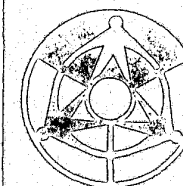


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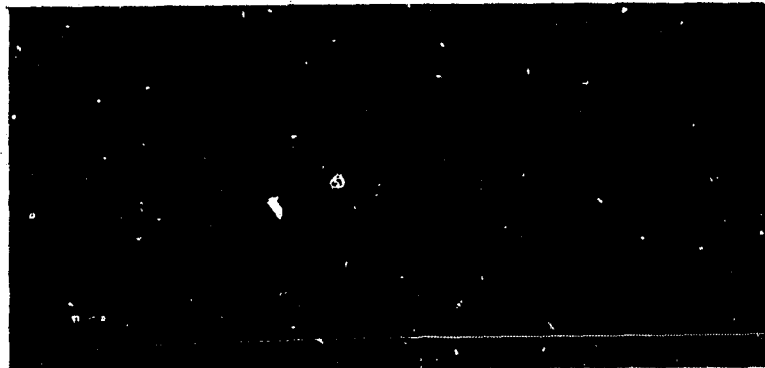
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OFFENDER-BASED TRANSACTIONAL STATISTICS:

THE CONCEPT AND ITS UTILITY

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I. INTRODUCTION

In an effort to promote the development of statewide criminal justice information and statistical systems in each state, the Law Enforcement Assistance Administration has launched a Comprehensive Data Systems Program (CDS). Under the CDS program, each state is encouraged to establish a state center for the study and dissemination of criminal justice information and statistics which could be required by law to be reported by the state and local criminal justice agencies. The specific classes of information envisioned by the system are: 1) Uniform Crime Information as currently collected by the Federal Bureau of Investigation, 2) criminal history information, 3) offender based transactional statistical information, and 4) management and administrative information concerning manpower and expenditures in criminal justice. In addition to collecting this information, the state data center is also responsible for providing technical assistance to both state and local criminal justice agencies.

One of the first states to participate in the CDS system is Louisiana where the Attorney General has established a state criminal justice information system within the Louisiana Department of Justice. Prior to implementing the system, a meeting of district attorneys was scheduled to explain the system and provide insight into the value and utility of such a comprehensive criminal justice information center. Under the auspices of the Courts Technical Assistance Project, the services of Dr. Charles

Friel were requested for the purpose of discussing the comprehensive information system with local officials as well as explaining one phase of the CDS program, offender based transactional statistical information, to the District Attorneys. The specific objectives of Dr. Friel's consultancy were two-fold: 1) to discuss his experience as chairman of the SEARCH Statistical Steering Committee with representatives of the Louisiana Criminal Justice Information System and 2) to present a workshop for the state's prosecutors on the concept and utility of the offender based approach to criminal justice statistics.

Dr. Friel conducted this technical assistance consultation on March 21 and 22. In addition to conferring with local criminal justice officials, he evaluated plans for the pilot testing of the CDS program which is scheduled for Baton Rouge Parish shortly, with subsequent implementation in New Orleans and Lafayette Parishes thereafter. Once the systems development is completed in these three parishes, the CDS program will be implemented on a state-wide basis.

In addition to the system evaluation and discussion, Dr. Friel addressed the Attorney General's meeting of the state's prosecutors and discussed the concept and utility of the offender based transactional statistical concept. Many of the conferees were unfamiliar with this method of statistical reporting and the workshop following Dr. Friel's presentation allowed opportunity for many questions concerning the specific utility and implementation of the system to be aired.

II. PRESENTATION TO THE LOUISIANA ATTORNEY GENERAL'S CONFERENCE
OF STATE DISTRICT ATTORNEYS

Seventeen months ago Project Search created the Statistical Steering Committee whose purpose was to define the Offender Based Transactional Statistical concept (OBTS), and to supervise its implementation in five states. The purpose of our discussion this morning will be to share with you the experiences gained by the Committee in the expectation that this will facilitate the development of OBTS in your respective states. Specifically, my discussion will address four areas including: a definition of the OBTS concept, differences between OBTS and traditional approaches to criminal justice statistics, unique advantages of the OBTS concept and finally a resume of the types of problems you might anticipate in the implementation of an OBTS system.

A. The OBTS Concept

Probably the best way to understand the OBTS concept is to discuss briefly traditional approaches to the gathering of criminal justice statistics. Essentially most criminal justice statistical systems can be categorized into one of four functional areas. These would include law enforcement statistics, judicial and prosecutory statistics, non-institutional correctional statistics, and institutional correctional statistical systems.

Law enforcement statistical systems are best exemplified by the uniform crime reporting system developed by the FBI. Essentially this statistical system attempts to capture the incidence of crimes reported to police, the clearance of crime and arrests by age, race, sex, and type of offense. Uniform crime reporting is probably the most comprehensive criminal justice statistical system in terms of number of agencies represented, and contains data submitted by all states and large metropolitan areas.

Judicial and prosecutory statistical systems usually involve documentation of number of cases filed in court, dismissals, dispositions by type, and indices of number of cases pending at the end of the calendar year. These types of statistical systems are less comprehensive than the uniform crime reporting program since there is no integration of this information on an interstate basis.

The category of non-institutional correctional statistics would subsume data dealing with probation and parole. Generally these statistics deal with number of cases received by a given probation or parole authority, terminations, average number of active cases for a given calendar year, and some indices of success and failure. Although some attempt has been made to develop a uniform reporting format for parole statistics, no national system exists for the gathering, analysis, and dissemination of probation statistics.

The fourth functional area of traditional criminal justice statistics would include institutional correctional statistical systems, such as the National Prisoner Statistics and the National Jail Census, which would provide data describing jails and state correctional systems. Generally these statistical systems deal with number of prisoners received, released, escaped, average number of prisoners for a given

calendar year, and some indices of recidivism, characterizing those individuals who return to the institution.

It should be noted that all these statistical systems share several things in common. Each of these statistical approaches is agency specific in that it deals with the activity of a given agency within the criminal justice system, as opposed to providing information on the activities of the justice system itself. Secondly, these systems focus primarily on the workload of the agency as opposed to the movement of the offender through the system.

The offender based approach to criminal justice statistics differs significantly from these traditional approaches. Under the offender based concept, an attempt is made to track the individual offender and his offense through the system regardless of the agencies involved in his processing. In addition, OBTS attempts to document all major decisions made about the offender from the point of arrest to his final exit from the system. Whereas traditional approaches tend to be an agency specific approach to statistics, the offender based concept tends to be a longitudinal offender oriented approach to statistics.

B. Comparison Between OBTS and Traditional Approaches

Table 1 presents a comparison of the offender based concept and traditional approaches to criminal justice statistics. The two approaches are compared with respect to three criteria, including: the unit of count, focus of the system, and time base of the system.

Table 1
Comparison of OBTS and Traditional Approaches
to Criminal Justice Statistics

| | TRADITIONAL STATISTICAL APPROACHES | OFFENDER BASED TRANSACTIONAL STATISTICS |
|-------------------------|--|--|
| UNIT OF COUNT | Depends upon the agency involved; i.e., reported offenses, arrests, cases, probationers, prisoners, parolees, etc. | Offender and associated offense(s). |
| FOCUS OF THE SYSTEM | Agency specific; depends on the nature of the agency gathering the data. Usually involves workloads' descriptions of the agency. | Criminal justice system processing; i.e., movement of the offender through the system. |
| TIME BASE OF THE SYSTEM | The calendar year, coinciding with planning and budgetary cycles. | Time interval between decisions involving the offender as he moves through the system. |

The first basis of comparison presented in Table 1 is the unit of count, which refers to the material object which is counted in the statistical system. It will be noted in traditional approaches that the unit of count varies depending upon the agency gathering the statistics. Law enforcement agencies are primarily concerned with reported offenses and arrests, not with the individual offender. Since one offender may be responsible for more than one offense or be involved in more than one arrest, these statistics provide no indication of the number of offenders involved at the law enforcement process, since the number of reported offenses and the number of arrests are always greater than the number of offenders involved.

By the same token, courts and prosecutors are concerned with cases as opposed to arrests, offenses, or offenders--a unit of count different from that used in law enforcement statistics. These statistics provide no index of the number of individual offenders involved in judicial process since one offender may be involved in more than one case.

The unit of count used in both institutional and non-institutional correctional statistics is the offender as opposed to offenses, arrests or cases. Although these statistics provide an index of the actual number of offenders involved in probation, incarceration and parole they do not provide information as to the number of offenses, arrests or cases accounted for by the offenders.

By way of contrast the offender based concept utilized the offender and his associate offense as the unit of count. Regardless of

whether the individual is involved at the law enforcement, judicial or correctional level of the criminal justice system, the unit of count is the same. To this extent the offender based concept attempts to integrate the criminal justice system from a statistical point of view.

The second basis of comparison presented in Table 1 involves the focus of the system. It will be noticed that traditional statistical systems primarily focus on a workload of particular criminal justice agencies. Law enforcement statistics deal primarily with reported offenses, offenses cleared, and arrests which represent the workload of the law enforcement community. Similarly the courts' statistical focus is on the number of cases that they handle and the backlog at the end of the year. The focus of correctional statistics is the number of individuals agencies handle, be they incarcerated or on probation or parole.

The offender based concept has as its focus the criminal justice system as opposed to any particular agency within the system. Here the concern is with the movement of the offender as opposed to the workload of the agencies involved. Although workloads can be calculated from an adequately implemented OBTS system, the primary focus of the approach is the offender as he moves through the system.

The third basis of comparison between the OBTS approach and traditional approaches is the time base of the statistical system. It will be noted that in traditional statistical approaches the time base of statistical analysis is usually the calendar year. This time base is arbitrary and is used to coincide with planning and budgetary requirements. In the offender based concept the time base is the

temporal interval between decision points in the criminal justice system. Since the offender based approach attempts to track the offender as he moves through the system, OBTS can readily provide information concerning the average time from arrest to trial, the average time on probation, and other temporal information impossible to derive from traditional approaches.

C. Utility of OBTS

From what has been said it should be obvious that the OBTS concept has various advantages over traditional approaches to criminal justice statistics. Rather than discuss in detail the specific advantages of OBTS, I would like to discuss four generic areas of OBTS utility.

One of the primary advantages of the OBTS approach is that it can provide mortality information or indices of the degree of "fallout" from the criminal justice system. For example, a community may have reported 40,000 felony arrests during a given calendar year, and for the same year, the disposition of 15,000 felony cases. The pairing of these two statistics indicates a disparity of 25,000 arrests which are not reflected in the judicial statistics. A number of explanations could account for this difference including the hypothesis that a number of cases are dismissed by either the police or the prosecutor. Another explanation could be that some individuals arrested during one calendar year are not tried until the following calendar year. Another rationale is the fact that some individuals are arrested more than once, yet may only be tried for one offense.

The disadvantage of traditional statistics is that they do not provide mortality information, that is, the number of individuals who exit the criminal justice system at various points. The offender based concept can provide a breakdown of the percentage of individuals who exit the criminal justice system throughout all levels. Such information is vital for criminal justice planning since it allows us to anticipate increases in the number of offenders at various levels as a function of increases in the number of individuals arrested, dismissed, incarcerated, etc.

The second advantage of the OBTS concept is that it can provide information on the amount of time it takes to process an offender from one point in the system to another. Since the unit of count in traditional criminal justice statistics varies among different agencies, such statistical approaches cannot provide information on the time-flow of offenders through the system. The offender based concept can yield information on the average time from arrest to indictment, time in jail awaiting trial, average time involved in the appeal process, number of months on probation, and other important temporal information.

A third advantage of the OBTS concept involves the determination of the status of the criminal justice system at any point in time. Since the offender based concept attempts to track the individual offender through the criminal justice system, statistical information can be acquired as to the number of individuals involved at any decision point in the system at a given point in time. Traditional statistical systems cannot provide this capability since such approaches usually involve year-end counts and therefore only grossly estimate

the status of the criminal justice system. Status information is extremely vital since it provides criminal justice planners with the capability of determining bottlenecks and workloads in the system and can be used to calculate such factors as the impact of additional manpower on the flow of offenders through the system.

The fourth area of advantage of the OBTS concept is that it can determine the impact of decisions made at one level of the criminal justice system on the activities associated with subsequent levels of the system. Although traditional statistical systems can reflect increases in number of arrests, they do not allow us to determine quickly the overall impact of these increases on court workloads. A properly implemented OBTS system can provide rather detailed information as to the interaction between various levels of the criminal justice system, including the effect of plea bargaining on the time to trial or the impact of the use of probation on projected prison population. In addition, the system can objectify the relationship between bail bond policies and pretrial jail populations as well as the impact of additional judges and prosecutors on court dockets.

D. Implementation Problems

My discussion so far may appear to indicate that the OBTS concept is a panacea for criminal justice statistics and planning. Although this statistical approach has many advantages there are some unique problems involved in its implementation. Since the OBTS concept attempts to track the individual offender through the criminal justice system, it is a statistical attempt to integrate the law enforcement,

judicial, and correctional segments of the criminal justice process. Since these agencies are functionally located in two constitutionally separate branches of the government, a variety of problems accrue when they are statistically integrated.

It must be realized that various agencies in the criminal justice system exist for different purposes and in some cases can have contrary objectives. Since the OBTS concept requires the submission of data from one branch of the government to another, which data could be used to evaluate the administrative efficiency of the agency contributors, it is only natural for these agencies to be reticent to submit such data for fear that the information might be used to hold them accountable.

Because of the interagency integration inherent in the OBTS concept, it is extremely important to involve representatives of all criminal justice agencies in the initial planning for the system. Their comments and suggestions must be incorporated in the initial development in order to achieve that level of cooperation required for successful implementation.

The second problem area in OBTS involves the complex nature of the system. Although the OBTS concept attempts to track the offender through all levels of the criminal justice system the primary area of complexity is human rather than technical. It must be appreciated that the individuals who contribute data to the OBTS system at the working level are record clerks, not systems engineers. Unless the system is designed in such a way as to consider the human factor problems involved at the level at which the data is gathered, the entire reliability and validity of the offender based statistics

become extremely questionable. It has been our experience in the past seventeen months that there is a tendency to underestimate the need for field training in the implementation of the OBTS concept. It is our recommendation that planners invest a major portion of their resources into field training during the first few years of development so as to assure the reliability of the information submitted.

An important yet subtle problem with the OBTS concept involves the time to implement such a system. It is conceivable that an OBTS system could be designed, implemented, and become operational in approximately two years. However, at this point in time, the system is practically useless since insufficient actuarial data will exist to provide any meaningful statistics. This is predicated on the fact that it will take three or four years before a significant number of offenders can move from the point of arrest to termination of their sentence. Therefore, the two years required for implementation coupled with approximately four years for sufficient offenders to have moved through the system suggest that the OBTS concept will probably be of little statistical value for approximately six years.

If, in the promotion of the OBTS concept, planners underestimate the amount of time required for the system to become truly operational they will be caught in the position of having to provide statistical data when no data exists. It is strongly recommended, therefore, that planners seek long term support for the development of the OBTS system since it cannot be functionally operational for at least six years from its inception.

III. SUMMARY

The purpose of my discussion this morning has been to acquaint you with the offender based concept and to discuss its utility. OBTS represents a significant departure from traditional approaches in its unit of count, focus and time base. It represents a systems approach to criminal justice statistics with its primary emphasis on the offender's movement through the system, as opposed to an agency specific approach.

In spite of various difficulties involved in its implementation, the OBTS concept allows us for the first time to monitor truly and statistically describe the administration of criminal justice. The system, although highly complex and time consuming to implement, can serve as the basis for the true integration of the criminal justice system, an absolute prerequisite to any intelligent approach to crime prevention.

END

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