

49573

THE AGENCY PERSPECTIVES PANEL (CONTINUED)

IV. CRIME PREVENTION AND CONTROL

RICHARD L. LINSTER, Director,
Office of Evaluation, National Institute of Law
Enforcement and Criminal Justice,
Law Enforcement Assistance Administration

Bill's last remark was just slightly inaccurate. There is at least one person in this room who doesn't know all the answers in criminal justice evaluation, and that's me. It was about three years ago that the then Attorney General, who was very interested in evaluation, spoke on it to LEAA officials and said that evaluation means he wants to find out what works. As one of the technical middlemen who was supposed to operationalize that concept, it made me very nervous. I am still very nervous about it.

I'd like to describe a little bit of what I think are the basic problems that LEAA faces in carrying out an evaluation program that makes some sense and that, in the spirit of this conference, leads somewhere in decision-making. First of all, we are a block grant program. The bulk of the money is allocated to the states by formula. This isn't just a cosmetic arrangement. It was very much based on a philosophical spirit when the agency was created: Congress didn't want the Federal Government telling the states and cities how to go about controlling crime. Clearly the question of whether or not we would be gradually moving towards a Federal crime control system, a Federal police force, was one of the things that was a real concern in the debate over the LEAA legislation. It was very clear in the way the agency was set up, with the state planning agencies being effectively independent of the Federal LEAA. Congress seems somewhat more ambivalent about this now. I think

the explicit demand for evaluation in the 1973 and 1976 reauthorizations is some indication of that ambivalence. But the fact is that that is the way the thing was set up, and Congressional demands for greater programmatic accountability can create federal-state tensions if they are regarded as an encroachment on states' decision-making autonomy in this program. In particular, then, it can be extremely difficult to get information about what the block grant money is doing once it goes through to the states.

The reasons why it is so hard to make clear, succinct and scientifically defensible statements about what general effects the LEAA program is having are not, however, entirely "political." Evaluation of and within LEAA is also faced with very fundamental technical and conceptual problems.

First of all, LEAA money is roughly a 5 percent add-on to the money that is already being spent on the problem of crime and the operations of criminal justice. Grantees are diffused all over, not only geographically all over the United States, but all over the criminal justice system. And not just the formal criminal justice system. Citizen groups are also included--citizens particularly interested in doing something about the crime problem in their local communities. So that the substance of what is going on under LEAA grants is just as diffused. Then also we are talking about a lot of grants that go out in the \$10,000 or \$20,000 range. There are relatively few grants, when you consider the LEAA program as a whole, very few grants that go out in terms of three or four hundred thousand dollars, that is, larger individual single grants.

That is one problem. But possibly a more major problem is that of simply conceptualizing what it is that we would like LEAA to be doing, no matter how it's structured, as a block grant program or as a set of categorical grant problems. For purposes of evaluation, global statements of agency goals must evidently be translated into an adequate system of observable measures of change and that can be far from trivial--even within the context of a particular program area.

For example, we are now working on design of an Administrator's discretionary grant in the area of court delay. That seems like a very simple sort of thing to evaluate. You can presumably go in and measure some statistic reflecting what the time of trial is now. Then, when some type of program has been undertaken in a court under an LEAA grant, you can go in and measure that time of trial later. If there has been a reduction, you say the program has been a success. But obviously, the existence of a delay problem is only a symptom of some larger problem in the system. One can evidently clear the dockets if they are overcrowded by all sorts of measures--dismissals, plea bargaining. But those measures may not correspond very well with what the whole system of criminal justice was intended to do.

LEAA started out, I think, with a clear understanding that the goal of the agency was crime control. We had to bring street crime down. We had to bring it down through provision of Federal assistance. But the defined goals of the agency have changed somewhat in the time I have been there. The formal goal--this was originally in the Act--the formal goal, the emphasis in what is presently being stated about

the LEAA program, is now pretty much "system improvement." But "system improvement" itself requires definition. Obviously, what is meant is that the system, after you have done something to it, is a better system than the one you had before. It's improved and presumably you have some concept in mind of what you mean by improvement.

I don't think we can disguise the fact that people still think a criminal justice system ought to do something about crime. The criminal justice system is in essence the formal mechanism by which our society tries to keep crime at some optimum level.

Still, one can talk about "improvement" in other senses. One can talk about improvement in the sense of efficiency--essentially maintaining a constant level of effectiveness but at a reduced cost. States are going broke, they say. Cities are going broke. A police chief in a major city has to get his budget justified, get money to pay for patrolmen and pay for new equipment. He may want to expand his program. The question then, a question of efficiency, can be clearly a goal of the LEAA program and, in consequence, this is a proper theme for evaluation. But it's very similar to crime control in the sense that we really don't know very much about how to measure efficiency either.

Here I think the problem is that we really don't understand the dynamics of the criminal justice system as a system. This sometimes is described as a non-system, but I tend to think that that is probably inaccurate. Sub-system goals may appear to conflict but that may mean only that there is a hierarchy of goals.

What I am thinking about is what Jerry Caplan was touching on earlier. That is that the apprehension and prosecution goals of the police and of the prosecutor are quite distinct and quite different from the justice goals of the court system. I still think that overriding all of this, however, is the idea that criminal justice is established in the United States or in any country to provide a mechanism for crime control in the society.

Well, in terms of evaluation, the conceptualization of the system, if we had such a thing, would be a distinct blessing. We would be able to say, for example, that we understand the dynamics of the system so that when a program is put into operation in a court, we can talk about what the implications are in terms of changes in the plea bargaining rates, changes in the incarceration rates, what the impacts are going to be on the correctional system, on the parts of the process of criminal justice that takes the offender from time of arrest to time of release from the system.

?

We have some descriptive models of this, of course. Models that are empirically based, that are essentially linear flow models that have taken a criminal justice system in a given jurisdiction and have collected the data that measures branching ratio. Where are the branches in the system, if you try to follow the offender through?

What we really need is a much better understanding of the whole dynamics of the criminal justice system so that we have some kind of a basis for limiting an evaluation, for saying that an evaluation of this program doesn't really have to look for secondary effects all the way down from the stream and all the way upstream. It can

simply look at a particular intervention. That is one of our major problems. The conceptualization, the theory of system dynamics is not terribly well developed.

We clearly have a data problem. I suspect everyone knows this. It's a data problem that is generated in part because the same act may be defined as a different type of crime in different jurisdictions. So those are simple definitional problems. We also have a data problem simply because the elements of the criminal justice system don't work for the Federal Government. They are in no sense obliged to supply us with data. If we want to know what is the variance in sentencing around the country for Robbery I, we may find court systems willing to provide us with that data, and we may find a lot of court systems that tell us it's none of our business.

In a national sense, the data problem in criminal justice means that we don't really know, can't really define, the basic systemic problems in a very quantified way. We have a feeling for where the system problems are, but we can't define them in a way that permits a quantitative evaluation to say, "Well, we have improved that problem."

Finally of course, one gets to the very basic question, the social question which asks how the criminal justice system, the police, the courts, corrections and citizen efforts, how do any and all of these operations affect crime rates in a jurisdiction? We know almost nothing about this. Yet these are really the basic mechanisms, the basic forces that a society can bring to bear in order to control crime.

We have in the first place a problem which is very poorly conceptualized, poorly defined in operational terms. Going beyond that, one again gets into the major data problems. But I think one can at least categorize the concepts. Criminal justice, through all its manifold efforts, is expected to bring about an effect of what is commonly called general deterrence in society. The fact is that because of the operation of the criminal justice system, a certain risk is involved in committing an offense. That is, you are going to have to pay for it if you commit it and get caught. The idea of general deterrence is presumably that the operation of the criminal justice system keeps people from going out and robbing liquor stores. They don't do it because it's too risky.

We have no idea of the degree to which that concept is valid; and if it is valid, how do you go about measuring it? How can you decide in an evaluative sense whether more Draconian forms of punishment would in fact reduce the crime rate?

We know very little about the crime control aspects of the incapacitative effect. That seems very simple: when you put someone behind bars for three years for Robbery I, he may be doing nasty things behind the prison bars, but he is not out victimizing the public. However, we know very little about how much crime could be affected by a change in policy with regard to incapacitation--putting more people behind bars, putting fewer people behind bars, keeping them in the community. In point of fact, we don't even have very good statistics on how much time the average felon spends behind bars over the course of his criminal career.

There is another concept, and that is that once the offender has been involved with the criminal justice system, presumably it's had some kind of effect on his future willingness to commit crimes.

For a long time, we lived with an ideology of rehabilitation. It was a function of the criminal justice system to make useful citizens out of ex-offenders. That has very much come into question within the last year or so, partly on quasi-scientific grounds (there is very little evidence that this thing works in any wholesale sense) and partly, I think, because there is a tendency to move toward a more conservative philosophy with regard to the treatment of offenders.

These are the contexts in which we carry out the types of evaluations that we do carry out. Very briefly, our program is a grant/contract program. We, the Office of Evaluation and Office of Research Programs, which itself has a major evaluation program, are part of the National Institute within LEAA. The National Institute is set up and named in the law as the R&D part of LEAA. That means we (OE itself) are pretty far removed from decision-makers at the top level, that is, the administrators who make programmatic decisions, at least within whatever sphere of programmatic decision-making they have available to them under the Act.

What we do is essentially support major studies--usually of programs that are funded out of Washington. There is some money that is available to the administration for what are called discretionary grant programs--action programs designed in Washington, and open to competition. At the Administrator's request, we undertake studies of selected DF programs. These studies typically will take two or three years to do and cost half a million dollars.

We are also concerned with the much more basic problems, the problems whose solution could in the long run make a criminal justice evaluation a much more cost-effective undertaking. That is, we are interested and do support to a very limited extent a research program

that is taking a look at some of the basic problems like how you go about measuring a deterrence effect. How can you draw statistically valid inferences from police-recorded crime data?

Basically, that's where we are. I don't have a great number of success stories to tell you about the things we have accomplished so far. Maybe 10 years from now, we can have this conference again and we'll have some better examples.

MR. CAREY:

We have heard a lot there about how tough it is to get a handle on a problem that everybody understands. Now we are going to hear from the Environmental Protection Administration. Paul Brands is going to speak to us. He is speaking in the absence of Al Alm who is the Assistant Administrator for Planning and Evaluation. So it's good to have Paul here today, the Deputy Assistant Administrator, EPA.

END