . . .	44
VI. Appendices . . . . .	46
A. Case Reading Schedule . . . . .	47
B. Pittsburgh-Buffalo Project Coding Instructions . . . . .	50
C. Pittsburgh-Buffalo Project Coding Sheet . . . . .	52

ACKNOWLEDGEMENTS

The study, which has become known as the Pittsburgh-Buffalo Project could not have taken place without the cooperation and assistance of a great many people. The process of data collection from two communities with widely divergent judicial and information systems required long hours of tedious work from the examiners and a real sense of openness and trust from those being examined.

In Pittsburgh, thanks are extended to Judge Patrick Tamilia of the Juvenile Division, Allegheny Court of Common Pleas and his staff, particularly Mr. Lawson Venev Director of Court Services and Mr. Jerry Gormon, Assistant Director of Court Services.

In Buffalo, the following individuals made significant contributions to the data gathering process: Judge H. Buswell Roberts, Chief Judge, and Mr. Ray McMahon, Chief Clerk of the City Court of Buffalo, Mr. Charles Hutchinson, Director and his staff of the Erie County Probation Department, Mr. Joseph Gallagher, Director and his staff, especially Mr. Rocco Blatto and Mrs. Lorraine Lougen of the Buffalo Division for Youth.

In addition, arrest data from each community was provided by Lieutenant L. Liscio and Officer C. Williams of the Service Branch, Pittsburgh Police Department and Detective Joseph Nigrelli of the Juvenile Bureau, Buffalo Police Department.

Individuals involved with the actual process of data collection included: Ms. Ellen Greenberg, Mrs. Debbi Simon, Ms. Arlinda Turner and especially Ms. Michelle Tomsho and Mr. Raymond Disoll. Heartfelt thanks are extended to each of these people for their volunteer efforts in behalf of the study. Acknowledgements are also extended to Mr. Terrence Finnegan for assistance in computer programming, Ms. Cathy Gable for editing and production of the final report, Messrs. Dan Smith, John Hutzler and

Tom Vereb for their assistance in the planning stages of the project and in reviewing the materials, and to Ms. Cindy Hess for her able clerical assistance in producing a final product. Finally, grateful appreciation is extended to Mr. Hunter Hurst, Center Director, National Center for Juvenile Justice, for his support and critical analysis throughout the project and his tolerance of delays in production of the final report.

It is obvious that this document is the result of the collaborative effort of a large number of people. To each of them the author extends his appreciation for their individual contributions.

Richard J. Gable  
Director of Research  
National Center for Juvenile Justice

INTRODUCTION

The problem of the most appropriate jurisdiction for a young offender has been a point of constant contention since the establishment of the first juvenile court in Chicago in 1899. The juvenile court was established, and to a large extent, remains as an alternative to what was considered to be the more strict, and less flexible "adult" justice system. The doctrine of parens patriae maintains as its foremost principle the notion that a juvenile justice system must take into account a much larger composite of a young violator's characteristics and, with that information, generate a program of rehabilitation which is both appropriate to the offense and optimistic in its projection of a positive outcome. The court, "in the place of the parent," must exercise its judgment in such a way as to respond to the needs of the child. Inextricably interwoven into the parens patriae concept is the idea that a youngster who has violated the law is somehow less responsible for that act than would be an adult under the same circumstances. The essential task of the juvenile justice system is not, therefore, to punish in a manner equal to the act, but rather to use the "opportunity" of misbehavior to exert its power to examine the child and prescribe a remedy for the circumstances which preceded and fostered that act. Further, by including as an appropriate focus those behaviors which would not be viewed as criminal (the status offenses) but which are assumed to predate criminal activity, the juvenile justice system finds itself in a position to monitor the behavior of a wide variety of youngsters who "show promise" for a deviant career.

While parens patriae as a theoretical construct is not difficult to grasp, the problems with defining the operations within that construct are almost overwhelming in their complexity and scope. While there is little argument that the needs of a child are and should be, central to the administration of juvenile justice, the means for attaining that goal, and the definition of

individuals for whom that goal applies are at the front line of national debate. Often fueled by public outrage over the increasing number and seriousness of juvenile offenses, as well as the somewhat less than encouraging track record of the juvenile justice system, the cries have gone out to do away with parens patriae, or at least to increase the weighting of the notion of individual responsibility within it. On the other side, the inequity of the justice system and the paucity of available alternatives to serve as rehabilitation efforts have led some to argue for an increasing parental character for the juvenile court with more effective means to coerce service-bearing agencies to respond to the needs of errant children.

The juvenile justice system and those mandated with the responsibility for charting its course have responded to this conflict in a random and happenstance manner. Uniformity and concurrence of thought on a national level is a concept unknown to the juvenile justice system. Without knowing quite what to do, states and counties across the country have lowered jurisdictional ages, raised jurisdictional ages, increased and decreased the availability of treatment alternatives, emphasized and de-emphasized the importance of status offenders; in general, ventured willy-nilly into a no-man's-land of speculative and sometimes irrational response to the vocal pessimism about a far-from-perfect system. Even those attempts to formulate a national policy and provide a prescription for a more unified system find themselves in disagreement, if not in principle, certainly in practice and emphasis, on the relative advantage of social intervention versus "criminal" culpability as a factor in the decision making process of the juvenile justice system.

The Task Force Report on Juvenile Delinquency of the President's Commission on Law Enforcement and the Administration of Justice, 1967, commented on procedural inadequacies in the juvenile court system, but primarily called for an increasing societal response to the needs of delinquent children.

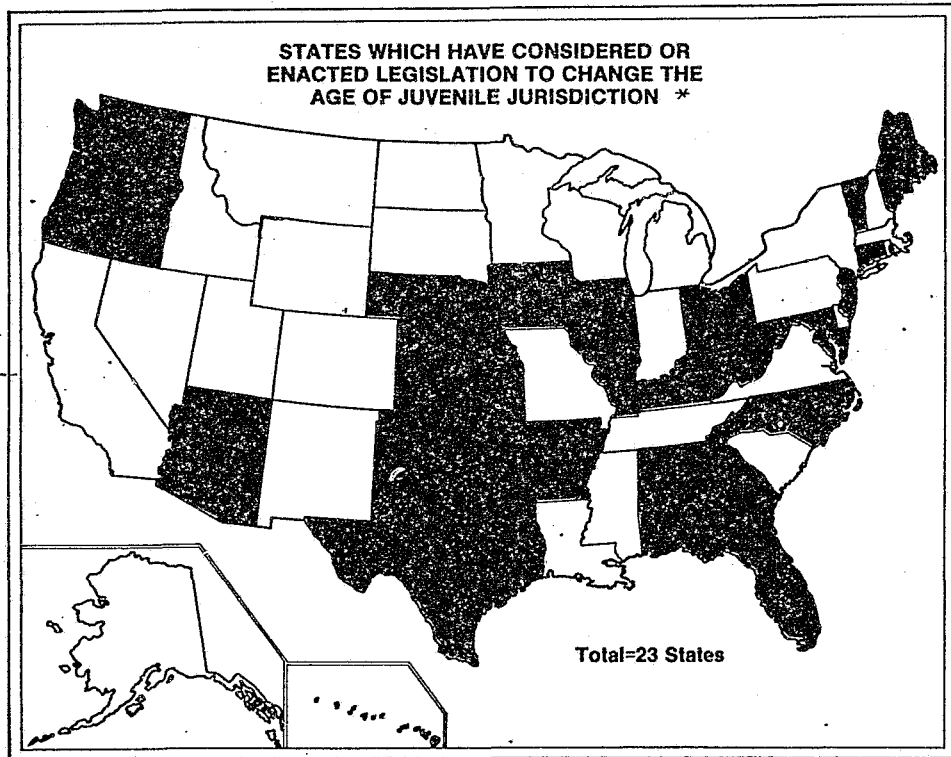


Indeed, included in a table of thirty-eight recommendations at the outset of their report, is not one mention of the need to increase criminal responsibility for young offenders. By contrast, the volume on sentencing practices of the Juvenile Justice Standards Project, IJA-ABA, proposes a detailed and specific formula of "proportional" sentencing for the range of illegal activities committed by juveniles. While this comparison is in some ways unfair (the two bodies set out with different objectives), the contrast serves to underscore the fact that the administration of juvenile justice is a system in search of a change, and that such change will occur, with or without the input necessary to sort emotion from reason.

The upper age of juvenile jurisdiction is one of the primary focal points in the real-life application of value discussions regarding the juvenile court. The point in time in which a youngster is seen as no longer deserving of or apt to respond to the modus operandi of the juvenile justice system has been constantly and vigorously debated. Currently, the fifty states are divided into three groups which place adult responsibility on young people at the ages of sixteen, seventeen and eighteen. While this array, in and of itself, indicates the inconsistency of opinion regarding this issue, further evidence is provided by recent legislative activity which threatens to reshuffle the age of jurisdiction groupings on an almost daily basis. A survey conducted in early 1977 showed that no less than twenty-three states had recently considered or enacted legislation which would alter the upper age of juvenile jurisdiction. In almost all instances, the movement was to lower the age and therefore eliminate a sizable group from the purview of the juvenile court. A graphic indication of the survey results are presented in Figure 1 and listed in Table 1.

\*See Figure 1 and Table 1 - following pages.

FIGURE 1



\*Source: Survey of Legislative Reference Services, National Center for Juvenile Justice, 1977.

TABLE 1  
LIST OF STATES

- |               |                      |
|---------------|----------------------|
| 1. Alabama    | 14. New Jersey       |
| 2. Arkansas   | 15. North Carolina   |
| 3. Arizona    | 16. Ohio             |
| 4. Conneticut | 17. Oklahoma         |
| 5. Florida    | 18. Oregon           |
| 6. Georgia    | 19. Texas            |
| 7. Illinois   | 20. Vermont          |
| 8. Iowa       | 21. Washington       |
| 9. Kansas     | 22. Washington, D.C. |
| 10. Kentucky  | 23. West Virginia    |
| 11. Maine     |                      |
| 12. Marylnad  |                      |
| 13. Nebraska  |                      |

Perhaps one of the only advantages of the variety and disparity of justice systems approaches to juveniles in this country is the opportunity it provides as a laboratory to examine the impact of a wide range of judicial alternatives on those who find themselves within the snare of the system. While certainly not a justification for the existence of such disparity across states, the variety of juvenile justice alternatives does allow a research effort which can begin to look at the consequences of the system on the individuals it is intended to serve. By controlling as closely as possible those factors which could tend to confuse the picture, comparative study of the outcome of judicial proceedings across states can add significantly to that body of fact which is essential for reasoned and effective decision making as to future plans. At the very least, information of this type can lay a foundation upon which the arguments of value and opinion can be staged. If we can determine, as carefully as possible, the answer to the question, "what happens?" within each system, then we are left only with deciding which of those alternatives we would prefer. Without that information, however, we find ourselves one step further removed from wise decision making.

The present study is intended to provide information of this type. By examining the outcome of judicial proceedings of sixteen and seventeen year olds in two states, New York and Pennsylvania, we can begin to understand impact of jurisdictional age on the operation of the system. In New York, a sixteen or seventeen year old who violates the law would find himself in the jurisdiction of an adult criminal court. In Pennsylvania, that same youth would be seen at the juvenile court. It is certainly plausible that such a major difference in the two system alternatives to the same youth should have an effect on the eventual outcome of the judicial proceedings in each case.

And yet, any measure of that difference must, at this point, be conjectured. The fact is that we don't know what happens to that sixteen year old under each system. Further, we don't know what happens to the majority of sixteen and seventeen year olds. That this is important is underscored by the fact that over 500,000 youth handled by the juvenile courts in this country fell in this age range. This represents approximately 42% of the total court population.

METHODGeographic Areas

The areas of comparison for this investigation were Allegheny County (Pittsburgh), Pennsylvania, and Erie County (Buffalo), New York. These two areas were chosen because of their comparability in terms of critical demographic factors, as illustrated in Table 2, as well as the similarity in their industrial character. A third consideration was their relative proximity to each other, which minimized the expense in gathering data.

\*See Table 2 - following page.

TABLE 2

## DEMOGRAPHIC COMPARISON

	Population	Population Per Sq. Mi.	Population Under 18 Yrs.	% Population Under 18 Yrs.	Median Age	Median Family Income	Crime Rate Per 100,000 <sup>1</sup>
Erie County	1,113,491	1052	358,544	32.2%	29.6	\$10,462	*
Allegheny County	1,605,016	2205	512,000	31.9%	32.4	\$10,076	*
City of Buffalo	462,783	11,205	142,537	30.8%	31.5	\$ 8,794	6,068.2
City of Pittsburgh	520,167	9,422	149,287	28.7%	33.7	\$ 8,787	6,481.0

Source: County and City Data Book, Department of Commerce, 1972

<sup>1</sup>\* Source: 1974 Uniform Crime Report (Preliminary Release). Information available for cities only.

Identification of Data Sources

Negotiations were conducted with the Allegheny County Juvenile Court and with the City Court of Buffalo in order to gain access to information. In Buffalo, most of the necessary data was contained in records maintained by the research department of the Buffalo Division for Youth. The balance of required information was contained in the records of the Erie County Department of Probation. It was decided that these sources could most efficiently provide the needed data. Each of the information sources agreed to participate in the study and granted permission for access to their files.

Study Sample

A random sample of one hundred youth from each of the two jurisdictions was chosen from the computer print-outs supplied by the Allegheny Juvenile Court and the Buffalo Division for Youth. Criteria for an individual's inclusion in the sample were:

1. Having committed an offense which resulted in a court hearing between January 1 and June 30, 1975;
2. Residence within the cities of Pittsburgh or Buffalo;
3. Having reached their sixteenth birthday as of the date of the offense;
4. Not having reached their eighteenth birthday before the final disposition resulting from the offense.

In each jurisdiction, the entire population of youths seen during the study period (January - June, 1975) were consecutively numbered. A random numbers table was then used to select the study group. A total of 120 individuals from each state were selected to insure a final sample of one hundred cases in each jurisdiction, after allowing for the possibility of missing records. The one hundred Pittsburgh individuals were drawn from a universe totaling 637 cases representing 516 individual youth, while the Buffalo sample represented 765 cases and 596 individuals.



The resultant sample was compared with the total population on two demographic indices, race and sex, to determine the "representativeness" of the study group. That comparison yielded no significant differences on either of the variables tested.

#### Data Collection

A case reading schedule was developed to facilitate the collection of data in the two study counties. Sample files from the Allegheny County Juvenile Court and the Buffalo Division for Youth were obtained to ascertain the availability of particular data elements. The schedule was constructed so that information could be gathered in the same order that it appeared in the file. In doing this, the potential for error was reduced from having to sort through file contents to gather particular bits of data. The instrument, once constructed, was pre-tested, modified and pre-tested again on non-sample files from the Allegheny County Juvenile Court. (A copy of the Case Reading Schedule appears in Appendix A.)

Case readers were trained using Allegheny County Juvenile Court files. Initially each case reader was given responsibility for completing the reading schedule on three cases, after which they met with the investigator to discuss problems of collection and interpretation. Later, cases which had previously been read by one reader were verified and cross-checked by another. In this manner, reliability of case reading was established. This procedure, while employed most often during the training phase, was used throughout the entire data collection process to insure against systematic reader error. Each "verification" was checked against the original, and in no instance was there any substantial difference between the information gathered by the two individuals.

Case files from the Allegheny County Juvenile Court sample were read by three individuals over a three month period. Information which was available from the computer print-out received from the court was first

entered onto the case reading schedule and later verified from information in the file. In a number of cases, the file readers found errors in the computerized information which necessitated changes in the data. When this occurred, a second reader cross-checked the accuracy of the information. There were seven instances of missing files, so the resultant sample of 100 cases was drawn from 107 of the originally chosen cases. A cursory look at the computer print-out revealed nothing that would indicate any unusual selection factors in the missing cases. It was assumed, therefore, that the seven were lost due to clerical error and that they would not have significantly altered the data from the total sample.

In Buffalo, all cases were read during a three-day period by a group of five case-readers. As in Pittsburgh, computerized information was first coded onto the reading schedule and later verified. Information relating to offense, disposition, and previous court involvement was gathered from the records maintained at the office of the Buffalo Division for Youth. Some limited demographic data was also available from that source. Since the B.D.Y. records contain only information about a youth after he passes the age of juvenile jurisdiction (16 years), it was necessary to obtain records from the Erie County Probation Department to note juvenile court activity and the remainder of the demographic information. Seventy-seven (77) of the individuals identified from the Buffalo Division for Youth records were also found to have files at the Erie County Probation Department. It was possible, therefore, to collect complete information on more than three-fourths of the sample. The remaining 23 either did not have a juvenile court record, or their involvement with the juvenile court was not of consequence to bring them to the attention of the Probation Department. In that the Probation Department, quite routinely performs pre-disposition investigations on juvenile court cases, the former alternative is more likely.

In addition to data collected from individual case folders in the two jurisdictions, annual reports were used to gather general population and case load figures for the total universe of 16 and 17 year old youth. Arrest data was solicited from the Pittsburgh and Buffalo Police Departments. This information was later coded and analysed using the SPSS package program at the University of Pittsburgh Computer Center.

RESULTS

The results from this study can be divided into four sections. The first, offenses and dispositions, examines the type and extent of charges laid in Buffalo and in Pittsburgh, and the general types of dispositions issued by the respective courts. These findings are often referred to as "system rates" and provide an initial comparative foundation for other analyses. The second finding of interest pairs the specific offense with the disposition received and examines the response of the two courts to various types of charges. This measure is indicative, to some extent of the philosophy of the court and portrays a set of judicial decisions made in the two communities. Third, a measure of time in the system will be presented. This system process measure indicates the speed with which processing occurs and is also an index of the number of active cases within the system at any given point in time. Finally, arrest data from the two jurisdictions will be presented.

Before proceeding further with the presentation of findings it is necessary to stress that the intent of the study was to compare the two systems and not to evaluate either. Data is presented in comparative form only to allow for an examination of two system operations. No value is attached by the investigator, nor is any intended. Furthermore, the requirements of an evaluative piece of research would dictate a much more comprehensive view of each court. Such factors as personnel, resources, disposition alternatives, etc. would be necessary to substantiate value statements regarding the efficiency or effectiveness of each system. Such was not the case in this investigation. The data collected represents only the intake and output from each court, and leaves for the evaluator the question of what transpires in between.

Offense Data

For each one of the one hundred cases, the offense occurring during the study period was recorded. If more than one offense was recorded for any case a determination was made as to the primary offense. In most instances the primary offense was identified by the charge that went forward after subsequent charges were dismissed. In other cases, multiple offenses were prioritized with the primary offense listed first. If neither of these aids in determining primary offense was present, a judgement was made as to the most serious offense listed. Using this scheme, it was possible to choose a single offense for all but one case. In that case it was impossible to reach a decision as to primary offense, so the case was thrown out and another substituted.

The tabulation of actual recorded offenses for Buffalo and Pittsburgh are presented in Table 3. The choice of descriptors for the offenses was derived from the listing used in Pittsburgh since it was more discrete and comprehensive than the comparable list in Buffalo. Consequently, the Buffalo offenses were made to fit the Pittsburgh classification. In virtually all instances, this was accomplished without difficulty. Where there was a question regarding classification, the criminal codes in each state were consulted to determine the appropriate match. It should be noted that the final five categories on the list represent "juvenile only" status offenses for which there were no counterparts in the Buffalo court.

\*See Table 3 - following page.

TABLE 3

ACTUAL OFFENSES : RECORDED OFFENSES

	<u>Buffalo</u>	<u>Pittsburgh</u>
Aggravated Assault	1	4
Rape	1	1
Burglary/Trespass	15	25
Robbery	10	4
Purse Snatch	0	7
Auto Theft	7	19
Theft (under \$50)	3	0
Theft (over \$50)	9	2
Simple Assault	2	7
Sex Offense (except rape)	6	3
Possession of Weapons	9	0
Possession of Marijuana	7	3
Other Drug Offenses	8	2
Disorderly Conduct / Drunk	10	3
Receiving Stolen Property	2	2
Criminal Mischief	2	4
Resisting Arrest	3	0
Other Adult - Juvenile Offense	5	0
Running Away	0	2
Unmanageable / Incurable	0	9
Possession of Alcohol	0	1
Violation of Probation	0	1
Other Juvenile Offense	0	1
	<hr/>	<hr/>
	100	100

In order to perform a statistical analysis on the offense profile in the two communities, it was necessary to collapse the actual listing to fewer offense categories containing more cases per category. This procedure further eliminated any behavioral discrepancy in the two courts. If, for example, the distinction between simple and aggravated assault was slightly different in each code, the resultant figures for these two categories might be non-comparable. However, both offenses would be collapsed into a general category of "injury" and would therefore be justifiably comparable.

This procedure was performed twice, once using a modification of a coding scheme developed by Sellin and Wolfgang, the second time using a slightly different procedure employed by the Buffalo Division for Youth. The results of these comparisons are presented in Tables 4 and 5.

In Table 4 it can be seen that, although there are differences in the types of offenses committed by the two samples, these differences fail to reach statistical significance. In effect, the offenses classified in this manner indicate that sixteen and seventeen year old youth in both communities are being arrested for the same reasons.

\*See Table 4 - following page.

TABLE 4

TYPES OF OFFENSES : SELLIN AND WOLFGANG CLASSIFICATION<sup>1</sup>

	Injury	Theft	Damage	Non-Index
Buffalo	10	46	2	42
Pittsburgh	15	59	4	22 <sup>2</sup>

$$x^2 = 2.467 \quad df = 3 \quad p = n.s.$$

<sup>1</sup> This classification represents a modification of Sellin and Wolfgang's procedure as described in Sellin, T. and Wolfgang, M.E. The Measurement of Delinquency, New York : John Wiley, 1964.

<sup>2</sup> This figure (22) includes 14 non-index, status offenses.



Table 5 presents the same finding when the offenses are categorized in another way; the classification derived by the Buffalo Division for Youth. In this scheme, the major distinctions are drawn around the object of the offense (i.e.; self, person, property, society). While this procedure changes the absolute number in each cell, it does little to the test of significance, thus adding validity to the notion of the similarity of acts committed in the two communities.

\*See Table 5 - following page.

TABLE 5

TYPES OF OFFENSES : BUFFALO DIVISION OF YOUTH CLASSIFICATION<sup>1</sup>

	OFFENSES AGAINST :			
	Self	Person	Property	General . Health & Welfare
Buffalo	24	4	46	26
Pittsburgh	20	12	59	9

 $x^2 = 4.177$        $df = 3$        $p = n.s.$ 
<sup>1</sup> Buffalo Division for Youth, Annual Report, 1975 - 1976.

While the analyses in both instances yielded non-significant differences overall, the data do provide an interesting comparison of the types of offenses which bring youngsters to the court. For example, in both tables the category representing "theft or offenses against property" show a higher rate in Pittsburgh than in Buffalo. The "non-index" category shows a strikingly higher rate in Buffalo, as does the "offenses against general health and welfare". In both instances, these findings result from a much higher rate of arrest for drug violations and possession of weapons.

#### Disposition Data

The final disposition of each of the one hundred cases in each court was recorded. Unlike the offenses, in almost all cases only one disposition was recorded. In three instances in Buffalo, there were multiple dispositions, each involving the paying of costs in addition to an order of probation. In these cases, it was decided to drop the secondary disposition and record only the order for probation. The list of frequencies of actual dispositions is summarized in Table 6.

\*See Table 6 - following page.

TABLE 6

## ACTUAL DISPOSITIONS : RECORDED DISPOSITIONS

	<u>Buffalo</u>	<u>Pittsburgh</u>
Dismiss	22	24
Dismiss after Continuation/Adjournment	42	21
Discontinued <sup>a</sup>	0	3
Unconditional Discharge <sup>b</sup>	1	0
Conditional Discharge <sup>b</sup>	9	0
Probation - Own Home	8	25
Commitment - Suspended	0	7
Suspended Commitment Placed in Force	0	1
Commitment - Local Institution	14	10
Commitment - State Institution	2	1
Commitment - Private Institution	0	3
Pay Fines and Costs	2	1
Other Disposition	0	4
	<hr/>	<hr/>
Total	100	100

<sup>a</sup> Dispositional category recorded in Pittsburgh only.

<sup>b</sup> Dispositional category recorded in Buffalo only.

In that different disposition descriptions were used in Buffalo and Pittsburgh, it was necessary to produce a comprehensive listing with empty cells for one community or another. It was not possible to arrive at a common description for all dispositions as it had been for offenses. The term "discontinued" was noted in Pittsburgh records only, while the terms "conditional and unconditional discharge" were to be found only in Buffalo. While it is quite probable that there is a great similarity in the actual meaning of these terms, it was decided that combining all three under a common term such as "discharge" would not be appropriate for the detailed listing.

As with the offense data, it was necessary to collapse the disposition descriptors into general categories in order to perform statistical analyses. Four categories were derived. The first, "discharge or dismiss" included all dispositions where the intent was to terminate the judicial proceedings prior to any official probation supervision. The second, "place on probation" included all probation orders as well as suspended commitments where the intent was active supervision in the community. The third category, "commit or sentence" included all dispositions where the intent was to remove the youth from the community. The final category, "other", was used to collect all dispositions not covered in the previous three groupings. The breakdown by type of disposition is presented in Table 7.

\*See Table 7 - following page.

TABLE 7  
TYPES OF DISPOSITIONS

	Discharge or Dismiss	Place on Probation	Commit or Sentence	Other
Buffalo	74	8	16	2
Pittsburgh	48	32	15	5

 $\chi^2 = 12.468$  df = 3 p < .01

The chi-square analysis performed on these data indicates a strongly significant difference between the dispositions recorded in the two communities. While the analysis does not, in itself, pinpoint the specific reason for the difference, it is clear from the table that the "dismissed" versus "probation" ratio in the two courts is the primary differentiator. In Buffalo 74 of the 100 cases seen were eventually dismissed or discharged while only 8 were ordered to the probation department. This represents a ratio greater than 9:1. In Pittsburgh, the comparable ratio is only 1.5:1 with 48 dismissals and 38 cases placed on probation. Aside from this rather large and striking difference, the rest of the data are unremarkable, with both courts issuing commitment orders at an almost identical rate.

#### Offense by Disposition Data

After tabulating all offenses and dispositions for each of the one hundred study cases in each jurisdiction, a cross-tabular analysis was performed to match specific offenses committed with the resultant disposition. The intent of this analysis was to derive, at least superficially, a picture of judicial decision making in each court. It was decided that the offense categorization as derived from Sellin and Wolfgang would be the most appropriate for the comparison. Table 8 presents the offense-disposition matrix for Pittsburgh; Table 9 for Buffalo.

\*See Tables 8 and 9 - following page.

TABLE 8

## TYPES OF DISPOSITION BY OFFENSE : PITTSBURGH

Count Row % Column %	Discharge or Dismiss	Place on Probation	Commit or Sentence	Other Disposition
INJURY	10	2	3	0
% All Injuries	66.7%	13.3%	20%	
% This Disposition	20.8%	6.3%	20%	
THEFT	24	24	7	4
% All Theft	40.7%	40.7%	11.9%	6.8%
% This Disposition	50%	75%	46.7%	80%
DAMAGE	3	1	0	0
% All Damage	75%	25%		
% This Disposition	6.3%	3.1%		
NON-INDEX	11	5	5	1
% All Non-Index	50%	22.7%	22.7%	4.5%
% This Disposition	22.9%	15.6%	33.3%	20%

$\chi^2 = 6.347$

df = 9

p = n.s.



TABLE 9

## TYPES OF DISPOSITION BY OFFENSE : BUFFALO

Count Row % Column %	Discharge or Dismiss	Place on Probation	Commit or Sentence	Other Disposition
INJURY	8	1	1	0
% All Injuries	80%	10%	10%	
% This Disposition	10.8%	12.5%	6.3%	
THEFT	28	4	13	1
% All Theft	60.9%	8.7%	28.3%	2.2%
% This Disposition	37.8%	50%	81.3%	50%
DAMAGE	1	1	0	0
% All Damage	50%	50%		
% This Disposition	1.4%	12.5%		
NON-INDEX	37	2	2	1
% All Non-Index	88.1%	4.8%	4.8%	2.4%
% This Disposition	50%	25%	12.5%	50%

 $\chi^2 = 24.618$ 

df = 9

p &lt; .005

Considering Table 8 first, it can be seen that in Pittsburgh two-thirds (66.7%) of all injury offenses resulted in a final disposition of dismissal while one-third were maintained within the system, either for probation supervision or for commitment. For theft offenses the dismissal rate dropped to only 40.7%, with an equal number referred to the probation department. Only 11.9% of theft offenses were eventually committed to an institution. For the relatively few damage offenses, the great majority (75%) were dismissed, with only one case representing 25% of the total damage offenses held for probation services. No individual charged with a damage offense was committed. Perhaps the most interesting of the findings in this section involves the twenty-two non-index offenses. Within this category only 50% were dismissed, while another 45.5% were maintained within the system on probation or in the custody of a correctional institution. This is particularly interesting in that fourteen of the twenty-two non-index offenses listed were status offenses applicable to juveniles only.

The chi-square analysis of the data contained in Table 8 did not reach statistical significance. This would tend to indicate that there is little overall relationship, in the Pittsburgh court, between the offense committed and the disposition received. While it can be argued that such a classification scheme should not be expected to yield a statistically significant relationship, the value of the analysis lies in its demonstration that the various dispositional alternatives appear to be distributed quite evenly over all categories of offenses. As will be seen shortly, this was not the case in Buffalo.

Turning now to the same matrix with the Buffalo data presented in Table 9, it can be seen that for the injury offenses 80% of the cases were eventually terminated, while 20% were held for probation or commitment to a local or state institution. The theft offenses produced a dismissal rate of 60.9%, with 28.3% committed to an institution and only 8.7% placed

on probation, with no commitments recorded. Finally, of the forty-two non-index offenses listed, a very large 88.1% were dismissed or discharged, with only 4.8% each held for probation supervision and committed.

Unlike the Pittsburgh table, the chi-square analysis of the Buffalo data indicates a highly significant relationship between offense and disposition. As before, the statistic does not underscore the reason for the significant finding but rather indicates a general overall relationship present in the matrix. When viewing the data, it comes apparent that the high percentage of dismissed, non-index offenses contributes to the statistic as does the relatively high percentage of committed, theft offenders. It is possible that the significance of this finding may be an artifact resulting from this particular classification scheme. It remains, however, that the value of the chi-square and the resultant probability level are not likely to be due entirely to statistical artifact.

#### Time in the System

In addition to data concerning the overall rates of offenses and dispositions, it was seen as valuable to attempt to define a system process measure which could be used to compare the extent of involvement of an individual in the two courts. It was decided that time in the system would be the most appropriate index. For each of the one hundred cases in each community, dates of various points in the judicial proceeding were recorded. These included: date of offense, date of arrest/referral, date the petition was filed, date of initial hearing, and date of final disposition. In addition, the dates of intermediate hearings in a continued case were recorded, if available. It was not always possible to track the case through each point in time. Some dates were not available in the record. It was possible, however, to establish a date for arrest/referral, initial hearing and final disposition for each of the two hundred cases.

Each recorded date was transformed to an integer in sequence from the first to the last date found. In this manner, June 3, 1975 may have been transformed to 415 and June 10, 1975 to 422, or seven days later. From these transformations it was possible to derive intervals between each event and, later, to establish average intervals for the population as a whole.

This portion of the data collection was relatively straight forward, with few decisions to be made as to the meaning of information in the records. In Buffalo, however, it was necessary to distinguish between the date of the arraignment hearing and the date of the initial hearing of substance concerning the charges. The City Court of Buffalo routinely arraigns individuals within twenty-four hours of their arrest. At the arraignment a docket number is assigned and an initial hearing date is set. It was decided to disregard the arraignment as an initial hearing and to record the second contact as the initial hearing date. The rationale for this decision was that the arraignment was not, in the strict sense, a hearing of substance on the charge and that it approximated, more closely, the intake appointment of the juvenile court. It is important to remember, when viewing the results from this section, that the "initial hearing" in both courts is the first consideration of the substance of the charge and is not the intake or arraignment encounter.

There are three intervals of interest presented in Table 10. The first, arrest to initial hearing, represents the time prior to any judicial action. The second, initial hearing to final disposition, represents the full course of the judicial process including adjournments, continuations, etc. The final interval presented, arrest to final disposition, is simply the arithmetic sum of the first two, and represents total time within the legal system.

\*See Table 10 - following page.

TABLE 10  
TIME IN THE SYSTEM

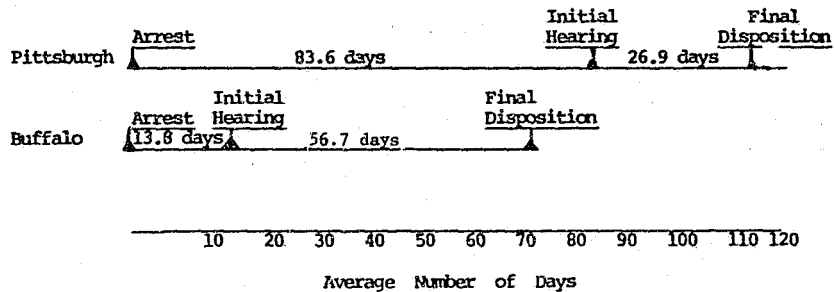
	Ave. No. Days	Standard Deviation	t	P
Time Between Arrest and Initial Hearing				
Pittsburgh	83.6	59.1	11.45	<.001
Buffalo	13.8	14.9		
Time Between Initial Hearing & Final Disposition				
Pittsburgh	26.9	6.1	2.97	<.005
Buffalo	56.7	7.9		
Time Between Arrest And Final Disposition				
Pittsburgh	110.5	69.2	3.71	<.001
Buffalo	70.6	82.3		

T-tests were done to compare the length of time individuals spend in the judicial system in each court. The findings are quite striking. In Buffalo, the average time between arrest and initial hearing is 13.8 days, while the comparable time in Pittsburgh was 83.6 days. This mean difference results in  $t = 11.45$  and a significance level of  $p < .001$ . From initial hearing to final disposition, the directionality of results is reversed, with a mean interval in Buffalo of 56.7 days and 26.9 days in Pittsburgh. This too resulted in a significant t-test ( $t = 2.97$ ,  $p < .005$ ). However, the magnitude of this difference is smaller than in the first interval. Thus, when the two intervals are added together to derive the third, arrest to final disposition, the direction of the difference once again changes with Pittsburgh showing an overall interval of 110.5 days and Buffalo 70.6 days. When applied to a t-test, these results produce a  $t = 3.71$  and a probability level of  $p < .001$ . The intervals, with various points in the judicial process, are presented graphically in Figure 2.

\*See Figure 2 - following page.

FIGURE 2

TIME IN THE SYSTEM : PITTSBURGH AND BUFFALO



Arrest Data

Finally, it was necessary to obtain data concerning arrest rates for youth in the two study communities. This was accomplished in order to determine the overall flow of cases entering the judicial system. It was decided that arrest data should include both the age groups under scrutiny (16 and 17 year olds) as well as younger children who would be considered juveniles in both communities. In this way, comparisons could be made between communities when the judicial systems were comparable (14 and 15 year olds) and when they were dissimilar (16 and 17 year olds).

The results of the arrest data are presented in Table 11 and in Graphs 1 and 2. It can be seen that with the fourteen and fifteen year olds, both the total number of arrests and arrest rate (calculated as arrests per 1,000 eligible population) rose in a parallel fashion from age fourteen to age fifteen. Although Buffalo showed a lower total arrest figure for age fifteen, the rates in that community were somewhat higher for both the fifteen and fourteen year olds. Nevertheless, the two communities are not significantly different for these age groups. Further, the rates for both communities are comparable to national estimates of arrest rates for youngsters of this age for metropolitan areas.

It is at age sixteen that dramatic differences are noted in both the total number and rate of law enforcement processing of youth. While the Pittsburgh figures continue to climb in a fashion similar to national estimates, the Buffalo arrests drop off substantially. This is true both of total arrests and of the rates which control for eligible population. At age seventeen, the Buffalo arrest data has begun to "recover" in terms total arrests and has, in fact, surpassed the Pittsburgh figure in terms of rates.

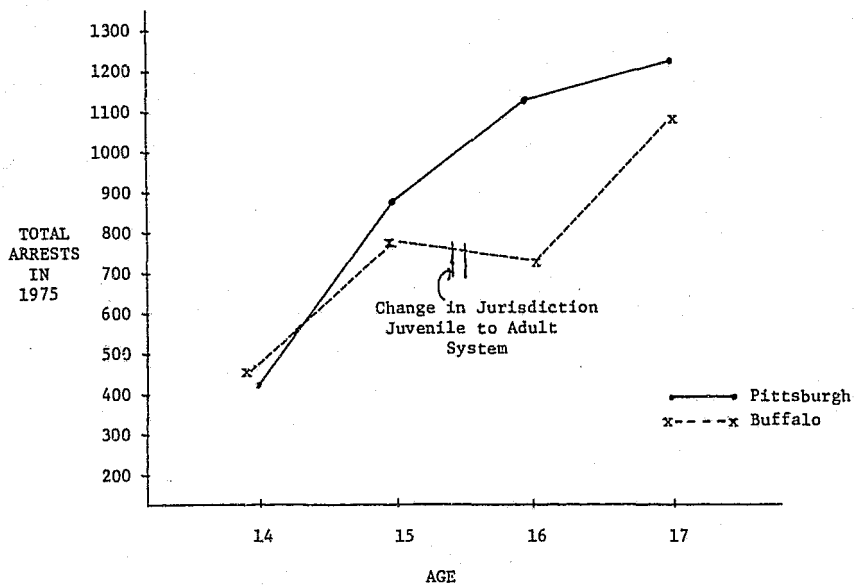
\*See Table 11 and Graphs 1 and 2 - following page.



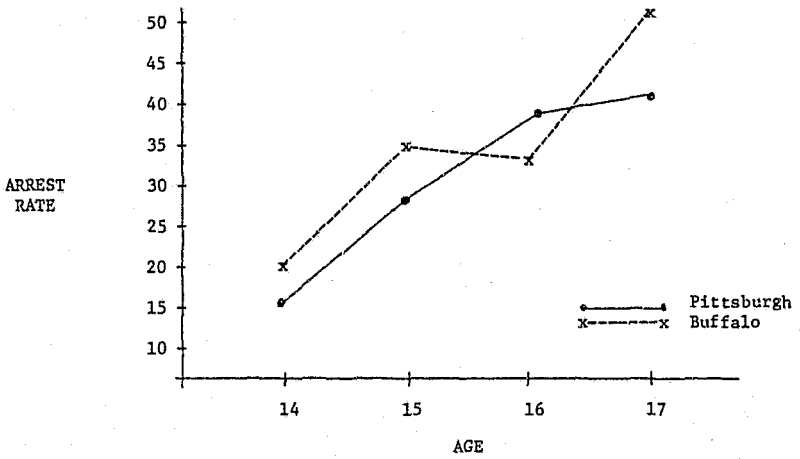
TABLE 11 - ARREST RATES BY AGE  
 BUFFALO AND PITTSBURGH 1975

		AGE GROUPS			
		14	15	16	17
BUFFALO	Arrests	463	787	717	1092
	Population	22018	21853	21589	22020
	Rate	21.03	36.01	33.21	49.59
PITTSBURGH	Arrests	444	833	1120	1245
	Population	29341	28970	28951	29429
	Rate	15.13	28.75	38.69	42.31

GRAPH 1 - ARRESTS BY AGE: PITTSBURGH AND BUFFALO



GRAPH 2 - ARREST RATE (ARRESTS PER 1,000 ELIGIBLE POPULATION) BY AGE



This "criss-cross" in arrest data corresponding to the age at which judicial jurisdiction changes is significant in that it closely parallels the effects noted earlier in judicial handling. The questions relating to the cause of this phenomenon must, at this point, remain speculation. It could be argued, for instance, that the decrease in police activity with sixteen year olds represents a statement of disinterest by police in bringing youngsters to an adult criminal proceeding. Alternatively, the effect could be explained by police experience with the outcome of judicial proceedings with this group and could represent their belief that arrests often lead to dismissals at court and are, therefore, not worth their time and effort. The untangling of such explanations are, unfortunately not within the scope of this project. Nevertheless, the arrest data provide compelling evidence that statutory differences regarding age of jurisdiction do produce striking effects at a number of points on the continuum of system processing.

DISCUSSION

The findings from the Pittsburgh-Buffalo project are interesting in terms of their consistency and the pictures they portray about the internal workings of two quite different judicial systems. While the results of this investigation may provide some insight into the actual work-day implications of the jurisdictional age question, it falls substantially short of determining the overall worth of either system. This section will address these issues and will present directions for future work which could further refine the findings from the current study.

System Profiles

In order to summarize the system characteristics in Pittsburgh and Buffalo, it would be helpful to "collapse" the statistical data presented into a composite portrait of the procedures and flow in each community. In so doing, the philosophical values implicit in the two approaches can be examined in conjunction with the data which those values produce.

Pittsburgh

The juvenile justice system which deals with sixteen and seventeen year olds in Pittsburgh can be characterized as a judicial network which, in the spirit of parens patriae, expends considerable time and resources in examining a young offender from other than a purely legal perspective. In so doing, the time involved in processing youngsters is greatly increased, especially at the initial stages in the system. It would further appear that, once having conducted such an examination, the court is more likely to feel the necessity to retain that youngster for further help and supervision. Such supervision is provided most often by probation officers in the child's community and, compared to Buffalo, is no more or less often provided by an institutional placement. The finding related to the non-association of offense and disposition in Pittsburgh

provides further support for the notion of mediating factors in the decision-making process in the juvenile court. The disposition of individual cases appears to be more related to factors other than offense than is the case in Buffalo. Finally, the behavior of police in Pittsburgh is indicative of their belief in the value of judicial processing through the juvenile justice system. The steadily increasing arrest rates across age groups shows no discontinuity evident in Buffalo at the point of jurisdictional change. The composite of the Pittsburgh data presents a profile of a juvenile court in the tradition of the Chicago court of 1899. It is clearly a system which varies greatly from the adult justice network in procedure, policy, and outcome.

#### Buffalo

The adult criminal system which deals with sixteen and seventeen year olds in Buffalo is best portrayed by the model of judicial efficiency and a value of decreased involvement in other than legal affairs. Such a philosophy allows for a much more rapid conclusion to judicial proceedings and considerably less time and effort in the investigation and fact-finding portions of the process. The dispositional data presented appears to indicate an implied value of non-intervention in the majority of cases and treats much youthful misbehavior in a relatively benign manner. This is not to say that dispositions which are punitive or restricting are not utilized by the Buffalo court. On the contrary, dispositions in Buffalo include an almost equal number of commitments to closed institutions. The primary difference is to be found in the category of probation supervision. The need to supervise young people in the community appears to be less strongly felt in Buffalo. What is more, the relationship between offense and disposition in Buffalo indicates that the incident of misbehavior plays a much more central role in the eventual outcome

of individual cases. Finally, as in Pittsburgh, the official activity of law enforcement agencies mirrors the implicit values of the judicial system. The discontinuity in arrest data across the ages at which jurisdiction changes indicates that police are less invested in bringing sixteen year olds to the adult criminal system. The portrait is, then, one of speedy justice with judicial response linked to the quality of misbehavior and an over-riding value of non-intervention in the majority of cases. Most would agree that such characteristics are hallmarks of the criminal justice system in this country.

#### Qualifications for the Findings

No research project is without its weaknesses; the current investigation is no exception. While the data presented is valid in terms of its accuracy, the interpretations which follow from it are susceptible to inappropriate assumptions in the design. There are two areas in which this becomes problematic in this project.

First, and most important, is the question of comparability of study groups. While it is true that demographic and offense data indicate that the groups are not different, the nature of the study does not allow for a final determination on this matter. Specifically, the notion of "actual" criminal culpability is not reflected in the data, nor, for that matter in the records from which that data was elicited. Factors which could affect the comparability of groups in this regard include differences in police activity, diversion, pre-trial screening, and the actual behavior of youths in the two communities. Such differences obviously exist in any two communities and provide for a moderate but tolerable level of uneasiness on the part of the researcher when drawing conclusions. Such is the nature of comparative investigations.

A second, related qualification has to do, not with comparability of groups, but comparability of resources. Once again, demographic data provides

encouraging indicators of the similarities between Pittsburgh and Buffalo. However, such data do not indicate important variables in the social, economic, and political arenas. There can be little argument that judicial processing will be related to the resources available to the court and the climate in which the court attempts to conduct its business. This will be the case whether the jurisdiction under scrutiny is a city, a county, a state, or the nation as a whole. When selecting an individual city to portray the workings of a judicial system for an entire state, it is folly to assume that all other jurisdictions behave in a similar fashion. The Pittsburgh-Buffalo project is valid only for Pittsburgh and Buffalo. Generalizations to Philadelphia, Syracuse, or to any other jurisdiction must be made with extreme caution. The value in the study is as an example of the operation of justice systems in two actual communities in relation to the values implicit in those communities. Beyond that the investigator makes no claim, and accepts no criticism.

#### Future Work

There are a number of sequelae available to those interested in further pursuing the findings of the Pittsburgh-Buffalo project. The first, and most obvious work involves a follow-up of the study population over time to attempt a determination of the effectiveness of each system. As has been noted earlier, such an investigation must tread much more carefully and must address itself more fully to questions of comparability of subjects and community resources. Without increased design control, findings from a follow-up investigation could be misleading and terribly unfair.

A second avenue of future investigation comes in the form of a study addressing a specific sub-population of offenders. The value in this approach lies in the information it offers concerning a specific group around which questions of jurisdictional age revolve. Most notable in this



regard would be a study of violent or serious offenders in the two communities. It is unlikely that many would value a study of jurisdictional age as it relates to shoplifters. The more serious offender, on the other hand, has provided the impetus for much of the debate currently waged in this country. Such an investigation could add greatly to the resolution of that debate.

A final possibility for comparative research involves a longitudinal approach to judicial handling in a single jurisdiction which has recently undergone a statutory revision. While such an investigation reduces somewhat, the problems associated with comparability, there are still many design issues to address. The value of such a study would be in its ability to detail the developmental progression of a jurisdiction as it moves from one position to another. Such information could prove extremely valuable to others contemplating a similar change.

The use of comparative studies in criminal justice research provides a much-needed implement in the resolution of philosophical debate. The addition of empirical information to the discussion of value can lead to more sound judgements and more rational planning. With well-founded assumptions and methodological rigor, a comparative study across or within jurisdictions will make a meaningful contribution to those who must decide about the future course of the justice system.

## APPENDICES

APPENDIX A  
Case Reading Schedule

Probation Case# \_\_\_\_\_ Study# \_\_\_\_\_

Juvenile Case # (N.Y.) \_\_\_\_\_

P.O. \_\_\_\_\_

B.D. \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Present Activity

Offense: \_\_\_\_\_

Arresting/Referral Source: \_\_\_\_\_

Dates of: \_\_\_\_\_

Offense: \_\_\_\_\_ Arrest/Referral: \_\_\_\_\_ Indictment \_\_\_\_\_

Petition filed: \_\_\_\_\_ Hearing/Trial: \_\_\_\_\_

Detention

From: \_\_\_\_\_ to \_\_\_\_\_

Detention time prior to hearing: \_\_\_\_\_

Method of Release: \_\_\_\_\_

Proceedings

Plea: \_\_\_\_\_ Y.O. Eligible: Yes \_\_\_\_\_ No \_\_\_\_\_

Verdict: \_\_\_\_\_ Why not?: \_\_\_\_\_

Judge: \_\_\_\_\_

Prosecutor: \_\_\_\_\_

Counsel: \_\_\_\_\_ Type: \_\_\_\_\_

Findings

Finding/Adjudication \_\_\_\_\_

Subsequent hearings:

<u>Date</u>	<u>Disposition or status</u>
_____	_____
_____	_____
_____	_____

Final Disposition: \_\_\_\_\_

Duration: \_\_\_\_\_

Prior Legal History

<u>Date</u>	<u>Charge</u>	<u>Court</u>	<u>Disposition/Status</u>

Additional Court Activity During Study Period:

<u>Date</u>	<u>Charge</u>	<u>Court</u>	<u>Disposition/Status</u>

Demographic Information:

Race \_\_\_\_\_ Family Size \_\_\_\_\_

Present living arrangement \_\_\_\_\_  
\_\_\_\_\_Family Composition:

Mother: \_\_\_\_\_ Age: \_\_\_\_\_

Father: \_\_\_\_\_ Age: \_\_\_\_\_

Siblings: \_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

Father: Occupation \_\_\_\_\_ Income: \_\_\_\_\_

Education \_\_\_\_\_

Mother: Occupation \_\_\_\_\_ Income: \_\_\_\_\_

Education \_\_\_\_\_

School History:

Highest grade completed: \_\_\_\_\_

Grades failed: \_\_\_\_\_

In school now?: Yes \_\_\_\_\_ No \_\_\_\_\_

Job?: \_\_\_\_\_

Prob Case# \_\_\_\_\_ Study# \_\_\_\_\_

Name: \_\_\_\_\_ Soc. Sec.# \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Reader \_\_\_\_\_ Date \_\_\_\_\_

Verified: \_\_\_\_\_ Date \_\_\_\_\_

APPENDIX BPittsburgh-Buffalo Project  
Coding Instructions

Item #

1. State Code (code)
  - 1 - Pennsylvania
  - 2 - New York
2. Study # - number consecutively from 001 - 100
3. Birthdate - Exact birthdate ( i.e.: 051758) - Month/day/year
4. Age
5. Sex (code)
  - 1 - Male
  - 2 - Female
  - 9 - Unknown
6. Race (code)
  - 1 - White
  - 2 - Black
  - 3 - Other
  - 9 - Unknown
7. Family size - actual number
  - 99 - Unknown
8. Index offense - See offense code
9. Arresting/Referral Source (code)
 

01 - Municipal police (Pittsburgh/Buffalo)	06 - Other courts
02 - Township police	07 - Parents or relatives
03 - All other police	08 - Injured parties
04 - Social agency	09 - Schools
05 - Probation officer	10 - Other
99 - Unknown	
10. Date of Offense
11. Date of Arrest
12. Date of Indictment
13. Date Petition filed
14. Date of Hearing/Trial
15. Was Detained? (code)
  - 1 Yes
  - 2 No
16. Detention time - actual # of days (000 if not detained)
17. No steps to final disposition - actual # of stops (i.e. - continuations, adjournments, etc. -(count initial hearing as first step Code 9 if unknown)
18. Date of Final Disposition - Actual date
19. Final Disposition - See Disposition Code
20. No. of Previous Delinquent Acts - Actual number
21. Previous Offense - 1 - See Offense code
22. Previous Disposition - 1 - See Disposition code
23. Previous Offense - 2 - See Offense code
24. Previous Disposition - 2 - See Disposition code
25. Previous Offense - 3 - See Offense code
26. Previous Disposition - 3 - See Disposition code
27. Subsequent Delinquent Activity (code)
  - 1 - Yes
  - 2 - No

Pittsburgh - Buffalo Project  
Coding Instructions  
Offense and Disposition Codes

Offense Codes :Section A - Offenses  
applicable to both  
Juveniles & Adults

01. Murder
02. Voluntary Manslaughter
03. Involuntary  
Manslaughter
04. Aggravated Assault
05. Rape
06. Arson
07. Burglary and  
Criminal Trespass
08. Robbery
09. Purse Snatching
10. Unauthorized use of  
Automobiles and  
Other Vehicles
11. Theft by Unlawful  
Taking over \$50  
Value
12. Theft by Unlawful  
Taking under \$50  
Value
13. Simple Assault
14. Other Sexual  
Offenses
15. Retail Theft
16. Possession of  
Weapons
17. Possession or Sale  
of Marijuana and  
Alcohol
18. Unlawful possession,  
Use or Sale of Drugs
19. Disorderly conduct  
and Public Drunkenness
20. False Alarms
21. Receiving Stolen  
Property
22. Criminal Mischief
23. Malicious Use of  
the Telephone
24. Resisting Arrest
25. Other offenses  
applicable to both  
juveniles and adults  
(write offense at  
bottom of page)

Section B - Offenses  
applicable to Juveniles  
Only (excluding traffic)

31. Running Away
32. Violation of Curfew
33. Ungovernable  
Behavior (and  
Incorrigibility
34. Possessing or  
Drinking Alcoholic  
Beverages
35. Violation of  
Probation
36. Other Offenses  
(applicable to  
juveniles only)  
(write offense at bottom  
of page)

Section C-Traffic  
Offenses

41. Hit and Run
42. Driving while  
Intoxicated
43. Reckless Driving
44. Driving Without a  
License
45. All other Traffic  
Offenses  
(write offense at bottom  
of page)

Disposition Codes:

- 01 - Dismissed
- 02 - Dismissed after continuation/rd judgment
- 03 - Discontinued
- 04 - Unconditional Discharge
- 05 - Conditional Discharge
- 06 - Probation - Own home
- 07 - Probation - with Relative or Individual
- 08 - Commitment - suspended
- 09 - Prior suspended commitment placed in force
- 10 - Commitment - Local institution-/YDC
- 11 - Commitment' - State institution
- 12 - Commitment - Community group home
- 13 - Foster home
- 14 - Commitment - Private Institution
- 15 - Commitment - Mental Hospital
- 17 - Other disposition (write disposition at bottom  
of page)
- 99 - Unknown.
16. Pay fines/costs.

## APPENDIX C

Pittsburgh-Buffalo Project  
Coding Sheet

- 1) State Code   2) Study #     3) Bd
- 4) Age   5) Sex  6) Race  7) Family Size
- 8) Index Offense   9) Arresting/Referral Service
- 10) Date of Offense         11) Date of Arrest/Referral
- 12) Date of Indictment       13) Date Petition Filed
- 14) Date of Hearing/Trial         15) Was Detained?
- 16) Detention Time    17) No. Steps to Final Disposition
- 18) Date of Final Disposition         19) Final Disposition
- 20) No. of Previous Delinquent Acts
- 21) Previous Offense - 1   22) Previous Disposition - 1
- 23) Previous Offense - 2   24) Previous Disposition - 2
- 25) Previous Offense - 3   26) Previous Disposition - 3
- 27) Subsequent Delinquent Activity

Mr. CONYERS. The subcommittee will come to order.

Our next witness is Mayor Charles Carsner, chairman of the National Association of Regional Councils Public Safety Policy Committee, of Victoria, Tex., whom we welcome before the subcommittee and introduce in its entirety his prepared statement.

If you would identify the gentleman who is with you, you are free to begin your comments.

Mr. CARSNER. Would you like me to read the statement, sir?

Mr. CONYERS. No, sir, I would prefer that you identify who is with you and then in your own words, you might want to tell us a couple of points that represent the thrust of your testimony before the subcommittee.

**TESTIMONY OF CHARLES CARSNER, MAYOR OF VICTORIA, TEX.,  
AND CHAIRMAN OF THE NATIONAL ASSOCIATION OF RE-  
GIONAL COUNCILS PUBLIC SAFETY POLICY COMMITTEE, AC-  
COMPANIED BY JOHN BOSLEY**

Mr. CARSNER. Thank you, Mr. Chairman.

As you stated, I am Charles Carsner, mayor of Victoria, Tex., and chairman of the Public Safety Committee for the National Association of Regional Councils.

Mr. John Bosley is with me.

The National Association of Regional Councils feels that the LEAA program has actually worked quite well. However, we recognize the fact that there has been criticism that there is going to be a change in the program and that there is going to be a reduced level of funding. And we don't argue with that point.

We accept it. There are some major points that we would like to make. We urge that there be sufficient incentive for encouraging inter-governmental cooperation particularly with the metropolitan areas. And in this regard, we would suggest that there be a 10 percent bonus to the entitlement areas who would receive their money anyway in order to encourage them to cooperate and join with the adjoining areas.

We have seen this work well in the CETA program and it has indeed accomplished regional cooperation and more than would have been accomplished by the entitlement areas on their own. And, therefore, we suggest that this be included in the program.

Then insofar as the nonmetropolitan areas or, as in particular as we call them, the rural area, an area such as I come from, we are pleased to support the population threshold of 100,000. That would definitely allow an area such as my home, the city of Victoria, which has approximately a population of 60,000, but the entire region we represent in our regional council has a total population of about 145,000. This sort of thing has worked exceedingly well for us. There is only one city and one county in our area that is large enough to train their own police officers.

Through the LEAA program we have been able to establish a police academy operated by the Police Department of the city of Victoria which has been highly effective in training the police officers of the



counties and cities in the entire region and getting them certified as such.

Mr. CONYERS. Are you in a miniblock situation now?

Mr. CARNSNER. No, sir.

Mr. CONYERS. You get directly funded from the State?

Mr. CARNSNER. From the State. We have what we call in Texas "balance of the State." It comes through the State and through the Criminal Justice Commission of the Governor's office, and that is how we get our money.

That's another point. The only other major point that I would like to make and perhaps this is intended, but I believe the bill is silent on this. We in no way criticize funding of citizens' groups or neighborhood groups, but we would strongly urge that you make certain that any grants to neighborhood groups or citizens' groups be subject to the 8395 review process.

As I say, I, in all probability, I believe this is intended, but I believe the bill is silent in that regard. We feel that any grant regardless of whom it is going to should be subject to the 8395 review.

Mr. CONYERS. Could you describe for the subcommittee and for the record what the crime problem is like in your area? What are you confronted with?

Mr. CARNSNER. What are we confronted with? I suppose the major problem that we have down there is a drug problem in our area down there. In the nonmetropolitan area. That is the major problem we have.

Mr. CONYERS. How long has that—drugs and their sale and distribution been a major problem?

Mr. CARNSNER. I would say for at least the last 10, 15 years.

Mr. CONYERS. Is that because of your proximity to the Mexican border?

And what kind of drugs are we referring to?

Mr. CARNSNER. Oh, marihuana, heroin.

Mr. CONYERS. The whole range?

Mr. CARNSNER. That's right, the whole range, yes.

And I am glad to say that I feel that we are dealing with it very effectively down there through, in my own area, the city of Victoria, through our police department. We have been able to deal rather effectively with it.

Mr. CONYERS. How large is your police department?

Mr. CARNSNER. We have about 50 total.

Mr. CONYERS. I am trying to get a feel for what the law enforcement problem is that the old stereotype of isolated rural Southwest towns of moonshining and bootlegging, those days I presume are over?

Mr. CARNSNER. That's right, yes, sir.

Mr. CONYERS. And we have graduated into hard drugs now?

Mr. CARNSNER. That's right. And we are very proud of our police department. We think we have got one of the most sophisticated police departments for a city of that size, at least in the State of Texas, and we feel we are doing a good job, but, as you say, we have gotten away from that type of thing, the moonshining and that type of thing.

Mr. CONYERS. That doesn't go on at all?

Mr. CARNSNER. No, sir. We have almost become metropolitan in our approach to it.

Mr. CONYERS. What about the juvenile crime problem and how are your juvenile centers and your courts set up to operate? Is that working satisfactorily or does it have the usual problems?

Mr. CARNSNER. Well, it is working satisfactorily, but we are a growing area and, of course, with growth, sort of comes an increase in all of these problems, but by and large we have been able to deal with the juvenile problem very well.

Mr. CONYERS. Counsel, do you choose to make any additional comments? Mr. Bosley?

Mr. BOSLEY. Only this, Mr. Chairman, I think some of the examples that we did not read into the record, but you will see when they go into the record, also indicate that in some of our smaller metropolitan, nonmetropolitan areas, as Mayor Carsner has indicated, there is emerging the same kind of problems with crime and the criminal justice system itself as we find in larger urban settings and the value of regional cooperation in those regions has largely come about through some of the incentives of these Federal programs under LEAA which has allowed communities to work together and achieve some activities that they couldn't independently do because of their size.

We mentioned, for example, a regional council in Pratt, Kans., which is a very small area which has established a juvenile center which attempts to provide an opportunity, an alternative to incarceration and give a greater degree of flexibility to the juvenile justice system in dealing with young people in their communities, so we do find around the country that problems may differ in magnitude, but they really are very similar in both rural and urban areas and, by working together, especially in those sparsely populated areas, we can really do many things that we would be incapable of trying to accomplish individually.

Mr. CONYERS. Thank you very much. Mr. Volkmer?

Mr. VOLKMER. Yes, I would like to ask the mayor, Golden Crescent Council of Governments, how many counties?

Mr. CARNSNER. Seven.

Mr. VOLKMER. What is your largest city?

Mr. CARNSNER. Victoria.

Mr. VOLKMER. How many population?

Mr. CARNSNER. 60,000.

Mr. VOLKMER. Where are you in relation to, say, El Paso?

Mr. CARNSNER. Oh, we are over 500 miles from El Paso. Where we are is 25 miles from the coast, the Gulf of Mexico.

Mr. VOLKMER. Galveston?

Mr. CARNSNER. No, we are almost equally distant between Houston and Corpus Christi; 25 miles from the coast.

Mr. VOLKMER. And you are right between those two?

Mr. CARNSNER. Yes, sir.

Mr. VOLKMER. Now, I believe you say in here, "We believe that it is important to continue Federal efforts to aid State and local governments in their efforts to coordinate and manage their criminal justice resources."

My question to you is why?

Mr. CARNSNER. Because it has been successful.

Mr. VOLKMER. LEAA has been successful?

Mr. CARNSNER. In our area, yes, it has. Let me give you another example of what we have been able to do in our home area.

I talked about the police academy. The only city and county that is large enough in the seven-county area for a probation department is the city and county of Victoria. We have one, an efficient one.

The other counties do not have one. Through the LEAA program and through our regional council, we were able to establish a tri-county probation department for three other counties in the area. But for the program they would not have a probation department at all.

Mr. VOLKMER. You mean the funds come from LEAA?

Mr. CARNSNER. A portion of them did.

Mr. VOLKMER. You all have the police academy. Do you send any of your officers to the FBI academy?

Mr. CARNSNER. Yes, sir. We have a high percentage of our local officers who have come to the FBI Academy.

Mr. VOLKMER. Would you be willing to send them if you had to pay the cost of transportation and, room and board?

Mr. CARNSNER. We think highly enough of that that if we could afford to do it, yes, we would.

Mr. VOLKMER. I am on another subcommittee and I think that is probably what is going to happen.

Mr. CARNSNER. It has been highly beneficial to us and, as we feel we have an effective police department, we think highly enough of it, that we would attempt to budget funds that would not otherwise be available.

Mr. VOLKMER. Thank you, Mr. Chairman.

Mr. CONYERS. Mayor Carsner, thank you for joining us this morning. We will consider your remarks carefully. Thank you.

[The complete statement follows:]

STATEMENT OF CHARLES CARNSNER, MAYOR, VICTORIA, TEX., ON BEHALF OF THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS

Mr. Chairman, I am Charles Carsner, Mayor of Victoria, Texas, member of the Golden Crescent Council of Governments, and Chairman of the Public Safety Policy Committee of the National Association of Regional Councils. I appreciate this opportunity to come before the Committee today to testify on H.R. 2108, the Criminal Justice Assistance Act of 1979.

The National Association of Regional Councils represents approximately 350 of the 600 existing regional councils currently in operation in the United States. Regional councils are public organizations encompassing a regional community—founded, sustained and tied directly to local governments through local and/or state government actions. Through communication, planning, policy making, coordination and technical assistance, councils serve the local governments and citizens in a region by dealing with issues and needs which cross city, county and, in some instances, state boundaries. The basic responsibility of a regional council is to be an umbrella agency which provides comprehensive areawide policy planning, coordinates regional functional planning and operational agencies, and arranges for the implementation of regional policies.

NARC has a great interest in the Law Enforcement Assistance Administration program. Many of our members, both metropolitan and nonmetropolitan, are participants in the program, serving as regional planning units (RPUs). We believe that it is important to continue federal efforts to aid state and local governments in their efforts to coordinate and manage their criminal justice resources.

We recognize, however, that both Congress and the Administration are apparently committed to significantly revising the LEAA program. This is in large part because of critical evaluation that the program has received since its inception. NARC does not necessarily share those critical views, but we are reconciled to a new thrust for the program.

We have all learned some things from the existing LEAA program that should be part of any new approach. We have learned that the benefit of federal investment stems largely from examining innovative approaches to crime preventions and improving the criminal justice system. Since it appears that funding for LEAA in FY 80 will be much below that provided during the program's peak years, it is important that new and better criminal justice problem-solving methods discovered through the old program be perpetuated in any new LEAA program.

For this reason, we strongly urge this panel to recognize the importance of encouraging intergovernmental coordination and joint efforts in developing and verifying the feasibility of new and innovative techniques. Such coordination provides opportunities that might otherwise be lost without the economies of scale and specialization that can be obtained through cooperative efforts. We think past program experience has shown that intergovernmental cooperation obtained through the old program stimulated many demonstration projects that proved to be beneficial and assured that where such projects had merit, they were readily transferred to other local governments and agencies in the region.

In short, we believe that regional coordination fosters the innovation that leads to better use of federal dollars. That is why there must be an opportunity within any reorganized LEAA program for the perpetuation of meaningful regional coordination such as that resulting from the original LEAA program.

Currently, H.R. 2108 offers no incentive for metropolitan jurisdictions to join together to coordinate their criminal activities. Successful metropolitan area projects have resulted from such joint efforts under the current LEAA program.

For example, the Southeast Michigan Council of Governments in Detroit has utilized LEAA funds to establish a "priority prosecution program." This program targets career offenders and is aimed at deterring the offender from further involvement in criminal activities by intensifying the prosecution and working toward longer and harder sentences for those considered to be career criminals.

The Metropolitan Council in St. Paul, Minn., has been working to assist communities in the planning of an emergency telephone service system that will allow citizens to simply dial "911" for police, fire, or any other needed emergency aid. LEAA funds will allow for the eventual implementation of this system.

In Rock Island, Illinois, the Bi-State Metropolitan Planning Commission has been instrumental in the coordination of a program establishing an undercover Narcotics squad that is allowed to cross state lines. The program, which is designed to target large-volume narcotics pushers, has resulted in a high rate of conviction.

In Phoenix, Arizona, the Maricopa Association of Governments has utilized LEAA funds to establish crisis intervention units that attempt to divert juveniles away from crime; they've also developed an alternative education program for high school drop-outs.

Joint criminal justice activities such as these must be encouraged to continue. Therefore, NARC proposes that, in order to encourage regional coordination, a 10 percent set aside of funds be made available to local governments that cooperate and coordinate their criminal justice activities. (Incidentally, the incentive approach which NARC is proposing here today has been successfully utilized in the Comprehensive Employment and Training Act (CETA) program. In fact, the incentive approach has given rise to more consortia than single entitlement areas under the program.)

The 10 percent set-aside could be reserved for encouraging large cities and counties which would be eligible for direct entitlement grants on their own to work together as combinations. Such coordination would provide for the best and most efficient use of limited criminal justice funds.

Smaller jurisdictions—those which would not be eligible for a direct entitlement unless they joined in combination—would not be eligible for the incentive funding.

It is concerning the criminal justice needs of nonmetropolitan areas that brings me to another point. We at NARC were pleased to see that H.R. 2108 contains a population threshold of 100,000 for combinations of local governments. We believe that this is a realistic population level to trigger the formula funds provided through the program.

A population threshold of 100,000 will allow nonmetropolitan areas to continue their criminal justice activities as they have successfully done under the current

program. Let me give you a few examples of the kinds of projects nonmetropolitan councils are carrying out.

In my home region, the Golden Crescent Council of Governments serves a population of approximately 145,000. We've used LEAA funds to establish a regional police training academy for new recruits. The local governments in my region could not provide the level of training the academy provides if they had to do it independently. But by pooling our resources, we are able to have better trained police throughout the region.

In Kansas, the Chikaskia, Golden Belt and Indian Hills Association of Governments in Pratt, which serves an area of about 125,000 in population, has been able to use LEAA funds to aid in the establishment of a group home for juvenile girls. The "Achievement Center," as it is called, is an alternative to detention centers, prisons, or continued residence in broken homes for these troubled children.

In North Carolina, local governments working through the Isothermal Planning and Development Commission headquartered in Rutherfordton, have used LEAA funds to establish an alternative education program that takes delinquents out of the typical classroom and gives them counseling. After some remedial work, they are returned to the normal classroom situation. The Commission, which serves a population of 175,000, reports that the program has resulted in a 25 percent reduction in court referrals.

The population threshold of 100,000 specified in H.R. 2108 will allow activities such as these to continue as nonmetropolitan areas are provided the opportunity to evaluate and plan for their own criminal justice needs.

I would like to make one final comment before closing. NARC is also concerned about the funding of neighborhood group projects without first providing an opportunity for local elected officials in the area to comment on the neighborhood group proposal. NARC believes that it is essential that all public safety grant proposals be reviewed by areawide clearinghouses through the existing A-95 review and comment process.

Thank you for this opportunity to express the views of regional council officials on the reorganization of LEAA.

The next witness is the commissioner for the Department of Youth Services, Commissioner John Calhoun of Boston, Mass., who has spent some number of years designing and administering programs dealing with diversion of female offenders and matters dealing with juvenile offenders, retarded offenders and has worked at the Kennedy Institute of Politics at Harvard, MIT, Suffolk Law School, and I think brings to us a very distinct background to discuss the bill in general and the particular portion that is our concern to date.

We have your prepared testimony. We will enter it into the record fully at this point and allow you to proceed in your own way. Welcome before the subcommittee.

[The complete statement follows:]

STATEMENT OF JOHN A. CALHOUN, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF YOUTH SERVICES

The system I now administer offer a full spectrum of care. It ranges from providing services at home to delinquent youth, to counseling, alternative schools, restitution, three different types of foster care, three different types of group care, to secure care. Through a study performed by the Task Force on Secure Facilities which I assembled in conjunction with Governor Dukakis and Attorney General Frank Bellotti, it was determined that only 11.2 percent of the youth committed to the Department of Youth Services (DYS) were in need of secure care. While acknowledging that certain youth are too volatile and violent to remain loose on the streets, the conclusion of the Task Force was a ringing vindication of the community-based movement. We in Massachusetts are convinced that we can deliver to the public a balanced system, a system which attends to the rehabilitative needs of each child and a system which regards as legitimate the need for public protection.

I believe that we have a sound system, in which youth can be moved to greater or lesser levels of care and freedom, based on their criminal histories and their

ability to control themselves. Our system, founded on a purchase of service model, is now rigorously monitored. We have closed 22 programs since I arrived three years ago, and have opened about 25 new ones.

#### RESTITUTION

Conceptually, restitution goes beyond simple guilt and innocence or right and wrong. It says to the offender that he or she has done something wrong and must pay back, either in fiscal or service terms. It says, at the same time, that the defendant is a person of worth who has something of worth to return to the victim or to the community. The youth who are sentenced to us rarely feel they are worth anything.

It is normative behavior for youth in DYS to admit guilt but deny a sense of connectedness to the victim. So often we hear, "Yeah, I hit her. Yeah, I ripped her off. But the system doesn't understand me." Justice, especially urban justice, is usually anonymous. Defendants see neither the human implications of their act nor do they have the opportunity to redress the act.

A small restitution project using Community Educational Technical Assistance funds and administered by DYS has twelve youth working to clear a lake the town of Woburn, Massachusetts had forgotten it had. Each youth returns a portion of his salary to a victim or symbolic victim. The community is thrilled that twenty-five years of trash is being taken from the beaches of its lake, that brush is now pruned, and that the lake is again visible and usable. Neighbors who about the lake vie with each other to see who will provide coffee and doughnuts for the youth. The one dropout we had over the last twelve months was an individual who went back to school.

Most of the youth in this program had been in a number of DYS programs. Youth in the restitution program seem to feel a sense of worth through receiving a salary. They also are given a sense of empowerment in that they are taking an active part in redressing their criminal act and wiping the slate clean. Some of them articulate the contribution they are making to the community. As one boy said, "See those beaches there? The kids from my project will be swimming there next summer." The combination of work, a salary, and victim restitution, coupled with pride in doing something for a person and a community, has produced dramatic results.

Late last year, DYS received a joint demonstration grant from the Federal Departments of Justice and Labor to experiment with the application of this model statewide, a model which includes victim/victimizer contact, and local citizens participating with defendants and victims on community disposition panels. One hundred fifty community volunteers have been trained and roughly ninety youth are now enrolled in the program.

Restitution is not seen as a panacea, but another service in the spectrum of programs available to DYS youth.

#### FAMILIES

The one consistent thread in juvenile justice literature seems to be that families play the prime role in delinquency creation or delinquency prevention. Poverty, sub-standard housing, and unemployment are all contributive—they are not prime actors. Family strength is. Dr. Samuel L. Woodard of Howard University in Washington, D.C., has been studying children who, in spite of almost overwhelming adversity, manage to achieve academically and otherwise. His conclusion: the family is the key. Woodard spent a year studying twenty-three Washington, D.C., junior high school students who met his four criteria: at least one parent missing; poverty level income; substandard housing; solid academic achievement. His preliminary findings reveal that those students he studied have a sense that their families are worthwhile and valuable. The families seem to operate as teams. Although poor, they feel in charge of their lives. Their children are loved consistently. Limits are set. And excellence is demanded.

We alleged professionals yank kids from their families quickly—often too quickly. Admittedly, not all families are viable. Some familial situations are so damaging that children must be removed. But often, beneath unemployment, beneath alcoholism lies a parent who at one time cared but who is now overwhelmed.

Our own findings reveal that when most of our children in placement run, they run home. According to Dr. Gerald Caplan, head of the Harvard Laboratory for Community Psychiatry, they run home not simply because the territory is familiar; this home instinct often occurs because there is something nurturing

there that we professionals cannot see. They often flee to a supportive neighborhood or to a network of kind. The clan network as part of a successful treatment program is usually overlooked. Minority youth, for instance, often give two or three addresses—a parent, an aunt, a grandmother. This represents a great and neglected resource.

Family work is tough, complicated, and time consuming. Yet studies have shown that investment in family work can achieve more dramatic results in terms of success and cost savings than any other type of intervention. (See *Children Today*, U.S. Dept. of Health, Education, and Welfare, p. 9, November-December, 1976. It should be noted that this study refers to Welfare, not delinquent children. We maintain that the clinical characteristics of each group are not very dissimilar.)

We hypothesize that many weak families can be strengthened to become more positive forces.

We have now designed and are administering a pilot project to demonstrate the effects of strengthening strategies on the families of delinquent children and the effects of the strengthened family on the children. The focus is on teaching the family to negotiate the system to achieve what it needs; to build and reinforce nurturing skills and feelings; to gain capacity to teach the youth to cope with the system and relationships; and to give families of delinquent children support systems upon which they lean and from which they can glean advice.

#### STATEMENT ON PROPOSED CONYERS BILL

The proposed Bill addresses many of the issues I have just discussed. In particular, it is encouraging to see that Federal initiative is given to programs which would strengthen the family and promote community-based and deinstitutionalized treatment.

As you consider how to merge old programs into the new Bill, I would like to make a few comments on the importance of certain parts of the Juvenile Justice and Delinquency Prevention Act of 1974. This Act has had some significant effects in the area of juvenile justice, and I hope that the final Bill you support will include some of its ideas.

As you know, the Juvenile Justice and Delinquency Prevention Act contains certain mandates on status offenders, separation of juveniles and adults, and the level of funding for juvenile justice programs. Section 223 A 12 of Title II provides that within three years status offenders shall not be placed in juvenile detention or correctional facilities. Section 223 A 13 provides that neither status offenders nor juvenile delinquents shall be confined in contact with adult offenders.

I fully realize that a great number of states have had a difficult time separating status offenders from delinquent children. Some states still have juvenile in contact with adults. But both of these goals are important and can be achieved. It is too easy to lock up children. The most violent who do need security suck into their vortex other troubled children i.e., because of the murderer and rapists, the status offender—the runaway—gets locked up. Seventy-five per cent of the inmates at our State Prison at Walpole in 1970 were graduates of the Department of Youth Services' Training Schools (before the Schools were closed). Status offenders should not be subjected to the stigma and the disruption which commitment to the juvenile detention system can bring, and delinquent youth should not be subjected to the adult system.

In Massachusetts, responsibility for status offenders was shifted to the Department of Public Welfare in 1977, and institutional separation of juvenile delinquents and adult offenders was achieved long ago. It should, however, be noted that because Welfare (DPW) and my agency (DYS) often purchase services from the same vendor, some DPW and DYS youth may wind up in the same halfway houses. Yet no DPW youth is ever locked up. Also, involvement of delinquent youths in the adult system has been strictly curtailed by an elaborate bindover system which transferred only 28 youth to the adult system in 1977—down from 126 in 1975. The number was roughly 40 at the end of last year.

These two initiatives are very important in promoting the most humane and least disruptive treatment of troubled youth. Largely because of the JJDP mandates, many states are now beginning to make progress in these areas. I would be unfortunate to move in the other direction now, particularly when we have seen that the goals can be met, and that the result is a good one. Therefore,

I would suggest that the Committee consider these mandates in some form as a permanent part of funding requirements.

Another important part of Title II is the requirement in Section 261 B that in addition to JJDDPA funds, at least 19.15 percent of a state's Law Enforcement Assistance Administration appropriations be directed toward juvenile delinquency programs. I suggest that at least this percentage should be maintained.

I understand the complications involved in trying to direct funds toward specific categorical areas while allowing the greatest amount of local and state autonomy. But speaking as a juvenile justice administrator, I must suggest that an attempt be made to keep a certain amount of money in this area. Juvenile justice is an area which presents such serious problems, and is so persistently underfunded, that it requires special consideration. It should be recalled that the Omnibus Crime Control and Safe Streets Act of 1968 included juvenile justice as a target area. But it seems that inevitably juvenile justice programs fall to the bottom of the priority list, and such was the case with LEAA between 1968 and 1974. JJDDPA responded to that situation with concrete requirements on the level of funding for juvenile justice programs. Under JJDDPA, both funds from that Act and a certain percentage of LEAA block funds go to juvenile justice programs. If this impetus is lost, I fear that juvenile justice will again become low priority for Federal funding.

Unfortunately, most of the problems cited in the first section of the JJDDPA still exist. Juveniles are involved in much more than their share of serious crimes. Juvenile courts and correctional facilities are not fully effective. Abandoned or dependent children receive inadequate or inappropriate services. All in all, existing programs do not adequately serve troubled young people and do not adequately protect the public. For these reasons, I would recommend that you consider requiring that a significant percentage of the funds under the new formula grants be specifically directed toward juvenile delinquency.

There is also considerable interest in developing the most efficient procedure for distributing LEAA grants. On one hand is the legitimate desire to give local governments a good deal of autonomy in developing their programs. On the other and is the inevitable need to provide some degree of oversight and coordination. It is a tough issue which merits great scrutiny.

Massachusetts has developed a regional system of grant administration which we think provides a maximum of coordination, broad-based participation and accountability, while remaining efficient. The first level of administration is the regional Criminal Justice Development Agency (CJDA). This agency is established in each of seven regions and is composed of a wide range of citizens, private providers; law enforcement people, advocates and others. All levels of the system are composed in this way.

A grant proposal is submitted to the CJDA, where it receives its first review. When the application is presented to the Massachusetts Committee on Criminal Justice, where it is reviewed by staff members and by the appropriate subcommittees. In the case of applications for JJDDPA grants, the request is evaluated by the Juvenile Justice Advisory Council (and its sub-committee), as mandated by the Act. Final approval of applications is granted by the Board of the Massachusetts Committee on Criminal Justice.

This regional process helps apply LEAA funds where they are most needed in the state. The regional council will select those projects which are most appropriate for that area. Then the Committee evaluates proposals in the statewide context.

The review process also operates as a marketplace of ideas, because at each level a proposal receives criticisms and suggestions from a number of perspectives. A proposal must survive criticism from law enforcement, child advocacy, security, judicial and any number of other perspectives. This combination of viewpoints improves both the soundness of the projects and the coordination of projects with each other and with existing resources.

It is important to involve the largest possible number of private citizens in the grant procedure. But it is important to assure that this does not lead to a situation in which local agencies and officials are not involved in the process. If their interest and expertise are ignored, resources and related activities which would help the proposed project will not be utilized. Also, it is ill-advised to develop programs without substantial contact with these agencies because many programs must eventually turn to them for funding when Federal seed money runs out.



At a time when bureaucratic inefficiency is the subject of much proper concern, grant procedures must be streamlined to maximize efficiency. But when Federal funds are to be granted to local programs, some sort of procedure must be installed to assure that the most appropriate projects are selected and that changes in the Criminal Justice System are more than superficial and temporary. I do not offer the Massachusetts system as prescriptive; yet it has allowed us to achieve our goals. Our system might be worthy of your Committee's further scrutiny as you seek the proper balance of coordination, oversight and autonomy.

Finally, I would like to express my agreement with your effort to reform and improve LEAA rather than throw it out the window. One reason I say this is that federal funds have allowed Massachusetts to develop a number of interesting programs in critical areas. Simply put, without these funds we could not have deinstitutionalized. I have provided along with the text of my statement a list of the 1979 JJDP A projects.

#### PROGRAM 79-53: JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT PROGRAMS

##### INTRODUCTION

The Committee's 1979 Juvenile Justice and Delinquency Prevention Act (JJDP A) programs will continue to support the general goals of preventing juvenile delinquency, diverting juveniles from the juvenile justice system, and providing community-based alternatives to juvenile detention and correctional facilities.

In addition, the Committee will undertake several new projects, in large measure, in response to problems which have become apparent during 1978. The most important of these are projects designed to help Children in Need of Services (CHINS). These are youth who have committed acts which would not be considered criminal if committed by adults, for example, running away, being truant, etc. At the present time the responsibility for care of these youths rests with the Office of Social Services (OSS) in the Department of Public Welfare. The State Legislature has recently passed legislation which would remove OSS from Public Welfare and make it a separate Department of Social Services within the Executive Office of Human Services. The Committee will give funds to Human Services to plan for this new Department. The Committee will also provide funding to the Department of Public Welfare to enable OSS to provide specialized direct service programs for CHINS youth.

##### 1. *Employment projects*

The objective of this component is to encourage the prevention of juvenile delinquency by developing programs which offer employment-related services to youth. Projects funded under this component provide a comprehensive range of employment related services, including vocational assessment, pre-placement training, job development, job placement, and follow-up. The major emphasis however, is placed on job development and job placement.

##### 78J-3118.53—Boston: Project A.V.E.R.T.—\$102,300

A.V.E.R.T. is a comprehensive vocational and educational program for delinquent and pre-delinquent youth residing in the Boston area. It serves approximately 48 youth per year, providing them with a four-month period of on-the-job work experience, vocational work readiness workshops, GED tutoring, remedial education, and personal counseling. All clients finishing the four-month program will be provided with a career-oriented placement. The project has five staff: a project director, a placement specialist, a court liaison, a workshop trainer/counselor, and an educational coordinator.

##### 79J-3128.53—Boston: Jobs for Youth—\$121,455

Jobs for youth will continue to provide youth between 16 and 18 years of age with services which include pre-vocational orientation, job placement, testing counseling, referrals, reading and math instruction, job upgrading and follow-up and post-job placement assessment. Of approximately 1,000 Boston youth to be served, 55 percent will be minority youth, thirty percent will be female, fifty percent will have current court involvement, and fifty percent will be high risk.

**78J-3164.53—Hampshire County Youth Employment Project—\$73,618**

This employment project will work with approximately 35 male and female youth, fifteen to eighteen years of age who are considered to be high-risk and/or who are court involved. These individuals will be trained and employed in welding, auto engine rebuilding, auto body restoration, and associated business skills.

The project stresses business skills and youth who successfully complete their program may be hired in management positions within the project in their second year. Participants receive salaries from CETA, DES or project-generated income.

**78J-3232.53—Lowell: Juvenile Employment Project—\$81,374**

The Juvenile Employment Project will provide Lowell youth with comprehensive employment and pre-employment services. The project will work with a prevention/diversion population 14-17 years of age. All clients accepted by the program will enter a four-week work experience training course. Those who graduate enter employment placement or supported work crew activities operated by the program. From approximately 84 projected referrals, the project expects to involve approximately fifty-seven (57) youth in classroom training, group work, educational services, counselling, and job placements.

**2. Educational projects**

The objective of these projects is to prevent juvenile delinquency through programs which will keep students in elementary and secondary schools by eliminating arbitrary suspensions and expulsions. These projects work with existing school programs to develop innovations to encourage delinquents, court-acquainted youth, and potential delinquents to remain in the public school system, as well as to encourage youths over 16 years of age to return to the school system.

**79J-3070.53—Lawrence: Lawrence Juvenile Delinquency Project—\$36,157**

**78J-3070.53—\$26,843**

The Lawrence Delinquency Prevention Program is implementing the results of a study of the juvenile delinquency problem in the City. The program is primarily an in-school project, intended to affect high-risk youth at the Oliver Junior High School, while at the same time setting an example of alternative scheduling and curriculum models. A "House Model" within the Junior High School, a modular learning program, a counseling component, a summer component, and an Inter-Agency Cooperation Task Force have recently been implemented.

**78J-3076.53—Worcester: Inward Bound—\$51,354**

"Inward Bound" is an alternative education program which operates in conjunction with city high schools and is designed to meet the needs of potential dropouts. The program is designed to keep students in school and to provide them with additional activities which will assist them in avoiding suspensions and expulsion and in beginning to learn the relevance of a traditional education.

The project differs from existing alternative schools in Worcester in that it is run in close collaboration with senior high schools (students remain officially enrolled in the traditional schools) and, as such, is the only alternative "learning experience" of its kind in Worcester. Rather than providing instruction in academic subjects, the program attempts to improve participants' intra and/or interpersonal skills that will enable them to function more effectively in school and daily life. It is anticipated that 80 clients will be served during the project period.

**79J-3110.53—Boston: Boston Chinese Youth Essential Services, Inc. (Y.E.S.)—\$89,930**

YES is a multi-faceted program that addresses the problems of youth in Chinatown, South Cove, and the South End, who are experiencing trouble in the community, in school, and at home. Strong outreach and in-school components focus on truants, delinquents, gang members and drop-outs. The project places special emphasis on females. The project offers individual and family counseling, tutoring, educational workshops, client advocacy, referral and place-

ment, field trips and recreational activities. YES attempts to reduce the rate of drop-outs, truants, and delinquents among Chinese youth; to encourage drop-outs to return to school; and to make assimilation into the community less difficult for immigrant teens.

78J-3235.53—Arlington: Arlington Safety Valve—\$51,795

The Arlington Safety Valve Program, in close cooperation with the Arlington Public School System, seeks to reduce the drop-out rate, reduce truancy, and prevent or reduce delinquency among approximately 125 socially disadvantaged youth of ages 12 to 17. In addition to providing direct services to pre-delinquent youth through alternative education, vocation, and recreation programs, the project will unite the efforts of families, schools, and the community in addressing the problem of delinquency.

The project supports a community experience program in two Junior High Schools, and a vocational counseling component for senior high youth, in addition to a junior high recreation component. The staff consists of two community experience coordinators, a vocational counselor, a half-time recreational coordinator, a half-time secretary, and a part-time co-director.

78J-2098.53—Cambridge: Student Oriented Services—\$66,430

The Cambridge Student Oriented Services Project is jointly sponsored by the Cambridge School Department and the Group School, a private, non-profit high school with experience in serving low income youth in Cambridge.

Components of the project include the following:

(1) A self-awareness training program for 35 high-risk girls and their teachers to help the girls stay in and benefit from school;

(2) Curriculum training sessions for the staffs of new houses to help them develop new and appropriate teaching methods and materials, including curricula for girls; and

(3) An in-house advocacy program in which students receiving stipends will act as advocates for other students and will serve as monitors to assure that all services and opportunities in the school are provided equally to students, without regard for sex or race.

79J-2127.53—Boston: El Centro Reading Program—\$45,000

El Centro conducts a bilingual reading program which is intended to improve the reading levels of 35 Hispanic males and females ages 13 to 17. The program is based on the concept that the most effective learning will take place if students are taught first in their primary language (Spanish), and then in their secondary language (English). Referrals are accepted from public schools, private and social service agencies, churches, police, courts, DYS, DPW, and other project participants and their parents. Staff supported by the Committee include two educational advocates (one part-time, one full-time), two reading teachers, a reading specialist, and a program director. The program coincides with the Boston School System calendar, and provides reading services for 25 participants and counseling services for all participants during the summer months.

3. *Restitution/alternative sentencing*

The Committee recognizes the need to provide alternative sentencing programs for juvenile offenders. This program offers youth the opportunity to satisfy court sentencing obligations by providing them with employment and work experience.

79J-2196.5341—Middlesex County: Juvenile Work Restitution Program—\$71,358

The Juvenile Work Restitution Program provides the means for first or repeat offenders to meet the obligations of their delinquent acts by working in a public or private setting at a fixed wage for a pre-determined period of time. This project will operate in the Juvenile Probation Departments of the Cambridge, Somerville, Malden, Woburn, Lowell, and Concord District Courts. It will serve over 200 youth between the ages of 14 and 17 who have committed property, person, or motor vehicle crimes.

79J-3019.53—Norfolk County: Juvenile Court Alternative Work Sentencing Project—\$33,766

This project provides sentencing alternatives for the justices and prosecutors of the East Norfolk District Court by providing work experience for referred juveniles. Jobs will be provided to 365 youth. Referrals are made from the Bench, the Probation Office and the Juvenile Diversion Program. If accepted, the youth are placed either in a job or a work-crew setting. They receive work experience and will be able to satisfy court sentence obligations.

4. *Legal services/Affirmative litigation*

This affirmative litigation project will petition on behalf of juveniles in the appellate courts of the Commonwealth and in the federal courts. Emphasis will be placed on cases which involve a class of juveniles rather than individuals.

79J-2114.53—Greater Boston Legal Services: Juvenile Law Reform Project—\$136,613

The Juvenile Law Reform Project is a legal services project which engages in high-impact litigation, legislative work, and negotiations with state, youth-serving agencies. The long range goal of the project is to improve the manner in which state agencies serve children. Project staff work with a network of legal services personnel and child advocates across the Commonwealth in developing federal class action suits, rights to treatment cases, etc. In addition, the project publishes a newsletter on a regular basis.

The Juvenile Law Reform Project is responsible for the development of the case of *Lynch et al. vs. Dukakis et al.* now pending before the Federal District Court. This case challenges the Department of Public Welfare's administration of its Foster Family Home Care System and has the potential to affect hundreds if not thousands of children in Massachusetts. In addition, the project has been researching and developing litigation relative to the following issues: mental health services for children; girls services, as provided by the Department of Youth Services; and the Secure Treatment and Secure Detention systems operated by DYS. Finally, through its newsletter the project has offered to act as a statewide clearinghouse for child-related bills in the 1979 legislative session.

5. *Linguistic minorities*

The intent of this component is to encourage minority groups to design and implement programs for minority youth. Projects under this component were to investigate existing community resources and develop a delinquency prevention project aimed at meeting the needs identified.

79J-2108.53—Boston: Alianza Hispanic Youth Unit—\$107,000

The Alianza Youth Development Unit (YDU) will coordinate services for 200 Hispanic youth aged 7-17. The project provides a variety of services including individual counseling, literacy training, English as a Second Language classes, recreation, career education, job development, and job placement. In addition the YDU has developed a data collection system to gather data on the Hispanic youth population for use in future planning.

Committee funds support the following staff positions: Project director, two youth workers, one intake worker, one recreation coordinator, one street worker, a secretary, two part-time teachers and a part-time youth planner. Nine additional staff, supported by other sources of funds, are also assigned to the Youth Development Unit.

6. *Training*

The Committee believes that, to a large extent, the quality of services provided to delinquent and non-delinquent youth is dependent upon the quality of the personnel providing these services. An important factor in making quality personnel available is training. The Committee will support two training projects in 1979. The first, which provides training to DYS caseworkers, will operate on funds remaining in its 1978 sub-grants. The second will provide management training to the staffs of community agencies which provide services to youth.

78J-133.5381—Department of Youth Services: DYS Caseworker/Resource Development Training

This project is part of an initiative in the area of training and management begun by DYS and MCCJ staff two years ago. It focuses on the caseworkers in the regional offices. The project has completed its needs assessment and is now in the process of implementing and training.

78J-2212.53—Massachusetts Halfway Houses Inc. (MHHI) : Management Training—\$113,846

Massachusetts Halfway Houses, Inc. will conduct a management training program consisting of three distinct segments. First, MHHI will conduct a series of three, five-day intensive skills development institute in the Boston, Springfield and Worcester metropolitan areas for fifty participants in each location. The Springfield institute will include all of Region I—Berkshire County, parts of Franklin, and Hampshire and Hampden Counties. The Worcester institute will include Regions II, III, and V—Worcester, Middlesex, and Norfolk Counties and parts of Hampden, Franklin, and Hampshire Counties. The Boston institute will include Regions IV, VI, and VII—all of Essex, Suffolk, Plymouth, Bristol, Barnstable, Dukes and Nantucket Counties. (Regions used for planning are those of the Department of Youth Services.)

Second, MHHI will conduct a series of seven, one-day workshops in each of the seven DYS regions for 30 participants in each. The training topics for these will be determined through consultation with each regional DYS and DMH office. In order to make the training as appropriate to each region as possible, MHHI will tailor each of the seven workshops to specific, expressed regional needs and priorities.

Third, MHHI will be available for technical assistance for one day (8 hours) per region. Technical assistance will be provided to the regions based on need and the availability of qualified training personnel.

7. *Children's services reorganization support*

Funds provided under this grant will enable the Executive Office of Human Services to plan for the new Department of Social Services which has been created in response to an apparent need for an agency outside the overburdened Department of Public Welfare which could devote its full attention to the problems of troubled and abused youth.

79J-1358.53—Executive Office of Human Services (EOHS) : DSS Planning Resources—\$190,868

This subgrant will supply funds to the EOHS Implementation Committee which is planning for the newly legislated Department of Social Sciences. The Implementation Committee will establish the management structure of the new agency, the procedures for purchase of services, job descriptions and performance standards, civil service requirements and sliding fee scales.

8. *Children in need of services (status offenders)*

This project is a planning consortium which will develop a comprehensive plan for providing the following CHINS-related services on a regional basis: Emergency services, diversion, diagnostic assessment, non-residential services, training, development of standards, and collection of data. Representatives of the following agencies participate in the consortium; the Department of Public Welfare, the public schools, Probation, Police, MCCJ/CJDA, Social Service Providers, the Office of the Chief Justice of the District Courts, the Department of Mental Health, and a lawyer experienced in CHINS cases.

79J-2017.53—Worcester: CHINS Impact—\$30,000

The Worcester Regional CHINS Consortium (WRCC) represents almost 70 private and public agencies which provide services to CHINS youth in the Worcester area. Sub-committees of the Consortium include a Needs Review Committee, a Steering Committee, an Application Review Committee, a Nominating Committee, and a By-laws Committee. The planning phase of this project has been completed and Requests for Proposals for action funding of demonstration proj-

ects are presently being distributed. The types of programs to be funded in 1979 will address the many service gaps in the Worcester CHINS network.

#### 9. *Specialized services for CHINS*

These projects will support the Office of Social Services in the Department of Public Welfare in its efforts to provide a comprehensive range of quality services for status offenders. Presently, the state does not adequately monitor programs from which it purchases services for CHINS youth. Also, there are several client groups for which little programming exists.

##### 79J-1355.53—Department of Public Welfare: CHINS Monitoring—\$92,069

This program will test the idea of having an outside contractor monitor private programs under contract to the state. It will monitor forty projects a minimum of two times annually. While the project will focus primarily on contract compliance, it will attempt to identify other problems. A secondary benefit of this project is that it will provide assistance to the planning unit of the Department of Social Services in identifying client areas in need of greater attention.

In its first year the project will monitor CHINS contracts exclusively. At the end of this time the project coordinator will prepare recommendations concerning the continued use of contracted monitoring as opposed to the establishment of an in-house monitoring capability.

##### 79J-1356.53—Department of Public Welfare: Youth Advocacy Program—\$74,000

This project will provide services to female CHINS youth who have problems which make them difficult to serve outside the more restrictive programs normally reserved for delinquents. Highly trained advocates will be on-call twenty-four hours a day, seven days a week. These advocates will perform individual counseling and will develop referral resources both within and outside the client's community.

##### 79J-1357.53—Department of Public Welfare: Resources for Adolescents—\$15,000

This project will provide CHINS workers with resources not currently available through assistance payments or other normal channels at the Welfare Department. While this will be administered as a purchase of services fund, the purpose of the project is to allow the Department of Public Welfare to respond to short-term emergency needs of CHINS youth by obtaining basic items essential to client's service plans.

#### 10. *Specialized family services*

Projects funded in this component provide alternatives designed to meet the needs of those youth already in contact with the juvenile justice system. Although these programs provide a variety of services (e.g. advocacy, mediation, vocational counseling, structured recreation), their major thrust is family intervention at the police and/or court levels. Projects include those using innovative family treatment models, e.g. multi-family therapy, structural family therapy, network therapy, etc.

##### 79J-1359.53—Marlboro: Family Services Project—\$59,359

The Family Services Project will serve 60 pre-CHINS, CHINS, and court-acquainted youth in the municipalities of Marlboro and Hudson. It will provide an average of four to six months of family counseling services to these youth and their families. The project will be administered by a project coordinator who will provide both administrative and clinical supervision to two full-time family counselors.

##### 79J-1360.53—Fall River: Family Services Juvenile Project—\$82,515

This project will accept first and second time offenders referred from Bristol Juvenile Court and local police departments. It is anticipated that 60 referrals will be made and that 42 clients will complete the program successfully. The project will offer employment, health, recreation, and counseling services for all clients. In addition, the program will provide parent education and structured multi-family recreation. Evening and/or week-end sessions will be held.

**TESTIMONY OF COMMISSIONER JOHN A. CALHOUN, DEPARTMENT OF YOUTH SERVICES, BOSTON, MASS.**

Mr. CALHOUN. Thank you, Mr. Chairman.

I am, as you have noted, commissioner, although it may be only for a few more weeks. You have certainly read of the new political climate in Massachusetts, but I trust that what we have established there in juvenile justice will not be history, and I want to share with you some of our ideas, some of the things we have done, and I welcome this opportunity. Just briefly: The care we offer youths now is a full spectrum of care ranging from security at one end down to group homes, restitution, foster care, day education programs, and counseling.

The violence issue has been touched on this morning. That was probably the single most vital issue facing me when I arrived. We formed a task force under the chairmanship of the attorney general and endorsed by the Governor to deal with that issue and it was determined that in our State roughly 11.2 percent of the youth committed to us needed secure facilities. I believe we have a sound system, in which youth can be moved to greater or less levels of care and freedom, based on their criminal histories and their ability to control themselves. Our system, founded on a purchase of service model is now rigorously monitored. We have closed 22 programs since I arrived 3 years ago, and have opened about 25 new ones.

Yet, we haven't gone far enough. We must do more in two specific areas. One is restitution and the other is family work. To us restitution goes beyond simple guilt and innocence or right and wrong. It says to the offender that he or she has done something wrong and must pay back, either in fiscal or service terms. It says, at the same time, that the defendant is a person of worth who has something of worth to return to the victim or to the community. DYS youth rarely feel they are worth anything.

It is normative behavior for youth in DYS to admit guilt but deny a sense of connectedness to the victim. So often we hear, "Yeah, I hit her. Yeah, I ripped her off. But I had a lousy lawyer." There is an admission of crime, but no connection with the victim. How can we make that connection?

I think in a couple of ways. Restitution provides one of the keys. We have experimented with restitution programs with kids and we are finding phenomenal results. We have been using CETA funds for this, and it is quite cheap. The youth work; they do a community project, and they return a portion of the money they earn to the victim. In one case, the community was so thrilled by what was going on in a project where 12 youth were clearing a lake the town had forgotten it had, where 25 years of trash is being taken from the beaches of its lake, where brush is now pruned, where the lake is again visible and usable that the neighbors about the lake vie with each other to see who will provide coffee and doughnuts for the youth in the morning. I suggest to you this gives these kids a sense of empowerment, a sense of involvement that they have lost as we as a society have become increasingly urbanized and technological.

DYS has recently received a joint grant from the Federal Departments of Justice and Labor to experiment with the application of this model statewide which also includes as its heartbeat the meeting of victim and victimizer if the victim wishes.

One small example is a kid who stole a television set, not a big offense. Instead of a fine, probation or deferral, he met the victim, who was an old woman who lived in a housing project. The old woman broken-down crying. She said I'm 72; I live alone. I'm a widow; you have taken the heart of my life away.

So, instead of a TV that the kid could fence for \$50, the crime had a completely different aspect. The sentence was to return the television set. A television set came back—I don't know whether it was the same television set—and he was sentenced to guard her twice a month while she cashed her welfare check. So I suggest to you there are new forms which include restitution and community involvements; and it's cheaper: Locked settings cost us \$26,000 a year; group homes between \$12,000 and \$16,000; foster care costs between \$7,000 and \$10,000 depending on the type and intensity; and restitution costs roughly \$5,200 a year of which the victim gets a third.

The second major area is work with families. Families play a prime role in delinquency creation or delinquency prevention. Poverty, substandard housing and unemployment are all contributive—they are not prime factors.

Family strength is. Dr. Samuel L. Woodard of Howard University in Washington, D.C., has been studying children who, in spite of almost overwhelming adversity, manage to achieve, academically and otherwise. His conclusion: the family is the key. Woodard spent a year studying 23 Washington, D.C., junior high school students who met his four criteria: at least one parent mission; poverty level income; substandard housing; solid academic achievement. His preliminary findings reveal that those students he studied have a sense that their families are worthwhile and valuable. The families seem to operate as teams. Although poor, they feel in charge of their lives. Their children are loved consistently. Limits are set, and excellence is demanded.

We alleged professionals yank kids from their families quickly—often too quickly. Admittedly, not all families are viable. Some family situations are so damaging that children must be removed, but often, beneath unemployment, beneath alcoholism lies a parent who at one time cared but who is now overwhelmed.

I am struck by the fact that when kids run from placements, they run home. According to Dr. Gerald Caplan, head of the Harvard Laboratory for Community Psychiatry, they run home not simply because the territory is familiar; this home instinct often occurs because there is something nurturing there that we professionals cannot see. They often flee to a supportive neighborhood or to a network of kin. The clan network as part of a successful treatment program is usually overlooked.

Minority youths, for instance, often give us two or three addresses: a parent, an aunt, a grandmother. When we ask them, what's your address, they answer, what day is it? It's Tuesday. Oh, today it's my



aunt. Wednesday it's my grandmother. Rather than chuckling at this, it's a resource, a tremendous resource.

I couldn't agree more with the gentleman this morning in his statement regarding how we should provide initiatives to keep the kids in the family home, rather than to remove them.

Here is one example. A kid who is 13, the son of a hooker who is also hooked, whose pimp beats the kid, chooses to live upstairs with the grandmother. Welfare's response is to remove the child. The grandmother says, "I'm the substantive parent. Give me the foster parent wage." Welfare answers that it is against the law, so the kid ends up in foster care. The number of children in our care who have been in welfare foster homes is staggering.

I concur with the gentleman before who said we have to think more intelligently and more seriously about a family policy.

We have begun a pilot project, basically a support group for the parents of delinquent kids. Its results have been thrilling. The parents meet once a week with a family therapist. As one woman said, "My kid has been seen by a school adjustment counselor, a welfare worker, a probation counselor, and now you guys, and no one has ever dealt with me." So her sense of failure and ineptitude has been communicated to her child. I suggest that family support is an inexpensive and reasonable strategy.

I would like to make some specific statements on the proposed bill. The bill addresses many of the issues that I have just discussed. In particular, it is encouraging to see that Federal initiative is given to programs which would strengthen the family and promote community-based and deinstitutionalized treatment.

As you consider how to merge old programs into the new bill, I would like to make a few comments on the importance of certain parts of the Juvenile Justice and Delinquency Prevention Act of 1974. This act has had some significant effects in the area of juvenile justice, and I hope that the final bill you support will include some of its ideas.

As you know, the Juvenile Justice and Delinquency Prevention Act contains certain mandates on status offenders, separation of juveniles and adults, and the level of funding for juvenile justice programs. Section 223(a)(12) of title II provides that within 3 years, status offenders shall not be placed in juvenile detention or correctional facilities. Section 223(a)(13) provides that neither status offenders nor juvenile delinquents shall be confined in contact with adult offenders.

I fully realize that a great number of States have had a difficult time separating status offenders from delinquent children. Some States still have juveniles in contact with adults; but both of these goals are important and can be achieved.

It is too easy to lock up children. The most violent who do need security suck into their vortex other troubled children; that is, because of the murderers and rapists, the status offender, the runaway, gets locked up. Seventy percent of the inmates at our State prison at Walpole in 1970 were graduates of the department of youth services' training schools—before the schools were closed. Status offenders should not be subjected to the stigma and the disruption which commitment to the juvenile detention system can bring, and delinquent youths should not be subjected to the adult system.

In Massachusetts, responsibility for status offenders was shifted to the department of public welfare in 1977, and institutional separation of juvenile delinquents and adult offenders was achieved long ago. It should, however, be noted that because welfare—DPW—and my agency—DYS—often purchase services from the same vendor, some DPW and DYS youth may wind up in the same halfway houses. Yet no DPW youth is ever locked up. Also, involvement of delinquent youths in the adult system has been strictly curtailed by an elaborate bindover system which transferred only 28 youths to the adult system in 1977—down from 126 in 1975. The number was roughly 40 at the end of last year.

These two initiatives are very important in promoting the most humane and least disruptive treatment of troubled youth. Largely because of the JJDPA mandates, many States are now beginning to make progress in these areas. It would be unfortunate to move in the other direction now, particularly when we have seen that the goals can be met and that the result is a good one. Therefore, I would suggest that the committee consider these mandates in some form as a permanent part of funding requirements.

Another important part of title II is the requirement in section 261(b) that, in addition to JJDPA funds, at least 19.15 percent of a State's Law Enforcement Assistance Administration appropriations be directed toward juvenile delinquency programs. I suggest that at least this percentage should be maintained.

In understand the complications involved in trying to direct funds toward specific categorical areas while allowing the greatest amount of local and State autonomy, but speaking as a juvenile justice administrator, I must suggest that an attempt be made to keep a certain amount of money in this area. Juvenile justice is an area which presents such serious problems, and is so persistently underfunded, that it requires special consideration.

It should be recalled that the Omnibus Crime Control and Safe Streets Act of 1968 included juvenile justice as a target area, but it seems that inevitably juvenile justice programs fall to the bottom of the priority list, and such was the case with LEAA between 1968 and 1974. JJDPA responded to that situation with concrete requirements on the level of funding for juvenile justice programs. Under JJDPA, both funds from that act had a certain percentage of LEAA block funds go to juvenile justice programs. If this impetus is lost, I fear that juvenile justice will again become a low priority for Federal funding.

Unfortunately, most of the problems cited in the first section of the JJDPA still exist. Juveniles are involved in much more than their share of serious crimes. Juvenile courts and correctional facilities are not fully effective. Abandoned or dependent children receive inadequate or inappropriate services. All in all, existing programs do not adequately serve troubled young people and do not adequately protect the public. For these reasons, I would recommend that you consider requiring that a significant percentage of the funds under the new formula grants be specifically directed toward juvenile delinquency.

There is also considerable interest in developing the most efficient procedure for distributing LEAA grants. On one hand is the legitimate desire to give local governments a good deal of autonomy in

developing their programs. On the other hand is the inevitable need to provide some degree of oversight and coordination. It is a tough issue which merits great scrutiny.

Massachusetts has developed a regional system of grant administration which we think provides a maximum of coordination, broad-based participation and accountability, while remaining efficient. The first level of administration is the regional Criminal Justice Development Agency—CJCDA. This agency is established in each of seven regions and is composed of a wide range of citizens, private providers, law enforcement people, advocates, and others. All levels of the system are composed in this way.

A grant proposal is submitted to the CJDA, where it receives its first review. Then the application is presented to the Massachusetts Committee on Criminal Justice, where it is reviewed by staff members and by the appropriate subcommittees. In the case of applications for JJDPAs grants, the request is evaluated by the Juvenile Justice Advisory Council—and its subcommittee—as mandated by the act. Final approval of applications is granted by the board of the Massachusetts Committee on Criminal Justice.

This regional process helps apply LEAA funds where they are most needed in the State. The regional council will select those projects which are most appropriate for that area. Then the committee evaluates proposals in the statewide context.

If I could just parenthetically add that one of the key issues is, you must think—and you have in your bill seriously thought about funding locales of 100,000 and 200,000 per county—how this is hooked in on a State level to assure permanent, systemic, criminal justice change.

We do not want to repeat the OEO phenomenon where there was marvelous neighborhood involvement and energy and then, when funding shrank, the old existing structures remained. That's the tension.

I won't describe what our process is. You have it on the record. I would conclude with the review process, which also operates as a marketplace of ideas, because at each level a proposal receives criticisms and suggestions from a number of perspectives.

A proposal must survive criticism from law enforcement, child advocacy, security, judicial, and any number of other perspectives. This combination of viewpoints improves both the soundness of the projects and the coordination of projects with each other and with existing resources.

It is important to involve the largest possible number of private citizens in the grant procedure, but it is important to assure that this does not lead to a situation in which local agencies and officials are not involved in the process. If their interest and expertise are ignored, resources and related activities which could help the proposed project will not be utilized. Also, it is ill advised to develop programs without substantial contact with these agencies because many programs must eventually turn to them for funding when Federal seed money runs out.

At a time when bureaucratic inefficiency is the subject of much proper concern, grant procedures must be streamlined to maximize

efficiency. When Federal funds are to be granted to local programs, some sort of procedure must be installed to assure that the most appropriate projects are selected and that changes in the criminal justice system are more than superficial and temporary. I do not offer the Massachusetts system as prescriptive; yet it has allowed us to achieve our goals. Our system might be worthy of your committee's further scrutiny as you seek the proper balance of coordination, oversight, and autonomy.

Finally, I would like to express my agreement with your effort to reform and improve LEAA rather than throw it out the window. One reason I say this is that Federal funds have allowed Massachusetts to develop a number of interesting programs in critical areas. Simply put, without these funds we could not have deinstitutionalized. I have provided, along with the text of my statement, a list of the 1979 JJDP A projects.

I have attached a list of the programs last year. There is a nice geographic spread and a nice topical spread from educational programs, language programs, job programs, restitution, legal reforms through the larger issues. I don't know how many States are doing this funding for groups in mental health welfare to deal with kids, so it's quite broad based.

Mr. CONYERS. Thank you very much.

Can you tell us a little bit about the institutional effort on behalf of juveniles which in your State, of course, preceded the Federal law.

Mr. CALHOUN. A year and a half ago I wasn't so certain I could sit here, probably wouldn't have been able to sit here, and tell you that it would work. I am absolutely convinced that it is now working. It took a lot. I inherited an agency with a very strong idealism. The institutional walls had come down, but we had two or three major problems, one of which was that we were not dealing with the most violent and dangerous offender.

Second, we were not properly monitoring and giving technical assistance to the community program. It was more here is some money to go out and deal with tough kids. That's another thing that was brought up this morning. I think it's an instinct to go more with the winner than with the toughest kids. That was happening.

The effort was threefold when I took over 3 years ago: one, address the issue of security; what is the type of secure treatment they need. That was done, and we are now completing our secure program network. All of the programs are small, averaging between 12- and 20-bed units. That number again is 11.2 percent of our population, of which mental health has responsibility for about a quarter. Two is to make from a movement a system, and that means very close monitoring, very close technical assistance. We closed 25 community programs. We opened about that number.

It also means trying to develop a spectrum of care as opposed to opening programs based on enthusiasm.

The final goal is to start new initiatives in the areas of family work and restitution. Politically, the agency was on very thin ice when I arrived. There were 40 legislative bills on my desk, either to abolish us or to merge us out of existence. These 3 general areas of concern also embrace 12 specific management goals, such as staff training, de-

veloping a data system, developing sensible girls' programs, et cetera.

I was subpoenaed regularly. Someone asked me how I judged success. I said (a) things are quieter; (b) I still have my sense of humor; and (c) I am only subpoenaed now about three times a year where it used to be very, very frequently, and there are no bills this year to open the county training schools, so I am absolutely convinced that you can run a system which attends to the rehabilitative needs of the kids and at the same time protects the public.

Mr. CONYERS. What got deinstitutionalized? To what extent do we still have official placement of incarceration of young people in the State?

Mr. CALHOUN. The status offenders were removed from our system so status offenders are not detained by us, but by welfare. Welfare places them in nonsecure detention sites, such as foster care.

We are working toward that number of 11.2 percent in secured facilities for the most difficult and dangerous offenders committed to us. We still have a paucity of secure treatment slots. We tend to abuse security detention, kids awaiting trial, and we have too large a number of kids stuck in secure detention awaiting placement.

It's still a small percentage, the smallest when compared to other States. If you look at the statistics nationwide, when our secure system is completed, we will be treating roughly 87 percent of our delinquent youth in community settings.

The major building blocks of the system are in place and the public furor which greeted me 3 years ago to turn the clock back has dwindled significantly. We can and are successfully running an open community-based system with a small, secure backup.

Mr. CONYERS. What does 11 percent translate into?

Mr. CALHOUN. To numbers? It would be a range of roughly between 120 to about 150, depending on the number of youths committed to us.

Mr. CONYERS. Thank you.

Mr. Volkmer?

Mr. VOLKMER. Thank you, Mr. Chairman. I would like to ask briefly—in your statement here, and you have described it a little bit too at the beginning, this restitution project and clearing a lake. Now, the youth that were assisting in clearing that lake after it was completed, how could they use that training they learned in clearing the lake?

Mr. CALHOUN. Several of these youths are now working with the town of Woburn, Department of Public Works and, according to a supervisor there, their work product is triple that of the normal employee, to which somebody said, "That doesn't tell me anything," but for our kids it is great success.

To ask what happens afterward is no excellent question. I think the major thing that has happened is that these kids have gotten a sense of confidence. If there is one thing that describes most delinquent kids, it is a tremendous sense of failure. The program has been successful: one youth has returned to school; three are working with the local town's department of public works, and all the others have some job or other. But I look at it more in terms of the fact that the kids' self-esteem has gone up.

The kid's perception of him or herself is extraordinarily changed. They now say that they can learn in legitimate ways. They feel they can do something.

Mr. VOLKMER. My only concern is that you receive the funds. That does concern me a little bit and that's why I ask that you use the funds. They have pride and work and the work ethic. Maybe that's what we are all about, but I think some of us envision up here the CETA program for a little bit of a different purpose.

Mr. CALHOUN. It is helpful to look at it from the point of view of what we are going to do, what other options are available to us with such youths. Surely in economic terms I would tell you that it's an extraordinary investment because if Massachusetts wants me to lock up those 12 kids, you have to multiply the 12 by \$26,500.

Mr. VOLKMER. I'm not saying that.

Mr. CALHOUN. You're talking about whether CETA funds should be applied to this population specifically? Is that your question?

Mr. VOLKMER. No, no, not necessarily, but it's some of our views up here when we see CETA funds, we're seeing it as an educational training program to direct people into a type of work that they would not be able to do without that education and training.

Mr. CALHOUN. I think this is consonant with those purposes. We are also using some of our State funds to provide supplementary education and counseling for these kids, but I would maintain it's quite consonant with the purposes of CETA.

Mr. VOLKMER. Thank you, Mr. Chairman.

Mr. CONYERS. We appreciate your coming before the subcommittee and are indebted to your work in Massachusetts. We hope you will continue.

Our next witness is the executive director of the National Youth Work Alliance, Mr. William Treanor, who comes to the subcommittee with an extensive background in youth activities, educational activities, has participated in a number of special approaches in juvenile assistance, and has studied in a number of universities as well as worked for the Southern Christian Leadership Conference, has done extensive consultation, and we welcome you before the subcommittee and incorporate your entire prepared statement into the record at this point.

Mr. TREANOR. Thank you, Mr. Chairman.

[The complete statement follows:]

Statement of William Treanor, Executive Director  
National Youth Work Alliance

Before the Subcommittee on Crime  
Of the House Committee on the Judiciary

Mr. Chairman, thank you for the opportunity to discuss juvenile justice issues in relation to the Criminal Justice Assistance Act (H.R. 2108). My name is William Treanor and I am the Executive Director of the National Youth Work Alliance, formerly the National Youth Alternatives Project. We are a membership organization of youth service agencies formed in 1973. Our membership totals over 1,000 community based youth service agencies through affiliated state and local youth services coalitions. These agencies represent a broad spectrum of service delivery -- youth employment programs, hotlines, alternative schools, drop-in centers, diversion projects, runaway shelters, and crisis counseling centers. Each agency shares the common philosophy of providing accessible, non-stigmatizing services to youth.

My statements today do not reflect an official position of the Alliance. They reflect, instead, a general sense of the field of youth work and the Alliance's experience in working with local youth service agencies over the past five years to encourage implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. The Alliance's activities in assisting these local youth agencies have been supported during this period by several foundations, private citizens, and our membership.

I am concerned by the implications of your proposed legislation. I believe we are in agreement regarding LEAA's history, as you have said, of serving as a "checkbook with which State and local government -- predominantly police departments -- purchased law enforcement hardware and gadgetry reminiscent of Dick Tracy and Batman." I would, therefore, welcome most efforts to correct LEAA's misguided priorities.

However, Mr. Chairman, your proposed bill arouses my concern because of its repeal of the Juvenile Justice Act, its low funding level for juvenile delinquency programs, and its diminished role for the Office of Juvenile Justice and Delinquency Prevention. The Juvenile Justice Act represents an enlightened perspective towards delinquency prevention and the treatment of youthful offenders and status offenders. Because of the Juvenile Justice Act this has become one of LEAA's top priorities. You supported that enlightened perspective in 1974 and 1977. But H.R. 2108, through its omissions and changes, negates the progress we had begun to make under that Act. For that reason, while lauding your motives for scrutinizing LEAA, I cannot support your proposed bill.

When introducing his amendments to the Juvenile Justice Act in March of 1977, Sen. Birch Bayh, the architect of that piece of legislation stated:

The Act was designed...to help assure that the thousands of youth who have committed no criminal act -- status offenders -- are not jailed, but dealt with in a healthy and more appropriate manner.



Mr. Chairman, your bill, though specifying program activities such as alternatives to traditional incarceration, does not continue to mandate the deinstitutionalization of status offenders and nonoffenders called for under the Juvenile Justice Act. For years, States, including Michigan, have inappropriately incarcerated young people -- particularly status offenders. Now, when we have finally enacted Federal legislation requiring States participating in the act to place status offenders and nonoffenders in appropriate non-institutional settings, your bill would once again leave it to the States to place these young people as they wish.

I submit that all of us would be the offenders if, in any legislation superseding the Juvenile Justice and Delinquency Prevention Act, we do not provide funding for specific activities such as youth advocacy, youth service bureaus, outreach programs, education programs, and community based prevention programs. Who will act as advocates for incarcerated youth if the Federal government doesn't? Certainly not the States. And certainly not county and local governments, which are too often proponents of having their troublesome young people removed to State training schools.

The funding level for juvenile justice programs has always been of fundamental concern for youth serving agencies. Except for the small discretionary programs that would be administered

by the Office of Juvenile Justice, your bill leaves the amount to be spent on juvenile delinquency essentially up to the State and local government. Such a provision would seriously jeopardize the prevention and diversion efforts begun under the Juvenile Justice Act.

Of course some money would be directed by the States toward delinquency programs. It is also conceivable that with the public's understandable alarm over youthful violent crime, a disproportionate amount of money would be directed toward the serious offender population while neglecting delinquency prevention programs. In addition, the elimination of the Juvenile Justice Act restriction against construction would encourage States and local governments to build more unneeded training schools and detention centers. The political incentive for governors and local officials to fund construction projects is much greater than the rewards for funding a good community based juvenile justice program. A prime example, as you know from the subcommittee's recent visit to Louisiana, is the runaway prison and hospital construction program in that State.

Traditionally, the funds for youth programs have been inadequate and we've had to fight for every cent. In the past, Mr. Chairman, you have been a strong ally. When forced to compete with the entrenched, well organized criminal justice system, which you recently described as "a seemingly permanent and virtually unassailable element on the landscape of Federal programs," young people are too often the losers. Congress corrected this injustice with the Juvenile Justice Act. Your bill would

permit that injustice to flourish. The maintenance of effort provision is an example of the clear commitment by Congress to allocate significant resources toward youth crime and its prevention. The present law requires that 19.3 percent of all LEAA action money be spent on juvenile delinquency efforts. H.R. 2108 eliminates this provision, which is strongly supported by the National Youth Work Alliance. Your bill is a retreat from that congressional commitment.

Over the years, the relationship of OJJDP and LEAA has created confusion. The Office has exercised some discretion over activities directed toward youth and has provided leadership in the youth advocacy field. The Alliance will not support subordinating the Office within the proposed Bureau of Criminal Justice Assistance and eliminating the presidential appointment of its Administrator.

However, we do support increasing the status of the Office within the Justice Department, elevating its position to that equal with LEAA with the director reporting directly to the Attorney General. By removing the presidential appointment of the Office of Juvenile Justice Administrator, juvenile justice policy would be placed completely in the hands of officials unsympathetic to the Juvenile Justice Act and to youth advocacy.

H.R. 2108 fails to give adequate attention to rural areas, and there is no assurance that any funds would be available in many rural areas. Our rural member agencies and the Alliance cannot support a bill that excludes rural youth from the scope of its services. In fact, some of the most intractable problems of deinstitutionalizing status offenders and separating juveniles from adults in jails have occurred in rural areas. Even with the current financial incentives to the States to do what is right and just for young people, it is the predominantly rural States that have been unwilling to participate during the past 5 years in the Juvenile Justice Act. So here is still another area where progress to date would be lost. Any hope that nonparticipating States would adopt more humane and productive methods for dealing with these youth problems would, if H.R. 2801 passed in its present form, be nil.

Mr. Chairman, I applaud your intention with this bill to increase citizen involvement in community crime control. I also support your effort to empower this group with increased decision making responsibility.

However, since increased citizen involvement in community crime control and criminal justice activity in general is supported by both the philosophy underlying H.R. 2108 and the Alliance, why have you chosen to eliminate the State Juvenile Justice Advisory Boards and the National Advisory Committee on Juvenile Justice and Delinquency Prevention? I have served for

years on the District of Columbia's advisory board and the Alliance has provided, over the years, training to over 500 national and state advisory board members. Mr. Chairman, the state advisory boards in particular have done a tremendous job of bringing some order out of the chaos that is the nation's youth service system. Of course the results have been uneven, but I believe that during the next five years the juvenile justice system and the young people who are touched by it will begin to reap the benefits of the juvenile justice advisory boards. Mr. Chairman, I believe that if you knew more about the advisory boards and the work that has been done by the public officials, youth workers, and private citizens who comprise them, you would not legislate their abolition but would enhance their role.

Several other provisions trouble me. H.R. 2108 mandates that 25 percent of all funds go to private non-profit youth serving agencies. While I appreciate the intent of this provision, currently community based youth service agencies are doing that well or better. A requirement of 50 percent for private non-profits would be more sensible.

Perhaps the least palatable part of H.R. 2108 is in the area of authorized appropriations. Mr. Chairman, most community based youth workers funded with LEAA or local money earn about \$10,000 per year. A drastic cut in Federal support in the struggle

against delinquency will have, I am certain, a disastrous effect on the morale of youth workers, their pay and their willingness to stay in this very difficult line of work. No matter how you juggle the figures, H. R. 2108 cuts well over \$200 million out of programs for youth and will cause the collapse of much of the community based youth service systems which thousands of youth workers have struggled hard to accomplish. I can understand why H.R. 2108 authorizes the government to accept voluntary and uncompensated services, because with the level of support authorized under H.R. 2108 that is about all that will be left in many youth service agencies. Even President Carter's parsimonious budget request included an appropriation of \$50,000 million, which is the maximum specifically set aside and authorized by H.R. 2108. One of the Alliance's main concerns is to keep funding for the Juvenile Justice Act at at least its current level of \$100 million. There is no way, Mr. Chairman, that we could support the funding levels envisioned by H.R. 2108.

Finally, I hope that upon consideration you will agree with me that eliminating the Juvenile Justice Act and the maintenance of effort provision of the Crime Control Act are poor ideas. In the juvenile justice field, at least we should be heading in a very different direction. We have enough problems in the youth services field without becoming entwined any more than we already

are with the rest of the LEAA system. In conclusion, Mr. Chairman, we support the Juvenile Justice Act and hope that you will join the Alliance in working with Congressman Andrews' subcommittee to strengthen that Act when it is reauthorized next year. As for H.R. 2801, we want no part of it, since it fails to meet the high standards of progressive support for juvenile justice that Congress set when it passed the Juvenile Justice Act in 1974.

Again, Mr. Chairman, I thank you for the opportunity to provide my comments and thoughts on this subject. I am available for questions.

**TESTIMONY OF WILLIAM TREANOR, EXECUTIVE DIRECTOR,  
NATIONAL YOUTH WORK ALLIANCE**

Mr. TREANOR. Mr. Chairman, thank you for the opportunity to discuss juvenile justice issues in relation to the Criminal Justice Assistance Act, H.R. 2108. I am the executive director of the National Youth Work Alliance. We are a membership organization of youth service agencies formed in 1973. Our membership totals over 1,000 community-based youth service agencies through affiliated State and local youth services coalitions. These agencies represent a broad spectrum of service delivery: youth employment programs, hotlines, alternative schools, drop-in centers, diversion projects, runaway shelters, and crisis counseling centers. Each agency shares the common philosophy of providing accessible, nonstigmatizing services to youth.

My statements today do not reflect an official position of the alliance. They reflect, instead, a general sense of the field of youth work and the alliance's experience in working with local youth service agencies over the past 5 years to encourage implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. The alliance's activities in assisting these local youth agencies have been supported during this period by several foundations, private citizens, and our membership.

I am concerned by the implications of your proposed legislation. I believe we are in agreement regarding LEAA's history, as you have said, of serving as a "checkbook with which State and local government, predominantly police departments, purchased law enforcement hardware and gadgetry reminiscent of Dick Tracy and Batman." I would, therefore, welcome most efforts to correct LEAA's misguided priorities.

However, Mr. Chairman, your proposed bill arouses my concern because of its repeal of the Juvenile Justice Act, its low funding level for juvenile delinquency programs, and its diminished role for the Office of Juvenile Justice and Delinquency Prevention. The Juvenile Justice Act represents an enlightened perspective toward delinquency prevention and the treatment of youthful offenders and status offenders. Because of the Juvenile Justice Act, youth services have become one of LEAA's top priorities. You supported that enlightened perspective in 1974 and 1977, but H.R. 2108, through its omissions and changes, negates the progress we had begun to make under the act. For that reason, while lauding your motives for scrutinizing LEAA, I cannot support your proposed bill.

When introducing his amendments to the Juvenile Justice Act in March 1977, Senator Birch Bayh stated:

The act was designed \* \* \* to help assure that the thousands of youth who have committed no criminal act—status offenders—are not jailed, but dealt with in a healthy and more appropriate manner.

Mr. Chairman, your bill, though specifying program activities, such as alternatives to traditional incarceration, does not continue to mandate the deinstitutionalization of status offenders and nonoffenders called for under the Juvenile Justice Act. For years, States, including Michigan, have inappropriately incarcerated young people, particularly status offenders. Now, when we have finally enacted Federal legislation requiring States participating in the act to place status



offenders and nonoffenders in appropriate noninstitutional settings, your bill would once again leave it to the States to place these young people as they wish.

I must say that the States have had, since the creation of juvenile court in 1899, 75 years before the act to come up with community-based alternatives and, of course, Massachusetts failed to do so before the act was passed.

I submit that all of us would be the offenders if, in any legislation superseding the Juvenile Justice and Delinquency Prevention Act, we do not provide funding for specific activities such as youth, advocacy, youth service bureaus, outreach programs, education programs, and community-based prevention programs. Who will act as advocates for incarcerated youth if the Federal Government doesn't? Certainly not the States, and certainly not county and local governments, which are too often proponents of having their troublesome young people removed to State training schools where, Mr. Chairman, they become a State cost, not a local government cost. This is the main attraction of the training school system. The \$26,000 figure that Jack Calhoun just spoke of is in the State budget, not the county budget.

The funding level for juvenile justice programs has always been of fundamental concern for youth service agencies. In this regard, Mr. Chairman, of course, we're no different than any other group that provides these services. Our agency runs on money, less money than most agencies, but we do run on money as well. Except for the small discretionary programs that would be administered by the Office of Juvenile Justice, your bill leaves the amount to be spent on juvenile delinquency essentially up to the State and local government. Such a provision would seriously jeopardize the prevention and diversion efforts begun under the Juvenile Justice Act.

Of course, some money would be directed by the States toward delinquency programs. It is also conceivable that with the public's understandable alarm over youthful violent crime, a disproportionate amount of money would be directed toward the serious offender population while neglecting delinquency prevention and diversion programs. I might add here, Mr. Chairman, that my knowledge of efforts in Chicago leaves me to question the workings of the criminal justice planning process in Cook County as I have understood it over the last year. Despite what we heard this morning, I know for a fact that citizens in Cook County spent a year developing a plan and that plan was forwarded on to LEAA and, once it got here, the officials of the city of Chicago changed their minds and, without consulting with the State advisory board and the other mechanisms that Congress had set up, they attempted to interrupt that process and change the priorities.

Fortunately, the community-based agencies in Chicago were vigilant in this matter and prevented that from happening. I feel if you remove the checks and balance that the involvement of the State represents, that you will have a lot more than that. I think that Chicago situation bears looking into, and I know you have similar problems in Detroit also.

Traditionally, the funds for youth programs have been inadequate and we have had to fight for every cent. In the past, Mr. Chairman,

you have been a strong ally. When forced to compete with the entrenched, well-organized criminal justice system, which you recently described as a "seemingly permanent and virtually unassailable element of the landscape of Federal programs," young people are too often the losers.

Congress corrected this injustice with the Juvenile Justice Act. Your bill permits that injustice to flourish. The maintenance of effort provision is an example of the clear commitment by Congress to allocate significant resources toward youth crime and its prevention.

I add here that the maintenance of effort provision was only imposed by the Congress because of the abuses both at the national LEAA and State and local government levels where, because of the political configuration and the supervisory boards and regional planning boards, juvenile justice funds were basically shut out, so the Congress was forced belatedly to correct that by imposing this maintenance of effort provision.

The present law requires that 19.3 percent of all LEAA action money be spent on juvenile delinquency efforts. H.R. 2108 eliminates this provision, which is strongly supported by the National Youth Work Alliance. Your bill signals a retreat from that congressional commitment.

I don't feel proud of having to come before you saying that in the political swim, locally and statewide, young people in youth services can't fend for themselves, but, Mr. Chairman, in many cases that is true. I recall one statistic. Before this act that was passed, in the State of Kansas less than one-fifth of 1 percent of all funding in the State was allocated for juvenile justice.

Over the years, the relationship of OJJDP and LEAA has created confusion. The Office has exercised some discretion over activities directed toward youth and has provided leadership in the youth advocacy field. The alliance will not support subordinating the Office within the proposed Bureau of Criminal Justice Assistance and eliminating the Presidential appointment of its Administrator. That is the only Presidentally appointed person in the entire Federal Government whose concerns are exclusively with youth services.

However, we do support increasing the status of the Office within the Justice Department, elevating its position to that equal with LEAA with the Director reporting directly to the Attorney General. By removing the Presidential appointment of the Office of Juvenile Justice Administrator, juvenile justice policy would be placed completely in the hands of officials potentially unsympathetic to the Juvenile Justice Act and to youth advocacy.

This is not a hypothetical, Mr. Chairman. Under the previous administration, we were clearly faced with such a situation, and to this very day we do not have a Presidentally appointed and confirmed administrator of LEAA since—and we are now 2 years into this administration.

H.R. 2108 fails to give adequate attention to rural areas, and there is no assurance that any fund would be available in many rural areas. Our rural member agencies and the alliance cannot support a bill that excludes rural youth from the scope of its services. In fact, some of the most intractable problems of deinstitutionalizing status offenders and separating juveniles from adults in jails have occurred in rural

areas. It is no coincidence that the five States not participating in the Juvenile Justice Act are predominantly rural States.

Even with the current financial incentives to the States to do what is right and just for young people, it is the predominantly rural States that have been unwilling to participate in the Juvenile Justice Act during the past 5 years. So here is still another area where progress to date would be lost. Any hope that nonparticipating States, which are Wyoming, Oklahoma, Nebraska, North and South Dakota, would adopt more humane and productive methods for dealing with these youth problems would, if H.R. 2108 passed in its present form, be nil.

Mr. Chairman, I applaud your attention with this bill to increase citizen involvement in community crime control. I also support your effort to empower this group with increased decisionmaking responsibility. I was an observer of your efforts several years ago in the community crime area, and I was very impressed by your efforts and very pleased with the outcome.

However, since increased citizen involvement in community crime control and criminal justice activity in general is supported by both the philosophy underlying H.R. 2108 and the alliance, why have you chosen to eliminate the State Juvenile Justice Advisory Board and the National Advisory Committee on Juvenile Justice and Delinquency Prevention? I have served for years on the District of Columbia's advisory board and the alliance has provided, over the years, training to over 500 national and State advisory board members. Mr. Chairman, the State advisory boards in particular have done a tremendous job of bringing some order out of the chaos that in the Nation's youth service system.

Of course, the results have been uneven, but I believe that during the next 5 years the juvenile justice system and the young people who are touched by it will begin to reap the benefits of the juvenile justice advisory boards. Mr. Chairman, I believe that if you know more about the advisory boards and the work that has been done by the public officials, youth workers, and private citizens who comprise them, you would not legislate their abolition but rather would seek to enhance their role.

Several other provisions trouble me. H.R. 2108 mandates that 25 percent of all funds go to private nonprofit youth serving agencies. While I appreciate the intent of this provision, currently community-based youth service agencies are doing that well or better. A requirement of 50 percent for private nonprofits would be more sensible.

Perhaps the least palatable part of H.R. 2108 is in the area of authorized appropriations. Mr. Chairman, most community based youth workers funded with LEAA or local money earn about \$10,000 per year. A drastic cut in Federal support in the struggle against delinquency will have, I am certain, a disastrous effect on the morale of youth workers, their pay, and their willingness to stay in this very difficult line of work.

No matter how you juggle the figures, H.R. 2108 cuts well over \$200 million out of programs for youth and will cause the collapse of much of the community-based youth service systems which thousands of youth workers have struggled diligently to build. I can understand why H.R. 2108 authorizes the Government to accept voluntary and

uncompensated services, because with the level of support authorized under H.R. 2108, volunteers are about all that will be left in many youth service agencies.

Even President Carter's parsimonious budget request included an appropriation of \$50 million, which is the maximum specifically set aside and authorized by H.R. 2108. One of the alliance's main concerns is to keep funding for the Juvenile Justice Act at least at its current level of \$100 million. There is no way, Mr. Chairman, that we could support the funding levels envisioned by H.R. 2108.

Finally, I hope that upon consideration, you will agree with me that eliminating the Juvenile Justice Act and the maintenance of effort provision of the Crime Control Act are poor ideas. In the juvenile justice field, at least, we should be heading in a very different direction. We have enough problems in the youth services field without becoming entwined any more than we already are with the rest of the LEAA system.

In conclusion, Mr. Chairman, we support the Juvenile Justice Act and hope that you will join the alliance in working with Congressman Andrews' Human Resources Subcommittee to strengthen that act when it is reauthorized next year. As for H.R. 2108, we want no part of it, since it fails to meet the high standards of progressive support for juvenile justice that Congress set when it passed the Juvenile Justice Act in 1974.

Again, Mr. Chairman, I thank you for the opportunity to provide my comments and thoughts on this subject. I am available for questions.

Mr. CONYERS. Who is "we"?

Mr. TREANOR. Who is we?

Mr. CONYERS. Yes.

Mr. TREANOR. We are the community-based youth service agencies, Mr. Chairman.

Mr. CONYERS. You are representing them?

Mr. TREANOR. Yes, I am.

Mr. CONYERS. Is that a private organization?

Mr. TREANOR. We are a private nonprofit organization, a membership organization. We have members in most States around the country.

Mr. CONYERS. And what is your office in that organization?

Mr. TREANOR. I am the executive director.

Mr. CONYERS. And how were these decisions arrived at?

Mr. TREANOR. Well, I have discussed your bill with a number of leadership people. In fact, we just had a conference about 2 weeks ago, in Wisconsin, of the leadership of 23 State coalitions from around the country.

It is not so much opposition to this bill. It is genuine support for the Juvenile Justice Act that I am speaking of today. We believe very strongly in this bill. It is something that we have worked for and we have mastered. We have been making a great deal of progress on the State level in using this bill as the instrument for citizen participation which the Congress has wisely included in the Juvenile Justice Act.

We don't want to lose those things. It is not just money. It is the philosophy of the bill and the mechanics of this bill that we want to hold onto.

Mr. CONYERS. Well, if that's the case, you state that it is conceivable, with the public's understandable alarm over youthful and violent crime, a disproportionate amount of money would be directed toward the serious offender population while neglecting delinquency prevention and diversion programs.

Now, what I have heard from a number of witnesses prior to you is that that is precisely what the problem has been, that the serious offender population has, in fact, been in effect neglected because of the propensity of private nonprofits to deal with diversionary youth who are frequently less troublesome.

That was stated by at least two of the three witnesses prior to you, and you heard their testimony.

Now, what would be wrong with dealing with the serious offender?

Mr. TREATOR. There is nothing wrong with dealing with the serious offender. I would acknowledge, first of all, certainly we have had a problem in that area and that is the reluctance of private nonprofits to deal with some of the more difficult young people, but, as one of the witnesses pointed out this morning, there really is not in many cases an identifiable group of the serious offender for whom one can develop programs addressed just at those young people.

Many of the most serious offenders, in the public eye, are already within the jurisdiction of the adult system. It is wrong to have programs just for armed robbers or just for truants.

The groups that I work with are developing a network of community-based youth services throughout this country, and I am sure you are aware of the efforts of a number of agencies in Detroit who do that. In fact, financially we have to respond to whatever priorities are set. There is a certain trendiness about it, Congressman. When we look at who gets the money, they are the same agencies doing basically the same thing with the same kids.

Focusing on the serious offenders, what that does is, you set up another program to do just that, and that money runs out, and the channeling of the money into that agency often results in a loss of money to the other agencies doing the more comprehensive services. At the end of the 3-year funding period, you will have less youth services in a community rather than more.

I am not objecting to working with serious offenders. I am saying there should be a more comprehensive approach to developing youth services in the entire community. There are young people who have to be removed from the community. The better systems, Minnesota, for example, require a young person to penetrate into secure facilities through a whole series of youth services that are community oriented.

That is something missing in a large part of the country and that is something we intend to build up.

Mr. CONYERS. I am going to take your comment seriously, but I am not really quite satisfied with that answer.

What I am trying to find out is that, where are the—you are the executive organization of the National Youth Work Alliance?

Mr. TREATOR. That is right.

Mr. CONYERS. But you are representing—

Mr. TREATOR. I am representing the National Youth Work Alliance.

Mr. CONYERS. I thought you said in your statements you are not reflecting the official position of the alliance.

Mr. TREANOR. The entire statement, which was just revised yesterday, has not been approved. I was invited to testify, Congressman, with 8 days' notice, and then we were snowed out. It is very difficult to go back to all these organizations around the country and get approval—

Mr. CONYERS. In other words, you have no doubt that this position is and would be ratified by the organization?

Mr. TREANOR. I have no doubt; not word for word, but I have no doubt that there is unanimous support in continuing the Juvenile Justice Act.

Mr. CONYERS. How many organizations in roughly how many cities is the National Youth Work Alliance to be found?

Mr. TREANOR. We have something over a thousand members, Congressman. In your State, the Michigan Association of Youth Service Bureaus is the group we work most closely with.

Mr. CONYERS. And nationwide?

Mr. TREANOR. About 1,000.

Do you want some of the other groups?

Mr. CONYERS. There are about a thousand people?

Mr. TREANOR. A thousand agencies.

Mr. CONYERS. In about how many States?

Mr. TREANOR. About 20 States. We are working with them to develop a statewide organization and the statewide organization becomes, in effect, the State chapter of the alliance. In some States, such as Missouri, there isn't a statewide organization and we don't have the membership in Missouri that we do in Michigan.

Mr. CONYERS. I will take your recommendations under consideration.

Mr. VOLKMER?

Mr. VOLKMER. I just want to clarify in my mind also the type of offender that your membership deals with. It is mostly what we would call in general terms the status offender; is that correct?

Mr. TREANOR. Congressman, the agencies work with all kinds of young people. One of our member agencies is the new pride project in Denver, which LEAA has chosen as a model to replicate in working with the serious offender.

The director of that program was here testifying 2 days ago. Many of our programs are public agencies, publicly supported county youth service bureaus. There are several hundreds groups such as that. They are comprehensive; they deal with basically whatever young people refer themselves or are referred by the court.

Mr. VOLKMER. Why is it your desire to see the increased funding solely for nonprofit groups?

Mr. TREANOR. That is not my desire. I believe for a number of reasons that the funding for the public sector is equally as important.

Mr. VOLKMER. Then I misunderstood part of your statement.

Mr. TREANOR. I asked for 50 percent. Most of the services in minority areas are provided by public agencies and almost all the services in rural areas are provided by public agencies.

Mr. VOLKMER. Didn't you say you wanted an increase of 50 percent mandatory for nonprofit?

Mr. TREANOR. Yes, I did; half for the private nonprofit and half for the public. I think that reflects about the composition of youth services on a national basis, 50-50.

Mr. VOLKMER. Thank you very much.

If we all had an idea and could sit down and write a bill and could pass it without any problems, that would be one thing, but what I think you should consider is the fact it may be a problem passing any bill.

If we don't pass a bill, then we don't get anything; right?

Mr. TREANOR. That's become clear this morning.

Mr. VOLKMER. LEAA goes the way of other programs.

Mr. TREANOR. But we believe the Juvenile Justice Act has performed better than LEAA and there is a guilt by association going on here in the Congress, and the Juvenile Justice Act isn't even up for reauthorization until the next year.

If you look at the track record of that piece of legislation separately, there are many successful programs.

Mr. VOLKMER. Would you prefer to have funding through that, through the Juvenile Justice Act?

Mr. TREANOR. That is a complicated question. In 1974, I would have preferred to have seen it in HEW. Despite the many problems with LEAA at the State and local level, the interaction between the other components of the criminal justice system, the courts, cops, and corrections people and the youth services people has been a very positive one.

Also of concern to community-based youth service agencies which have 6, 7, 10, 12 employees, is how to cope with the State bureaucracies which are no better than their Federal counterparts. As we look at the options available in the State government for channeling youth justice money, for a number of perhaps back-handed reasons, the State planning agency looks very good. It is small, malleable. There is a juvenile justice advisory board.

We have representation on the State board. I used to serve on a State board of education. You can't get that kind of leverage on the State board of education.

Mr. VOLKMER. Thank you very much.

Mr. CONYERS. Can you identify for me the problems with the present act in juvenile justice and delinquency prevention?

Mr. TREANOR. There are a number of problems at the national level in terms of sorting out the question of who is in charge. To summarize that, there are a number of problems in terms of coordination of the Federal effort.

At the State level, there has been a lot of problems with the juvenile justice advisory boards, particularly around the question of participation, youth participation in particular.

There has been a number of problems in the implementation of the act in terms of some of the special emphasis programs. There's very little coordination between the juvenile justice spending and the youth employment spending which should go hand in glove. That is, in part, the product of the committee-based system here in the Congress. They are not knitted together well.

There have been a number of problems at the local level. Our whole field suffers from a lack of trained people to run many of these agencies. It is the life cycle of many of these community-based youth service agencies that it is like a roller coaster. There have been a lot of

problems there. I think that the funding priorities of the Office of Juvenile Justice and the States have been basically pretty good.

I am not sure if they could have done it any differently. The Congress did mandate the deinstitutionalization of status offenders as top priority and the Office of Juvenile Justice reflected that. I am sure the funding level have been a problem.

Ten million in the first year was nothing. Twenty-five million and 40 million, and it's not been enough money to get things going and create the kind of alternatives you're talking about. Many States have revised their State codes to remove the status offender from the juvenile court and place him under the purview of the social welfare system. Fine; then where are the services?

In Indiana, Washington State, Wisconsin, Iowa, and a number of other States, you get the situation where you have got a 14-year-old runaway beyond control. The police won't touch them and the services aren't there at a community level although the States have revised their juvenile code to bring them into compliance in many cases, but the services haven't been in place to take care of that, and I think the Juvenile Justice Act was intended to do that, and the funding problems we have had have been a significant problem.

If the President has his way and cuts this program in half, it's going to be like a punch in the gut. This program is going to be in serious trouble. You have seen these forward commitments made on funding. There is a good faith effort. The Federal Government passed a law, and there has been a contract between the Federal Government and the States that there would be an adequate level of funding, certainly not a decrease.

If the Congress cuts that funding in half, there is going to be a lot of broken promises and you are going to see a lot more stringent code revisions which will have the effect of shifting the cost of services. The costs will go up, back into State budgets and out of Federal budgets.

I think in the long run, half the \$50 million that the President is proposing to be saved will cost 10 times that much. The figure is \$40,000 in Pennsylvania for incarcerating one young person for 1 year.

Mr. CONYERS. Then based on your observations of working under the present bill, would you give us offhand a list of recommendations that occur to you in ways to strengthen the existing legislation? Dropping for a moment the appropriations question.

Mr. TREATOR. I know this is running against the grain of thinking of many people. I would strengthen the authority of the Administrator in the Office of Juvenile Justice and then hold the Administrator in the Office accountable for its performance. Work that out very clearly so that there can't be confusion on that.

That would be where I would start at the Federal level.

I would keep the current involvement at the State level. That is where the State codes are written, the education, the truancy, the criminal justice laws are all written. It is ridiculous to cut the State out of that process. I would strengthen the role of the juvenile justice advisory board and I would strengthen the national advisory board commitment by requiring the President to appoint knowledgeable



people who have served on the State advisory board instead of going out and just frankly fulfilling certain other obligations that are not germane here.

That could be done by going to the State advisory boards.

I would set aside a certain amount of money for training of service providers. I think those would be the main things. Congressman, this really is a pretty good bill. It definitely could use some work, some tightening up here and there. It is not perfect. Its administration has not been terrific, but we feel that the Juvenile Justice Act is basically a good piece of legislation.

Many don't agree with us, but I think you will find most, if not all, community-based youth workers would agree.

Mr. CONYERS. How would you, and why would you want to, strengthen the State board?

Mr. TREANOR. Because of the relationship between the youth services, funding, the criminal code, the educational code, et cetera, and the State legislatures has been why my organization has put its emphasis on the statewide organizations of youth service people.

There are many things in this country where taxes or whatever, where the Federal Government is the most important factor, but looking at units of government in terms of power to control the lives of young people rests, to a considerable extent, at the State government level and the States have been fairly responsive.

Also, in many areas of the country there are not sufficient numbers of knowledgeable technically competent involved people to serve on this, enough people who can understand this. It's pretty complicated. I have been working the Juvenile Justice Act for years. I don't understand it all.

Mr. CONYERS. You have made reference to strengthening the authority of the national Administrator?

What do you see to be a problem, that would require more authority? I mean, from what I had heard, he was throwing a little bit too much authority around.

Mr. TREANOR. Well, there is the question of enough power and the appropriate use of power or how much one has. I think that having more control over the grantmaking and contracting process at the national level—

Mr. CONYERS. They are all signed off by him.

Mr. TREANOR. The State formula grant plans are signed off by the Administrator of the Office; all the national discretionary grants are signed off by the Administrator of LEAA.

Mr. CONYERS. By both of them jointly.

Mr. TREANOR. By both.

Mr. CONYERS. Yes. Well, do you have information about conflicts at that level?

Mr. TREANOR. Well, there was a story in our own publication. Youth Alternatives, last month about a grant application in Louisiana which was very definitely needed in Louisiana, in my opinion, which the Administrator of the Office signed off and the Administrator of the agency did not. I will submit it for the record.

The regional people will disagree on that, but you are in a position where you are expecting the administrative office to execute the pro-

gram and I know you will call him accountable for it up here, and yet you have somebody else who can, in effect, second guess the Administrator's office, who can pick out the pieces of grants as they like.

That's a pretty basic level of involvement. I think the Office could use its own Office of General Counsel, its own contracting. Not that I want to see any mushrooming of the bureaucracy, but there is an understaffing in the Office of Juvenile Justice just in terms of the number of people.

There are enough people in the Federal Government working on youth concerns, Federal employees in this city working on youth concerns. They are not distributed equitably throughout the Federal Government. You have too many in one place; not enough in another. Some are in HEW; some in Labor; some in Justice.

If you went back through and distributed those people, I think you would get a lot more work done.

Mr. CONYERS. Would that not require a rewriting of the law?

Mr. TREANOR. It would require some changes of the law; yes, it would. I am not opposed to any changes in the law.

Mr. CONYERS. I recognize that. Then would you have any—could you or counsel or whoever works with you examine the present existing law from that point of view of trying to correct that problem that you have described?

Mr. TREANOR. The imbalance?

Mr. CONYERS. The maldistribution and imbalance of people working in the juvenile justice field.

Mr. TREANOR. At the Federal level?

Mr. CONYERS. At the Federal level.

Mr. TREANOR. Congressman, that's a touchy subject. You are talking about people's bread and butter, and they get very, very touchy about that.

I would be willing to discuss it with your staff at some point.

Mr. CONYERS. Off the record?

Mr. TREANOR. Yes.

Mr. CONYERS. What do you see, Mr. Treanor, as the direction of juvenile justice in this country? How would you characterize it if you were describing it to someone who was not expert in the field in terms of where we have come and where we are and where we are going?

Mr. TREANOR. There is a general flow. There is a riptide. The tide is toward less secure community-based youth services staffed by youth workers who have a different kind of training, a mix of training, small agencies that are dealing with anything from truants and delinquency prevention through some pretty tough kids. That's one direction, and that's the main flow and, administratively, politically, that's happening outside, in most cases, of the formal juvenile justice juvenile court system, which is something the judges have some problems with.

In many communities, it is happening in spite of not because of, the leadership of the local court. The riptide is the serious offender, violent offender, 14-year-old rapes grandmother kind of case. There the political compromise in the State legislative code revisions has been to get behind and support the community-based youth services, but the trade-off has been to lower the mandatory age for waiver of part I felonies and to remove those young people into the adult correctional system.

Those are the two main trends. They are somewhat contradictory, but there they are.

Mr. CONYERS. But I mean in terms of the whole history, the struggle of bringing some sense and equity to the juvenile justice field. Where do you feel that is now and where do you feel it has to go?

How do you make an assessment there for the person—

Mr. TREANOR. I would say generally that things are better than they were 5 or 10 years ago. I would say basically, thanks to the Congress to a considerable extent and thanks to the thousands of citizens and workers involved in these agencies, that the trend has been basically in a very positive direction.

An organization such as the Youth Work Alliance could not have existed 10 years ago. There was almost nobody to support it then. I expect to see the trend in youth services continuing in the same direction. Jack Calhoun talked about Massachusetts. The Governor there is a very conservative gentleman. I think he would probably do some things differently. He is fiscally conservative. He will not be able to reestablish the State training school system. Once the State deinstitutionalizes, especially when they become fiscally conservative, they are stuck for better or worse with the deinstitutionalization approach.

Mr. VOLKMER. Before we leave, I would like to ask one quick question. I heard testimony before that the family is the basic unit of our society and yet today's government is doing things that encourages the breakup of that family unit. What do you have to say about that?

Mr. TREANOR. I concur in that. Most youth service agencies are family oriented. In fact, many are called youth and family service agencies. You have to go through a certain process to get the financial support to get the services.

There is a tendency to skew the young people through the court.

This is a very complicated area of how you finance keeping families together as opposed to financing keeping them apart.

I would say the people involved in keeping them apart are better organized and financed than those people who want to keep the family intact.

Mr. CONYERS. Now, the subcommittee stands adjourned.

[Whereupon, at 1:15, the subcommittee was adjourned.]

#### STATE OFFICIALS PRESSURE LEAA—LOUISIANA BLOCKS FEDERAL FUNDS FOR ADVOCACY GROUP

When LEAA Acting Administrator Henry Dogin denied funding for a Louisiana youth advocacy group in December, his action pointed up the difficulty the federal government confronts in carrying out its mandate under the Juvenile Justice and Delinquency Prevention Act (JJDP A) to support programs working to correct abusive youth service systems within their states.

Louisiana is a state whose infamous system of services to young people has been and continues to be sanctioned by the top officials in the state. Last July, Advocates for Juvenile Justice (AJJ), a project of the Open Door in New Orleans, submitted an application to LEAA for JJDP A Special Emphasis funds with the intent of providing an independent advocacy voice for children and youth in the state. Grant funds would go to pay for such efforts as insuring the rights of juveniles, increasing juvenile due process, deinstitutionalization, attempting to change official and unofficial public attitudes, providing legal defense for children, and promoting changes in state law.

Evidence that something needs to be done in Louisiana is not hard to find.

In the landmark case of *Gary W. v. Louisiana*, filed by AJJ attorney William Rittenberg, some 800 Louisiana children who had been shipped out by the state to grossly substandard profit-making institutions in Texas were ordered returned

and placed in the "least restrictive" settings. Now, more than two years later, half of these children are still being detained in Louisiana nursing homes awaiting evaluation and a court-ordered investigative team has reported that the state is not complying with the order to place those that have been evaluated in community based settings.

The superintendent of the Scottlandville Louisiana Training Institute (LTI), which is still identified on the official state map as the "State Industrial School for Colored Youth", was indicted along with three guards last summer on charges of cruelty to juveniles following an AJJ suit which exposed brutality at the facility.

Louisiana's new Juvenile Justice Code, which went into effect last month, contains the provision that status offenders who run away from court ordered placement can be cited for contempt—a delinquent act. LEAA's Office of Juvenile Justice and Delinquency Prevention (OJJDP) warned to no avail that such a provision would violate the intent of the JDDPA.

Many rural judges in the state refuse to authorize the release of young people who have served their time at LTI's. The State Corrections Department has failed to take any aggressive action to correct this.

The state's arbitrary and casual system of reimbursing group homes has jeopardized the existence of every such facility in Louisiana. Group homes receive \$21 a day per certified child while the average cost to the homes is \$32 per child; and payments run an average of 3-12 months behind.

Don Wydra, the recently appointed Assistant Secretary for Juvenile Programs in the State Department of Corrections, says improvement of state facilities for juveniles will be slow. "Historically, corrections has been at the bottom of the list for money except when there is a federal court mandating (the state) to spend money," he said.

While neighborhood opposition to group homes for young people is not unheard of in other states, Louisiana has recently seen two such homes, one in St. Bernard and one in Zachary, burned down with burning crosses left in the front yards.

AJJ's \$358,242 application was approved by OJJDP Administrator John Rector, then passed up to Dogin for his signature. In December, Peter Edelman, then Director of New York State's Division for Youth, wrote his former colleague (Dogin was formerly an official of New York State's Department of Criminal Justice Services) urging him to approve the application.

"It appears to me that the situation in Louisiana calls for the development of an independent advocacy voice for children," Edelman wrote. "The most recent trend in Louisiana has been toward funding capital construction of large, state owned institutions . . . The political climate there is in no way similar to the type of relationship we've been able to establish in New York."

"It is my reading," Edelman continued, "that the SPA (State Planning Agency) in Louisiana is run by the Governor and the Governor is wedded to the idea of construction contracts in lieu of community based services. I feel that this situation is one where the discretionary powers of LEAA are needed to assist in promoting a better system of juvenile justice and youth services."

Louisiana's Governor is Edwin Edwards. The AFL-CIO has been a big contributor to his campaigns and, coincidentally or not, Edwards' administration has been notable for a remarkable push in the building of new prisons and hospitals. The number of prison cells in the state has nearly doubled during his term in office from 5,000 to 9,000 (with a total of 12,000 scheduled for completion by 1984); and children's advocacy groups in the state, including AJJ, have been fighting the planned construction of three reportedly unneeded 300 bed child psychiatric hospitals at a cost of about \$26 million apiece.

But whatever the urgent needs of young people trapped in the Louisiana child and youth service systems. Dogin was apparently finding that the scale with which he would make decision was being more than counterbalanced by the intense opposition to the AJJ application coming from Edwards and his top state officials, including the SPA, the State Juvenile Justice Advisory Group, and the Governor's Steering Committee for a Code of Juvenile Procedure.

In a heated letter to LEAA last September, Louisiana SPA head Wingate White took strong exception to the first sentence in AJJ's application, which charged that Louisiana "exemplifies the resistance and affirmative opposition to implementation of numerous federal acts designed to provide adequate and appropriate services to children." In light of this attitude, White continued, "we feel . . . they (AJJ) will not work in harmony with the Juvenile Justice policies

of the State of Louisiana." White also noted that the SPA was unhappy with the results of an earlier grant for \$50,000 which the SPA had awarded AJJ for advocacy efforts.

Whether or not it was the reason the SPA was unhappy with that earlier grant, AJJ had successfully taken the state to court as part of its activities under that award. Gordon Raley, a former criminal justice planner for the city of New Orleans and now Staff Director of the House Subcommittee on Economic Opportunity (which has oversight over the JJJPA) told Y.A. that "the reason I heard for Gov. Edwards' intervention (in opposition to the AJJ application) was that AJJ had won an advocacy-related case against the State Department of Corrections. When representatives of that department became aware that a federal grant (to AJJ) was in process they went personally to the SPA which in turn went to the Governor and asked him to block the grant."

Responding to White's letter of opposition to the AJJ application, Rector wrote him that "if advocacy groups are effective, we expect they will generate debate as communities organize, educate, litigate, and cause institutional change as a result of such a focus. Good advocacy programs will stimulate positive change in those institutions that presently are charged with serving our youth. OJJDP has the clear responsibility to support the continuation and expansion of such projects as the Advocates for Juvenile Justice program in Louisiana."

But, Rector explained to Y.A., the decision was out of his hands. Dogin's office "never discussed the proposal or its rejection with me," he said, "although I raised the matter on a number of occasions."

On December 26, Dogin notified Holly Ackerman, Executive Director of AJJ, that the application had been denied. "The application begins its program narrative with a statement relating to official Louisiana attitudes which can only start the project off on a bad footing with the very groups which must be influenced by the project activities," Dogin explained in a letter to Ackerman. "Pursuing advocacy activities will often pit groups such as yours against the State and local juvenile justice systems. At a minimum, starting such a project would require a good faith belief on your part that those in the State and local juvenile justice system(s) can be believed to be carrying out their responsibilities in good faith."

Louisiana has committed itself to the goals of the JJJPA, Dogin added, and "we have no reason to believe that the commitment has not been made in good faith. Mutual respect for the motives of people and organizations committed to common goals must exist for any advocacy effort to be successful."

Dogin also included as a reason for rejection the fact that "substantial objections have been raised by the State to funding of this application. The Louisiana (SPA) had previously awarded a grant to your organization for similar purposes on a smaller scale. They are familiar with your activities and have commented unfavorably on the proposed expansion of this project."

Aside from what the denial of funding means for young people in Louisiana, the affair raises the question of how the advocacy-oriented sections of the JJJPA can be implemented in the face of strong opposition from state officials. Section 223(a)(10)(D) of the act states that OJJDP has responsibility "for funding projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of young people impacted by the juvenile justice system"; and Section 224(a)(7) requires OJJDP "to develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system."

It is not unreasonable to believe that states which have condoned or fostered disreputable services for youth would be the very ones most opposed to federally-funded advocacy efforts in their state. How, then, is the LEAA Administrator to reconcile the intent of the JJJPA to improve services to youth with the opposition of a state administration to funding a project such as AJJ's?

In addition, are we to be faced with the prospect of OJJDP making funding recommendations based upon the mandates of the JJJPA while LEAA makes the decisions based on political pressure from the states?

"This raises the question in my own mind," Raley told Y.A., "whether true advocacy groups representing children's interests against state or local governments can effectively be funded with public money; particularly if winning a case on behalf of children is enough to preclude future funding. Perhaps it's better they didn't get the award. It's always possible that receiving federal funds might have in some way co-opted them and perhaps prevented them from chal-

lenging state services for fear of incurring state political pressure to terminate them."

In any case, AJJ will no longer be challenging the state of Louisiana. As a result of the long wait for a final LEAA decision on its application, the organization incurred heavy debts and went out of business on January 15.

STATE OF LOUISIANA,  
JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION ADVISORY BOARD,  
March 14, 1979.

Mr. BILL TREANOR,  
National Youth Workers Alliance,  
Washington, D.C.

DEAR MR. TREANOR: As Chairman of the Governor's Juvenile Justice and Delinquency Prevention Advisory Board for Louisiana, I feel I must take pen in hand to respond to your February, 1979 article, "Louisiana Blocks Federal Funds for Advocacy Groups."

There are many areas of concern in your article which need correction as there are always two sides to every story and I hope you extend to us the same courtesy extended to Advocates for Juvenile Justice in this issue.

Our Board, appointed by Governor Edwards, as part of the requirement for receiving JJDP Act funds, has, since its inception, worked toward the improvement of juvenile justice in Louisiana by sponsoring statewide training conferences, working on the state's first Code of Juvenile Procedure, and reviewing all juvenile justice related grants with LEAA/JJPD funds. The Board also worked closely with the Louisiana Legislature on passing as well as repealing legislation which would put our state in compliance with the JJPD Act. Our Board considers itself advocates for children and we have been advocates prior to our creation as a Board. We are not paid for any of the services that we provide. Our travel, food and lodging are at our own expense. We do it because we care about kids.

Therefore, the Board concluded after reviewing this discretionary application from AJJ, that much of what is proposed was already being accomplished in Louisiana and I might add, quite well. We did not see the need for expending our tax dollars on still another layer of administration. The amount of money requested was more than the entire state of Louisiana received in JJDP monies in its first year of funding.

We take exception to the evidence offered in your article that something needs to be done in Louisiana.

It was interesting to read your remarks concerning the landmark case of *Gary W. v. Louisiana*, filed by AJJ attorney William Rittenberg. This case was never an issue in considering the Advocates discretionary application, since our board was never involved in any way, shape or fashion. While your paragraph on Gary W. made good reading, I might point out that the only one who has constantly brought up this case of Gary W. is Mr. Rittenberg, for whatever reason Mr. Rittenberg has chosen to continue bringing up this case.

Contrary to the article, the Scotlandville Louisiana Training Institute (LTI) has not been identified on the official state map as the "State Industrial School for Colored Youth" since 1970. The article points out that at the same school three guards were indicted last summer on charges of cruelty to juveniles following an AJJ suit which exposed brutality at the facility. While in truth, a suit was not filed until January 17, 1979, after the AJJ discretionary grant was discontinued. AJJ did not file the suit, rather a Mr. R. James Kellogg of New Orleans filed this motion. Later on Mr. Kellogg petitioned the court to allow Mr. Alton of AJJ to file subsequent motions.

The article reported that the new Juvenile Justice Code in Louisiana contains a provision that status offenders who run away from court placement can be cited for contempt—a delinquent act. In truth, the new Juvenile Justice Code under Article 83C Louisiana Code of Juvenile Procedures states that "A child may be committed to a juvenile detention center or other suitable facility or, if no such facility is available, to the Department of Corrections for a direct contempt of court or for constructive contempt due to repeated failures to comply with a judgment of disposition. Provided, however, that no child committed under this provision shall be physically housed in the same dormitory, room, or area

used to house children adjudicated delinquent for behavior other than direct or constructive contempt. Commitment for each contempt shall not exceed fifteen (15) days, including time spent in detention for the contempt prior to adjudication for contempt."

As you can see, this provision is not limited to status offenders, but rather is directed to any youth who would defy a direct court order. The new Juvenile Code of Procedure is, therefore, in compliance with all requirements of the OJJDP regulation insofar as can be determined. Your article points out that OJJDP, warned to no avail that such a provision would violate the intent of the JJDP Act. To date no such warning has been received by the SPA or the JJDP Advisory Board.

The article states that many rural judges in the state refuse to authorize the release of young people who have served their time at LTI's. The state corrections department has failed to take any aggressive action to correct this. This statement is incorrect, in fact, what happened was that the State Department of Corrections approached the steering committee for the Code of Juvenile Procedure and asked that an article be included to state that "If the child is adjudicated delinquent and is signed to the custody of the Department of Corrections, the judgment shall not remain in force for a period exceeding a maximum term of imprisonment for the offense forming the bases for the adjudication." Therefore, it was the Department of Corrections who recognized the discrepancies in the system and it was the Department of Corrections who took bold action to correct any discrepancies.

The states arbitrary and casual system of reimbursing group homes receive \$21 per day per certified child while the average cost of the homes is \$15 per child in payments running an average of three to twelve months behind. This statement is true, but the state has been aware of this problem for a number of years and set up a committee with representatives from the private group homes as well as state representatives to resolve this problem. As a result of the work of this committee, legislation was passed during Louisiana's 1978 legislative session to move to actual cost of care for facilities. We found no instance where payments ran in "average of twelve to three months behind."

Mr. Don Wydra, Assistant Secretary for Juvenile Programs in the state Department of Corrections, says he has never been contacted by Youth Alternatives publication nor has he made any statement to people from the Advocates for Juvenile Justice. Although Mr. Wydra says very possible he could have made such a statement, he also took exception to several references to the Department of Corrections in the entire article.

In reference to the \$50,000 grant which was awarded to the Advocates by the New Orleans Criminal Justice Coordinating Council, it should be pointed out that the evaluation performed by the Council was less than favorable and that the Advocates did not accomplish what their grant application stated they would, in fact, do.

I have received many calls and much correspondence regarding your article and would like to quote Mr. Louis W. McHardy, Executive Director and Dean, National College of Juvenile Justice in Reno, Nevada when he sums up the feelings of many Louisiana people by stating, "The article was very critical of everything I know about Louisiana, and I resent it."

In conclusion, I would like to state categorically that in light of the corrections which I have pointed out to you in this letter, I ask you to think pensively about the inaccuracies which have been presented and very possible what could have happened had the Advocates received this large discretionary award. The article was correct when it stated the state Juvenile Justice Advisory Group had intense opposition to this application. However, what the article did not state was why the Advisory Group was opposed to this application. We do not question the necessity and/or practicality of Child Advocacy of the Open Door, Inc., or similar groups, we felt that some of the needs specified in this grant request may well be contrived as statistical data and not presented as clearly established needs. The general and specific objectives proposed could not be realistically accomplished in the time frame with the proposed staff of the agency. Additionally, numerous needs mentioned in the request are currently being addressed with legislation and/or state agency regulations.

I have enjoyed reading your publication and hope you will consider publishing this response.

Sincerely,

LEE JACOBS, JR., *Chairman.*

## LEAA REAUTHORIZATION

TUESDAY, APRIL 3, 1979

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met at 2:15 p.m., in room 2226 of the Rayburn House Office Building, Hon. John Conyers, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Conyers, Edwards, Volkmer, and Hyde.

Staff present: Hayden Gregory, counsel; Roscoe Stovall, Jr., associate counsel.

Mr. CONYERS [presiding]. The subcommittee will come to order.

The Subcommittee on Crime continues its hearings on reauthorization of the Law Enforcement Assistance Administration legislation, and our first witness today is our colleague from New York, the Honorable Shirley Chisholm, who is an educator and legislator, who has written extensively on this subject, received numerous awards, is active, and has spoken out across the country for her concern in this area.

It's a privilege, Mrs. Chisholm, to have you before this subcommittee. We welcome you.

We'll incorporate your complete testimony as a part of the record. That will enable you to proceed in your own way.

Go ahead.

### STATEMENT OF HON. SHIRLEY CHISHOLM

Mr. Chairman, I wish to thank you and the members of this committee for inviting me here today to present my views on H.R. 2108, the Criminal Justice Assistance Act of 1979. As the gentleman knows, I have had a long established interest in the criminal justice system, specifically in the areas of community involvement and juvenile delinquency. It is for this reason that I applaud the targeted approach offered by H.R. 2108. Establishing priorities for criminal justice assistance, which move LEAA away from a responsibility to solve all state and local criminal justice problems, to a more limited effort, is a welcome and much needed change. However, my testimony today addresses many key issues raised by this legislation which I feel this committee must consider.

This bill's four criminal justice program emphases—neighborhood-based community anti-crime efforts; alternatives to traditional incarceration; programs to prevent juvenile delinquency and efforts to combat white-collar crime—are crucially important areas that are all too often ignored in the rush to find the answers to America's crime problem. I question, however, the necessity for such a narrow limitation.

Although I share your concern, Mr. Chairman, for the overemphasis on street-related crime compared to white collar offenses, the victims of street crime in our communities must also be considered in any crime prevention effort. I would strongly urge the gentleman to reconsider his stringent limits on fundable program areas. I would not want to substitute my judgment for that of the com-



mittee; however, I would urge the committee to consider the addition of other areas which would allow for the continuation of successful programs. For example, a recently LEAA-funded program provided victim and witness assistance in eight American cities. Faced with a lack of knowledge about our court system and overcrowded court dockets, which as you know are a fact of life in my home city of New York, many witnesses have felt alienated by what they perceive as the courts' indifference to them. This alienation is reinforced through their frequent court appearances for continued cases and the difficulties often experienced in getting property returned. Some of the services provided for victims and witnesses include: a general orientation to courtroom procedures, notifications to appear in court, call-off services (if the case is continued or postponed), social service referral, child care, property return, notification of case disposition and transportation. I am certain that other equally worthwhile projects exist which could not be placed within the four national priorities indicated in part A, section 104 or the special emphasis grants as outlined in part A, section 110 of this bill.

Community participation is one of the most critical factors in addressing the problem of crime prevention. I commend you Mr. Chairman for recognizing the need for community involvement in the Nation's anti-crime efforts. By the establishment of a separate office for the community anti-crime program, as proposed by section 102 of this legislation, greater emphasis will now be placed on community anti-crime projects. Through the "Office of the Community Anticrime Program", the active interest and cooperation of our communities in coming to grips with local crime problems can be channeled in new and creative ways.

Yet, another section seems to contradict this stated goal of increased community involvement. H.R. 2108 lowers the required percentage of grants to private non-profit organizations from 30 percent under the juvenile justice and delinquency prevention act of 1974. This is clearly a retreat from increasing community participation in anti-crime efforts. Section 103 on page five should be amended to reflect at least the current standard of 30 percent.

Regrettably, I cannot support the establishment of the office of juvenile justice and delinquency prevention, as outlined in section 103 on page five, with the same enthusiasm I feel for the new office of the community anti-crime program. In fact, as an original co-sponsor of the juvenile justice act in 1974, I must strongly oppose this section as well as section 103 on page 53 which repeals titles I and II of the '74 act. Frankly, I am shocked and disappointed that this committee would even entertain the notion of repealing legislation which has moved our juvenile justice system out of the dark ages in many cases into a period of enlightened and humane treatment of the problems encountered by our Nation's youth.

Admittedly, I have been a vocal critic of the current administration of the Office of Juvenile Justice and Delinquency Prevention, OJJDP. I have even accused its director, John Rector, of "Bureaucratic Doubletalk and Hypocrisy". It is true that portions of three years of special emphasis grant appropriations for 1976, 1977, 1978 were not spent until this year. The Juvenile Justice Coordinating Council did not meet until very late last year. Also special emphasis initiatives for restitution, alternative education, school violence, and learning disabilities as they relate to juvenile delinquency have yet to be announced by OJJDP. These are well-known problems. But this does not justify repealing the only protective Federal legislation for juveniles. If the juvenile justice and delinquency prevention act, specifically titles I and II, were repealed, then there would be no national standards for the treatment of juvenile offenders. The separation of juveniles from regular contact with adults convicted of criminal offenses or awaiting trial for such offenses, as stated in title II, part B, section 223(a) of the 1974 Act, would no longer be a requirement in order to obtain Federal dollars. Status offenders would again be criminalized not because they had committed a crime but because they were dependent or neglected children. You, Mr. Chairman, have been an ardent supporter of section 223(a)12(A) of the 1974 Act which removes status offenders from detention or correctional facilities. I find it difficult to believe that you would now allow the incarceration of innocent victims of broken homes and troubled family situations.

Under this legislation, States would not be required to provide equitable assistance to disadvantaged youth which would include: "females, minority youth, and mentally retarded and emotionally or physically handicapped youth" as provided in section 223(a)15 of the JJDP Act. The elimination of this provi-

sion would have an extremely detrimental impact on youth in those states with disadvantaged populations. Many of these States have been reluctant to participate in the JJDP Act since its inception in 1974. Any hope that such states would eventually provide equitable assistance for disadvantaged youth would be lost if H.R. 2108 passed Congress in its present form.

Further, your bill would eliminate any requirement that juvenile facilities be monitored to make certain that the above standards had been met as required by section 228(a)14 of the 1974 Act. Generally, the problem of traditional incarceration of juveniles is further aggravated by your bill. In section 108(b) on page 13 of this bill, expenditures "for the erection, acquisition, or expansion . . . of new or existing buildings or other physical facilities" are prohibited. Yet your own comparison of major provisions of the conyers and administration proposals to restructure the law enforcement assistance administration indicates, on page five, that these prohibitions do not apply to the office of juvenile justice and delinquency prevention. This section will clearly serve as encouragement for states and localities to build more jails and prisons in an effort to "socially control" our young people. As we all know, disadvantaged youth would comprise a disproportionate share of the population in these new correctional facilities in New York and many other States.

Through agitation by myself and other Members of Congress, as well as local juvenile justice agencies and workers, initiatives for alternative education, school violence and learning disabilities as they relate to juvenile delinquency will be forthcoming from OJJDP within a few months. These initiatives are vital to maintaining an increasingly enlightened direction to the special emphasis prevention and treatment programs provided by the alternative education amendment offered by myself and the learning disabilities amendment offered by my distinguished colleague, Rep. Claude Pepper (D-Fla.). To wipe out these amendments to the JJDP Act would relegate juvenile justice to little more than the traditional approaches which have not served the vast majority of delinquent youth.

While I praise the elevation of community anti-crime efforts in H.R. 2108, I must object to the general submersion of funding for juvenile justice in the Criminal Justice Assistance Act of 1979. Section 414 on page 49 does not offer the separate funding authority necessary to ensure that juvenile delinquency programs are equitably funded with other programs within the new criminal justice assistance administration. History has shown that a concern for juveniles often takes the form of rhetoric rather than actual programmed expenditures. Consequently, if juvenile justice is only a "priority" rather than having separate funding authority with LEAA or CJAA, then it is likely to receive very little attention. Prior to the 1974 Act, only 13 percent of LEAA's Formula grants were allocated to projects dealing with juveniles. This low funding priority occurred despite the fact that more than 50 percent of all serious crime was caused by juveniles as compared to 41 percent today.

Politicians, as you and I are aware, Mr. Chairman, tend to heavily emphasize funding for the criminal justice system; they often have no interest in juveniles other than their removal from society which usually means incarceration in a traditional correctional or mental health facility. Although we can also assume that some formula grants and special emphasis grants will have juvenile justice projects, competition with "professional criminal justice—courts, police and corrections" is likely to reduce actual allocations to youth service programs far below their current funding levels. Thus, H.R. 2108 offers no guarantees for funding youth service programs other than the 10 percent mandate for juvenile delinquency in section 414. If one assumes that \$500 million is in fact appropriated for this bill only \$50 million would be set aside for juvenile justice programs.

Through the "maintenance of effort provision" contained in part F, section 520(b) of the Crime Control Act, 19.15 percent of LEAA's formula grants must be spent in the juvenile justice area. With special emphasis grants as well as the maintenance of effort mandate, OJJDP now allocates approximately \$212 million in service delivery programs for youth. In areas where young people are involved in LEAA-funded youth service programs, the rate for recidivism of previously delinquent youths range from 16 percent to 30 percent. This compares to 45 percent to 80 percent reported in other areas with delinquent youth populations that do not have such programs. I repeat, areas served by LEAA youth programs have recidivism rates for previously delinquent youths that are some  $\frac{2}{3}$  less than for other areas. The mandated 19.15 percent provision is necessary to

ensure that juvenile crime remains a national criminal justice priority and continues to receive adequate funding. Without it, we could easily revert to a pattern of rhetoric for juvenile justice concerns with no dollar commitment to actualize programs for our troubled young people.

I must join other noted juvenile justice authorities, Jerry Miller, Director of the National Center for Action on Institutions and Alternatives; Peter Edelman, Past Director of New York's Division of Youth; The Child Welfare League of America; The National Association of Homes for Children; and William Treanor of The National Youthwork Alliance in their opposition to this legislation as it relates to the Office of Juvenile Justice and Delinquency Prevention and its programs. I urge you, Mr. Chairman, to raise any concerns about OJJDP and its relationship to LEAA during the reauthorization process next year. Since OJJDP has a three year authorization through 1980, there is no rational basis for disrupting juvenile justice programs at this juncture. Even the use of transition grants as provided by section 111 on pages 17 and 18 of this bill would create undue havoc for youth service programs. Further, \$100 million has already been appropriated by the House and \$110 million by the Senate for fiscal year 1980.

I hope and trust that this committee will consider the need for a progressive direction in dealing with the problems of our nation's youth. The stated rationale for repealing titles I and II of the Juvenile Justice and Delinquency Prevention Act of 1974 is that "juvenile justice assistance . . . must be integrated into our overall justice assistance program". This reasoning can hardly be viewed as moving the juvenile justice system forward in a progressive direction. In fact, it is clearly a regressive step for those of us who have fought for improved youth service programs in an effort to stem the tide of juvenile crime. I believe that the targeted approach of H.R. 2108 can be successful without repealing the Juvenile Justice Act. I hope my views and those of others will be persuasive on this issue.

Thank you.

**TESTIMONY OF HON. SHIRLEY ANITA CHISHOLM, REPRESENTATIVE IN CONGRESS FROM THE 12TH DISTRICT OF THE STATE OF NEW YORK ACCOMPANIED BY BRENDA PILLORS**

Mrs. CHISHOLM. Thank you very much, Mr. Chairman.

Mr. Chairman, I wish to thank you and the members of this committee for inviting me here today to present my views on H.R. 2108, the Criminal Justice Act of 1979.

As the gentleman knows, I've had a long, established interest in the criminal justice system, specifically in the areas of community involvement and juvenile delinquency.

It is for this reason that I applaud the targeted approach offered by H.R. 2108, establishing priorities for criminal justice assistance, which move LEAA away from a responsibility to solve all State and all local criminal justice problems to a more limited effort. This is a welcome and a much needed change.

However, my testimony today addresses many key issues raised by this legislation which I feel that this committee must consider. This bill's four criminal justice program emphases—neighborhood-based community anticrime effort, alternatives to traditional incarceration, programs to prevent juvenile delinquency, and efforts to combat white-collar crime—are crucially important areas that are all too often ignored in the rush to find the answer to America's crime problems.

I question, however, the necessity for such a narrow limitation.

Although I share your concern, Mr. Chairman, for the overemphasis on street-related crime compared to white-collar offenses, the victims of street crime in our communities must also be considered in any crime prevention effort.

I would strongly urge the gentleman to reconsider his stringent limits on fundable program areas. I would not want to substitute my judgment for that of the committee. However, I would urge the committee to consider the addition of other areas which would allow for the continuation of successful programs.

For example, a recent LEAA-funded program provided victim and witness assistance in eight American cities. Faced with a lack of knowledge about our court system and overcrowded court dockets, which are, as you know, a fact of life in my own home city of New York, many witnesses have felt alienated by what they perceive as the court's indifference to them.

This alienation is reinforced through their frequent court appearances for continued cases and the difficulties often experienced in getting property returned. Some of the services provided for victims and witnesses include a general orientation to courtroom procedures, notifications to appear in court, call-off services if the case is continued or postponed, social services referral, child care, property return, notification of case disposition, and transportation.

I am certain that other equally worthwhile projects exist, which could not be placed within the four national priorities indicated in part A, section 104, or the special emphasis grants, as outlined in part A, section 110 of this bill.

Community participation is one of the most critical factors in addressing the problem of crime prevention. I commend you, Mr. Chairman, for recognizing the need for community involvement in the Nation's anticrime efforts.

By the establishment of a separate office for the community anticrime program, as proposed by section 102 of this legislation, greater emphasis will now be placed on community anticrime projects.

Through the Office of the Community Anti-Crime Program, the active interest and cooperation of our communities in coming to grips with local crime problems can be channeled in new and creative ways.

Yet, another section seems to contradict this stated goal of increased community involvement.

H.R. 2108 lowers the required percentage of grants to private non-profit organizations from 30 percent under the Juvenile Justice and Delinquency Prevention Act of 1974 to 25 percent. This is certainly a retreat from increasing community participation in anticrime efforts.

Section 103 on page 5 should be amended to reflect at least the current standard of 30 percent.

Regrettably, I cannot support the establishment of the Office of Juvenile Justice and Delinquency Prevention, as outlined in section 103, on page 5, with the same enthusiasm I feel for the new Office of Community Anti-Crime Program.

In fact, as an original cosponsor of the Juvenile Justice Act in 1974, I must strongly oppose this section, as well as section 103 on page 53, which repeals titles I and II of the 1974 act.

Frankly, I am shocked and disappointed that this committee would even entertain the notion of repealing legislation which has moved our juvenile justice system out of the Dark Ages, in many cases, into a period of enlightened and humane treatment of the problems encountered by our Nation's youth.

Admittedly, I have been a vocal critic of the current administration, of the Office of Juvenile Justice and Delinquency Prevention. I've even accused its Director, John Rector, of bureaucratic doubletalk and hypocrisy.

It is true that portions of 3 years of special emphasis grant appropriations for 1976, 1977, 1978 were not spent until this year. The Juvenile Justice Coordinating Council did not meet until very late this year.

Also, special emphasis initiatives for alternative education, school violence, and learning disabilities, as they relate to juvenile delinquency, have yet to be announced by them.

These are all well-known problems, but to me this does not justify repealing the only protective Federal legislation for juveniles. If the Juvenile Justice and Delinquency Prevention Act, specifically titles 1 and 2, as repealed, then there would be no national standards for the treatment of juvenile offenders.

The separation of juveniles from regular contact with adults convicted of criminal offenses, or awaiting trial from such offenses, as stated in title II, part B, section 223 (a) of the 1974 act, would no longer be a requirement in order to obtain Federal dollars.

Status offenders would again be criminalized, not because they committed a crime, but because they were dependent or neglected children.

You, Mr. Chairman, have been an ardent supporter of section 223 (a)12(A) of the 1974 act, which removes the status offenders from detention or correctional facilities. I find it difficult to believe that you would now allow the incarceration of innocent victims of broken homes and troubled family situations.

Under this legislation, as I interpret it—and perhaps I am misinterpreting it—but under it, I understand States would not be required to provide equitable assistance to disadvantaged youth, which would include females, minority youth, and mentally retarded and emotionally or physically handicapped youth, as provided in section 223(a) 15 of the JJDP Act. The elimination of this provision would have an extremely detrimental impact on youth in those States with disadvantaged populations.

Many of these States have been reluctant to participate in the JJDP Act since its inception in 1974. Now any hope that such States would eventually provide equitable assistance for disadvantaged youth would be lost if H.R. 2108 passed Congress in its present form.

Further, your bill would eliminate, in my interpretation, any requirement that juvenile facilities be monitored to make certain that the above standards have been met, as required by section 223(a)14 of the 1974 act.

Generally, the problem of traditional incarceration of juveniles is further aggravated by the bill.

In section 108(b), on page 13 of this bill, expenditures for the erection, acquisition, or expansion of new or existing buildings or other physical facilities are prohibited. Yet your own comparison of major provisions of the Conyers and administration proposals to restructure the Law Enforcement Assistance Administration indicates on page 5 that these prohibitions do not apply to the Office of Juvenile Justice and Delinquency Prevention.

This section will serve clearly as encouragement for States and localities to build more jails and prisons in an effort to socially control our young people.

As we all know, disadvantaged youth would comprise a disproportionate share of the population in these new correctional facilities in New York and many other States.

Through agitation by myself and other members of Congress, as well as local juvenile justice agencies and workers, initiatives for alternative education, school violence, and learning disabilities, as they relate to juvenile delinquency, will be forthcoming from OJJDP within a few months.

These initiatives are vital to maintaining an increasingly enlightened direction to the special emphasis prevention and treatment programs provided by the alternative education amendment offered by myself and the learning disabilities amendment offered by my distinguished colleague, Representative Claude Pepper of Florida.

To wipe out these amendments to the JJDP Act would relegate juvenile justice to little more than the traditional approaches, which have not served the vast majority of delinquent youth.

While I praise the elevation of community anticrime efforts in H.R. 2108, I must object to the general submersion of funding for juvenile justice in the Criminal Justice Assistance Act of 1979.

Section 414, on page 49, does not offer the separate funding authority necessary to insure that juvenile delinquency programs are equitably funded with other programs within the new Criminal Justice Assistance Administration.

History, my friends, has shown that a concern for juveniles often takes the form of rhetoric, rather than actual programmed expenditures. Consequently, if juvenile justice is only a priority, rather than having separate funding authority with LEAA or CJAA, then it is likely to receive very little attention.

Prior to the 1974 act, only 13 percent of LEAA formula grants were allocated to projects dealing with juveniles. This low funding priority occurred despite the fact that more than 50 percent of all serious crime was caused by juveniles, as compared to 41 percent today.

Politicians, as you and I are aware, Mr. Chairman, tend to emphasize funding for the criminal justice system. They often have no interest, really, in juveniles other than their removal from society, which usually means incarceration in a traditional correctional or mental health facility.

We can also assume that some formula grants and special emphasis grants will have juvenile justice projects. Competition with professional criminal justice, courts, the police, and corrections is likely to reduce the actual allocations to youth service programs far below their current funding levels.

Thus, H.R. 2108 offers no guarantees for funding youth service programs other than the 10 percent mandate for juvenile delinquency in section 414.

If one then assumes that \$500 million is, in fact, appropriated for this bill, only \$50 million would be set aside for juvenile justice programs. Through the maintenance of effort provision contained in part F, section 520(b) of the Crime Control Act, 19.15 percent of LEAA's

formula grants must be spent in the juvenile justice area. With special emphasis grants, as well as the maintenance of effort mandate, OJJDP now allocates approximately \$212 million in service delivery programs.

In areas where young people are involved in LEAA-funded, youth service programs, the rate for recidivism of previously delinquent youths ranged from 16 percent to 30 percent. This compares to 45 to 80 percent reported in other areas with delinquent youth populations that do not have such programs.

I repeat, areas served by LEAA youth programs have recidivism rates for previously delinquent youths that are some two-thirds less than for other areas. The mandated 19.15 percent provision is necessary, I feel, to insure that juvenile crime remains a national criminal justice priority and continues to receive adequate funding. Without it, we could easily revert back to a pattern of rhetoric for juvenile justice concerns, with no dollar commitment to actualize the programs for our troubled young people.

I must join with other noted juvenile justice authorities, Jerry Miller, director of the National Center for Action on Institutions and Alternatives; Peter Edelman, past director of New York's Division of Youth, the Child Welfare League of America, the National Association of Homes for Children; and William Treanor, of the National Youth Work Alliance, in their opposition to this legislation as it relates to the Office of Juvenile Justice. This is what I'm talking about today, the Office of Juvenile Justice and Delinquency Prevention; I'm not in opposition to the entire bill.

I urge you, Mr. Chairman, to raise any concerns about OJJDP and its relationship to LEAA during the reauthorization process next year. Since OJJDP has a 3-year authorization through 1980, there is no rational basis for disrupting juvenile justice programs at this juncture.

Even the use of transition grants, as provided by section 111, on pages 17 and 18 of this bill, would create undue havoc for youth service programs. Furthermore, \$100 million has already been authorized by the House and \$110 million by the Senate for fiscal year 1980.

I hope and trust that this committee will consider the need for a progressive direction in dealing with the problems of our Nation's youth.

The stated rationale for repealing title I and II of the Juvenile Justice and Delinquency Prevention Act of 1974 is that "juvenile justice assistance must be integrated into our overall justice assistance program."

This reasoning can hardly be viewed as moving the juvenile justice system forward in a progressive direction. In fact, it is clearly a regressive step for those of us who have fought for improved youth service programs in an effort to stem the tide of juvenile crime.

I believe that the targeted approach of H.R. 2108 can be successful without repealing the Juvenile Justice Act.

I hope my views and those of others will somehow be persuasive on this issue. Thank you.

Mr. CONYERS. They are very persuasive for me, as one who has followed your work in this field and knows of your complete and total dedication. I am always impressed and moved by your sincere and

very expert reasoning involving this legislation. We sincerely appreciate your appearing before the committee.

Now, let us begin the examination of what we have before us. We have, first of all, a bill that considers the revision and extension of the Law Enforcement Assistance Administration Act and the Office of Juvenile Justice and Delinquency Prevention. For reasons we both know, and need not go into again, they're inseparable, at least in terms of the procedures that we're now under.

Let's examine the parts of this legislation that do not pertain to juvenile justice, for example—and I will only touch on this—the whole notion that law enforcement efforts in this country cannot succeed with increased citizen participation and community involvement.

All of our major cities are indeed an example of the rather obvious phenomenon that has been resisted, curiously, not only in law enforcement agencies, but in the Congress as well, and that we have finally, after many years—you, yourself, were a cosponsor of many anticrime amendments through the years—have finally succeeded in a small beachhead in terms of \$15 million for community involvement in fighting crime, only half of which was actually funded.

And so, I suppose that you would support that initiative and the whole notion that goes with the idea of trying to focus in on where we might be specifically, positively, remedially—do you have problems with that?

Mrs. CHISHOLM. No, I have no problems with that.

Mr. CONYERS. Then I'll continue on.

As a matter of fact, what we conceived of, my dear colleague, in this legislation was that we had to do something more than reauthorize a bill, because the program has, frankly, been under a rather strenuous amount of criticism inside and outside of law enforcement circles. The GAO has continually analyzed parts of LEAA and found it to be wanting. As a matter of fact, this House has repeatedly, usually with my amendment being the controlling consideration, opted for 1-year authorizations of LEAA, and normally we meet somewhere in that great beyond known as committees that will resolve the differences between the two bodies.

And apparently it is written in stone, the difference between 1 year and 5 years is 3 years. And so, we continually find ourselves with 3-year authorizations.

So the question before us was what to do. So we suggested this rather bold course of focusing, that is, that we recommend strongly that, the block grant process, emphasize these areas: Community and citizen involvement, the juvenile justice itself, alternatives to incarceration, and the real menace in the crime picture—economic crime.

Now, note, juvenile justice was not only not submerged, but was, I think, dramatically elevated, because for the first time, it was, in addition to the Justice Act provision. We also created a specific place for it to receive additional treatment.

So that the first thing I would like to do is identify my support for any and all programs and legislation at this writing that will strengthen and help prevent some of the problems that exist in the juvenile system and in the legislation on the books now and that which is under consideration. And so it would seem to me that I might be



able to make a case that we are providing more money, not less, for juvenile justice. Here's how I do it.

First of all, we provide a setting aside of 25 percent of the juvenile discretionary funds, 25 percent, which is 25 percent of a \$50 million bill, which would come out to about \$12½ million a year. Setting aside the present law, the administration's proposal would be 30 percent, of a budget request of about \$10 million, for what they consider special emphasis, which is their new language for discretionary, which to me comes out to about \$3 million.

So I would merely like to point out that under this proposal, I am not suggesting a retreat at all. That would be totally contradictory to our work in this field across the years. And so, I point out to you that we are not in the process of diminishing the amount of resources that would be available to juvenile justice. As a matter of fact, as compared with the administration-Kennedy proposal, I would argue that there is a rather substantial increase. We're not trying to limit funds.

Now, it is true that we are making rather large changes in the whole approach. I would like to rationalize them in the following way: First of all, this system has been as bad as the critics have pointed out. There have been some strengths, too. As in every piece of legislation, it's not all bad or all good.

The fact that we have forced the States to at least reach minimums that they have not wanted to reach and would not reach without our carrot-and-stick approach, I think I agree with you, is perhaps something we should reconsider. We have been meeting with a number of the groups in terms of strengthening that provision.

But at the same time, what I've been trying to do is examine where the great promises have failed in juvenile justice, and in trying to suggest a bold new step forward. We have a transition program which we think will work. We don't expect that at the beginning of a fiscal or a calendar year the world as we know it will come to an end, and there will be some new method that will be put in place.

But we allow a transition period. It runs for more than 1 year, for a 2-year transition period. So that dislocations are the last thing that I would have in mind. And so, what we're trying to do is to correct many of the problems of which you have complained, which I know about, in the legislation.

It is not a foolproof approach. It is also not a total approach, in that it cannot reach many of the problems of which we've complained. The morale problem in OJJDP cannot be written by either of us. The failure of leadership cannot be strengthened by legislation.

But what we're hoping is that this would provide a new way for a new department to move forward in a very positive way. And what you have done here is, I think, point out a number of instances which I think should be addressed, and I would like to work on a method of approaching whatever mediation could be done on this portion of 2108. I think your experience and your expertise in it is very important, and it would be very important for you to know of the changes which we have in mind.

If my colleagues would permit, I would like to ask counsel to review the discussions that we have had with a number of groups that have talked to us about juvenile justice.

Do you have anything to comment on?

Mr. GREGORY. Yes. In fact, I see a number of representatives here today that we have met with, the youth collaboration group that we met with on two occasions for fairly lengthy discussions, pursuant to the kind of suggestion that the chairman just made.

It would be helpful for those groups interested in this program to come forward with specific suggestions. We again extend the invitation to them to communicate with us in any fashion here, anything from a complete suggestion of a legislative package to specific sections and specific ideas that could be built into it.

Mrs. CHISHOLM. May I respond? I only said that my major concern, in terms of any kind of restructuring or alternatives, is that we be very, very sure that we continue to place the entire juvenile justice system as a high priority item.

On the basis of past experience, as I've indicated in the testimony, everyone has good intentions, but unless things are mandated or unless things are targeted, we find over and over again that the youthful offenders across this Nation are not getting equitable treatment in terms of funding, facilities or other areas. This is my major concern.

I'm not against the act, because I realize that we have got to have some kind of new approach, because a lot of things are failing within our criminal justice system. But I just want to be very, very sure that we maintain the proper manner of the juvenile offenders in this country. And I'm so afraid that they can become locked into a program in which, bit by bit, their interest and their concerns are whittled away.

I've seen it happen on the city, State, and national level before. This is why I'm raising the issue here. I'm very concerned about this potential problem.

Mr. CONYERS. Well, I want to assure you, Mrs. Chisholm, that if there is one line in this bill that is retrogressive with regard to juvenile justice, I will personally have it excised. And so, I am going to review your testimony very, very carefully, in an effort to be able to agree on that point, no matter what form this legislation takes in the final Judiciary Committee.

I think you've made another very important point, that we come here today very unhappy about the state of juvenile justice, and it is, in its present mode, failing in a very serious way the needs of literally millions of children across this country. And the question becomes: How do we improve it? How do we strengthen it? What changes dare we make? What proposals for additional support to the organizations, public and nonprofit and private, who are all working in this?

And just between us, you know, I see two very important problems. One—and we've had the head of this part of government before this committee and we'll probably have him here again—but we have an absolute, unavoidable leadership problem over there. It's inescapable. We cannot write laws about the subject, and so therefore it prompted my notion of trying to arrange the organization of OJJDP for that reason and for that reason alone; not to weaken it, or to lose it in the bureaucracy.

Mrs. CHISHOLM. Mr. Chairman, I agree. But I was wondering in response to what you are saying, if it wouldn't perhaps be wiser, to

remove those persons who are not capable of administering the program as put forth in titles I and II of the Juvenile Justice Act? Under titles I and II, for the first time in this country, a tremendous job was done in terms of establishing national standards for the administration of juvenile justice, assisting State and local communities with resources to develop and implement programs to keep young people in school and reduce recidivism among youthful offenders.

These were only some of the accomplishments of OJJDP programs. But I recognize that the administration and the implementation of these plans, has been very unsuccessful, due to the kind of personnel that has been in charge.

All I'm trying to say, Mr. Chairman, is that if we have established something that was moving in the direction in the alleviation of some of the problems, I don't think we necessarily want to throw the baby out with the bath water. I agree with you wholeheartedly that Mr. Rector is cognizant of the fact that I've been one of the persons that has been on his neck now for months, and I feel that we need a general housecleaning.

Mr. CONYERS. We're concerned and in agreement. But let me ask you about the rest of it. What about the programs? I mean, they are far from perfect. The problem isn't really residual in one person, in the nonleadership that is there.

Don't we have some structural problems in the delivery of juvenile justice, where we're warehousing the tough delinquents, for example, whom none of these privates want because they're going to spoil their statistics, No. 1, and which will interfere with their funding mechanisms.

Mrs. CHISHOLM. I agree. Sure, we have additional problems. But if you have a director or administrator with insight and foresight he or she first of all, can clean up the basics in the act. If he or she was an enlightened and creative individual who could make recommendations to the coordinating council and advisory committee you could move on to innovative programs for dealing with juveniles.

The very fact that there have been so many administrative failures is attributable to the fact of a lack of leadership with vision, leadership, in my own opinion that's been blundering.

Mr. CONYERS. Let me ask you this: Have you had a chance to examine the provisions in the alternative bills that are before us?

Mrs. CHISHOLM. No; I haven't examined all the provisions. I've been looking, specifically—to be very honest with you—as to what will happen to the juvenile justice sections in any bill. That's my concern.

Mr. CONYERS. Well, they made some changes, too. Perhaps we're in a three-way controversy in a way. We have the present legislation, then we have the recommendations from the administration, and then we have the proposal that was offered by myself. So actually, we are confronted with the administration in the process of making recommendations that are also different from the present legislation.

So what may well happen is that if these provisions on OJJDP do not succeed, we might be met with provisional changes in a different piece of legislation that will also, perhaps, need your overview and scrutiny before they pass the subcommittee and the full Committee of Judiciary, and, of course, the entire body.

So I would ask that as we join in this reexamination, that you look at the other provisions in other bills as well, because they might furnish another dimensional problem that you'd want to look into.

Mrs. CHISHOLM. I'll certainly do that.

Mr. CONYERS. The gentleman from Illinois, Mr. Hyde?

Mr. HYDE. Thank you, Mr. Chairman. I have no questions, other than to welcome and compliment the witness for her usual excellent statement.

Mr. CONYERS. My colleague from Missouri, do you have questions at this time?

Mr. VOLKMER. I'd like to try and just summarize the testimony. I know we're all in trouble when we try to do that.

I appreciate the gentlelady's being here and giving her thoughts and her concerns. Correct me if I'm wrong in saying that perhaps in relation to the part of the legislation having to do with juvenile justice, that maybe it would be better just to let that slip aside and leave it alone at this time, and go on with the rest of it, and let's look at it next year. Is that what you're saying? Leave the Juvenile Justice Act alone in the 1974 act?

Mrs. CHISHOLM. No. Let me say this: If there continues to be substantiated evidence that the system is not working and that we need to come up with solutions for the amelioration of this system, I'd be the last one to say that perhaps we should put it aside for next year.

My only interest in appearing here today is to stress that whatever is being done to improve the criminal justice system should not cause the entire juvenile justice system to be given short shrift. Juvenile justice must continue to be targeted as a high-priority item. I don't want it to become lost in any kind of new structure that we might be moving toward in terms of assuming another direction for law enforcement assistance programs.

Mr. VOLKMER. In other words, you do not wish to diminish the support for juvenile justice.

Mrs. CHISHOLM. Absolutely not.

Mr. VOLKMER. Thank you very much.

Mr. CONYERS. Let me just raise one other consideration, since we're all here today. Would you ultimately prefer, now or in the future, that juvenile justice jurisdiction reside somewhere other than within the Department of Justice?

Mrs. CHISHOLM. I am not ready to give a yes or no answer, but I tend to feel that I would move in the direction of a yes answer.

Mr. CONYERS. If true confessions would aid you in making a response, let me tell you my views on this, because I originally was for moving it toward HEW, and then I was advised that HEW had attitudes that were unbelievably more disparaging and threatening toward this little tender bundle of legislative mercies that we talk about today than the Department of Justice, than the law enforcement people. As a matter of fact, some envisioned it getting lost in terms of the Welfare Department over there somewhere. And so, I am now less sorry that it didn't go to HEW.

Mrs. CHISHOLM. I think sometimes, Mr. Chairman—and perhaps I'm going to get into difficulty by saying this, but you know I always say what I feel—I think that in our desire to make changes and im-

provements, we lose sight of the goals, objectives, or results of any given program because we're so caught up with the personalities who are in charge of these programs. This sometimes bothers me because the kind of personnel that you have administering some of these programs, who have neither the compassionate concern nor the commitment for juveniles, gets in the way of making some real improvements or developing new initiatives that are legislatively mandated. I think that's part of the problem in our Nation today in many departments.

Mr. CONYERS. Well, your appearance here before us has been very important here today. We should take note that Ms. Brenda Pillors is sitting at the desk with our colleague from New York, whom we welcome before the subcommittee.

Ms. PILLORS. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very, very much for your appearance.

Our next witness is Mr. Bob Burton from Tucson, Ariz., who has been working with delinquent youngsters in an exceedingly unique way. He has concerned himself in a way that has brought himself to the attention of the subcommittee, and because of his need to be elsewhere, we have asked him to come on at this point.

Mr. Burton, we welcome you before the subcommittee, and we would ask you to proceed in your own way.

1111

# VisionQuest

**PROGRAM EVALUATION  
1978**

Prepared By

**BEHAVIORAL RESEARCH ASSOCIATES**

TABLE OF CONTENTS

	<u>Page</u>
LIST OF TABLES . . . . .	ii
INTRODUCTION . . . . .	1
Procedures and Methods. . . . .	2
FAMILY COUNSELING. . . . .	4
CHARACTERISTICS OF TREATMENT SAMPLES . . . . .	11
Sociodemographic Characteristics. . . . .	11
Family Structure. . . . .	18
Parental Expectations . . . . .	21
TREATMENT OUTCOMES . . . . .	23
Psychological and Social Changes. . . . .	23
Problems in Social Adjustment . . . . .	27
Drug Usage. . . . .	30
Reasons for Taking Drugs. . . . .	33
SATISFACTION WITH THE TREATMENT PROGRAM. . . . .	37
SUMMARY AND CONCLUSIONS. . . . .	40

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1. Types of Parental Expectations and Commitment to Family Counseling in Arizona and Colorado Springs . . . . .	5
2. Rates of Participation in Family Counseling Program Among Arizona and Colorado Springs Families . . . . .	6
3. Differences in the Types of Counseling in Which Arizona and Colorado Springs Families Participated . . . . .	8
4. Proportion of Parents Who Attended Parental Groups Among Families in Arizona and Colorado Springs . . . . .	9
5. Age Distribution of VisionQuest Residents in Arizona and Colorado Springs . . . . .	12
6. Ethnic and Racial Composition of Vision-Quest Residents in Arizona and Colorado Springs . . . . .	13
7. Average Number of Times VQ Residents Were in Trouble With Law or Received Psychiatric Treatment Prior to Entering VisionQuest . . . . .	14
8. Proportion of VisionQuest residents from Arizona and Colorado Springs Who Committed a Variety of Offenses Resulting in Trouble With the Law . . . . .	15
9. Proportion of VisionQuest Residents Who Perceived Themselves as Delinquents . . . . .	16
10. Proportion of VisionQuest Residents Who Reported Other People See Them as Delinquents . . . . .	17
11. Living Arrangement of Arizona and Colorado Springs Youth Prior to Entering VisionQuest . . . . .	19



LIST OF TABLES (Continued)

<u>Table</u>	<u>Page</u>
12. Frequency of Interactions While Living at Home With Parents Over Personal Problems Among VisionQuest Residents in Arizona and Colorado Springs . . . . .	20
13. Perceived Rank Order of Parental Expectations in Several Areas of Personal Behavior Among VisionQuest Residents in Arizona and Colorado Springs . . . . .	22
14. Psychological and Social Changes After Six Months and One Year or at the Time of Discharge from VisionQuest. . . . .	25
15. Proportion of Arizona and Colorado Springs Youth in VisionQuest Who Anticipated Problems in Several Areas of Social Adjustment at Baseline, Six Months, and One Year or Discharge . . . . .	29
16. Proportion of VisionQuest Residents Using a Selected Number of Drugs Regularly at Baseline, Six Months, and One Year or at the Time of Discharge . . . . .	32
17. Proportion of VisionQuest Residents Giving a Variety of Reasons for Using Drugs at Baseline, Six Months, and One Year or Discharge . . . . .	34
18. Proportion of VisionQuest Residents Reporting High Satisfaction with Several Components of the Program at Baseline, Six Months, and One Year or Discharge . . . . .	38

INTRODUCTION

The purpose of this report is to present the findings for 1978 on the effectiveness of VisionQuest in the rehabilitation of youthful offenders. This year's report includes an examination of the residential treatment program in two locations--Arizona and Colorado Springs. The Colorado program is relatively new; thus, the data from this program are from two points in time only, baseline and after six months in treatment.

The residential treatment program in Arizona has been operational for several years. Consequently, the findings this year include data from three points in time--baseline, six months in treatment, and one year or at the time of discharge.

The residents in the Arizona program are primarily from Pima County and are located in a number of group homes throughout Pima County, Arizona. In addition, the Arizona sample includes residents from Cochise County. The latter group is too small to analyze separately; thus, all VisionQuest facilities in Arizona have been combined into a single sample in this report.

Last year's report demonstrated that there were some significant differences in the treatment outcomes among residents whose families were involved in the family counseling program and among residents whose families did not participate in this

component of the program. This year, seventy-three percent of the residents in the Arizona sample are from families who participated regularly in the family counseling program. Among the residents in the Colorado Springs sample, almost all of the families--ninety-one percent--received family counseling.

Due to the small numbers who are not in family counseling in Colorado, the data for this cohort are not broken down into two subsamples--those with and those without family counseling. Conversely, the findings related to the VisionQuest residents in Arizona are presented separately for the subsample with family counseling and for the subsample without family counseling.

#### Procedures and Methods

Data are collected from all VisionQuest residents at three points in time. Baseline data are collected at the time of admission to the program. These data include standard socio-demographic features, a history of delinquency and psychiatric intervention, structural family features and attitudes toward the nuclear family, problems in social and community adjustment, patterns of drug utilization, and psychological and social measures in four domains regarded as crucial in the rehabilitation of youthful offenders: Self-esteem, self-concept, alienation, and attitudes toward the law.

After a resident has been in treatment for six months,

repeat measures are taken in the areas of problems in social and community adjustment, drug utilization, self-esteem, self-concept, alienation, and attitudes toward the law. These same measures are repeated a third time when the resident has been in treatment one year or at the time of discharge, if the latter occurs prior to one year.

In addition, a specific study has been implemented to determine the rates of recidivism among discharged VisionQuest residents. These data will be presented in a separate report and not as part of this year-end, evaluation report.

The findings in this report include data from one hundred and sixty-five residents in Arizona and twenty-four residents located in Colorado Springs. The Colorado Springs' data base includes more than twenty-four residents; however, due to the newness of this facility, complete data at baseline and six months were only available on twenty-four youth.

Although the data are presented in such a way as to facilitate comparisons between the youth in Arizona and Colorado Springs, caution should be exercised in drawing too many conclusions between the two groups. The difference in sample size weakens the validity of such comparisons. Rather than for comparative purposes, it is best to view the format of the data as a stylistic issue motivated by the desire to avoid excessive repetition and redundancy in both the text and table presentations.

The report is organized into three sections. The first

section includes a descriptive analyses of the family counseling programs in Arizona and Colorado Springs. The second section presents the findings related to a sociodemographic description of the treatment samples. And the final section focuses on outcome measures taken at baseline, six months, and one year or exit from the program.

#### FAMILY COUNSELING

All of the data in this section of the report pertains to only those families involved in the family counseling program. Specific data are aggregated monthly on the specific types of counseling received by each family participating in the therapeutic program.

At the time that families first become involved with VisionQuest, their therapeutic expectations are discussed and an assessment of the family's commitment to counseling is made. These expectations are presented in Table 1.

Among the one hundred and twenty-one families in counseling in Arizona, over two-thirds expected the youth in VisionQuest to return home. The majority of these families, sixty-two percent, expected all counseling sessions to include the youth that is in VisionQuest. Approximately twenty-five percent of the Arizona families wanted personal counseling. Some of these--almost eight percent--wanted both conjoint and personal counseling. Paradoxically, seven percent of the Arizona families did not want any counseling whatsoever.

TABLE 1. TYPES OF PARENTAL EXPECTATIONS AND COMMITMENT TO FAMILY COUNSELING IN ARIZONA AND COLORADO SPRINGS

<u>Commitment and Expectations</u>	<u>Proportion of Arizona Families</u>	<u>Proportion of Colorado Springs Families</u>
Conjoint Counseling with expectation for youth to return home	62.12%	44.44%
Personal Counseling with expectation youth will not return home	17.32	25.56
Both Conjoint and Personal Counseling with expectation youth will return home	7.79	16.67
Do not want counseling	6.28	4.44
Unknown	6.49	8.89

The results in Table 1 indicate the families in Colorado are more committed to receiving some personal counseling. Approximately forty-two percent wanted personal counseling. However, as is true among the Arizona families, the majority of families in Colorado Springs wanted the youth in VisionQuest included in most counseling sessions.

The data in Table 1 also demonstrates that the majority of families expected the youth in VisionQuest to return home after treatment is completed. Specifically, this is true for sixty-nine percent of the Arizona families and sixty-one percent of the Colorado Springs families.

Next, the data were examined to determine the rates of participation in family counseling. These data are presented in Table 2. The findings indicate that both in Arizona and in Colorado Springs the families averaged over two family counseling sessions a month and that each session averaged over an hour in length. However, not all contacts between the families and VisionQuest staff are formal family counseling sessions. There are numerous other counseling contacts which take place in the parents' home, in the group homes, on the phone, at recreational outings, and the like. The data demonstrates that Arizona families averaged eleven contacts of all types and Colorado families averaged fourteen.

TABLE 2. RATES OF PARTICIPATION IN FAMILY COUNSELING PROGRAM AMONG ARIZONA AND COLORADO SPRINGS FAMILIES

	<u>Arizona</u>	<u>Colorado Springs</u>
Average Number of Months in Family Counseling	2.00	2.88
Average Number of Family Counseling Sessions Attended	5.25	7.00
Average Number of Hours of Family Counseling Attended	8.00	9.60
Average Number of All Counseling Contacts (Including Home Contacts)	11.23	14.27

Given the average length of time the families have been

in the program, the data indicates that Arizona families have had over five counseling contacts a month with VisionQuest staff and Colorado families have had almost five. In short, the families received some counseling input weekly or almost weekly.

The parents do not all participate equally in the variety of counseling available. Table 3 is presented to demonstrate the differences in the types of counseling in which the families participated. The data are presented to, first, indicate the proportion of families who received each type of counseling; and, second, the average number of sessions attended.

The largest proportion of families in both Arizona and Colorado participated in the following types of counseling contacts: Conjoint family therapy (includes VisionQuest youth), natural mother only (conjoint or personal), home contacts, phone contacts, and group home visits.

As can be seen, almost all of the families have had numerous counseling contacts with VisionQuest staff on the phone. However, given the nature of this medium, the contacts are often brief and may not be as therapeutic as the individual contacts in conjoint or personal sessions. Nevertheless, phone contacts are an important feature of the overall family counseling program, particularly in relationship to providing immediate supportiveness.

The findings in Table 3 dovetail with the data presented in Table 1 on parental commitments to the type of counseling



desired from VisionQuest. For example, a greater proportion of Arizona families wanted conjoint therapy, while a larger proportion of Colorado families wanted personal counseling. The first four categories in Table 3 reflect these preferences.

TABLE 3. DIFFERENCES IN THE TYPES OF COUNSELING IN WHICH ARIZONA AND COLORADO FAMILIES PARTICIPATED

<u>Types of Counseling</u>	<u>Proportion of Arizona Families</u>	<u>Average Number of Sessions</u>	<u>Proportion of Colorado Families</u>	<u>Average Number of Sessions</u>
Conjoint Family Therapy	50.21	2.96	44.44	2.87
Both Natural Parents Only	19.69	3.10	26.66	5.70
Natural Mother Only	44.37	3.35	53.33	4.60
Natural Father Only	12.98	2.00	16.66	2.80
Mother & Step Father	12.12	3.00	7.77	3.30
Father & Step Mother	5.19	2.00	5.55	4.60
Foster Parents	3.00	2.85	-	-
Adopted Parents	3.46	2.80	6.66	2.33
With Parents in Their Home	48.90	3.15	64.44	3.90
Phone Contacts with Parents	89.82	8.00	93.33	9.80
Parents in Group Home Visits	39.39	2.43	43.33	3.35
Parents During School Contacts	10.82	1.62	37.77	1.38
Parents During Recreational Activities	28.57	1.75	6.66	1.66

In addition to the types of family counseling previously discussed, VisionQuest has a number of on-going groups comprised of parents only, which focus on more generic issues

associated with youthful offenders or family problems rather than the specific issues related to a family and the youth placed in VisionQuest. Parents in the family counseling program are encouraged to attend these groups.

The results in Table 4 show the proportion of parents in the family counseling program who attended each type of group during 1978 and the average number of sessions attended by the parents.

TABLE 4. PROPORTION OF PARENTS WHO ATTENDED PARENTAL GROUPS AMONG FAMILIES IN ARIZONA AND COLORADO SPRINGS

Type of Group	Proportion of Arizona Families	Average Number of Sessions	Proportion of Colorado Families	Average Number of Sessions
Father's Group	4.75	3.40	22.22	4.60
Mother's Group	14.70	2.97	48.88	4.72
Both Parents in Parent Group	2.80	1.00	13.00	1.15
Parents Group Attended by Father Only	9.52	3.50	12.00	3.00
Parents Group Attended by Mother Only	13.20	4.77	12.00	3.20

The findings in Table 4 clearly show the commitment Colorado families have toward receiving personal counseling from VisionQuest. Almost fifty percent of the mothers regularly attended the group therapy sessions offered for mothers

only. In addition, approximately one out of five fathers from the Colorado Springs area attended the groups offered for fathers only.

These groups are not as well attended by the families in the Arizona program. For example, only one out of every twenty fathers attended the fathers groups, and approximately one out of every seven mothers attended the mothers groups.

The magnitude of the differences between Arizona and Colorado Springs is understandable, since at the time of entry into the program, the families in Colorado Springs generally expressed a stronger interest in receiving personal counseling in addition to conjoint family counseling.

It is clear from the summary data on the family counseling component that VisionQuest is offering the types of services preferred by the families in both Colorado and Arizona, and that the families are receiving multiple exposure to the types of counseling in which they are involved.

The findings on the family counseling component also demonstrate that family counseling is an integral part of the overall VisionQuest program. Treating the whole family is not just a part of VisionQuest's stated philosophy. Instead, the data indicates it is a part of its daily operations, which reaches out to almost all of the families in Colorado Springs and almost seventy-five percent of the families in Arizona.

CHARACTERISTICS OF TREATMENT SAMPLES

In the remainder of this report, all of the data have been tabulated separately for the Arizona residents whose families are involved in the counseling program and for the residents whose families are not involved in counseling. Among the Colorado Springs residents, only two families were not involved in family counseling. The data from these two cases have been excluded from this report.

Before presenting the findings related to treatment outcomes, the sociodemographic characteristics of the VisionQuest residents in Arizona and Colorado Springs will be described.

Sociodemographic Characteristics

The majority of residents in VisionQuest are males. Males comprise eighty percent of the Arizona residents whose families are in family counseling, eighty-six percent of the residents whose families are not in counseling, and eighty-six percent of the Colorado Springs sample.

The age distribution of the three samples varies somewhat. These data are presented in Table 5. The results indicate that Arizona residents in the family counseling sample are generally younger than the residents from the non-family counseling sample or from Colorado Springs. For example, only thirty percent of the Arizona family counseling sample are sixteen years old or older. In comparison, forty-three percent of the non-

family counseling sample and fifty-nine percent of the Colorado Springs sample fell into this category.

TABLE 5. AGE DISTRIBUTION OF VISIONQUEST RESIDENTS IN ARIZONA AND COLORADO SPRINGS

Age	ARIZONA		COLORADO
	Family Counseling Sample	Non-Family Counseling Sample	Family Counseling Sample
12 or younger	6.61	6.82	-
13	6.61	15.91	4.55
14	22.31	11.36	18.18
15	33.88	22.73	18.18
16	24.79	20.45	31.82
17	4.96	22.73	22.73
18	.83	-	4.55

The ethnic and racial composition of the three samples also varies. These data are presented in Table 6. Irrespective of location (Arizona or Colorado), a larger proportion of VisionQuest residents in the family counseling samples are Anglo. Conversely, in the non-family counseling sample, a larger proportion of residents are Mexican-American. Another significant difference among the three groups is that the ethnicity of one out of every eight residents in the non-family counseling sample does not fall into any of the major categories or cannot be determined.

TABLE 6. ETHNIC AND RACIAL COMPOSITION OF VISIONQUEST RESIDENTS IN ARIZONA AND COLORADO SPRINGS

<u>Ethnicity</u>	<u>ARIZONA</u>		<u>COLORADO</u>
	<u>Family Counseling Sample</u>	<u>Non-Family Counseling Sample</u>	<u>Family Counseling Sample</u>
Anglo	57.02	36.36	59.09
Black	8.26	4.55	13.64
Mexican-American	24.79	40.91	18.18
American-Indian	3.31	4.55	4.55
Other	6.61	13.64	4.55

The fact that the ethnic composition of residents in the non-family counseling sample varies considerably from the other two samples may be related to some of the observed outcome differences in the next section of this report. However, this question cannot be answered definitely until the sample sizes are large enough to analyze the data separately by ethnic category and the type of family involvement in the treatment process. It is anticipated that within the next year the data base will be large enough for such comparisons.

The residents in each of the samples have committed a variety of offenses which have gotten them into trouble with the law or resulted in their receiving psychiatric treatment prior to entering VisionQuest. The data in Table 7 shows the average number of encounters with the law and the average number of psychiatric interventions for the samples in this report.

TABLE 7. AVERAGE NUMBER OF TIMES VQ RESIDENTS WERE IN TROUBLE WITH LAW OR RECEIVED PSYCHIATRIC TREATMENT PRIOR TO ENTERING VISIONQUEST

	ARIZONA		COLORADO
	Family Counseling Sample	Non-Family Counseling Sample	Family Counseling Sample
Average Number of Encounters with Law	6.12	5.75	5.95
Average Number of Psychiatric Interventions	3.83	4.77	4.16

Given the data in Table 7, there is little doubt that the youth in VisionQuest are "hard-core" delinquents. All of the youth have had multiple encounters with the law and the majority have received psychiatric treatment more than once. In fact, only twenty percent of the youth in the Arizona samples have had no previous episodes of psychiatric treatment. Among the Colorado Springs sample, all of the youth have had some previous psychiatric treatment.

The pattern of offenses for which the residents in all three samples got into trouble with the law is relatively similar. For example, over sixty percent of the youth in each group got into trouble with the law for stealing. The next two major categories in which a sizeable proportion of the residents in each sample were involved are status offenses: Run-away and incorrigibility. The results in Table 8 show the proportion of residents who were in trouble with the law for each category of offense.

TABLE 8. PROPORTION OF VISIONQUEST RESIDENTS FROM ARIZONA AND COLORADO SPRINGS WHO COMMITTED A VARIETY OF OFFENSES RESULTING IN TROUBLE WITH THE LAW

<u>Type of Offense</u>	<u>ARIZONA</u>		<u>COLORADO</u>
	<u>Family Counseling Sample</u>	<u>Non-Family Counseling Sample</u>	<u>Family Counseling Sample</u>
Theft (Non-Auto)	61.16	61.36	68.18
Runaway	52.07	54.55	54.55
Incorrigibility	41.67	46.51	50.00
School Truancy	41.32	27.27	36.36
Using Drugs	37.19	27.91	27.27
Aggressive Behavior	34.71	32.56	50.00
Auto Theft	31.40	34.09	40.91
Vandalism	27.27	11.63	22.73
Using Alcohol	22.31	23.26	27.27
Sex Offenses	3.31	6.98	13.64

The important thing to remember in conjunction with the data in Table 8 is that the average VisionQuest resident has had encounters with the law for committing offenses in several categories of deviant behavior. As a consequence, placement in VisionQuest usually occurs after a "career" in delinquency has already been established and other alternatives have been tried.

In spite of this, a large number of youth in VisionQuest did not perceive themselves as delinquents at the time they entered the program. However, a large number reported that



others (family, friends, and community gatekeepers) see them as delinquents. The differences in self-perceptions and the perceived perceptions of others can be seen by looking at the data in Tables 9 and 10.

TABLE 9. PROPORTION OF VISIONQUEST RESIDENTS WHO PERCEIVED THEMSELVES AS DELINQUENTS

Intensity of Perception	ARIZONA		COLORADO
	Family Counseling Sample	Non-Family Counseling Sample	Family Counseling Sample
Never	36.13	13.64	54.55
Maybe Once or Twice	18.49	6.82	4.55
Sometimes	36.13	61.36	22.73
Often	5.88	11.36	18.18
Most of the Time	3.36	6.82	-

Youth in the non-family counseling sample are more apt to view themselves as delinquents than the residents in the family counseling samples in both Arizona and Colorado Springs. Better than half of the Colorado Springs sample never viewed themselves as delinquents; the comparable figure among Arizona youth in the family counseling sample is thirty-six percent, and for residents in the non-family counseling sample, it is thirteen percent.

At the same time, the youth in each of the samples reported that other people are more likely to see them as delinquents.

TABLE 10. PROPORTION OF VISIONQUEST RESIDENTS WHO REPORTED OTHER PEOPLE SEE THEM AS DELINQUENTS

Intensity of Others Perceptions	ARIZONA		COLORADO
	Family Counseling Sample	Non-Family Counseling Sample	Family Counseling Sample
Never	12.61	13.64	13.64
Maybe Once or Twice	10.92	9.09	18.18
Sometimes	47.06	38.64	22.73
Often	10.08	20.45	18.18
Most of the Time	19.33	18.18	27.27

Unlike the findings in Table 9, forty-five percent of the youth from Colorado Springs reported that other people see them as delinquents often or most of the time. It should be remembered that approximately fifty-five percent of the same youth reported they never see themselves as delinquents. The discrepancy between self-perceptions and the perceived perceptions of others is smallest among residents in the non-family counseling sample.

The literature in deviance indicates that there is a relationship between accepting the deviant label and rehabilitation. One perspective suggests that rehabilitation is first contingent upon accepting the label. Another perspective suggests that accepting the label helps to perpetuate a deviant life style.

As more data are collected from former VisionQuest residents now living in the community, careful attention will be

given to studying the relationship between recidivism and self-definitions as a delinquent.

### Family Structure

The importance of the family in VisionQuest's overall treatment philosophy cannot be denied. In past reports, descriptions of the family life of the average VisionQuest resident have indicated that the level of communication between the youth in VisionQuest and his or her parents prior to entering VQ is low, home life satisfaction is either average or below average, and the youths generally perceived their parents' marriage as below average in happiness.

The family counseling program and the parents' groups offered by VisionQuest have, in part, been structured to improve the relationship and patterns of communication among all family members, including the youth in VisionQuest.

At baseline, several measures are collected from the youth themselves to assess the structure of family life, the extent of communications with parents, and home life satisfaction. These data are important descriptors of the type of client served by VisionQuest. Thus, they are included here as a subsection describing the study population.

The extent to which the youth entering VisionQuest come from atypical family situations can be seen from the data in Table 11.

As can be seen, the majority of youth in VisionQuest did not live with both natural parents prior to entering VisionQuest.

Furthermore, better than twenty percent of the youth in all three samples lived in either a correction facility or another residential treatment center. In all three samples, the largest proportion of youth lived with their natural mother only.

TABLE 11. LIVING ARRANGEMENT OF ARIZONA AND COLORADO SPRINGS YOUTH PRIOR TO ENTERING VISIONQUEST

	ARIZONA		COLORADO
	Family Counseling Sample	Non-Family Counseling Sample	Family Counseling Sample
Lived Alone	1.65	2.27	9.52
Both Natural Parents	27.27	18.18	14.29
Natural Mother Only	28.93	22.73	28.57
Natural Father Only	2.48	2.27	9.52
Foster Home	1.65	6.82	-
Correction Institution	9.09	15.91	4.76
Residential Treatment Center	12.40	11.36	19.05
With Friends	4.96	13.64	9.52
Parent & Step Parent	10.75	6.82	4.76
Adoptive Parents	.83	-	-

The youth in VisionQuest also generally did not assess their parents' marriage as happy. Better than two-thirds of the residents in each sample reported their parents' marriage was either very unhappy or unhappy, with the modal category

being very unhappy: Specifically, forty-three percent of the Arizona family counseling sample, thirty-seven percent of the non-family counseling sample, and fifty percent of the Colorado Springs sample fell into this category.

This atypical pattern is further corroborated by the proportion of youth who assessed their home life satisfaction as either very unhappy or unhappy: Namely, forty-two percent of the Arizona family counseling sample, sixty-three percent of the non-family counseling sample, and forty-five percent of the Colorado Springs sample.

The average VisionQuest resident also reported that he or she does not communicate with his or her parents very much, particularly in relationship to personal problems. The results in Table 12 show the frequency of interactions with parents in conjunction with personal problems.

TABLE 12. FREQUENCY OF INTERACTIONS WHILE LIVING AT HOME WITH PARENTS OVER PERSONAL PROBLEMS AMONG VISIONQUEST RESIDENTS IN ARIZONA AND COLORADO SPRINGS

<u>Frequency</u>	<u>ARIZONA</u>		<u>COLORADO</u>
	<u>Family Counseling Sample</u>	<u>Non-Family Counseling Sample</u>	<u>Family Counseling Sample</u>
Everyday	9.17	13.64	4.76
Once or Twice Week	20.83	25.00	19.05
Once or Twice Month	12.50	13.64	14.29
Hardly Ever	32.50	29.55	23.81
Can't Talk to Parents	25.00	18.18	38.10

Very few residents, across all of the samples, reported they communicated daily with their parents. At the other extreme, the majority of youth stated they hardly ever talk to their parents or that they can't talk to them at all. This is particularly true among the Colorado Springs sample where seven out of every ten residents reported minimum or no communication whatsoever with their parents. This, in itself, may explain the high rate of participation in the family counseling program among Colorado Springs families. If the parents' perceptions match those of the youth in VisionQuest, it is understandable why so many parents have volunteered to be treated as a whole family.

#### Parental Expectations

At baseline, the residents were asked to provide a rank order of perceived parental expectations in several areas of personal behavior such as working hard, obedience, self-control, and self-reliance. The perceptions of the youth in the three samples are presented in Table 13.

Although the specific rank assigned to each expectation shows some variation among the three samples, there is at the same time, a great deal of similarity. For example, the residents in each sample perceived that their parents placed a strong emphasis on traditional values such as obeying one's parents, working hard, and dependability.

TABLE 13. PERCEIVED RANK ORDER OF PARENTAL EXPECTATIONS IN SEVERAL AREAS OF PERSONAL BEHAVIOR AMONG VISION-QUEST RESIDENTS IN ARIZONA AND COLORADO SPRINGS

Parental Expectations	ARIZONA		COLORADO
	Family Counseling Sample	Non-Family Counseling Sample	Family Counseling Sample
ObeY Parents	1	1	2
Self-Control	2	8	1
Work Hard	3	2	4
Dependability	4	4	6
Think for Self	5	6	7
Take Care of Self	6	3	3
Considerate of Others	7	5	5
Cleanliness	8	7	8
Be Popular	9	9	9

Self-Control was also seen as an important parental expectation among the two samples whose parents were involved in family counseling; however, the residents in the Arizona non-family counseling sample rated this parental expectation second in least importance. This is paradoxical since youth in residential treatment centers such as VisionQuest are often there because they lack the necessary internal controls.

Overall, the descriptive data on family structure indicate the home situation for the average VisionQuest resident is atypical. Very few of the residents came from intact families in which they lived with both natural parents, and significant

numbers of them expressed a strong dissatisfaction with their home life and reported they were unable to communicate adequately with their parents.

The literature on youthful offenders suggests there is an association between the types of structural and affective family variables examined in this report and juvenile delinquency. Unfortunately, the direction of the relationship is not clear. For example, it is not known whether or not delinquent behavior is a consequence or a cause of home life dissatisfaction. Consequently, programs such as VisionQuest can do little in this area other than to continue to treat the whole family whenever possible with the hope of changing the family environment so that it is characterized by mutual respect and supportiveness.

#### TREATMENT OUTCOMES

The focus in this section of the report is to present the findings on several outcome measures which are taken at baseline, six months, and one year or at the time a youth is discharged from VisionQuest, if discharge occurs prior to one year.

As was stated earlier, the one year or program exit data are only available in sufficient quantity for the VisionQuest program in Arizona. Although some data for this time period are available for the Colorado Springs program, there are too few cases at present.

#### Psychological and Social Changes

Youth in treatment at VisionQuest frequently enter the



program alienated from society, with negative attitudes toward the law, and with a low self-concept and low self-esteem. In fact, one of the motivating forces behind the compulsory wilderness experiences required of all VisionQuest residents is to effect changes in both self-concept and self-esteem.\*

In this section of the report, we will first examine changes in four areas: Self-esteem, self-concept, alienation, and attitudes toward the law. The scales used to measure these attributes are valid and reliable and have been normalized on youth in the same age ranges and with similar educational backgrounds as VisionQuest residents. The specific scales have been discussed in previous reports; thus, a detailed description is not included in this report.

The results in Table 14 show the average scores on each of the above attributes at several points in time and whether or not the differences in scores are statistically significant.

First, across all samples, almost all of the scores are significantly different between baseline and six months. The one exception is that there are no differences in measured alienation in the non-family counseling sample. In addition, for the two samples where one year or exit data are available, almost all differences with the baseline scores are significant. The changes measured by these scales are all in the right direction; that is, they indicate that after being in treatment for six months, or up to as long as a year, the average

---

\*The wilderness program is described in brochures and program descriptions available through the main offices in Tucson, Arizona and Colorado Springs, Colorado.

TABLE 14. PSYCHOLOGICAL AND SOCIAL CHANGES AFTER SIX MONTHS AND ONE YEAR OR AT THE TIME OF DISCHARGE FROM VISIONQUEST<sup>1</sup>

	ARIZONA PROGRAM							
	Family Counseling Sample				Non-Family Counseling Sample			
	Baseline	6 Mos.	1 Yr. or Discharge	Signif. Level	Baseline	6 Mos.	1 Yr. or Discharge	Signif. Level
Self-Esteem <sup>2</sup>	22.40	19.17	17.68	.001	23.70	20.97	20.77*	.01
Self-Concept <sup>3</sup>	29.86	26.06	24.68*	.001	31.72	26.18	23.88*	.001
Alienation <sup>4</sup>	17.05	18.24	19.34*	.01	16.18	17.22	16.66	N.S.
Attitudes toward the Law <sup>5</sup>	39.37	37.46	34.65	.05	39.93	36.42	36.88*	.05

	COLORADO PROGRAM			
	Family Counseling Sample			
	Baseline	6 Mos.	1 Yr. or Discharge	Signif. Level
Self-Esteem	22.81	19.13	N/A	.005
Self-Concept	32.13	29.38	N/A	.10
Alienation	16.27	18.81	N/A	.05
Attitudes toward the Law	38.36	34.00	N/A	.05

\* Indicates there is no significant difference between the scale scores at 6 Mos. and discharge from VisionQuest.

<sup>1</sup> There are too few cases to analyze the exit data among Colorado Springs residents.

<sup>2</sup> Self-esteem is scored so that lower scores indicate higher self-esteem.

<sup>3</sup> Self-concept is scored so that lower scores indicate higher self-concept.

<sup>4</sup> Alienation is scored so that higher scores indicate less alienation.

<sup>5</sup> Attitudes toward the law is scored so that lower scores indicate more positive attitudes.

VisionQuest resident has more self-esteem and a more positive attitude toward himself, is less alienated from society, and has more positive attitudes toward the law. In previous reports, similar changes have been measured at six months. Until this year, however, the question of whether or not these changes would be sustained over time was unanswered.

The results in Table 14 demonstrate that the observed changes are sustained. In addition, the data shows that, among the Arizona family counseling sample, two scale scores are even statistically significant between six months and one year: Namely, self-esteem and attitudes toward the law. In short, the data reveals that between six months and one year, or exit from the program, self-esteem and positive attitudes toward the law improved even more. Of equal importance is the fact that the observed changes cannot be attributed to chance. In the Arizona family counseling sample, alienation and self-concept were also improved between six months and one year; however, these differences are not statistically significant.

Residents in the non-family counseling sample generally did not improve as much as the residents in the Arizona family counseling sample except in the area of self-concept, where the difference between baseline and one year, or exit, is even stronger than among the family counseling sample. This may be due to the fact that they generally came into the program with poorer self-concepts.

It is interesting to note that one year comparisons between the Arizona family and non-family counseling samples indicated there were significant differences in self-esteem, alienation, and attitudes toward the law. In each case, the data favors the group who received family counseling. However, the ethnic variation between the two groups demands that caution is exercised in attributing all of these differences to family counseling. Yet, it is difficult not to do so since there are no real differences between the two groups at six months.

For the Colorado Springs program, all of the intreatment scores after six months were statistically significant from the baseline scores. Following six months in treatment, the youth in Colorado Springs had more self-esteem, a more positive self-concept, were less alienated, and had more positive attitudes toward the law. As soon as sufficient data are available at the one year point for Colorado, it is anticipated that the changes observed at six months will be sustained.

There are no major differences in outcomes between the residents in Colorado Springs and the Arizona family counseling sample. However, it should be noted that the youth in Colorado Springs generally have lower self-concepts at baseline and six months than the youth in Arizona. The differences, however, are not statistically significant.

#### Problems in Social Adjustment

The findings in relationship to problems in social and

community adjustment are even more dramatic. Each time data are collected from the residents, they are asked to indicate the extent to which they anticipate problems in several areas of community and social adjustment when they leave VisionQuest.

The results from previous years indicated that, after six months in treatment, major changes occurred in several areas of social adjustment. For example, generally the residents indicated they would have significantly less trouble getting along with parents, staying out of trouble with the law, and functioning in school. On the other hand, controlling aggression and meeting financial responsibilities were two areas defined as more problematic by a greater proportion of residents after being in treatment for six months. The latter was attributed to a more realistic assessment of personal problems, which often occurs among youth in intensive treatment programs.

The findings this year corroborate these earlier results, particularly among youth in the Arizona samples. However, among these same youth, dramatic changes were reported in all areas of community and social adjustment after being in VisionQuest for one year or at the time of discharge. These data are reported in Table 15. As can be seen, the proportion of youth who anticipated problems in any of the areas of social adjustment is relatively small at the time the one year or discharge data were collected. In all cases, the amount of change between six months and one year is statistically significant.

TABLE 15. PROPORTION OF ARIZONA AND COLORADO YOUTH IN VISIONQUEST WHO ANTICIPATED PROBLEMS IN SEVERAL AREAS OF SOCIAL ADJUSTMENT AT BASELINE, SIX MONTHS, AND ONE YEAR OR DISCHARGE

Adjustment Areas	ARIZONA						COLORADO	
	Family Counseling Sample			Non-Family Counseling Sample			Family Counseling	
	Baseline	6 Mos.	1 Yr.	Baseline	6 Mos.	1 Yr.	Baseline	6 Mos.
Functioning in School	56.19	40.83	4.96	65.90	46.67	8.88	68.18	50.00
Controlling Aggression	55.37	64.71	3.33	54.54	57.77	15.56	77.27	59.09
Getting Along with Parents	51.24	14.88	7.44	46.66	31.11	11.10	50.00	13.64
Trouble with Law	50.41	30.00	1.65	44.44	31.11	4.54	36.36	13.64
Meeting Financial Responsibilities	47.90	55.84	4.96	62.22	42.22	6.67	59.10	59.10
Using Drugs	39.17	41.66	3.30	35.56	28.89	2.22	45.45	31.83
Finding Place to Live	38.00	38.00	5.79	46.67	39.99	13.33	45.45	40.91
Relating to Friends	38.00	38.00	14.87	40.00	37.78	6.67	50.00	50.00
Using Alcohol	35.84	30.00	1.66	44.44	28.88	4.44	27.27	27.27
Working with Co-workers	28.10	30.58	9.12	55.56	37.78	11.10	40.90	45.45
Interaction with Opposite Sex	25.84	25.00	-	33.33	26.66	-	27.27	22.73

The influence of family counseling is indicated by the lower proportion of residents in the family counseling samples (both in Arizona and Colorado Springs) who reported anticipated problems in getting along with their parents after six months in treatment. In the non-family counseling sample, approximately one-third of the youth indicated this is a problem area at six months compared to fifteen percent or less of the youth in the family counseling samples. The magnitude of this difference, however, is reduced sharply after the youth have been in treatment one year or at the time of discharge from VisionQuest.

Among the youth in the Colorado Springs program, the six month data indicates that the most significant changes occurred in the areas of getting along with parents and staying out of trouble with the law. In both areas, less than one out of seven residents anticipated problems after being in treatment six months. In comparison, at baseline, fifty percent of the youth defined getting along with parents as a problem area and thirty-six percent saw staying out of trouble with the law as a problem area.

#### Drug Usage

Between twenty-eight percent and thirty-eight percent of the youth in VisionQuest have been in trouble with the law for the use of illicit drugs. Generally, the youth have had trouble in this area more than once. Because of this, the evaluation

is designed to collect drug usage patterns each time data are obtained from the residents.

Equally important to the usage data are the data on the reasons why drugs are taken. Changing drug usage patterns is an area of extreme difficulty. In fact, the statistics in the area of drug rehabilitation are dismal at best.

The findings on regular drug usage at baseline, six months, and one year, or discharge, are presented in Table 16. The results indicate that with the exception of marijuana and alcohol, very few VisionQuest residents are regular users of any of the other substances on the list. In Arizona, a greater proportion of residents in the non-family counseling sample used marijuana and alcohol than residents in the family counseling group. This is true irrespective of the time period in which the data were collected. In fact, the proportion using these drugs increased from the time of baseline among the non-family counseling sample, particularly among those residents regularly using alcohol. There is a similar trend in alcohol usage among the family counseling sample; however, the difference in proportions is small in comparison to the non-family counseling group.

In part, the increase in alcohol usage may be a function of age, since the residents are older at the time the one year, or exit data, are collected. It may also be partly attributed to the more relaxed societal sanctions related to alcohol consumption.



TABLE 16. PROPORTION OF VISIONQUEST RESIDENTS USING A SELECTED NUMBER OF DRUGS REGULARLY AT BASELINE, SIX MONTHS, AND ONE YEAR OR AT THE TIME OF DISCHARGE

Type of Drug	ARIZONA						COLORADO	
	Family Counseling Sample			Non-Family Counseling Sample			Family Counseling	
	Baseline	6 Mos.	1 Yr.	Baseline	6 Mos.	1 Yr.	Baseline	6 Mos.
Marijuana	22.88	22.88	12.77	38.10	35.90	44.00	4.55	4.55
Alcohol	12.71	13.04	17.02	21.43	23.08	55.56	-	4.55
Hash	5.08	3.48	4.26	4.76	-	-	-	-
LSD	2.54	.87	4.26	-	-	-	-	-
Speed	2.54	3.48	4.26	9.52	2.56	11.11	-	-
Barbiturates	1.69	2.61	2.13	2.38	-	-	-	-
Mushrooms	1.69	-	-	-	-	-	-	-
Glue	1.69	.88	-	7.14	-	11.11	-	-
Heroin	.85	-	-	2.38	-	-	-	-
Cocaine	.85	3.48	-	4.76	-	-	-	-

The findings in relationship to the Colorado Springs sample suggest that drug usage is almost non-existent. Approximately one in twenty residents in this program used marijuana or alcohol regularly. Furthermore, the Colorado Springs youth did not use any of the other substances on the list.

In previous years, statistics were reported on the proportion of VisionQuest youth who used tobacco. This was dropped from this year's report for two reasons. First, the definition of tobacco as a drug is pharmaceutically correct, but consensually questionable. And, second, it is rare for youth to get into trouble with the law due to tobacco usage.

#### Reasons for Taking Drugs

The proportion of residents in each sample indicating a variety of reasons for taking drugs is presented in Table 17.

The major reasons given by the residents in the three samples differ. Across all three groups, however, there are similar trends applicable for each period in which data were collected. For example, high on the list of major reasons are that drugs are a pleasurable experience, drugs are used as an escape, and drugs are used as a group experience.

A significant number of residents in the two family counseling samples (Arizona and Colorado Springs) also reported drugs were used for mystical experiences. In addition, one of the major reasons given by the Colorado Springs sample and the non-family counseling sample at baseline was that drugs were used for status recognition.

TABLE 17. PROPORTION OF VISIONQUEST RESIDENTS GIVING A VARIETY OF REASONS FOR USING DRUGS AT BASELINE, SIX MONTHS, AND ONE YEAR OR DISCHARGE

Reasons	ARIZONA						COLORADO	
	Family Counseling Baseline	Sample 6 Mos.	Sample 1 Yr.	Non-Family Counseling Baseline	Sample 6 Mos.	Sample 1 Yr.	Family Counseling Baseline	Sample 6 Mos.
As a pleasurable experience	50.00	46.36	40.00	39.53	37.50	33.33	59.09	31.82
As an escape	43.70	30.00	28.89	37.21	32.50	22.50	40.91	54.55
As a mystical experience	34.45	30.92	13.33	16.28	12.50	6.66	54.55	27.27
As a group experience	33.61	27.27	22.23	41.85	22.50	22.50	40.91	31.83
It's a habit	26.04	20.91	13.33	30.23	27.50	11.10	18.19	22.73
To help with problems	25.20	12.73	8.88	32.56	17.50	22.50	22.73	18.19
Status recognition	19.33	16.52	13.64	39.53	20.00	11.10	45.46	19.04
Self-understanding	18.48	11.82	8.88	18.61	17.50	11.10	27.28	4.55
Addiction	13.44	8.19	8.89	11.64	17.50	11.10	9.10	13.64
To get at parents	11.76	13.63	11.10	9.31	10.00	-	9.10	13.64

Comparing the data across three time periods between the two Arizona samples indicates that the least amount of change occurred in the proportion of residents who reported they used drugs for a pleasurable experience. Between fifty percent and thirty-three percent of the youth indicated this reason in each of the time periods.

The most amount of change in the Arizona family counseling sample between baseline and one year was in the following reasons: Drugs are taken for mystical experiences, because of habit, and to help with personal problems. Significantly fewer residents in this sample selected these reasons after being in treatment one year.

Among the non-family counseling sample the most change between baseline and one year was in the proportion of residents who reported they used drugs for status recognition and as a group experience. For example, at baseline four out of ten residents in this sample said they used drugs for status recognition. After one year in treatment, approximately one out of ten residents gave this reason.

Status recognition, self-understanding, and as a pleasurable experience were the major areas of change among the Colorado Springs sample. In each case, fewer residents indicated these reasons after six months in treatment.

Compared to baseline, several reasons were given by a larger proportion of Colorado residents after they were in treatment at least six months. However, the increase was only

significant in one area: Namely, the proportion who reported they used drugs as an escape. At baseline, forty-one percent gave this reason. After six months, approximately fifty-five percent gave this reason. This change may be indicative of a more realistic assessment of one's situation, and it dovetails with the amount of change in the proportion who reported status recognition as a reason for taking drugs. At baseline forty-five percent of the Colorado Springs sample indicated they used drugs for status recognition. After six months, however, only nineteen percent reported the same reason.

Generally, the findings in relationship to the reasons for taking drugs indicated most of the stereotype and pop culture reasons are less likely to be given after the residents have been in treatment six months or more. The linkage between this and continued drug usage among VisionQuest residents is not clear-cut, since the findings on drug usage demonstrated there has been little or no change whatsoever.

Instead, the findings on the reasons for taking drugs may be more appropriately looked at as an indirect measure of treatment outcomes. Specifically, fewer youth attributed external reasons for their drug usage after being in treatment six months or more. At the same time, the reasons which suggest inner ownership--pleasure or as an escape--were still chosen as major reasons even after a year in treatment.

SATISFACTION WITH THE TREATMENT PROGRAM

Each year data are presented on the residents' satisfaction with various aspects of the treatment program and some structural features related to residential treatment. The latter include opportunities for privacy, recreational activities, social activities, and the opportunities to go out at night or on weekends.

The data on program satisfaction are not to be misconstrued as treatment outcomes. They are presented for two reasons. First, treatment satisfaction has a bearing on therapeutic outcomes. It is difficult to effect positive outcomes if the recipients assess the process to which they are exposed negatively. And, second, client assessments related to the therapeutic program may be useful to the program directors in planning and implementing changes.

Data on program satisfaction are collected at baseline, six months, and one year or at the time of discharge from VisionQuest. These data are collected at baseline more as a point of reference, since previous experience with other treatment facilities has an unknown influence on the baseline assessments. Because the baseline data are collected at entry or within two weeks, the influence of previous experience cannot be ignored.

The findings on program satisfaction are presented in Table 18. With the exception of satisfaction with the recreational activities available at VisionQuest, a larger proportion of residents in the Arizona family counseling sample generally

TABLE 18. PROPORTION OF VISIONQUEST RESIDENTS REPORTING HIGH SATISFACTION WITH SEVERAL COMPONENTS OF THE PROGRAM AT BASELINE, SIX MONTHS, AND ONE YEAR OR DISCHARGE

	Arizona						COLORADO	
	Family Counseling Baseline	Family Counseling 6 Mos.	Sample 1 Yr.	Non-Family Counseling Baseline	Non-Family Counseling 6 Mos.	Non-Family Counseling 1 Yr.	Family Counseling Baseline	Family Counseling 6 Mos.
Recreational Activities	78.51	76.73	68.08	62.79	67.50	66.66	95.46	86.36
Individual Counseling	71.07	86.21	91.49	44.18	75.00	44.44	72.73	86.36
Supportiveness of Counselors	65.29	89.66	91.49	53.49	82.50	55.56	59.09	95.46
Relationship with Counselors	64.17	80.17	82.98	55.81	77.50	66.66	63.63	90.91
Social Activities	62.81	72.41	59.57	53.48	56.41	44.44	72.72	63.63
Group Counseling	61.15	75.87	91.49	32.56	70.00	77.77	72.72	95.45
Opportunities to go out nights & weekends	48.74	53.51	61.70	20.93	71.80	66.66	36.37	40.91
Counseling ses- sions with parents	44.92	68.42	71.11	N/A	N/A	N/A	36.37	68.18
Opportunities for privacy	44.62	69.83	68.08	41.86	65.00	66.67	54.55	50.00

expressed greater satisfaction with all aspects of the treatment program after six months in treatment and an even greater proportion indicated high satisfaction after being in treatment for one year.

The findings for this sample show that the residents were most satisfied with the types of therapy received and the counselors who provided the therapy. Particularly at the one year point, almost all of the residents in the family counseling sample indicated high satisfaction with the individual and group counseling that they received. Over ninety percent of the residents in this group were also satisfied with the supportiveness of the counselors, and over eighty percent were satisfied with their relationships with the counselors.

The impact of family counseling is indirectly measured by the proportion of residents in both Arizona and Colorado Springs who indicated satisfaction with the family counseling sessions after they had been in treatment six months or more.

Both in Arizona and Colorado Springs the highest proportion of residents indicated satisfaction in those areas reflecting direct treatment: Namely, individual and group therapy, the supportiveness of counselors, personal relationships with the counselors, and counseling sessions with parents.

Less satisfaction was generally indicated for structural program features such as recreational activities, social activities, and opportunities for privacy or to go out on nights and weekends. However, even in these areas, the majority of



residents in each of the three samples reported they were satisfied.

Generally the residents in the non-family counseling sample were not as satisfied with all aspects of the treatment program as residents in either of the family counseling groups. However, this cannot be attributed to the absence of family counseling, since there are significant ethnic differences between the youth in the family counseling samples and those who are not involved in family counseling. The reasons for this trend may be clearer when the data base is large enough to analyze the results by ethnic category.

#### SUMMARY AND CONCLUSIONS

This year's evaluation included residents from VisionQuest facilities in Arizona and Colorado Springs. Almost all of the youth in Colorado Springs came from families who participated in the family counseling program. In Arizona, seventy-three percent of the parents were involved in family counseling.

The data on family counseling clearly indicates that the parents in this aspect of the program received multiple exposure to a variety of therapeutic contacts with VisionQuest staff. Parents in the Colorado Springs program were strongly involved in groups designed to deal with personal problems. The Arizona families are also involved in such groups, however, a larger proportion of Arizona families participated in conjoint family counseling. These trends coincide with the parents' preferences

as stated at the time the youth entered VisionQuest. These findings demonstrate that VisionQuest is responding directly to the needs of the parents as defined by the parents themselves.

Given the data on the extent to which parents are involved in the treatment program, there is little doubt that VisionQuest's philosophy to work with the entire family, rather than just with the family member officially labeled as a problem, is a reality.

A descriptive analyses of the youth in VisionQuest shows that the youth are sent to VisionQuest after a delinquency "career" has been well established, and after several other alternatives have been tried. The average VisionQuest resident in both Arizona and Colorado has had numerous encounters with the law and other treatment agents (psychologists and psychiatrists) before entering VisionQuest.

It was also demonstrated that the average VisionQuest resident came from atypical family situations where very few youth lived with both natural parents prior to entering VisionQuest. In addition, a large number of youth indicated they were unable to communicate with their parents, that they were dissatisfied with their home life, and that their parents' marriage was unhappy at best.

The results on treatment outcomes show that VisionQuest is successful in changing the youth in several areas considered important to rehabilitating youthful offenders. Generally

significant changes were measured in self-esteem, self-concept, alienation, and attitudes toward the law between baseline and six months in treatment. In Arizona where data are available at the one year point, the changes were sustained after a year in treatment and in some cases improved even more between six months and a year. Specifically, the findings showed that, after six months or more in treatment, the residents had more self-esteem, more positive self-concepts, less alienation, and more positive attitudes toward the law.

The residents in family counseling showed more improvement in these areas than the residents who were not in family counseling. However, the ethnic composition of the two groups differs; thus, ethnicity cannot be ruled out as an explanatory factor.

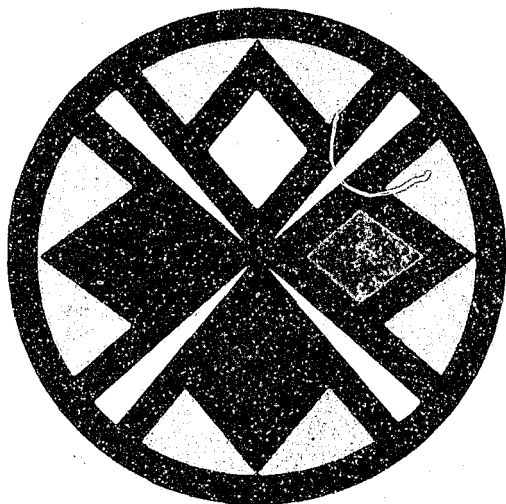
The findings on problems in social adjustment are even more dramatic than the measured changes in the psychological and social attributes discussed above. The one year data is the most dramatic. It shows that very few residents defined any of the areas as problematic. This is true of areas which run the gamut from social interactions with friends, getting along with parents, and meeting financial responsibilities to staying out of trouble with the law, controlling aggression, and using drugs and alcohol. Since these are all areas in which many of the VisionQuest residents did have problems prior to entering the program, the data on social adjustment indicates the average VisionQuest resident feels he or she is better able to cope with

problems after being in treatment six months or more.

The proportion of youth who used drugs remained relatively unchanged in both Arizona and Colorado Springs. However, the number of regular users of any substance in Colorado was extremely small. A larger proportion of residents used marijuana, alcohol, or both in Arizona. Nevertheless, the majority of youth in the Arizona samples (those in family counseling and those not in family counseling) also abstained from using illicit drugs.

There were some significant changes in the reasons given for taking drugs. After being in treatment for six months or more, the youth in both Colorado and Arizona were less apt to attribute their drug usage to external reasons or because they wanted group approval. Conversely, they were more apt to take direct ownership for their behavior such as indicating drugs were used as an escape.

Finally, the residents expressed high satisfaction with all aspects of the treatment program, but particularly with the therapy they received and with their interactions with the counselors. The amount of satisfaction increased significantly after six months, and, again, at one year or at the time of discharge. The least amount of satisfaction was recorded for the group that was not involved in family counseling. However, even in this group, there was almost universal approval of various features of the treatment program.



# VisionQuest

---

# NEWSLETTER

---

A monthly publication produced by the youth and staff of Vision Quest to provide a continuing source of information for colleagues and friends concerning the treatment of youth.

Liberating each child  
victimized by man's hostile  
environments and insti-  
tutions, to be his own unique  
self, capable of improving  
his or our world is our basic  
aim and the source of our  
deep sense of urgency.

July/August 1978

Volume II, No. 1

DOUGLAS STREET PROGRAM

Last Spring, the Cochise County Juvenile Court applied for a direct grant from LEA that would add a new component to the growing network of services available in that County. This proposal would allow for the development of services for troubled youth to be provided in their own home. Now, one year later, the grant has been approved and VisionQuest has been selected as the provider. The program will officially begin as soon as the contract is signed.

The Douglas Home/Street program will parallel closely the operation of the Home/Street Programs in Tucson and Sierra Vista. The thrust of the program is to provide a variety of resources that reinforce the family unit and divert youth from further penetration into the costly juvenile justice and/or mental health systems.

The program will operate in a unique environment, that of a "border town." What little services are developed for youth are often overloaded due to the number of Mexican National juveniles who cross over the border. Families in Douglas often have close ties in Agua Prieta, a city of 35,000 immediately past the border check station in Mexico.

Albert Vasquez, currently a family counselor at the farm in Bisbee, has been selected to head the VisionQuest staff in Douglas. Many youth have already been referred to the program and additional staff are being recruited.

Don Orr, Chief Probation Officer at the Cochise County Juvenile Court, is enthusiastic about the number of alternative services that are becoming a reality in the County. In addition to the Douglas Street Program developments, this year the Arizona Department of Economic Security has given the Court more discretionary power in the way it spends its budgeted money. This provides the Court with the ability to implement a myriad of services that allow a greater number of youth to be effectively treated within their own communities without increasing the overall cost.

NEW MEXICO DEVELOPMENTS

In late May, VisionQuest received a letter from Fernando E. C. De Baca, Secretary of Human Services for the State of New Mexico, outlining some of the basic concepts in the planning for VisionQuest treatment centers in New Mexico. The letter described the Department's plan to refer children to two types of New Mexico VisionQuest programs; the first is a basic residential facility located in the Southwest corner of the state, the second, an outpatient/day treatment program somewhere in the Albuquerque area.

Mr. De Baca summarized his feelings toward this program expansion stating:

"On behalf of Governor Apodaca and the Human Services Department, let me thank you again for your persistent work on behalf of children who need your excellent program and for helping us put this important program together."

We wish to commend Mr. De Baca for his forward thinking approach to the delivery of needed human services in New Mexico. VisionQuest anticipates the development of a constructive relationship with the Human Services Department as well as all other New Mexico agencies which share this concern for the effective treatment of troubled children.

COLORADO SPRINGS PROM

On June 16, the Colorado Springs program enjoyed its first Annual Awards Ceremony and Prom. Originally conceived in early Spring by VisionQuest Learning Center principal, Owen Mikeal, the idea of all kids helping to produce and prepare for the Prom began to generate its own enthusiasm. Each house raised \$100.00 through car washes to pay for tuxedo rental and formal gowns. The Learning Center held a craft sale to raise additional funds. There was a week of waltz practice held in the school courtyard for kids and staff.

The Awards Ceremony was attended by parents, caseworkers and probation officers. All kids began by promenading twice around the audience in their elegant formal wear, accompanied by music and applause. Director, Steve Rogers, introduced the program, highlighting the spirit and strong tradition the Colorado Springs youth had developed from the Wagon Train and two incredible visionquests, and the continuing strong sense of concern and unity among the program's youth.

After the Awards Ceremony, all mingled briefly and proceeded to the banquet hall for the Prom. Jake Devonshire had prepared an unbelievable sound system by raiding almost all staff's stereo equipment. Punch and snacks were available through the direction of Michael Gehring.

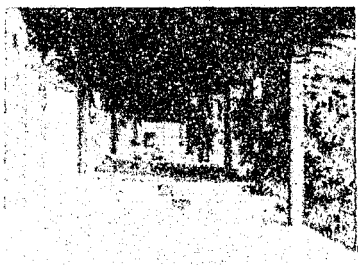
Dancing was directed by ace DJ, Doug Hopkins. A highlight of the evening was the "Collins House Shuffle" performed by youth and staff of Collins House—an act easily worthy of an appearance on the Gong Show. Everyone left exhausted at midnight.

This year's Awards Ceremony and Prom was an overwhelming success and certainly sets the tone and style for many more gala events of the future.

WILDERNESS PROGRAM

In addition to conducting the intensive two week wilderness trip, the visionquest, wilderness staff are involved continually in a variety of other activities such as rock climbing, backpacking, and river trips. During May, eight youth from the Arizona program were selected to participate in an eight day bicycling trip through Northern Arizona. Planning and supervising the trip were Carl Gressler, Nettie White, Judy Calcagno and Raym Ensing. Beginning at Granite Dells north of Prescott the group spent an exciting day bicycling up one side of Mings Mountain and then sailing down the other side through historic Jerome. The events of the next seven days included enjoying picturesque Oak Creek Canyon, bicycling over steep, difficult and incredibly beautiful terrain, exploring the ancient Indian ruins at Tuzigoot and Wupatki National Monuments and viewing the natural wonders of Sunset Crater and the Grand Canyon.

The trip introduced these young people to a new perspective on their relationship to nature and to the past. The route chosen allowed first hand exposure to geographical terrain varying from desert to mountain, as well as the opportunity to view historical evidence of civilizations spanning centuries. Combining educational value with the discipline and cohesiveness required of the group to travel over 250 miles by bicycle, the trip gave these youth a tremendous opportunity for increased personal growth.



The Lodge

View into Veranda  
(Photo to left)

The Circle Meeting during the Congress  
(Photo to right)



### THE LODGE

As one focal point for the development of a comprehensive adolescent treatment service delivery system, VisionQuest has designed a rural treatment setting located near Elfrida, Arizona which will offer numerous treatment options for the severely emotionally disturbed as well as further refine a unique wilderness program that is closely integrated with the already existing network of VisionQuest community-based residential treatment settings. The physical plant consists of a "Lodge", with a stable, and a "main house". The Lodge is located at the base of the Swiss Helm Mountains providing access to an extremely workable wilderness area.

The Lodge provides a highly structured atmosphere for youth in need of intensive treatment in that the size and location of the ranch promotes control but does not eliminate reasonable access to the community for both children and staff members. An on-grounds school will offer classes for emotionally-handicapped and learning disabled youth on a year-round basis. The geographic area provides tangible background for a wide range of study from history to geology. Land around the Lodge will be developed into playing fields. A large swimming pool already exists.

Programming at the Lodge will offer both long and short term care to youth whose treatment would benefit from participation in rigorous, stress-oriented wagon trains (of both long and short duration), back-packing, rock climbing, camping, horseback expeditions combined with the responsibilities of life on a ranch, geared specifically to treatment needs. The mountainous area east of the Lodge is ideal for wilderness expeditions of various kinds, the main focus of which is the success-oriented, controlled-risk "survival" program on which VisionQuest bases much of its treatment philosophy.

The facility will also have the capability of serving as a back-up to meet specialized needs of children, in the Pima and Cochise Counties' residential programs, who would benefit from being temporarily removed and placed in a more controlled setting, or a setting that offers the daily, specific responsibilities and physical investment which are a part of the ranch environment. In addition, as space is available, group homes from the Bisbee and Tucson programs will be allowed weekend trips to the Lodge as a form of recreation.

### THE CONGRESS

VisionQuest Management decided early in 1978 that a vehicle was needed to bring key representatives together from all program areas and locations to hold the first "Congressional" meetings of the agency. The purpose of the Congress was to establish a consensus in a number of crucial philosophic areas, to update core staff on programmatic change, and to establish a direction for the future growth of the agency.

The Congress convened June 1st at the VisionQuest Lodge in Elfrida, Arizona, and involved a core group of staff who, in the first five years of operation, committed themselves to positions of responsibility and leadership in the agency.

Participating in the Congress were the three founders of VisionQuest: R. Ledger Burton, Executive Director; Steven Rogers, Director, Colorado Programs; and Sandy Eggleston, Director, Arizona Programs. Also in attendance were 22 other staff representing Arizona, Colorado and New Mexico. Others, invited because of their crucial roles in the field of Juvenile Justice were Marion Cerf, VisionQuest Board of Advisors, and Don Orr, Chief Probation Officer, Cochise County Juvenile Court. Both Mrs. Cerf and Mr. Orr participated in specially designed workshops in areas of their expertise.

Each day began at 7 a.m. with an opening "Circle", which laid the ground work for the day's proceedings. Discussions during the four-day-long Congress were generally delineated in four sections: philosophy, organizational groundwork,



program development and "the overview", with one full day devoted to each area. Participants were asked to keep one key concept in mind. That concept is symbolized by the VisionQuest logo, which includes four diamonds, all joined by the spokes and protected by a circle. The spokes represent the "connective tissue", which in actuality are the children that are served. It is this concept that binds all the actions of staff together. It is this thought that prompted, shaped, and perpetuates the organization and purpose of VisionQuest.

Among the specific topics addressed were: What is a professional?; The Circle; Role of Competition; Women's Roles; Role Clarifications; Financial Realities; Contracting and Purchase of Service Agreements; Cochise County Development; The Board of Advisors; Foster Care and After Care; Personnel and Recruiting; and Responsibilities of State, County, and Executive Offices. In the coming editions of the newsletter, we will capitalize some of the conclusions reached in many of these areas.

#### ALASKA TRIP

Each summer, group homes plan vacation trips. Past trips have included the Florida Keys, New England and Canada. Perhaps the most extensively planned trip to this date is the trip currently underway to Alaska. Seven youth were selected from the Tucson and Bisbee programs who would particularly benefit from such an experience. Leading the group were Bill and Debbie Orcutt, veteran VisionQuest employees and avid outdoor enthusiasts; and Dane Gruver, youth counselor and former Northern Arizona University intern. Traveling in two vans, pulling a boat and equipped with complete camping gear, the group plans to take a total of three months to complete the trip. At this writing, the caravan is progressing north on the Alcan Highway through the Canadian countryside.

#### AVERAGE MONTHLY POPULATION

(Includes Residential and Home/Street Program)

<u>Arizona</u>	
Cochise County	29
Pima County	127
<u>Colorado</u>	
El Paso County	30

#### SEVEN ARROWS

A Book Report from a VisionQuest Learning Center Student

#### The Medicine Wheel

The Medicine Wheel has four main directions. They are called the powers. To the North of the Medicine Wheel is Wisdom. The color is white and the animal is the buffalo. To the South of the Wheel is Innocence and Trust. The color is green and the animal is the House. To the West is Introspectiveness, or learning about yourself. The color is black. The animal is the bear. To the East is a place where we can see and understand things far away without asking questions. This is illumination. The color is gold. The animal is the Eagle. The book, *Seven Arrows*, is based on the Medicine Wheel. It has many stories of people and animals that are in one of the four directions and how they seek and find their other places on the Wheel.

#### The Shields

The shields are symbols for people. Each person has a shield that told how they were and the ways they followed. It tells what part of the Medicine Wheel that they were at. A shield would tell if a person was frightened of something and what it was.

#### The Stories

One of the stories is called "The Singing Stone." This is about a boy in his teens who has been told of a stone that sings and he wants to go and find it. He started out. On his first day he saw a fire and wanted to go back but refused to give up. The second day he crossed beautiful land and then rested. The third day he came to a river. It was large and he was frightened but continued. He finally found the singing stone but not until he had many detours. He was a strong person and kept going until he found the place he was searching for.

The book has many stories in it and each one tells in one way or another of a person's experiences and how they sought their goals and reached them. The Plains Indians were a strong people turned into warriors by the white man. The white man came to their land and did not understand them or their ways so they fought against them. There were many white men who were against fighting and also a lot of Indians. But the old way gradually left the plains people and the few peace brothers that were left found there was nothing they could do. Too many of their people had turned to killing.

R. LEDGER BURTON  
Executive Director  
STEVEN R. ROGERS  
Director, Colorado  
SANDRA L. EGGLESTON  
Director, Arizona

HERBERT R. LAZARUS, M.D.  
Medical Director  
MICHAEL L. KRACOVANER  
Administrative Director  
EDWARD A. LINDEN  
General Counsel

#### Office of the Director

4923 East Fifth Street / P.O. Box 12906 / Tucson, Arizona 85732 / (602) 795 2750

#### Treatment Offices

1613 North Swan Road / P.O. Box 12906 / Tucson, Arizona 85732 / (602) 327 6064  
2650 W. Avenue / P.O. Box 1358 / Bisbee, Arizona 85603 / (602) 432 3456  
833 W. Colorado Avenue / P.O. Box 6 / Colorado Springs, Colorado 80901 / (303) 633 2671



1162

COMMUNITY FOLLOW-UP STUDY  
OF VISIONQUEST YOUTH DISCHARGED  
FROM PIMA AND COCHISE COUNTIES

Prepared By

**BEHAVIORAL RESEARCH ASSOCIATES**

2030 East Speedway • Tucson, Arizona

TABLE OF CONTENTS

	<u>Page</u>
LIST OF TABLES . . . . .	ii
INTRODUCTION . . . . .	1
Sample . . . . .	2
Methodology. . . . .	3
RATES OF RECIDIVISM. . . . .	5
Rates of Specific Categories of Offenses . . . . .	7
Rates of Specific Sources of Additional Psychiatric Care. . . . .	8
INDICATORS OF COMMUNITY ADJUSTMENT . . . . .	10
Living Arrangement . . . . .	11
Employment Status. . . . .	12
Primary Income Source. . . . .	14
School Status. . . . .	15
SUMMARY AND CONCLUSIONS. . . . .	17
FOOTNOTES. . . . .	20
APPENDIX A: COMMUNITY FOLLOW-UP QUESTIONNAIRE	

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1.	Proportion of Former VisionQuest Residents Who Committed a Minimum of One Additional Offense, Multiple Offenses, and/or Who Received Additional Psychiatric Care After Discharge . . . . .	5
2.	Proportion of Former VisionQuest Residents Who Committed Specific Types of Offenses Following Discharge and/or Who Were Arrested for each Type of Offense . . . . .	7
3.	Proportion of Former VisionQuest Residents Who Received Additional Psychiatric Care From Several Specific Sources After Discharge . . . . .	9
4.	Living Arrangement of Former VisionQuest Clients After Discharge from Treatment. . . . .	11
5.	Employment Status of Former VisionQuest Residents After Discharge From Treatment. . . . .	13
6.	Primary Source of Income of Former Vision-Quest Residents After Discharge From Treatment . . . . .	15
7.	School Status of Former VisionQuest Residents After Discharge From Treatment. . . . .	16

INTRODUCTION

The purpose of this report is to present the results of a community follow-up study of former VisionQuest residents who were discharged from the programs operating in Pima and Cochise Counties. The study was conducted on residents who were in treatment a minimum of ten months. Generally, youth are referred to VisionQuest for a one-year period.

The follow-up was designed to obtain a variety of information. Of principal concern was the need to determine the extent to which youth discharged from VisionQuest would stay out of trouble with the law and would not require additional psychiatric services.

Youth in a residential treatment program live in a structured environment where the opportunities for recidivism are greatly reduced. Thus, measures related to recidivism, while in treatment, do not reflect a true recidivism rate. On the other hand, assessing changes related to the goals of therapy such as self-esteem, alienation, and self-concept are appropriate therapeutic outcome indicators while treatment is in progress.<sup>1</sup>

Following treatment, the central interest shifts from assessing changes in individual attributes to assessing community adjustment. The question becomes: To what extent is the rehabilitated individual a fully functioning member of the community? Closely related is determining whether or not the internal changes recorded during treatment have positive

behavioral consequences. In other words, to what extent is deviance reduced?

It has been clearly demonstrated, in past reports, that VisionQuest youth are "hard-core" delinquents.<sup>2</sup> They enter VisionQuest after a pattern of deviant behavior has been well established. In addition, the average youth has failed in a variety of treatment alternatives. Given the "hard-core" quality of the youth in VisionQuest, the question of recidivism becomes quite important. For one, the odds against complete rehabilitation may be diminished among individuals with established careers in deviancy.

With these concerns in mind, a follow-up study was implemented in January of 1979 among all former VisionQuest residents who were in treatment a minimum of ten months in either Pima or Cochise Counties.

#### Sample

Two hundred youth met the criteria for inclusion in the follow-up study. Over seventy-five percent of the sample was discharged from the Pima County program and the remainder were discharged from Cochise County. The youth in the sample had been discharged from periods ranging from three months to as long as five years. Because of the length of time since discharged, twenty-six percent of the cases could not be located. However, complete data were obtained on seventy-four percent of the youth; this represents one hundred and forty-eight cases.

Due to the variable length since discharge, the original cohort was divided into two subsamples: Those cases discharged one year or less and those cases discharged thirteen months or more. The average length since discharge for the latter group was 25.8 months; and for the former group, the average length since discharge was 6.5 months. In all, there were one hundred and three cases in the group that had been discharged for thirteen months or more and forty-five cases who had been discharged for one year or less. Dividing the sample in this way facilitates examining both short-term and long-term recidivism rates.

#### Methodology

A structured interview schedule was utilized to obtain the data. A copy of the questionnaire is included in this report as Appendix A.<sup>3</sup>

All of the data were collected by means of a telephone interview over a four-week period during January 1979. The data were obtained from the former VisionQuest residents themselves or a family member. Generally, this was a primary family member such as a mother, father, or grandparent. Among the group who left treatment one year or less, seventy-three percent of the respondents were the former VisionQuest residents themselves. Among the youth who were discharged thirteen months or more, only fifty-one percent of the respondents included the former VisionQuest resident.

The interviewers informed all respondents that the infor-

tion would remain confidential and that the respondents would remain anonymous. They were further instructed that the data would only be used for aggregate statistical purposes and that it was being collected to learn how best to help youth in the VisionQuest program.

Due to limited resources and time constraints, all phone interviewers were drawn from senior staff members and the administrative staff at VisionQuest. During the training session, the interviewers were informed that a random sample of the cases would be independently verified by Behavioral Research Associates.

After a month had lapsed since the original data were collected, approximately twenty-five percent of the cases (forty individuals) were independently verified. In ninety percent of these cases, someone other than the original respondent was contacted for the verification. In all cases, this was a primary family member.

The results of the verification indicated that there were no major differences in the data. There were some changes; however, these were primarily changes in employment status, school status, income source, and living arrangement. There was one major change related to recidivism. Three weeks after the original data were collected, one respondent, for whom there was no prior recorded recidivism, committed several felonies and was incarcerated at the time of the verification. The case in question was in the sample discharged a year or less.<sup>4</sup>

The data obtained in the follow-up study reported here

were not verified with official records since the rules pertaining to the rights of human subjects protect individuals from such intrusions. However, given the results of the verification, which was done on a random selection of the cases, it is safe to assume that the data supplied by both the former VisionQuest resident or a significant family member was truthful and candid.

#### RATES OF RECIDIVISM

The results in Table 1 indicate the proportion of discharged residents who committed at least one or more misdemeanors or felonies, received additional psychiatric care, or who committed multiple offenses after discharge from treatment.

TABLE 1. PROPORTION OF FORMER VISIONQUEST RESIDENTS WHO COMMITTED A MINIMUM OF ONE ADDITIONAL OFFENSE, MULTIPLE OFFENSES, AND/OR WHO RECEIVED ADDITIONAL PSYCHIATRIC CARE AFTER DISCHARGE

	<u>Discharged 12 Months or Under (N = 45)</u>	<u>Discharged 13 Months or More (N = 103)</u>
Committed at Least One Offense*	37.78	42.70
Committed Multiple Offenses	20.00	14.56
Received Psychiatric Care	37.78	31.07
Committed Additional Offenses and Received Psychiatric Care	22.22	23.30

\* This figure does not include individuals with minor traffic violations and no other offenses whatsoever.



The data shows that the overall recidivism rate for the group discharged one year or less was almost thirty-eight percent. Of that number, approximately eighteen percent committed only one offense. Twenty percent, or nine individuals, were multiple offenders. Approximately thirty-eight percent of the short-term discharges also received additional psychiatric care after they left VisionQuest.

There is no significant difference between the long-term and short-term recidivism rates. It should be remembered that the average length of time since discharge was almost twenty-six months among individuals who left the program for thirteen months or more. Among these cases, the overall recidivism rate was almost forty-three percent. Most of these, however, committed only one offense. Only fifteen percent of this group were multiple offenders. Given the fact that these data were collected from individuals who all had prior histories as multiple offenders, the findings in Table 1 suggest that the internal changes recorded during treatment are reflected in positive behavioral changes after treatment.

Among the group discharged thirteen months or more, the findings in Table 1 also reveal that approximately three out of every ten cases received additional psychiatric care after leaving VisionQuest.

Finally, the data were analyzed to determine what proportion of cases in each subsample committed at least one additional offense and also received additional psychiatric care. The results in Table 1 indicate that about twenty-two percent

of the cases discharged a year or less and twenty-three percent of the cases discharged for over thirteen months fell into this category. In short, thirty-four individuals out of one hundred and forty-eight cases both committed additional offenses and required additional psychiatric services.

#### Rates of Specific Categories of Offenses

Next, the data were examined to see what proportion of cases committed offenses ranging from traffic violations to assault as well as the number of cases who were arrested under each category of offense. These data are presented in Table 2.

TABLE 2. PROPORTION OF FORMER VISIONQUEST RESIDENTS WHO COMMITTED SPECIFIC TYPES OF OFFENSES FOLLOWING DISCHARGE AND/OR WHO WERE ARRESTED FOR EACH TYPE OF OFFENSE

Type of Offense	Discharged 12 Months or Under (N = 45)	Proportion Arrested	Discharged 13 Months or More (N = 103)	Proportion Arrested
Traffic Violations	17.77	6.67	29.13	13.59
Misdemeanors	13.33	6.67	12.62	11.65
Drug Related Felonies	6.66	4.44	4.85	2.91
Theft (Non-Auto)	11.11	6.67	11.65	9.71
Auto Theft	2.22	2.22	6.80	5.83
Larceny	2.22	2.22	.97	.97
Assault	-	-	5.82	5.82
Other*	4.44	2.22	8.74	7.77

\* Includes runaway, incorrigibility, alcohol usage, firearms purchase, and prostitution.

With minor exceptions, there are no real short-term and long-term differences. The major difference is in reported traffic violations, both in terms of the proportion who committed such violations and the proportion arrested. A larger proportion of individuals discharged thirteen months or more committed traffic violations and a larger proportion were also arrested for such offenses.

Other than traffic violations, the only other offenses involving over ten percent of each subsample included misdemeanors and theft. In actual numbers, among the cases discharged an average of six months, six individuals committed misdemeanors and five individuals committed non-auto related thefts. The comparable figures among those individuals discharged an average of over two years is thirteen in the misdemeanor category and twelve who committed non-auto related thefts. The actual number of former VisionQuest residents involved in all other categories of crime is small and ranges from a maximum of nine to a minimum of one individual.

The fact that there are no major differences between short-term and long-term discharges in the rate of misdemeanors and felonies suggests that we can assume a major increase in deviant behavior will not occur in the future. This is particularly true since the long-term discharges have already averaged more than two years since they left treatment.

#### Rates of Specific Sources of Additional Psychiatric Care

The findings in Table 3 indicate the proportion of former

VisionQuest residents who received additional psychiatric care as well as the sources of the care.

TABLE 3. PROPORTION OF FORMER VISIONQUEST RESIDENTS WHO RECEIVED ADDITIONAL PSYCHIATRIC CARE FROM SEVERAL SPECIFIC SOURCES AFTER DISCHARGE

<u>Source of Treatment</u>	<u>Discharged 12 Months or Under (N = 45)</u>	<u>Discharged 13 Months or More (N = 103)</u>
VisionQuest	13.33	5.83
Juvenile Court Center	8.89	7.77
Another Treatment Program	2.22	5.83
Psychologist	4.44	1.94
Psychiatrist	2.22	5.83
Mental Health Center	-	5.83
Other*	11.11	8.74

\* Includes YMCA, CODAC, AA, Behavioral Health Services, School Counselors, Open Inn, etc.

Again, there are minor differences between individuals discharged an average of six months and individuals discharged an average of over two years. For example, a greater proportion of short-term discharges received additional care from VisionQuest or a psychologist. On the other hand, a larger proportion of long-term discharges were in therapy in another treatment facility or received help from a psychiatrist or a community mental health center. However, since proportions are influenced by sample size, the differences shown in Table 3 are

not significant.

Basically, the findings demonstrate that very few individuals received additional psychiatric services irrespective of the source of the treatment. As an example, only four individuals received additional counseling services from the juvenile court center in the group that was discharged a year or less. The comparable figure among the long-term discharges is eight. Even among individuals receiving additional services from VisionQuest, there were only six cases each in both the short-term and long-term discharge groups.

The findings on the proportion of former residents who utilized additional sources of psychiatric care after discharge should be viewed in relationship to the baseline data known about individuals referred to VisionQuest. The baseline data indicates that approximately eighty percent of all VisionQuest clients have received some type of psychiatric intervention prior to entering VisionQuest and that they average at least three independent referrals.<sup>5</sup> The community follow-up data shows that thirty-eight percent or less of the discharged residents received additional psychiatric services.

#### INDICATORS OF COMMUNITY ADJUSTMENT

In addition to rates of recidivism, several indicators of community adjustment were collected as part of the follow-up study. Of particular interest was the living arrangement, employment and educational status, and the primary source of income of former VisionQuest residents.

Living Arrangement

The findings on living arrangement are presented in Table 4. The results dovetail with the data on recidivism and indicate that very few individuals were placed in another treatment facility or incarcerated in a correction facility after being discharged from VisionQuest.

TABLE 4. LIVING ARRANGEMENT OF FORMER VISIONQUEST CLIENTS AFTER DISCHARGE FROM TREATMENT

<u>Living Arrangement</u>	<u>Discharged 12 Months or Under (N = 45)</u>	<u>Discharged 13 Months or More (N = 103)</u>
Living Alone	4.44	14.56
With Parents	57.78	35.92
With Friends	11.11	13.59
Another Treatment Program	2.22	.97
Correction Facility	8.89	3.88
With Spouse (Married)	-	9.71
Military	-	5.83
Other*	15.56	13.59
Unknown	-	1.94

\* Includes college dorm, Job Corps, other relatives (brother, sister, aunt, grandmother), unwed mothers' home, fiancée, girlfriend or boyfriend.

Both among the short-term and long-term discharges, only one individual in each group was in another residential treatment

program. Similarly, four individuals from each group were living in correction facilities. These data indicate that, out of a pool of one hundred and forty-eight cases, only ten required institutionalization because of behavioral or emotional problems.

As would be expected, a significantly larger proportion of short-term discharges were living with their parents at the time of the community follow-up. However, even among the long-term discharges, over one-third were still living with their parents. This is a good indirect indicator of Vision-Quest's success in working with the entire family.

Over the last several years, baseline data on all Vision-Quest residents have consistently indicated there is a significant breach between the parents and the youth referred to VisionQuest for treatment.<sup>6</sup> The family counseling program was implemented to improve communications among all family members and to facilitate re-entry of the VisionQuest youth into the family after discharge.

#### Employment Status

The opportunity for employment is a problem for all youth. Labor statistics indicate that in some metropolitan areas the unemployment rate is as much as ten times as great among youth as it is among adults. Programs such as VisionQuest rarely have the opportunity to impact economic conditions to improve the employment situation of youth. Yet, they are confronted with the reality that employment is an integral part of

successful community adjustment.

Anecdotal and statistical accounts of the employment difficulties of ex-offenders are legion. Thus, they need not be repeated here. Suffice it to say that when expectations are not met, the dissonance may be channeled into deviant behavior.

The results in Table 5 indicate the unemployment rate among former VisionQuest residents is six times as high among short-term discharges and approximately three times as high among long-term discharges as the overall adult rate of unemployment in this geographical area.<sup>7</sup>

TABLE 5. EMPLOYMENT STATUS OF FORMER VISIONQUEST RESIDENTS AFTER DISCHARGE FROM TREATMENT

<u>Employment Status</u>	<u>Discharged 12 Months or Under (N = 45)</u>	<u>Discharged 13 Months or More (N = 103)</u>
Full-Time Employment	15.56	39.81
Part-Time Employment	15.56	14.56
Military Service	-	7.77
Student	33.33	10.68
Housewife	-	3.88
Unemployed	35.56	17.48
Unknown	-	5.83

As can be seen, all of the short-term discharges are reported as employed full-time or part-time, as students, or as unemployed. The largest proportion fell into the latter category.



Unemployment is a problem among the long-term discharges, as well, where seventeen percent of the cases are reported as unemployed. However, approximately six out of ten youth discharged for thirteen months or more were working full-time in civilian or military occupations or in a variety of part-time positions.

#### Primary Income Source

The data on primary source of income are presented in Table 6, where twenty percent of the individuals discharged one year or less reported they had no income whatsoever. Among individuals discharged thirteen months or more, almost thirteen percent indicated they had no income. These figures are not too surprising given the high rate of unemployment reported in Table 5. The important thing is that together--unemployment and the lack of money--can negatively influence recidivism rates.

The findings in Table 6 clearly show that the majority of youth discharged a year or less are totally dependent on their families for income. Approximately twenty-four percent, however, are self-supported, deriving all of their income from employment.

Dependence on the family appears to be greatly reduced as length of time since discharge is increased. This may be partly a function of age. Youth in the long-term discharge sample are generally older than those individuals who left treatment more recently and fewer of them are full-time student.

TABLE 6. PRIMARY SOURCE OF INCOME OF FORMER VISIONQUEST RESIDENTS AFTER DISCHARGE FROM TREATMENT

<u>Source of Income</u>	<u>Discharged 12 Months or Under (N = 45)</u>	<u>Discharged 13 Months or More (N = 103)</u>
Employment (Including Military)	24.44	62.75
Family	53.33	13.73
Welfare, Social Security, or Public Assistance	2.22	5.88
Scholarship or Grant	-	.98
No Income	20.00	12.75
Unknown	-	3.92

The findings in Table 6 also reveal that better than six out of ten individuals discharged an average of over two years supported themselves entirely through income earned in either civilian or military occupations.

#### School Status

Roughly forty-six percent and twenty-eight percent of the short-term and long-term discharges, respectively, were involved in some type of educational program.

Since a number of these cases were involved in part-time or non-secondary or post-secondary educational settings, their employment status was not listed as student. The latter was used to classify only those individuals in educational settings on a full-time basis.

The results on school status are reported in Table 7.

TABLE 7. SCHOOL STATUS OF FORMER VISIONQUEST RESIDENTS AFTER DISCHARGE FROM TREATMENT

<u>School Status</u>	<u>Discharged 12 Months or Under (N = 45)</u>	<u>Discharged 13 Months or More (N = 103)</u>
Not in School	53.33	65.05
Junior or Senior High School	37.78	7.77
Junior College	2.22	5.83
College	-	2.91
Technical School	2.22	3.88
Other*	4.44	7.77
Unknown	-	6.80

\* Includes Job Corps, Military Technical Schools, and Correspondence School.

These data should be examined in conjunction with the baseline data collected on VisionQuest youth at the time they enter the program. The average youth is at least a couple of years behind grade level and has a history of being unable to remain in a traditional educational setting.<sup>8</sup>

Among the short-term discharges, the data reveals that almost thirty-eight percent of the youth were in attendance in a junior or senior high school either full-time or part-time. In this same group, one individual was in junior college and one was enrolled in a technical school.

In the group discharged from treatment thirteen months or more, twenty-nine individuals were enrolled in educational programs at the time of the follow-up study. Nine of these were attending a junior or regular college, eight were enrolled in a junior or senior high school, eight were in programs such as Job Corps or military technical schools, and the remainder were enrolled in non-military technical schools.

The important thing, however, is not in the types of educational programs in which the former VisionQuest residents are enrolled; what is important is that eighty-five out of one hundred and three cases are working full-time or part-time or enrolled in a variety of educational programs. Equally important is the knowledge that these statistics are for a group of individuals who were labeled "hard-core" delinquents at an earlier period in their lives.

#### SUMMARY AND CONCLUSIONS

Community follow-up data were collected on one hundred and forty-eight individuals discharged from the VisionQuest programs in Pima and Cochise Counties. Sixty-nine percent of the cases were out of the program an average of over two years. The remainder had been out of treatment an average of six months.

The main purpose of the study was to collect recidivism data both in the areas of criminological behavior and the need for continued psychiatric services. In addition, the study was designed to collect data indicative of community adjustment such as employment status, educational status, primary source

of income, and living arrangement.

The findings revealed that approximately four out of every ten discharged youth committed offenses since their release from VisionQuest. The majority, however, committed only one offense and very few individuals were arrested because of their behavior. Other than traffic violations, the only other categories of offenses involving as many as thirteen percent of the discharged youth were misdemeanors and non-auto thefts. However, even in these categories, the actual number of youth involved was small.

Slightly better than one-third of the former VisionQuest residents, when the short-term and long-term discharges are combined, received some type of additional psychiatric care after they left treatment.

Both the psychiatric and recidivism data indicate that the majority of former residents are trouble-free and have successfully adapted to community living. It should be remembered that at baseline the average client referred to VisionQuest is a multiple offender and has had an average of three independent psychiatric referrals.

The findings on occupational status, educational status, source of income, and living arrangement all indicate that most of the former VisionQuest residents have successfully adapted to living in the community. Only ten individuals were institutionalized at the time of the follow-up study. Two were in residential treatment programs and eight were in correction facilities.

A large percentage of the ex-residents were continuing their education, particularly in the group discharged an average of six months. Among the long-term discharges, the majority of cases were employed and entirely dependent on themselves for financial support. A potential problem area, however, may be the high unemployment rate among the ex-residents who were seeking work. The rate of unemployment was considerably higher than the adult rate of unemployment in this geographical area.

Overall, the results of this follow-up study indicate that the positive internal changes recorded during treatment such as the changes in self-esteem, self-concept, alienation, and attitudes toward the law have led to positive behavioral changes for most of the discharged VisionQuest residents. This is true even after the ex-residents have left the program for over two years.

FOOTNOTES

1. Data on self-esteem, alienation, self-concept, and attitudes toward the law are collected from each client who enters VisionQuest at baseline, six months, and one year or at the time of exit from the program. These data are a part of the annual information used to evaluate the clinical program. Copies of the Evaluation Reports are available since 1976 from the Administrative Offices in Tucson, Arizona.
2. See the program evaluation reports prepared by Behavioral Research Associates, Tucson, Arizona for 1976, 1977, and 1978.
3. The ex-residents from whom follow-up data were collected directly were also asked to assess the helpfulness of various components of the treatment program. These data were not asked of respondents other than the ex-residents themselves. This information is not included in this report since the primary focus of the report is determining recidivism rates and community adjustment. However, the findings on client assessments of the helpfulness of various treatment components have been given to the Coordinator of Staff Development.
4. In this report, the case in question was tabulated as an offender; thus, appears as one of the cases counted in the recidivism rate of 37.78 percent (See Table 1).
5. See VisionQuest Program Evaluation Reports 1976, 1977, and 1978 prepared by Behavioral Research Associates, Tucson, Arizona.
6. Ibid.
7. For comparative purposes, unemployment figures were obtained from the Arizona Statistical Review published by the Valley National Bank of Arizona.

8. Achievement data and grade level equivalents on VisionQuest clients are computed from scores on the California Achievement Test (CAT) and the difference between chronological age and years of education completed determined at the time clients enter the program.



APPENDIX A  
VISIONQUEST  
COMMUNITY FOLLOW-UP QUESTIONNAIRE

Date of Contact \_\_\_\_\_

Interviewer \_\_\_\_\_

Name of Former VQ Client \_\_\_\_\_

Current Address \_\_\_\_\_

Indicate program client was discharged from  Pima  Cochise  
 Colorado  New Mexico

1. How long has it been since the client left VQ? \_\_\_\_\_  
(Specify No. of Mos.)
2. Are you currently working?
 

1. Yes, full-time	5. No, client is unemployed
2. Yes, part-time	6. No, client is housewife
3. Yes, military service	7. Employment status is unknown
4. No, client is student	
3. Are you currently in school?
 

1. Yes, full-time	3. No
2. Yes, part-time	4. School status is unknown
4. If in school, indicate which of the following applies:
 

1. Junior or senior high school	4. Technical School
2. Junior college	5. CETA Training Program
3. Regular college or university	6. Other(Specify) _____
5. What is your present living arrangement?
 

1. Living alone	5. Living in a correction facility
2. Living with parents	6. Married
3. Living with friends	7. Military
4. Living in a residential treatment program	8. Other(Specify) _____
6. What is your primary source of income?
 

1. No income	4. Welfare, Social Security, or other Public Assistance
2. From employment (including military)	5. School scholarship or grant
3. Family	6. Unknown

7. Since leaving VQ, have you been involved in any:

	Number	Resulted in Arrests	
		Yes	No
1. Misdemeanors (non-traffic)	_____	_____	_____
2. Traffic violations	_____	_____	_____
3. Drug related felonies	_____	_____	_____
4. Theft (other than auto)	_____	_____	_____
5. Auto theft	_____	_____	_____
6. Larceny	_____	_____	_____
7. Assault	_____	_____	_____
8. Other (Specify) _____	_____	_____	_____

8. Since leaving VQ, have you received any additional treatment? (Probe and circle as many as apply)

- |                                     |                                |
|-------------------------------------|--------------------------------|
| 1. No                               | 5. Yes, a psychologist         |
| 2. Yes, from VQ                     | 6. Yes, a psychiatrist         |
| 3. Yes, from juvenile court         | 7. Yes, a mental health center |
| 4. Yes, another residential program | 8. Other (Specify) _____       |

9. Finally, I would like you to evaluate your VQ experiences. As I read the list of possible experiences, tell me whether or not:

- 0. You did not participate in this part of the program
- 1. It was not helpful
- 2. It was a little help
- 3. It was average
- 4. It helped a lot, or
- 5. It was very helpful

(Circle Answer)

1. Survival experiences	0	1	2	3	4	5
2. Wagon train	0	1	2	3	4	5
3. The Lodge	0	1	2	3	4	5
4. The learning center	0	1	2	3	4	5
5. Family counseling	0	1	2	3	4	5
6. Individual counseling	0	1	2	3	4	5
7. Peer group counseling	0	1	2	3	4	5
8. Contact with the psychiatrist	0	1	2	3	4	5
9. Free time with other kids in program	0	1	2	3	4	5
10. Sports and recreational program	0	1	2	3	4	5

## TESTIMONY OF ROBERT BURTON

Mr. BURTON. Thank you, Mr. Chairman. It's really an honor to be able to be here today and tell some of the experiences I've had in the last 7 years in operating VisionQuest, a private residential treatment center in Tucson, Ariz.

I was formerly an administrator in the Delaware Youth Service Commission, having earlier worked in a reform school. I then went from there in 1968 to Las Vegas, Nev., where I took over the juvenile detention center. I saw kids downspiraling in the criminal justice system by revolving through that system from detention center to reform school and back. I dealt with hardcore children in Delaware and Nevada, and we're presently dealing with the most hardcore children from the States of Arizona, Colorado, and New Mexico.

I went to Arizona because I heard of a unique juvenile court judge by the name of John Collins, who said he was going to stop placing children in State reform schools. Pima County, Ariz., committed 300 children to the State reform school the year before Judge John Collins took the bench. He's been there for 6 years and he averaged only 20 children a year being placed in the State institutions.

We are a private agency that started in July 1973, and we incorporated as a profitmaking organization, where we would be responsible and the bottom line would be laid with us as far as the direction of dealing with hard to place, hardcore children.

We started with six children in 1973. As of today, we have 240 children from 3 States and 4 counties, and we're dealing with them on a 1-to-1 basis, with 250 staff, and we're dealing with an annual budget of about \$4 million.

We have not accepted or sought Federal money. LEAA is, however, probably very instrumental in our starting, because in 1971 I was selected to go to an LEAA conference for 3 weeks, talking about corrections. I was honored to be selected. I felt like I was being picked for the all-American team. I got there; I found everybody was just as dumb as I was. They talked about what the issues were and what the future was, but it was still only what everybody was talking about.

We decided in 1972 to do something about it. I was tired of being in facilities that used lock doors and chemotherapy as restraint. We made a policy from the day we opened that we would not have a locked door, we would not have any euphemisms like quiet rooms or isolation or whatever it takes to bind children who aren't dealing with their issues. We stopped using medication, and we became a psychiatric facility, accredited by the Joint Commission on Accreditation of Hospitals in 1975. We've had three consecutive accreditations by the Joint Commission.

Our psychiatrist and medical director feels as we do about using other methods than physical and chemical restraints for act-out children.

As of today, I am dealing with 62 children from the State of Colorado, who are now on a wagon train in the State of Arizona getting ready to head back to Colorado so the children can be placed in their own communities. They have all been rejected by 55 private agencies in the State of Colorado. Children are sent to us from the State of

Colorado only after they've been screened and refused by every other agency in the State.

Ninety percent of our children would have been placed in State departments of correction in the three States that we're dealing with, but they are given the alternative of going to Visionquest or going into the department of corrections.

Mr. CONYERS. So the judges are referring these youngsters to your organization?

Mr. BURTON. Yes; the local judges are referring them to the State department of social services, and the State departments of social services or welfare are paying the bill.

Mr. CONYERS. Are the judges and the specific social service organizations satisfied with the way you're handling it?

Mr. BURTON. Extremely, at least in the case of the probation department, because we're dealing with kids that have traditionally gone to "lockup" and revolving through the juvenile justice system. We just had a recidivism study done of all the children that have gone through our programs in Pima County and Cochise County, Ariz., which amounted to around 200 children. We were able to locate 74 percent of those children; 148 children were surveyed that have been out for 28 months or more, and it was found that only 8 percent of those children were institutionalized, 60 percent had never been arrested after they had been involved in Visionquest, 20 percent were involved in lesser offenses after their discharge, and 20 percent have had multiple offenses.

Mr. CONYERS. Putting aside modesty for a moment, how did you do it?

Mr. BURTON. By challenging the children to take responsibility for what was going on in their lives and giving them a rite of passage from childhood to adulthood by a symbolic philosophy of the native Americans called the vision quest; giving them the right to go from childhood to adulthood and accept the responsibilities of adulthood.

Mr. CONYERS. What does that mean?

Mr. BURTON. We did that by having action programs. We interviewed children, and again, it was their alternative to go to jail or come to us. It was an opportunity for them to turn around by challenging them to earn their way into our program by going on two wilderness survivals. They would be involved for a minimum of a year. Their whole family would enter the program. There is intensive family work on a weekly basis. There's no sex or drugs. That's the commitment they have to make about entering the program.

We have accepted 72 of the 75 children that we interviewed in the State of Colorado. So we're taking, again, the children that are just hard to place.

Mr. CONYERS. Well, in other words, you're taking those children who are troublesome delinquents.

Mr. BURTON. They're considered hardcore delinquents. They've been arrested an average of 10 times.

If I can make a note for the committee, the word "hardcore" should be understood, and that should be clarified inside LEAA in what they're doing with children. The hardcore child is not necessarily the aggressive child, nor necessarily the physical child. It's the child that

winds up in the system and downspirals in it. He's usually been in two or three placements, and then he learns to play their game, and then he winds up bombing out or running away or getting kicked out and being brought back to the courts to be moved to another place.

It seems like they start out as status offenders and wind up in the State institutions for some sort of physical offense.

Mr. CONYERS. Well, what recommendations, Mr. Burton, do you bring to the subcommittee that is caught in the throes of the complexities of trying to rewrite the Federal law on juvenile justice?

Mr. BURTON. I think the law should open up to let competition enter the arena of dealing with hard-to-place children. Most of the Federal laws talk about private agencies being a nonprofit organization. Again, we incorporated as a profitmaking organization. So primarily, we were the board of directors and we were able to make the decisions, at 10-minute intervals, if need be. Federal law usually excludes that. It usually calls private organizations "private-nonprofit."

When they set the rules up last year, they said, if you were in a private agency and you had more than 50 percent delinquents before they changed the rule, they were talking about delinquent children to be placed in private profitmaking organizations, and they'd never be counted against the counts in those States.

We just feel as if we're more scrutinized. It brings the issue to a head. If we didn't do our job, we wouldn't get children placed in our program. I think it opens up the free enterprise concept and to competition.

I think that agencies are dealing with children—like you said, the hard-to-place children are usually not picked up by the private agencies. Since we went into New Mexico, other private agencies have been forced to deal with children that they haven't dealt with traditionally in the past, because of the competitiveness of us entering the field.

Mr. CONYERS. We'll make sure that we'll try to open this up more competitively and more fairly, so that many more youngsters can profit by your kind of organization.

Are there many kinds of organizations doing what you're doing around the country?

Mr. BURTON. Not that we know of. We know of people who have components, the wilderness "Survivals" and that sort of thing. There's a program in Florida that uses the sea for sea "survivals" with residential components. There are a lot of short-term, action-oriented programs that are excellent for the children's identity. But we do the whole followthrough, as far as having the child for a minimum of a year, being able to do psychiatric intervention with them, and trying to make a change in their life.

Mr. CONYERS. Well, finally, how long do the youngsters stay there, and what happens to them when they get out?

Mr. BURTON. They stay an average of 14 months. The child can be placed back in his own home after the sixth or seventh month. We have special provisions with the State of Arizona for an on-the-street program, where we're able to deal with their families in their own homes. The majority of the kids do go back to their own homes, no matter what the situation at home.

We've found that 80 percent of our children come from single-parent families and mother-dominated situations they have traditionally failed in.

Mr. CONYERS. Are any of our colleagues in those States aware of your program?

Mr. BURTON. Representative Morris Udall is a very strong supporter of what we're doing, knows very much about us, and has been involved in our wagontrain. Senator DeConcini has been one of our advisors and very supportive of what we're doing.

Mr. CONYERS. Thank you.

Mr. Volkmer, have you questions?

Mr. VOLKMER. I have no questions.

Mr. CONYERS. Have you questions, Mr. Hyde?

Mr. HYDE. I have no questions. Thank you.

Mr. CONYERS. Our next witnesses are from the American Bar Association, Mr. Herbert Miller and Mr. Robert Evans. Mr. Miller is the vice chairman of the ABA Criminal Justice Section and codirector of the Institute of Criminal Law and Procedure at Georgetown University Law Center. Mr. Evans is associate director of the American Bar Association's Governmental Relations Office in Washington, D.C.

We also have a third, not presently identified.

[The complete statements follow:]



AMERICAN BAR ASSOCIATION

GOVERNMENTAL RELATIONS OFFICE • 1800 M STREET, N.W. • WASHINGTON, D.C. 20036 • (202) 331-2200

STATEMENT OF  
HERBERT S. MILLER  
on behalf of the  
AMERICAN BAR ASSOCIATION

before the  
SUBCOMMITTEE ON CRIME  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

on the subject of

H.R. 2108  
CRIMINAL JUSTICE SYSTEM ACT OF 1979  
and  
H.R. 2061  
JUSTICE SYSTEM IMPROVEMENT ACT OF 1979

April 3, 1979

Mr. Chairman and Members of the Committee:

I am Herbert S. Miller, a member of the American Bar Association, and currently Chairman-Elect nominee of its 10,000 member Section of Criminal Justice. My full-time professional position is Co-Director of the Institute of Criminal Law and Procedure at the Georgetown University Law Center. I appreciate the opportunity to appear before you today as spokesperson for the American Bar Association to articulate the Association's official views on the important issues raised in H.R. 2108, the "Criminal Justice System Act of 1979" and H.R. 2061, the "Justice System Improvement Act of 1979." I am accompanied by Mr. H. Lynn Edwards, Director of the Section of Criminal Justice.

The American Bar Association has a broad-based constituency, numbering 250,000 members of the legal profession. It is significant to note that the Association's House of Delegates -- its voting, policy-making body -- is even more broadly representative than the total Association membership, for the House of Delegates includes voting representatives from a large number of important national and State affiliated professional organizations, not all of whose individual members necessarily belong to the Association. Pertinent examples of these affiliated groups are the American Judicature Society, the Association of American Law Schools, the Conference of Chief Justices, National Bar Association, National Association of Attorneys General, National Association of Criminal Defense Lawyers, National District Attorneys Association, and the National Conference of Commissioners on Uniform State Laws, and 37 state and major local bar associations.

My testimony today is based upon an extensive report with numerous recommendations which was approved without dissent by the House of Delegates at the Association's Midyear Meeting in Atlanta, Georgia, February 13, 1979. This report was the product of a thorough analysis of observed, participatory, and reported experience under the Omnibus Crime Control and Safe Streets Act of 1968 and its numerous amendments, as administered by the Law Enforcement Assistance Administration. A copy of the



recommendations adopted by the House of Delegates, including an appendix of previously adopted Association positions, is attached to my written statement. In the interest of using my brief time to focus on a few major issues, I will forego reading these documents in the hope they can be included in the record.

At the outset, I should mention that Association President S. Shepherd Tate considers the subject matter of this legislation to be of high priority. Shortly after assuming office in August, 1978, President Tate invited the ABA's Section of Criminal Justice and Individual Rights and Responsibilities, together with the Association's Judicial Administration Division and Commission on a National Institute of Justice -- as the four Association entities having a prime interest in the subject matter -- to assist him in analyzing and responding to legislative proposals to reauthorize and restructure the Law Enforcement Assistance Administration and the programs administered by it. He felt it essential that the Association have a well-formulated position, because he realized that any legislation enacted would constitute the blueprint of federal efforts to help state and local governments improve their justice systems for the duration of the reauthorization period. He specifically urged the analysis to include an assessment of how best to fulfill the nation's needs, including consideration of the Association's own programs, its leadership role in the administration of justice, the Association's cooperative interest in terms of state and local bar activities and affiliated criminal justice groups, and equally important, the ABA's established policy of encouraging greater public knowledge, understanding, and participation in justice improvement.

The views set forth in the Association's recommendations represent years of experience in dealing with LEAA at national, regional, state and local levels -- through conducting LEAA-funded projects and programs; analyzing the problems of the administration of justice, both civil and criminal; confronting and seeking solutions to problems of the system; conducting continuing legal education programs; striving to improve coordination of the various component parts of the system; and

receiving feedback from many sources documenting both good and bad points regarding the experience of the past ten years. We have also made an extensive study of the many published reports regarding LEAA's strengths and weaknesses, and our constituents have been participants in a number of these studies.

With the foregoing as a sketchy backdrop -- which I will be pleased to amplify if there are questions after my testimony -- let me now address the legislative proposal at hand. At the outset let me state that we recognize the structural differences between the two bills under consideration. We take no position on just how the formal structure of LEAA or the Bureau of Criminal Justice Assistance should be spelled out in detail. We will discuss a number of issues applicable to any structure involving federal assistance to state and local criminal justice systems. I might add at this point that we have already testified on S. 241, the Senate counterpart to H.R. 2061. Our detailed testimony on S. 241, as it relates to H.R. 2061, is available should the subcommittee desire it.

Should LEAA be reauthorized?

I am pleased to place the Association firmly on record as endorsing the continuation of federal assistance in the criminal justice area, conditioned upon certain recommendations which I will identify and discuss as we proceed. We believe attaching a new name to the enterprise has important symbolic significance.

Despite all of the criticism heaped upon LEAA during its decade of existence, the American Bar Association believes that the basic concept of federal assistance to aid states and localities in improving their justice systems, is not only sound but imperative. Notwithstanding the existence of a large area of federal jurisdiction in criminal matters, criminal justice is predominantly a local problem of our 50 states and their subdivisions. Yet, they cannot and should not be expected to individually bear the burdens of controlling or preventing this problem. National encouragement through funding incentives is essential.

Additionally, there are many types of experimentation and reform which can most appropriately be perfected nationally and thereafter made available to state and local levels for adaptive consideration. As an example, the American Bar Association pioneered the development of the first set of ABA Standards for the Administration of Criminal Justice. They were prepared over a 10-year period (1964-73) as suggested guidelines to help all jurisdictions -- federal, state, and local -- reform, overhaul, and strengthen their criminal justice systems to meet the needs of society in the "Third Century USA." Additionally, since 1968, the ABA Section of Criminal Justice has carried on a major national effort to introduce and implement the standards throughout the nation. This is a graphic instance of a type of leadership and initiative which is only appropriate as a national undertaking, yet designed to help the individual states, giving recognition to the fact that in many areas they have differences due to their own Constitutions, traditions, and practices. The pioneering example of the American Bar Association in its standards work has been emulated by many other national groups, including the LEAA-funded National Advisory Commission on Standards and Goals. The proliferation of standards, guidelines, benchmarks, and codes resulting therefrom is testimony to the soundness of this approach and at the same time, constitutes a type of activity which is especially appropriate for national legislation and funding, providing approaches to common symptoms which can best be tried and proven at the national level and made available to states for their optional consideration.

Even more significantly, the federal government is ideally structured to promote and provide incentive funding to facilitate desperately needed coordination among all parts of the justice system, and thus help eliminate fragmentation, admittedly a major and especially frustrating obstacle to curing the ills of the system.

National organizations like the American Bar Association are, to a considerable extent, a voluntary amalgam of many local counterparts. The establishment of

such organizations is usually motivated by common recognition that certain needed actions and leadership could best be accomplished at the national level. This recognition does not detract from the basic independence of the local constituents; to the contrary, it complements and strengthens it, facilitates the exchange of ideas, knowledge, and experience, and promotes common solutions to common problems. This same sound principle is equally applicable to a properly restructured and wisely administered LEAA. Many lessons have been expensively learned from the past decade of experience. If these lessons are adequately observed in drafting LEAA's new lease on life, there should be no reason why the new investment should not render rich returns in justice system improvement.

Duration of the next reauthorization.

Our Association has recommended that the federal program's life be extended for five (5) years, from October 1, 1979 through September 30, 1984. We note H.R. 2108 provides a three-year extension (through September 30, 1982) and H.R. 2061 a four-year extension. Unless the Congress feels that there are sufficient reasons for avoiding a Presidential election year as the next expiration date, we would suggest the five-year extension. In any event, we are pleased to see a proposed extension for more than a year or two, because we feel that if the reauthorization legislation is soundly structured, and adequately funded, the agency should be given a reasonable period of years to restore public confidence and carry out the will of Congress.

We do applaud the fact that this legislation is being given such a high priority. We think it is essential to have this legislation enacted as much in advance as possible of the scheduled expiration date of the present authorization. To do otherwise would create confusion and risk irreparable harm to many current, ongoing successful programs which depend upon such assistance.

Level and Distribution of Funding.

The Association doesn't feel that it has the knowledge or expertise to comment on many of the details relating to the legislative provisions which concern the distribution of funding as between states and local units of government, or as to some of the other allocations. But we do feel we have sufficient knowledge to comment upon the total level of funding, and the amount which we believe should be earmarked for national discretionary grants. It is in these areas that we feel LEAA either has an opportunity to demonstrate the soundness of the restructuring which Congress makes, or is foredoomed to failure.

We have recommended that the total level of funding be at least \$900,000,000 for each fiscal year, and that of this amount \$100,000,000 be legislatively earmarked for national discretionary grants. We note that H.R. 2108 provides for an authorized funding level of \$565,000,000 for each fiscal year, and H.R. 2061 \$825,000,000.

The Association has a number of serious concerns about Section 110 of H.R. 2108. This is the Section which makes provision for special emphasis grants to public and private recipients, or what we would commonly refer to as national discretionary funds.

Our first concern is the ceiling of \$50 millions for this activity for fiscal year 1980, and the limitation of only half that amount, or \$25 millions, for what is termed "other than state distribution." In other words, the Act places a severe limitation on the amount of discretionary funding available for national or regional activities which transcend the boundaries or scope of any individual state. Furthermore, it is noted that although H.R. 2108 provides in Section 414 (authorization levels) that the amount of discretionary funds for distribution by states will increase to \$50 millions in fiscal year 1981 and \$75 millions in fiscal year 1982, the amount for national and regional projects will remain at \$25 millions.

Not only do we feel that the total allocation to discretionary funding is inadequate but we feel even more seriously that it is unreasonable to appreciably increase the discretionary funding level for state projects and not treat the national and regional projects similarly.

Speaking only for the American Bar Association as one of the numerous national professional groups whose interest, expertise, and participation, we believe the LEAA legislation should strive to attract on a continuing and increased basis, it seems unwise to place such a damper on the major incentive to their involvement in justice system improvement. The American Bar Association is an umbrella group which has expended huge sums of its own revenues and attracted increasingly large amounts of outside private funding to initiate projects and programs designed to improve the administration of justice.

There have been essential major programs of national and regional importance in the area of justice improvement which have required the assistance of LEAA funding at the national level, and in the past discretionary funding has not always been available to support some of these projects. Based upon our experience in dealing with LEAA in the past, we are convinced that the amount of national discretionary funding to take full advantage of organizations having the expertise exemplified by the American Bar Association should be more at the level of \$100 millions per fiscal year which, of course, would include discretionary funding available for state distribution. It is impossible to indicate with precision what division should be made between the allocation available for national and regional projects on the one hand, and state distribution on the other; but certainly it is felt that at least \$50 millions per fiscal year should be available for national and regional projects.

Establishing Congressional Priorities

We note that both bills establish clear priorities to guide the administrators, professional community groups, governmental entities, and planners in the allocation of resources. H.R. 2108 emphasizes four major areas in which the American Bar Association and the Criminal Justice Section have long had an interest. We fully support the priority designation of neighborhood-based community anti-crime efforts; alternatives to traditional incarceration; programs to prevent juvenile delinquency; and efforts to combat white collar crime.

In 1975 the ABA adopted a resolution to encourage maximum citizen participation in criminal justice planning and urged enlightened citizen involvement in criminal justice matters. We fully support encouraging neighborhood or community based organizations by providing substantial financial assistance and intensification of efforts to promote greater knowledge, understanding, appreciation of the criminal justice system, and participation in activities and programs to improve it, by citizens, neighborhood and community based organizations.

From the time the American Bar Association adopted its Criminal Justice Standards on Sentencing and Probation ten years ago, it has called for a presumption in favor of probation and outlined a variety of community based alternatives to traditional incarceration. In recent revisions to these standards the ABA has reiterated its support of such alternatives. And in testimony on federal criminal code revision, the ABA has called for emphasis on sentencing alternatives to be written into the law so as to provide judges with a variety of tools and resources in deciding the appropriate sanction.

The ABA has been and continues to be vitally interested in the whole area of juvenile justice. Since 1973, the Association has been cooperating with the Institute of Judicial Administration in a joint Commission on Juvenile Justice Standards. That project has formulated 23 volumes of standards relating to juvenile justice. They cover the entire spectrum of this crucial area -- from

court procedures and administration to substantive roles governing delinquency and sanctions, from state intervention into family life to the architecture of the detention facilities -- in fact, every relevant issue, whether imposingly complex or tediously commonplace. After nationwide circulation of these volumes in tentative draft form, for comment, feedback and refinement -- beginning as early as 1976 -- 17 of the volumes were given final approval by the Association's House of Delegates at its Midyear Meeting in February, 1979. Implementation of these will be the next step, in addition to finalizing and getting approval of the remaining tentative drafts. Thus it is clear that the ABA will be deeply involved in juvenile justice for years to come.

We should add at this point that the criminal justice standards, initially adopted in the late 1960's and early 1970's, are now being completely updated. Their initial promulgation was followed by a massive implementation effort on the part of the ABA. With funding help from the American Bar Endowment, the Association's general fund, private foundations, Section dues and LEAA, the Criminal Justice Section has worked nationwide with state bar associations, organizations of judges, prosecutors, defense attorneys, and citizens groups in an effort to improve criminal law procedures and practices in all states. As part of this effort, the ABA has prepared comparative analyses of state rules and statutes and the ABA standards in every state. Numerous meetings have been held with state and local government representatives throughout the country to discuss these standards. As a result, all states have considered the standards, many are revising their rules or statutes, and most have adopted substantial portions of the ABA model standards. Moreover, state and federal appellate courts cited these standards in over 6,000 separate reported opinions.

The impact of the criminal justice standards can also be assessed in terms of the distribution of the standards throughout the United States. Over 40,000 complete sets of these 17 volumes have been distributed and over 800,000 individual volumes are in use throughout the United States by judges, lawyers, and



criminal justice planners. They are increasingly used as instructional material in law schools as well.

Thus, as you can see, the effort to implement the juvenile justice standards will be included and expanded as part of the effort that has been made and will continue to be made in gaining implementation of the criminal justice standards. We note that H.R. 2108 does not contain as a priority the question of standards, their promulgation and implementation, and funding therefor. We strongly recommend that the value of the standards approach to criminal justice system improvement, as pioneered by the ABA and since emulated by so many other national groups, should be highlighted by expressly providing that the continuing formulation, implementation, and updating of such standards is a priority and by making funds available for these activities.

While the ABA has not taken a formal position on efforts to combat white collar crime, the Criminal Justice Section has pioneered in this field. In 1975 representatives of LEAA and the Justice Department asked the Criminal Justice Section to create a committee to establish a dialogue and mount an effective national front to combat economic crime offenses. The Section was selected because it was in the unique position of being able to bring together all the elements of the criminal justice system, including judges, prosecutors, defense attorneys, academicians and others with expertise in this area. The Criminal Justice Section agreed to undertake this study and established an economic crime committee composed of representatives of all the above elements.

The result was a report published on December 30, 1976, which provided a detailed analysis of the problems and issues in this area and made a number of recommendations -- many of which track the concerns expressed in H.R. 2108 -- and indicated further work which needed to be done. The Section committee performed the work requested and published its report with less than \$10,000 of LEAA funding which had to be supplemented by resources from its scarce dues revenues. Because of the importance of its findings and the Section's identification of several

problems needing attention in the white collar crime area, the Section has continued to subsidize a committee which is now actively focusing on selected areas with a view to establishing Association positions which can be implemented. LEAA funding is urgently needed to help subsidize this ongoing intensified work. Thus, we are pleased to note the thrust of H.R. 2018 in the area of white collar crime.

Despite our support in principle for these priorities we believe there are provisions regarding priorities in both bills which present problems. H.R. 2061 earmarks a set percentage of funds to be set aside for juvenile delinquency programs. H.R. 2108 earmarks specific percentages for priorities with a varying scale proposed for the three fiscal years. In our testimony on S. 241, we expressed serious concern about its earmarking provisions for juvenile delinquency programs. It was and is our view that giving unique treatment by such earmarking for any segment of the criminal justice system may make it difficult for a comprehensive, "umbrella" approach to be taken towards solving the problems of the criminal justice system. We now raise with you the issue of how perpetuation of such separate programs can be successfully integrated with efforts to deal with problems of justice on a comprehensive "systems" basis. We agree that the Congress should identify basic priorities in the legislation, but we urge that within such priorities the various groups involved in the allocation process should be permitted reasonable latitude to refine these priorities in accordance with legislative guidelines and changing developments. We would also suggest including in the legislation stringent congressional oversight provisions to make certain the will of Congress is being carried out. We hope you will make appropriate revisions along these lines.

There are three other areas which do not appear to be covered in the priorities expressed in either bill. First, the ABA has long had an interest in developing new and expanded means of access to justice, including access to defense services, access to expert and other services helpful to the defense function, and access to speedy, consistent and fair modes of disposition in criminal cases. We strongly

recommend the inclusion of language which would establish this as a priority.

The second area involves mentally impaired individuals. There are many special problems relating to the processing of such persons through the criminal justice system. We believe that these have not been dealt with adequately and that it would be beneficial to invite attention to this problem with the inclusion of language relating to procedures as well as alternative means for dealing with mentally impaired individuals at all stages of the criminal justice process.

As to the third area, in line with devising effective alternatives to the criminal justice system, we suggest including alternatives to unwarranted use of the criminal sanction in handling both alcohol and drug abuse. Many problems associated with misuse of alcoholic beverages and drugs are health-related and should be treated in that context. In fact, we feel that the whole area of alcohol abuse has not been adequately included among LEAA's past priorities. For example, the nation has a very serious problem involving the drinking driver, and funding for programs to effectively cope with that should be expressly provided.

#### Improved Justice System Coordination

We also note that in both bills there is insufficient emphasis on improved justice system coordination. The established precepts of the American Bar Association are in opposition to undesirable fractionalization of the justice system implicit in emphasizing the concerns of one part to the subordination or exclusion of the other part. We feel that everything possible should be done to improve, encourage, and even mandate, where possible, greater coordination among the parts of the justice system. We believe the absence or incompleteness of such coordination is one of the major reasons for ineffective administration of justice. In the Association's promulgation and implementation of the ABA Standards for Criminal Justice, the key theme has been to "treat the whole person," so to speak. It does no good to do patchwork on one part of the system

without considering the effect of that on other parts of the system. We believe there should be language which encourages "umbrella" groups representing the prosecution, defense, and judicial segments of the system to more actively participate in programs calculated to improve and modernize all parts of the system. Chief Justice Warren E. Burger has constantly stressed the fact that the justice system is like a three-legged stool -- the legs representing the judiciary, the prosecution, and the defense -- and that these three legs must be equally strong and work as a unit, else the system will suffer. This is the theme which pervades the ABA Standards for Criminal Justice.

In connection with improved criminal justice coordination, we note the provision in Section 602(1) of H.R. 2061 authorizing funding for programs and projects to stimulate and encourage the improvement of justice and the modernization of state court operations which appear to limit eligibility to "national non-profit organizations operating in conjunction with and serving the judicial branches of State governments." We encounter some difficulty interpreting just what this quoted language means. The American Bar Association, as well as all state and local bar associations, for example, pride themselves on being "umbrella" groups recognizing the entire spectrum of the legal profession -- lawyers in general practice, prosecutors, public defenders, private defense attorneys, law school professors, lawyers in law enforcement and corrections, as well as judges. I am confident that bar associations would find it difficult to conceive themselves as "operating in conjunction with and serving the judicial branches of State government." But there is no question that the charters of bar associations certainly include serving the cause of improving the administration of justice, which would fully embrace the courts. Thus, I would seriously suggest that the quoted language of 602(1) be amended to read "non-profit organizations," deleting the word "national," and the phrase "operating-in-conjunction-with-and-serving-the-judicial-branches-of-State-government."

Training and Education

We have experienced a previous problem concerning the eligibility of LEAA funding to cover training and/or continuing legal education programs, including advance planning and preparation of curriculum materials. In reviewing H.R. 2061, Section 602(2) and Section 110(a) (3) of H.R. 2108, which cover this area, we believe the problem is not sufficiently covered.

Specifically, we encountered the problem in the Spring of 1978 when it appeared that the proposed federal criminal code might become law in the 95th Congress. Our Criminal Justice Section, realizing the nationwide interest in the proposed federal criminal code and the fact that although it pertained to federal jurisdiction, traditionally the states tend to track federal law in such important matters, desired to plan and conduct carefully designed educational programs at national and regional levels. The objective would have been to orient and educate criminal justice planners and practitioners from all segments to the provisions of this important legislation. Our Section believed the very enactment of a federal criminal code could provide an example of federal leadership to serve as a beneficial impetus to those states which have lagged behind in their code revisions. The Section was also aware of the fact that state code revision efforts had been a major priority of LEAA for several years.

The Section made inquiries concerning the availability of LEAA funding to assist in the extensive planning effort, which was to include the mobilization and commitment of a group of experts in the federal criminal code who would prepare position papers and thereby assist in identifying problems of special interest to the states and contributing to high quality curriculum materials.

Although LEAA professed interest in this proposal, they advised us that certain restrictions in LEAA legislation and the interpretation thereof presented problems. One of these was that the Association's Section of Criminal Justice was not eligible for such a grant and that it would be necessary to have the funding

made to an "institution of higher education" -- this despite the fact that the Section and the Association have an established track record of regularly conducting national institutes and other programs of continuing legal education; and the fact that the American Bar Association already sponsors the National Judicial College, the National College of District Attorneys and the National College for Criminal Defense. A second problem, we were told, was that the funding could not be given until and unless the proposed federal criminal code became law. This would have made it impossible to engage in the kind of advance planning the Section desired in order to give assurance of the high quality of the program. The third obstacle to funding, according to LEAA, was the fact that the subject matter pertained to federal legislation and LEAA was intended to fund programs dealing with state and local laws. As noted previously, we strongly felt that the federal criminal code would have been a very valuable subject for state and local criminal justice planners and practitioners.

In light of the foregoing specific instances of difficulty, we urge that both bills be amended in order to remove any doubt concerning the future funding eligibility of such non-profit professional organizations which are planning and conducting programs of continuing legal education in such areas. We certainly believe that Congress would not intend otherwise.

#### Representation on Boards and Councils

We note with some satisfaction that throughout both bills the various boards and councils proposed to serve a variety of valuable purposes are quite broad-based and required to have a substantial diversity of representation thereon. Yet, it is disappointing and troublesome to observe that professional organizations are conspicuously absent from mention among that diversity.

As early as February, 1975, the American Bar Association endorsed the policy to encourage its members, state and local bar associations, and affiliated professional groups to become active participants in their respective state and local criminal justice planning groups and activities.

The Association has repeatedly stressed the importance of involvement of the private sector -- organizations, as well as individuals -- in the battle against crime and in the effort toward justice system improvement. We are convinced this is the only way genuine and lasting progress can be assured.

It is, therefore, our suggestion that the language be amended and clarified as necessary to include in its letter and spirit a clearcut invitation and encouragement to involve these professional organizations among those that share representation on the numerous boards and councils -- at national, state, and local levels, -- which will be depended upon to insure that the will of Congress is carried out.

Judicial Coordinating Committees

My final comment on these two bills concerns their variation with regard to judicial coordination. Section 402(d) of H.R. 2061 authorizes the establishment of a judicial coordinating committee for each State to establish priorities for the courts, define, develop, and coordinate programs and projects for improvement of the courts, and to develop funding applications based on such programs and projects. Section 1003 allocates funding for these judicial coordinating committees. H.R. 2108 contains no such provisions. The Association has been on record since February, 1976 as favoring the concept as provided in H.R. 2061, and I, therefore, respectfully suggest that the Committee retain such language.

## AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
S. SHEPHERD TATE  
AMERICAN BAR CENTER  
CHICAGO, ILLINOIS 60637  
TELEPHONE 312/947-4042

PLEASE REPLY TO:  
1800 M STREET, N.W.  
WASHINGTON, D. C. 20036

RESOLUTIONS ADOPTED BY THE  
HOUSE OF DELEGATES

February, 1979

The Sections of Criminal Justice and Individual Rights and Responsibilities, and the Judicial Administration Division recommend adoption of the following resolution and recommendations:

BE IT RESOLVED, That the American Bar Association endorse legislation to reauthorize and restructure the Law Enforcement Assistance Administration and the programs administered by it, insofar as such legislation is consistent with already established Association policies set forth in Appendix A.

BE IT FURTHER RESOLVED, That the American Bar Association endorse the following additional provisions:

1. That such legislation be accorded a high priority by the Congress so as to proceed with all reasonable dispatch to prevent any gap between the scheduled termination September 30, 1979, of this program under existing legislation; and in order to eliminate confusion and prevent irreparable harm to many current, ongoing, successful programs and initiatives at national, state, and local levels which depend upon such assistance.
2. That the reauthorization of the Law Enforcement Assistance Administration be extended from October 1, 1979, through September 30, 1984.
3. That the level of appropriated funding for the administration, technical assistance, planning, justice system improvement grants, including those for manpower training and development, community crime prevention, and juvenile justice administered by the Law Enforcement Assistance Administration be no less than \$900,000,000 for each fiscal year; of which annual sum, no less than \$100,000,000 shall be available for national discretionary grants, which shall include the applicable guidelines set forth hereinafter.

That any reauthorization legislation which provides for funding assistance through a combination of block grants, priority grants, and discretionary grants be drafted in sufficiently precise terms to clearly define the amounts allocated



to each category; and further, that the amount allocated to and the eligibility provisions governing priority grants not substantially reduce the amounts allocated to block or discretionary grants and thereby jeopardize the purposes for which those allocations were intended or the latitude of their intended grantees in their participation in criminal justice improvement.

4. That the Congress include among its enumerated findings and objectives in support of such legislation, the following:

A. That, although crime is essentially a local problem which must be dealt with by state and local units of government, the Congress must support their efforts, including the strengthening and improvement of the criminal justice system, by providing substantial financial assistance to attract and enable private nonprofit organizations and neighborhood or community-based organizations at national, state, or local levels to plan and carry out continuing programs of justice system improvement, and thereby mobilize their leadership, expertise, interest and active support.

B. That the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which require, among other things, intensification of efforts to promote greater knowledge, understanding, appreciation, and participation of citizens, neighborhood and community-based organizations, the media, and private nonprofit organizations in activities and programs to improve justice systems, and to make available adequate funding and technical assistance therefor.

C. That it is the declared policy of the Congress to aid State and local governments in strengthening and improving their systems of criminal justice by providing financial and technical assistance with maximum certainty and minimum delay; such financial assistance to expressly include the following purposes: (1) to improve and modernize the correctional system, with special emphasis on efforts to develop additional alternatives to incarceration for convicted individuals, and to stress these efforts as important funding priorities to guide those responsible for planning, goal-setting, and policy-making in these areas; (2) to continue to encourage, through adequate funding and other means, programs and projects to develop, promote, implement, and periodically reevaluate and revise models, goals, guidelines, and standards suitable for adaptation at national, state, or local jurisdictional levels, to strengthen and improve the criminal justice system; (3) to support community anti-crime efforts, especially designed to encourage and facilitate a greater involvement of citizens and community resources in helping to identify, plan, and implement programs that impact on crime and enhance opportunity for citizens to acquire a better understanding of and support for the criminal justice system; and (4) to develop new and expanded means of access to justice, including access to defense services, access to expert and other services helpful to the defense function, and access to speedy, consistent and fair modes of disposition in criminal cases.

5. That appropriate professional nonprofit organizations be represented on any national, state, regional or local boards, commissions or councils established to analyze criminal justice system problems, prepare comprehensive plans reflecting criminal justice priorities, and/or otherwise set priorities or expenditure goals

in connection with the improvement of the criminal justice system, or to establish processes for determining priorities and issuing appropriate rules and regulations applicable thereto.

6. That legislation authorizing funding assistance to improve the criminal justice system clearly include provision for programs and projects to enable public or private nonprofit organizations to develop, publish, disseminate, implement, and periodically evaluate and revise models, goals, guidelines, and standards suitable for suggested adaptation at national, state, and local jurisdictional levels.

7. That legislation to provide funding assistance to improve the criminal justice system specifically authorize projects and programs designed to (1) develop, test, and encourage the implementation of alternatives to the criminal justice process, such as pretrial diversion, medical treatment of alcoholics or other drug abusers, and minor dispute resolutions; (2) to develop, test, and encourage the implementation of additional alternatives to incarceration for convicted individuals, such as suspended sentences, halfway houses, small community facilities, furloughs in the category of work, training, and education; and that both categories of such alternatives be stressed as important funding priorities to guide those responsible for planning, goal-setting, and policy-making pursuant to such legislation; and (3) to develop, test and encourage the implementation of appropriate alternative means of dealing with mentally impaired individuals at various stages of the criminal justice process.

8. That funding authorized by such legislation for attacking criminal justice problems related to drug abuse include equal provisions for such problems related to alcohol abuse.

9. That funding authorized by such legislation for criminal justice improvement programs specifically include provisions to enable professional nonprofit organizations of criminal justice practitioners to plan and develop coordinated, cooperative solutions to problems which affect more than one element of the system at national, state, or local levels, whether such programs and projects are undertaken singly or by a combination of such organizations, so long as the project or program has an adequate intersystem representation in its thrust; and that such provisions specifically encourage "umbrella" groups representing the prosecution, defense, and judicial segments of the system to actively participate in programs calculated to improve and modernize all parts of the system.

10. That provision in such legislation for funding assistance to private nonprofit organizations for programs and projects contain methods for giving grant award eligibility requirements to consult with appropriate agencies and officials of state and units of local government to be affected by such programs or projects when such would be impractical because the contemplated program or project involves studies, pilot, or demonstration efforts national in scope.

11. That funding assistance authorized by legislation for criminal justice improvement specifically include eligibility for conferences, workshops, seminars, and other appropriate mechanisms for the purpose of educating the public, including media representatives, concerning criminal justice issues and procedures, with a view to improving their knowledge, understanding, and appreciation of criminal justice problems and our constitutional guarantees; thereby promoting their active participation in and support for improving the system.

12. That any training and/or continuing legal education programs authorized for funding include eligibility for all criminal justice practitioners, rather than being limited to those in the employ of state and local government; and that special emphasis be accorded to programs designed to enhance the trial advocacy skills and overall competence of practitioners, including more adequate representation of persons accused of crime, especially the indigent.

13. That legislation establishing authority for the allocation of funds to be used in conducting local, regional or national training and/or continuing legal education programs, include specific provisions to enable such funds to be utilized for the advance planning of said programs, including the preparation of materials for use of the faculty and students, regardless of whether the subject matter concerns federal or state legislation or programs.

Attachment - Appendix "A"

PREVIOUSLY ESTABLISHED ASSOCIATION POSITIONS1. National Institute of Justice.

"Resolved, That the American Bar Association approves and urges the Congress to enact the 'Bill for an Act Creating a National Institute of Justice' prepared by the Commission on a National Institute of Justice as amended, however, to alter section 4(b)(3) to read:

(3) At least four members who are lawyers and at least four members who are neither judges nor lawyers."

(Approved by the ABA House of Delegates at the August, 1974, Annual Meeting.)

2. Adequate Funding to and Insulation from Political Pressures on State Court Systems.

"BE IT RESOLVED, That Congress is urged to amend the LEAA Act so as to provide reasonable and adequate augmenting funds to state court systems under a procedure by which political pressures on state judges are not invited and by which the independence of state court systems and the separation of powers doctrine are maintained and fostered, bearing in mind that plans and projects for the improvement of state judicial systems should be developed and determined by the respective state court systems themselves: and

"BE IT FURTHER RESOLVED, That the President of the ABA or his designee is authorized to present these views before the United States Congress."

(Approved by ABA House of Delegates at February, 1975, Midyear Meeting.)

3. Encouraging More Active Involvement of Organized Bar, Its Members and Affiliate Groups--at National, State, and Local Levels--To More Actively Participate in Criminal Justice Planning Groups and Activities; To Encourage Maximum Citizen Participation Therein; and Emphasizing Value of Standards, Codes, and Goals as Criminal Justice Planning Tools.

"The Special Committee on the Administration of Criminal Justice recommends that the American Bar Association urge its members, state and local bar associations, and affiliated groups to:

1. Become active participants in their state and local criminal justice planning groups and activities.
2. Urge consideration of the ABA Standards for Criminal Justice, the National Advisory Commission Standards and Goals, and other appropriate ABA Standards and Codes as fundamental and significant tools in developing standards and goals, through comprehensive criminal justice planning.
3. Encourage maximum citizen participation in criminal justice planning consistent with the Association's traditional role of leadership, in light of LEAA's expressed policy of encouraging lay attendance at state standards and goals conferences and in state and local criminal justice planning; and to insure enlightened citizen involvement in criminal justice planning by providing such lay citizens with essential knowledge of the background and pertinent complexities regarding the ABA Standards for Criminal Justice, National Advisory Commission Standards and Goals, and other such valuable resources."

(Approved by ABA House of Delegates at February, 1975, Midyear Meeting.)

4. Reaffirmation of Judicial Independence from Political Pressures; Guarantee of Separation of Powers Doctrine; Provision for Judicial Planning Entity; and Recommendations to Implement These Principles.

"BE IT RESOLVED, That Congress is urged to amend the LEAA Act so as to assure a reasonable and adequate portion of all LEAA funds, including state block grants and national scope discretionary funds, for the improvement of the courts of the states under a procedure by which political pressures on the state judges are not invited and by which the independence of state court systems and the separation of powers doctrine are guaranteed, requiring that plans and projects for the improvement of state judicial systems be developed and determined by a judicial planning entity, designated or created by the court of last resort of each state and by which shall be representative of all types of courts in a state judicial system; and

BE IT FURTHER RESOLVED, That judicial representation of a minimum of one-third be required on each state planning agency and the executive committees thereof, which judicial representatives shall be appointed by the court of last resort; and

BE IT FURTHER RESOLVED, That the LEAA Act be further amended as follows:

1. To encourage the development of long-range plans for court improvement, including the development of a multi-year comprehensive judicial improvement plan for each state;
2. To allow judicial planning entities to develop comprehensive plans without being compelled to adopt a particular organizational requirement as a condition precedent to obtaining funds. In addition, no state shall be penalized for the adoption of a particular mode of organization;
3. To provide for continuing Congressional oversight evaluation of the LEAA Act and operation;
4. To extend reauthorization of the LEAA program for five years but subject to Congressional change at any time;
5. To establish funding for the five-year period;
6. To repeal Section 301 (d) of the Act, limiting the compensation of personnel;
7. To define the word "court" to mean a tribunal recognized as a part of the judicial branch of the state or of its local government units; the term "court of last resort" to mean that state court having the highest and final appellate authority of the state and in states having two such courts, the term "court of last resort" shall mean the highest appellate court which also has rule-making authority and/or administrative responsibility for the state's judicial system and the institutions of the state judicial branch; and

BE IT FURTHER RESOLVED, That the ABA is authorized to assist the Conference of Chief Justices and other judicial organizations in connection with their efforts to obtain changes in the LEAA Act similar to those outlined above, and that the President of the ABA or his designee is authorized to present these views before the United States Congress and other agencies of the government."

(Approved by voice vote of ABA House of Delegates at the February, 1976, Midyear Meeting.)

5 Endorsement of Continuing Discretionary Grant Funding for National Education and Training Programs--Prosecutors, Defense Personnel, Judges, and Judicial Personnel.

BE IT RESOLVED, That the American Bar Association supports amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1976 and other acts amending the 1968 statute, to insure Law Enforcement Assistance Administration discretionary grant funding on a continuing basis to private nonprofit organizations for projects and programs which include national education and training programs for state and local prosecutors, defense personnel, judges and judicial personnel, and to assist in conducting local, regional or national training programs for the training of state and local criminal justice personnel.

BE IT FURTHER RESOLVED, That the specific legislative amendments supported by the ABA are as follows:

(1) Amend § 402(b) (6) by deleting the words: "at the request of a state or a unit of general local government or a combination thereof."

(2) Amend § 402(b) (6) further by deleting the word "or" at its third appearance and adding a comma, and after the next word, "regional," adding the words, "or national."

(3) Add a new § 408 as follows:

Section 408(a). The administration is authorized to support national educational and training programs for state and local court personnel, prosecutorial personnel, and defense personnel involved in the adjudication of criminal cases. The programs shall be designed to disseminate and demonstrate new legal developments by teaching, demonstration, practice and the publication of manuals and materials to improve the administration of law enforcement and criminal justice.

(b) Institutions supported under this section will assist state and local agencies in the education and training of personnel on a state and regional basis.

(c) Grants supported under this section may provide up to 100 per centum of the cost of a project but the total financial support may not exceed 80 per centum of the total operating budget of any funded institutions or programs.

(1) Institutions funded under this section shall assure that to the maximum extent feasible efforts shall be made to increase the non-Federal share of the total operating budgets of such institutions or programs with the objective of becoming self-sustaining.

(2) To the greatest extent possible funds appropriated for the purposes of this section shall not be utilized to provide per diem or subsistence for state and local officials receiving such training.

(d) The cost of training state and local personnel under this section shall be provided out of funds appropriated to the administration for the purpose of such education and training.

(Approved by the ABA House of Delegates at the August, 1978, Annual Meeting.)





AMERICAN BAR ASSOCIATION

GOVERNMENTAL RELATIONS OFFICE • 1800 M STREET, N.W. • WASHINGTON, D.C. 20036 • (202) 331-2200

STATEMENT OF

ROBERT D. EVANS

representing the

AMERICAN BAR ASSOCIATION

before the

SUBCOMMITTEE ON CRIME

COMMITTEE ON THE JUDICIARY

UNITED STATES HOUSE OF REPRESENTATIVES

on the subject of

THE NATIONAL INSTITUTE OF JUSTICE

APRIL 3, 1979

Mr. Chairman and Members of the Subcommittee:

I am Robert D. Evans, the Associate Director of the American Bar Association's Governmental Relations Office. I appear before you today at the request of our President, S. Shepherd Tate, to communicate the Association's views regarding the need for a national program of justice system research.

The past fifteen years have seen enormous changes in the legal profession and in the organized bar. There has been a steady movement away from a preoccupation with issues of narrow self-interest and toward a concern for the broad social implications of law and the legal system. Our eight-year, \$8.5 million program to improve correctional facilities and services, our recent project in Pennsylvania providing legal counsel to persons in mental institutions who would otherwise have gone unrepresented, our initiation of the Council on Legal Education Opportunity program to bring persons from disadvantaged backgrounds into the legal profession, and our study of means by which federal law enforcement agencies might be insulated from improper partisan influences typify the diverse range of public interest programs which the Association has undertaken in recent years. Today, more than half the Association's budget is devoted to such broad public concerns.

While we have done much, it is self-evident that we are a long way from solving the problems of the justice system in America. A great deal more experimentation, exploration, comparison and testing are needed in almost every aspect of the justice system--or rather justice

systems: federal, state and local; criminal, civil, administrative and regulatory; police, prosecution, defense, and corrections; and non-judicial means of dispute resolution. In addition, experimentation is needed in such areas as legal education and public understanding of the law.

It is our view that a high-caliber national program of research and experimentation in the justice system, in all its aspects, can go far toward improving the lives of countless citizens in this country who come into contact with the justice system. For a relatively small financial investment, such a program--a National Institute of Justice--offers the promise of returning substantial benefits to our citizenry.

The concept of a National Institute of Justice is not a recent one but dates back to a proposal by Justice Cardozo in 1921. He recommended that a "ministry of justice" be created which would, in part, study the law in action and develop proposals for reform. A similar call was made by Dean Pound in 1937, and in 1967 the former chairman of this Committee, Congressman Emanuel Celler, introduced legislation to establish a national foundation of law.

In 1972, Bert H. Early, the Executive Director of the American Bar Association, published an article in the West Virginia Law Review entitled "National Institute of Justice--A Proposal." Drawing from these earlier proposals, Early called for

. . . the establishment of a national public agency, governed by the most eminently qualified individuals available, and dedicated to the mission of giving national cohesion and increased public and private

support to the now inadequate and piecemeal efforts directed toward improving the justice system at all levels . . . . The ultimate aim is to achieve a structure of civil and criminal justice that is more effective, expeditious and accessible to the present-day needs of all our people.

Leon Jaworski, then Association President, and his successor, Robert W. Meserve, believed the proposal warranted further airing and in 1972, under their leadership, the Association established a Commission on a National Institute of Justice. We were fortunate in attracting to the Commission a distinguished group of citizens, lawyers and non-lawyers alike, headed first as chairman by Charles S. Rhyne of the District of Columbia and now by Robert H. Hall, Justice of the Supreme Court of Georgia.

The Commission worked intensively for two years to develop recommendations for implementing the general concept of a national justice research institute. A national conference was held in 1972, and thereafter two drafts of a proposed bill to establish the NIJ were sent to over 12,000 persons having contact with and interest in the justice system. In 1974, the Commission held five regional hearings to receive further public input. The public response to the mailings and the hearings was strongly favorable to the NIJ proposal. I would like to quote from the statement of one of the witnesses at these hearings:

I for one believe that a body like the National Institute of Justice is essential to study these and other problems of our justice system and to achieve meaningful reform. No single city or state can command the resources and personnel to undertake such an effort. Many problems of our justice system are, of course, local in nature; but many others recur time and time again in different cities and in different states. A national body which would study these problems and suggest, not dictate, solutions would be a great resource to me and other governors. The role which the Institute could serve in publicizing and coordinating existing reform efforts would also be a genuine step forward. I commend you for the

fine and diligent effort which your Commission has put into this effort so far, and I heartily endorse your proposal. Its unified approach will assist us in establishing justice throughout the United States and thereby create a "more perfect Union."

The statement was that of the then-Governor of Georgia, Jimmy Carter.

The Commission's proposal was approved by the ABA House of Delegates in 1974 and has been endorsed by diverse national organizations. It has been introduced as legislation in both the 95th and 96th Congresses by Congressman Peter Rodino in the House, and by Senator Birch Bayh in the Senate.

Your bill, Mr. Chairman, for restructuring LEAA, H.R. 2108, provides for the establishment of a "National Institute of Justice" within the Department of Justice, as does the Administration's bill, H.R. 2061. In one important aspect, however, your bill differs from both the Administration's bill and from the bill we endorse, H.R. 2413. This, of course, is in the jurisdiction given to the research institute. Your bill would limit the jurisdiction to criminal justice matters, whereas the Administration's bill and our bill would include civil justice matters as well.

We believe that a comprehensive approach to the entire justice system is a far wiser approach than limiting research to one segment only, and that both the criminal and civil sides will benefit from the interchange. A major problem with existing research is that it is done on a piecemeal basis, with little coordination between the various efforts. A comprehensive approach would permit both greater awareness of other research projects and appropriate exchange of information and ideas between researchers in the criminal justice field and those in the civil

field. Experiments with alternative methods of dispute resolution, for example, offer the promise of easing both civil and criminal dockets in our courts, and such approaches should be examined on a comprehensive basis. The setting of priorities for the calendaring of cases is another obvious example of the problems which affect both the criminal and civil sectors. The question of the causes of certain behavior, and whether that behavior should be treated as a civil matter or a criminal matter, or indeed whether the justice system should be involved at all, is yet another example of the interdependence of these areas. The benefits of a broad and comprehensive jurisdiction far outweigh, in our view, any disadvantages.

Certain practitioners in the criminal justice sector have expressed concern that the establishment of an institute with comprehensive jurisdiction will somehow diminish the attention paid to criminal justice issues. Such a concern appears to be without basis. The governing board of the Institute will set its priorities, and, presuming the board is well chosen and well balanced, it will direct funds toward those areas which are of greatest need and which have the greatest impact on the average citizen. Criminal justice research programs will continue, I am sure, to be a high priority. Further, the experience under the existing LEAA research institute, the National Institute of Law Enforcement and Criminal Justice, has helped refine the issues which may be the appropriate subjects of research in the criminal area. The civil side has not received a similar "headstart". NILE funds have also assisted in the development of a cadre of experienced criminal justice researchers, while the civil research field, at present, has far fewer practitioners.

All these factors indicate that the civil side, not the criminal side, is more likely to receive short shrift.

I would also note, in passing, that the Bureau of Justice Statistics proposed under H.R. 2108 would compile data on both the civil and criminal justice systems. We believe the same logic should apply to the research institute as well.

We are pleased that your bill and the Administration's bill both evidence a commitment to the concept that a national justice research program is a necessary element in the effort to improve the justice system at federal, state and local levels. Both bills also show an intention to separate the research program from the program of financial assistance to state and local justice systems.

We remain disappointed, however, that having recognized these principles and taken certain steps toward their implementation, both bills stop short of what we believe is necessary to provide true excellence in this important new entity. We believe the following factors should be considered in deciding whether the approach of an NIJ within the Department of Justice, as provided both in H.R. 2108 and H.R. 2061, or the S. 260 approach of a truly independent NIJ, should be employed:

1. A research institute which is part of an "action agency" such as the Department of Justice will inevitably be influenced and shaped by the Department's policy decisions and operational needs. Numerous studies of the current National Institute of Law Enforcement and Criminal Justice have cited such pressures as primary causes of the Institute's disappointing record in performing justice research. Indeed, Attorney General Bell and OMB Director McIntyre noted in a memorandum to the

President on this subject:

We recognize that a major cause of weakness in LEAA's research programs has been the failure to insulate research activities from the demands of policy makers and program managers for immediate results. We further take note of the concerns that the prosecutorial responsibilities of the Department of Justice might undermine the integrity of the research process, unless research is insulated.

2. As stated above, a research agency should not be tied organizationally to a financial assistance agency, because it will be obscured and overwhelmed by the financial assistance activity and because great pressures will be exerted by the recipients of the financial assistance to shape the agency's research priorities in the way the recipients desire. While both H.R. 2061 and H.R. 2108 remove the research function from the direct control of LEAA, both leave unfortunate linkages between the two programs. Under H.R. 2061, both LEAA and NIJ would be housed within a new entity, the Office of Justice Assistance, Research and Statistics, or "OJARS", which would "set broad policy guidelines for, and coordinate the activities of" both the NIJ and LEAA. The Director of the NIJ and the Administrator of LEAA would both serve as ex officio members of the OJARS Advisory Board, and the Administrator of LEAA would serve as an ex officio member of the NIJ Advisory Board. Most important, NIJ would be a participant in decisions about the spending of up to 50% of the LEAA action funds. The NIJ is directed to make recommendations to OJARS for the funding of the LEAA national priority and discretionary grant programs, which account directly for 30% of all LEAA grant funds. In addition, the legislation provides that LEAA formula grant funds may be used as matching funds by the states to entitle them to receive the national priority grant funds. The effect is that up to



50% of the total LEAA grant funds will be spent in accordance with priorities established with the direct involvement of the NIJ. The pressure from potential recipients of LEAA grant funds to shape the NIJ's priorities to meet the recipients' own wishes is like to be enormous.

The H.R. 2108 approach does not have an umbrella office like OJARS. However, the Administrator of the Bureau of Criminal Justice Assistance, or "BCJA," would be a full member of the NIJ's Advisory Board. And, as in the Administration's bill, there would be significant ties to the BCJA grant program: "special emphasis grants" would be used in part for "demonstration of innovative projects in criminal justice which have the approval of the National Institute of Justice," and the NIJ would be given the responsibility "to evaluate the effectiveness of the programs" of the BCJA and the Bureau of Justice Statistics. Those evaluations would be used in determining whether grantees of BCJA funds will have their funding continued or suspended. We believe that saddling the research institute with such an evaluation responsibility would overwhelm the Institute and consume virtually its total energy and attention. While we thoroughly agree with the need for independent evaluation of the BCJA programs, the NIJ must not be burdened with that responsibility.

3. Research on the justice system will inevitably involve study of and recommendations concerning the court systems at both the federal and state levels. We believe that the law enforcement agency of the Executive Branch is an inappropriate place to house such research activity. On the contrary, we believe an agency housed in a more neutral setting would enjoy far better cooperation with and assistance from the judicial branches of both federal and state governments and would therefore be

more productive.

4. It is important that state and local officials not view this new agency as an effort to tell them how to run their affairs. Such a perception is much more likely to be fostered by placing the agency within the Department of Justice, particularly if there are the sort of linkages to the LEAA or BCJA program of the type cited above.

5. Funding for the agency is an important consideration in its placement. We are aware that there are substantial financial risks in this area for an independent research agency, which may lack the clout of a Cabinet department and have difficulty securing funds from Congress. But under the alternative proposed in H.R. 2061, the NIJ's budget would have to be approved by (1) the staff director of the NIJ; (2) the director of OJARS; (3) the Attorney General; (4) the Office of Management and Budget; and (5) the President before it would even be considered by Congress. H.R. 2108 would eliminate one of these reviews, that by the Director of OJARS. Nevertheless, the likelihood of substantial cuts somewhere in that process seems inevitable. Under the H.R. 2413 approach, by contrast, the budget approved by the NIJ Board of Trustees would be presented directly to Congress.

6. A research entity operated within a department will be less inclined to attract the diversity of input and support from other disciplines which an independent agency could obtain. Your Subcommittee in 1977 held joint hearings on federal justice research with the House Science and Technology Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, and the Chairman of our

ABA Commission on a National Institute of Justice, Judge Robert H. Hall, testified at those hearings. Thereafter, the "DISPAC" Subcommittee published a report in which it made the following comments on the National Institute of Law Enforcement and Criminal Justice (NILECJ):

The structural constraints of NILECJ's independence tended to exclude most of the existing social science research community, particularly that majority working under university auspices . . . . Being divorced from mainstream scientists, NILECJ found itself vulnerable to pressures exerted by its host agency, LEAA, the Justice Department and Congress. It was unable to sustain the image of integrity characterized by an understanding that research must search for the truth wherever it may lie, and not respond to the immediate demands for solutions or findings that justify preconceived conclusions.

In other words, placing the Institute within the prosecutorial arm of the Executive Department will chill the relationship with other disciplines.

7. Public visibility and credibility for the Institute will be far greater if it is an independent agency and not buried within the Department of Justice. Our NIJ proposal calls for the Institute to be governed by a Presidentially-appointed governing Board, with the power to select and discharge the Institute's staff director and to establish the overall research priorities and goals. In contrast, the H.R. 2061 approach calls for a board which is advisory only and has no real powers, and provides that all significant decisions would be made by the staff of the Department of Justice. Your bill, Mr. Chairman, in providing for Presidential appointment of the Board and in giving the Board sole power to establish the policies and priorities of the Institute, is a considerable improvement. Nonetheless, we believe the public awareness and perception of the Institute will suffer if the Institute is placed within the Department.

Thus, we favor the establishment of a truly independent agency with both criminal and civil jurisdiction. We believe such an approach offers the greatest promise of producing a high quality, visible and credible justice research program which will provide long-lasting benefits to all our citizens. We urge you to adopt this approach as part of the justice assistance and improvement legislation you enact this year.

**TESTIMONY OF HERBERT S. MILLER, CHAIRMAN-ELECT, CRIMINAL JUSTICE SECTION, AMERICAN BAR ASSOCIATION, CO-DIRECTOR, INSTITUTE OF CRIMINAL LAW AND PROCEDURE, GEORGETOWN UNIVERSITY LAW CENTER; AND ROBERT D. EVANS, ASSOCIATE DIRECTOR, GOVERNMENTAL RELATIONS OFFICE, ABA, ACCOMPANIED BY LYNN EDWARDS, STAFF DIRECTOR OF THE CRIMINAL JUSTICE SECTION**

Mr. MILLER. I'm Herbert Miller. On my left is Mr. Robert Evans. On my right is Mr. Lynn Edwards, who is staff director of the Criminal Justice Section.

Mr. CONYERS. Mr. Lynn Edwards?

Mr. MILLER. Lynn Edwards.

I'm going to speak about the legislation which in effect restructures LEAA. Mr. Evans will speak about the ABA's concept of an independent National Institute of Justice. So our testimony will be divided slightly.

The ABA fully supports a continuation of the Federal program which provides what we believe is needed assistance to State and local criminal justice systems. We support a total funding level of \$900 million, and of that amount we believe that very close to \$100 million should be made available for discretionary or what is titled special emphasis grants.

In your legislation, Mr. Chairman, we note that your funding level of about \$500 million would apply 10 percent of that to special emphasis grants, of which only half would be available for national or regional approaches to this discretionary money. And of course, the American Bar Association, like many other national organizations, such as the National District Attorneys Association, the National Council on Crime and Delinquency, the American Correctional Association, and a host of other organizations which have regional components or levels obtain funding through the discretionary or special emphasis route.

I just want to strongly emphasize that we feel \$25 million, which I believe is constant throughout the first 3 years, for national or regional special emphasis grants, is totally inadequate, in our view.

Mr. CONYERS. Can you get a better deal anywhere else?

Mr. MILLER. Well, I would say this: As far as the American Bar Association is concerned, the ability to get some funding from LEAA has been accompanied by our ability to get very substantial funding from within the bar association itself; from a number of foundations and a number of other sources. And the discretionary and special emphasis money really, in effect, is a multiplier. Many of the areas in which we have been involved have been supported by other funding sources; LEAA funding has not been the dominant funding. But we can also see that without some of the LEAA funding, it would have been extremely difficult. It really has had a very leavening effect, in our view.

We fully support the establishment of legislative priorities in this legislation, and I want to comment on that. The four major priorities

established in your bill—the citizen participation, alternatives to incarceration, the juvenile delinquency and the white-collar crime—are areas to which the ABA or the Criminal Justice Section have given special attention over the last 3 or 4 years.

I might say that in 1975 the ABA, at the instance of the Criminal Justice Section, adopted a position encouraging the participation of citizens in the planning and crime prevention process.

I might say, Mr. Chairman, I was the one who sponsored this approach. You may recall, I testified before you many years ago on your Community Anti-Crime Assistance Act. So it's a priority with which I agree and which the ABA strongly supports.

As to alternatives to incarceration, the ABA has a track record, over 10 years long now, of supporting a presumption for probation in criminal cases, supporting much shorter sentences for people who are incarcerated, supporting a wide variety of alternatives to incarceration, and, most importantly, supporting a hosts of pretrial release programs which will keep most people out of jail, and especially keep them out of jail on grounds of poverty.

On juvenile delinquency, the ABA has just adopted 17 volumes of standards on projects which the ABA has been involved in with the Institute of Judicial Administration over the last 10 years.

One of the thrusts of these standards is to decrease incarceration at any level for juveniles. Certainly no status offender should be put in any institutions; and no juvenile should be placed in adult institutions. This is a major thrust of the standards.

This brings me to the whole question of standards, which is totally absent from your bill, Mr. Chairman. The ABA has been involved in a national standards project on criminal justice standards since 1963, and most of these standards, all 17 volumes of them, were adopted in the late 1960's and early 1970's. Following their adoption, the ABA involved itself in a massive implementation project.

The results of this implementation project, some of which was funded by LEAA, have been over 6,000 State and Federal appellate court citations. Over a million volumes of these standards are in circulation, being used by lawyers, judges, State planners and State planning agencies, and increasingly by law teachers, as I use them in my courses.

The bar just finished a massive updating project on these standards. We're going forward with the updated criminal justice standards, and with the newly adopted juvenile justice standards, toward further implementation programs. And we're going to go to the special emphasis or discretionary money to obtain some of the funding required for this implementation effort. It requires an enormous amount of work.

On white-collar crime, the Criminal Justice Section was asked—about 3 or 4 years ago—by both LEAA and the Justice Department to examine the problem of white-collar crime. The Criminal Justice Section was asked because we are an “umbrella” organization, representing all segments of the criminal justice system. As a result of this, we did conduct a study. I see many of the recommendations made by the section when the study was published in 1976, track some of the provisions of your bill.

I say these things to indicate that we're fully supportive of your four priorities both in our track record and what we hope to do in the future.

However, we have fairly strong feelings that the statement of these priorities should not necessarily be accompanied by specific amounts to be allocated to each of them. Frankly, we're critical of the 19.15 percent allocated to juvenile delinquency in the Kennedy administration bill. And as we made clear in our testimony, it's not because we do not have a commitment to juvenile delinquency. It's conceivable that our commitment might exceed that amount.

We just think the minute you start saying, so much for this, that there are many other equally important areas. For instance, the whole question of access to justice, access to adequate defense services, access to all kinds of ancillary services which are needed for the adequate defense of any case. The bar association has documented the total inadequacy of defense services in the United States today, and it has called on this administration to do something very substantial about it. We think it ought to be a priority in any legislation, whether it be called LEAA or the Bureau of Criminal Justice Administration.

This we strongly urge that access to justice be a named priority. I'm not certain that this access to justice should not be treated equally importantly with juvenile delinquency. I might have trouble deciding which is more important. But if you had to give a specific percentage to one that all of us regard as important, I don't know where you'd come out on another priority.

Mr. CONYERS. You know what we do. First of all, I want to agree with you that access to justice is very important. I think that a lot of things are important. But this is certainly a higher priority.

What we do, though, in selecting these four major areas is that we don't force anybody to use any specific amount. We encourage them to use whatever combinations of the four that they would choose, plus discretionary funding for anything that might not fit within the purview of this legislation.

Mr. MILLER. I understand that, Mr. Chairman. But in the nature of things, they are the four mentioned priorities. Much of the money appropriated is specifically geared to some of those specific priorities, and it's going to have a specific effect on whoever administers the program. And other areas that are not mentioned as priorities are not given the kind of recognition that these four are given, and I believe they may suffer.

So what we're suggesting is not that you diminish these as priorities, which we fully agree, but that there are some others we believe ought to receive equal time, if you will.

One of the things that the bar association has pushed for many years is the whole question of criminal justice system coordination. We know it's a fractionated system. We know that in the past there has not been much communication between the segments of the system. We think it very important that those groups, whether they're national, regional, or local, be able to get together with each other and come forward with programs representing a comprehensive look at the whole man, if you will, should receive some recognition in the legislation; that this should be encouraged; and that language in the legislation should

include grants for groups who have in mind to look at the total program, the total system. As you know, if you change one part of the system, you may have a profound effect on another. And if you allow each group to go forward in making changes without this kind of coordinated approach, you could have consequences which may not be foreseen.

So we urge that this be incorporated into the legislation.

Mr. CONYERS. Give us an example of what you have in mind.

Mr. MILLER. The moment you take away sentencing discretion from the judges, which has been done in many States, you are not eliminating discretion; you are transferring that discretion to the prosecutor, who by the choice of charge really determines the sentence. That's exactly what you're doing.

The minute you go in for a wide variety of alternatives to incarceration, stressing these as opposed to more prisons, you have all kinds of impacts on the kinds of probation services which may be needed, as well as other kinds of outreach services. And you just can't, in a vacuum, opt for a sentencing policy which does certain things, without looking at a wide range of other areas which are going to be profoundly affected.

Mr. CONYERS. Well, by leaving this discretion among the four priorities to be fashioned by the States, we allow for, it seems to me, exactly the point that you make; namely, that they can fashion a whole package that is consistent, that is regionalized, that is coordinated, where they wouldn't if we were to begin to fix amounts and limitations in these areas.

Mr. MILLER. We're not suggesting that any amounts be fixed. We're suggesting that no amounts be fixed, and that the legislation establish the priorities. We think a priority-setting procedure within the legislation would be very important, a very important part of our approach, and that the advisory boards could play a role if they had the appropriately broad representation.

And, speaking of that representation, a wide diversity of groups are called for in the legislation. I must confess that we looked as hard as we could to see whether any group, generic group, such as professional organizations, are represented in the membership in either bill. And we could not find such language.

As lawyers we look at the traditional doctrine, that when you list a variety of things in legislation, those not listed may be excluded. It's a very old doctrine. So we would urge that professional organizations be listed there. And there are a variety of professional organizations other than just the bar about which we are thinking.

Mr. CONYERS. But very few know about that old, ancient Latin doctrine here.

Mr. MILLER. A few older judges may know about it.

Mr. CONYERS. But the larger number of members passing on this are unaware. So we will be able to add on and on and on to these advisory boards, believe me. We will not be precluded.

And more seriously, someone always stands up and says, now, this is not limited, is it? And of course, everybody, caught red-handed, has to say, no, of course not.

Mr. MILLER. Well, that concludes my statement, Mr. Chairman.



Mr. CONYERS. Mr. Evans, please. I understand that you would prefer that this be located outside the Department?

Mr. EVANS. That's, I suppose, our basic difference with the administration bill at this point. Professor Miller has taken the lion's share of our presentation, and with approximately 97 percent of the LEAA's budget going into things other than the research program, I'm talking about the other 3 percent.

While it is a small portion of the program, it's one that we think is very important. And I'm pleased that your bill, as well as the administration's bill, and of course our bill, all provide for the establishment of an entity to be called the National Institute of Justice and the recognition of the importance of a research capacity in this effort to do something about improving the justice system.

There are some differences, however, obviously, between the various bills, and I would like to very briefly tell you what it is that we have envisioned in this area, and then to discuss some of the specific differences.

Our concern, and I suppose that of anyone looking at this legislation, is that the justice system is not working as it should be. There's a great deal of public disillusionment with it, and we have a belief that there is a need for an orderly, consistent and equitable way of resolving disputes, and we think that should happen on both the civil and the criminal side.

We do not think that we have all the answers to those problems and that we need to have some research and experimentation done in a very constructive sort of way to try and develop some of the answers. We do not think that that effort ought to be dominated by the legal profession. We certainly do not claim to have all the answers. I'm sure other groups would second that very heartily.

What we would like, I suppose, is something like a federally funded Brookings Institution, which would be a focal point for a national commitment to achieve excellence in our justice system on both the civil and criminal sides, that would provide continuity, focus, coordination, innovation to the efforts to improve the justice system.

Mr. CONYERS. Would this be separate from the National Institute of Justice, or are you describing it?

Mr. EVANS. I'm describing what we envision in this body. Structurally, what we have recommended is an independent agency of the Federal Government, to be governed by a Presidentially appointed board of trustees. The board would have the power to establish the policies and priorities of the Institute. It would have the ultimate responsibility to hire and, if necessary, discharge the staff, including the director of the Institute; a very strong governing body.

The body would undertake to review and study the justice system, attempt to identify problems and concerns in the justice system, and out of those problems and concerns, much as you are doing here, attempt to establish a group of priorities for our research program. The research itself, under our recommendation, would be done principally by grant or contract to outside bodies, rather than have a large bureaucratic staff doing in-house research.

Now, the differences: First, there is a question on the jurisdiction of the Institute. The administration bill and our bill both provide

that the Institute would have both civil and criminal jurisdiction, whereas your bill, of course, is limited to the criminal justice sector. Our view is that there's a great deal of interplay between the various sectors of the system. Changes which may be made in one sector will have obvious impact on the other sector.

I suppose a very obvious kind of example is the effect of the Speedy Trial Act, which you're going to be taking up in the Subcommittee on Civil Dockets. In many of the Federal district courts, calendaring issues in general is the kind of issue where you have that kind of interplay in the various sectors.

In any event, we think that the whole animal ought to be looked at in comprehensive fashion, that there will be benefits both for the civil side and for the criminal side in doing so.

I note that your bill, in regard to the Bureau of Justice Statistics, provides that its jurisdiction shall be both civil and criminal. And our suggestion would be that the same logic ought to apply to the research institute.

The basic issue that we come down to is the question of independence. I think that the studies that have been done, the hearings that have been held before this subcommittee and others, have indicated that the existing research program within LEAA has suffered greatly by its location within the Department of Justice, and more specifically, within LEAA.

A couple of the major problems that have resulted from that linkage and that tie have been that the LEAA grantmaking function has been such a large portion of the whole LEAA program, and I think it's simply overwhelmed the research institute. It has not allowed the research institute to develop any kind of life of its own. But I think that there's also a problem with having the agency located within the Department generally, where the political desires and policies of a particular administration may well cause the program of the research institute to go down particular paths which an independent agency, looking at the system more objectively, would not choose.

Your subcommittee, of course, held hearings on this jointly with the Scheuer subcommittee a couple of years ago, and I would like to quote, as I have on page 10 of my testimony, a brief passage from the report issued by the Scheuer committee citing some of the problems of the existing research institute:

The structural constraints of NILECJ's independence tended to exclude most of the existing social science research community, particularly that majority working under university auspices. Being divorced from mainstream scientists, NILECJ found itself vulnerable to pressures exerted by its host agency, LEAA, the Justice Department and Congress. It was unable to sustain the image of integrity characterized by an understanding that research must search for the truth wherever it may lie, and not respond to the immediate demands for solutions or findings that justify preconceived conclusions.

I have also cited, earlier in my testimony, a very similar statement by the Attorney General and the Director of the Office of Management and Budget in a memorandum that they submitted to the President last spring on this issue. Yet, the administration has come out with a recommendation that the Institute be located within the Department.

We think that the past record is such that we should not repeat those past mistakes, but should move it to the outside. However, if we

assume the placement within the Department is necessary for other reasons, I would make a few specific comments about the administration's bill and about your bill.

First, with respect to the administration's bill—incidentally, I much prefer the structure that you have proposed to that of the administration in terms of the independence issue within that Department. The administration's bill would provide that the National Institute of Justice would play a very major hand in the dispensing of a large portion of the grant funds under the LEAA program. Albeit they are set up as separate offices, NIJ is to play a major role in the setting of priorities for the dispensing of the national priority grant funds, which amount to 20 percent of the total budget funds under that bill. But those funds are to be matched by 20 percent of the formula or block grants funds as well, which means that 40 percent of the grant funds under the bill would be administered in accordance with priorities set by the OJARS advisory board in close consultation with the NIJ.

We think that that's very unfortunate, and that it gets us back into the very same situation with NILECJ now in terms of its close ties to the grantmaking, and pressures will be exerted on the research institute to make recommendations and priorities which will be what's wanted by the potential grant recipients.

There are interlocking boards of directors under the administration's bill, which we think are undesirable. And the Attorney General appoints the board of this Institute. It is an advisory board under their bill. It does not have a great deal of independent authority.

Under your bill, as I indicated before, there are several desirable features. We favor the Presidential appointment of the policy board. We think the functions that you have given to the board are much stronger.

We note that the Director reports to the Attorney General under your bill, and does not go through his intermediary OJARS office, as under the administration bill.

There is one aspect of your bill which I would point out causes us considerable concern. That is the requirement that the National Institute of Justice would assume responsibility for evaluating the effectiveness of programs under both the Bureau of Criminal Justice Assistance and the Bureau of Justice Statistics. It is our view that that is a very major, important function that should be performed by somebody, but that it is of such importance that if you saddle the research institute with that function, it will have a very hard time performing its basic research function.

We would favor eliminating that requirement.

Mr. CONYERS. So who gets it?

Mr. EVANS. Well, that's a good question. I don't honestly know. We would like the National Institute of Justice to have an ability to evaluate programs, both those funded by LEAA and those funded privately, perhaps by the American Bar Association or anyone else. Certainly they would have to do that in deciding what areas of the justice system need further research. I don't have any suggestions for you on that score, though.

Mr. CONYERS. Mr. Edwards, welcome to the subcommittee.

Mr. EDWARDS. Thank you.

One of the things that we're concerned about, Mr. Chairman, is that we have heard that last Friday the Budget Committee of the House had recommended a \$49 million total for LEAA, and then after that it would be phased out. We certainly view that with a lot of concern, and hope that there isn't too much chance that it will go through that way.

Mr. CONYERS. Is that a question or a statement?

Mr. EDWARDS. It's both a statement and a question. I assume that what we heard is correct, and at least sufficiently correct that there are some straws in the wind in that direction.

Mr. VOLKMER. Mr. Chairman, perhaps someone should comment. I think he is looking for it. My only comment is that I think it shows to you and all the rest that perhaps the chairman of this subcommittee has his work cut out for him, to continue to operate at all. And I think that some people better be looking at that, rather than looking at "I would rather have my druthers this way than that," because you may end up with nothing.

Mr. EDWARDS. We thoroughly agree that there's not much point in reauthorizing and even restructuring LEAA unless you provide it with enough funds to at least make an effort to do the job under its reauthorization and restructuring.

We certainly would support the funding level that we have recommended or certainly as close to that as possible. But we do believe that if it is substantially less than that, then there's not much use in going through the motions of restructuring the organization.

One of the other comments that I would like to make, Mr. Chairman, has to do with the business of coordination. I know you mentioned, "Well, haven't we provided in our bill for these groups to get together, because we provided ample funding for them to do it." I think the point that we would emphasize is that coordination doesn't happen; it has to be encouraged and even, in some cases, mandated to get people together.

For example, we found the section of criminal justice is an umbrella group, and we have defense lawyers, public defenders, prosecutors, trial judges, appellate judges, all meeting together, and on many issues there are many long and very bitter, fought arguments. And sometimes the votes on the final wrapup are pretty close votes.

But at least our experience over the years is that if you can get these people around the table and get them talking with each other and working with each other, that some good does come of it.

So, I think what we're saying is that we would urge that specifically in your bill there be provision made that programs which bring these people together, the different parts of the system that plan and engage in action programs together, are encouraged. We don't see that adequately in the bill.

I think that that's about all that I have to add to the testimony.

Mr. CONYERS. Well, thank you all.

Mr. Miller, how could we bring standards into a piece of legislation like this?

Mr. MILLER. We would like very specific reference to standards made in the legislation. The administration bill, at least at the State level in the formula grant, has language relating to standards. We've asked for them to include such language at the discretionary level there.

**Mr. CONYERS.** Standards involving what subjects?

**Mr. MILLER.** Well, so many of the standards that the ABA has already adopted go right down the line with your priorities, particularly in the area of alternatives to incarceration, which are a key part of the ABA criminal justice standards on sentencing. And the juvenile justice standards, which deemphasize incarceration at any level for juveniles, whether it be of juvenile institutions or adult institutions. The ABA implementation effort on these standards is going to very much emphasize those as priorities. And as I indicated, the pretrial release standards call for almost all accused individuals to be placed out in some form of release in the community, whether it's under supervision or on their own recognizance. It only provides incarceration for certain types of individuals under certain circumstances.

So, I am just giving you by way of example the kinds of standards that we are talking about.

The bar will be considering standards on the grand jury. As you know, the bar association has pioneered in recommending very profound changes in how the grand juries are operating, providing for the presence of counsel in grand jury. These ultimately will become standards.

The bar is considering standards on the legal status of prisoners now, which, hopefully, will be adopted this August and which will apply to prisons and jails in the United States. And these will become part of the implementation effort.

These are just some of the standards.

**Mr. CONYERS.** I want to commend the criminal justice section of the American Bar for their increasing concern with these kinds of realities that law enforcement at all levels are involved in. I think your work is moving all of us into a more determined assessment of the nature of the problems. Too much in the past, the professional organizations have taken an elitist view which has removed them from the mundane matters of criminal court, and I think that your scrutiny and your concern will reflect an improved development in delivery of criminal justice at the very lowest levels.

We are very pleased that you could join us and give us your impressions of the legislative structure in front of us. **Mr. Hyde.**

**Mr. HYDE.** Thank you, Mr. Chairman.

**Mr. Miller,** you are recommending at least \$900 million for each fiscal year. And one of these bills, 2108, wants \$565 million; and the other one, 2061, \$825 million. You want \$900 million; right?

**Mr. MILLER.** That is the bar position, yes, Mr. Hyde.

**Mr. HYDE.** Well, you know, librarians were in to see me this morning; they want more money. The nurses were in last week; they want more money. The doctors want the capitation grants, et cetera, et cetera, et cetera, et cetera. Everybody wants the other guy's program cut, but "more for my program," and I just don't think that's the mood, you know, of Congress. You can ask for it, of course. It's probably wise to do so.

Has the bar association, which 10 years ago called for a presumption in favor of probation and outlined a variety of community based alternatives to traditional incarceration, has any study been made as to the effectiveness of these community based alternatives to traditional incarceration?

Mr. MILLER. There have been numbers of studies made of various projects and a number of evaluations. One of the assumptions that the bar association made on probation in the original volume of standards which I prepared for the ABA some 10 years ago, had a whole page of citations of studies assessing the effectiveness of probation. There must have been 2 or 30 of these. In most of these studies, they found the recidivism rate much lower, and a lot of these studies weren't as professional and as appropriate as they should have been.

I think the key is not so much—and I am giving a personal view now, Mr. Hyde—not so much, “Does it really rehabilitate,” but “Do you provide adequate protection for society by placing large numbers of people under appropriate supervision in the community without subjecting them to what is universally agreed is almost complete destructiveness in a prison setting?”

Mr. HYDE. A major problem of our society today—

Mr. MILLER. And there are just a lot of surveys on the inmates of a number of State prisons which indicate that there are an awful lot of people in there that are not in there for major serious crimes of violence. There are an awful lot of people who are in there for what most of us consider nonthreatening crime.

Mr. HYDE. I have been a lawyer for a great number of years. I started out as a young man. I am now entering elder senility. But the same problems that existed then exist now, and the same dedicated people are addressing themselves to it.

The prisons are schools for crime. You take a kid who can be rehabilitated maybe, and you certainly throw that chance away. But we have had studies and commissions and committees and studies, and we are still back at square one, and nothing is handling it.

Someday, somehow, I would hope we would dedicate enough time and effort to penology and to helping to cure this situation. And that gets me around to the National Institute of Justice. It looks to me like another boondoggle, costly, a dog chasing its own tail.

The question of the causes of certain behavior, we know the answers right now. You've got two schools of thought. The closing arguments from *Loeb and Leopold*—poor little rich boy. Then you read about how poverty drove the kids. Knock on any door. “Poverty has done this. Society has done it.” You know, the family doesn't mean anything anymore. We know the answers already.

What really surprises me is that the American Bar Association is looking for Federal dough. That really came as a surprise to me. I am very late, I suppose in learning this.

Mr. MILLER. We're not getting it from anybody else. We are human.

Mr. HYDE. That's what surprised me.

Well, I was a member of the ABA for many years until I had to give up the practice, and I always felt that there was a professional esprit de corps among the lawyers, and these various good causes the lawyers would support.

Mr. MILLER. I must say that if you look at the total funding in the ABA, a good deal of the effort made by the ABA is from the dues of its members. That is the primary source of funding. And the criminal justice section operates primarily on the dues of its members. We have 10,000 members, and they pay \$20 a year, and in addition to that there is the incalculable volunteer effort that's made. But if you look

at the total effort of the ABA across the board, the Federal funding is really quite minimal if you look at the total ABA effort.

And I just wanted to say in line with a response to your statement, we have been here before. We go around and around. At least one thing both bills do is prohibit the money to be used for hardware. We do have what I like to call an "edifice complex" in the United States; and that is, you solve a problem by putting up a building and cutting a ribbon. At least this legislation in both bills prohibits the use of this money for that purpose.

In the past, too much of that money was used to support construction of new prisons and jails.

Mr. HYDE. I don't know what software is. If it's a stack of reports gathering fungus in some garret, maybe that's just as bad. At least the hardware, if it's oiled regularly, can be used. But an awful lot of studies and studies about studies don't solve too much either.

It's important that State and local officials not view this new Agency as an effort to tell them how to run their affairs—this new Federal adequately funded Agency.

I just suggest that if you study how HUD is viewed out in the boondocks, or HEW, you will find that the perception is that they try to tell people how to run their affairs. And a new National Institute of Justice which preempts the 50 laboratories that are going on out in each of the States in their experience, I don't think is going to accomplish a great deal. That is just my opinion. Maybe I am pessimistic.

Public visibility and credibility for the Institute will be far greater if it's an independent agency and not buried within the Department of Justice. A Presidentially appointed governing board, Peter Bourne, Norval Morris, the Deputy Director of GSA, these are the home-run hitters—I haven't mentioned Bert Lance, but why not?

Well, I am not really asking specific questions. I am just expressing myself as not in sync with more money for an agency that has yet to prove substantial results. I am embarrassed, and maybe I am hypersensitive, that the affluent legal profession, organized legal profession, wishes to be a participant at the public trough, and I am not enticed with the idea of this national study group of Presidential appointees who are going to find out the causes of behavior which Plato and Meninger are still arguing about. So be it.

Thank you.

Mr. EVANS. A few brief comments, and I am not sure that they will be responsive or that anything I say will make a great deal of difference. But I don't think what we're proposing here is a terribly novel idea. We've had the National Institutes of Health since the forties, the National Science Foundation since 1950; and there are other such efforts.

Granted, it's easy to issue "Golden Fleece" awards to certain programs and certain agencies from time to time, but my personal assessment as a citizen, not having studied them intimately, is that they have done a world of good.

Mr. HYDE. May I just comment on that, because I agree with everything you say. I think the National Institutes of Health have been excellent and productive, and I am not sympathetic with the "Golden

Fleece" awards. I think many of those things, if you know the reasons for them, they're very sound and make sense.

But we do have institutes of criminal justice all over the country in the 50 States and in every big city, really, that are the counterpart of the National Institutes of Health here in Washington, it just seems to me. Is that not so? Aren't these working laboratories accumulating data and experience?

Mr. EVANS. We have a lot of those things. What we don't have is a national body that can coordinate and give some publicity and visibility to a lot of those things that are going on, that can take results from a particular group as against another one which may be much different, as you indicate.

You have got this kind of debate, and try to sort that out and make some test of it.

And I don't know if you were suggesting this, but with respect to the notion that perhaps the National Institute of Justice would be a feeder of funds from the ABA as well as the whole LEAA program. I suppose we would be an eligible grantee for certain programs. On the other hand, on balance, I think the ABA may be very surprised at what it has created, if indeed this ever gets enacted. If it does its job, I think it may well make many recommendations that most lawyers in the country would not find very palatable in terms of reforming the system. That's my own personal observation.

Mr. HYDE. I am disenchanted to this date with Presidential commissions. I could list them: The one on pornography, et cetera, et cetera. They just don't solve the problem. But I could be wrong, and I sure admit that.

I have no further questions.

Mr. CONYERS. Mr. Volkmer?

Mr. VOLKMER. Yes. I have some sympathy with the gentleman from Illinois with the things that have been said. I won't try to go into all of them. We were discussing possible standards that the chairman brought up. Those standards, which are a product of the ABA, how much input do ordinary citizens have into the making of those standards, the drafting of them?

Mr. MILLER. I don't believe—

Mr. VOLKMER. Nonlawyers.

Mr. MILLER. I don't think that in terms of the drafting of them the input of the nonlegal profession was substantial.

However, in the implementation program, the bar made a very intensive effort to involve citizens' groups.

Mr. VOLKMER. What would you think of a standard that provided that a person once convicted of a crime and such a crime would have to be incarcerated without bail. Forget the unconstitutional question. This is a philosophical question.

Mr. MILLER. As a lawyer, I find it difficult to imagine such a question without reference to the Constitution.

Mr. VOLKMER. I know that. But just as a policy thing, or that the person once convicted of a crime could be required to serve another one without probation.

Mr. MILLER. The bar standards do provide special procedures for dangerous offenders, among whom might be people with prior con-



victions of serious crimes, and do provide for extended sentences for such people.

I don't know if that is responsive.

Mr. VOLKMER. Well, what I am a little afraid of is that these standards that devolve many times from a room in which people, well-meaning, are pretty well isolated from the feelings of the people where they do not reflect the feelings of the people.

Mr. MILLER. There is always that danger, Congressman.

Mr. VOLKMER. Now, as I understand it, also, the question that you would like to see about \$900 million in LEAA?

Mr. MILLER. That is the bar position.

Mr. VOLKMER. Does anybody in the bar believe in a balanced budget? You see, this is something we have to think about here.

Mr. MILLER. I don't envy you the job of balancing off the competing interests, that the committee or any Member of Congress has.

Mr. VOLKMER. And priorities in spending money. Where does that money come from? You see, this is a little problem that maybe many of us would like to spend all kinds of money for all kinds of good things, and we just don't have it. It's not available. So, now we have to be the hardnose and establish priorities. That's where I get down to where do my priorities go with what I think I can get, because I was just talking over the weekend with the congressman who made the motion in the Ways and Means Committee to, in 3 years, to get rid of LEAA from the budget, you see.

So, it's not an easy thing. And really, when it gets down to it, the gentleman here has said, as to the structure, when it gets down to it, whether that structure will be indirect access to the Attorney General or whether it will be a direct presidential appointment or whether you will have boards appointed by the Attorney General or by the President or the head of LEAA or the structure there, it really doesn't become that important anymore when you're trying to solve a whole program. I just want to make that clear.

Mr. MILLER. I just want to say, Mr. Volkmer, that our standards program started before there was any LEAA. Almost the entire project of drafting and promulgating those standards initially was done without Federal assistance. And I rather think that the ABA will go on influencing public policy in what I think it a positive way, whether LEAA exists or not.

But we do think that LEAA, properly administered LEAA, can provide valuable assistance, and most of that assistance, we think, will go—

Mr. VOLKMER. I won't argue with that. I agree with you. But there are those right now in the Congress and outside the Congress who believe that LEAA has been a big waste of money.

Mr. CONYERS. Mr. Miller, it's good to have you again before this subcommittee on essentially the same matter that we've been working at in our various capacities across the years.

We're also pleased to have Mr. Evans and Mr. Edwards join you. Thank you for your testimony.

Mr. MILLER. We trust that the statements that we've submitted will be made a part of the record.

Mr. CONYERS. Yes, they will.

Our next witness is Prof. Stephen Fienberg, University of Minnesota, representing the American Statistical Association.

We welcome him before our subcommittee. His comments have to do with the Bureau of Justice statistics. He presents a very excellent background: from Harvard, the University of Chicago, presently, of course, the University of Minnesota. Has served on many of the advisory and planning committees of the National Academy of Science. Has been editor of the Journal of the American Statistical Association, Chairman of the American Statistical Association's Ad Hoc Committee on Law and Criminal Justice Statistics, and many other related activities. Welcome to the subcommittee. We will incorporate your entire statement into the record and you may make your points of emphasis.

STATEMENT ON THE CRIMINAL JUSTICE ASSISTANCE ACT OF 1979,  
H.R. 2108 BY PROF. STEPHEN E. FIENBERG

Mr. Chairman, it is a pleasure to be here again, and to have an opportunity to present a statement to this Subcommittee in connection with the bill introduced in the Senate by Mr. Kennedy (S. 241) and the alternative bill that you are currently proposing (H.R. 2108).

QUALIFICATIONS

My testimony on this proposed legislation is a result of my professional and academic research interests in the area of criminal justice statistics. I received my Ph.D. in Statistics from Harvard University in 1968, and have subsequently taught at Harvard University, the University of Chicago, and the University of Minnesota, where I am currently Professor in the Department of Applied Statistics.

I am a Fellow of the American Statistical Association, the Institute of Mathematical Statistics, and the Royal Statistical Society, and a Member of the International Statistical Institute. I have served for five years on the Social Science Research Council's Advisory and Planning Committee on Social Indicators and on its Subcommittee on Criminal Justice Statistics. I am a member of the National Academy of Sciences—National Research Council's Committee on National Statistics. A panel working under the auspices of the Committee prepared an Evaluation of Crime Surveys which was published in 1976.

I am also Coordinating and Applications Editor of the Journal of the American Statistical Association, and Chairman of that Association's Ad Hoc Committee on Law and Criminal Justice Statistics.

My own research interests include data collection and statistical analysis in the area of criminal justice. I have written several papers on the analysis of criminal justice statistics data in general, and data from the National Crime Survey in particular.

While my testimony does not reflect any official positions of the National Academy of Sciences, the Social Science Research Council or of the University of Minnesota, I can relay to the Committee on the Judiciary the official position taken in support of the proposed legislation by the American Statistical Association's Board of Directors, and comments from the ASA's Ad Hoc Committee on Law and Criminal Justice Statistics.

The proposed legislation is designed to reorganize the current Law Enforcement Assistance Administration (LEAA) by establishing three separate units: a National Institute of Justice (NIJ), a Bureau of Justice Statistics (BJS), and LEAA or a Bureau of Criminal Justice Assistance (BCJA). In particular, S. 241 places these three units under a new umbrella Office of Justice Assistance, Research and Statistics (OJARS), whereas H.R. 2108 does not provide for such an umbrella office.

Because of my background as just described, most of my comments will focus on the BJS and its relationships to other units and agencies. I will touch briefly on some points related to the NIJ.

## AMERICAN STATISTICAL ASSOCIATION'S POSITION ON A BJS

In 1977 the American Statistical Association's Board of Directors created an Ad Hoc Committee on Law and Criminal Justice Statistics with the following charge:

The Committee will consider and report on relevant issues to guarantee the integrity of statistical programs maintained by the Justice Department and by other relevant agencies.

Based on a recommendation from this Ad Hoc Committee, the ASA Board passed the following resolution, at its meeting of February 9-10, 1979:

The ASA Board of Directors endorses and supports the proposals now before Congress to create a Bureau of Justice Statistics.

As background to this motion the Board considered the following list of activities for the Bureau which are common to the various versions of the proposed legislation before Congress, specifically S. 241 and H.R. 2108:

(1) to collect, collate, analyze, publish, disseminate, and maintain data systems accessible to the general public concerning the operations of the criminal justice and civil justice systems at the Federal, State, and local levels; and concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, and civil disputes at the Federal, State and local levels.

(2) to establish uniform national standards for justice statistics and for insuring the reliability and validity of justice statistics.

(3) to maintain liaison with the judiciary in matters relating to justice statistics.

(4) to conduct or support research relating to methods of gathering or analyzing justice statistics.

These and other statistical activities scattered among various agencies both within and without the Department of Justice, would be well served by placement in a BJS.

## RECOMMENDATIONS FROM ASA AD HOC COMMITTEE ON LAW AND CRIMINAL JUSTICE STATISTICS

In the Fall of 1977, the ASA Ad Hoc Committee reviewed a proposal for a BJS prepared within the Department of Justice. Many of our recommendations on that proposal bear repeating here, since they are directly relevant to the current proposals to authorize the BJS. I am pleased to note that several of our initial concerns have been directly covered in H.R. 2108 and S. 241. Thus, I shall begin by listing several items about which we are especially pleased, and then move gradually into some of the recommendations that we believe still need further attention.

1. The most important benefit that a BJS would achieve is the placement of statistical data collection, compilation, and analysis activities into an agency whose sole mission is statistics, and the removal of these functions from the mission agencies of the Department of Justice. This will allow the BJS to provide statistics that have integrity and address important public issues, especially those that cut across agency lines. The outlined activities for the BJS in both bills suggest that the BJS will be *the* statistics agency in the Department of Justice.

2. The Committee endorsed the broadening of the proposals, relative to those originally set forth, to include components of civil and juvenile justice as well as the component of criminal justice. We also urged that the enabling legislation provide for coordination between the relevant components of the executive and judicial branches of the Federal government. Both H.R. 2108 and S. 241 address all of these issues most adequately.

3. The Committee suggested that consideration be given to the inclusion, as part of the BJS mandate, of data on international crime, and on white collar crime. We are pleased to note that these areas are directly covered by H.R. 2108 (in Section 304(a), (9), and (10)), although they are not explicitly mentioned in S. 241.

4. The Committee applauds the emphasis in both bills on statistical analysis, and on the methodological research required for the gathering and analysis of justice statistics.

5. The Committee believes that the Director of the BJS should be appointed by the President for a fixed term, subject to Congressional approval, and should report directly to the Attorney General. This matter is addressed in both bills, although neither specifies a fixed term of office. In H.R. 2108 the Director reports

to the Attorney General, whereas in S. 241 the Director reports to the Director of OJARS. I will comment in more detail below on related aspects of the leadership of the BJS.

6. Because many of the data series that will come under the BJS's jurisdiction, such as the Uniform Crime Reports, are based on administrative records, we believe that a special effort is required to separate out the statistical aspects of administrative records from the regulatory aspects. This separation must be firmly established in the enabling legislation. Neither bill adequately addresses this issue. H.R. 2108 indirectly considers the possible dual uses of data on defendants in criminal and juvenile cases, etc., in Section 304(a), (9)(c), but this consideration is insufficient.

When operating agencies are asked to report administrative information for statistical purposes, they must be assured that they will not be penalized for accurate reporting. This point is of special concern with respect to the UCR, if crime data from police agencies are to continue to be used for regulatory purposes (e.g., to determine the size of certain types of block grants to state and local police agencies).

7. The Committee believes that data gathered by the BJS should not be available to any law enforcement or other agency for non-statistical purposes. This point is related to the previous recommendation regarding confidentiality, and stringent guarantees again need to be spelled out carefully in the enabling legislation. Both Section 410 of H.R. 2108 and Section 819 of S. 241 do address the issue of confidentiality, but this attention is not sufficient.

We can visualize situations in which data the BJS collects might be useful for action relating to some state, local, or even other federal agency. Even if a distinction between statistical and administrative records is made along the lines suggested by the recent report of the Privacy Protection Study Commission, there can be situations where the linkage of administrative records from separate sources should lead the BJS to deny access to the merged data files to the agencies supplying the original records.

In addition, we note that because much of the data coming under the jurisdiction of the proposed BJS will be gathered by other federal agencies such as the Bureau of the Census, further issues of confidentiality arise. For example, examination of Census's raw files on individually identifiable records if prohibited by Title 13 of the U.S. Code. Moreover, Section 3508 of the Federal Reports Act stipulates that when data are obtained in confidence by one federal agency and transferred to a second, the employees of the latter are subject to the same confidentiality provisions as the employees of the original agency.

#### THE LEADERSHIP OF THE BJS

One of the foremost concerns of the ASA's Ad Hoc Committee is the caliber of leadership for a BJS. H.R. 2108 calls for a Director who "shall have demonstrated significant expertise in statistical programs", while S. 241 drops the word "significant". Such credentials would be appallingly inadequate since virtually anyone now associated with the currently amorphous and inadequate justice statistics system would qualify. What is needed is a professional social scientist of distinction, a recognized leader in his field, who is an aggressive, articulate and dynamic spokesman and who, by virtue of his own national reputation, can attract top-notch professionals to key positions within the Bureau. Ideally, the Director would combine the best of both worlds from the fields of statistics and justice/criminology. We do not suggest that the legislation contain wording on qualifications to this effect, but we believe that the first order of business for the new agency would be the selection of top personnel.

Because there are few people who meet these qualifications, some compromise might be necessary, and we envision the need for an Assistant Director to aid the Director in matters requiring technical statistical expertise and to provide guidance and direction on matters involving the use of appropriate statistical methodology. This person should report directly to the Director.

If the BJS is to operate in the manner proposed, and ultimately in new and innovative ways, we believe that there is a need for a sizable staff with both analytical skills and some knowledge of justice statistics. Such a staff simply cannot be formed solely with existing personnel from Department of Justice agencies, let alone from LEAA. Thus we believe that attention must be focused from the outset on the recruitment and training of well-qualified statisticians to carry out

the work of the BJS. As a statistical colleague has pointed out, first-rate personnel in a poorly-organized agency can still do well, but second-rate personnel will not do well, no matter how marvelously organized the agency.

In part G of S. 241 (see section 705) there is some provision for training and manpower development. I personally would like to see specific reference there to training in justice statistics, specifically in their collection and in their analysis. I note the apparent absence of such provisions in H.R. 2108.

I would now like to turn to several issues on which the ASA Committee has not made specific recommendations, and offer my personal observations.

#### ADVISORY VERSUS POLICY BOARD

A major source of differences between the two bills is they way in which they deal with the Advisory or Pouicy Board of the BJS. On the one hand, S. 241 would establish an Advisory Board of twenty-one members, to be appointed by the Attorney General, and consisting of a mix of users, representatives of various justice constituencies, the general public, and members of the academic community. H.R. 2108, on the other hand, would establish a twelve member Policy Board, consisting of the three Directors (of BCJA, NIJ, and BJS) and nine additional members, to be appointed by the President and "selected primarily on the basis of distinguished expertise in criminal justice, social science, or statistics."

As its name suggests the Advisory Board of S. 241 would "formulate and recommend to the Director policies and priorities for the Bureau," whereas the Policy Board of H.R. 2108 would establish the policies and priorities of the Bureau", and would "create, where necessary, formal peer review procedures over selected categories of grants, cooperative agreements, and contracts".

I believe that the BJS needs strong guidance in its work and would be better served by an autonomous Policy Board composed predominantly of scientists. Such a Policy Board, which closely resembles the National Science Board in its role and structure, would go a long way toward assuring that the collection and presentation of statistics is done with high professional competence, free from political influence. Retaining Presidential appointment of the Policy Board members would thus be most desirable.

Finally, as a scientist, I am a strong advocate of peer review, and am pleased to see that H.R. 2108 makes allowances for it in connection with the Policy Board.

#### LINKS BETWEEN THE BJS AND NIJ

With its umbrella OJARS coordinating office, S. 241 provides much needed links between the BJS and NIJ. A properly functioning statistical agency must not be divorced from the research activities that will (a) make use of the numbers it produces, and (b) help to suggest better and more useful statistics to collect. H.R. 2108 also provides for these links in several places, including the cross-appointments of Directors on Policy Boards.

#### FUNDING

Before concluding I note another major distinction between the two proposals. S. 241 specifies the funding of NIJ and BJS in a single provision, whereas H.R. 2108, in Section 415(b), specifies separate appropriations for the two agencies. I believe that a separate appropriation for a BJS is important, and would help to assure that funds that Congress expected to be spent on statistical programs, would not be diverted for other uses. I remind the members of the Subcommittee on Crime of the attempt to suspend data collection for the National Crime Survey in the fall of 1977, which was partly justified by the need to shift resources elsewhere. It was primarily through the efforts of this Subcommittee that such a suspension was prevented.

While on the topic of funding, I note that the charge to the BJS is much broader in scope than that currently directed toward the statistical programs of LEAA. While much will be gained under a BJS in terms of quality and coherence, the collection and an analysis of data are costly. I fear that the BJS will not be given adequate resources to implement the programs outlined in the proposed legislation.

In summary, I would like to reiterate both my support, and that of the American Statistical Association, for the proposed legislation creating a Bureau of Justice Statistics.

**TESTIMONY OF PROF. STEPHEN FIENBERG, DEPARTMENT OF APPLIED STATISTICS, THE UNIVERSITY OF MINNESOTA**

Professor FIENBERG. Thank you, Mr. Chairman. It's a pleasure to be here again and to have an opportunity to present a statement to this subcommittee in connection with the bill introduced in the Senate by Mr. Kennedy, in the House as H.R. 2061, and the alternative bill that you have proposed, H.R. 2108.

While my testimony does not reflect any official position of the University of Minnesota, I can relate to the subcommittee the official position taken in support of the proposed legislation by the American Statistical Association's Board of Directors and various comments from that association's ad hoc committee on law and criminal justice statistics.

Most of my comments—indeed, all those in the oral presentation—will be focused on the proposed Bureau of Justice Statistics.

Based on a recommendation from its ad hoc committee on law and criminal justice statistics, the Board of the American Statistical Association passed the following resolution in its meeting on February 9 and 10 of this year:

The ASA Board of Directors endorses and supports the proposals now before Congress to create a Bureau of Justice Statistics.

I feel a little embarrassed presenting such a three-line resolution when I've just finished reading the American Bar Association's 4½ pages. And lest you dismiss too quickly this endorsement, I wish to note that the American Statistical Association is one of the oldest professional organizations in the United States, and although, again, it doesn't have the membership of the ABA, it does have almost 13,000 members representing the full spectrum of statistical activities.

Indeed, the ASA will likely be the primary professional affiliation of the technical staff of the new BJS.

Moreover, I wish to assure you, Mr. Chairman, that the ASA rarely takes positions on any matter, let alone potential legislation. Indeed, I recall no other motion of comparable content in my own 3 years on the ASA board.

Thus, the ASA's endorsement of the BJS is truly and affirmation of strong professional interest in the area.

In the fall of 1977, the ASA ad hoc committee reviewed a proposal for BJS prepared within the Department of Justice. I'm pleased to note that several of our initial concerns have been directly covered in the two bills under consideration and thus, I shall begin by listing several items about which we are especially pleased, and then move gradually into some of the recommendations that we believe still need further attention.

The most important benefit that a BJS would achieve is the placement of statistical data collection, compilation, and analysis activities into an agency whose sole mission is statistics, and the removal of these functions from the mission agencies of the Department of Justice. This will allow the BJS to provide statistics that have integrity and address important public issues, especially those that cut across agency lines.

The outlined activities for the BJS in both bills suggests that it will be the statistics agency in the Department of Justice.

Our committee endorsed the broadening of the original proposals to include the components of civil and juvenile justice, as well as the component of criminal justice.

We also urged that the enabling legislation provide for coordination between the relevant components of the executive and judicial branches of the Federal Government.

The bills address all of these issues most adequately. Our committee suggested that their consideration be given to the inclusion as part of the BJS mandate of data on international crime and on white collar crime.

Again, we are pleased to note that these efforts are directly covered by H.R. 2108 in section 304, although they're not explicitly mentioned in H.R. 2061.

The committee applauds the emphasis in both bills on statistical analysis and on methodological research required for the gathering of the analysis of justice statistics.

Our committee believes that the Director of the BJS should be appointed by the President for a fixed term subject to congressional approval and should report directly to the Attorney General.

This matter is addressed in both bills, although neither specifies a fixed term of office. In your own bill, the Director does report to the Attorney General. Whereas, in H.R. 2061, the Director reports to the Director of OJARS.

I'll comment in a little detail in a moment on related aspects of the leadership of the BJS.

Because many of the data series which will come under the BJS's jurisdiction, such as the uniform crime reports, are based on the administrative records, we believe that a special effort is required to separate out the statistical aspects of administrative records from the regulatory aspects. This separation must be firmly established in the enabling legislation.

I'm sorry to note that neither bill adequately addresses this issue.

The committee believes the data gathered by the BJS should not be available to any law enforcement or other agency for nonstatistical purposes. This point is related to the previous recommendation. And we believe that stringent guarantees again needs to be spelled out in this regard. Both section 410 of H.R. 2108 and section 19 of H.R. 2061 do address the issue of confidentiality. But we believe this attention is insufficient.

I'd be happy to provide your staff with some detailed documents and some references to some proposed legislation from the President's reorganization project, which I think would be relevant in this regard.

Mr. CONYERS. We'd appreciate receiving it, then.

Professor FLENNBERG. One of the foremost concerns of the ASA's ad hoc committee is the caliber of leadership for BJS. H.R. 2108 calls for a director who shall have demonstrated significant expertise in statistical programs, while the other bill drops the word "significant." Such credentials would be appallingly inadequate since virtually anyone now associated with the currently amorphous and inadequate justice statistics systems would likely qualify.

We believe what is needed is a professional social scientist of distinction, a recognized leader in his or her field who is an aggressive,

articulate, and dynamic spokesman and who, by virtue of his own national reputation, can attract top notch professional to key positions within the Bureau.

Mr. CONYERS. Should he be an administrator?

Professor FIENBERG. I should hope so.

Mr. CONYERS. Right. Because if he isn't, all of his excellent credentials would not save us from what would result.

Professor FIENBERG. I agree. Ideally, this Director would combine the best of both worlds from the fields of statistics and justice or criminology. Because there are few people who meet these qualifications, at least in the way I've outlined them, some compromise might be necessary. And we envision the need for an Assistant Director to aid the Director in matters requiring technical statistical expertise and to provide guidance and direction on matters involving the use of appropriate statistical methodology.

If the Bureau is to operate in the manner proposed, and ultimately in new and innovative ways, we believe that there is a need for a sizable staff with both analytical skills and knowledge of justice statistics. Such a staff cannot be formed solely with existing personnel from the Department of Justice agencies, let alone from LEAA.

As a statistical colleague of mine from another university has pointed out, first-rate personnel in a poorly organized agency can still do well, but second-rate personnel will not do well no matter how marvelously organized the agency.

I note that in part G of H.R. 2061, particularly in section 705, there is specific provision for training and manpower development. I would personally like to see reference there to training in justice statistics; specifically, to training in their collection and in their analysis. I note the apparent absence of such provisions in your own bill, with the exception of the brief mention in section 110(a)2.

I now turn very briefly to several issues on which our committee did not make specific recommendations, and offer my personal observations. A major source of difference between the two bills is the way in which they deal with the Advisory Policy Board of the BJS.

On the one hand, H.R. 2061 would establish an advisory board with 21 members to be appointed by the Attorney General consisting of a mix of users, representatives of various justice constituencies, the general public, and members of the academic community. Your own bill, on the other hand, would establish a 12-member policy board consisting of the three directors of the BCGA, and IJ and PJS, and nine additional members, and nine members to be appointed by the President and, I quote, "selected primarily on a basis of distinguished expertise in criminal justice, social science, or statistics." As its name suggests, the advisory board of H.R. 2061 would formulate and recommend; whereas, the policy board of H.R. 2108 would establish the policies and priorities of the Bureau.

I believe that the BJS needs strong guidance in its work and would be better served by the autonomous policy board composed predominantly of scientists. Such a policy board, which closely resembles in structure the National Science Board, would go a long way toward assuring that the collection and presentation of statistics is done with high professional competence and free from political influence.



Retaining Presidential appointment of the policy board members would thus be most desirable.

Mr. CONYERS. Which language do you prefer there?

Professor FIENBERG. I prefer your language.

Finally, as a scientist, I am a strong advocate of peer review and I'm very pleased to see that H.R. 2108 makes allowances for its use in connection with the policy board.

Before concluding, I note another major distinction between the two proposals.

H.R. 2061 specifies that the funding of NIJ and BJS in a single provision; whereas your bill, in section 415(b) specifies separate appropriations for the two agencies. I believe that a separate appropriation for BJS is important and would help to assure that funds that Congress expected to be spent on statistical programs would not be diverted to other uses.

I remind members of the subcommittee on crime, and you, in particular, Mr. Chairman, of the attempt to suspend data collection for the national crime survey in the fall of 1977, which was partly justified by the need to shift resources elsewhere. It was primarily through the efforts of the subcommittee that such a suspension was prevented.

While on the topic of funding, I note that the charge to the BJS is much broader in scope than that currently directed toward the statistical programs of LEAA, and indeed, toward all of the programs within the Justice Department on statistical content. While much will be gained under a BJS in terms of quality and coherence, the collection and analysis of data are costly.

I fear that the BJS will not be given adequate resources to implement the programs outlined in the proposed legislation.

In summary, I would like to reiterate both my support and that of the American Statistical Association for the proposed legislation of a Bureau of Justice Statistics.

Mr. CONYERS. We appreciate your very careful review of the proposals and the bills before the subcommittee.

We're grateful for your concern and the support of the organization that you represent.

Mr. Volkmer?

Mr. VOLKMER. When we get all finished with this, how much money do you think it will be necessary to have for the operation of a bureau that you would like to see?

Professor FIENBERG. I would hesitate to make a specific recommendation. I did not mention any specific figures.

What I do know is the funds that have been allocated toward the national crime survey and its redesign—which, in part, was directed by the subcommittee and the Committee on the Judiciary—are already inadequate. And with that in mind and with the expansion of activities into a very, very broad spectrum of areas in the proposed legislation, I simply present a note of caution to the committee rather than make a recommendation.

I'm not a budget expert, at least with regard to the proposed bureau. I have seen some of the budget figures for the LEAA and its statistics programs in the past. And I think that because of the broad charge to the proposed bureau, it would be difficult for me to make a specific statement at the moment.

Mr. VOLKMER. OK. There's an item of structure. You place so much importance on certain things in the structure for the structure to operate.

Is that correct?

But the board has to be composed, or should be composed, of certain people. The director should be appointed by the President for a term.

How is he going to be removed?

Professor FIENBERG. I think that the parallel that we have chosen to draw in this particular instance is with the directors of other statistical agencies in the Federal Government. I could mention specific ones, beginning with the commissioner of the Bureau of Labor Statistics and the directors of the related bureaus in education and health statistics.

And it was our intent—

Mr. VOLKMER. You see no problem?

Professor FIENBERG. I see the difficulties inherent in our proposal, but we have the same problem in the appointment of any individual, and our major concern is that the people appointed to such an agency and the people working in such an agency be of the highest possible quality.

Mr. VOLKMER. Well, you have a board and the board is supposed to set policy for the bureau, which means for the director. And if the director just decides that he'll go slow on those because he's got some of his own, you tell me what happens to it.

Since the structure is so important, what happens to it?

Professor FIENBERG. I think the same thing would happen in such circumstances that would happen with directors of other agencies in the Federal Government. The ultimate power lies with Congress in the appropriations it provides for the activities of those agencies.

Mr. VOLKMER. So some of us have to choose between whether you provide this much power, or you do provide direction over people.

Some of us—at least I, in my study of government—have long learned that it's the person that's operating it that sometimes make a difference, not necessarily the structure which we provide.

Professor FIENBERG. I agree that both are extremely important.

Mr. VOLKMER. That's all. Thank you.

Mr. CONYERS. Staff counsel, Roscoe Stovall.

Mr. STOVALL. Thank you, Mr. Chairman.

Professor Fienberg, we've had some difficulty at times defining exactly what white-collar crime might be.

As a statistician, while we have you here, perhaps you could help us draw some sort of an umbrella over the word, so that at the proper time we might more meaningfully describe what we're talking about.

Professor FIENBERG. I wish I could. In some other activities I have attempted to do so, in particular as a member of a panel of the National Academy of Sciences-National Research Council Panel on Research on Rehabilitative Techniques.

In connection with that panel, we attempted to address issues of rehabilitation with regard to white-collar crime and we were faced with exactly the same problems that you're faced with here. I'm afraid that we went to exactly the same literature and documents that

staff of this subcommittee has gone through, and consulted with most of the same people. Indeed, some of those who have appeared before the subcommittee in previous hearings consulted with our panel.

While I would hesitate to provide such a definition now, I could provide for you the few pages in the report from the Academy's panel which deals with white-collar crime if it would be of some help. It's a brief statement.

Mr. STOVALL. This is immediately available, is it?

Professor FIENBERG. I could have it here within 2 or 3 days.

Mr. STOVALL. It would be very helpful.

The second question would be your concern about the dual uses of data on defendants and the need for protection from law enforcement personnel in nonstatistical functions which you alluded to.

What problems have you seen that caused you to show a concern for this?

Professor FIENBERG. We're dealing with an area where the current agencies within the Department of Justice have not really been functioning, or have been functioning in a less than professional statistical manner.

In our review of the earlier draft legislation prepared within the department and our review of the current bills, one of the things we noted was what would happen when organizational structures such as that associated with the uniform crime reports, a collection of police statistics, would be incorporated in some form into a Bureau of Justice Statistics.

I'm not saying that the UCR would be lifted up and put within such a bureau, but activities associated with uniform crime statistics would ultimately be connected with the new bureau. Thus, it was clear to us that the records that would be transferred to the new Bureau could then be matched, combined with records from other sources, and in the end, the nature of the data files available would be different than those that came in from any one source.

If those statistics are gathered for reporting purposes, for providing information for policymaking, we feel it is very important that such functions be separated from the regulatory aspects of those records. Otherwise the administrative records would be subject to manipulation and distortion, and the statistics agency would then be serving and administrative and regulatory function by combining records and providing them to the agencies from which they came. It seems to me as an individual that this would be a very, very unwise way to proceed with statistical programs in an agency within the Department of Justice. It would not be in keeping with the nature of statistical agencies elsewhere in the Federal Government.

Mr. CONYERS. We're very grateful, again, for your appearance, Professor Fienberg. We appreciate the considerations of the organization and we're looking very carefully at our legislative attempts here.

Thank you very much.

Professor FIENBERG. Thank you.

Mr. CONYERS. Our next witness, from Brooklyn, N.Y., Mr. Richard Shapiro, project director, Midwood Kings Highway Development Corp., comes to us with a unique background of community law enforcement and involvement.

We have incorporated your testimony in the record and that will free you to focus in on the points that you would make before the committee in person. Welcome.

[The statement follows:]

STATEMENT OF RICHARD SHAPIRO, MIDWOOD KINGS HIGHWAY  
DEVELOPMENT CORP.

Mr. Chairman, Members of the Subcommittee: I have come before you today to share a unique experience. I represent the Midwood Kings Highway Development Corporation, an umbrella organization formed two years ago in response to the needs of the 64,000 residents of Midwood, in Brooklyn, N.Y. This community is a clear example of a middle class community in transition. Pressures from the urban environment had caused the crime rate to escalate and the perception of safety to deteriorate. City services had also deteriorated at a steady rate. The turnover of homes and apartments in the community had been increasing monthly. The Development Corporation was formed in an effort to get Federal, State and City assistance to reverse these trends.

In May of 1978, we received from the Law Enforcement Assistance Administration notification of a grant for a Community Anti-Crime Project. We proposed to use that money to organize the citizens of our community to work together to prevent crime where traditional methods had failed, and to enable citizens to perceive their community as a safe and stable place to live. The main thrust of our effort has been over the past nine months to organize our community into a cohesive single unit, to organize home owners, tenants, blacks, whites, young and elderly, to work together towards a common goal.

When we began, only a small fraction of our community had any civic organizations at all. Today, in our 200-square-block area, we have created over 75 Block Associations and over 20 Tenant Associations. These small grass roots groups are currently coordinated into six civic associations covering the entire project area. The president of each Block or Tenants Association sits on the Executive Board of their own Civic Association. Each Civic Association, in turn, reports to our umbrella. Through this system, over 1,000 dedicated citizens have given up at least one night a month to ride in civilian patrols acting as the eyes and ears of our Police Department.

Each Civic Association has signed up thousands of its members in over a dozen specific crime prevention programs. The citizens in our community have turned out in massive numbers to do their part to prevent crimes from occurring in our area. For example, we publish every month a 24,000 copy newspaper which is hand delivered by handicapped students to every family in our area. Open community meetings held monthly by each Civic Association and most Block or Tenant Associations, draw huge crowds regularly. We estimate that over one-half of our community residents are now directly involved in one or more of our crime prevention programs.

What is remarkable, Mr. Chairman, is that the programs work. According to documentation provided by the New York City Police Department, in spite of having less police than ever before, crime rates in our community have dropped drastically for the first time since 1964. Burglaries, which were the biggest single problem in our community, have dropped 31 percent since the programs began. Auto larcenies, the second biggest problem we faced, and in fact our area was first in the City of New York in auto larcenies, has dropped an amazing 35 percent. All other categories of crime have followed the downward trends.

The programs were developed and refined through many methods. Community input and local expertise have been combined with guidance and leadership provided by the Law Enforcement Assistance Administration Office of Community Anti-Crime Programs, and technical advisors have been provided to us through groups like the Center for Community Change. These services have been invaluable.

Our programs are succeeding only because we have taken a broad approach to community problems. We work with landlords who are willing to improve their buildings. We work with youth organizations to channel hundreds of youngsters into constructive programs, who otherwise would not have a place to turn for recreational centers. We work with schools who want to fully involve

themselves with their communities. We work with senior citizens who pay the highest price financially, emotionally and physically as victims of crime to preserve the community in which they have spent their entire lives. We work with our neighborhood religious institutions, whose congregations and buildings have suffered greatly from increased crime.

We have organized our three major commercial strips into Boards of Trade, which enable them to unite in development projects which keep our neighborhood stores a viable community asset. Our Midwood Mardi Gras, for instance, organized by the Development Corporation and the Avenue M Board of Trade, last year drew 75,000 community residents to a street fair which boosted one of our most vital shopping districts. This year we anticipate over 100,000 people attending.

We work with city agencies and our local Planning Board in two major directions. Through our offices, we have advised and restructured the delivery of services to our community to insure proper priorities and operating efficiency. This has had a massive impact on the quality of life in our area. In addition, we have organized large volunteer efforts, which had they been paid for by the City would have cost millions, assuming that the City had those funds available, which they do not.

We have undertaken programs to upgrade our apartments, our commercial strips and our housing stock. Some additional funding has begun to come into our area as a result of much difficult systematic work done by our citizens and staff operating from the base solidified by the LEAA funding.

We are basically returning to the community a real sense of control over the quality of their daily lives. Our Development Corporation office has become virtually a "Midwood Town Hall" for citizens to contribute their time and effort. With that sense of control comes the concerted effort to remain in and improve upon their own neighborhood.

Mr. Chairman, a community is fighting back. Fighting the trends that have affected our cities all across the nation. The fact that we have had any success at all reflects only a unified community which is determined to survive.

All we have done is begun the battle, not won the war. If two years from now, or three years from now, the crime rates have continued to drop, the turnover of houses has slowed significantly, and the citizenry is involved in an ongoing organized community development effort, then and only then will we have made some progress. My appeal to you, to the Congress, is basically that you have helped us to help ourselves. We ask you to continue to do so.

Thank you.

#### COMPONENTS OF THE MKDC SECURITY PROGRAM

(1) *Car Patrols*.—Over 1,000 residents volunteer for nightly patrol in 5 civilian car patrols, highly visible, as the "eyes and ears" of the NYPD. Central radio communications provided by MKDC. Average 3 cars a night additionally volunteered by community residents. Three of the 5 regular cars totally financed by LEAA, two partially financed (10¢ a mile). Over 3,300 hours patrolled as of 2/28/79 by regular cars. Patrol sector by Civic Association.

(2) *Moped Patrols*.—Three Auxiliary Police (A/PO) units (70 Precinct, 63 Precinct, and 61 Precinct) patrol afternoons and evenings in conjunction with regular NYPD patrols. Ten mopeds funded by LEAA 4 to 70, 4 to 63 and 2 to 61). A/PO's in direct communication with NYPD Central Communications Bureau and police on patrol. Restricted to MKDC boundaries.

(3) *Tenant Patrols*.—25 tenant associations organized into lobby patrols monitoring ingress and egress of apartment building. Phone chains organized and shriek alarms distributed. Three buildings contractually supported by LEAA.

(4) *Helping Hands*.—School children's assistance program. Decals designate homes available to school children in need of assistance. 2,000 homes enrolled to date on voluntary basis, through school PTA's.

(5) *Crime Protection for the Aged*.—500 locks installed and 20 gross shriek alarms distributed to area's indigent elderly. Massive security education program to all area senior citizens.

(6) *Ultrasonic Intruder Alarms*.—50 alarms distributed to local Civic Associations for use by residents as burglary deterrent. Primary use during vacations and in particular trouble spots—some use by victims awaiting building repair.

(7) *Shriek Alarms*.—20 gross distributed to phone chains and area elderly (see 5 above, and 8 below).

(8) *Block Watchers*.—With area organizing effort (see below) community education for all citizens to be "eyes and ears" for police. Phone chains organized on almost every block for citizens in dire need (emergency use only). Shriek alarms utilized.

(9) *Home Security Checks*.—Over 500 on site evaluations of private homes and apartments by detectives assigned and trained by NYPD to survey and recommend correction of residential vulnerability. 6 detectives assigned. Written reports given to citizen.

(10) *Operation Identification*.—Over 500 homes registered. All personal valuables engraved with social security numbers and registered with NYPD. Decals given to residents. Engravers and cards provided.

(11) *Auto Decal Program*.—Over 500 autos registered and coded visibly with description of principal driver—identifiable by any police officer on patrol. All registered with NYPD.

(12) *Newspapers*.—"Midwood Sentry"—24,000 copies—one for each resident in area—hand delivered by NIEH students to entire area monthly. Community and security education and news.

(13) *Legislation Surveillance*.—Bills relating to security issues followed through legislative process and community educated on status. Consultation with local legislators on types of legislation necessary. Testimony given before committees when called for.

(14) *Court Watchers*.—Citizens mobilized and transported to court when case concerning their block is pending. Used only in cases where residents themselves are directly affected.

(15) *Crime Follow-Ups and Victim Assistance*.—Agency referral and advocacy and individual follow ups through Civic Associations and individually, as necessary. Locks installed when called for.

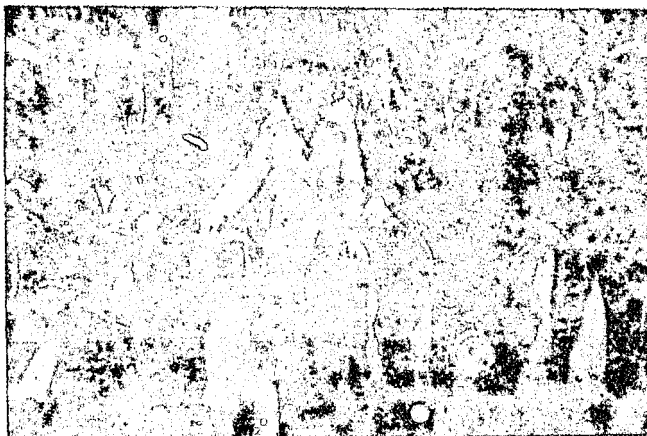
(16) *Block and Tenant Organizing*.—Cornerstone of program to organize and channel 64,000 residents into block by block or building by building small grass roots groups. Educate residents and enroll them into specific projects (delineated above). Group small organizations geographically into civic associations.

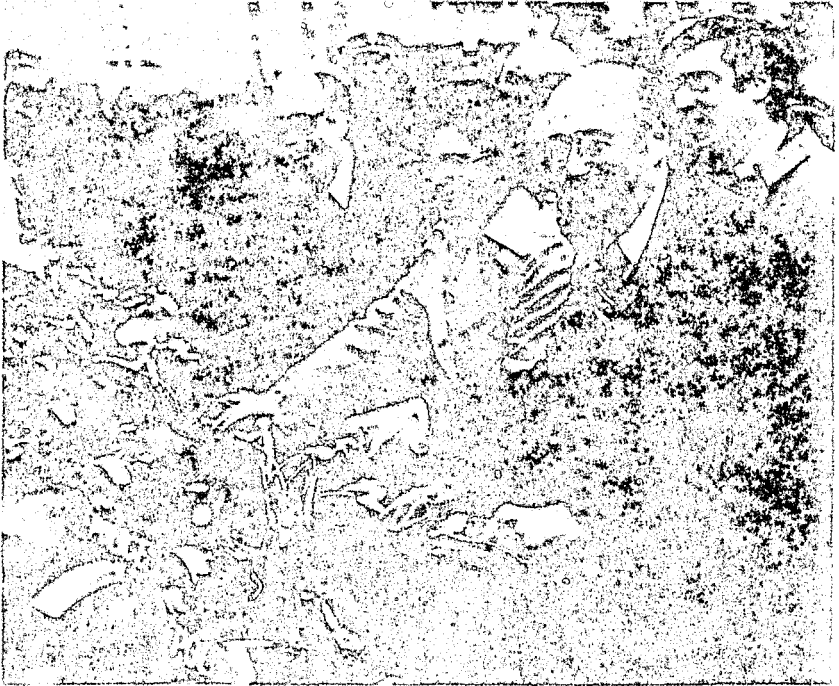
(17) *Youth Program*.—Set up and operate Edward R. Murrow Youth Center. Current enrollment: 350. Center operates Monday and Wednesday evenings 7 P.M. to 10 P.M. Expected funded effective July 1, 1979 will expand program to Monday through Friday 7 to 10, and Sept. 10, 1979 to Monday through Friday 2:30 P.M. to 10 P.M.

DAILY NEWS, SATURDAY, DECEMBER 23, 1978

## Big wheels are pedaling moped program

Three of the city's big wheels, Police Commissioner Robert McMulre, Rep. Elizabeth Holloman and Mayor Koch, try out three of 10 new mopeds that will be used by three Auxiliary Police units in Brooklyn. The city accepted the vehicles, which get 150 miles to a gallon of precious gas, from the Midwood Kings Highway Development Corp., which purchased the mopeds as part of a \$157,000 Law Enforcement Assistance Act grant. The corporation will maintain the bikes for the city, which has been making a drive to beef up the Auxiliary Police program. If you'd like to join, call 753-7050 for details.





Members of the Midwood Civic Action Council arriving at Criminal Court on Schermerhorn St. yesterday.

## A court-watch on flasher suspect

**By THOMAS RAFTERY**  
The good citizens of Midwood want the alleged "Midwood flasher" to get as much exposure as possible, as long as it is to the legal process and not before little children or lone women.  
Forty members of the Midwood Civic Action Council, most of them mothers or retired men, climbed off a bus yesterday at Criminal Court, 120 Schermerhorn St., to act as "court watchers" in the case of David Kagan.

It was their first trip involving prosecution of Kagan, 24, of 929 E. 12th

St. Kagan has accumulated five arrests for public lewdness, said Assistant District Attorney John Murphy Jr.

Kagan's next mother accompanied him to court where his case before Judge Louis Douglas was temporarily put off while Murphy prepared a request for either mental tests or jail for the mustached, dark-haired Kagan. Yesterday's case involved a charge that Kagan exposed himself to a 10-year-old boy outside a yeshiva on Avenue N and E. 10th St.

A second case, also pending, involved Kagan's next-door neighbor who complained that Kagan used a flashlight and

merse while exposing himself at his front window.

The neighbor, Freda Goldenthal, 27, of 931 E. 12th St., married, 1st mother of two, moved into her house in February. No one told her of her neighbor's alleged pre-occupation, she said.

"I started to keep the shades drawn," said Goldenthal. "People told me not to do anything."

However, with the encouragement of the civic association, Goldenthal decided to try to ring down the curtain on Kagan's alleged act, she said, so she can raise the shades and let the light shine in.

## Knife in fat baby

A 34-year-old stomach surgeon, in Coney Island out of control, was yesterday in Co. Accident Investigator Second Highway case which occurred yesterday.

The driver, Bill being pushed in year-old room, an accident occurred. The driver, he lost control of the car, hit and struck the victim, Gem Jans, on the street, hit and struck the victim, Gem Jans, from a grocery store escape injury, 66

Neither Zax and Felix Zax and Va. 37, are there in speaking in Rush, mistook their club as a sign of drink them, police said.

Zax was stabbed other two receive bruises.

## Indoor ft boosts li

An indoor sled kirkoff event in the library's celebration Year of the Saturday at the 11th house at in court. Wai oughty Aces. A library spoke will feature exhibitions and offer a den and adult and the activity 2 and 5 p.m.

DAIRY NEWS

Brooklyn

THURSDAY, JANUARY 27, 1960

## BIOGRAPHICAL INFORMATION

Richard B. Shapiro, 489 McDonald Avenue, Brooklyn, N.Y.

*Personal.*—Born: November 25, 1949; married: October 1971 to Jean S. Shapiro; children: Lee G, Stewart 4, and David 2.

*Education.*—W. C. Mephram High School, Bellmore, N.Y. June 6 1966; Long Island University, Brooklyn, N.Y. June 1970.

*Work experience*

June 1978 to present: Midwood Kings Highway Development Corp.: Security specialist (June 1978 to November 1978); overall responsibility for security programs.

November 1978 to present: Project director, overall responsibility for entire program.

July 1975 to June 1978: Store owner—book and card shop.

July 1971 to July 1975: Greenman Bros. Inc., Farmingdale, N.Y.—store manager and security manager (various retail outlets nationwide).

July 1970 to July 1971: Broad Horizons, Inc., Muncy Valley, Pa., hotel manager and assistant to president.

*Public service experience*

Midwood Kinks Highway Development Corp.—Current program (as explained).

Kensington-Self Help Community Services—President of board of directors. A title III program for complete services of any nature free to all senior citizens of the Kensington area. Helped in original grant and funding and currently leading a community based board in tailoring a professionally run program to the needs of the neighborhood.

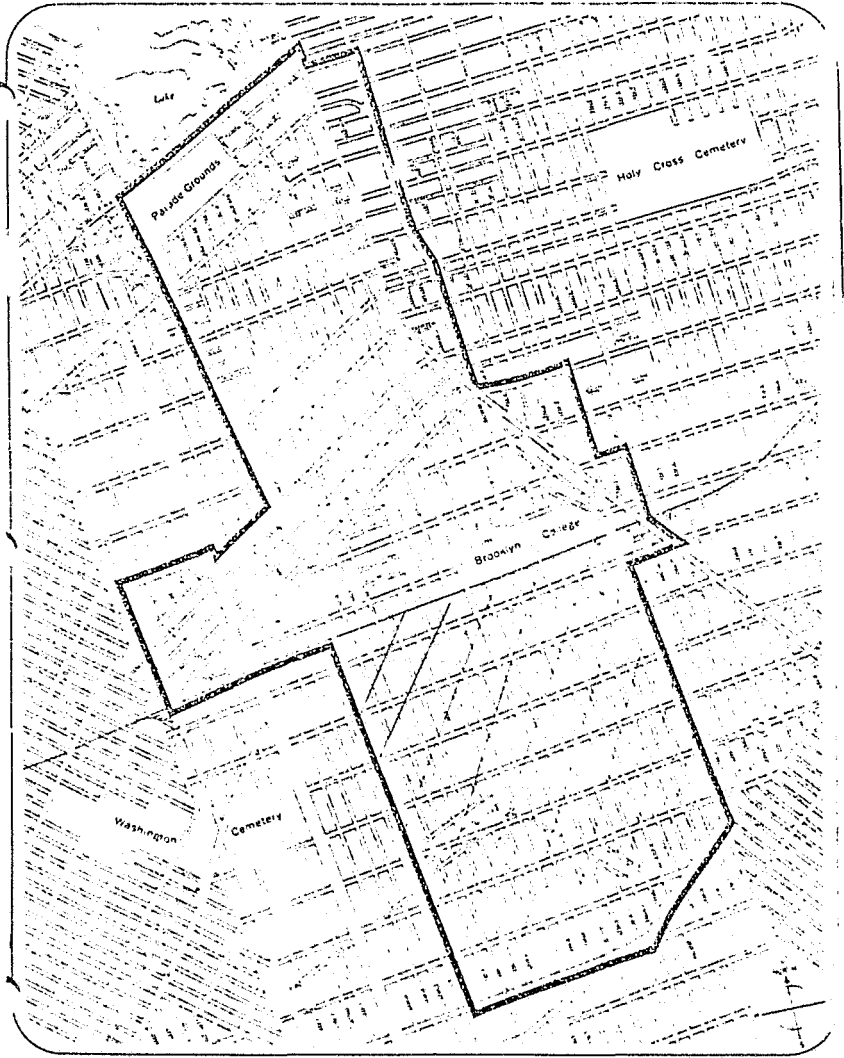
70 Precinct Auxiliary Police—Community Affairs Officer (Shield 2634)—As community affairs officer I have responsibility in aiding block associations, neighborhood groups and any concerned citizens in the field of crime prevention. I have addressed over 100 such groups in the past year concerning police functions, auxiliary police functions, Operation Identification, Blockwatchers, Auto registration, home and business security, and much more.

McDonald Ave. Association, vice president. Founder and vice president of local block association.





BROOKLYN COMMUNITY DISTRICT 14



## COMMUNITY IMPACTS OF LEAA PROJECT

## SECTION I

The area affected by the Midwood King Highway Development Corporation in south central Brooklyn is broad and diverse. Two geographic areas are affected by the LEAA community Anti-Crime Project.

The direct project area encompasses 200 square blocks bounded by the LIRR cut on the North to Avenue P on the South and Coney Island Avenue on the East to Nostrand Avenue on the West (see map). This area includes 64,000 residents, comprised traditionally of a largely white, middle class population, which has lately been in transition. Since the 1970 census there has been a market increase in the proportion of elderly, now more than 20 percent of the population; women, now more than 81 percent of the adults; and black and hispanic, now more than 10 percent of the population. A large area outside our primary target area has felt effects from the program. This peripheral area is bounded by Foster Avenue on the North to Kings Highway on the South; and McDonald Ave. on the East to Utica Ave. on the West (See Appendix A). Demographically similar to the primary area, this secondary area encompasses approximately 50,000 additional residents who have been both directly and indirectly affected by the Program.

## COMMUNITY CHARACTERISTICS

*1. Demographic data*

Almost 64,000 people reside in the Midwood Kings Highway area. Approximately 81 percent of the adult population is female, 20 percent is elderly (over 65) and 20 percent consists of school aged children. The dependency ratio amounts to 62.5 percent for the area.

The 25,000 households (average size 2.77) occupy nearly 23,000 units of housing, nearly all of which was constructed more than thirty years ago. Most multiple dwellings in the area are rent controlled, four story walkups and 60-80 family apartment buildings. Approximately 73 percent of all housing is renter occupied, with an average rental of \$116 per month; 27 percent of the housing stock consists of one, two and three family houses which are owner-occupied.

The outstanding demographic characteristics of the area are: an aging population, a high proportion of women and a high dependency ratio, all of which reflect extreme vulnerability to crime.

*2. Crime statistics*

Research on area crime in the original proposal and data gathered by both the 61st and 63rd Police Precincts demonstrated that the most frequent crimes in our area were the burglaries of our homes and apartments (30 percent of all area crime), and motor vehicle theft focus of concentration of our community anti-crime effort.

Ongoing collection of data has been continued by the New York City Police Department reflecting the effects of the LEAA project on the area. Their analysis of this data has resulted in a virtual block by block crime report. The results have been remarkable. In the sector of the 63rd Precinct covered by our LEAA project, for instance, a monthly reduction in both types of crimes begin to be evident in the 2nd month of our operation in July, 1978 (9 percent burglary decrease and 45 percent auto larceny compared to the previous July). This trend continued to be evident in the September 1978 data (46 percent decrease in burglary and 80 percent auto larceny). Similar trends are shown in the 61 and 70 Precinct sectors covered by the LEAA project. (See next page). The total of a 35 percent reduction in burglaries and a 39 percent reduction in auto larcenies indicates the dramatic effects of our LEAA project. It is significant to note that the only difference in Police performance between 1977 and 1978 was the decrease in police personnel, due to attrition. Since no other activities are occurring in the area other than those under our sponsorship, and seasonal conditions have not changed in the compared periods, it is impossible to credit anything other than our programs for these results.

It is expected that this effect will continue unless the LEAA program ceases to function.

The main problem now of concern to Midwood Kings Highway Development Corporation is the maintenance of the downtrend in crime and the continuance of our impacts. While we have objective evidence of the impact of our project, we

realize that sustaining the trends may prove even more difficult than the immediate decreases themselves, and we have addressed our priorities with this in mind.

### 3. Community organizations

We have based virtually all of our programs on the foundation of community organizing. All components which involve community residents have been channeled through civic associations in the neighborhood. Each civic association has had block and tenant associations organized with our aid under their umbrella. Each civic association, merchants association and other organized groups have collaborated with and supported our umbrella organization. (See enclosed charts).

Where there was no existing civic association when our project began, we helped to create one. Where there were higher crime rates, we organized block and/or tenants groups. Older existing civic associations have been strengthened by this approach as new people have been included as active participants in the community group where no such avenue was open to them before. While we have organized over 25 percent of our 200 square block area, much more work is yet to be done in this facet of our program.

TABLE 1.—COMBINED CRIME REPORT—MKDC AREA

Location	June	July	August	September	Total
<b>Burglary:</b>					
70A:					
1977 figure.....	34	38	40	(1)	112
1978 figure.....	19	20	22	(1)	61
Percent.....	-44	-47	-45	(1)	-45
63 F:					
1977 figure.....	24	28	26	(1)	78
1978 figure.....	22	16	14	(1)	52
Percent.....	-8	-42	-46	(1)	-33
61 M & K:					
1977 figure.....	73	87	110	96	336
1978 figure.....	44	62	73	65	244
Percent.....	-39	-28	-33	-32	-33
<b>Total:</b>					
1977 figure.....	131	153	176	96	556
1978 figure.....	85	98	109	65	357
Percent.....	-35	-35	-38	-32	-35
<b>Auto:</b>					
70 A:					
1977 figure.....	23	10	17	(1)	50
1978 figure.....	12	11	14	(1)	37
Percent.....	-45	+10	-17	(1)	-26
63 F:					
1977 figure.....	11	12	15	(1)	38
1978 figure.....	6	5	3	(1)	14
Percent.....	-45	-58	-80	(1)	-63
61 M & K:					
1977 figure.....	105	76	44	63	288
1978 figure.....	41	38	49	50	178
Percent.....	-60	-50	+11	-20	-38
<b>Total:</b>					
1977 figure.....	139	98	76	63	376
1978 figure.....	59	54	66	50	229
Percent.....	-57	-44	-13	-20	-39

Not yet available.

At the present time, no civic association in our area is capable of assuming either the full work loads or the full financial responsibilities inherent in the LEAA-MKDC Security Programs.

The civic associations have, with our assistance, been branching out into other areas of civic responsibility i.e. sanitation, trees, education, etc. They are at this point unable to assume the full responsibility for security services and do not have the resources to effectively deal with these problems unaided.

In both security and non-security areas, they still are dependent on Midwood Kings Highway Development Corporation for guidance and resources. We have directed all of our aid to the goal of making these associations self-supporting. We hope that by the end of year two, that all civic associations under our umbrella will be our working partners rather than dependent on us.

#### 4. The effects of coterminality

On election day in November 1977, the people of the City of New York voted to revise the Charter of the City of New York to decentralize all City Agencies, with the exception of the Fire Department, so that those agencies boundaries would work closely to represent the many cohesive neighborhoods that make up the City.

We have been advised by the New York City Police Department's Deputy Commissioner William Perry that the Borough of Brooklyn will be made coterminus on August 1, 1979.

Co-Terminality will bring a drastic change in police functions in the Borough.

These new neighborhoods were defined as Community Planning Districts (CPD). Each CPD has a Community Planning Board (CPB). The CPB's are appointed by the Borough President of each Borough. Each CPB is responsible to various agencies for advice and direction regarding the functions of those agencies inside the CPD.

The Midwood Kings Highway Development Corporation LEAA boundaries (primary area) represent the southern half of CPD exactly. The relationship between Midwood Kings Highway Development Corporation and CPB 14 has been a close one. Our Board Chairman is also Chairman of CPB 14. Mrs. Mary Cosgrove, our Executive Director, was just appointed as a member of CPB 14.

After August 1, 1979, the entire Midwood Kings Highway Development Corporation LEAA area will become serviced only by the 70th Precinct. Previously, our area was serviced by three Police Precincts (70, 63 and 61). This division of police coverage of the neighborhood has engendered much difficulty in the coordination and implementation of many of our program components. With coterminality, we will be able to coordinate all of our programs with the one Precinct. Although many of our tasks will be easier, some serious problems have arisen:

(1) As of this report, no information is available from any source regarding the new manpower level of the 70th Precinct, despite the fact that the 70th will move from a low crime "Class B" Precinct to a high crime "Class A" Precinct, due to the addition of residential and commercial areas to the north of the Midwood Kings Highway Development Corporation-LEAA area.

(1) No information is available from any source regarding the realignment of current manpower. Will a Police Officer now assigned to the 63rd, who is intimately familiar with the problems of our particular neighborhood, move with his Precinct, or will he transfer Precincts and stay with the neighborhood?

(3) The Police Department has thus far taken no steps to educate the community about the impact or nature of the coming changes.

There is the potential for a lot of confusion on the part of residents who may be unfamiliar with the personnel, community relations staff, commanding officer and police of the new Precinct. We anticipate that the bulk of requests for information, both from the community about the Police Department and from the Police Department about the community, will be funneled through our office. We have already been approached for information on both sides of this question. We hope to minimize the negative effects of the transition.

#### 5. Other projects

The LEAA grant has served as a catalyst for MKDC to pursue and effect projects beyond the scope of the original proposal.

It was realized that while crime prevention was the community's top priority, it was not the only priority. It was also realized that many factors directly affected the crime rates in the community which required separate projects, such as housing and education.

The enclosed outline entitled "Projects Undertaken by MKDC" itemizes over 13 million dollars worth of assistance brought into the area, or soon to be brought in, either directly through MKDC or with our direct assistance. The bulk of this assistance goes directly and completely to the projects themselves with under \$100,000 going for administrative overhead at this point (salaries included). In fact, the \$60,000 payroll provided by LEAA has been until this month the only funds used for personnel at all. The LEAA funding enabled us to set up offices, hire staff, and get the groundwork formed to create and expedite all of the other programs.

A perfect example of this type of groundwork has been our community organizing effort, detailed in this report. This effort has provided the volunteers, the

expertise and the direction for all of our projects; enabling us both to pinpoint the exact needs of the community and to muster the public support necessary for implementation of these projects. The active participation of a community on a large scale is unparalleled in our knowledge and is the underlying cause of any successes we may claim. LEAA has provided the means to effectively utilize this groundswell of public participation.

#### 6. *Effects of other projects*

It must be borne in mind that other projects of Midwood Kings Highway Development Corporation and/or other community organizations will create temporary security conditions which will need to be dealt with.

(a) *Avenue K Redevelopment.*—The housing rehabilitation project being done this summer under sponsorship of Midwood Kings Highway Development Corporation will involve the relocation of the resident families over a projected two year period. At the same time, construction crews will be working on the buildings themselves.

These efforts could create a potentially bad security situation on Avenue K itself and on the blocks immediately adjacent. We have prepared for this by organizing every block and building involved and by keeping open lines of communication to the people. We will concentrate at least two civilian patrols on this area nightly to monitor the site. We intend to cooperate and coordinate a three pronged coverage of the site with our civilian patrols, the contractor's private security guards and the NYC Police Department.

(b) *Kolbert Park Restoration.*—It is currently planned to revitalize and restore Kolbert Park, the only non-school connected public park in our area. Here, as on Avenue K, substantial construction will be taking place over approximately 8-12 months.

We have already organized many of the blocks surrounding the park and intend to utilize these block and tenant associations to ease the impact of the construction. We will also coordinate our car patrols, private security guards paid by the contractor and the NYC Police Department to see to it that no security problems arise from this construction and that the new park is maintained as a beautiful community asset after the work has been completed.

(c) *Youth Center (Murrow High School).*—As we have already been operating a two-night-a-week Youth Center at Edward R. Murrow High School, we have encountered some security related difficulty.

Since the youngsters tend to leave the center en masse, using local residential streets to walk on, some incidents of minor property damage to homes occurred. We have been able to meet this difficulty with coordinated effort by Night Center staff, NY Police Department patrols and civilian car patrols. This concentrated effort erased the problem completely.

It has been our experience that this coordinated approach of block and tenant organizing combined with patrol activity is an effective and versatile tool toward crime prevention. We intend to continue this concentrated approach wherever special conditions or past histories indicate that it would be appropriate.

#### 7. *Technical assistance to civic associations*

A large amount of effort is being expended answering the needs of our local Civic Associations with expertise in various fields.

We have worked with all of the groups in setting up committees and training personnel extensively in the security field, including the organizing of car patrols; a processing of complaints against police; setting up of phone chains; and many other aspects of anti-crime activity.

Similarly, we have aided civic groups with formation of committees and training of personnel for dealing with complaints on education, sanitation, parks, trees and other areas of civic concern. The demand for a citizens advocacy agency in this area is tremendous, but it is not feasible at this time that staff working on LEAA lines be available to handle these conditions, so we have been seeing to it that each civic association is capable of handling these complaints on their own. When it has become necessary to take area-wide action, appropriate committees of the Midwood Kings Highway Development Corporation Board of Directors have taken responsibility. This system has proven extremely effective. Although it has required some extra efforts by our staff, it has provided the means to set-up permanent channels for citizen involvement and control, enabling an individual to have redress and input into many areas previously closed to him.

### *8. Concerned clergy of Midwood*

We have now begun formation of a new group of all clergymen who represent a congregation in our area. We perceived a need for this type of organization through our efforts at the Senior Citizens clubs, most of which have been at religious institutions. We saw in talking to the priests and rabbis that a large segment of our community is only participating in any fashion through the family religious affiliation, and that the institutions themselves have a unique set of problems not addressed in any other way.

We have begun to form this group under the leadership of former Civil Court Justice Lester Sacks, and preliminary meetings have been held.

We have set specific goals and objectives for the group to meet and will work to insure its effectiveness.

We have provided that this new group will feed in to Midwood Kings Highway Development Corporation as a "sixth" civic association, providing effective input into all community development and security matters.

## SECTION II

It is expected that by the end of year two, real solutions to the problems delineated above will be in effect and maintained. We anticipate benefits to be tangible and affecting the entire target community.

The end of year two should see a stronger, more highly organized community mobilized against crime, and a citizenry more involved than ever before in a wider range of community action programs designed to prevent crime.

### *1. Demographic impacts*

As the proportions of our community consisting of elderly and minority residents grows, it would normally be expected that crime rates would increase. Housing stock would be expected to deteriorate, with effects flowing out to our schools, parks, merchants and other community assets. This pattern has been repeated over and over again in community after community in New York and in other cities.

While we could not be expected to reverse the demographic trends, we have, in fact, been able to minimize the possible negative effects. In fact our crime rate reports indicate that we have successfully reversed the traditional patterns.

We have yet to quantify the effect of our program on the perceptions of crime and safety in the community but we do have qualitative feedback in this direction. Many people have approached us, as individuals, stating that they have either taken their homes off the market or have extended their apartment leases. Many senior citizens clubs have changed dramatically in the past year, in a positive sense. A drive through the area reveals fewer "For Sale" signs and more improvements being made to homes, multiple dwellings and properties. We expect this trend to be more evidence by the end of year two. Civic Associations under our umbrella report that the general rate of occupancy turn-over has stabilized at 8 percent to 10 percent annually, a reasonable figure. Merchants Associations report a scarcity of vacancies and a general rise in rental rates indicating a healthy business atmosphere. These reports are of significance to us since they come from the very sectors of our community whose perceptions we are seeking to change. It represents a groundswell of confidence from neighborhood residents never visible before. We plan to have a more formalized measure for these impacts during the second year.

### *2. Crime*

The data delineated above is extremely encouraging. It shows that crime rates can be drastically reduced, and that those rates can be maintained. We have been told by each precinct that September through December will show similar trends. We have also been told that we might expect slight increases in January and February due to the extremely heavy winters of 1977 compared to an extremely mild one in 1978.

These adjustments notwithstanding, we expect to have lowered the instance of crime in our community substantially by the end of year two. We do not know now what the minimum figures might be in a community such as ours, or even if such figures exist. We expect that eventually a stabilization will develop below which the level of crime will not drop. It is interesting to note that the 63F Auto Larceny figures, an area representing fully 40 percent of our

project area and one of our most highly organized communities, seems to indicate that this particular crime can virtually be eradicated.

Future results will be significant only if we can achieve a change in the perception of crime concomitant with the actual changes in crime itself. We keep publicizing these trends as they come to our attention. We discuss them at block and tenant meetings, we have published them in our own paper and in local publications.

### 3. *Community organizing*

As stated above, community organizing is the cornerstone of all of our efforts. As shown in the institutionalization charts, we expect at least 50 percent of new organizing to take place without our direct aid by the end of year two. We also expect that the three civic associations, whose car patrols we are now totally supporting financially, will be able to move to a 10¢ a mile reimbursement operation by the end of year two.

The civics are also expected to take over a substantial proportion of the program components. We expect that this will not only result in stronger civic associations but will also establish the mechanisms for continuation of all programs without interruption when LEAA funding terminates.

The results of the community organizing effort can only be more positive. As a citizen joins an organization and gains a real voice in his/her community she/he begins to feel a stronger degree of control. This sense of control over his/her environment should bring an end to frustration and hostility; the very cycle which has destroyed neighborhood after neighborhood in our city. This is effectively how we define the sense of "community" which we are attempting to engender. It affects every other aspect of community effort whether crime or non-crime related. The effects of this growing base for community action have already begun to be felt and are expected to grow.

### 4. *Coterminality*

It is expected that while the negative effects of co-terminality are serious, they will be short lived and that the long term effects should be positive. The fact that one precinct will be dealing with a cohesive organized community rather than three precincts dealing with fragments thereof, can only result in smoother more effective police performance. This is coupled with the fact that the community, through the Community Planning Board, has much more input into policy and planning under the new system.

This will be analyzed thoroughly as progress is made.

### 5. *Government agencies*

Our various projects have had dealings with and impacts upon many varied governmental agencies, on Federal, State and City levels. In varying degrees, cooperation from all levels of government has been satisfactory, once they became familiar with the goals and objectives of our organization. Once MKDC is recognized by a governmental agency as a legitimate and effective aegis through which programs can be accomplished, we have almost always received the cooperation required to meet our goals.

It is important to appreciate that the first such governmental recognition came from LEAA, which enabled us to effectively open up communication and dealings with all other levels of government. The following chart attempts to show how these relationships have grown to the point today where government and the people of Midwood have achieved a cooperative working relationship.

LEAA/MKDC: NYPD (Crime Prevention); NYC Board of Ed (Youth Program); CPB 14 (Citizen Complaints).

NYC Board of Ed/MKDC: NYC Youth Board (Recreation); Dept. HEW (Recreation & Education).

NYC Board of Ed/MKDC: P. S. 197 (Education); P. S. 193 (Education); J.H.S. 240 (Education); Murrow H.S. (Education).

CPB 14/MKDC: NYC Capital Budget—Kolbert Park (Recreational).

CPB 14/MKDC: NYS Dept. of Education—Midwood Field (Recreation).

CPB 14/MKDC: U.S. Dept. HUD—4-story walkups (Housing).

HUD/MKDC: NYS Div. of Housing—4-story multiples (Housing).

CPB 14/MKDC: NYS Supplemental; CB IV; Bklyn ED 368—Commercial Strips.

CPB 14/MKDC: NYC Dept. of Sanitation; NYC Dept. of Parks—Citizen problems.



## PROJECTS UNDERTAKEN BY MKDO

## 1. Security

(a) Received \$156,750 from United States Department of Justice, Law Enforcement Assistance Administration for Community Anti-Crime project June 1, 1978 through June 15, 1979.

(b) Applied for \$125,400 LEAA Continuation Grant (on above) June 16, 1979 through May 31, 1980.

## 2. Recreation

(a) Secured \$14,000 for design work and \$200,000 for construction from New York City Capital Budget FY79 for rehabilitation of Kolbert Park.

(b) Secured \$1,000 Self-Help Neighborhood Award Program grant for park improvement.

(c) Secured \$600 for planting in Kolbert Park (Civic Assoc. Kolbert F.W. Prvt Citizens).

(d) Applied for \$88,128 grant from the Department of Health, Education and Welfare for supplemental education program at Murrow High School.

(e) Applied for \$93,000 New York City Youth Board Grant for recreation center at Murrow High School.

(f) Received grant \$4,763.61 from New York State Board of Education for Murrow recreational center.

(g) Channeled \$750,000 New York State Department of Education funds (5/79) to rebuild Midwood Field.

## 3. Housing

(a) Received New York State grant \$50,000 for rehabilitation and redevelopment of area four story walk-ups effective 4/1/78.

(b) Received \$10,000 New York State housing grant to rehabilitate multiple dwellings on Ocean Avenue effective 4/1/78.

(c) Currently not-for-profit sponsor of nine million dollars in federal funds to rehabilitate local four story walk-ups effective 5/15/79.

## 4. Education

(a) Achieved release of \$1,440,000 for completion of Murrow High School shops from Public Works money to N.Y.C.

(b) Attempting release of \$29,000 for modernization of P.S. 197 from New York City Board of Education.

(c) Attempting release of \$1,100,000 for modernization of J.H.S. 240. Economic Development Administration funds. Public Works money to N.Y.C.

(d) Has secured through School District 22 \$250,000 Emergency School Aid Act funds for P.S. 193.

(e) Have submitted \$163,000 grant to H.E.W. for pilot program for elementary schools.

## 5. Commercial strips

(a) Received 1/1/79 \$96,500 New York State grant for the planning and design of commercial strips in the area.

(b) Received 7/1/79 \$40,000 CD IV monies for capital improvement on Avenue J.

(c) Received 7/1/79 \$150,000 in ED368 funds (Borough of Brooklyn for capital improvement on Kings Highway.

Tentative total: \$13,761,427.

## SENIOR CITIZENS CENTERS, JUNE 1 TO JAN. 31, 1979

Center and block	Att.	Op. id	Home sec.	Locks	Shriek alarms
Golden Age Club EMJC, Ocean Ave.....	53			11	24
Three Hierarches, Ave. P.....	36	8	6	12	23
Epiphany, St. Simons, Ave. M, East 29.....	20	8	3	12	20
Brookdale Center (board room), Ave. I.....	40	4	5	2	26
St. Brendans, East 12, Ave. O.....	28	15	8	14	24
JASA Young, Israel Midwood, 1012 Ave. I.....	43	16	15	15	25
Communal Center of Ave. I.....	21	5	2	6	10
Total.....	241	56	39	72	152

Note: All figures represent family units rather than individuals.

Block Meeting

June 1 - January 31, 1979

Apartment Houses - Independent

<u>ite</u>	<u>House</u>	<u>Block</u>	<u>Att.</u>	<u>OpID</u>	<u>Home Sec.</u>	<u>Auto Decal</u>
1/7/78	2400 Nostrand Ave.	J & K	65	29	18	10
6/78	2425 Nostrand Ave.	J & K	16	16	17	8
1/31/78	2005 Ave. L	Ocean Av to E 21	37	3	8	5

Grace Garden Area

1/7	920 E. 17 915 E. 17	LIRR to Ave I LIRR to Ave I	72	29	9	13
	1615 Ave. I	E 16 to				
	1620 Ave. I	E 17				
1/12	2901 Ave. J	Nostrand	17			
1/26	2400 Nostrand Ave.	J & K	11			
1/27	1916 Ave. K	E 19 & Ocean		55	25	16
1/4/79	1609 Ocean Ave.	J & K	15	4	4	10
1/10/79	1641 Ocean Ave.	J & K	37	14	20	
1/15/79	1123 Ave. K	Coney Is & E 12	31	9	5	
1/24/79	1520 Ocean Ave.	J & K	29	12	8	
			385	141	105	46

Apartment Houses as Part of Block Association

1/5/78	1053 East 13th	J & K	Nos. included in Block Meeting			
8/3/78	1049 East 15th	J & K	Total			
8/3/78	1045 East 15th	J & K				
8/14/78	1685 Ocean Ave.	L & M	"			
8/14/78	1740 Ocean Ave.	L & M	"			
8/17/78	1360 East 14th	M & N	"			
8/17/78	1363 East 14th	M & N	"			
9/11/78	860 East 27th	Cut to Ave I	"			
9/11/78	854 East 27th	Cut to Ave I	"			
9/14/78	1325 East 19th	M & N				
9/27/78	1485 East 16th	N & O				
10/12/78	909 East 29th	E29 I & J				
11/28/78	960 East 12th	E12 I & J				
12/6	1341 7 East 17	E17 - Ceder & Ave N				
1/11	945 East 26th	E26 I & J				

Note: All figures represent family units rather than individuals.

Block MeetingN.A.C.

June 1 - January 31, 1979

<u>date</u>		<u>Block</u>	<u>Att.</u>	<u>OpId</u>	<u>Home Sec.</u>	<u>Auto Decal</u>
/78	S. Padow	E14 J&K	50			
18/78	S. Bienenstock	E12 K&L	51		46	
1/78	A. Smith	E13 J&K	31		22	
14/78	E. Greenberg	E19 K&L	25			
16/78	P. Egelton	E12 K&L	24			
1/78	S. Padow-Hostess	E15 J&K	37			
17/78	P. Bonowitz	E14 M&N	33	21	14	15
11/78	P. Landa	E15 M&N	31	21	16	21
14/78	D. Burg	E19 M&N	41	15	8	15
10/78	D. Ward	E15 K&L	15	8	8	7
10/78	MCAC Gen. Membership		200			
15/78	MCAC Gen. Meeting		250			
17/78	M. Bartolotti	E16 N&O	39	17	6	17
25/78	MCAC Gen. Meeting		300			
7/78	J. Galler	E16 I&J	28	7	11	7
28/78	S. Goodman	E12 I&J	52	26	18	26
29/78	MCAC Gen. Meeting		300			
			1507	115	149	108

re: All figures represent family units rather than individuals.

Block Meeting

June 1 - January 31, 1979

U.N.A.

<u>Mo</u>	<u>Meeting</u>	<u>Block</u>	<u>Att.</u>	<u>OpId</u>	<u>Home Sec.</u>	<u>Auto Decal</u>
2/78	General Membership		32			
2/78	Herzl Eisenstadt	E21 J&K	27	14	8	13
28/78	Ruby Shapiro	E 23 J&K	30	4	5	10
11/79	Lester Sacks	E22 K&L	26	13	5	13

TINGHAM

16/78	McPartland	E29 M&N	21	12	7	12
30/78	Geffner J.	E27 L&M	23	5	4	5
8/78	Gambino T.	E28 N&O	10			

SHATTAN TERRACE

12/78	Maryles N.	LIRR Cut-Ave E19	15	10	3	10
-------	------------	---------------------	----	----	---	----

EENFIELD CIVIC

11/78	Hubble J.	E18 K&L	12	5	3	6
14/78	Miele V.	Ocean Ave	21	3	4	5
16/78	Gorman C.	L & M	18	5	4	5
			<u>235</u>	<u>71</u>	<u>43</u>	<u>79</u>

NOTE: All figures represent family units rather than individuals.

Block Meeting

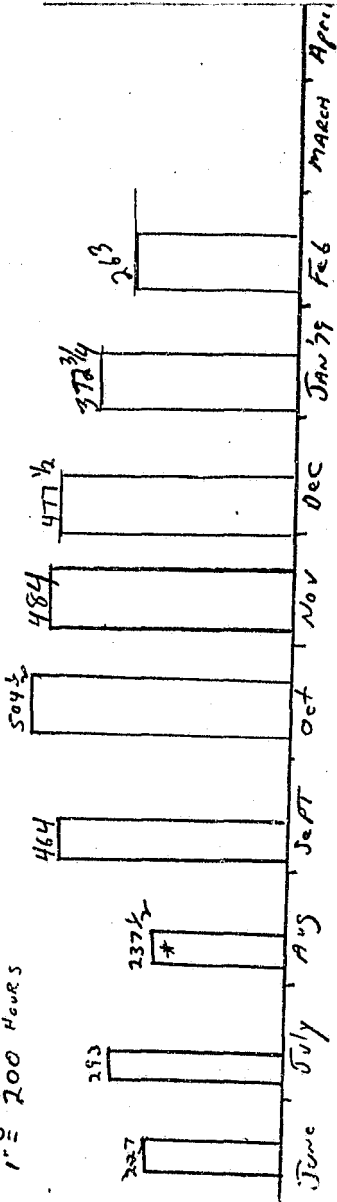
June 1 - January 31, 1979

COLLEGE PARK

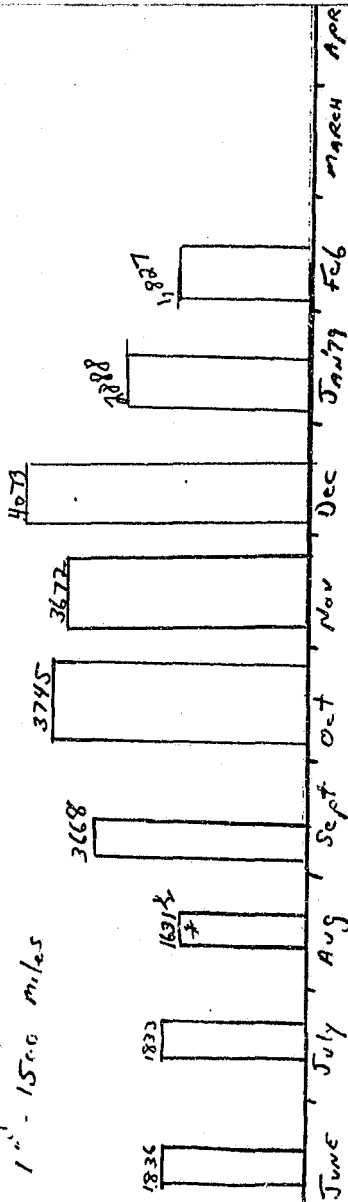
<u>Date</u>		<u>Block</u>	<u>Att.</u>	<u>OpId</u>	<u>Home Sec.</u>	<u>Auto Decal</u>
12/78	S. Pollack	E29 J&K	55	22	17	22
1/20/78	M. Gallo	E28 I&J	40	31	23	31
8/1/78	E. Spiegel	Avi E27-	30	12	13	13
		28				
8/2/78	S. Pearlmutter	E27 J&K	41	18	10	13
8/9/78	M. Russell	E29 I&J	67	18	17	18
8/21/78	CPCA Gen. Membership		28			
8/22/78	T. Levy	E26 CuttoI	20	5	7	4
8/28/78	L. Raphael	E26 J&K	40	23	20	23
9/5/78	A. Spitzer	AveI Bed-	27	2	6	2
		ford E27				
9/6/78	CPCA Exec. Meeting		28			
9/7/78	LaCagnata	E27 I&J	53	14	15	14
9/11/78	R. Yarmish	E27 Cut to	35	17	13	16
		Ave I				
10/12/78	M. Russell	E29 I&J	62			
11/2/78	CPCA Exec. Meeting		12			
11/15/78	CPCA Gen. Membership		300			
12/11/78	T. Miller	E26 I&J	46	22	11	14
			884	184	152	170

Note: All figures represent family units rather than individuals.

DESIGNATED PATROL HOURS  
1" = 200 HOURS



DESIGNATED PATROL MILES  
1" = 1500 MILES



\* = ST. PAUL, MINN., TEX.

TESTIMONY OF RICHARD SHAPIRO, PROJECT DIRECTOR, MIDWOOD KINGS HIGHWAY DEVELOPMENT CORP., BROOKLYN, N.Y.

Mr. SHAPIRO. Thank you, Mr. Chairman.

I represent Midwood Kings Highway Development Corp., a not-for-profit rental organization formed 2 years ago in response to the needs of 64,000 residents of Midwood in Brooklyn, N.Y.

Mr. CONYERS. How's the crime rate going up there?

Mr. SHAPIRO. Crime is going down, Mr. Chairman, in the community.

We have received from the Law Enforcement Assistance Administration office—

Mr. CONYERS. There are reasons that we can fathom. Very good.

Mr. VOLKMER. Have you got programs that we can duplicate?

Mr. SHAPIRO. Yes, Mr. Volkmer. Yes, sir.

I'm departing from the text, Mr. Chairman, but I think we can leave that for the time being.

We received in May 1978, \$156,000 from the Law Enforcement Assistance Administration community anticrime project. And our main thrust in using that small amount of money for Midwood, Brooklyn, was we had 17 specific duplicable crime prevention—the active word is "prevention"—programs.

Mr. CONYERS. LEAA-related?

Mr. SHAPIRO. Some were LEAA-related, some we came up with on our own. Some were helped by the Center for Community Change, which is providing technical assistance to us.

The basis for all of our program operations was community organization. We have 200 square blocks in our project area, and we have to date, in 9 months, organized over 100 block associations and 25 tenants associations representing about 40 percent of the total population at this point.

According to documentation we've been getting on a monthly basis from the New York City police department, the programs have been working. Burglaries, which were our largest single problem, have dropped 31 percent since June 1978. And auto larcenies—in fact, we were the first in the city of New York in auto larcenies—have dropped 35 percent.

All of the categories of crime have followed the downward trends.

Incidentally, we keep control sectors on that that have shown some displacement, but not total displacement.

The programs are succeeding only because of the broad approach I described. We work with landlords who are willing to improve their buildings. We work with youth organizations that channel hundreds of youngsters into constructive programs who otherwise would not have a place to go.

We work with schools who want to fully involve themselves with their communities. We work with senior citizens who pay the highest price financially, emotionally, and physically as victims of crime. We work with neighborhood religious institutions, whose congregations and buildings have suffered greatly from increased crime.

We've organized our three major commercial strips into boards of trade which enable them to be linked to development projects which keep our neighborhood stores a viable community asset.

Our neighborhood mardi gras, for example, organized by the development corporation in the Avenue M board of trade last year drew 75,000 residents to its street fair, which boosted one of our most vital shopping districts.

This year we anticipate over 100,000 attending.

We work with city agencies and the local planning board in two major directions. Through our offices we have advised and restructured the delivery of services to our community to insure proper priorities and operating efficiency.

This has had a massive impact on the quality of life in our area.

In addition, we have organized large volunteer efforts which, had they been paid for by the city, would have cost millions, assuming that the city had those funds available, which they do not.

We've undertaken programs to upgrade our apartments, our commercial strips, and our housing stock.

Some additional funding has begun to come into the area as a result of much difficult systematic work done by our volunteer citizens and staff operating from the base solidified by the LEAA fund.

We're basically returning to the community a real sense of control over the quality of their daily lives. Our development corporation office is virtually a Midwood town hall for citizens to contribute their time and effort.

With that sense of control comes a concerted effort to remain in and improve upon their own neighborhood.

Mr. Chairman, the community is fighting back. We're fighting the trends that have affected our cities all across the Nation.

The fact that we have had any success at all reflects only a unified community which is determined to survive. All we have done is begun to battle, not won the war. If 2 years from now, or 3 years from now, the crime rates continue to drop, and if the turnover of houses has slowed significantly and the citizenry is involved in an ongoing organized community development effort, then and only then will we have made some progress.

Mr. CONYERS. How does your organization work?

Mr. SHAPIRO. How?

Mr. CONYERS. How is it structured?

Mr. SHAPIRO. Very simply. When we organize your block that you live on and you become a member of that block association, a typical residential block would be 50 homes or 75 to 100 apartments in a tenants association. You elect a president, security chairman, maybe a vice president.

Mr. CONYERS. What if you've got a block club already?

Mr. SHAPIRO. Fine. We take block clubs after we've organized them or they've already been in existence. And we did have some in the area when we started.

We group them together geographically as civic associations. The president of each block association sits on the executive board of the civic association.



So that at a civic association meeting, for instance, the president of the Midwood Civic Action Council can go block by block and find out exactly what's happening in his neighborhood, where the problems are, where the problems aren't.

All six of the associations which we've organized now which cover our entire project area, when necessary, and through the security programs, feed into our umbrella. We can survey our neighborhood—I hear a lot of talk today about surveys and statistics. We're dealing in day-to-day problems. If we want to find out what's going on in a community, we can go to a block association meeting, to a tenants association meeting, or we can go to a civic association meeting. Each civic association meeting has monthly meetings that are drawing on the average of 300 people a month without a crisis.

Mr. CONYERS. How do you explain that? Most people won't go to meetings for any reason.

Mr. SHAPIRO. We push them and we nudge and we push. Brooklyn, what can I tell you?

But it's an amazing turnout of people, Mr. Chairman. We put out about a 24,000-copy newsletter. Each civic association puts out its own small newsletter. About 25 percent of the blocks put out a newsletter.

Mr. CONYERS. Do you have a full-time executive director?

Mr. SHAPIRO. The corporation has a very small staff. We have a full-time executive director overseeing all projects in the corporation.

Mr. CONYERS. Of which anticrime is merely one.

Mr. SHAPIRO. Of which anticrime is one, yes, sir. I direct the security program, which is the foundation of all the other efforts. It was the first major project that Midwood Kings Highway undertook.

Mr. CONYERS. Are you full time?

Mr. SHAPIRO. Yes; I have myself full time, one full time staff, and three part-time staffers.

Mr. CONYERS. How large is your LEAA source?

Mr. SHAPIRO. \$156,750 this year, scheduled to run out June 15, 1979. And we were given a mandatory cut by the office of community anticrime programs of 20 percent, \$125,400.

The workweek for that staff only works out to about 18 hours a day.

Mr. VOLKMER. May I just ask a question?

As a result of your efforts and the corporation's efforts within the community, do you find that you have more participation by individual citizenry in anticrime efforts or participation in finding the person who did it, things like that?

Mr. SHAPIRO. Yes. If I may be a little more specific on those counts, we operate volunteer civilian patrols, for instance. These are certainly the eyes and ears of the police department. They're out there more to be seen by the criminal element than to actually see crime.

Very rarely they come across an instance.

We have over 1,000 people who volunteered to give up at least one night a month each for that car patrol.

Mr. VOLKMER. How long has that been going on?

Mr. SHAPIRO. Since we've got it really rolling in August of this year, we have about 4,000 hours of patrol time under our belt right now.

Mr. VOLKMER. The question now is as an innovative thing, or idea, it's caught on—my question is, like so many, how long will it last?

Mr. SHAPIRO. That's a good question. Part of the problem that we have been told from LEAA and from groups like the Center for Community Change, is either a boredom problem or a tendency toward vigilanteism. Let me take that.

That's why these things die. I'll take it in reverse order.

Vigilanteism we screen very, very heavily on. We won't tolerate any types or suggestions of that activity.

As far as boredom is concerned, we channel the efforts—that's a major retention problem. They get bored, they drop out. They think the neighborhood's safe, they don't have to bother any more.

We're channeling the energy that starts with the anticrime program into other areas. We're saying don't only report crimes of stolen cars; report potholes in the streets and we'll forward that to the community planning board. Report abandoned cars, other dangerous or unsanitary conditions.

It keeps people interested. It keeps their activity levels up. The block meetings also.

Mr. CONYERS. Of course there's no organized crime in their city?

Mr. SHAPIRO. In New York City? [Laughter.]

I say this, Mr. Chairman, if I may, just a personal observation.

When I took the job, when I started this program, we didn't believe we could have too much of an effect. You figure what, 5, 10 percent would be successful. You have to factor in the fact that you're going to get people reporting more crime than ever before.

So maybe your statistics are going to go up.

The police, in our opinion, didn't have a vested interest in reporting decreases in crime. They're primarily interested traditionally in arrest reports and showing what a good job they did.

The only difference between last year and this year in police performance—of course, this year we have less police due to the cutbacks in attrition. So when they started giving us these monthly crime reports, we couldn't believe it.

Before we made those reports public, we went back and checked ourselves. And the crime rates are dropping.

I mentioned displacement. It's a classic problem. Can you contain Midwood and push it into Flatbush or Sheepshead Bay? When we study the control sectors—and we're limited; with a limited staff, there's a limit to how much study you can do.

We find that about half the crime we're preventing being displaced but not 100 percent; about 50 percent.

That's the only way that you can document and prevent these crimes, by looking at your rates. The community you get acute slack-off; our car patrol slacked off in February, partially due to severe weather, partially due to a little slippage in the base.

But we go back to every block and every apartment house and we reinforce the base.

Mr. VOLKMER. What's the ethnic background of the area?

Mr. SHAPIRO. The area right now, and I'm dealing with 1975 figures, is about 90 percent white and about 10 percent minority. That has been rising according to the indications that we have now from the Census Bureau. About 25 percent elderly in that area.

We have a large proportion of dependent women and widows in that community also.

Mr. VOLKMER. Do you have any ethnic background as far as with-in any area like Italiano, Irish?

Mr. SHAPIRO. You name it, we've got it: Italian, Irish, Jew, Protestant.

Mr. VOLKMER. No predominant, though.

Mr. SHAPIRO. Predominantly, I would say Jewish at this point. American Jewish conservative, like myself.

Mr. VOLKMER. Not the orthodox?

Mr. SHAPIRO. Orthodox have been coming in. There's a community adjoining us to the west called Borough Park. You may have heard about the riot they had there last year at the police station. That's a predominantly orthodox ghetto, by their own choice, and that's pretty much where they stay.

There's some crossover.

Mr. VOLKMER. Are they members of your organization?

Mr. SHAPIRO. Yes, we have an organization branch called Concerned Clergy of Midwood. It consists of 76 religious institutions, about 55 of which are synagogues of one Jewish denomination or the other. And the balance of the 20 are Catholic. There are two Protestants.

Mr. CONYERS. Of course, the good results that you report which we are very encouraged by have to be compared with the future of these kinds of community projects if funding were to cease.

That's been the unhappy kind of prospect.

Mr. SHAPIRO. Yes, sir.

Mr. CONYERS. Is there any way that the State or city could absorb the kinds of costs that would be required to maintain the organization?

Mr. SHAPIRO. Our local State senator, Mark Markowitz, who was just elected a New York State senator, has introduced a bill patterned after our program in the New York State senate to fund what he calls a New York State community anticrime project.

If I may add, I was very dismayed by the talk of the American Bar Association people before about cutting the \$549 million to \$49 million.

I don't know that New York City and New York State has the type of financial clout that the Federal Government has, but just an observation.

If you want to put a cost effectiveness figure on a program like ours, it's not difficult to do. You don't even have to think how much it's worth to prevent 30 percent of the crime. So you don't need that whole criminal justice bureaucracy to deal with the crime you're preventing. Just think about the civilian car patrols as one component of 17, which cost LEAA—I did a breakdown of this, which I'm afraid you don't have, but I can give you. It would cost the New York City Police Department about \$120,760. It cost LEAA to duplicate that patrol time—we're talking strictly in the crime preventive sense, now—\$24,000, a savings of almost \$97,000 in 1 year.

Are you spending money or are you saving? It's not hard.

Mr. CONYERS. Have you looked at these bills and is there anything in them that you would recommend or caution us about?

Mr. SHAPIRO. I was very encouraged to see the community anticrime project listed first in the bill, and I understand from reading it that it's

recommended 10 percent of the \$50 million. I don't know exactly how this relates to the legislation. I'm a little dismayed by the fact that programs are being cut such as ours, when we're told how successful we are.

But they're saying, well, you've got to have it. That's the way life is. You've got to be cut the 20 percent.

It doesn't make sense to me, anyway. Maybe to someone else it does.

It's encouraging to see \$50 million set aside for LEAA and I hope it's approved for the community anticrime project.

Mr. CONYERS. Thank you very much. Mr. Volkmer?

Mr. VOLKMER. What would you say if you had a priority to determine whether or not to spend \$150,000 to find ways to get crime statistics or spend \$150,000 on a project such as yours somewhere?

Mr. SHAPIRO. Without sounding too self-serving, sir, I'm not a statistician.

Mr. VOLKMER. Not in New York. Let's say if you want to try one in Chicago or St. Louis.

Mr. SHAPIRO. Absolutely, on the community anticrime project.

Mr. VOLKMER. Which one would you say to do?

Mr. SHAPIRO. I would say to go for the community anticrime project.

Mr. VOLKMER. Thank you, Mr. Chairman.

Mr. CONYERS. We're glad you came here. We only wish that more people leading community organizations like you could appear before the various committees of the Congress so that some of the fruits of our work could be seen to be as effective as they are at the local level.

Mr. SHAPIRO. Thank you, sir.

Mr. CONYERS. But your testimony will be printed when these volumes are produced by the Government Printing Office, and I hope that you'll be able to help disseminate this discussion that way.

Mr. SHAPIRO. If I may say so, sir, thank you very much for the opportunity. I'm at your disposal for any information you may need for any other hearings you may have.

Mr. CONYERS. We appreciate your continued cooperation.

Mr. SHAPIRO. Thank you, sir.

Mr. CONYERS. Our next and final witness is Dean John Ackerman, dean of the National College for District Attorneys and Defense Attorneys, whose prepared statement, an excellent one, will be recorded in its entirety.

We understand that defense lawyers and public defenders need to be continued in their great effort. It is my impression that now your relationship to LEAA is mostly through discretionary programs, and I suspect that that will be the continued direction under most of the bills.

But we would appreciate your remarks in this regard. Welcome to the subcommittee.

[The complete statement follows:]

STATEMENT OF JOHN E. ACKERMAN ON BEHALF OF THE NATIONAL COLLEGE OF CRIMINAL DEFENSE LAWYERS AND PUBLIC DEFENDERS AND THE NATIONAL COLLEGE OF DISTRICT ATTORNEYS

Mr. Chairman and Members of the Subcommittee: I am John E. Ackerman, Dean of The National College of Criminal Defense Lawyers and Public Defenders, Houston, Texas. I appear here today on behalf of that organization and

The National College of District Attorneys, also located in Houston. I appreciate this opportunity to appear before you. I am accompanied by G. Michael Cooper who recently joined the College as its Associate Dean.

At least throughout the twentieth century, and probably farther back than the founding of the Republic, the realization and concern has run, that the daily work of the "Brooding Omnipresence of the Law" is done by ordinary lawyers. And concomitant to that realization and concern has been its twin: that the "ordinary lawyer" at the bar is oftentimes none too qualified to perform that task.

As early as 1967, long before Chief Justice Burger's well-known lament about the quality of American trial advocacy, the report of the President's Commission on Law Enforcement and the Administration of Justice noted that many criminal defense lawyers called from civil practice to serve as appointed counsel, as well young and inexperienced lawyers, were woefully unprepared for their task. In 1972, reports by the National Advisory Commission on Criminal Justice Standards and Goals and by the American Bar Association, reemphasized what thoughtful observers already knew: the criminal justice system cannot work fairly if a large number of lawyers lack the necessary trial skills of competent criminal defense attorneys. What was clearly needed was a continuing education program conducted on a national scale and aimed at strengthening the trial skills of criminal defense lawyers.

The same 1967 report of the President's Commission to which reference is made *supra*, enunciated similar concerns with the special training of prosecutors:

"The Federal Government, States, and district attorneys' offices, with assistance from law schools and professional organizations, should develop curricula and programs for the preservice and inservice training of prosecutors and should require the broadest possible participation in such programs by prosecutors."

Mr. Chief Justice Burger strikingly summarized the pragmatic underpinnings of the new interest in continuing legal education for prosecutors and defenders in his now familiar speech at Fordham University, in which he likened the criminal justice system to a three-legged stool and noted succinctly that if any of the legs, *viz.*, judiciary, prosecution, or defense, should prove unable to bear its burden, the entire system must come crashing down.

Two National Colleges were called into being as a direct response to the emerging concerns for the effectiveness, if not indeed the survival, of the criminal justice system in the United States: The National College of District Attorneys (founded in 1970) and The National College of Criminal Defense Lawyers and Public Defenders (founded in 1973). Both are located in the Bates College of Law on the campus of The University of Houston (Texas), and while each responds in its own way to the needs and requirements of its peculiar segment of the criminal justice matrix, both are dedicated to the development and perfection of trial advocacy skills among their respective clientele.

The National College of District Attorneys (NCDA) produces and conducts a variety of short courses in 16 subject-matter areas at locations across the United States, as well as longer training programs in the summertime for Career Prosecutors and Executive Prosecutors. Prosecutor Office Administrator and Investigator Courses, Child Abuse Seminars, and Prosecution of White Collar Crime exemplify some of the specialized training programs; while Desk Assessment Courses have been developed to provide self-paced training, conducted entirely by mail using audio cassettes, printed outlines, and objective test materials.

The National College of Criminal Defense Lawyers and Public Defenders (NCCDLPD) conducts two Trial Practice Institutes of two weeks' duration each summer, as well as three-day National Institutes in various cities across the United States during the year. Emphasizing practical, hands-on experiences under the guidance of a national expert faculty of practicing defense lawyers (both private practitioners and public defenders), NCCDLPD has provided National Institutes on such subjects as "Criminal Defense Tactics and Techniques," "Cross-Examination of Expert Witnesses in the Forensic Sciences," "Advanced Evidence Problems," "Jury Selection Techniques," and Management of a Public Defender Office. The two-week summer sessions are built around actual trial materials and give participants opportunities to try out skills such as developing a theory of the case, interviewing clients, using investigators, jury selection, opening statements, examination and cross-examination of witnesses, motion practice, final arguments, and some aspects of post-conviction relief.

Since 1973, NCCDLPD has conducted 46 separate programs, with 4,526 lawyers attending. Followup studies have indicated that each lawyer who attends expands

the influence of the College to an average of four other lawyers, which means that over 18,000 defense lawyers have been helped in some way (not counting others who have subscribed to the serial publications of the College or purchased its books).

Both National Colleges have secured places of esteem among the practicing criminal lawyers on both sides, aiming as they have consistently done at the inculcation of practical trial skills as taught by successful, active prosecutors and defense lawyers. This has been a direct appropriation of Mr. Chief Justice Burger's observation that "(t)he medical profession does not try to teach surgery simply with books; more than 80 percent of all medical teaching is done by practicing physicians and surgeons. Similarly trial advocacy must be learned from trial advocates."

Before dealing with the specifics of H.R. 2108 and H.R. 2061, I would like to take a moment to discuss funding levels. Everyone agrees that the history of LEAA has been something less than exemplary. The agency was "plagued" in its early years by excessive funding with inadequate planning and research. The recent history of LEAA, however, shows a great deal more promise. The agency has learned that planning and utilization of research results is essential to achieving maximum impact with the appropriated money. It is ironic at this point that once the agency has matured and is able to achieve substantial results that adequate funding levels should be jeopardized.

The results of excessive research conducted by the National Institute are just recently beginning to be implemented. The education attainment of choice observers in America is at an all time high, largely as a result of LEAA participation, through LEEP and other programs. Criminal justice professionals at all levels are better trained and better equipped for their duties and responsibilities than ever before.

The American public expects and has a right to expect results to follow from the nearly \$7 billion expended to date through LEAA. Much of this expenditure has built a firm foundation upon which LEAA can grow and fulfill its policies. The future for the agency is hopeful if it is not hamstrung by inadequate funding. Fear of crime in America has not diminished. Americans expect government, both State and federal, to deal more effectively with the deprivations, both economic and social, which are caused by crime. At the same time we must protect and preserve the freedom and dignity of the individual. We must develop respect for the criminal justice system if we can hope to reduce crime in this country. To accomplish that we must develop a respectable criminal justice system. LEAA is the key to this process. The need for adequate funding for LEAA was strongly expressed in an editorial appearing in the March 26, 1979, edition of the New York Times, as follows:

"[Congress] . . . ought not now to reduce support for what can be a valuable, indeed invaluable, force in American criminal justice . . . LEAA, now sadder and wiser, deserves better."

One of the most successful efforts of LEAA has been the funding provided through the national discretionary grant program. Only a very small portion of LEAA's funds have gone to these programs. Their impact, however, has been dramatic. For example, there is only one general jurisdiction judge sitting in my home State of Wyoming who has not attended at least one session of the National Judicial College in Reno, an LEAA-assisted institution. This could and should be true of all the States.

I therefore respectfully suggest to this Committee that funding authorization levels for each fiscal year should not be less than 9 hundred million dollars. Of this amount, national discretionary grant authorization should not be less than 125 million dollars.

H.R. 2108

#### Section 110, (3)

This Section would presumably authorize funding for the National Colleges. The broad language of programs contemplated by this Sec. 110, however, coupled with the low funding authorization would most likely result in the closing of both Colleges. Approximately  $\frac{1}{2}$  of the total budget of each College is supplied by LEAA. Both Colleges are striving to reduce this federal share. A drastic reduction, such as would occur if funding levels are as currently contemplated by this legislation, could not be absorbed or immediately replaced by either College.

We believe the progress toward self-sufficiency has been remarkable. At the same time, we are painfully aware that we are not accomplishing all that we

could or should. At the National College of Criminal Defense Lawyers & Public Defenders (NCCDLDP) we are only able to accept approximately 25 percent of those who want and need the training which we offer in our summer sessions. Those who come to us for training are primarily recently graduated, young lawyers. They come from public defender offices and assigned counsel programs from around the nation. Every state has been represented in our summer programs. These lawyers lack skill and confidence, both of which they acquire at Houston. We believe that our two-week program is roughly equivalent to two years of practical experience in the courtroom. One of the tragedies and gross failures of the criminal justice system is that traditionally the indigent defendant has been the raw material for the training of lawyers. In such cases lawyers learn from mistakes made while representing the poor and indigent. This should simply be unacceptable to us in America today.

I therefore strongly urge that this Committee seriously consider raising the funding levels for this Section of the authorization as is recommended.

#### *Section 415*

An additional difficulty is one of definition. Sec. 110 (3) uses the term "criminal justice personnel". This term is undefined in Sec. 415. As the language currently stands, funding for the training of private attorneys working in assigned counsel programs may not be available. Approximately one-half of the indigent defendants in America are supplied with counsel appointed from the private bar who receive woefully inadequate sums for their labors.

We would therefore make the following specific recommendations. Sec. 415 should be amended as follows:

Sec. 415(3). The term "criminal justice" means all matters relating to the detection and prevention of crime and the prosecution, defense and treatment of offenders, including juvenile offenders.

Sec. 415(4). The term "criminal justice personnel" includes State and local prosecutors, public and private defense personnel, judges and judicial personnel, law enforcement and correctional and treatment personnel.

The amendment recommended above to Sec. 415(3) seems necessary because the word "defense" was omitted from the definition of the term "criminal justice". Without this amendment it is quite likely that NCCDLDP could not qualify for any assistance whatsoever.

H.R. 2061

#### *Section 602(2)*

This Section authorizes the administrator to award grants for national education and training programs such as those conducted by the Colleges. For the reasons enumerated above, we would recommend a slight change in the language of the Section. Sec. 602(2) should read as follows:

Sec. 602(2). To provide national education and training programs for State and local prosecutors, public and private defense personnel . . .

#### *Section 606*

It has traditionally been an assumption that programs funded by LEAA would be backed also by units of State or local government should they prove successful. This direction and assumption has been extraordinarily successful in that there has been a very high pick-up rate. It is unrealistic, however, to expect this to occur with regard to national programs. There is no specific unit of State or local government which is served directly by these programs. The need for training is a continuing one due to personnel turnover within the system.

We strongly urge that Sec. 606 be deleted. As it is now reads, funding of national training programs would be limited to three years or under certain conditions to five years. Although such a recommendation is justifiable and commendable when applied to a program conducted exclusively within and for the benefit of one State, it is not realistic when applied to a national program.

#### *Section 703*

The Colleges strongly support adoption of this Section as it exists. The requirement regarding self sufficiency in § (B) is both realistic as applied to national training programs and economically sound.

#### *Section 901*

Slight wording changes are recommended for reasons previously outlined in the testimony. These recommended changes are as follows:

## Section 901 (a)

(1) [amends lines 4 and 5 page 100, to read as follows] "... cles (including but not limited the prosecutorial and public or private defense services, judicial discretionary agencies and pre..."

(10) [insert new paragraph 10 as follows] "*criminal justice personnel*" includes State and local prosecutors, public and private defense personnel, judges and judicial personnel, law enforcement and correctional and treatment personnel.

Current paragraph (10) would become paragraph (11) and current paragraph (11) would become paragraph (12)

This concludes our recommendations regarding funding levels and suggested changes in the legislation now before this Committee. I would like to close with a quote from former Associate Justice of the Supreme Court, Hugo Black, who in the case of *Griffin v. Illinois*, 76 S.Ct. 585, made the following observation, "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."

This pronouncement is as true today as it was in 1956.

I have sincerely appreciated the opportunity of appearing before you today.

Respectfully submitted,

JOHN E. ACKERMAN,  
Dean, National College of  
Criminal Defense Lawyers and Public Defenders,  
College of Law, University of Houston, Houston, Tex.

**TESTIMONY OF JOHN E. ACKERMAN, DEAN, THE NATIONAL COLLEGE OF CRIMINAL DEFENSE LAWYERS AND PUBLIC DEFENDERS, ACCOMPANIED BY G. MICHAEL COOPER, ASSOCIATE DEAN**

Mr. ACKERMAN. Thank you, Mr. Chairman. It is a pleasure to be here.

My name is John Ackerman. Mr. Chairman, I am dean of the National College of Criminal Defense Lawyers and Public Defenders, located in Houston, Tex. With me today is G. Michael Cooper, who just joined the college as associate dean. He comes from the practice of criminal law in Chicago, Ill.

I am also appearing here today on behalf of the National College of District Attorneys, with offices next door to us, with the University of Houston, in Houston. Dean Douglas of that college is out of the country and asked me to appear on his behalf.

Let me begin, Mr. Chairman, by talking about some background on the training of lawyers in the business of criminal justice. If you go back to the early times of this country, the laws were simple. The law itself was simple, and lawyers were truly qualified to handle any kind of case.

Mr. CONYERS. Much of the law was nonexistent.

Mr. ACKERMAN. That's true.

Mr. CONYERS. And in many places there weren't any lawyers.

Mr. ACKERMAN. That's true. Things in recent years have gotten a whole lot more complex. The myth that every person who graduates from law school can handle any kind of a case is truly a myth today.

The way that traditionally people who defend people accused of crime have learned how to do that is by taking court appointments and trying criminal cases as a result of those court appointments, making mistakes in that process, and learning by making those mistakes.



In effect, the indigent defendants of America, the poor people of America, have been used as the raw material for the training of young lawyers. The President's Commission on Law Enforcement back in 1967 talked about the problem of criminal defense lawyers being inadequately trained for the tasks they perform. They were called from civil practice to serve as appointed counsel. They were young; they were inexperienced and unprepared for the task to be performed.

The National Advisory Commission of LEAA and the American Bar Association both commented in their standards project on the inadequacy of training of criminal defense lawyers and prosecutors in the courtrooms of America. The bar associations themselves have recently started to take steps to improve that within the States by adopting mandatory continuing legal education programs.

Some have suggested that perhaps the law schools are failing in their responsibility to train. I would suggest to the committee, Mr. Chairman, that it is simply not feasible for law schools to engage in the kind of training that the college is engaged in. It's time-consuming training. It's very specific, specialized training. You might train 50 law students to defend a criminal case, and only one would ever get a job involving the defense of criminal cases. So, it's not feasible to do it through the law schools.

Charles Silberman, as a result of a recent study, 7-year study funded by the Ford Foundation, concluded in his recently published book, "Criminal Violence, Criminal Justice," with regard to the problem of the lack of competence of those defending the indigent accused of America, as follows:

\* \* \* Respect for law and belief in its legitimacy are more effective instruments of social control than is fear of punishment . . . Nothing would contribute more to respect for law—and indirectly thereby, to a reduction in crime—than to provide defendants with the 'effective assistance of counsel' guaranteed them by the Constitution.

The two colleges, the National College of District Attorneys and the National College of Criminal Defense Lawyers and Public Defenders, were founded respectively in 1970 and 1973. Neither of them would exist but for the existence of LEAA. Their funding has always come from LEAA.

As an example of how the colleges have performed, however, the National College of Criminal Defense Lawyers and Public Defenders was originally—90 percent of its budget was supplied by LEAA. We have progressed to the point where less than 50 percent of our budget now comes from direct Federal assistance. We are both—the colleges are moving toward self-sufficiency. With respect to the National College of Criminal Defense Lawyers, it is my judgment that we need Federal assistance for another 4 or 5 years before we achieve total self-sufficiency.

The National College of District Attorneys uses, as we do, faculty of practicing lawyers from around the United States. They use primarily prosecutors of note from prosecutors offices around the country. We use criminal defense lawyers of note from the practicing public defenders offices.

So, people who come to our colleges are being trained by those who are in the business of doing that kind of work on a daily basis, rather

than the theoretical kind of orientation that one would expect from law professors who are not engaged in that business.

Mr. CONYERS. Are the colleges related?

Mr. ACKERMAN. The colleges are related only in that they have a common sponsor, the American Bar Association, and only in that they are located in exactly the same institution, the University of Houston. We do a great deal of sharing of space. We do a great deal of sharing of equipment, like audiovisual equipment, computer equipment, things of that nature that we use in the operation of the colleges.

But they are two separate private nonprofit corporations.

The District Attorneys College involves itself in training all across the United States in such areas as administration and investigation, child abuse, white-collar crime. And they operate a desk assessment course; that is, an audiotape mail-out training program that goes by mail to prosecutors around the country.

Our college, the National College of Criminal Defense Lawyers and Public Defenders, since 1973, we've trained 5,000 lawyers in our various programs. We run summer programs; two of those of 2 weeks' duration, and national institutes all over the United States that are 3 days' duration on various subjects. For example, cross-examination, forensic sciences, jury selection, and advanced evidence.

I would like to comment a little about the restructuring and reauthorization of LEAA. I am concerned, Mr. Chairman, that Congress rarely hears of the successes of a program like LEAA. Congress frequently hears of its failures. And Congress has heard a great deal about the failures of LEAA. They have been many. But there have been notable successes, and I think the two colleges that I represent here today are notable successes.

Less than one-tenth of 1 percent of the money spent through LEAA has gone to these two colleges; yet I think the colleges have accomplished a great deal and have had a great deal of impact upon the quality of lawyers appearing in the criminal courts of America.

LEAA was clearly plagued in its early years by too much money, with inadequate planning research. That created a host of problems which are still going on today.

The recent history of the agency, however, shows that a great deal of planning and a great deal of research has been accomplished, and there is a firm foundation upon which the agency can look to the future from.

I think the American public expects something in return for the \$7 billion that's been expended, and I think the public has a right to expect something, and I think now is a poor time to begin to strangle by inadequate funding the firm foundation that has now been built.

I, therefore, join with the ABA's recommendation of higher funding levels in the area of \$900 million, being cognizant of the enormous problems that Congress has, especially this year, with regard to the budget.

My largest concern with respect to funding levels is the low funding contained in your bill, Mr. Chairman, for the national discretionary programs. The national discretionary programs have been highly successful—many of them have been highly successful.

Let me cite an example. I am originally from the State of Wyoming. I left there about 4 years ago to go to this college. All but one judge at the general jurisdiction level in the State of Wyoming has been trained by the National Judicial College in Reno, Nev., and that's a remarkable effort. There is only one judge who has not been there. That's the result of a national discretionary LEAA program, and it can't help but have substantial impact upon the system when that kind of training effort for very few dollars takes place.

I would therefore recommend that to accomplish what needs to be accomplished through the national discretionary grant program, that the funding level for those grants must be in the area of \$100 to \$125 million. The small portion of the national discretionary grant program from which our two colleges receive money today, the courts division of that has a budget this year of \$25 million, which is the total amount contemplated by your bill, Mr. Chairman.

Now I would like to move to some very specific comments regarding various sections of the two bills.

Mr. CONYERS. We've gone through them with counsel already. If there is anyone that is particularly requiring of emphasis, I would like to hear about it. But we are very familiar with the recommendations that you have made.

Mr. ACKERMAN. There is a very unfortunate typographical error on page 11, where I refer to section 901(a)(1). The last line has language, "judicial discretionary agencies." That should have been "juvenile delinquency agencies." There were problems putting this together, Mr. Chairman, due to time and distance factors. I have not been in touch with them for a couple of weeks, and there have been some mistakes.

Mr. CONYERS. Mr. Cooper, have you any comments to add to this testimony?

Mr. COOPER. Mr. Chairman, I may add that I am a product of the college. I was educated by the college after I graduated from law school.

I would also like to add that the young lawyers training is of national importance, because he does become the judge who hears the case, and the Congressmen and Senators who have to make the decisions concerning what bills will be passed.

I, after being educated by the college, then became an instructor for the college. I have now become the associate dean.

The work that is done by the college would never have come to me if it wasn't for LEAA funding. I was contacted by the associate dean and offered a scholarship to attend the first program I did go to. Had it not been for the scholarship, that is half the money it would have cost me to attend a 3-day seminar being provided by the program. I would not have gone, because the young lawyer, the one who needs the training, is the one who cannot afford it because he does not have the money level to allow him to take \$500 and go off and spend a weekend in Houston, or Phoenix, or somewhere and learn about a particular area of law.

So, the LEAA funding is key to educating the persons who are key to the system, and we would urge the continued support from LEAA.

Mr. CONYERS. What are the defense lawyers learning there that they wouldn't learn if they got their brains beat out in a few cases in criminal court?

Mr. COOPER. He would learn that he would not get his brains beat out in a court. The skills and training that is given in the college teaches him to be a professional attorney, not just one seeking vindication of a particular person or preference of his, but it teaches him to be a quality lawyer—a lawyer, not a shyster, a lawyer who is one that the country can be proud of, a lawyer who defends justice.

Mr. CONYERS. So, you learn how not to get your brains beat out by not getting hem beat out, by going to school first?

Mr. COOPER. Actually, one of the programs, for example, is videotape. We videotape the participant as he goes through a particular example so he has his brains beat out at the college so that when he's representing a person who can't afford to pay him, he's been appointed counsel, the client doesn't become the experiment, he becomes the benefactor.

Mr. ACKERMAN. Let me say, Mr Chairman, that when lawyers come down for that 2-week session, the mistakes they make in Houston don't result in anyone going to jail who shouldn't have. The mistakes they make in a courtroom trying to learn how to do it, getting their brains beat out, result in a lot of indigent people going to jail who probably shouldn't.

Mr. CONYERS. Of course, you're also improving the prosecuting attorneys, so that probably means everybody will be at the same improved level, where the prosecutor wins about 9 out of 10. About 90 percent of the cases are pleas, anyway, and there we are in the criminal justice system. What do we do about that?

Mr. ACKERMAN. The training of prosecutors, I believe, is important in that it trains them to exercise their discretion in a better way. I think the reason that the conviction rates improve when prosecutors are trained is because they file cases that should be filed and do not file cases that ought not to be filed.

Mr. CONYERS. Counsel Roscoe Stovall.

Mr. STOVALL. Thank you, Mr. Chairman.

Could you comment on your impressions, if you feel that you can, on LEAA and whether or not a reasonable percentage of the people who go through the LEEP programs in fact bring back into the law enforcement or criminal justice system the benefits of that experience?

Mr. ACKERMAN. I am very unfamiliar with the results of LEEP. I know what the program is. I can say to you, as a general proposition, that it's my feeling that the more we can train police officers, the more we can educate them even generally, and the humanities people, the better they're going to function as police officers, and the greater the understanding they have of people and human beings, the better they will function as police officers.

Mr. STOVALL. You recommended earlier the inclusion of, I believe, private defense attorneys for receipt of these funds and the use of your schooling. There seems to be a very great difference between the funding of governmental prosecuting programs and the funding of private attorneys. As a large number of the public defenders are appointed on a periodic basis, isn't there some justification for the view

that Congress should not authorize the provision of continuing legal education, credits for personnel who are private attorneys engaged in part-time criminal defense activities?

Mr. ACKERMAN. I perhaps did not make that as clear in my written testimony as I should have, sir.

About half of the indigent defendants of American are represented by private attorneys who are court-appointed, who come out of firms that are mostly involved in civil practice, or who are young lawyers who have just opened an office trying to make a living. Our concern is that the indigent defendant in America be adequately represented. We cannot solve that problem by dealing with only half of it. The public defenders are, by and large, full-time, representing the indigent. About 70 percent of the people who come to our college come from the public defender office. We also need to attract those people who are on the assigned counsel system, from areas where there are no public defender offices, who have the responsibility for representing the indigent defendant, because they need the training as much or perhaps more as the public defenders.

The large public defender systems do have training within their offices, but the individuals appointed by the court have no opportunity for any kind of training.

Mr. STOVALL. Thank you.

Thank you, Mr. Chairman.

Mr. CONYERS. Gentleman, we are grateful for your coming. We have heard of your good work prior to your arrival here. We encourage and support its continuance.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Mr. COOPER. Thank you, Mr. Chairman.

Mr. CONYERS. The subcommittee stands in adjournment.

[Whereupon, at 5 p.m., the hearing was adjourned.]

### Additional Material

THE AMERICAN INSTITUTE OF ARCHITECTS,  
Washington, D.C., April 25, 1979.

HON. JOHN CONYERS, JR.,  
Chairman Committee on the Judiciary,  
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CONYERS: For the past two years, the American Institute of Architects has been observing the development of legislation which would amend and restructure the current operation of the Law Enforcement Assistance Administration. We commend you for your leadership in this effort and join in supporting the restructuring of LEAA programs. We would, however, like to comment particularly upon Title I, Part D, Sections 401 and 404 of H.R. 2061 and Title I, Sections 104 and 108 of H.R. 2108; those pertaining to correctional facilities construction grants.

The Institute is a long-time advocate of innovation in correctional facilities design as the means to achieve both adequate restraint and rehabilitation of criminal offenders. Presently cruel and sub-human conditions are the norm in many of our federal, state and local prisons. As a point in fact, Delaware, Alabama and Rhode Island state prison systems are currently under federal receivership because of prevailing unconstitutional ("cruel and unusual punishment") conditions. Our prisons have been compared unfavorably with facilities in poor third-world countries. The overcrowding, lack of sanitation and physical safety and other such factors which comprise the problem are essentially design-related stemming from the age of the facilities and, consequently, the different correctional demands and philosophies of the eras in which they were built. More

than half of U.S. offenders are in facilities over thirty years old; almost 15% of the country's major state and federal institutions pre-date the turn of the century. The vast majority of our prisons, in sum, are antiquated, overcrowded slums which turn a first offender into a hardened criminal over the duration of even a marginal sentence.

Since its inception in 1968, LEAA has been instrumental in the development of federal design standards for prison construction in the administration of its Part E correctional facilities grants program, authorized by the Omnibus Crime Control and Safe Streets Act of 1968. AIA has worked closely with LEAA in support of these advanced practice design criteria in a variety of ways, legislatively and otherwise. The Institute believes such uniform national prison standards are the most effective means of ensuring construction of humane facilities in which to house criminals. Architects do, of course, design correctional facilities, but the Institute's position is objective insofar as good design costs no more and often less than bad design. Additionally, the incidence of bad design is heightened by lack of such standards. In order to avoid additional court action, closing of newly-opened facilities and the double expense of further investment in changes and/or replacement construction, the existing standards formulated by LEAA should continue to be promoted by the federal government.

H.R. 2061 and 2108 specifically support state and local criminal justice systems with federal funding and technical assistance. Clearly included are enumerated efforts "to improve and modernize the correctional system." However, Section 404(c) (3) in H.R. 2061 and Title I, Section 108(b) (2) of H.R. 2108 prohibit the use of formula grants to states and localities for use in construction projects. The Institute deprecates this program change and feels it is false economy for the previously-stated reasons. We would like to suggest that, to further the promulgation of design standards currently in place, construction expenses be made an allowable activity under Section 401(c) in H.R. 2061 or Title I, Section 104(b) in H.R. 2108. Planning grant money, even in a token (10-20%) form, for state and local penal systems would serve in a very real sense as an incentive for adoption of the advanced practice standards. Small amounts of federal money can have a tremendous amount of leverage in improving the conditions in our nation's jails.

The American Institute of Architects supports the concept of streamlining the programs and operation of the current Law Enforcement Assistance Administration. However, we particularly urge you to reconsider the retention of federal grant money as an incentive to the continued adoption of advanced practice correctional facility design. We appreciate this opportunity to express our views and request that this letter be included in the hearing record.

Sincerely yours,

EHEMAN B. MITCHELL, Jr., FAIA,  
*President.*

96TH CONGRESS  
1ST SESSION

# H.R. 2061

To restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1979

Mr. RODINO (for himself, Mr. MAZZOLI, and Mr. McCLORY) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That this Act may be cited as the "Justice System Improve-  
4        ment Act of 1979".

5        SEC. 2. Title I of the Omnibus Crime Control and Safe  
6        Streets Act of 1968, as amended, is amended to read as fol-  
7        lows:

## 1 "TITLE I—JUSTICE SYSTEM IMPROVEMENT

2 "The Congress finds and declares that the high inci-  
3 dence of crime in the United States is detrimental to the  
4 general welfare of the Nation and its citizens, and that crimi-  
5 nal justice efforts must be better coordinated, intensified, and  
6 made more effective and equitable at all levels of govern-  
7 ment.

8 "Congress further finds that juvenile delinquency consti-  
9 tutes a growing threat to the national welfare requiring im-  
10 mediate and comprehensive action by the Federal Govern-  
11 ment to reduce and prevent delinquency by developing and  
12 implementing effective programs to improve the quality of  
13 juvenile justice in the United States.

14 "Congress further finds that there is an urgent need to  
15 encourage basic and applied research, to gather and dissemi-  
16 nate accurate and comprehensive justice statistics, and to  
17 evaluate methods of preventing and reducing crime.

18 "Congress further finds that although crime is essential-  
19 ly a local problem that must be dealt with by State and local  
20 governments, the financial and technical resources of the  
21 Federal Government should be made available to support  
22 such State and local efforts.

23 "Congress further finds that the future welfare of the  
24 Nation and the well-being of its citizens depend on the estab-  
25 lishment and maintenance of viable and effective justice sys-



1 tems which require: (1) systematic and sustained action by  
2 Federal, State, and local governments; (2) greater continuity  
3 in the scope and level of Federal assistance; and (3) continu-  
4 ing efforts at all levels of government to streamline programs  
5 and upgrade the functioning of agencies responsible for plan-  
6 ning, implementing and evaluating efforts to improve justice  
7 systems.

8 "It is therefore the declared policy of the Congress to  
9 aid State and local governments in strengthening and im-  
10 proving their systems of criminal justice by providing finan-  
11 cial and technical assistance with maximum certainty and  
12 minimum delay. It is the purpose of this title to (1) authorize  
13 funds for the benefit of States and units of general local gov-  
14 ernment to be used to strengthen their criminal justice and  
15 juvenile justice systems; (2) develop and fund new methods  
16 and programs to enhance the effectiveness of criminal justice  
17 agencies; (3) support the development of city, county, and  
18 statewide priorities and programs to meet the problems con-  
19 fronting the justice system; (4) reduce court congestion and  
20 trial delay; (5) support community anticrime efforts; (6) im-  
21 prove and modernize the correctional system; (7) encourage  
22 the undertaking of innovative projects of recognized impor-  
23 tance and effectiveness; (8) encourage the development of  
24 basic and applied research directed toward the improvement  
25 of civil, criminal, and juvenile justice systems and new meth-

1 ods for the prevention and reduction of crime and the detec-  
2 tion, apprehension, and rehabilitation of criminals; (9) encour-  
3 age the collection and analysis of statistical information con-  
4 cerning crime, juvenile delinquency, civil disputes, and the  
5 operation of justice systems; and (10) support manpower de-  
6 velopment and training efforts. It is further the policy of the  
7 Congress that the Federal assistance made available under  
8 this title not be utilized to reduce the amount of State and  
9 local financial support for criminal justice activities below the  
10 level of such support prior to the availability of such assist-  
11 ance.

12 "PART A—LAW ENFORCEMENT ASSISTANCE

13 ADMINISTRATION

14 "SEC. 101. There is hereby established within the De-  
15 partment of Justice under the direct authority of the Attor-  
16 ney General, a Law Enforcement Assistance Administration  
17 (hereinafter referred to in this title as the 'Administration').  
18 The Administration shall be under the direction of an Admin-  
19 istrator, who shall be appointed by the President, by and  
20 with the advice and consent of the Senate, and such other  
21 Deputy Administrators as may be designated by the Attorney  
22 General. The Administrator shall have final authority over  
23 all grants, cooperative agreements, and contracts awarded by  
24 the Administration. The Administrator shall report to the Di-

1 rector of the Office of Justice Assistance, Research, and Sta-  
2 tistics established under section 801 of this title.

3 "SEC. 102. The Administrator shall—

4 "(a) provide funds to eligible States and units of  
5 local government pursuant to part D of this title in  
6 order to finance programs approved in accordance with  
7 the provisions of this title;

8 "(b) recognize national criminal justice priorities  
9 established by the Office of Justice Assistance, Re-  
10 search, and Statistics in accordance with parts E and  
11 F of this title, inform States and units of local govern-  
12 ment concerning such priorities and award and allocate  
13 funds among the eligible States, units of local govern-  
14 ment, and public and private nonprofit organizations  
15 according to the criteria and on the terms and condi-  
16 tions determined by the Administration to be consistent  
17 with parts E and F of this title;

18 "(c) publish and disseminate information on the  
19 condition and progress of the criminal justice system  
20 and establish and carry on a specific and continuing  
21 program of cooperation with the States and units of  
22 local government designed to encourage and promote  
23 consultation and coordination concerning decisions  
24 made by the Administration affecting State and local  
25 criminal justice priorities;

1           “(d) cooperate with and render technical assist-  
2           ance to States, units of local government, and other  
3           public and private organizations or international agen-  
4           cies involved in criminal justice activities;

5           “(e) exercise the powers and functions set out in  
6           part H;

7           “(f) exercise such other powers and functions as  
8           may be vested in the Administrator pursuant to this  
9           title.

10          “SEC. 103. (a) There is established in the Law Enforce-  
11          ment Assistance Administration the Office of Community  
12          Anti-Crime Programs (hereinafter in this section referred to  
13          as the ‘Office’). The Office shall be under the direction of the  
14          Administrator and shall—

15                 “(1) provide appropriate technical assistance to  
16                 community and citizens groups to enable such groups  
17                 to—

18                         “(A) apply for grants which encourage com-  
19                         munity and citizen participation in crime preven-  
20                         tion and criminal justice activities; and

21                         “(B) participate in the formula grant applica-  
22                         tion process pursuant to section 402(f) of this  
23                         title;

24                 “(2) coordinate its activities with ACTION and  
25                 with other Federal agencies and programs, including

1 the Community Relations Service of the Department of  
2 Justice, which are designed to encourage and assist  
3 citizen participation in criminal justice activities;

4 “(3) provide information on successful programs of  
5 citizen and community participation to citizen and com-  
6 munity groups;

7 “(4) review, at its discretion, formula grant appli-  
8 cations submitted under section 403 of this title in  
9 order to assure that the requirements for citizen, neigh-  
10 borhood, and community participation in the applica-  
11 tion process have been met; and

12 “(5) make recommendations, after consultation  
13 with citizen, neighborhood, and community organiza-  
14 tions, to the Director of the Office of Justice Assist-  
15 ance, Research, and Statistics for the designation of ef-  
16 fective community anticrime programs for funding as  
17 national priority grants under part E and discretionary  
18 grants under part F.

19 “(b) The Administration is authorized to make grants to  
20 be administered by the Office of Community Anti-Crime Pro-  
21 grams—

22 “(1) for the encouragement of neighborhood and  
23 community participation in crime prevention and public  
24 safety efforts and for program development and techni-  
25 cal assistance designed to encourage such participation;

1           “(2) for the development of comprehensive and  
2           coordinated crime prevent programs; and

3           “(3) for technical assistance designed to encour-  
4           age neighborhood and community participation in crime  
5           prevention and public safety efforts.

6           “(c) In carrying out the functions under this part the  
7           Administrator shall make appropriate provisions for coordina-  
8           tion among neighborhoods and for consultation with locally  
9           elected officials.

10           “PART B—NATIONAL INSTITUTE OF JUSTICE

11           “SEC. 201. It is the purpose of this part to establish a  
12           National Institute of Justice, which shall provide for and en-  
13           courage research and demonstration efforts for the purpose  
14           of—

15           “(a) improving Federal, State, and local criminal,  
16           civil, and juvenile justice systems;

17           “(b) preventing and reducing crimes and unneces-  
18           sary civil disputes; and

19           “(c) insuring citizen access to appropriate dispute-  
20           resolution forums.

21           The Institute shall have authority to engage in and encour-  
22           age research and development to improve and strengthen  
23           criminal, civil, and juvenile justice systems and to dissemi-  
24           nate the results of such efforts to Federal, State, and local  
25           governments, to develop alternatives to judicial resolution of

1 disputes, to evaluate the effectiveness of programs funded  
2 under this title, to develop new or improved approaches and  
3 techniques, to improve and strengthen the administration of  
4 justice, and to identify programs or projects carried out under  
5 this title which have demonstrated success in improving the  
6 quality of justice systems and which offer the likelihood of  
7 success if continued or repeated.

8       “SEC. 202. (a) There is established within the Depart-  
9 ment of Justice, under the direct authority of the Attorney  
10 General, a National Institute of Justice (hereinafter referred  
11 in this part as the ‘Institute’).

12       “(b) The Institute shall be headed by a Director ap-  
13 pointed by the President by and with the advice and consent  
14 of the Senate. The Director shall have had experience in jus-  
15 tice research. The Director shall have final authority over all  
16 grants, cooperative agreements, and contracts awarded by  
17 the Institute. The Director shall not engage in any other  
18 employment than that of serving as Director; nor shall the  
19 Director hold any office in, or act in any capacity for, any  
20 organization, agency, or institution with which the Institute  
21 makes any contract or other arrangement under this Act.  
22 The Director shall report to the Director of the Office of  
23 Justice Assistance, Research, and Statistics established  
24 under section 801 of this title.

25       “(c) The Institute is authorized to—

1           “(1) make grants to, or enter into cooperative  
2 agreements or contracts with, public agencies, institu-  
3 tions of higher education private organizations, or indi-  
4 viduals to conduct research, demonstrations, or special  
5 projects pertaining to the purposes described in this  
6 part, and provide technical assistance and training in  
7 support of tests, demonstrations, and special projects;

8           “(2) conduct or authorize multiyear and short-  
9 term research and development concerning all parts of  
10 the civil, criminal, and juvenile justice systems in an  
11 effort (i) to identify alternative programs for achieving  
12 system goals, (ii) to provide more accurate information  
13 on the causes and correlates of crime, (iii) to improve  
14 the functioning of the criminal justice system, and (iv)  
15 to develop new methods for the prevention and reduc-  
16 tion of crime, the detection and apprehension of crimi-  
17 nals, the expeditious, efficient, and fair disposition of  
18 criminal cases, the reduction in the need to seek court  
19 resolution of civil disputes, and the development of  
20 adequate corrections facilities and effective programs of  
21 correction. In carrying out the provisions of this sub-  
22 section the Institute may request the assistance of both  
23 public and private research agencies;

24           “(3) evaluate the effectiveness of projects or pro-  
25 grams carried out under this part;



1           “(4) evaluate, where appropriate, the programs  
2 and projects carried out under this title to determine  
3 their impact upon the quality of criminal, civil, and ju-  
4 venile justice and the extent to which they have met or  
5 failed to meet the purposes and policies of this title,  
6 and disseminate such information to State agencies  
7 and, upon request, to units of general local govern-  
8 ment;

9           “(5) make recommendations for action which can  
10 be taken by Federal, State, and local governments and  
11 by private persons and organizations to improve and  
12 strengthen civil, criminal, and juvenile justice systems;

13           “(6) provide research fellowships and clinical in-  
14 ternships and carry out programs of training and spe-  
15 cial workshops for the presentation and dissemination  
16 of information resulting from research, demonstrations,  
17 and special projects including those authorized by this  
18 part;

19           “(7) collect and disseminate information obtained  
20 by the Institute or other Federal agencies, public agen-  
21 cies, institutions of higher education, or private organi-  
22 zations relating to the purposes of this part;

23           “(8) serve as a national and international  
24 clearinghouse of the exchange of information with re-  
25 spect to the purposes of this part;

1           “(9) submit a biennial report to the President and  
2 Congress on the state of justice research. This report  
3 shall describe significant achievements and identify  
4 areas needing further study. Other Federal agencies in-  
5 volved in justice research shall assist, upon request, in  
6 preparation of this report;

7           “(10) after consultation with appropriate agencies  
8 and officials of States and units of local government,  
9 make recommendations to the Director of the Office of  
10 Justice Assistance, Research, and Statistics for the  
11 designation of programs or projects which will be effec-  
12 tive in improving the functioning of the criminal justice  
13 sytem, for funding as national priority grants under  
14 part D and discretionary grants under part F; and

15           “(11) encourage, assist, and serve in a consulting  
16 capacity to Federal, State, and local justice system  
17 agencies in the development, maintenance, and coordi-  
18 nation of criminal, civil, and juvenile justice programs  
19 and services.

20           “(d) To insure that all civil, criminal, and juvenile jus-  
21 tice research is carried out in a coordinated manner, the Di-  
22 rector is authorized to—

23           “(1) utilize, with their consent, the services,  
24 equipment, personnel, information, and facilities of  
25 other Federal, State, local, and private agencies and

1 instrumentalities with or without reimbursement there-  
2 for;

3 "(2) confer with and avail itself of the coopera-  
4 tion, services, records, and facilities of State or of mu-  
5 nicipal or other local agencies;

6 "(3) request such information, data, and reports  
7 from any Federal agency as may be required to carry  
8 out the purposes of this section, and the agencies shall  
9 provide such information to the Institute as required to  
10 carry out the purposes of this part;

11 "(4) seek the cooperation of the judicial branches  
12 of Federal and State Government in coordinating civil,  
13 juvenile, and criminal justice research and develop-  
14 ment; and

15 "(5) exercise the powers and functions set out in  
16 part H.

17 "SEC. 203. A grant authorized under this part may be  
18 up to 100 per centum of the total cost of each project for  
19 which such grant is made. The Institute shall require, when-  
20 ever feasible, as a condition of approval of a grant under this  
21 part, that the recipient contribute money, facilities, or serv-  
22 ices to carry out the purposes for which the grant is sought.

23 "SEC. 204. (a) There is hereby established a National  
24 Institute of Justice Advisory Board (the 'Board'). The Board  
25 shall consist of twenty-one members who shall be appointed

1 by the Attorney General. The members shall represent the  
2 public interest and should be experienced in the civil, crimi-  
3 nal, or juvenile justice systems, including, but not limited to,  
4 representatives of States and units of local government, rep-  
5 resentatives of police, courts, corrections, and other compo-  
6 nents of the justice system at all levels of government, mem-  
7 bers of the academic and research community, officials of  
8 neighborhood and community organizations, and the general  
9 public. The Board, by majority vote, shall elect from among  
10 its members a Chairman and Vice Chairman. The Vice  
11 Chairman is authorized to sit and act in the place and stead  
12 of the Chairman in the absence of the Chairman. The Direc-  
13 tor shall also be a member of the Board but shall not serve as  
14 Chairman or Vice Chairman. Vacancies in the membership of  
15 the Board shall not affect the power of the remaining mem-  
16 bers to execute the functions of the Board and shall be filled  
17 in the same manner as in the case of the original appoint-  
18 ment. The Chairman shall be provided by the Institute with  
19 at least one full-time staff assistant to assist the Board. The  
20 Administrator of the Law Enforcement Assistance Adminis-  
21 tration, the Administrator of the Office of Juvenile Justice  
22 and Delinquency Prevention, and the Director of the Bureau  
23 of Justice Statistics shall serve as ex officio members of the  
24 Board but shall be ineligible to serve as Chairman or Vice  
25 Chairman.

1           “(b) The Board, after appropriate consultation with rep-  
2   resentatives of State and local governments, may make such  
3   rules respecting its organization and procedures as it deems  
4   necessary, except that no recommendation shall be reported  
5   from the Board unless a majority of the Board assents.

6           “(c) The term of office of each member of the Board  
7   appointed under subsection (a) shall be three years except  
8   that any such member appointed to fill a vacancy occurring  
9   prior to the expiration of the term for which his or her prede-  
10   cessor was appointed shall be appointed for the remainder of  
11   such term. Terms of the members appointed under subsection  
12   (a) shall be staggered so as to establish a rotating member-  
13   ship according to such method as the Attorney General may  
14   devise. The members of the Board appointed under subsec-  
15   tion (a) shall receive compensation for each day engaged in  
16   the actual performance of duties vested in the Board at rates  
17   of pay not in excess of the daily equivalent of the highest rate  
18   of basic pay set forth in the General Schedule of section  
19   5332(a) of title 5, United States Code, and in addition shall  
20   be reimbursed for travel, subsistence, and other necessary  
21   expenses. No member shall serve for more than two consecu-  
22   tive terms.

23           “(d) The Board shall—

24                   “(1) review and make recommendations to the In-  
25           stitute on activities undertaken by the Institute and de-

1       velop in conjunction with the Director the policies and  
2       priorities of the Institute;

3               “(2) recommend to the President at least three  
4       candidates for the position of Director of the Institute  
5       in the event of a vacancy; and

6               “(3) undertake such additional related tasks as the  
7       Board may deem necessary.

8               “(e) In addition to the powers and duties set forth else-  
9       where in this title, the Director shall exercise such powers  
10      and duties of the Board as may be delegated to the Director  
11      by the Board.

12               “PART C—BUREAU OF JUSTICE STATISTICS

13               “SEC. 301. It is the purpose of this part to provide for  
14      and encourage the collection and analysis of statistical infor-  
15      mation concerning crime, juvenile delinquency, civil disputes  
16      and the operation of civil, juvenile, and criminal justice sys-  
17      tems; and to support the development of information and sta-  
18      tistical systems at the Federal, State, and local levels to im-  
19      prove the efforts of these levels of government to measure  
20      and understand the levels of crime, juvenile delinquency and  
21      civil disputes and the operation of the civil, juvenile, and  
22      criminal justice systems.

23               “SEC. 302. (a) There is established within the Depart-  
24      ment of Justice, under the direct authority of the Attorney

1 General, a Bureau of Justice Statistics (hereinafter referred  
2 to in this part as 'Bureau').

3       “(b) The Bureau shall be headed by a Director appointed  
4 ed by the President by and with the advice and consent of the  
5 Senate. The Director shall have had experience in statistical  
6 programs. The Director shall have final authority for all  
7 grants, cooperative agreements, and contracts awarded by  
8 the Bureau. The Director shall not engage in any other em-  
9 ployment than that of serving as Director; nor shall the Di-  
10 rector hold any office in, or act in any capacity for, any orga-  
11 nization, agency, or institution with which the Bureau makes  
12 any contract or other arrangement under this Act. The Di-  
13 rector shall report to the Director of the Office of Justice  
14 Assistance, Research, and Statistics established under sec-  
15 tion 801.

16       “(c) The Bureau is authorized to—

17               “(1) make grants to, or enter into cooperative  
18 agreements or contracts with public agencies, institu-  
19 tions of higher education, private organizations, or pri-  
20 vate individuals for purposes related to this part;  
21 grants shall be made subject to continuing compliance  
22 with standards for gathering justice statistics set forth  
23 in rules and regulations promulgated by the Director;

24               “(2) collect and analyze information concerning  
25 criminal victimization and civil disputes;

1           “(3) collect and analyze data that will serve as a  
2 continuous and comparable national social indication of  
3 the prevalence, incidence, rates, extent, distribution,  
4 and attributes of crime, juvenile delinquency, and civil  
5 disputes, and other statistical factors related to crime,  
6 juvenile delinquency, and civil disputes, in support of  
7 national, State, and local justice policy and decision-  
8 making;

9           “(4) collect and analyze statistical information,  
10 concerning the operations of the criminal, juvenile, and  
11 civil justice systems at the Federal, State, and local  
12 levels;

13           “(5) collect and analyze statistical information  
14 concerning the prevalence, incidence, rates, extent, dis-  
15 tribution, and attributes of crime, juvenile delinquency,  
16 and civil disputes at the Federal, State, and local  
17 levels;

18           “(6) analyze the correlates of crime, juvenile de-  
19 linquency, and civil disputes by the use of statistical in-  
20 formation, about criminal, juvenile, and civil justice  
21 systems at the Federal, State, and local levels, and  
22 about the extent, distribution and attributes of crime,  
23 juvenile delinquency, and civil disputes in the Nation  
24 and at the Federal, State, and local levels;



1           “(7) compile, collate, analyze, publish, and dis-  
2           seminate uniform national statistics concerning all as-  
3           pects of justice, crime, juvenile delinquency, civil dis-  
4           putes, criminal offenders, and juvenile delinquents in  
5           the various States;

6           “(8) establish national standards for justice statis-  
7           tics and for insuring the reliability and validity of jus-  
8           tice statistics supplied pursuant to this title;

9           “(9) maintain liaison with the judicial branches of  
10          the Federal and State Governments in matters relating  
11          to justice statistics, and cooperate with the judicial  
12          branch in assuring as much uniformity as feasible in  
13          statistical systems of the executive and judicial  
14          branches;

15          “(10) provide information to the President, the  
16          Congress, the judiciary, State and local governments,  
17          and the general public on justice statistics;

18          “(11) conduct or support research relating to  
19          methods of gathering or analyzing justice statistics;

20          “(12) provide financial and technical assistance to  
21          the States and units of local government relating to  
22          collection, analysis, or dissemination of justice statis-  
23          tics;

1           “(13) maintain liaison with State and local gov-  
2           ernments and governments of other nations concerning  
3           justice statistics;

4           “(14) cooperate in and participate with national  
5           and international organizations in the development of  
6           uniform justice statistics;

7           “(15) insure conformance with security and priva-  
8           cy regulations issued pursuant to section 820; and

9           “(16) exercise the powers and functions set out in  
10          part H.

11          “(d) To insure that all justice statistical collection, anal-  
12          ysis, and dissemination is carried out in a coordinated  
13          manner, the Director is authorized to—

14           “(1) utilize, with their consent, the services,  
15           equipment, records, personnel, information, and facili-  
16           ties of other Federal, State, local, and private agencies  
17           and instrumentalities with or without reimbursement  
18           therefor;

19           “(2) confer with and avail itself of the coopera-  
20           tion, services, records, and facilities of State or of mu-  
21           nicipal or other local agencies;

22           “(3) request such information, data, and reports  
23           from any Federal agency as may be required to carry  
24           out the purposes of this title, and the agencies shall

1 provide such information to the Bureau as required to  
2 carry out the purposes of this section; and

3 “(4) seek the cooperation of the judicial branch of  
4 the Federal Government in gathering data from civil,  
5 juvenile, and criminal justice records.

6 “(e) In establishing standards for gathering justice sta-  
7 tistics under this section, the Director shall consult with rep-  
8 resentatives of State and local government, including, where  
9 appropriate, representatives of the judiciary.

10 “SEC. 303. A grant authorized under this part may be  
11 up to 100 per centum of the total cost of each project for  
12 which such grant is made. The Bureau shall require, when-  
13 ever feasible as a condition of approval of a grant under this  
14 part, that the recipient contribute money, facilities, or serv-  
15 ices to carry out the purposes for which the grant is sought.

16 “SEC. 304. (a) There is hereby established a Bureau of  
17 Justice Statistics Advisory Board (the ‘Board’). The Board  
18 shall consist of twenty-one members who shall be appointed  
19 by the Attorney General. The members shall represent the  
20 public interest and should include representatives of States  
21 and units of local government, representatives of police,  
22 courts, corrections, and other components of the justice  
23 system at all levels of government, members of the academic,  
24 research, and statistics community, officials of neighborhood  
25 and community organizations, and the general public. The

1 Board, by majority vote, shall elect from among its members  
2 a Chairman and Vice Chairman. The Vice Chairman is au-  
3 thorized to sit and act in the place and stead of the Chairman  
4 in the absence of the Chairman. The Director shall also be a  
5 member of the Board but shall not serve as Chairman or Vice  
6 Chairman. Vacancies in the membership of the Board shall  
7 not affect the power of the remaining members to execute the  
8 functions of the Board and shall be filled in the same manner  
9 as in the case of the original appointment. The Chairman  
10 shall be provided by the Bureau with at least one full-time  
11 staff assistant to assist the Board. The Administrator of the  
12 Law Enforcement Assistance Administration, the Adminis-  
13 trator of the Office of Juvenile Justice and Delinquency Pre-  
14 vention, the Director of the National Institute of Justice, and  
15 the Director of the Bureau of Justice Statistics shall serve as  
16 ex officio members of the Board but shall be ineligible to  
17 serve as Chairman or Vice Chairman.

18       “(b) The Board, after appropriate consultation with rep-  
19 resentatives of State and local governments, may make such  
20 rules respecting its organization and procedures as it deems  
21 necessary, except that no recommendation shall be reported  
22 from the Board unless a majority of the Board assents.

23       “(c) The term of office of each member of the Board  
24 appointed under subsection (c) shall be three years except  
25 that any such member appointed to fill a vacancy occurring

1 prior to the expiration of the term for which his or her prede-  
2 cessor was appointed shall be appointed for the remainder of  
3 such term. Terms of the members appointed under subsection  
4 (a) shall be staggered so as to establish a rotating member-  
5 ship according to such method as the Attorney General may  
6 devise. The members of the Board appointed under subsec-  
7 tion (a) shall receive compensation for each day engaged in  
8 the actual performance of duties vested in the Board at rates  
9 of pay not in excess of the daily equivalent of the highest rate  
10 of basic pay set forth in the General Schedule of section  
11 5332(a) of title 5, United States Code, and in addition shall  
12 be reimbursed for travel, subsistence, and other necessary  
13 expenses. No member shall serve for more than two consecu-  
14 tive terms.

15       “(d) The Board shall—

16               “(1) review and make recommendations to the  
17 Bureau on activities undertaken by the Bureau and for-  
18 mulate and recommend to the Director policies and pri-  
19 orities for the Bureau;

20               “(2) recommend to the President at least three  
21 candidates for the position of Director of the Bureau in  
22 the event of a vacancy; and

23               “(3) carry out such additional related functions as  
24 the Board may deem necessary.

1       “(e) In addition to the powers and duties set forth else-  
2 where in this title, the Director shall exercise such powers  
3 and duties of the Board as may be delegated to the Director  
4 by the Board.

5                   “PART D—FORMULA GRANTS

6                   “DESCRIPTION OF PROGRAM

7       “SEC. 401. It is the purpose of this part to assist States  
8 and units of local government in carrying out programs to  
9 improve and strengthen the functioning of the criminal justice  
10 system. The Administration is authorized to make grants  
11 under this part to States and units of local government for  
12 the purpose of—

13       “(a) Combating crime by—

14               “(1) establishing or expanding community- and  
15 neighborhood-based programs that enable citizens to  
16 undertake initiatives designed to reduce the rate of  
17 local neighborhood crime; and

18               “(2) developing programs or projects to improve  
19 and strengthen law enforcement agencies.

20       “(b) Developing and implementing programs and proj-  
21 ects designed to improve court administration, prosecution  
22 and defense, including but not limited to programs and proj-  
23 ects to—

24               “(1) reduce the time between arraignment and  
25 disposition;

1           “(2) reform existing procedures and rules;

2           “(3) develop innovative institutions, procedures,  
3           and programs, including juvenile programs; and

4           “(4) promote statewide standards and improve-  
5           ment of State court systems.

6           “(c) Developing and implementing programs and proj-  
7           ects designed to improve correctional services and practices,  
8           including but not limited to programs and projects to encour-  
9           age advanced practices, the operation and renovation of cor-  
10          rectional institutions and facilities, programs to deal with the  
11          special needs of drug dependent offenders, including commu-  
12          nity-based halfway houses and other community-based reha-  
13          bilitation centers for initial preconviction or postconviction  
14          referral of juvenile and other offenders.

15          “(d) Devising effective alternatives to the criminal jus-  
16          tice system, including but not limited to pretrial diversion  
17          programs and such other projects as will reduce congestion in  
18          the courts without violating civil and constitutional rights of  
19          individuals, and the rate at which defendants, including juve-  
20          nile defendants, reappear in court.

21          “(e) That portion of any Federal grant made under this  
22          section may be up to 100 per centum of the cost of the pro-  
23          gram or project specified in the application for such grant.

## 1 "ELIGIBILITY

2 "SEC. 402. (a) The Administration is authorized to  
3 make financial assistance under this part available to an eligi-  
4 ble jurisdiction to enable it to carry out all or a substantial  
5 part of a program or project submitted and approved in ac-  
6 cordance with the provisions of this title. An eligible jurisdic-  
7 tion shall be—

8 "(1) a State, as defined in section 901(a)(2) of this  
9 title but shall not include the Virgin Islands, Guam,  
10 American Samoa, the Trust Territory of the Pacific Is-  
11 lands, and the Commonwealth of the Northern Mariana  
12 Islands;

13 "(2) a municipality which has a population of one  
14 hundred thousand or more persons on the basis of the  
15 most satisfactory current data available on a nation-  
16 wide basis to the Administration;

17 "(3) a county which has a population of two hun-  
18 dred and fifty thousand or more persons on the basis of  
19 the most satisfactory current data available on a na-  
20 tionwide basis to the Administration;

21 "(4) any combination of contiguous units of local  
22 government which has a population of two hundred  
23 and fifty thousand or more persons on the basis of the  
24 most satisfactory current data available on a nation-  
25 wide basis to the Administration; or



1           “(5) a unit of local government, or any combina-  
2           tion of such contiguous units without regard to popula-  
3           tion, which are otherwise ineligible under the other  
4           paragraphs of this subsection.

5           “(b)(1) Each State shall establish or designate and  
6           maintain a criminal justice council (hereinafter referred to in  
7           this title as the ‘council’) for the purpose of—

8           “(A) analyzing the criminal justice problems  
9           within the State based on input from all eligible juris-  
10          dictions, State agencies, and the judicial coordinating  
11          committee and establishing priorities for expenditure of  
12          funds based on the analysis;

13          “(B) preparing, developing, and reviewing a com-  
14          prehensive State application reflecting the priorities;

15          “(C) receiving, reviewing, and approving (or dis-  
16          approving) applications or amendments submitted by  
17          State agencies, the judicial coordinating committee,  
18          and units of local government, or combinations thereof,  
19          as defined in section 402(a)(5) of this title, pursuant to  
20          section 405(a)(5) of this title, and providing financial  
21          assistance to these agencies and units according to the  
22          criteria of this title and on the terms and conditions es-  
23          tablished by such council at its discretion;

24          “(D) receiving, coordinating, reviewing, and moni-  
25          toring all applications or amendments submitted by

1 State agencies, the judicial coordinating committee,  
2 units of local government, and combinations of such  
3 units pursuant to section 403 of this title, recommend-  
4 ing ways to improve the effectiveness of the programs  
5 or projects referred to in said applications, assuring  
6 compliance of said applications with Federal require-  
7 ments and State law and integrating said applications  
8 into the comprehensive State application;

9 “(E) preparing an annual report for the Governor  
10 and the State legislature containing an assessment of  
11 the criminal justice problems and priorities within the  
12 State; the adequacy of existing State and local agen-  
13 cies, programs, and resources to meet these problems  
14 and priorities; the distribution and use of funds allo-  
15 cated pursuant to this part and the relationship of  
16 these funds to State and local resources allocated to  
17 crime and justice system problems; and the major  
18 policy and legislative initiatives that are recommended  
19 to be undertaken on a statewide basis;

20 “(F) assisting the Governor, the State legislature,  
21 and units of local government upon request in develop-  
22 ing new or improved approaches, policies, or legislation  
23 designed to improve criminal justice in the State;

24 “(G) developing and publishing information con-  
25 cerning criminal justice in the State;

1           “(H) providing technical assistance upon request  
2           to State agencies, the judicial coordinating committee,  
3           and units of local government in matters relating to  
4           improving criminal justice in the State;

5           “(I) assuring fund accounting, auditing, and evalu-  
6           ation of programs and projects funded under this part  
7           to assure compliance with Federal requirements and  
8           State law.

9           “(2) The council shall be created or designated by State  
10          law and shall be subject to the jurisdiction of the chief execu-  
11          tive of the State who shall appoint the members of the coun-  
12          cil, designate the chairman, and provide professional, techni-  
13          cal, and clerical staff to serve the council. The council shall  
14          be broadly representative and include among its member-  
15          ship—

16               “(A) representatives of eligible jurisdictions as de-  
17               fined in section 402(a) (2), (3), and (4), who shall com-  
18               prise at least one-third of the membership of the coun-  
19               cil where there are such eligible jurisdictions in the  
20               State and where they submit applications pursuant to  
21               this part;

22               “(B) representatives of the smaller units of local  
23               government defined in section 402(a)(5);

24               “(C) representatives of the various components of  
25               the criminal justice system, including representatives of

1 agencies directly related to the prevention and control  
2 of juvenile delinquency;

3 "(D) representatives of the general public includ-  
4 ing representatives of neighborhood and community-  
5 based organizations of the communities to be served  
6 under this part; and

7 "(E) representatives of the judiciary including, at  
8 a minimum, the chief judicial officer or other officer of  
9 the court of last resort, the chief judicial administrative  
10 officer or other appropriate judicial administrative offi-  
11 cer of the State, and a local trial court judicial officer;  
12 if the chief judicial officer or chief judicial administra-  
13 tive officer cannot or does not choose to serve, the  
14 other judicial members and the local trial court judicial  
15 officer shall be selected by the chief executive of the  
16 State from a list of no less than three nominees for  
17 each position submitted by the chief judicial officer of  
18 the court of last resort within thirty days after the oc-  
19 currence of any vacancy in the judicial membership;  
20 additional judicial members of the council as may be  
21 required by the Administration shall be appointed by  
22 the chief executive of the State from the membership  
23 of the judicial coordinating committee.

1 Individual representatives may fulfill the requirements of  
2 more than one functional area or geographical area where  
3 appropriate to the background and expertise of the individual.

4       “(3)(A) Applications from eligible jurisdictions as de-  
5 fined in section 402(a) (2), (3), and (4) may, at the discretion  
6 of such eligible jurisdiction, be in the form of a single applica-  
7 tion to the State for inclusion in the comprehensive State  
8 application. Applications or amendments should conform to  
9 the overall priorities, unless the eligible jurisdiction for good  
10 cause determines that such priorities are inconsistent with  
11 their needs. Such application or amendments shall be deemed  
12 approved unless the council, within ninety days of the receipt  
13 of such application or amendment, finds that the application  
14 or amendment—

15           “(i) is in noncompliance with Federal require-  
16 ments or with State law or regulations;

17           “(ii) is inconsistent with priorities and fails to es-  
18 tablish, under guidelines issued by the Administration,  
19 good cause for such inconsistency; or

20           “(iii) conflicts with or duplicates programs or proj-  
21 ects of another applicant under this title, or other Fed-  
22 eral, State, or local supported programs or applica-  
23 tions.

1 Where the council finds such noncompliance, inconsistency,  
2 conflict, or duplication, it shall notify the applicant in writing  
3 and set forth its reasons for the finding.

4 “(B) The applicant shall, within thirty days of receipt of  
5 written findings of the council pursuant to (A) submit to the  
6 council a revised application or state in writing the appli-  
7 cant’s reasons for disagreeing with the council’s findings.

8 “(C) A revised application submitted under (B) shall be  
9 treated as an original application except that the council shall  
10 act on such application within thirty days.

11 “(D) If an applicant states in writing a disagreement  
12 with the council’s written findings as specified in (b)(3)(A) (i),  
13 (ii), and (iii), the disagreement shall be submitted to binding  
14 arbitration under procedures established by the Administra-  
15 tion. Such procedures shall include a panel composed of one  
16 member selected by the council, one member selected by the  
17 eligible jurisdiction, and one member selected by the mutual  
18 agreement of the council and eligible jurisdictions. Where the  
19 council and the eligible jurisdiction cannot agree on a third  
20 panel member, the Administration shall designate such  
21 member. The panel shall examine the factual and legal basis  
22 for the action of the council and the eligible jurisdiction and  
23 shall approve the action of the council or the action of the  
24 eligible jurisdiction. The decision of the panel will not be final  
25 on matters of Federal law or policy. In cases where the coun-

1 cil's action is not supported by clear and convincing evidence  
2 or where the council acted arbitrarily and capriciously, the  
3 panel hearing the matter may direct the council to approve  
4 the application or amendment.

5       “(E) Approval of the application of such eligible local  
6 jurisdiction shall result in the award of funds to such eligible  
7 jurisdiction without requirement for further application or  
8 review by the council.

9       “(4) Applications from State agencies and eligible juris-  
10 dictions as defined in section 402(a)(5) must be in the manner  
11 and form proscribed by the council. Where the council deter-  
12 mines under section (b)(1) (C) and (D) that an application or  
13 amendment from a State agency or an eligible jurisdiction as  
14 defined in section 402(a)(5):

15               “(A) is in noncompliance with Federal require-  
16 ments or with State law or regulation;

17               “(B) is inconsistent with priorities, policy, organi-  
18 zational, or procedural arrangements, or the crime  
19 analysis; or

20               “(C) conflicts with or duplicates programs or proj-  
21 ects of another applicant under this title, or other Fed-  
22 eral, State, or local supported programs or applica-  
23 tions.

24 The council shall notify the applicant in writing of the finding  
25 and the reasons for the finding and may deny funding or rec-

1 ommend appropriate changes. Appeal of the council's action  
2 shall be in accord with procedures established by the council  
3 for such matters.

4       “(c) The chief executive(s) of an eligible jurisdiction as  
5 defined in section 402(a) (2), (3), and (4) shall create or desig-  
6 nate an office for the purpose of preparing and developing the  
7 jurisdiction's application to be submitted to the council pursu-  
8 ant to section 403 of this title. Each eligible jurisdiction shall  
9 establish or designate a local criminal justice advisory board  
10 (hereinafter referred to in this title as the 'Board') for the  
11 purpose of—

12               “(1) advising the council on priorities;

13               “(2) advising the chief executive of the eligible ju-  
14 risdiction pursuant to this title;

15               “(3) acting on applications or amendments by the  
16 eligible jurisdiction; and

17               “(4) assuring an adequate allocation of funds for  
18 court programs as defined in section 401(b) based upon  
19 that proportion of the eligible subgrant jurisdiction's  
20 expenditures for court programs which contributes to  
21 the subgrant jurisdiction's eligibility for funds and  
22 which take into account the court priorities recom-  
23 mended by the judicial coordinating committee. Such  
24 board shall be established or designated by the chief  
25 executive of the eligible jurisdiction and shall be sub-



1           ject to the jurisdiction of the chief executive who shall  
2           appoint the members and designate the chairman.

3 Such board shall be broadly representative of the various  
4 components of the criminal and juvenile justice system and  
5 shall include among its membership representatives of neigh-  
6 borhood and community-based organizations. In the case of  
7 an eligible jurisdiction as defined in section 402(a)(4) of this  
8 title, the membership of the board shall be jointly appointed  
9 in such manner as the chief executive of each unit of local  
10 government shall determine by mutual agreement. Decisions  
11 made by the board pursuant to this subsection may be re-  
12 viewed and either be accepted or rejected by the chief execu-  
13 tive of the eligible subgrant jurisdiction, or in the case of an  
14 eligible jurisdiction as defined in section 402(a)(4) of this title  
15 in such manner as the chief executive of each unit of local  
16 government shall determine by mutual agreement. Where an  
17 eligible jurisdiction as defined in section 402(a) (2) or (3)  
18 chooses not to combine pursuant to section 402(a)(4) and  
19 chooses not to exercise the powers of this subsection, it shall  
20 be treated as an eligible jurisdiction under section 402(a)(5).

21           “(d) The court of last resort of each State may establish  
22 or designate a judicial coordinating committee (hereinafter re-  
23 ferred to in this title as the ‘Committee’) for the preparation,  
24 development, and revision of a three-year application or  
25 amendments thereto reflecting the needs and priorities of the

1 courts of the State. For those States where there is a judicial  
2 agency which is authorized by State law on the date of en-  
3 actment of this subsection to perform this function and which  
4 has a statutory membership of a majority of court officials  
5 (including judges and court administrators), the judicial  
6 agency may establish or designate the judicial coordinating  
7 committee. The committee shall—

8           “(1) establish priorities for the improvement of the  
9           various courts of the State;

10           “(2) define, develop, and coordinate programs and  
11           projects for the improvement of the courts of the State;

12           “(3) develop, in accordance with part D of this  
13           title, an application for the funding of programs and  
14           projects designed to improve the functioning of the  
15           courts and judicial agencies of the State.

16 The committee shall submit its three-year application or  
17 amendments to the council. The committee shall review for  
18 consistency with the court priorities, applications, or amend-  
19 ments from any jurisdiction which has incurred expenditures  
20 for court services from its own sources. The council shall  
21 approve and incorporate into its application in whole or in  
22 part the application or amendments of the committee unless  
23 the council determines that such committee application or  
24 amendments are not in accordance with this title, are not in  
25 conformance with, or consistent with, their own application

1 made pursuant to section 403 of this title or do not conform  
2 with the fiscal accountability standards of this title.

3       “(e)(1) The council will provide for procedures that will  
4 insure that all applications or amendments by units of local  
5 government or combinations thereof or judicial coordinating  
6 committees shall be acted upon no later than ninety days  
7 after being first received by the council. Final action by the  
8 council which results in the return of any application or  
9 amendments to an applicant must contain specific reasons for  
10 such action within ninety days of such receipt. Any part of  
11 such application or amendments which is not acted upon shall  
12 be deemed approved for the purposes of this title. Action by  
13 the council on any application or part thereof shall not pre-  
14 clude the resubmission of such application or part thereof to  
15 the council at a later date.

16       “(2) The council, the judicial coordinating committee,  
17 and local offices, established pursuant to section 402(c), shall  
18 meet at such times and in such places as they deem neces-  
19 sary and shall hold each meeting open to the public, giving  
20 public notice of the time and place of such meeting, and the  
21 nature of the business to be transacted if final action is to be  
22 taken at the meeting on the State application or any applica-  
23 tion for funds or any amendment thereto. The council, the  
24 judicial coordinating committee, and local officers, pursuant  
25 to section 402(c), shall provide for public access to all records

1 relating to their functions under this title, except such rec-  
2 ords as are required to be kept confidential by any other pro-  
3 vision of local, State, or Federal law.

4       “(3) The council shall, at a time designated in regula-  
5 tions promulgated by the Administration, submit its applica-  
6 tion made pursuant to this part to the Administration for ap-  
7 proval. Its application shall include funding allocations or ap-  
8 plications which were submitted by State agencies, the judi-  
9 cial coordinating committee, and units of local government,  
10 or combinations thereof, and which were first reviewed and  
11 approved by the council pursuant to section 402(b)(3) or sec-  
12 tion 402(b)(4) as appropriate.

13       “(f) To be eligible for funds under this part all eligible  
14 jurisdictions shall assure the participation of citizens, neigh-  
15 borhood, and community organizations, in the application  
16 process. No grant may be made pursuant to this part unless  
17 the application or amendments thereof submitted to the coun-  
18 cil or the Administration pursuant to section 403 of this title  
19 shall provide satisfactory assurances that, prior to submission  
20 of said application or amendments thereof, the applicant  
21 has—

22       “(1) provided citizens and neighborhood and com-  
23 munity organizations with adequate information con-  
24 cerning the amounts of funds available for proposed  
25 programs or projects under this Act, the range of ac-

1       tivities that may be undertaken, and other important  
2       program requirements;

3             “(2) held public hearings after advance public  
4       notice to obtain the views of citizens and neighborhood  
5       and community organizations concerning the merits of  
6       the proposed programs or projects to be set forth in  
7       the application or amendments;

8             “(3) provided citizens and neighborhood and com-  
9       munity organizations an adequate opportunity to par-  
10      ticipate in the development of the proposed programs  
11      or projects by sponsoring neighborhood and community  
12      meetings;

13            “(4) provided for full and adequate participation of  
14      units of local government in the performance of the  
15      analysis and the establishment of priorities required by  
16      section 402(b)(1)(A).

17            “(5) provided an opportunity for all affected crimi-  
18      nal justice agencies to participate in the development  
19      of the proposed programs or projects prior to the prep-  
20      aration of the application.

21      The Administrator, in cooperation with the Office of Commu-  
22      nity Anti-Crime Programs, may establish such rules, regula-  
23      tions, and procedures as are necessary to assure that citizens  
24      and neighborhood and community organizations will be as-  
25      sured an opportunity to participate in the application process.

## "APPLICATIONS

1  
2 "SEC. 403. No grant may be made pursuant to part D  
3 of this title unless the application sets forth criminal justice  
4 programs and projects covering a three-year period which  
5 meet the objectives of section 401 of this title. This applica-  
6 tion must be amended annually if new programs or projects  
7 are to be added to the application or if the programs or proj-  
8 ects contained in the original application are not implement-  
9 ed. The application must include—

10 "(1) an analysis of the crime problems and crimi-  
11 nal justice needs within the relevant jurisdiction and a  
12 description of the services to be provided and perform-  
13 ance goals and priorities, including a specific statement  
14 of how the programs or projects are expected to ad-  
15 vance the objectives of section 401 of this title and  
16 meet the problems and needs of the jurisdiction;

17 "(2) an indication of how the programs or projects  
18 relate to other similar State or local programs or proj-  
19 ects directed at the same or similar problems;

20 "(3) an assurance that following the first fiscal  
21 year covered by an application and each fiscal year  
22 thereafter, the applicant shall submit to the Adminis-  
23 tration, where the applicant is a State, and to the  
24 council where the applicant is a State agency, the judi-

1 cial coordinating committee, or a unit or combination  
2 of units of local government—

3 “(i) a performance report concerning the ac-  
4 tivities carried out pursuant to this title; and

5 “(ii) an assessment by the applicant of the  
6 impact of those activities on the objectives of this  
7 title and the needs and objectives identified in the  
8 applicant’s statement;

9 “(4) a certification that Federal funds made avail-  
10 able under this title will not be used to supplant State  
11 or local funds, but will be used to increase the amounts  
12 of such funds that would, in the absence of Federal  
13 funds, be made available for criminal justice activities;

14 “(5) an assurance that there is an adequate share  
15 of funds for courts, prosecution, and defense programs;

16 “(6) a provision for fund accounting, auditing,  
17 monitoring, and such evaluation procedures as may be  
18 necessary to keep such records as the Administration  
19 shall prescribe to assure fiscal control, proper manage-  
20 ment, and efficient disbursement of funds received  
21 under this title;

22 “(7) a provision for the maintenance of such data  
23 and information and for the submission of such reports  
24 in such form, at such times, and containing such data

1 and information as the Administration may reasonably  
2 require to administer other provisions of this title;

3 “(8) a certification that its programs or projects  
4 meet all the requirements of this section, that all the  
5 information contained in the application is correct, and  
6 that the applicant will comply with all provisions of  
7 this title and all other applicable Federal laws. Such  
8 certification shall be made in a form acceptable to the  
9 Administration and shall be executed by the chief ex-  
10 ecutive officer or other officer of the applicant qualified  
11 under regulations promulgated by the Administration.

12 “REVIEW OF APPLICATIONS

13 “SEC. 404. (a) The Administration shall provide finan-  
14 cial assistance to each State applicant under this part to  
15 carry out the programs or projects submitted by such appli-  
16 cant upon determining that—

17 “(1) the application or amendment thereof is con-  
18 sistent with the requirements of this title;

19 “(2) the application or amendment thereof was  
20 made public prior to submission to the Administration  
21 and an opportunity to comment thereon was provided  
22 to citizens and neighborhood and community groups;  
23 and

24 “(3) prior to the approval of the application or  
25 amendment thereof the Administration has made an af-



1 firmative finding in writing that the program or project  
2 is likely to contribute effectively to the achievement of  
3 the objectives of section 401 of this title.

4 Each application or amendment made and submitted for ap-  
5 proval to the Administration pursuant to section 403 of this  
6 title shall be deemed approved, in whole or in part, by the  
7 Administration within ninety days after first received unless  
8 the Administration informs the applicant of specific reasons  
9 for disapproval. Subsequent to approval of the application or  
10 amendment, the amount of the grant may be adjusted by the  
11 Administration in accordance with the provisions of this title.

12 “(b) The Administration shall suspend funding for an  
13 approved application in whole or in part if such application  
14 contains a program or project which has failed to conform to  
15 the requirements or statutory objectives of this Act as evi-  
16 denced by—

17 “(1) the annual performance reports submitted to  
18 the Administration by the applicant pursuant to section  
19 802(b) of this title;

20 “(2) the failure of the applicant to submit annual  
21 performance reports pursuant to section 802(b) of this  
22 title;

23 “(3) evaluations conducted pursuant to section  
24 802(b);

1           “(4) evaluations and other information provided by  
2           the National Institute of Justice.

3 The Administration may make appropriate adjustments in the  
4 amounts of grants in accordance with its findings pursuant to  
5 this subsection.

6           “(c) Grant funds awarded under part D shall not be  
7 used for—

8           “(1) the purchase of equipment or hardware, or  
9           the payment of personnel costs unless the cost of such  
10           purchases or payments is incurred as an incidental and  
11           necessary part of an improvement program or project.  
12           In determining whether to apply this limitation, consid-  
13           eration must be given to the extent of prior funding  
14           from any sources in that jurisdiction for substantially  
15           similar activities;

16           “(2) the payment of general salary increases for  
17           employees or classes of employees within an eligible  
18           jurisdiction;

19           “(3) construction projects; or

20           “(4) programs or projects which, based upon eval-  
21           uations by the National Institute of Justice, Law En-  
22           forcement Assistance Administration, Bureau of Jus-  
23           tice Statistics, State or local agencies, and other public  
24           or private organizations, have been demonstrated to be  
25           ineffective. Such programs must be formally identified

1 by a notice in the Federal Register after opportunity  
2 for comment.

3 "(d) The Administration shall not finally disapprove any  
4 application submitted to the Administrator under this part, or  
5 any amendments thereof, without first affording the applicant  
6 reasonable notice and opportunity for a hearing and appeal  
7 pursuant to section 803 of this title.

8 "ALLOCATION AND DISTRIBUTION OF FUNDS

9 "SEC. 405. (a) Of the total amount appropriated for  
10 parts D, E, and F of this title in any fiscal year, 70 per  
11 centum shall be set aside for part D and allocated to States,  
12 units of local government, and combinations of such units as  
13 follows:

14 "(1) Funds shall first be allocated among each of  
15 the participating States as defined in section 402(a)(1)  
16 according to one of the following two formulas, which-  
17 ever formula results in the larger amount:

18 "(A) Of the total amount to be allocated pur-  
19 suant to this part:

20 "(i) 25 per centum shall be allocated in  
21 proportion to the relative population within  
22 the State as compared to the population in  
23 all States;

24 "(ii) 25 per centum shall be allocated in  
25 proportion to the relative number of index

1 crimes (as documented by the Department of  
2 Justice) reported within the State as com-  
3 pared to such numbers in all States;

4 “(iii) 25 per centum shall be allocated  
5 in proportion to the relative amount of total  
6 State and local criminal justice expenditures  
7 from their own sources within the State as  
8 compared to such amounts in all States; and

9 “(iv) 25 per centum shall be allocated  
10 in proportion to the relative population  
11 within the State, weighted by the share of  
12 State personal income paid in State and local  
13 taxes, as compared to such weighted popula-  
14 tions in all States; or

15 “(B) The total amount to be allocated pursu-  
16 ant to this part shall be allocated in proportion to  
17 the relative population within the State as com-  
18 pared to the population, in all States;

19 except that no State which receives financial assistance  
20 pursuant to section 405(a)(1)(A) shall receive an  
21 amount in excess of 110 per centum of that amount  
22 available to a State pursuant to section 405(a)(1)(B).

23 “(2) If the fund allocation to each of the States  
24 pursuant to section 405(a)(1) results in a total amount  
25 in excess of the amount appropriated for the purposes

1 of this part, additional funds shall be allocated by the  
2 Administration from part E or F to the States for pur-  
3 poses consistent with those parts so that the total  
4 amount equals the total amount allocated under section  
5 405(a)(1). No State shall receive an allocation pursuant  
6 to section 405(a)(1) which is less than the block grant  
7 allocation received by such State for fiscal year 1979  
8 pursuant to parts C and E of the Omnibus Crime Con-  
9 trol and Safe Streets Act as amended (42 U.S.C.  
10 3701, et seq.), except that if the total amount appro-  
11 priated for part D for any fiscal year subsequent to  
12 fiscal year 1979 is less than the total block grant ap-  
13 propriation for parts C and E during fiscal year 1979,  
14 the States shall receive an allocation according to their  
15 respective populations.

16 "(3) From the amount made available to each  
17 State pursuant to subsections (1) and (2), the Adminis-  
18 tration shall determine basic allocations to be made  
19 available to the State, to eligible jurisdictions as de-  
20 fined in section 402(a) (2), (3), or (4) and to eligible ju-  
21 risdictions as defined in section 402(a)(5). Such alloca-  
22 tions shall be determined:

23 "(A) by distributing 70 per centum of availa-  
24 ble funds allocated under subsections (1) and (2)  
25 to the State and those eligible units of local gov-

1           ernment within the State as defined in section  
2           402(a) in a proportion equal to their own respec-  
3           tive share of total State and local criminal justice  
4           expenditure from all sources; and

5           “(B) by equally dividing the remaining 30  
6           per centum of available funds allocated under sub-  
7           sections (1) and (2) among the four purposes spec-  
8           ified in section 401 of this title and distributing to  
9           the State and to those eligible units of local gov-  
10          ernment within the State as defined in section  
11          402(a), in four shares in amounts determined as  
12          follows:

13               “(i) for combating crime as specified in  
14               section 401(a), a proportion of the available  
15               funds equal to their own respective share of  
16               total State and local expenditures for police  
17               services from all sources;

18               “(ii) for improving court administration  
19               as specified in section 401(b), a proportion of  
20               the available funds equal to their own re-  
21               spective share of total State and local ex-  
22               penditures for judicial, legal, and prosecutive,  
23               and public defense services from all sources;

24               “(iii) for improving correctional services  
25               as specified in section 401(c), a proportion of

1 the available funds equal to their own re-  
2 spective share of total State and local ex-  
3 penditures for correctional services from all  
4 sources; and

5 “(iv) for devising effective alternatives  
6 to the criminal justice system as specified in  
7 section 401(d) a proportion of the available  
8 funds equal to their own respective share of  
9 total State and local expenditures from all  
10 sources.

11 “(4) All allocations under subsection (3) shall be  
12 based upon the most accurate and complete data avail-  
13 able for such fiscal year or for the most recent fiscal  
14 year for which accurate data are available. Eligible ju-  
15 risdictions as defined in section 402(a)(4) may not re-  
16 ceive an allocation based upon the population of eligi-  
17 ble cities and counties as defined in section 402(a) (2)  
18 and (3) unless such cities and counties participate in  
19 activities under this title as part of a combination of  
20 units of local government as defined in section  
21 402(a)(4). In determining allocations for the eligible  
22 units as defined in section 402(a), an aggregate alloca-  
23 tion may be utilized where eligible jurisdictions as de-  
24 fined in section 402(a) combine to meet the population  
25 requirements of section 402(a)(4).

1           “(5) The amount made available pursuant to sub-  
2 section (3) to eligible units of local government within  
3 each State, as defined in section 402(a)(5), and to eligi-  
4 ble jurisdictions, as defined in section 402(a) (2) or (3),  
5 which choose not to combine pursuant to section  
6 402(a)(4) and choose not to exercise the powers of sec-  
7 tion 402(c), shall be reserved and set aside in a special  
8 discretionary fund for use by the council pursuant to  
9 section 402 of this title, in making grants (in addition  
10 to any other grants which may be made under this title  
11 to the same entities or for the same purposes) to such  
12 units of local government or combinations thereof. The  
13 council shall allocate such funds among such local units  
14 of government or combinations thereof which make ap-  
15 plication pursuant to section 403 of this title, according  
16 to the criteria of this title and on the terms and condi-  
17 tions established by such council at its discretion. If in  
18 a particular State, there are no eligible units of local  
19 government, as defined in section 402(a)(2), 402(a)(3),  
20 or 402(a)(4) of this part, the amount otherwise re-  
21 served and set aside in the special discretionary fund  
22 shall consist of the entire amount made available to  
23 local units of government, pursuant to this section.

24           “(b) At the request of the State legislature while in ses-  
25 sion or a body designated to act while the legislature is not in



1 session, general goals, priorities, and policies of the council  
2 shall be submitted to the legislature for an advisory review  
3 prior to its implementation by the council. In this review the  
4 general criminal justice goals, priorities, and policies that  
5 have been developed pursuant to this part shall be consid-  
6 ered. If the legislature or the interim body has not reviewed  
7 such matters forty-five days after receipt, such matters shall  
8 then be deemed reviewed.

9       “(c) No award of funds that are allocated to the States,  
10 units of local government, or combinations thereof under this  
11 part shall be made with respect to a program or project other  
12 than a program or project contained in an approved applica-  
13 tion.

14       “(d) If the Administration determines, on the basis of  
15 information available to it during any fiscal year, that a por-  
16 tion of the funds allocated to a State, unit of local govern-  
17 ment, or combination thereof for that fiscal year will not be  
18 required, or that the State, unit of local government, or com-  
19 bination thereof will be unable to qualify or receive funds  
20 under the requirements of this part or section 1003 of this  
21 title, such funds shall be available for reallocation to the  
22 States, or other units of local government and combinations  
23 thereof within such State, as the Administration may deter-  
24 mine in its discretion.

1       “(e) A State may award funds from the State allocation  
2 to private nonprofit organizations. Eligible jurisdictions as  
3 defined in section 402(a) (2) through (5) may utilize the serv-  
4 ices of private nonprofit organizations for purposes consistent  
5 with this title.

6       “(f) Prior to the initial allocation under section 405(a),  
7 no more than \$1,000,000 shall be allotted among Guam, the  
8 Virgin Islands, American Samoa, the Trust Territory of the  
9 Pacific Islands, and the Commonwealth of the Northern Mar-  
10 iana Islands for purposes of this title in accordance with their  
11 respective programmatic and administrative needs and based  
12 upon such terms and criteria as the Administration may  
13 adopt.

14       “(g) In order to receive formula grants under the Juve-  
15 nile Justice and Delinquency Prevention Act of 1974, as  
16 amended, a State shall submit a plan for carrying out the  
17 purposes of that Act in accordance with the provisions of this  
18 title and section 223 of that Act. Such plan may at the direc-  
19 tion of the Administrator be incorporated into the State appli-  
20 cation to be submitted under this part.

21       “(h) Eligible jurisdictions which choose to utilize region-  
22 al planning units shall utilize, to the maximum extent practi-  
23 cable, the boundaries and organization of existing general  
24 purpose regional planning bodies within the State.

## 1           "PART E—NATIONAL PRIORITY GRANTS

2           "SEC. 501. It is the purpose of this part, through the  
3 provision of additional Federal financial aid and assistance, to  
4 encourage States and units of local government to carry out  
5 programs which, on the basis of research, demonstration, or  
6 evaluations by the National Institute of Justice, by State or  
7 local governments, or by other public or private organiza-  
8 tions, have been shown to be effective in improving and  
9 strengthening the administration of justice.

10          "SEC. 502. Of the total amount appropriated for parts  
11 D, E, and F of this title in any fiscal year, 20 per centum  
12 shall be reserved and set aside pursuant to this part as fund-  
13 ing incentives for use by the Administration in making na-  
14 tional priority grants (in addition to any other grants which  
15 may be made under this title to the same entities or for the  
16 same purpose) to States and units of local government.

17          "SEC. 503. (a) The Office of Justice Assistance, Re-  
18 search, and Statistics shall periodically designate national  
19 priority programs and projects which through research, dem-  
20 onstration, or evaluation have been shown to be effective or  
21 innovative and to have a likely beneficial impact on criminal  
22 justice. Such national priorities may include programs and  
23 projects designated to improve the comprehensive planning  
24 and coordination of State and local criminal justice activities.  
25 Priorities established by the Office of Justice Assistance, Re-

1 search, and Statistics shall be considered priorities for a  
2 period of time determined by the Office of Justice Assistance,  
3 Research, and Statistics but not to exceed three years from  
4 the time of such determination. Such priorities shall be desig-  
5 nated by the Office of Justice Assistance, Research, and Sta-  
6 tistics according to criteria, and on such terms and condi-  
7 tions, as the Office of Justice Assistance, Research, and Sta-  
8 tistics may determine.

9       “(b) The Office of Justice Assistance, Research, and  
10 Statistics shall annually request the National Institute of  
11 Justice, the Bureau of Justice Statistics, the Law Enforce-  
12 ment Assistance Administration, State and local govern-  
13 ments, and other appropriate public and private agencies to  
14 suggest national priority programs and projects. The Office of  
15 Justice Assistance, Research, and Statistics shall then, pur-  
16 suant to regulations it promulgates annually, publish pro-  
17 posed national priority programs and projects pursuant to  
18 this part and invite and encourage public comment concern-  
19 ing such priorities. Such priority programs and projects shall  
20 not be established or modified until the Office of Justice As-  
21 sistance, Research, and Statistics has provided at least sixty  
22 days advance notice for public comment and shall encourage  
23 and invite recommendations and opinion concerning such pri-  
24 orities from appropriate agencies and officials of State and  
25 units of local government. After considering any comments

1 submitted during such period of time, the Office of Justice  
2 Assistance, Research, and Statistics shall establish priority  
3 programs and projects for that year (and determine whether  
4 existing priority programs and projects should be modified).  
5 The Office of Justice Assistance, Research, and Statistics  
6 shall publish in the Federal Register the priority programs  
7 and projects established pursuant to this part prior to the  
8 beginning of fiscal year 1981 and each fiscal year thereafter  
9 for which appropriations will be available to carry out the  
10 program.

11 "SEC. 504. (a) No grant may be made pursuant to this  
12 part unless an application has been submitted to the Adminis-  
13 tration in which the applicant—

14 "(1) identifies the priority program to be funded  
15 and describes how funds allocated pursuant to this part  
16 and pursuant to part D will be expended to carry out  
17 the priority program;

18 "(2) describes specifically what percentages of  
19 funds allocated for the upcoming year pursuant to part  
20 D of this title will be spent on priority programs and  
21 projects pursuant to this part;

22 "(3) describes specifically the priority programs  
23 and projects for which funds are to be allocated pursu-  
24 ant to part D of this title for the upcoming fiscal year;

1           “(4) describes what percentage of part D funds  
2           were expended on national priority projects during the  
3           preceding fiscal year; and

4           “(5) describes specifically the priority programs  
5           and projects for which funds were allocated pursuant to  
6           part D of this title during the preceding fiscal year and  
7           the amount of such allocation.

8           “(b) Each applicant for funds under this part shall certi-  
9           fy that its program or project meets all the requirements of  
10          this section, that all the information contained in the applica-  
11          tion is correct, and that the applicant will comply with all the  
12          provisions of this title and all other applicable Federal laws.  
13          Such certification shall be made in a form acceptable to the  
14          Administration.

15          “SEC. 505. (a) The Administration shall, after appropri-  
16          ate consultation with representatives of State and local gov-  
17          ernments and representatives of the various components of  
18          the justice system at all levels of government, establish rea-  
19          sonable requirements consistent with this part for the award  
20          of national priority grants. Procedures for awards of national  
21          priority grants shall be published in the Federal Register and  
22          no national priority grant shall be made in a manner incon-  
23          sistent with these procedures. The Administration in deter-  
24          mining whether to award a priority grant to an eligible juris-  
25          diction shall give consideration to the criminal justice needs

1 and efforts of eligible jurisdictions, to the need for continuing  
2 programs which would not otherwise be continued because of  
3 the lack of adequate part D funds, and to the degree to which  
4 an eligible jurisdiction has expended or proposes to expend  
5 funds from part D or other sources of funds, including other  
6 Federal grants, for priority programs and projects. No juris-  
7 diction shall be denied a priority grant solely on the basis of  
8 its population.

9       “(b) Grants under this part may be made in an amount  
10 equal to 50 per centum of the cost of the priority program or  
11 project for which such grant is made. The remaining costs  
12 may be provided from part D funds or from any other source  
13 of funds, including other Federal grants, available to the eli-  
14 gible jurisdiction.

15       “(c) Amounts reserved and set aside pursuant to this  
16 part in any fiscal year, but not used in such year, may be  
17 used by the Administration to provide additional financial as-  
18 sistance to priority programs or projects of demonstrated ef-  
19 fectiveness in improving the functioning of the criminal jus-  
20 tice system, notwithstanding the provisions of section 505(b)  
21 of this title.

22       “(d) The Administration may provide financial aid and  
23 assistance to programs or projects under this part for a period  
24 not to exceed three years. Grants made pursuant to this part  
25 may be extended or renewed by the Administration for an

1 additional period of up to two years if an evaluation of the  
2 program or project indicates that it has been effective in  
3 achieving the stated goals. The Administration shall assure  
4 that the problems and needs of all of the States are taken into  
5 account in distributing funds under this part among the  
6 States.

7 "PART F—DISCRETIONARY GRANTS

8 "SEC. 601. It is the purpose of this part, through the  
9 provision of additional Federal financial assistance, to en-  
10 courage States, units of local government, combinations of  
11 such units, or private nonprofit organizations to—

12 "(a) undertake programs and projects to improve  
13 and strengthen the criminal justice system;

14 "(b) improve the comprehensive planning and co-  
15 ordination of State and local criminal justice activities;  
16 and

17 "(c) provide for the equitable distribution of funds  
18 under this title among all segments and components of  
19 the criminal justice system.

20 "SEC. 602. Of the total amount appropriated for parts  
21 D, E, and F of this title in any fiscal year 10 per centum  
22 shall be reserved and set aside pursuant to this part in a  
23 special discretionary fund for use by the Administration in  
24 making grants (in addition to any other grants which may be  
25 made under this title to the same entities or for the same



1 purposes) to States, units of local government, combinations  
2 of such units, or private nonprofit organizations, for the pur-  
3 poses set forth in section 601 of this title. The Administrator  
4 shall assure that funds allocated under this subsection to pri-  
5 vate nonprofit organizations shall be used for the purpose of  
6 developing and conducting programs and projects which  
7 would not otherwise be undertaken pursuant to this title in-  
8 cluding programs and projects—

9           “(1) to stimulate and encourage the improvement  
10 of justice and the modernization of State court oper-  
11 ations by means of financial assistance to national non-  
12 profit organizations operating in conjunction with and  
13 serving the judicial branches of State governments;

14           “(2) to provide national education and training  
15 programs for State and local prosecutors, defense per-  
16 sonnel, judges and judicial personnel, and to dissemi-  
17 nate and demonstrate new legal developments and  
18 methods by means of teaching, special projects, prac-  
19 tice, and the publication of manuals and materials to  
20 improve the administration of criminal justice. Organi-  
21 zations supported under this subsection will assist  
22 State and local agencies in the education and training  
23 of personnel on a State and regional basis; and

24           “(3) to support community and neighborhood anti-  
25 crime programs.

1       “SEC. 603. (a) The Office of Justice Assistance, Re-  
2 search, and Statistics shall periodically establish discretion-  
3 ary programs and projects for financial assistance under this  
4 part. Such programs and projects shall be considered prior-  
5 ities for a period of time not to exceed three years from the  
6 time of such determination.

7       “(b) The Office of Justice Assistance, Research, and  
8 Statistics shall annually request the National Institute of  
9 Justice, the Bureau of Justice Statistics, the Law Enforce-  
10 ment Assistance Administration, State and local govern-  
11 ments, and other appropriate public and private agencies to  
12 suggest discretionary programs and projects. The Office of  
13 Justice Assistance, Research, and Statistics shall then, pur-  
14 suant to regulations, annually publish the proposed priorities  
15 pursuant to this part and invite and encourage public com-  
16 ment concerning such priorities. Priorities shall not be estab-  
17 lished or modified until the Office of Justice Assistance, Re-  
18 search, and Statistics has provided at least sixty-days ad-  
19 vance notice for such public comment and it shall encourage  
20 and invite recommendations and opinion concerning such pri-  
21 orities from appropriate agencies and officials of State and  
22 units of local government. After considering any comments  
23 submitted during such period of time and after consultation  
24 with the Attorney General and appropriate agencies and offi-  
25 cials of State and units of local government, the Office of

1 Justice Assistance, Research, and Statistics shall determine  
2 whether existing established priorities should be modified.  
3 The Office of Justice Assistance, Research, and Statistics  
4 shall publish in the Federal Register the priorities established  
5 pursuant to this part prior to the beginning of fiscal year  
6 1981 and each fiscal year thereafter for which appropriations  
7 will be available to carry out the program.

8 "SEC. 604. (a) No grant may be made pursuant to this  
9 part unless an application has been submitted to the Adminis-  
10 tration in which the applicant—

11 "(1) sets forth a program or project which is eligi-  
12 ble for funding pursuant to this part;

13 "(2) describes the services to be provided, per-  
14 formance goals and the manner in which the program  
15 is to be carried out;

16 "(3) describes the method to be used to evaluate  
17 the program or project in order to determine its impact  
18 and effectiveness in achieving the stated goals and  
19 agrees to conduct such evaluation according to the pro-  
20 cedures and terms established by the Office of Justice  
21 Assistance, Research, and Statistics; and

22 "(4) indicates, if it is a private nonprofit organiza-  
23 tion, that it has consulted with appropriate agencies  
24 and officials of State and units of local government to  
25 be affected by the program and project.

1       “(b) Each applicant for funds under this part shall cer-  
2 tify that its program or project meets all the requirements of  
3 this section, that all the information contained in the applica-  
4 tion is correct, and that the applicant will comply with all the  
5 provisions of this title and all other applicable Federal laws.  
6 Such certification shall be made in a form acceptable to the  
7 Administration.

8       “SEC. 605. The Administration shall, in its discretion  
9 and according to the criteria and on the terms and conditions  
10 it determines consistent with this part, provide financial as-  
11 sistance to those programs or projects which most clearly  
12 satisfy the priorities established by the Office of Justice As-  
13 sistance, Research, and Statistics. In providing such assist-  
14 ance pursuant to this part, the Administration shall consider  
15 whether certain segments and components of the criminal  
16 justice system have received a disproportionate allocation of  
17 financial aid and assistance pursuant to other parts of this  
18 title, and, if such a finding is made, shall assure the funding  
19 of such other segments and components of the criminal jus-  
20 tice system as to correct inequities resulting from such dis-  
21 proportionate allocations. Federal funding under this part  
22 may be up to 100 per centum of the cost of the program.

23       “SEC. 606. The Administration may provide financial  
24 aid and assistance to programs or projects under this part for  
25 a period not to exceed three years. Grants made pursuant to

1 this part may be extended or renewed by the Administration  
2 for an additional period of up to two years if—

3           “(a) an evaluation of the program or project indi-  
4 cates that it has been effective in achieving the stated  
5 goals; and

6           “(b) the State, unit of local government, or combi-  
7 nation thereof and private nonprofit organizations  
8 within which the program or project has been conduct-  
9 ed agrees to provide at least one-half of the total cost  
10 of such program or project from part D funds or from  
11 any other source of funds, including other Federal  
12 grants, available to the eligible jurisdiction.

13       “PART G—TRAINING AND MANPOWER DEVELOPMENT

14       “SEC. 701. It is the purpose of this part to provide for  
15 and encourage training, manpower development, and new  
16 personnel practices for the purpose of improving the criminal  
17 justice system.

18       “SEC. 702. (a) The Administration is authorized to es-  
19 tablish and support a training program for prosecuting attor-  
20 neys from State and local agencies engaged in the prosecu-  
21 tion of white collar and organized crime. The program shall  
22 be designed to develop new or improved approaches, tech-  
23 niques, systems, manuals, and devices to strengthen prosecu-  
24 tive capabilities against white collar and organized crime.

1       “(b) While participating in the training program or trav-  
2 eling in connection with participation in the training pro-  
3 gram, State and local personnel may be allowed travel  
4 expenses and a per diem allowance in the same manner as  
5 prescribed under section 5703(b) of title 5, United States  
6 Code, for persons employed intermittently in the Govern-  
7 ment service.

8       “(c) The cost of training State and local personnel under  
9 this section shall be provided out of funds appropriated to the  
10 Administration for the purpose of such training.

11       “SEC. 703. (a) The Administration is authorized—

12               “(1) to assist in conducting local, regional, or na-  
13 tional training programs for the training of State and  
14 local criminal justice personnel, including but not lim-  
15 ited to those engaged in the investigation of crime and  
16 apprehension of criminals, community relations, the  
17 prosecution, defense, or adjudication of those charged  
18 with crime, corrections, rehabilitation, probation, and  
19 parole of offenders. Such training activities shall be de-  
20 signed to supplement and improve rather than supplant  
21 the training activities of the State and units of general  
22 local government and shall not duplicate the training  
23 activities of the Federal Bureau of Investigation. While  
24 participating in the training program or traveling in  
25 connection with participation in the training program,

1 State and local personnel may be allowed travel ex-  
2 penses and a per diem allowance in the same manner  
3 as prescribed under section 5703(b) of title 5, United  
4 States Code, for persons employed intermittently in the  
5 Government service;

6 “(2) to carry out a program of planning, develop-  
7 ment, demonstration, and evaluation of training pro-  
8 grams for State and local criminal justice personnel;

9 “(3) to assist in conducting programs relating to  
10 recruitment, selection, placement, and career develop-  
11 ment practices of State and local law enforcement and  
12 criminal justice personnel, and to assist State and local  
13 governments in planning manpower programs for  
14 criminal justice; and

15 “(4) to carry out a program of planning, develop-  
16 ment, demonstration, and evaluation of recruitment, se-  
17 lection, and placement practices.

18 “(b) The amount of a grant or contract under this sec-  
19 tion may be up to 100 per centum of the total cost of a  
20 program, but the total financial support may not exceed 80  
21 per centum of the total operating budget of any funded insti-  
22 tutions or programs.

23 “(1) Institutions funded under this section shall  
24 assure that to the maximum extent feasible efforts shall  
25 be made to increase the non-Federal share of the total

operating budgets of such institutions or programs with the objective of becoming self-sustaining.

“(2) To the greatest extent possible funds appropriated for the purposes of this section shall not be utilized to provide per diem or subsistence for State and local officials receiving such training.

“SEC. 704. (a) The Director of the Federal Bureau of Investigation is authorized to—

“(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

“(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

“(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police



1 training while such persons are actually employed as  
2 officers of such State or unit.

3 "(b) In the exercise of the functions, powers, and duties  
4 established under this section the Director of the Federal  
5 Bureau of Investigation shall be under the general authority  
6 of the Attorney General.

7 "SEC. 705. (a) Pursuant to the provisions of subsections  
8 (b) and (c) of this section, the Administration is authorized,  
9 after appropriate consultation with the Commissioner of Edu-  
10 cation, to carry out programs of academic educational assist-  
11 ance to improve and strengthen criminal justice.

12 "(b) The Administration is authorized to enter into con-  
13 tracts to make, and make payments to institutions of higher  
14 education for loans, not exceeding \$2,200 per academic year  
15 to any person, to persons enrolled on a full-time basis in un-  
16 dergraduate or graduate programs approved by the Adminis-  
17 tration and leading to degrees or certificates in areas directly  
18 related to criminal justice or suitable for persons employed in  
19 criminal justice, with special consideration to police or cor-  
20 rectional personnel of States or units of general local govern-  
21 ment on academic leave to earn such degrees or certificates.  
22 Loans to persons assisted under this subsection shall be made  
23 on such terms and conditions as the Administration and the  
24 institution offering such programs may determine, except that  
25 the total amount of any such loan, plus interest, shall be

1 canceled for service as a full-time officer or employee of a  
2 criminal justice agency at the rate of 25 per centum of the  
3 total amount of such loan plus interest for each complete year  
4 of such service or its equivalent of such service, as deter-  
5 mined under regulations of the Administration.

6       “(c) The Administration is authorized to enter into con-  
7 tracts to make, and make payments to institutions of higher  
8 education for tuition, books, and fees, not exceeding \$250 per  
9 academic quarter or \$400 per semester for any person, for  
10 officers of any publicly funded criminal justice agency en-  
11 rolled on a full-time or part-time basis in courses included in  
12 an undergraduate or graduate program which is approved by  
13 the Administration and which leads to a degree or certificate  
14 in an area related to criminal justice or an area suitable for  
15 persons employed in criminal justice. Assistance under this  
16 subsection may be granted only on behalf of an applicant who  
17 enters into an agreement to remain in the service of a crimi-  
18 nal justice agency employing such applicant for a period of  
19 two years following completion of any course for which pay-  
20 ments are provided under this subsection, and in the event  
21 such service is not completed, to repay the full amount of  
22 such payments on such terms and in such manner as the  
23 Administration may prescribe.

24       “(d) Full-time teachers or persons preparing for careers  
25 as full-time teachers of courses related to criminal justice or

1 suitable for persons employed in criminal justice, in institu-  
2 tions of higher education which are eligible to receive funds  
3 under this section, shall be eligible to receive assistance  
4 under subsections (b) and (c) of this section as determined  
5 under regulations of the Administration.

6       “(e) The Administration is authorized to make grants to  
7 or enter into contracts with institutions of higher education,  
8 or combinations of such institutions, to assist them in plan-  
9 ning, developing, strengthening, improving, or carrying out  
10 programs or projects for the development or demonstration of  
11 improved methods of criminal justice education, including—

12               “(1) planning for the development or expansion of  
13 undergraduate or graduate programs in law enforce-  
14 ment and criminal justice;

15               “(2) education and training of faculty members;

16               “(3) strengthening the criminal justice aspects of  
17 courses leading to an undergraduate, graduate, or pro-  
18 fessional degree; and

19               “(4) research into, and development of, methods  
20 of educating students or faculty, including the prepara-  
21 tion of teaching materials and the planning of curricu-  
22 lums. The amount of a grant or contract may be up to  
23 75 per centum of the total cost of programs and pro-  
24 jects for which a grant or contract is made.

1       “(f) The Administration is authorized to enter into con-  
2 tracts to make, and make payments to institutions of higher  
3 education for grants not exceeding \$65 per week to persons  
4 enrolled on a full-time basis in undergraduate or graduate  
5 degree programs who are accepted for and serve in full-time  
6 internships in criminal justice agencies for not less than eight  
7 weeks during any summer recess or for any entire quarter or  
8 semester on leave from the degree program.

9       “(g) The functions, powers, and duties specified in this  
10 section to be carried out by the Administrator shall be trans-  
11 ferred to the Secretary of the Department of Education upon  
12 its establishment by an Act of Congress.

13               “PART H—ADMINISTRATIVE PROVISIONS

14       “SEC. 801. (a) There is established within the Depart-  
15 ment of Justice, under the authority of the Attorney General,  
16 an Office of Justice Assistance, Research, and Statistics. The  
17 chief officer of the Office of Justice Assistance, Research,  
18 and Statistics shall be a Director appointed by the President  
19 by and with the advice and consent of the Senate.

20       “(b) The Office of Justice Assistance, Research, and  
21 Statistics shall directly provide staff support to, set broad  
22 policy guidelines for, and coordinate the activities of the Na-  
23 tional Institute of Justice, the Bureau of Justice Statistics,  
24 and the Law Enforcement Assistance Administration.

1       “(c) There is hereby established a Justice Assistance,  
2 Research, and Statistics Advisory Board (the ‘Board’). The  
3 Board shall consist of twenty-one members who shall be ap-  
4 pointed by the Attorney General. The members shall repre-  
5 sent the public interest and should be experienced in the civil,  
6 criminal, or juvenile justice systems, including but not limited  
7 to representatives of States and units of local government,  
8 representatives of police, courts, corrections, and other com-  
9 ponents of the justice system at all levels of government,  
10 members of the academic and research community, officials  
11 of neighborhood and community organizations, and the gen-  
12 eral public. The Board, by majority vote, shall elect from  
13 among its members a Chairman and Vice Chairman. The  
14 Vice Chairman is authorized to sit and act in the place and  
15 stead of the Chairman in the absence of the Chairman. The  
16 Director shall also be a member of the Board but may not  
17 serve as Chairman or Vice Chairman. Vacancies in the mem-  
18 bership of the Board shall not affect the power of the remain-  
19 ing members to execute the functions of the Board and shall  
20 be filled in the same manner as in the case of the original  
21 appointment. The Administrator of the Law Enforcement  
22 Assistance Administration, the Administrator of the Office of  
23 Juvenile Justice and Delinquency Prevention, the Director of  
24 the Bureau of Justice Statistics, and the Director of the Na-  
25 tional Institute of Justice shall serve as ex officio members of

1 the Board but shall be ineligible to serve as Chairman or  
2 Vice Chairman.

3           “(1) The Board, after appropriate consultation  
4 with representatives of State and local governments,  
5 may make such rules respecting its organization and  
6 procedures as it deems necessary, except that no rec-  
7 ommendation shall be reported from the Board unless a  
8 majority of the Board assents.

9           “(2) The term of office of each member of the  
10 Board appointed under subsection (c) shall be three  
11 years except that any such member appointed to fill a  
12 vacancy occurring prior to the expiration of the term  
13 for which its predecessor was appointed shall be ap-  
14 pointed for the remainder of such term. Terms of the  
15 members appointed under subsection (c) shall be stag-  
16 gered so as to establish a rotating membership accord-  
17 ing to such method as the Attorney General may  
18 devise. The members of the Board appointed under  
19 subsection (c) shall receive compensation for each day  
20 engaged in the actual performance of duties vested in  
21 the Board at rates of pay not in excess of the daily  
22 equivalent of the highest rate of basic pay set forth in  
23 the General Schedule of section 5332(a) of title 5,  
24 United States Code, and in addition shall be reim-  
25 bursed for travel, subsistence, and other necessary ex-

1       penses. No member shall serve for more than two con-  
2       secutive terms.

3       “SEC. 802. (a) The Office of Justice Assistance, Re-  
4       search, and Statistics, the Law Enforcement Assistance Ad-  
5       ministration, the Bureau of Justice Statistics, and the Na-  
6       tional Institute of Justice are authorized, after appropriate  
7       consultation with representatives of States and units of local  
8       government, to establish such rules, regulations, and proce-  
9       dures as are necessary to the exercise of their functions, and  
10      are consistent with the stated purpose of this title.

11      “(b) The Law Enforcement Assistance Administration  
12      shall, after consultation with the National Institute of Jus-  
13      tice, the Bureau of Justice Statistics, State and local govern-  
14      ments, and the appropriate public and private agencies, es-  
15      tablish such rules and regulations as are necessary to assure  
16      the continuing evaluation of the programs or projects con-  
17      ducted pursuant to parts D, E, and F of this title, in order to  
18      determine—

19           “(1) whether such programs or projects have  
20           achieved the performance goals stated in the original  
21           application;

22           “(2) whether such programs or projects have con-  
23           tributed or are likely to contribute to the improvement  
24           of the criminal justice system and the reduction and  
25           prevention of crime;

1           “(3) their cost in relation to their effectiveness in  
2           achieving stated goals;

3           “(4) their impact on communities and participants;  
4           and

5           “(5) their implication for related programs.

6 In conducting the evaluations called for by this subsection,  
7 the Law Enforcement Assistance Administration shall, when  
8 practical, compare the effectiveness of programs conducted  
9 by similar applicants and different applicants, and shall com-  
10 pare the effectiveness of programs or projects conducted by  
11 States and units of local government pursuant to part D of  
12 this title with similar programs carried out pursuant to parts  
13 E and F of this title. The Law Enforcement Assistance Ad-  
14 ministration shall require applicants under part D of this title  
15 to submit an annual performance report concerning activities  
16 carried out pursuant to part D of this title together with an  
17 assessment by the applicant of the effectiveness of those ac-  
18 tivities in achieving the objectives of section 401 of this title  
19 and the relationships of those activities to the needs and ob-  
20 jectives specified by the applicant in the application submit-  
21 ted pursuant to section 403 of this title. The administration  
22 shall suspend funding for an approved application under part  
23 D of this title if an applicant fails to submit such an annual  
24 performance report.



1       “(c) The procedures established to implement the provi-  
2 sions of this title shall minimize paperwork and prevent need-  
3 less duplication and unnecessary delays in award and expend-  
4 iture of funds at all levels of government.

5       “SEC. 803. (a) Whenever, after reasonable notice and  
6 opportunity for a hearing on the record in accordance with  
7 section 554 of title 5, United States Code, either the Nation-  
8 al Institute of Justice, the Bureau of Justice Statistics, or the  
9 Law Enforcement Assistance Administration finds that a re-  
10 cipient of their respective assistance under this title has failed  
11 to comply substantially with—

12               “(1) any provision of this title;

13               “(2) any regulations or guidelines promulgated  
14 under this title; and

15               “(3) any application submitted in accordance with  
16 the provisions of this title, or the provisions of any  
17 other applicable Federal Act, they, until satisfied that  
18 there is no longer any such failure to comply, shall—

19                       “(i) terminate payments to the recipient  
20 under this title;

21                       “(ii) reduce payments to the recipient under  
22 this title by an amount equal to the amount of  
23 such payments which were not expended in ac-  
24 cordance with this title; or

1                   “(iii) limit the availability of payments under  
2                   this title to programs, projects, or activities not  
3                   affected by such failure to comply.

4                   “(b) If a State grant application filed under part D or if  
5                   any grant application filed under any other part of this title  
6                   has been rejected or a State applicant under part D or an  
7                   applicant under any other part has been denied a grant or has  
8                   had a grant, or any portion of a grant, discontinued, or has  
9                   been given a grant in a lesser amount that such applicant  
10                  believes appropriate under the provisions of this title, the Na-  
11                  tional Institute of Justice, the Bureau of Justice Statistics, or  
12                  the Law Enforcement Assistance Administration, as appro-  
13                  priate, shall notify the applicant or grantee of its action and  
14                  set forth the reason for the action taken. Whenever such an  
15                  applicant or grantee requests a hearing, the National Insti-  
16                  tute of Justice, the Bureau of Justice Statistics, the Law  
17                  Enforcement Assistance Administration, or any authorized  
18                  officer thereof, is authorized and directed to hold such hear-  
19                  ings or investigations, including hearings on the record in  
20                  accordance with section 554 of title 5, United States Code,  
21                  at such times and places as necessary, following appropriate  
22                  and adequate notice to such applicant; and the findings of fact  
23                  and determinations made with respect thereto shall be final  
24                  and conclusive, except as otherwise provided herein.

1           “(c) If such recipient is dissatisfied with the findings and  
2 determinations of the Law Enforcement Assistance Adminis-  
3 tration, the Bureau of Justice Statistics, or the National In-  
4 stitute of Justice, following notice and hearing provided for in  
5 subsection (a) of this section, a request may be made for re-  
6 hearing, under such regulations and procedures as the Office  
7 of Justice Assistance, Research, and Statistics may establish,  
8 and such recipient shall be afforded an opportunity to present  
9 such additional information as may be deemed appropriate  
10 and pertinent to the matter involved.

11           “SEC. 804. In carrying out the functions vested by this  
12 title in the Law Enforcement Assistance Administration, the  
13 Bureau of Justice Statistics, or the National Institute of Jus-  
14 tice, their determinations, findings, and conclusions shall,  
15 after reasonable notice and opportunity for a hearing, be final  
16 and conclusive upon all applications, except as otherwise pro-  
17 vided herein.

18           “SEC. 805. (a) If any applicant or recipient is dissatis-  
19 fied with a final action with respect to section 803 or section  
20 804 of this part, such applicant or recipient may, within sixty  
21 days after notice of such action, file with the United States  
22 court of appeals for the circuit in which such applicant or  
23 recipient is located, or in the United States Court of Appeals  
24 for the District of Columbia, a petition for review of the  
25 action. A copy of the petition shall forthwith be transmitted

1 by the petitioner to the Law Enforcement Assistance Admin-  
2 istration, the Bureau of Justice Statistics, or the National  
3 Institute of Justice and the Attorney General of the United  
4 States, who shall represent the Federal Government in the  
5 litigation. The Law Enforcement Assistance Administration,  
6 the Bureau of Justice Statistics, or the National Institute of  
7 Justice, as appropriate, shall thereupon file in the court the  
8 record of the proceeding on which the action was based, as  
9 provided in section 2112 of title 28, United States Code. No  
10 objection to the action shall be considered by the court unless  
11 such objection has been urged before the Law Enforcement  
12 Assistance Administration, the Bureau of Justice Statistics,  
13 or the National Institute of Justice as appropriate.

14       “(b) The court shall have jurisdiction to affirm or modify  
15 a final action or to set it aside in whole or in part. The find-  
16 ings of fact by the Law Enforcement Assistance Administra-  
17 tion, the Bureau of Justice Statistics, the National Institute  
18 of Justice, or the Office of Justice Assistance, Research, and  
19 Statistics, if supported by substantial evidence on the record  
20 considered as a whole, shall be conclusive, but the court, for  
21 good cause shown, may remand the case to the Law Enforce-  
22 ment Assistance Administration, the National Institute of  
23 Justice, the Bureau of Justice Statistics, or the Office of Jus-  
24 tice Assistance, Research, and Statistics to take additional  
25 evidence to be made part of the record. The Law Enforce-

1 ment Assistance Administration, the Bureau of Justice Sta-  
2 tistics, the National Institute of Justice, or the Office of Jus-  
3 tice Assistance, Research, and Statistics may thereupon  
4 make new or modified findings of fact by reason of the new  
5 evidence so taken and filed with the court and shall file such  
6 modified or new findings along with any recommendations it  
7 may have for the modification or setting aside of its original  
8 action. All new or modified findings shall be conclusive with  
9 respect to questions of fact if supported by substantial evi-  
10 dence when the record as a whole is considered.

11       “(c) Upon the filing of such petition, the court shall have  
12 jurisdiction to affirm the action of the Law Enforcement As-  
13 sistance Administration, the Bureau of Justice Statistics, the  
14 National Institute of Justice, or the Office of Justice Assist-  
15 ance, Research, and Statistics or to set it aside, in whole or  
16 in part. The judgment of the court shall be subject to review  
17 by the Supreme Court of the United States upon writ of cer-  
18 tiorari or certifications as provided in section 1254 of title 28,  
19 United States Code.

20       “SEC. 806. The Office of Justice Assistance, Research,  
21 and Statistics, the National Institute of Justice, the Bureau  
22 of Justice Statistics, or the Law Enforcement Assistance Ad-  
23 ministration may delegate to any of their respective officers  
24 or employees such functions as they deem appropriate.

1       “SEC. 807. In carrying out their functions, the Office of  
2 Justice Assistance, Research, and Statistics, the National In-  
3 stitute of Justice, the Bureau of Justice Statistics, or the  
4 Law Enforcement Assistance Administration, or upon au-  
5 thorization, any member thereof or any hearing examiner or  
6 administrative law judge assigned to or employed thereby  
7 shall have the power to hold hearings and issue subpoenas,  
8 administer oaths, examine witnesses, and receive evidence at  
9 any place in the United States they may designate.

10       “SEC. 808. Section 5314 of title 5, United States Code,  
11 is amended as follows:

12             “(a) by adding at the end thereof—

13             “‘( ) Director, Office of Justice Assistance, Re-  
14 search, and Statistics.’

15             “(b) by deleting—

16             “‘(55) Administrator of the Law Enforcement As-  
17 sistance Administration.’

18       “SEC. 809. Title 5, United States Code, is amended as  
19 follows:

20             “(a) Section 5315 (90) is amended by deleting ‘Deputy  
21 Administrator for Policy Development of the Law Enforce-  
22 ment Assistance Administration’ and by adding at the end  
23 thereof—

24             “‘( ) Administrator of Law Enforcement Assist-  
25 ance.

1           “( ) Director of the National Institute of Jus-  
2       tice.’

3           “( ) Director of the Bureau of Justice Statis-  
4       tics.’

5       “(b) Section 5316 of title 5, United States Code, is  
6       amended by deleting at the end thereof the following:

7           “(133) Deputy Administrator for Administration  
8       of Law Enforcement Assistance Administration.’

9       “(c) Section 5108(c)(10) is amended by deleting the  
10      word ‘twenty’ and inserting in lieu thereof the word ‘twenty-  
11      two’.

12      “SEC. 810. Subject to the Civil Service and classifica-  
13      tion laws, the Office of Justice Assistance, Research, and  
14      Statistics, the National Institute of Justice, the Bureau of  
15      Justice Statistics, and the Law Enforcement Assistance Ad-  
16      ministration are authorized to select, appoint, employ, and fix  
17      compensation of such officers and employees as shall be nec-  
18      essary to carry out their powers and duties under this title  
19      and are authorized to select, appoint, employ, and fix com-  
20      pensation of such hearing examiner or administrative law  
21      judge or to request the use of such administrative law judges  
22      selected by the Civil Service Commission pursuant to section  
23      3344 of title 5, United States Code, as shall be necessary to  
24      carry out their powers and duties under this title.

1       “SEC. 811. The Office of Justice Assistance, Research,  
2 and Statistics, the National Institute of Justice, the Bureau  
3 of Justice Statistics, and the Law Enforcement Assistance  
4 Administration are authorized, on a reimbursable basis when  
5 appropriate, to use the available services, equipment, person-  
6 nel, and facilities of Federal, State, and local agencies to the  
7 extent deemed appropriate after giving due consideration to  
8 the effectiveness of such existing services, equipment, per-  
9 sonnel, and facilities.

10       “SEC. 812. In carrying out the provisions of this title,  
11 including the issuance of regulations, the Office of Justice  
12 Assistance, Research, and Statistics shall consult with other  
13 Federal departments and agencies and State and local offi-  
14 cials.

15       “SEC. 813. (a) The Office of Justice Assistance, Re-  
16 search, and Statistics, the National Institute of Justice, the  
17 Bureau of Justice Statistics, and the Law Enforcement As-  
18 sistance Administration may arrange with and reimburse the  
19 heads of other Federal departments and agencies for the per-  
20 formance of any of its functions under this title.

21       “(b) The National Institute of Justice, the Bureau of  
22 Justice Statistics, the Law Enforcement Assistance Adminis-  
23 tration, and the Office of Justice Assistance, Research, and  
24 Statistics in carrying out their respective functions may use  
25 grants, contracts, or cooperative agreements in accordance



1 with the standards established in the Federal Grant and Co-  
2 operative Agreement Act of 1977 (41 U.S.C. 501).

3 "SEC. 814. (a) The Office of Justice Assistance, Re-  
4 search, and Statistics, the National Institute of Justice, the  
5 Bureau of Justice Statistics, and the Law Enforcement As-  
6 sistance Administration may procure the services of experts  
7 and consultants in accordance with section 3109 of title 5,  
8 United States Code, at rates of compensation for individuals  
9 not to exceed the daily equivalent of the rate authorized for  
10 GS-18 by section 5332 of title 5, United States Code.

11 "(b) The Office of Justice Assistance, Research, and  
12 Statistics, the National Institute of Justice, the Bureau of  
13 Justice Statistics, and the Law Enforcement Assistance Ad-  
14 ministration are authorized to appoint, without regard to the  
15 civil service laws, technical or other advisory committees to  
16 advise them with respect to the administration of this title as  
17 they deem necessary. Members of those committees not oth-  
18 erwise in the employ of the United States, while engaged in  
19 advising them or attending meetings of the committees, shall  
20 be compensated at rates to be fixed by the Offices but not to  
21 exceed the daily equivalent of the rate authorized for GS-18  
22 by section 5332 of title 5 of the United States Code and  
23 while away from home or regular place of business they may  
24 be allowed travel expenses, including per diem in lieu of sub-

1 sistence, as authorized by section 5703 of such title 5 for  
2 persons in the Government service employed intermittently.

3       “SEC. 815. (a) Nothing contained in this title or any  
4 other Act shall be construed to authorize any department,  
5 agency, officer, or employee of the United States to exercise  
6 any direction, supervision, or control over any police force or  
7 any other criminal justice agency of any State or any political  
8 subdivision thereof.

9       “(b) Notwithstanding any other provision of law nothing  
10 contained in this title shall be construed to authorize the Na-  
11 tional Institute of Justice, the Bureau of Justice Statistics, or  
12 the Law Enforcement Assistance Administration—

13           “(1) to require, or condition the availability or  
14 amount of a grant upon the adoption by an applicant  
15 or grantee under this title of a percentage ratio, quota  
16 system, or other program to achieve racial balance in  
17 any criminal justice agency; or

18           “(2) to deny or discontinue a grant because of the  
19 refusal of an applicant or grantee under this title to  
20 adopt such a ratio, system, or other program.

21       “(c)(1) No person in any State shall on the ground of  
22 race, color, religion, national origin, or sex be excluded from  
23 participation in, be denied the benefits of, or be subjected to  
24 discrimination under or denied employment in connection

1 with any programs or activity funded in whole or in part with  
2 funds made available under this title.

3 “(2)(A) Whenever there has been—

4 “(i) receipt of notice of a finding, after notice and  
5 opportunity for a hearing, by a Federal court (other  
6 than in an action brought by the Attorney General) or  
7 State court, or by a Federal or State administrative  
8 agency (other than the Office of Justice Assistance,  
9 Research, and Statistics under subparagraph (ii)), to  
10 the effect that there has been a pattern or practice of  
11 discrimination in violation of subsection (c)(1); or

12 “(ii) a determination after an investigation by the  
13 Office of Justice Assistance, Research, and Statistics  
14 (prior to a hearing under subparagraph (F) but includ-  
15 ing an opportunity for the State government or unit of  
16 general local government to make a documentary sub-  
17 mission regarding the allegation of discrimination with  
18 respect to such program or activity, with funds made  
19 available under this title) that a State government or  
20 unit of general local government is not in compliance  
21 with subsection (c)(1);

22 the Office of Justice Assistance, Research, and Statistics  
23 shall, within ten days after such occurrence, notify the chief  
24 executive of the affected State, or the State in which the  
25 affected unit of general local government is located, and the

1 chief executive of such unit of general local government, that  
2 such program or activity has been so found or determined not  
3 be in compliance with subsection (c)(1), and shall request  
4 each chief executive, notified under this subparagraph with  
5 respect to such violation, to secure compliance. For purposes  
6 of subparagraph (i) a finding by a Federal or State adminis-  
7 trative agency shall be deemed rendered after notice and op-  
8 portunity for a hearing if it is rendered pursuant to proce-  
9 dures consistent with the provisions of subchapter II of chap-  
10 ter 5, title 5, United States Code.

11       “(B) In the event the chief executive secures compliance  
12 after notice pursuant to subparagraph (A), the terms and con-  
13 ditions with which the affected State government or unit of  
14 general local government agrees to comply shall be set forth  
15 in writing and signed by the chief executive of the State, by  
16 the chief executive of such unit (in the event of a violation by  
17 a unit of general local government), and by the Office of Jus-  
18 tice Assistance, Research, and Statistics. On or prior to the  
19 effective date of the agreement, the Office of Justice Assist-  
20 ance, Research, and Statistics shall send a copy of the agree-  
21 ment to each complainant, if any, with respect to such viola-  
22 tion. The chief executive of the State, or the chief executive  
23 of the unit (in the event of a violation by a unit of general  
24 local government) shall file semiannual reports with the  
25 Office of Justice Assistance, Research and Statistics detailing

1 the steps taken to comply with the agreement. Within fifteen  
2 days of receipt of such reports, the Office of Justice Assist-  
3 ance, Research, and Statistics shall send a copy thereof to  
4 each such complainant.

5 “(C) If, at the conclusion of ninety days after notifica-  
6 tion under subparagraph (A)—

7 “(i) compliance has not been secured by the chief  
8 executive of that State or the chief executive of that  
9 unit of general local government; and

10 “(ii) an administrative law judge has not made a  
11 determination under subparagraph (F) that it is likely  
12 the State government or unit of local government will  
13 prevail on the merits; the Office of Justice Assistance,  
14 Research, and Statistics shall notify the Attorney Gen-  
15 eral that compliance has not been secured and caused  
16 to have suspended further payment of any funds under  
17 this title to that program or activity. Such suspension  
18 shall be limited to the specific program or activity cited  
19 by the Office of Justice Assistance, Research, and Sta-  
20 tistics in the notice under subparagraph (A). Such sus-  
21 pension shall be effective for a period of not more than  
22 one hundred and twenty days, or, if there is a hearing  
23 under subparagraph (G), not more than thirty days  
24 after the conclusion of such hearing, unless there has  
25 been an express finding by the Office of Justice Assist-

1       ance, Research, and Statistics after notice and opportu-  
2       nity for such a hearing, that the recipient is not in  
3       compliance with subsection (c)(1).

4       “(D) Payment of the suspended funds shall resume only

5 if—

6           “(i) such State government or unit of general  
7       local government enters into a compliance agreement  
8       approved by the Office of Justice Assistance, Re-  
9       search, and Statistics and the Attorney General in ac-  
10      cordance with subparagraph (B);

11          “(ii) such State government or unit of general  
12      local government complies fully with the final order or  
13      judgment of a Federal or State court, or by a Federal  
14      or State administrative agency if that order or judg-  
15      ment covers all the matters raised by the Office of Jus-  
16      tice Assistance, Research, and Statistics in the notice  
17      pursuant to subparagraph (A), or is found to be in com-  
18      pliance with subsection (c)(1) by such court; or

19          “(iii) after a hearing the Office of Justice Assist-  
20      ance, Research, and Statistics pursuant to subpara-  
21      graph (F) finds that noncompliance has not been dem-  
22      onstrated.

23       “(E) Whenever the Attorney General files a civil action  
24      alleging a pattern or practice of discriminatory conduct on  
25      the basis of race, color, religion, national origin, or sex in any

1 program or activity of a State-government or unit of local  
2 government which State government or unit of local govern-  
3 ment receives funds made available under this title, and the  
4 conduct allegedly violates the provisions of this section and  
5 neither party within forty-five days after such filing has been  
6 granted such preliminary relief with regard to the suspension  
7 or payment of funds as may be otherwise available by law,  
8 the Office of Justice Assistance, Research, and Statistics  
9 shall cause to have suspended further payment of any funds  
10 under this title to that specific program or activity alleged by  
11 the Attorney General to be in violation of the provisions of  
12 this subsection until such time as the court orders resumption  
13 of payment.

14       “(F) Prior to the suspension of funds under subpara-  
15 graph (C), but within the ninety-day period after notification  
16 under subparagraph (C), the State governor or unit of local  
17 government may request an expedited preliminary hearing on  
18 the record in accordance with section 554 of title 5, United  
19 States Code, in order to determine whether it is likely that  
20 the State government or unit of local government would, at a  
21 full hearing under subparagraph (G), prevail on the merits on  
22 the issue of the alleged noncompliance. A finding under this  
23 subparagraph by the administrative law judge in favor of the  
24 State government or unit of local government shall defer the  
25 suspension of funds under subparagraph (C) pending a finding

1 of noncompliance at the conclusion of the hearing on the  
2 merits under subparagraph (G).

3       “(G)(i) At any time after notification under subpara-  
4 graph (A), but before the conclusion of the one-hundred-and-  
5 twenty-day period referred to in subparagraph (C), a State  
6 government or unit of general local government may request  
7 a hearing on the record in accordance with section 554 of  
8 title 5, United States Code, which the Office of Justice As-  
9 sistance, Research, and Statistics shall initiate within sixty  
10 days of such request.

11       “(ii) Within thirty days after the conclusion of the hear-  
12 ing, or, in the absence of a hearing, at the conclusion of the  
13 one-hundred-and-twenty-day period referred to in subpara-  
14 graph (C), the Office of Justice Assistance, Research, and  
15 Statistics shall make a finding of compliance or noncompli-  
16 ance. If the Office of Justice Assistance, Research, and Sta-  
17 tistics makes a finding of noncompliance, the Office of Justice  
18 Assistance, Research, and Statistics shall notify the Attorney  
19 General in order that the Attorney General may institute a  
20 civil action under subsection (C)(3), cause to have terminated  
21 the payment of funds under this title, and, if appropriate,  
22 seek repayment of such funds.

23       “(iii) If the Office of Justice Assistance, Research, and  
24 Statistics makes a finding of compliance, payment of the sus-  
25 pended funds shall resume as provided in subparagraph (D).



1           “(H) Any State government or unit of general local gov-  
2 ernment aggrieved by a final determination of the Office of  
3 Justice Assistance, Research, and Statistics under subpara-  
4 graph (G) may appeal such determination as provided in sec-  
5 tion 805 of this title.

6           “(3) Whenever the Attorney General has reason to be-  
7 lieve that a State government or unit of local government has  
8 engaged in or is engaging in a pattern or practice in violation  
9 of the provisions of this section, the Attorney General may  
10 bring a civil action in an appropriate United States district  
11 court. Such court may grant as relief any temporary restrain-  
12 ing order, preliminary or permanent injunction, or other  
13 order, as necessary or appropriate to insure the full enjoy-  
14 ment of the rights described in this section, including the sus-  
15 pension, termination, or repayment of such funds made avail-  
16 able under this title as the court may deem appropriate, or  
17 placing any further such funds in escrow pending the out-  
18 come of the litigation.

19           “(4)(A) Whenever a State government or unit of local  
20 government, or any officer or employee thereof acting in an  
21 official capacity, has engaged or is engaging in any act or  
22 practice prohibited by this subsection, a civil action may be  
23 instituted after exhaustion of administrative remedies by the  
24 person aggrieved in an appropriate United States district  
25 court or in a State court of general jurisdiction. Administra-

1 tive remedies shall be deemed to be exhausted upon the expi-  
2 ration of sixty days after the date the administrative com-  
3 plaint was filed with the Office of Justice Assistance, Re-  
4 search, and Statistics or any other administrative enforce-  
5 ment agency, unless within such period there has been a de-  
6 termination by the Office of Justice Assistance, Research,  
7 and Statistics or the agency on the merits of the complaint, in  
8 which case such remedies shall be deemed exhausted at the  
9 time the determination becomes final.

10       “(B) In any civil action brought by a private person to  
11 enforce compliance with any provision of this subsection, the  
12 court may grant to a prevailing plaintiff reasonable attorney  
13 fees, unless the court determines that the lawsuit is frivolous,  
14 vexatious, brought for harassment purposes, or brought prin-  
15 cipally for the purpose of gaining attorney fees.

16       “(C) In any action instituted under this section to en-  
17 force compliance with section 816(c)(1), the Attorney Gen-  
18 eral, or a specially designated assistant for or in the name of  
19 the United States, may intervene upon timely application if  
20 he certifies that the action is of general public importance. In  
21 such action the United States shall be entitled to the same  
22 relief as if it had instituted the action.

23       “SEC. 816. On or before March 31 of each year, the  
24 Director of the Office of Justice Assistance, Research, and  
25 Statistics shall report to the President and to the Committees

1 on the Judiciary of the Senate and House of Representatives  
2 on activities pursuant to the provisions of this title during the  
3 preceding fiscal year. Such report shall include—

4           “(1) a description of the progress made in accom-  
5 plishing the objectives of this title;

6           “(2) a description of the national priority pro-  
7 grams and projects established by the Office pursuant  
8 to part E of this title;

9           “(3) the amounts obligated under parts D, E, and  
10 F of this title for each of the components of the crimi-  
11 nal justice system;

12           “(4) the nature and number of jurisdictions which  
13 expended funds under part D of this title on national  
14 priority programs or projects established pursuant to  
15 part E of this title, and the percentage of part D funds  
16 expended by such jurisdictions on such programs or  
17 projects;

18           “(5) a summary of the major innovative policies  
19 and programs for reducing and preventing crime rec-  
20 ommended by the Administration during the preceding  
21 fiscal year in the course of providing technical and fi-  
22 nancial aid and assistance to State and local govern-  
23 ments pursuant to this title;

24           “(6) a description of the procedures used to audit,  
25 monitor, and evaluate programs or projects to insure

1 that all recipients have complied with the Act and that  
2 the information contained in the applications was  
3 correct;

4 "(7) the number of part D applications or amend-  
5 ments approved by the Administration without recom-  
6 mending substantial changes;

7 "(8) the number of part D applications or amend-  
8 ments in which the Administration recommended sub-  
9 stantial changes, and the disposition of such programs  
10 or projects;

11 "(9) the number of programs or projects under  
12 part D applications or amendments with respect to  
13 which a discontinuation, suspension, or termination of  
14 payments occurred together with the reasons for such  
15 discontinuation, suspension, or termination; and

16 "(10) the number of programs or projects under  
17 part D applications or amendments which were subse-  
18 quently discontinued by the jurisdiction following the  
19 termination of funding under this title.

20 "SEC. 817. (a) Each recipient of funds under this Act  
21 shall keep such records as the Office of Justice Assistance,  
22 Research, and Statistics shall prescribe, including records  
23 which fully disclose the amount and disposition by such re-  
24 cipient of the funds, the total cost of the project or undertak-  
25 ing for which such funds are used, and the amount of that

1 portion of the cost of the project or undertaking supplied by  
2 other sources, and such other records as will facilitate an  
3 effective audit.

4       “(b) The Office of Justice Assistance, Research, and  
5 Statistics or any of its duly authorized representatives, shall  
6 have access for purpose of audit and examination of any  
7 books, documents, papers, and records of the recipients of  
8 funds under this title which in the opinion of the Office of  
9 Justice Assistance, Research, and Statistics may be related  
10 or pertinent to the grants, contracts, subcontracts, subgrants,  
11 or other arrangements referred to under this title.

12       “(c) The Comptroller General of the United States or  
13 any of his duly authorized representatives, shall, until the  
14 expiration of three years after the completion of the program  
15 or project with which the assistance is used, have access for  
16 the purpose of audit and examination to any books, docu-  
17 ments, papers, and records of recipients of Federal funds  
18 under this title which in the opinion of the Comptroller Gen-  
19 eral may be related or pertinent to the grants, contracts, sub-  
20 contracts, subgrants, or other arrangements referred to under  
21 this title.

22       “(d) Within one hundred and twenty days after the en-  
23 actment of this subsection, the Office of Justice Assistance,  
24 Research, and Statistics shall review existing civil rights reg-

1 ulations and conform them to this title. Such regulations shall  
2 include—

3       “(1) reasonable and specific time limits for the  
4 Office of Justice Assistance, Research, and Statistics  
5 to respond to the filing of a complaint by any person  
6 alleging that a State government or unit of general  
7 local government is in violation of the provisions of  
8 section 816(c) of this title; including reasonable time  
9 limits for instituting an investigation, making an appro-  
10 priate determination with respect to the allegations,  
11 and advising the complainant of the status of the com-  
12 plaint; and

13       “(2) reasonable and specific time limits for the  
14 Office of Justice Assistance, Research, and Statistics  
15 to conduct independent audits and reviews of State  
16 governments and units of general local government re-  
17 ceiving funds pursuant to this title for compliance with  
18 the provisions of section 816(c) of this title.

19       “(e) The provisions of this section shall apply to all re-  
20 cipients of assistance under this Act, whether by direct grant,  
21 cooperative agreement, or contract under this Act or by sub-  
22 grant or subcontract from primary grantees or contractors  
23 under this Act.

24       “SEC. 818. Section 204(a) of the Demonstration Cities  
25 and Metropolitan Development Act of 1966 is amended by

1 inserting 'law enforcement facilities,' immediately after  
2 'transportation facilities,'.

3 "SEC. 819. (a) Except as provided by Federal law other  
4 than this title, no officer or employee of the Federal Govern-  
5 ment, nor any recipient of assistance under the provisions of  
6 this title shall use or reveal any research or statistical infor-  
7 mation furnished under this title by any person and identifi-  
8 able to any specific private person for any purpose other than  
9 the purpose for which it was obtained in accordance with this  
10 title. Such information and copies thereof shall be immune  
11 from legal process, and shall not, without the consent of the  
12 person furnishing such information, be admitted as evidence  
13 or used for any purpose in any action, suit, or other judicial,  
14 legislative, or administrative proceedings.

15 "(b) All criminal history information collected, stored, or  
16 disseminated through support under this title shall contain, to  
17 the maximum extent feasible, disposition as well as arrest  
18 data where arrest date is included therein. The collection,  
19 storage, and dissemination of such information shall take  
20 place under procedures reasonably designed to insure that all  
21 such information is kept current therein; the Office of Justice  
22 Assistance, Research, and Statistics shall assure that the se-  
23 curity and privacy of all information is adequately provided for  
24 and that information shall only be used for law enforcement  
25 and criminal justice and other lawful purposes. In addition,

1 an individual who believes that criminal history information  
2 concerning him contained in an automated system is inaccur-  
3 rate, incomplete, or maintained in violation of this title, shall,  
4 upon satisfactory verification of his identity, be entitled to  
5 review such information and to obtain a copy of it for the  
6 purpose of challenge or correction.

7       “(c) Any person violating the provisions of this section,  
8 or of any rule, regulation, or order issued thereunder, shall be  
9 fined not to exceed \$10,000 in addition to any other penalty  
10 imposed by law.

11       “SEC. 820. The Office of Justice Assistance, Research,  
12 and Statistics, the National Institute of Justice, the Bureau  
13 of Justice Statistics, and the Law Enforcement Assistance  
14 Administration are authorized to accept and employ, in car-  
15 rying out the provisions of this Act, voluntary and uncompen-  
16 sated services notwithstanding the provisions of section  
17 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). Such  
18 individuals shall not be considered Federal employees except  
19 for purposes of chapter 81 of title 5 with respect to job-  
20 incurred disability and title 28 with respect to tort claims.

21       “SEC. 821. The Office of Justice Assistance, Research,  
22 and Statistics is authorized to select, employ, and fix the  
23 compensation of such officers and employees, including attor-  
24 neys, as are necessary to perform the functions vested in it  
25 and to prescribe their functions.



1       “SEC. 822. (a) All programs concerned with juvenile  
2 delinquency and administered by the Administration shall be  
3 administered or subject to the policy direction of the office  
4 established by section 201(a) of the Juvenile Justice and De-  
5 linquency Prevention Act of 1974.

6       “(b) The Director of the National Institute of Justice  
7 and the Director of the Bureau of Justice Statistics shall  
8 work closely with the Administrator of the Office of Juvenile  
9 Justice and Delinquency Prevention in developing and imple-  
10 menting programs in the juvenile justice and delinquency pre-  
11 vention field.

12       “SEC. 823. No funds under this title shall be used for  
13 land acquisition.

14       “SEC. 824. Notwithstanding any other provision of this  
15 title, no use will be made of services, facilities, or personnel  
16 of the Central Intelligence Agency.

17       “SEC. 825. Where a State does not have an adequate  
18 forum to enforce grant provisions imposing liability on Indian  
19 tribes, the Administration is authorized to waive State liabili-  
20 ty and may pursue such legal remedies as are necessary.

21                                   “PART I—DEFINITIONS

22       “SEC. 901. (a) As used in this title—

23               “(1) ‘Criminal justice’ means activities pertaining  
24 to crime prevention, control, or reduction or the en-  
25 forcement of the criminal law, including, but not limit-

1 ed to, police efforts to prevent, control, or reduce crime  
2 or to apprehend criminals, including juveniles, activities  
3 of courts having criminal jurisdiction, and related agen-  
4 cies (including but not limited to prosecutorial and de-  
5 fender services, juvenile delinquency agencies and pre-  
6 trial service or release agencies), activities of correc-  
7 tions, probation, or parole authorities and related agen-  
8 cies assisting in the rehabilitation, supervision, and  
9 care of criminal offenders, and programs relating to the  
10 prevention, control, or reduction of narcotic addiction  
11 and juvenile delinquency.

12 “(2) ‘State’ means any State of the United States,  
13 the District of Columbia, the Commonwealth of Puerto  
14 Rico, the Virgin Islands, Guam, American Samoa, the  
15 Trust Territory of the Pacific Islands, and the Com-  
16 monwealth of the Northern Mariana Islands.

17 “(3) ‘Unit of local government’ means any city,  
18 county, township, town, borough, parish, village, or  
19 other general purpose political subdivision of a State,  
20 an Indian tribe which performs law enforcement func-  
21 tions as determined by the Secretary of the Interior,  
22 or, for the purpose of assistance eligibility, any agency  
23 of the District of Columbia government or the United  
24 States Government performing law enforcement func-  
25 tions in and for the District of Columbia, and funds ap-

1       appropriated by the Congress for the activities of such  
2       agencies may be used to provide the non-Federal share  
3       of the cost of programs or projects funded under this  
4       title.

5               “(4) ‘Construction’ means the erection, acqui-  
6       sition, or expansion (but not including renovation, re-  
7       pairs, or remodeling) of new or existing building or  
8       other physical facilities, and the acquisition or installa-  
9       tion of initial equipment therefor.

10              “(5) ‘Combination’ as applied to States or units of  
11       local government means any grouping or joining to-  
12       gether of such States or units for the purpose of pre-  
13       paring, developing, or implementing a law enforcement  
14       program or project.

15              “(6) ‘Public agency’ means any State, unit of  
16       local government, combination of such States or units,  
17       or any department, agency, or instrumentality of any  
18       of the foregoing.

19              “(7) ‘Correctional institution or facility’ means  
20       any place for the confinement or rehabilitation of of-  
21       fenders or individuals charged with or convicted of  
22       criminal offenses.

23              “(8) ‘Comprehensive’ means that the application  
24       must be based on a total and integrated analysis of the  
25       criminal justice problems, and that goals, priorities,

1 and standards for methods, organization, and operation  
2 performance must be established in the application.

3 “(9) ‘Criminal history information’ includes rec-  
4 ords and related data, contained in an automated or  
5 manual criminal justice informational system, compiled  
6 by law enforcement agencies for the purpose of identi-  
7 fying criminal offenders and alleged offenders and  
8 maintaining as to such persons records of arrests, the  
9 nature and disposition of criminal charges, sentencing,  
10 confinement, rehabilitation, and release.

11 “(10) ‘Evaluation’ means the administration and  
12 conduct of studies and analyses to determine the  
13 impact and value of a project or program in accom-  
14 plishing the statutory objectives of this title.

15 “(11) ‘Neighborhood or community-based organi-  
16 zations’ means organizations which are representative  
17 of communities or significant segments of the communi-  
18 ties.

19 “(12) ‘Chief Executive’ means the highest official  
20 of a State or local jurisdiction.

21 “(13) ‘Municipality’ means—

22 “(i) any unit of local government which is  
23 classified as a municipality by the United States  
24 Bureau of the Census; or

1           “(ii) any other unit of local government  
2           which is a town or township and which, in the de-  
3           termination of the Administration—

4                   “(a) possesses powers and performs  
5                   functions comparable to those associated  
6                   with municipalities;

7                   “(b) is closely settled; and

8                   “(c) contains within its boundaries no  
9                   incorporated places as defined by the United  
10                  States Bureau of the Census.

11               “(14) ‘Population’ means total resident population  
12               based on data compiled by the United States Bureau of  
13               the Census and referable to the same point or period in  
14               time.

15               “(15) ‘Attorney General’ means the Attorney  
16               General of the United States or his designee.

17               “(16) The term ‘court of last resort’ means that  
18               State court having the highest and final appellate au-  
19               thority of the State. In States having two or more  
20               such courts, court of last resort shall mean that State  
21               court, if any, having highest and final appellate author-  
22               ity, as well as both administrative responsibility for the  
23               State’s judicial system and the institutions of the State  
24               judicial branch and rulemaking authority. In other  
25               States having two or more courts with highest and

1 final appellate authority, court of last resort shall mean  
2 the highest appellate court which also has either rule-  
3 making authority or administrative responsibility for  
4 the State's judicial system and the institutions of the  
5 State judicial branch. Except as used in the definition  
6 of the term 'court of last resort' the term 'court' means  
7 a tribunal recognized as a part of the judicial branch of  
8 a State or of its local government units.

9       “(17) ‘Institution of higher education’ means any  
10 such institution as defined by section 1201(a) of the  
11 Higher Education Act of 1965 (20 U.S.C. 1141(a)),  
12 subject, however, to such modifications and extensions  
13 as the Administration may determine to be appropriate.

14       “(b) Where appropriate, the definitions in subsection (a)  
15 shall be based, with respect to any fiscal year, on the most  
16 recent data compiled by the United States Bureau of the  
17 Census and the latest published reports of the Office of Man-  
18 agement and Budget available ninety days prior to the begin-  
19 ning of such fiscal year. The Administration may by regula-  
20 tion change or otherwise modify the meaning of the terms  
21 defined in subsection (a) in order to reflect any technical  
22 change or modification thereof made subsequent to such date  
23 by the United States Bureau of the Census or the Office of  
24 Management and Budget.



1 vention Act of 1974, there should be maintained from appro-  
2 priations for each fiscal year, at least 19.15 per centum of  
3 the total appropriations under this title, for juvenile delin-  
4 quency programs.

5 "SEC. 1003. (a) The Law Enforcement Assistance Ad-  
6 ministration shall allocate \$250,000 to each of the States as  
7 defined in section 402(a)(1) for the purpose of establishing or  
8 designating and operating a Criminal Justice Council pursu-  
9 ant to this title and an additional amount of at least \$50,000  
10 shall be made available by the Law Enforcement Assistance  
11 Administration for allocation by the State to the judicial co-  
12 ordinating committee. Of these sums, \$200,000, including at  
13 least \$50,000 for judicial coordinating committees, shall be  
14 available without a requirement for match. The remaining  
15 \$100,000 shall be matched by the State in an amount equal  
16 to any such amount expended or obligated.

17 "(b) The Law Enforcement Assistance Administration  
18 shall allocate additional funds to a State for use by the State  
19 and its units of local government in an amount that is not  
20 more than 7½ per centum of the total part D allotment of  
21 such State. Any of the additional funds which are expended  
22 or obligated by the State shall be matched in an amount  
23 equal to any such expended or obligated amount. An amount  
24 equal to at least 7½ per centum of the part D allocation of  
25 an eligible jurisdiction as defined in section 402(a) (2), (3), or



1 (4) must be made available by the State to each such jurisdic-  
2 tion from these additional funds. The eligible jurisdiction shall  
3 match the amounts passed through in an amount equal to any  
4 such amount expended or obligated by the eligible jurisdiction  
5 for all Federal funds in excess of \$25,000. The match re-  
6 quirements of this section shall apply to each State in the  
7 aggregate.

8       “(c) Any funds allocated to States or units of local gov-  
9 ernment and unexpended by such States or units of local gov-  
10 ernment for the purposes set forth above shall be available to  
11 such States or units of local government for expenditure in  
12 accord with part D. The funds allocated to the States and  
13 other eligible jurisdictions under this section shall be in addi-  
14 tion to the funds allocated to the States and other eligible  
15 jurisdictions under parts D, E, and F of this title.

16       “(d) When an eligible jurisdiction is part of a combina-  
17 tion of units of local government, as defined in section  
18 402(a)(4), funds required to be made available to the eligible  
19 jurisdictions under this section shall be made available to the  
20 combination.

21       “(e) The State may allocate at its discretion to units of  
22 local government or combinations of such units which are not  
23 eligible jurisdictions as defined in section 402(a) (2), (3), and  
24 (4) funds provided under this section.

1       “SEC. 1004. There are authorized to be appropriated  
2 for the purposes of carrying out the functions of the Office of  
3 Community Anti-Crime Programs \$25,000,000 for the fiscal  
4 year ending September 30, 1980; \$25,000,000 for the fiscal  
5 year ending September 30, 1981; \$25,000,000 for the fiscal  
6 year ending September 30, 1982; and \$25,000,000 for the  
7 fiscal year ending September 30, 1983.

8                   “PART K—CRIMINAL PENALTIES

9       “SEC. 1101. Whoever embezzles, willfully misapplies,  
10 steals, or obtains by fraud or endeavors to embezzle, willfully  
11 misapply, steal, or obtain by fraud any funds, assets, or prop-  
12 erty which are the subject of a grant or contract or other  
13 form of assistance pursuant to this title, whether received  
14 directly or indirectly from the Law Enforcement Assistance  
15 Administration, the National Institute of Justice, the Bureau  
16 of Justice Statistics, or the Office of Justice Assistance, Re-  
17 search, and Statistics, or whoever receives, conceals, or re-  
18 tains such funds, assets or property with intent to convert  
19 such funds, assets or property to his use or gain, knowing  
20 such funds, assets, or property has been embezzled, willfully  
21 misapplied, stolen or obtained by fraud, shall be fined not  
22 more than \$10,000 or imprisoned for not more than five  
23 years, or both.

24       “SEC. 1102. Whoever knowingly and willfully falsifies,  
25 conceals, or covers up by trick, scheme, or device, any mate-

1 rial fact in any application for assistance submitted pursuant  
2 to this title or in any records required to be maintained pur-  
3 suant to this title shall be subject to prosecution under the  
4 provisions of section 1001 of title 18, United States Code.

5 "SEC. 1103. Any law enforcement or criminal justice  
6 program or project underwritten, in whole or in part, by any  
7 grant, or contract or other form of assistance pursuant to this  
8 title, whether received directly or indirectly from the Law  
9 Enforcement Assistance Administration, the National Insti-  
10 tute of Justice, or the Bureau of Justice Statistics shall be  
11 subject to the provisions of section 371 of title 18, United  
12 States Code.

13 "PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

14 "PAYMENTS

15 "SEC. 1201. (a) In any case in which the Administra-  
16 tion determines, under regulations issued pursuant to this  
17 part, that a public safety officer has died as the direct and  
18 proximate result of a personal injury sustained in the line of  
19 duty, the Administration shall pay a benefit of \$50,000 as  
20 follows:

21 "(1) if there is no surviving child of such officer,  
22 to the surviving spouse of such officer;

23 "(2) if there is a surviving child or children and a  
24 surviving spouse, one-half to the surviving child or

1 children of such officer in equal shares and one-half to  
2 the surviving spouse;

3 “(3) if there is no surviving spouse, to the child or  
4 children of such officer in equal shares; or

5 “(4) if none of the above, to the dependent parent  
6 or parents of such officer in equal shares.

7 “(b) Whenever the Administration determines upon a  
8 showing of need and prior to taking final action, that the  
9 death of a public safety officer is one with respect to which a  
10 benefit will probably be paid, the Administration may make  
11 an interim benefit payment not exceeding \$3,000 to the  
12 person entitled to receive a benefit under subsection (a) of  
13 this section.

14 “(c) The amount of an interim payment under subsec-  
15 tion (b) of this section shall be deducted from the amount of  
16 any final benefit paid to such person.

17 “(d) Where there is no final benefit paid, the recipient of  
18 any interim payment under subsection (b) of this section shall  
19 be liable for repayment of such amount. The Administration  
20 may waive all or part of such repayment, considering for this  
21 purpose the hardship which would result from such repay-  
22 ment.

23 “(e) The benefit payable under this part shall be in addi-  
24 tion to any other benefit that may be due from any other  
25 source, but shall be reduced by—



1           “(i) eighteen years of age or under;

2           “(ii) over eighteen years of age and a student  
3 as defined in sect. 5001 of title 5, United  
4 States Code; or

5           “(iii) over eighteen years of age and incapa-  
6 ble of self-support because of physical or mental  
7 disability;

8           “(2) ‘dependent’ means a person who was sub-  
9 stantially reliant for support upon the income of the  
10 deceased public safety officer;

11           “(3) ‘fireman’ includes a person serving as an offi-  
12 cially recognized or designated member of a legally or-  
13 ganized volunteer fire department;

14           “(4) ‘intoxication’ means a disturbance of mental  
15 or physical faculties resulting from the introduction of  
16 alcohol, drugs, or other substances into the body;

17           “(5) ‘law enforcement officer’ means a person in-  
18 volved in crime and juvenile delinquency control or re-  
19 duction, or enforcement of the criminal laws. This in-  
20 cludes, but is not limited to, police, corrections, proba-  
21 tion, parole, and judicial officers;

22           “(6) ‘public agency’ means any State of the  
23 United States, the District of Columbia, the Common-  
24 wealth of Puerto Rico, and any territory or possession  
25 of the United States, or any unit of local government,

1 combination of such States, or units, or any depart-  
2 ment, agency, or instrumentality of any of the forego-  
3 ing; and

4 “(7) ‘public safety officer’ means a person serving  
5 a public agency in an official capacity, with or without  
6 compensation, as a law enforcement officer or as a fire-  
7 man.

8 “ADMINISTRATIVE PROVISIONS

9 “SEC. 1204. (a) The Administration is authorized to es-  
10 tablish such rules, regulations, and procedures as may be  
11 necessary to carry out the purposes of this part. Such rules,  
12 regulations, and procedures will be determinative of conflict  
13 of laws issues arising under this part. Rules, regulations, and  
14 procedures issued under this part may include regulations  
15 governing the recognition of agents or other persons repre-  
16 senting claimants under this part before the Administration.  
17 The Administration may prescribe the maximum fees which  
18 may be charged for services performed in connection with  
19 any claim under this part before the Administration, and any  
20 agreement in violation of such rules and regulations shall be  
21 void.

22 “(b) In making determinations under section 1201, the  
23 Administration may utilize such administrative and investiga-  
24 tive assistance as may be available from State and local

1 agencies. Responsibility for making final determinations shall  
2 rest with the Administration.

3 ~~"PART M—TRANSITION—EFFECTIVE DATE—REPEALER~~

4       "SEC. 1301. (a) All orders, determinations, rules, regu-  
5 lations, and instructions of the Law Enforcement Assistance  
6 Administration and the National Institute of Corrections  
7 which are in effect at the time this Act takes effect shall  
8 continue in effect according to their terms until modified, ter-  
9 minated, superseded, set aside, or revoked by the President,  
10 the Attorney General, the Director of the Office of Justice  
11 Assistance, Research, and Statistics, or the Director of the  
12 Bureau of Justice Statistics, the National Institute of Justice  
13 and the Administrator of the Law Enforcement Assistance  
14 Administration with respect to their functions under this Act  
15 or by operation of law.

16       "(b) The Director of the National Institute of Justice  
17 may award new grants, enter into new contracts or coopera-  
18 tive agreements or otherwise obligate previously appropri-  
19 ated unused or reversionary funds for the continuation of re-  
20 search and development projects in accordance with the pro-  
21 visions of title I of the Omnibus Crime Control and Safe  
22 Streets Act, as in effect prior to the date of enactment of this  
23 Act, based upon applications received under that Act prior to  
24 the effective date of this Act or for purposes consistent with  
25 provisions of this Act.



1       “(c) The Director of the National Institute of Justice  
2 may award new grants, enter into new contracts or coopera-  
3 tive agreements or otherwise obligate previously appropri-  
4 ated unused or reversionary funds for the continuation of re-  
5 search and development projects in accordance with the pro-  
6 visions of sections 4351 to 4353 of title 18, United States  
7 Code, as in effect prior to the date of enactment of this Act  
8 based upon applications received under that Act prior to the  
9 effective date of this Act or for purposes consistent with pro-  
10 visions of this Act.

11       “(d) The Director of the Bureau of Justice Statistics  
12 may award new grants, enter into new contracts or coopera-  
13 tive agreements or otherwise obligate previously appropri-  
14 ated unused or reversionary funds for the continuation of sta-  
15 tistical projects in accordance with the provisions of the Om-  
16 nibus Crime Control and Safe Streets Act, as amended, prior  
17 to the date of enactment of this Act and the provisions of  
18 sections 4351 to 4353 of title 18, United States Code, based  
19 upon applications received under these Acts prior to the ef-  
20 fective date of this Act or for purposes consistent with provi-  
21 sions of this Act.

22       “(e) The Administrator of the Law Enforcement Assist-  
23 ance Administration may award new grants, enter into new  
24 contracts or cooperative agreements, approve comprehensive  
25 plans for the fiscal year beginning October 1, 1979, and oth-

1 erwise obligate previously appropriated unused or reversion-  
2 ary funds or funds appropriated for the fiscal year beginning  
3 October 1, 1979, for the continuation of projects in accord-  
4 ance with the provisions of sections 4351 to 4353 of title 18,  
5 United States Code, and of title I of the Omnibus Crime  
6 Control and Safe Streets Act of 1968, as written in law prior  
7 to the date of enactment of this Act or for purposes consist-  
8 ent with provisions of this Act.

9       “(f) The provisions of this statute shall not affect any  
10 suit, action, or other proceeding commenced by or against the  
11 Government prior to the effective date of the Act.

12       “(g) Nothing in this Act would prevent the utilization of  
13 funds appropriated under this Act for all activities necessary  
14 or appropriate for the review, audit, investigation, and judi-  
15 cial or administrative resolution of audit matters for those  
16 grants or contracts that were awarded under the Omnibus  
17 Crime Control and Safe Streets Act of 1968, as amended, or  
18 under sections 4351 to 4353 of title 18, United States Code.  
19 The final disposition and dissemination of program and proj-  
20 ect accomplishments with respect to programs and projects  
21 approved in accordance with the Omnibus Crime Control and  
22 Safe Streets Act as written in law prior to the date of enact-  
23 ment of this Act and sections 4351 to 4353 of title 18,  
24 United States Code, and which continue in operation beyond

1 the effective date of this Act may be carried out with funds  
2 appropriated under this Act.

3       “(h) Except as otherwise provided in this Act, the per-  
4 sonnel employed on the date of enactment of this Act by the  
5 Law Enforcement Assistance Administration and the Nation-  
6 al Institute for Corrections are transferred to the Office of  
7 Justice Assistance, Research, and Statistics, the Law En-  
8 forcement Assistance Administration, the National Institute  
9 of Justice, or the Bureau of Justice Statistics as appropriate  
10 considering the function to be performed by these organiza-  
11 tional units and the functions previously performed by the  
12 employee. The transfer pursuant to this title of full-time per-  
13 sonnel (except special Government employees) and part-time  
14 personnel holding permanent positions shall not cause any  
15 such employee to be separated or reduced in grade or com-  
16 pensation as a result of such transfer.

17       “(i) Any funds made available under parts B, C, and E  
18 of title I of the Omnibus Crime Control and Safe Streets Act  
19 of 1968, as amended, prior to the effective date of this Act  
20 which are not obligated by a State or unit of local govern-  
21 ment, may be used to provide up to 100 per centum of the  
22 cost of any program or project.

23       “(j) Notwithstanding any provision of this title all provi-  
24 sions of title I of the Omnibus Crime Control and Safe  
25 Streets Act of 1968, as amended, which were in effect prior

1 to the effective date of this Act and which are necessary to  
2 carry out the provisions of the Juvenile Justice and Delin-  
3 quency Prevention Act of 1974, as amended, remain in effect  
4 for the sole purpose of carrying out the Juvenile Justice and  
5 Delinquency Prevention Act of 1974, as amended, and the  
6 State criminal justice council established under this Act shall  
7 serve as the State planning agency for the purposes of the  
8 Juvenile Justice and Delinquency Prevention Act of 1974, as  
9 amended.

10       “(k) The functions, powers, and duties specified in this  
11 title to be carried out by State criminal justice councils or by  
12 local offices may be carried out by agencies previously estab-  
13 lished or designated as State, regional, or local planning  
14 agencies, pursuant to the Omnibus Crime Control and Safe  
15 Streets Act of 1968, as amended: *Provided*, That they meet  
16 the representation requirement of section 402 of this Act  
17 within two years of the effective date of this Act.

18       “(l) Title 18 of the United States Code is hereby amend-  
19 ed by deleting sections 4351, 4352, and 4353.”.