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SURVEYS OF DYER ACT REFERRALS

State and Local Prosecution of Interstate Auto Theft Cases

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ABSTRACT

This Survey of Dyer Act Referrals was undertaken in order to uncover the problems faced by state and local authorities in prosecuting interstate auto theft cases referred to them by the FBI or non-federal law enforcement agencies. The case sample was obtained from FBI and NCIC records for September and October 1977 (the sampling period) and all agencies to which subjects were referred for prosecution were contacted by mail and/or phone for information about costs of transporting subjects, problems with prosecution, and case outcomes.

The key findings and conclusions are as follows:

- 1) Interstate auto theft is predominantly an adult crime;
- 2) A majority of interstate auto theft suspects are not prosecuted or referred to theft jurisdictions for prosecution;
- 3) Prosecution rates are lowest in the large jurisdictions with high crime and auto theft rates;
- 4) 18 U.S.C. §5001 is rarely used for transporting suspects under 21 at federal expense;
- 5) The key factors considered by prosecutors in deciding to prosecute are not transportation costs, but (a) the strength of the evidence against the suspect, (b) the likelihood of incarceration after conviction, (c) the willingness of the victim to prosecute, and (d) the priority of other criminal offenses for prosecution.

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We owe special thanks to Ron Sostkowski of the International Association of Chiefs of Police for his help in publicizing the study and securing the cooperation of police departments across the country, to Bob O'Connell of the U.S. Marshal's Service, and to Dick Schwein and Roy Weise of the Federal Bureau of Investigation for their invaluable help in developing the case sample for the study.

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I. Introduction

Fairfield officials are puzzling over how a man arrested and charged with possessing a stolen car got out of jail four days later--with the car.

The matter came up in a Public Safety Committee meeting last week, and since then Mayor Johnny Nichols and Police Chief Thomas Ward have said they are asking for reports on the incident.

It all started Thursday, Nov. 24, when two police officers noted the Massachusetts license plate on the 1974 Cadillac and checked it out. Learning the car was reported stolen in Chelsea, Mass., more than a month before, they arrested Warren Vann, 43, driver of the car.

But four days later, Vann was turned out from jail and given back the keys to the car.

Fairfield officers had talked with Jeanette A. Cali, shown as owner of the car on Massachusetts records. But after four days, Fairfield still had not received any official word the car was stolen, said officers. So Sgt. Richard E. Vogan said he released Vann, giving him back the car.

To hold the car and suspect, he said, required something in writing, which he did not have.

"It would take something in writing from Massachusetts showing the car had been stolen. The car was not reported stolen to this department before we released the car to him," said Vogan.

"Four days, I feel, is plenty of time for someone to have given confirmation. We wouldn't be able to hold someone for an indefinite time period," he said. The confirmation came after the car was released, Vogan said.

Besides, Vogan added, Fairfield could not charge Vann even if he had been kept in jail. Mrs. Cali won't come to Alabama to bring charges, he said.

"We are unable to charge him without her cooperation," said Vogan.

Birmingham News, Dec. 14, 1977
Alabama

In 1970 the U.S. Department of Justice relinquished primary responsibility for prosecuting individual auto thefts committed in violation of the Dyer Act.^{1/} Pursuant to this major policy shift, the Justice Department issued guidelines^{2/} limiting Dyer Act prosecutions primarily to those subjects involved in organized crime and interstate auto theft rings, while providing for referral of most other subjects to state and local jurisdictions for prosecution. Aside from the apparent desire of the Justice Department to reduce the caseloads of its U.S. Attorneys, the rationale behind the new policy was simple: the Federal interest is strong with respect to organized auto theft rings operating between states, but is much weaker with respect to the joyrider or individual offender who crosses state lines, notwithstanding that it is a Federal offense. The assumption was that state and local authorities--particularly the jurisdictions from which

^{1/} 18 U.S.C. §2312. Transportation of stolen vehicles.

Whoever transports in interstate or foreign commerce a motor vehicle or aircraft, knowing the same to have been stolen, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

18 U.S.C. §2313. Sale or receipt of stolen vehicle.

Whoever receives, conceals, stores, barter, sells, or disposes of any motor vehicle or aircraft, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

^{2/} These guidelines are reproduced in full in Appendix B.

cars are stolen--have a strong interest in seeing individual offenders brought to justice and, thus, would willingly assume this added prosecutorial burden. However, by 1975 it was becoming clear that this assumption was, at best, weak, and, at worst, wrong. The above article from the Birmingham News describes a common situation: the jurisdiction of theft is slow to take action, the jurisdiction of arrest cannot act without timely cooperation, and in no event can either jurisdiction proceed if the victim refuses to prosecute.

Inadequate information about the full dimensions of this law enforcement problem prompted funding of this survey on the prosecution of Dyer Act referrals. The purpose of the study is to determine what happens to interstate auto theft cases no longer prosecuted by the Federal Government and, in particular, to elucidate the problems state and local governments face in prosecuting these cases. Its ultimate objective is to provide accurate information as a basis for developing new federal policies to solve the problem.

A. Selecting the Case Sample

The underlying premise of the survey design was that accurate and reasonably complete information about auto theft cases could only be obtained through contemporaneous tracking of cases. As a consequence, we

selected September and October^{3/} of 1977 as the study period and set out to secure information on interstate auto thefts for these two months, with a view to tracking all arrested subjects through referral, if any, to ultimate disposition. Two parallel lines of attack for obtaining a representative case sample were adopted:

1) At our request and that of the Criminal Division of the Justice Department, the FBI required each of its 56 field offices to maintain a record during September and October of all Dyer Act cases referred to state and local authorities for prosecution pursuant to the Justice Department guidelines. Information on each referred subject was recorded on a form specifically designed for this purpose.^{4/} This information was subsequently coded and keypunched for computer analysis. In all, the FBI forwarded information on 194 subjects (involved in 129 interstate auto thefts) who had been referred to state and local authorities for prosecution.

2) In order to enlarge our sample and because of preliminary indications that state and local jurisdictions have increasingly by-passed the federal criminal justice process when arresting subjects for interstate

3/ Based on the figures in the 1976 Uniform Crime Reports, auto thefts during September and October are slightly higher than the annual average.

4/ See Appendix E & F containing this form and all other instruments used in the survey.

auto theft, we asked the FBI to prepare a computer tape of all interstate stolen motor vehicle locates entered with the National Crime Information Center (NCIC) during the September-October sampling period. In theory, each time an automobile is reported stolen, the theft jurisdiction enters all relevant information about the car into NCIC records. When the stolen car is located, the recovering jurisdiction enters its find in NCIC and the jurisdiction of theft is informed accordingly. 1922 useable interstate stolen vehicle locates were made during September and October. As to each of these 1922 cases, we contacted the locating jurisdiction and asked if subjects had been arrested and, if so, whether they were charged in the arresting jurisdiction, referred to the FBI, or referred back to the jurisdiction of theft for prosecution. The response to this mailing was extraordinarily good in that 88.5% of all locating jurisdictions replied. As result of this inquiry, we obtained information on 306 subjects (in 267 cases) who had been referred to theft jurisdictions for prosecution.

At this point, we combined the 194 subjects referred by the FBI during September and October with the 306 subjects referred by the NCIC locating jurisdictions. These 500 subjects were then reduced in number to 470 because of duplications in the FBI and NCIC referred subject files. Each state or local agency to which these 470

subjects were referred was thereupon contacted by mail for further information about the transfer and prosecution of the subjects in question. By this process, we obtained a file of 359 subjects (76.4% of 470). Additional information about costs, prosecutorial problems, and case dispositions was then obtained through telephone calls to local police departments, sheriff's offices, and individual states attorneys. All relevant information on these 359 subjects (except their names) was then coded for keypunching and computer analysis.

The flow charts on the next two pages indicate how the 359 subject sample was obtained.

B. The Sample: Is It Random and Representative

Key questions with respect to the 359 subject sample are whether, in fact, it is random^{5/} and representative of the nation as a whole and, thus, whether conclusions from the data provide a reliable basis for developing national policies.

There are at least three potential sources of bias or non-randomness in the sample, the possible impact of which, however, remains unknown.

1) We discovered, somewhat to our surprise, that the 1922 interstate auto theft locates which, in theory,

5/ "Random" is defined to mean that every interstate auto theft case during September and October, 1977, had an equal probability of being included in the sample.

Table 1. Dyer Act Referrals--Sample Selection Process

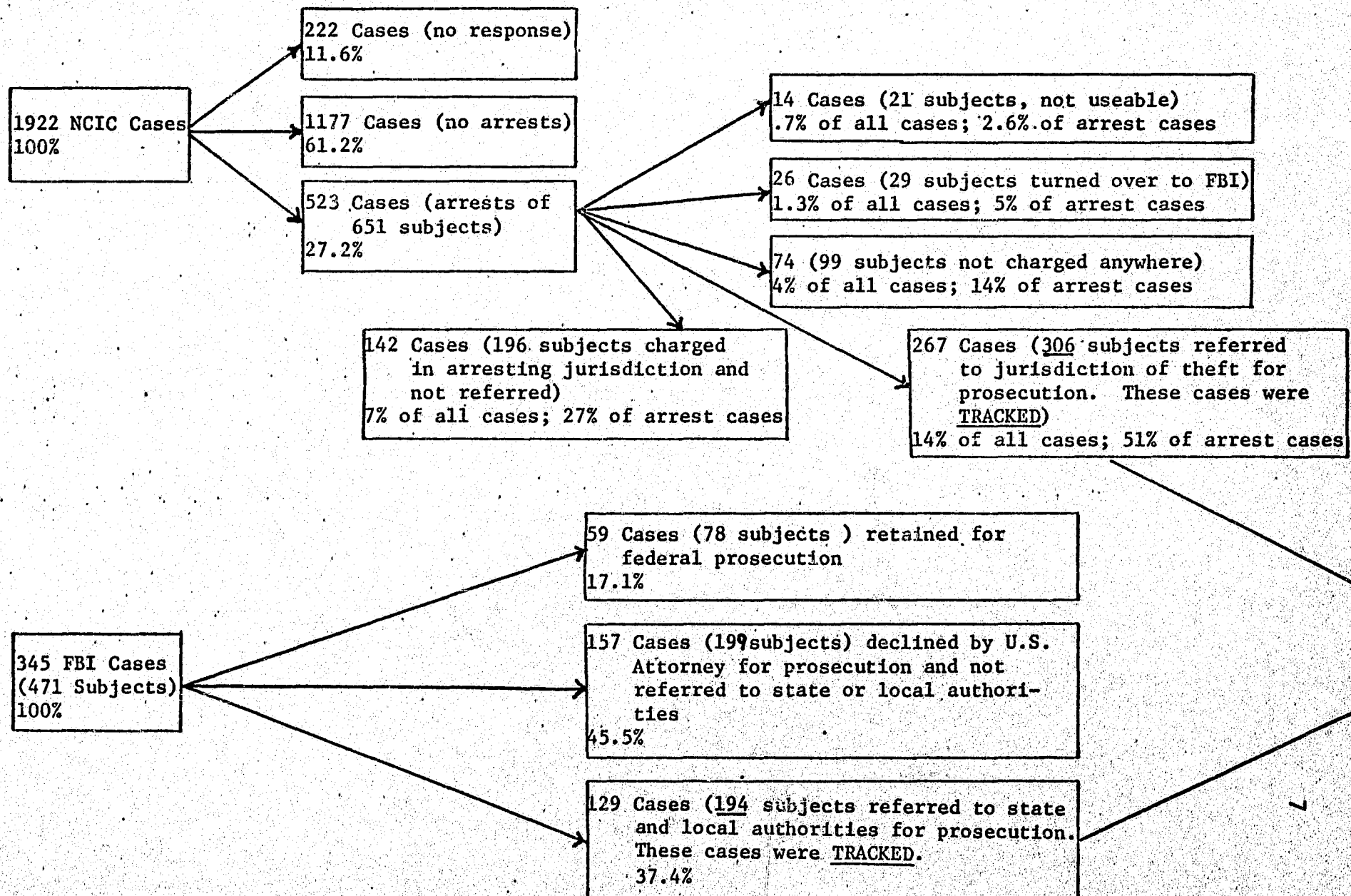
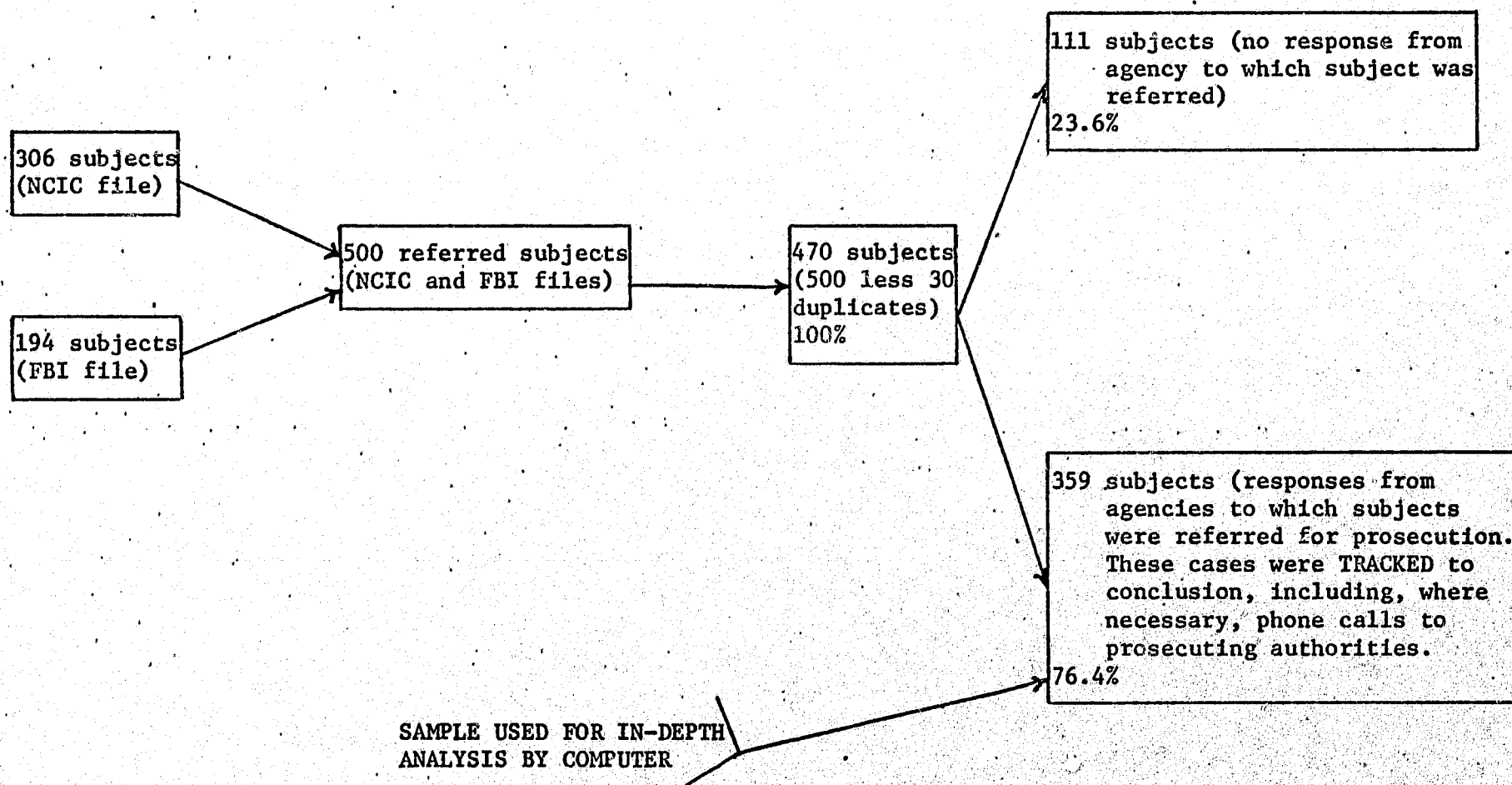


Table 1, continued



covered the entire nation for September and October included very few stolen cars from New England, New York, New Jersey, and such large cities as Boston, Philadelphia, New York City, Chicago, and Detroit. Given that these are states and cities with high auto theft rates, one would expect that locates of cars stolen in these jurisdictions would appear in substantial numbers in NCIC records. They did not.^{6/}

2) The 359-subject sample is, of course, based solely on those cases where law enforcement agencies cooperated in the study. There is no way to determine whether prosecution patterns in the non-cooperating

6/ There is no question that police departments in these states and cities report auto thefts to NCIC. However, based on telephone conversations with FBI personnel responsible for managing the NCIC system and with members of the New York, Detroit, and Philadelphia police departments, we have concluded that many jurisdictions recovering cars stolen from these high-volume cities do not report their locates to NCIC (and, thus, they would not show up in our sample), but rely instead on the telephone or telegraph to communicate directly with the theft jurisdictions. Thus, although NCIC is used to alert all jurisdictions that an auto theft has occurred, NCIC is frequently by-passed when a car has been recovered and a subject arrested. Some of the reasons given for by-passing NCIC are that 1) it is quicker and more efficient to make direct contact with the theft jurisdiction, 2) less paperwork is involved, and 3) more information can be exchanged or questions answered than can be accomplished through NCIC. In short, many users of NCIC consider that its major objective has been accomplished when word of an auto theft has been communicated through the system and the message received (much like an APB over the police radio). There is no incentive to "complete" the record by reporting to NCIC that a stolen car has been recovered--it is simpler just to purge the original theft from the record.

jurisdictions are similar to the patterns in the cooperating jurisdictions. However, the potential bias here is offset considerably by the high response rate (88.4%) of the NCIC locating agencies, and the smaller, but still impressive, response rate (76.4%) of the agencies to whom subjects were referred for prosecution.

3) Finally, there is always the possibility of gross blunders on the part of the individual agencies and departments responding to our mailings or inquiries. To some extent, we corrected for errors of this kind throughout the study, but there is no assurance that we caught them all or even anticipated all the possibilities for mistakes.

Notwithstanding these potential biases in the randomness of the sample, there is reason for confidence in its representativeness and, thus, the value of the data for drawing conclusions about the nation as a whole. This is indicated by a comparison (by jurisdiction of theft) by crime rate and auto theft rate with the national rates. 7/

7/ Based on figures in Tables 1, 5, and 6, 1976 Uniform Crime Reports. For each theft jurisdiction embraced by one of the Standard Metropolitan Statistical Areas (SMSAs), we used the crime and auto theft rates set forth in Table 5. For each theft jurisdiction outside an SMSA we calculated the crime and auto theft rate by using the crime indices in Table 6 and matching them against the latest population figure for that jurisdiction. All theft jurisdictions in our sample which were not included in Table 6 because their populations are under 10,000 were deemed to be "rural" and, thus, were assigned the crime and auto theft rates for rural counties as set forth in Table 1.

This analysis shows that the average crime rate for the sample (5,958 per 100,000 persons) is close to the average crime rate for the nation (5,266 per 100,000 persons) and even closer with respect to the average auto theft rate (427 per 100,000 persons in the sample as opposed to 446 for the nation).

C. Data Collected, By Arrested Subject

The final statistics tape on which the computer analysis was based contained the following data (if available) on each of the 359 subjects in the sample:

- Source. This was an "F" or an "N" depending on whether the case originated with an FBI referral or an NCIC stolen vehicle locate.
- Dyer ID. This is a number assigned to each subject, allowing us to eliminate names and thereby preserve confidentiality.
- Age.
- Sex.
- Race. Only two categories were used: White and Nonwhite.
- Other Subjects. This was the number, if any, of other subjects (or co-defendants) arrested for the same auto theft. The purpose here was to enable us to determine if there is any correlation between the number of subjects involved and rates of prosecution.

- Arrest Geocode. For each jurisdiction of arrest we devised a numbered code based on longitude and latitude, accurate to within \pm 30 miles. A similar code was devised for each jurisdiction of theft so that we could calculate air distances between points of arrest and theft and thereby estimate costs of transportation. This geocode also contained a letter code based on the population size of the jurisdiction so that we could determine if there is any relationship between size of jurisdiction and rates of prosecution.
- Arrest State.
- Reason if Not Transported. If a subject was not transported back to the jurisdiction of theft for prosecution, the agency was asked to supply one or more of the following reasons:
 - 1 = Insufficient evidence of theft by subject
 - 2 = Subject was passenger, not principal
 - 3 = Victim would not prosecute
 - 4 = Witness(es) unavailable
 - 5 = Low priority case
 - 6 = Lack of prosecutive manpower
 - 7 = Cost of prosecution prohibitive
 - 8 = Transportation of subject too costly
 - 9 = Other/unknown
- Allocation of Transportation Costs. If the subject was brought back to the theft jurisdiction, the

agency was asked if transportation was done at federal expense pursuant to 18 U.S.C. §5001,^{8/} at state or local expense, or at the expense of the subject or subject's parents.

- Mode of Travel. If transported, we asked whether the subject was returned by air, car, or bus. This information, combined with distance information derived from the Geocodes, was used to calculate transportation costs.
- Number of Officers. If the subject was transported, the agency was asked to state the number of officers accompanying the subject. Again, this information was used to calculate transportation costs.
- Duration of Trip. The number of days involved in picking up the subject and bringing him or her back to the theft jurisdiction was requested. To the extent overnight trips were involved, this information was also used to calculate travel costs.
- Charged As. Whether the subject was charged as an adult or as a juvenile was obtained.
- Charges. If the subject was charged with an offense or offenses, the agency was asked to specify as follows:

^{8/} This statute is reproduced in Appendix C. It provides for transportation by the U.S. Marshal and at federal expense of subjects under 21 years of age.

- 1 = Vehicle theft/possession
- 2 = Traffic offense
- 3 = Drug possession/distribution
- 4 = Burglary
- 5 = Robbery
- 6 = Assault
- 7 = Rape/homicide
- 8 = Other misdemeanors
- 9 = Other felonies

- Case Disposition. The following categories were used:

- 1 = Prosecution proceeding or completed in jurisdiction of theft.
- 2 = No prosecution in any jurisdiction.
- 3 = Prosecution proceeding or completed in jurisdiction of arrest.
- 4 = Subject returned to authorities as runaway or fugitive.
- 5 = Subject turned over to FBI.
- 6 = No record in theft jurisdiction of subject being referred for prosecution. (In fact, we concluded that the vast majority of these cases were referred by phone and declined for prosecution, but that the theft jurisdictions kept no records.)
- 7 = Agency unable or unwilling to cooperate.

8. = Subject turned over to mental health authorities.

9 = Subject returned to military authorities.

- Reasons for No Prosecution. If the subject was not prosecuted, the agency was asked to provide reasons in the same format set out above for Reasons if Not Transported.

- Status. If the subject was prosecuted or is being prosecuted, the agency was asked to give us the status of the case, as follows:

1 = Pending extradition

2 = Pending preliminary hearing/detention hearing

3 = Pending indictment/filing of petition

4 = Pending trial/juvenile hearing

5 = Acquitted

6 = Pled/found guilty of felony charge(s)

7 = Pled/found guilty of misdemeanor charge(s)

8 = Pretrial diversion

9 = Warrant outstanding/fugitive

- Special Reasons. If the subject was or is being prosecuted, the agency was asked if it was because:

1 = There are other unrelated charges against subject

2 = Subject has a prior criminal record

3 = Subject is involved in other auto thefts

- Agency Title - of theft jurisdiction
- City/Town - of theft jurisdiction
- State - of theft jurisdiction
- Theft Geocode. See comments for Arrest Geocode, supra.
- Crime Rate Per 100,000 Population - of theft jurisdiction. This figure was based on statistics in the 1976 Uniform Crime Reports and was used to determine if there were any correlations between crime rates and rates of prosecution.
- Auto Theft Rate Per 100,000 Population - of theft jurisdiction. Again, these figures came from the same source as the crime rates and were used for the same purpose.
- Distance. Based on the arrest and theft geocodes, as described above, we calculated distances between arresting and theft jurisdictions with a view to determining correlations between distances (and, thus, costs of transportation) from points of arrest and willingness of theft jurisdictions to bring subjects back for prosecution.
- Costs. These are estimated actual costs of transporting the subject to the theft jurisdictions, based on distance, duration of trip, number of officers involved, and mode of transportation. See complete description of formulas used, Appendix D.

- Region. Each arresting jurisdiction and theft jurisdiction was given a number from 1 to 9 based on its location in one of the 9 regions used in the Uniform Crime Reports:

1 = CT, ME, MA, NH, RI, VT

2 = NJ, NY, PA

3 = IL, IN, MI, OH, WI

4 = IA, KS, MN, MO, NB, ND, SD

5 = DC, DE, FL, GA, MD, NC, SC, VA, WV

6 = AL, KY, MS, TN

7 = AR, LA, OK, TX

8 = AZ, CO, ID, MT, NV, NM, VT, WY

9 = AK, CA, HI, OR, WA

The above regional breakdowns were used to determine if there were any regional variations in arrests, prosecutions, etc.

In addition to the above data for each subject, we obtained information about utilization of 18 U.S.C. §5001 (transportation of subjects under 21 at federal expense), office policies, and local prosecutorial problems and needs from telephone conversations with 90 state prosecutors across the country. These data were not keypunched for computer analysis as this proved to be unnecessary.

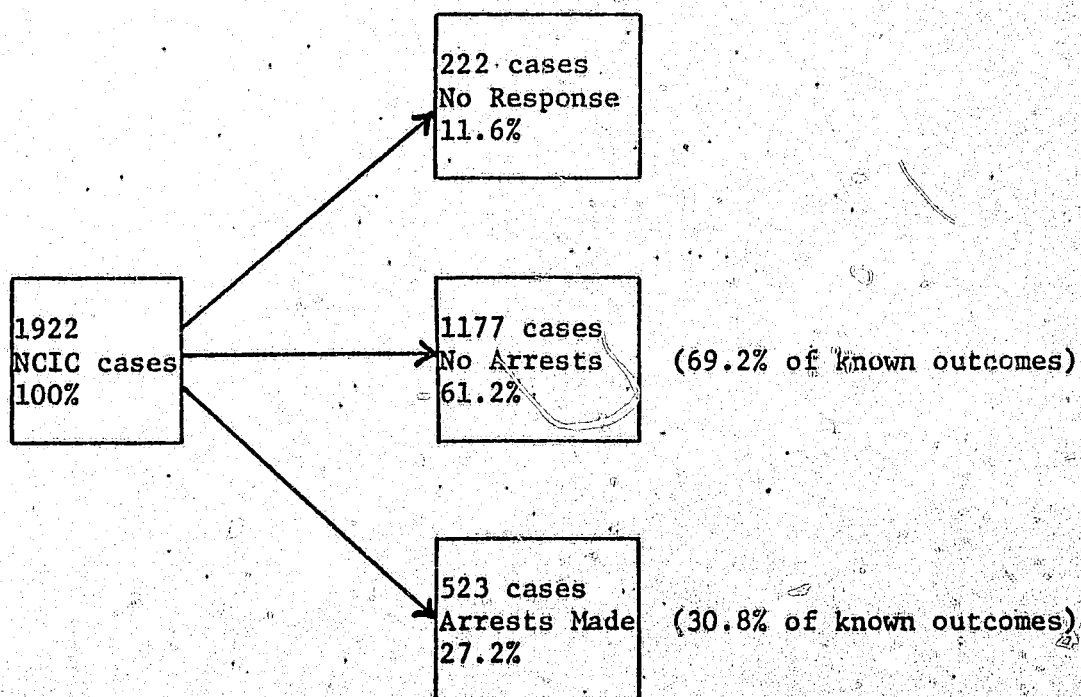
II. Survey Results

A. Overview of Arrest and Prosecution Rates

1. NCIC Cases

The arrest rate (30.8% of known outcomes) for the NCIC interstate cases in our sample is considerably higher than the national clearance rate for all auto theft cases (14%). Indeed, even if one were to treat the 222 cases on which we obtained no information as "no arrest" cases, the arrest rate (27.2%) in our sample is still nearly double the national rate. See Table 2 below.

Table 2. NCIC Case Outcomes

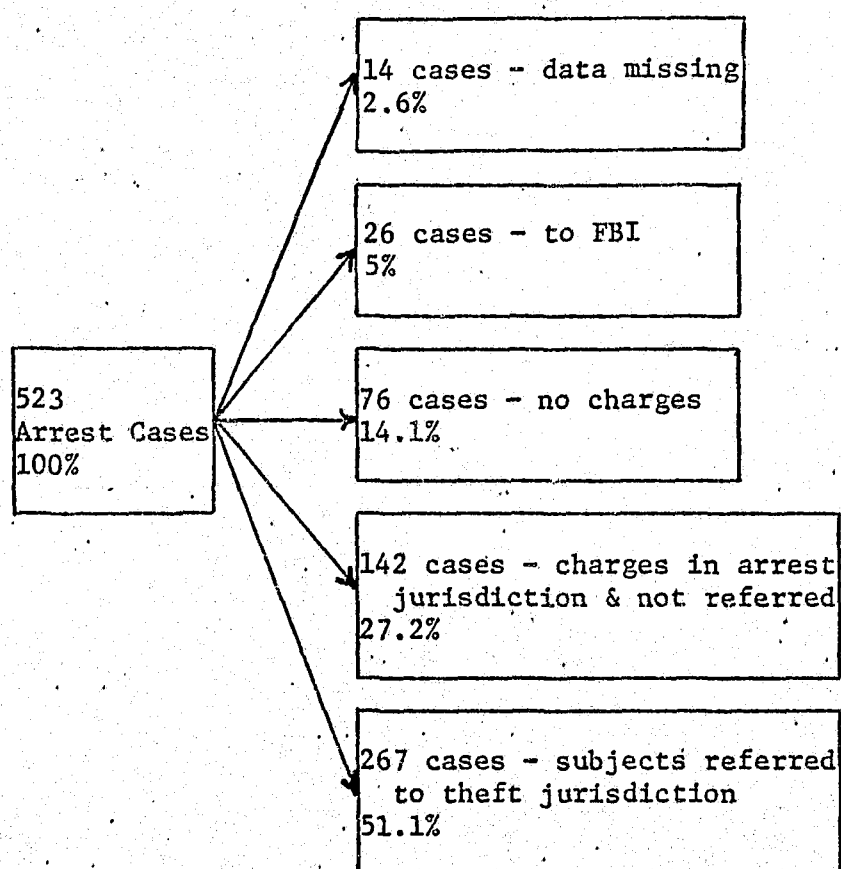


However, the caveat noted earlier applies here: several of the nation's largest cities and the New England states

are under-represented in the NCIC file or are not represented at all. Inclusion of cases from these high auto theft and low arrest rate jurisdictions would doubtless bring down the arrest rate figure.^{9/}

The 523 NCIC cases which led to arrests were distributed as follows:

Table 3. NCIC Arrest Case Outcomes



In theory, then, 78.3% of the arrest cases resulted in at least some preliminary prosecutive action, whether

^{9/} Only 11% of all auto thefts in the nation's largest cities are cleared by arrest. The figure is 8% for the New England states. 1976 Uniform Crime Reports.

by charges lodged in the jurisdiction of arrest (142 cases) or by referral to the jurisdiction of theft (267 cases). We did not track the 142 cases where only the arresting jurisdiction filed charges since our mandate was only to track referred cases. However, communications with a number of arresting agencies suggest that only a small fraction of these cases ultimately resulted in formal prosecutions.^{10/} The 267 referred cases (involving 306 subjects) were tracked. The prosecution rate in these cases is best demonstrated by looking at the data in Table 4 on the following page, described in terms of subjects rather than cases.

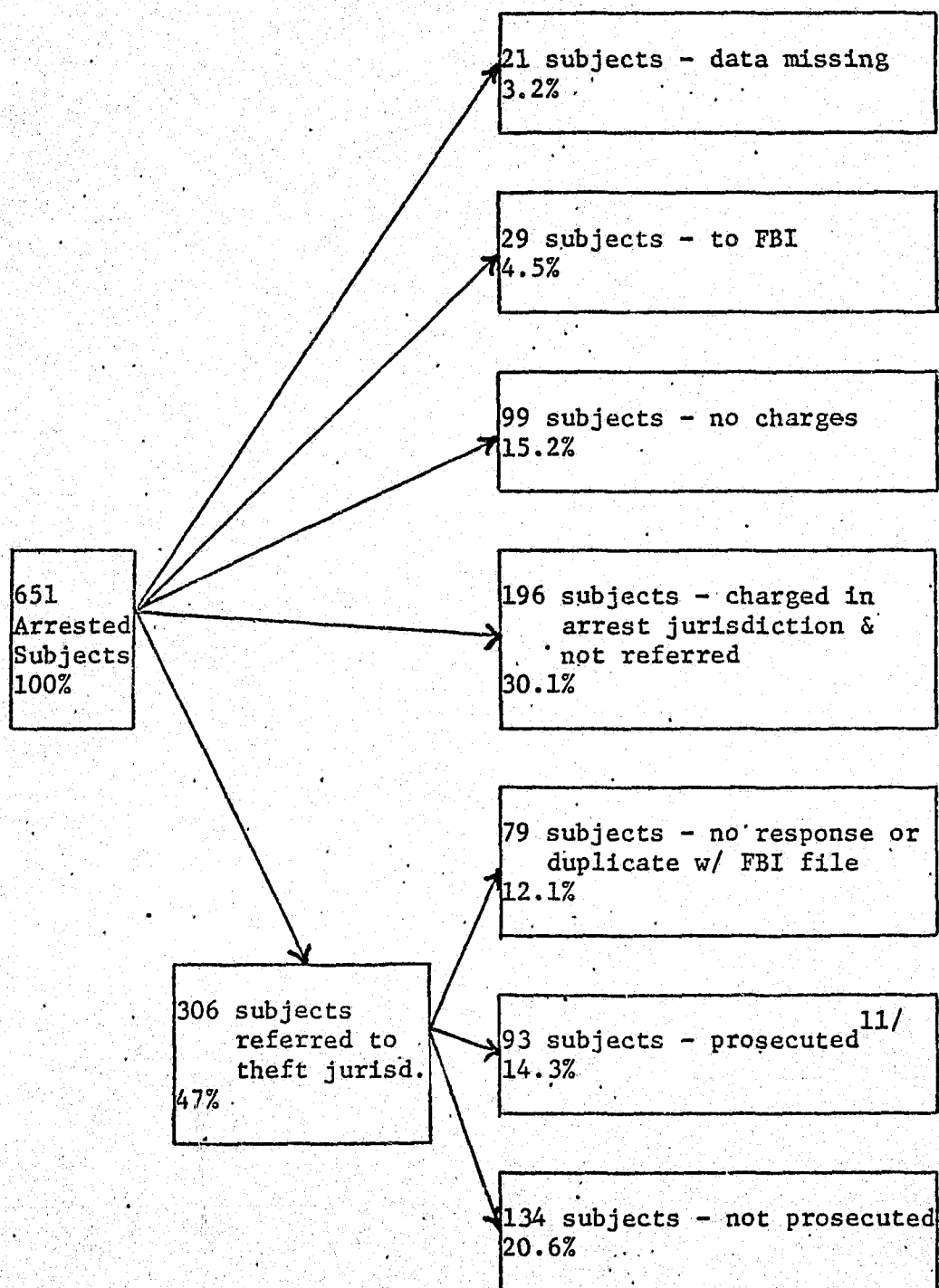
It is clear from the figures in Table 4 that we can be certain of the prosecution of only 93 subjects (14.3%) of the 651 subjects arrested in the original 523 cases.

2. FBI Cases

The FBI file is based on subject information obtained directly from FBI field offices. The FBI reviewed 345 Dyer Act cases involving 471 subjects during September and October, 1977. Forty-four of them were theft ring cases and, thus, were retained for federal

^{10/} Typically, subjects might be charged at arrest by the local sheriff or police department with possession of a stolen vehicle, only to have the charges dropped by the local prosecutor for lack of evidence, witnesses, or other proof. The term "prosecution" throughout this study is defined to mean any action where the subject is formally charged in a court proceeding.

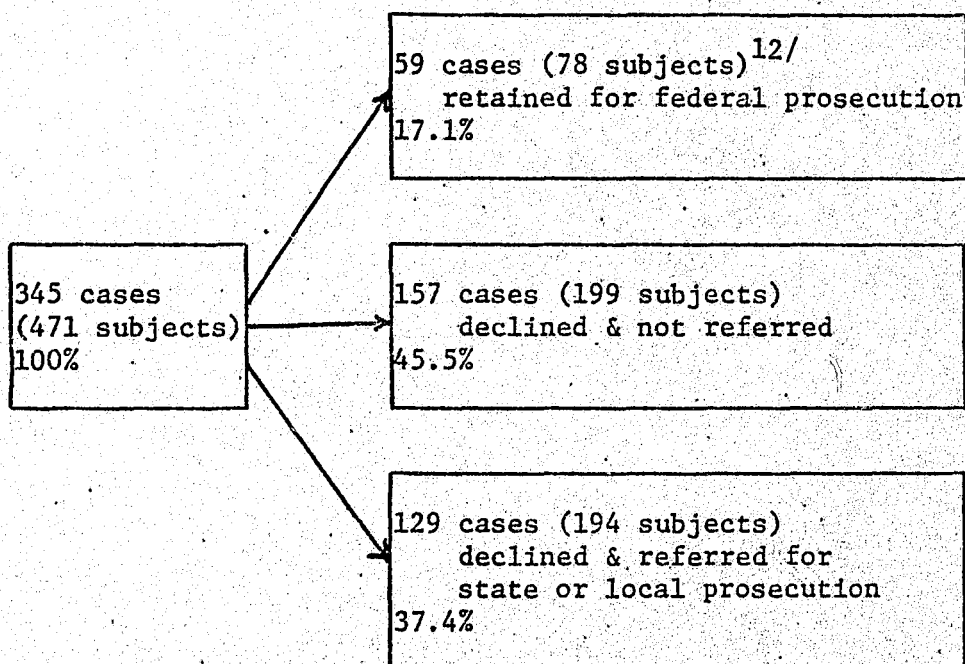
Table 4. NCIC Arrested Subject Outcomes



^{11/} Defined here as: prosecuted in jurisdiction of arrest, jurisdiction of theft, or incarcerated on other charges as fugitive or escapee.

prosecution. Except for 15 cases prosecuted by the U.S. Attorney in D.C. as local offenses, the rest of the cases were declined for prosecution by United States Attorneys and either referred or not referred to state and local authorities for prosecution. The breakdown of cases and subjects is as follows:

Table 5. FBI Case Outcomes



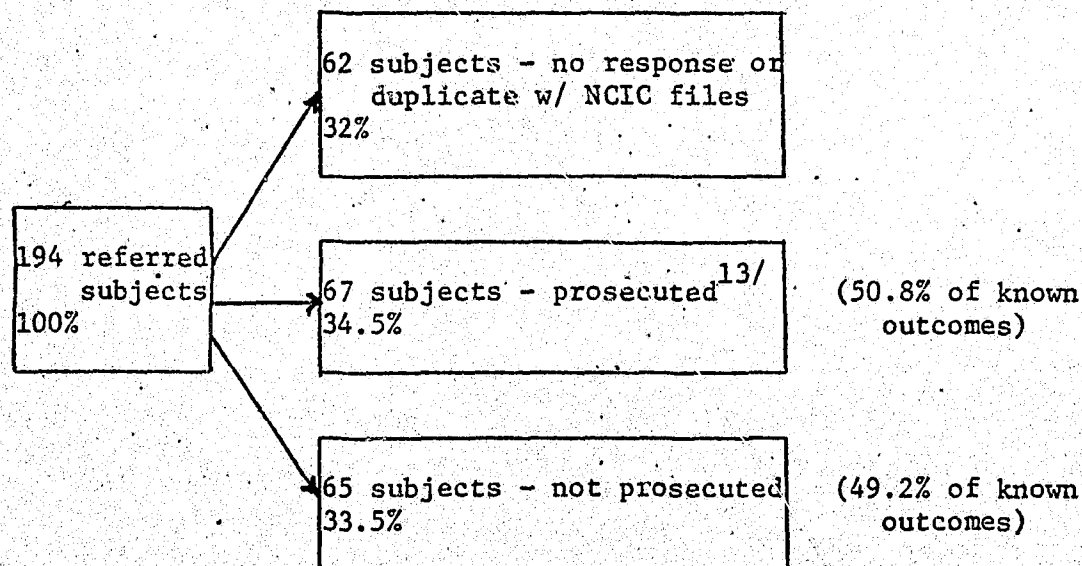
Despite the requirements of the Justice Department referral guidelines, it would appear that U.S. Attorneys' offices made no effort to refer the 157 cases that they declined for prosecution. It is noteworthy that the

^{12/} This includes 15 cases involving 22 subjects prosecuted by the United States Attorney for the District of Columbia in D.C. Superior Court for Unauthorized Use of a Vehicle, 22 D.C. Code §2204.

U.S. Attorney's Office in Chicago declined and did not refer 62 subjects in 42 cases, the U.S. Attorney in the Western District of Missouri (Kansas City) declined and did not refer 20 subjects in 15 cases, and the U.S. Attorney in Las Vegas declined and did not refer 34 subjects in 25 cases. These three offices account for more than half of all the cases and subjects that were not referred for prosecution.

As to the 129 cases involving 194 subjects referred for state or local prosecution, the disposition information obtained is as follows:

Table 6. FBI Referred Subject Outcomes

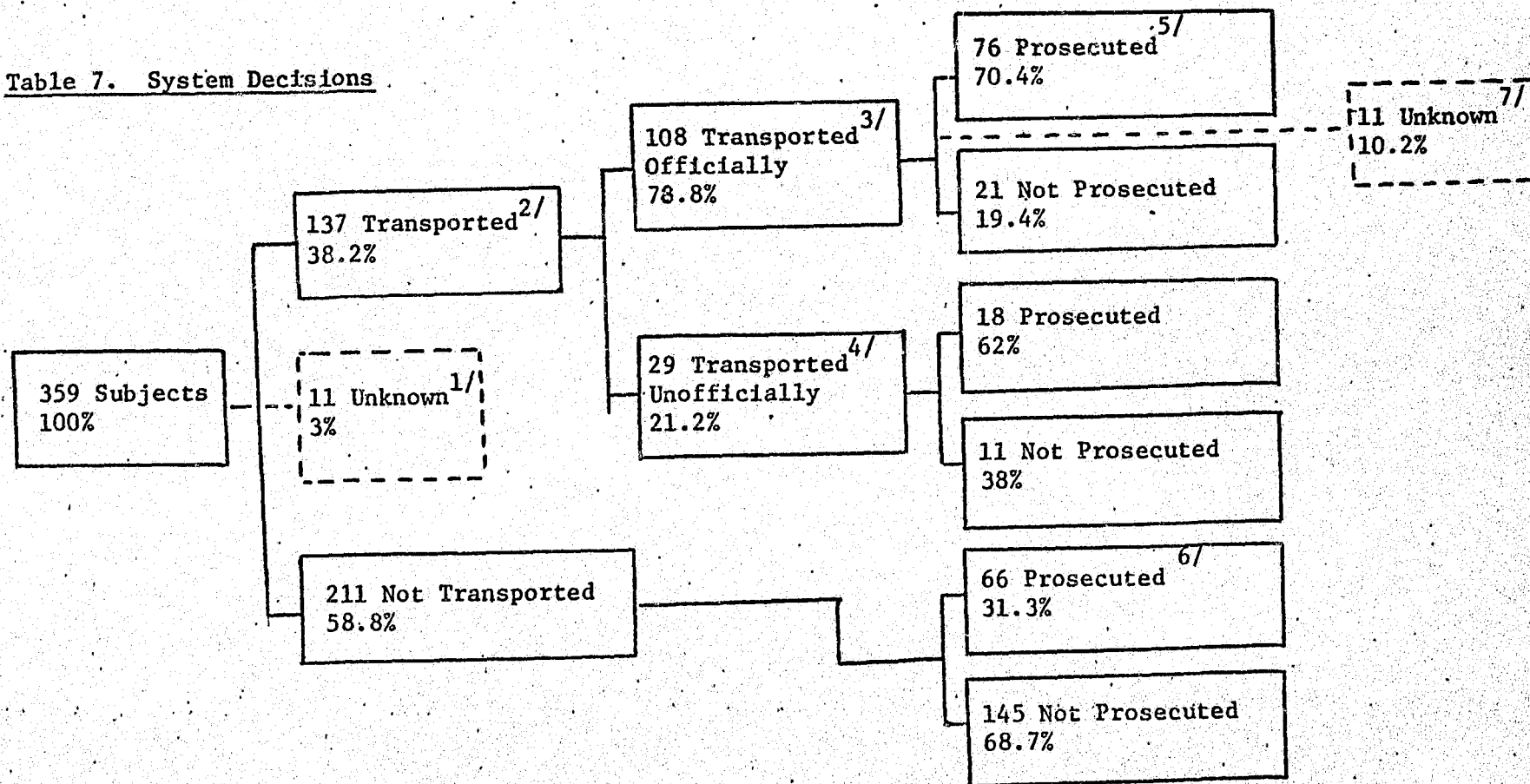


^{13/} Defined here as: prosecuted in jurisdiction of theft, jurisdiction of arrest, or incarcerated on other charges as fugitive, runaway, or escapee.

3. NCIC and FBI Subject Files Combined

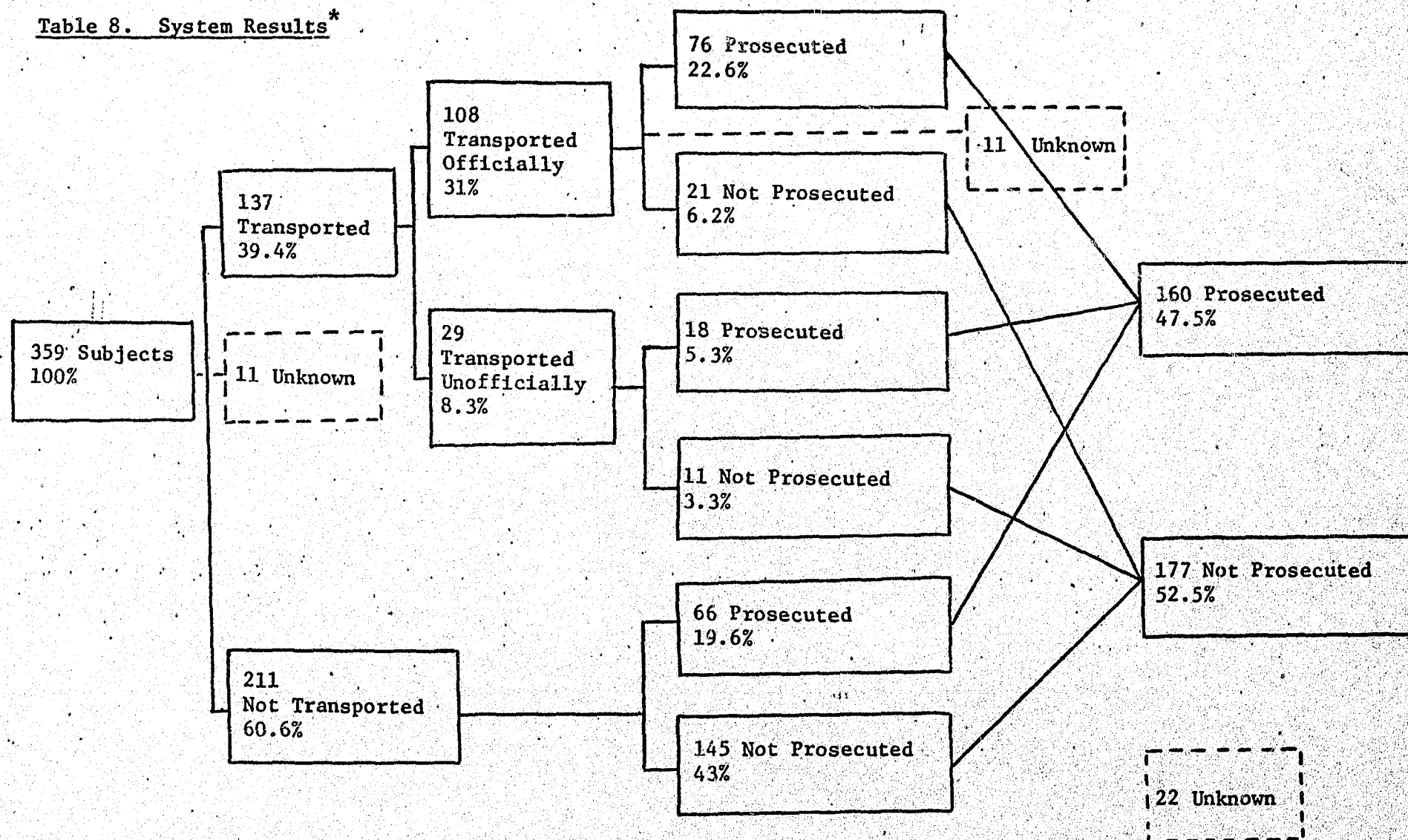
As can readily be seen from Table 1 above, the NCIC and FBI files together ultimately yielded 359 trackable subjects who had been referred to state and local authorities for prosecution. Tables 7 and 8 combine information on transportation and prosecution of the 359 subjects. Table 7, System Decisions, looks at the data in terms of decision points, i.e. transportation/no transportation and prosecution/no prosecution. Percentages refer back only to the previous decision point. Table 8, System Results, refines the data in terms of known outcomes, with all percentages referring back to the total sample of 359 subjects (less the 22 unknown outcomes). The footnotes to Table 7 are also applicable to Table 8 and, thus, are not repeated.

Table 7. System Decisions



- 1/ These are allegedly referred cases where the agency involved could not or would not provide us with additional information (e.g. juvenile cases).
- 2/ Returned to jurisdiction of theft.
- 3/ This includes 96 subjects transported at state or local expense, 5 subjects returned at federal expense pursuant to 18 U.S.C. §5001, and 7 subjects returned at unknown expense.
- 4/ Transported at expense of subject or parents of subject.
- 5/ This figure includes 12 subjects returned as fugitives and incarcerated on other charges.
- 6/ These are subjects prosecuted by the arresting jurisdiction and include 8 subjects incarcerated as fugitives or escapees from other charges.
- 7/ These are subjects who were transported, but where prosecution is not known because the agency involved was unable or unwilling to provide the requested information.

Table 8. System Results*



* System rate calculations based on known outcomes at each step.

B. Offender Profile

1. Age

The average age of arrestees in our sample is 24 and the median age is 21.3. In terms of age distribution, 24% are under 18 years of age, 45% are under 21 years of age, and 55% are 21 years and older. See Table 9 below:

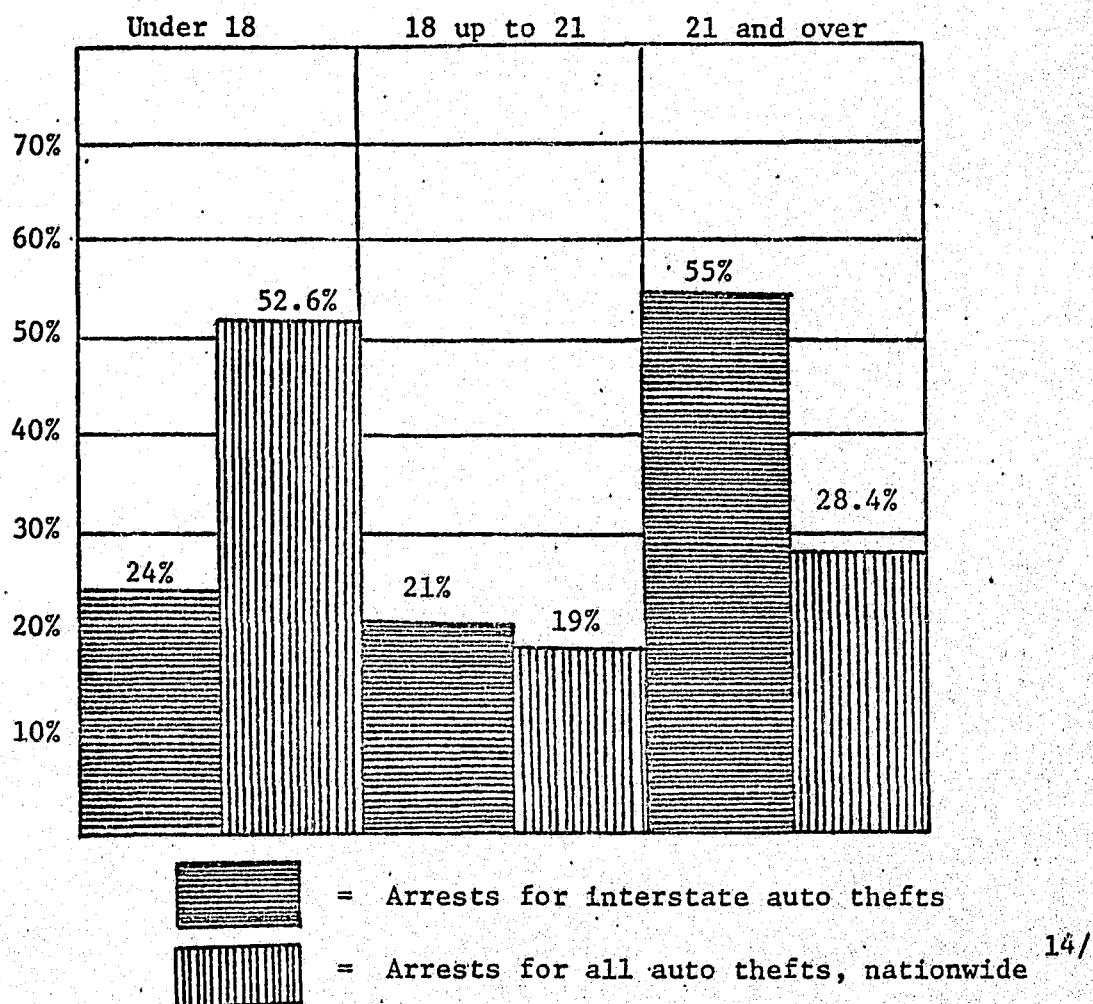
Table 9. Age Distribution of Referred Subjects

AGE	FREQ.	ADJ PCT	CUM PCT	AGE	FREQ.	ADJ PCT	CUM PCT	AGE	FREQ.	ADJ PCT	CUM PCT
14	4	1	1	27	12	4	75	40	3	1	94
15	19	6	7	28	7	2	77	42	1	0	95
16	25	8	15	29	6	2	79	43	3	1	96
17	30	9	24	30	8	2	81	44	2	1	96
18	22	7	31	31	6	2	83	47	2	1	97
19	23	7	38	32	4	1	84	48	1	0	97
20	21	7	45	33	7	2	87	49	1	0	97
21	21	7	52	34	6	2	88	50	3	1	98
22	18	6	57	35	4	1	90	53	1	0	99
23	17	5	63	36	5	2	91	57	1	0	99
24	10	3	66	37	2	1	92	59	2	1	100
25	9	3	68	38	3	1	93	64	1	0	100
26	8	2	71	39	2	1	93				

Number of missing observations: 39

A comparison of these age distributions with national arrest figures for all auto thefts clearly reveals that persons arrested for interstate transportation of stolen cars come from a significantly older segment of the population. See Table 10 on the following page.

Table 10. Interstate Auto Thefts and All
Auto Thefts Compared by Subject Age Groups



In short, as the figures in the above graph demonstrate, interstate auto theft is predominantly an adult crime (i.e. 76% are over 18), while auto theft generally is predominantly a juvenile crime (i.e. 52.6% are under the age of 18).

^{14/}Based on Table 33, 1976 Uniform Crime Reports, p. 183.

As can be seen from Table 11 below, there is no meaningful difference in prosecution rates as between the three age groups:

Table 11. Prosecution Rates by Age Groups

	Under 18	18 up to 21	21 and over	Row Total
Prosecuted	35	32	84	151
Rate (%)	50.7	53.3	50.9	51.4
Not Prosecuted	34	28	81	143
Rate (%)	49.3	46.7	49.1	48.6
Column Total	69	60	165	294

Number of missing observations: 65

2. Race and Sex

Seventy-eight percent of the arrestees in our sample are white, 22% non-white. This compares with 71.1% white arrestees and 28.9% non-white arrestees for all auto thefts nationally.^{15/} Whites in our sample were prosecuted at a significantly higher rate than non-whites. See Table 12.

^{15/} Table 35, 1976 Uniform Crime Reports, p. 185.

Table 12. Prosecution Rates by Race

	White	Nonwhite	Row Total
Prosecuted	127	28	155
Rate (%)	52.7	39.4	49.7
Not Prosecuted	114	43	157
Rate (%)	47.3	60.6	50.3
Column Total	241	71	312

Number of missing observations: 47

The breakdown by sex in our sample is 90% male, 10% female. This compares with national figures for all auto thefts of 93% male, 7% female.^{16/} Males were prosecuted at a significantly higher rate (52.8%) than females (25%), primarily because women were principals in only a few cases.

C. Transportation Rates As a Function of Distance,
Population Size and Crime Rates

Referring to Table 8, it is evident that only a small percentage (31%) of arrested subjects were transported back to the jurisdiction of theft at official expense. Given the peculiarities of theft in one state and arrest in another, the logical assumption is that the greater the cost of bringing a subject back for prosecution, the

^{16/} Table 34, 1976 Uniform Crime Reports, p. 184.

less likely it is that the theft jurisdiction will transport (and, thus, prosecute) the subject. Aside from specific questions asked of prosecutors regarding each subject, we tested this assumption by looking at transportation rates in terms of several factors: 1) Distance between arresting and theft jurisdiction; 2) Population size of theft jurisdiction (the assumption being that larger jurisdictions have more prosecutorial resources); and 3) Crime rates and auto theft rates in theft jurisdictions (the assumption being that prosecutions are more likely in jurisdictions that are not burdened with high crime rates). The results of these comparative analyses are set forth in the next three sections.

1. Distance

Analysis of the figures in Table 13 on the following page reveals that the underlying assumption of an inverse correlation between transportation rates and distance (and, thus, costs) is essentially without support.

There appears to be an inverse correlation between transportation rates and distances up to 300 miles, i.e. 35.1% of the subjects are transported if the distance to arrest jurisdiction is less than 100 miles, 28.9% if the distance is between 100 and 199 miles, and only 15.4% are transported if the distance is between 200 and 299 miles. However, the correlation disappears entirely

Table 13. Distance & Transportation Rates Correlated

	<u>Distance (in miles)</u>								<u>Total</u>
	<u>Under 100</u>	<u>100- 199</u>	<u>200- 299</u>	<u>300- 499</u>	<u>500- 749</u>	<u>750- 999</u>	<u>1000- 1499</u>	<u>1500 & Over</u>	
Transported ^{17/}	13	13	6	11	28	2	15	8	96
Rate (%)	35.1	28.9	15.4	35.5	47.5	7.1	30.0	32.0	30.6
Not Transported	24	32	33	20	31	26	35	17	218
Rate (%)	64.9	71.1	84.6	64.5	52.5	92.9	70.0	68.0	69.4
Totals	37	45	39	31	59	28	50	25	314

Number of missing observations: 45

^{17/} This excludes all subjects transported at their own or parental expense.

beyond 300 miles and the implication is clear that distance (and, thus, cost of transportation) is no longer a determinant as to whether or not a subject is brought back for prosecution. The most likely explanation for the inverse correlation up to 300 miles is that this is the maximum distance that might be contemplated for travel by auto. In fact, the cut-off point is probably 200 miles given that all six subjects transported in the 200-299 mile category were brought back by air. Beyond 300 miles, subjects were generally transported by air and, as can be seen, there is no discernible correlation between distance and transportation rates. Moreover, looking at the above data in terms of this 300 mile break-point, the transportation rate up to 300 miles is only 26.4% ($32/121 = .264$), while the transportation rate for 300 miles and beyond is 33.2% ($64/193 = .3316$).

Finally, if the underlying assumption were correct, one would expect the distance for subjects transported to be considerably shorter than the distance that would have to be traveled by those subjects not transported. In fact, there is virtually no difference: the average distance between arresting and theft jurisdiction was 644 miles for those transported, and 645 miles for those not transported.

2. Population Size of Theft Jurisdiction

One might reasonably expect that the smaller

jurisdictions with smaller tax bases and, thus, fewer resources for prosecution would be less likely than the larger jurisdictions to bring subjects back for auto theft prosecution. As can be seen from the figures in Table 14, this is not the case:

Table 14. Population & Transportation Rates Correlated

	<u>Population (in thousands)</u>					<u>Total</u>
	<u>Under 25</u>	<u>25 to 50</u>	<u>50 to 100</u>	<u>100 to 250</u>	<u>250 & Over</u>	
Transported ^{18/}	12	20	13	11	40	96
Rate (%)	36.4	66.7	41.9	21.6	23.7	30.6
Not Transported	21	10	18	40	129	218
Rate (%)	63.6	33.3	58.1	78.4	76.3	69.4
Totals	33	30	31	51	169	314

Number of missing observations: 45

It is evident from the above table that the transportation rate for jurisdictions with populations of less than 100,000 is significantly greater than that of jurisdictions with populations in excess of 100,000. Indeed, taking 100,000 population as the break-point, those jurisdictions below the mark transported back 37.2% of arrested subjects, while the jurisdictions above transported only 23.2%. Thus, one could conclude either that

^{18/} Again, excluded are all subjects transported at their own or parental expense.

smaller jurisdictions have more resources and larger jurisdictions fewer resources for bringing subjects back for prosecution, or, as is more likely, that other factors (such as criminal caseloads and prosecutorial priorities) are the determinants. There is some support for the latter conclusion when transportation rates are correlated with the crime and auto theft rates of the theft jurisdictions.

3. Crime Rates and Auto Theft Rates

As noted earlier, transportation rates were tested against the crime and auto theft rates of the theft jurisdictions on the theory that high transportation rates are inversely correlated with crime rates and auto theft rates. This turns out to be only partially true, as can be seen from Tables 15 and 16 which follow on the next page.

It is obvious from these tables that those jurisdictions in the lowest crime rate and auto theft category (the majority of which are rural counties) transport a substantially larger percentage of subjects back for prosecution than all other jurisdictions with crime rates in excess of 3,000 and auto theft rates above 300. Taking the figures in Table 15, the transportation rate for theft jurisdictions with crime rates under 3,000 is 47.6%, as opposed to a transportation rate of 23.7% for all other jurisdictions with crime rates above 3,000. It is

Table 15. Transportation Rates Correlated to Crime Rates

	Crimes per 100,000 Persons ^{19/}					Total
	Under 3,000	3,000- 4,999	5,000- 5,999	6,000- 6,999	7,000 & Over	
Transported	39	12	17	17	13	98
Rate (%)	47.6	20.3	23.9	23.0	28.9	29.6
Not Transported	43	47	54	57	32	233
Rate (%)	52.4	79.7	76.1	77.0	71.1	70.4
Totals	82	59	71	74	45	331

Number of missing observations: 28

Table 16. Transportation Rates Correlated toAuto Theft Rates

	Auto thefts per 100,000 persons ^{20/}						Total
	Under 300	300- 399	400- 499	500- 599	600- 699	700 & Over	
Transported	50	7	19	7	11	4	98
Rate (%)	45.0	17.1	36.5	14.0	27.5	10.8	29.6
Not Transported	61	34	33	43	29	33	233
Rate (%)	55.0	82.9	63.5	86.0	72.5	89.2	70.4
Totals	111	41	52	50	40	37	331

Number of missing observations: 28

^{19/} Based on Tables 1, 5 and 6, 1976 Uniform Crime Reports. See explanatory footnote 7, supra. Note that the average crime rate for the nation is 5,266 per 100,000 population.

^{20/} Based on Tables 1, 5 and 6, 1976 Uniform Crime Reports. See explanatory footnote 7, supra. Note that the average auto theft rate for the nation is 446 per 100,000 persons.

particularly noteworthy that there is very little variation in the transportation rates between jurisdictions with crime rates above 3,000 (the range is 20.3% at lowest to 28.9% at highest).

There are a number of possible explanations for this sharp distinction between jurisdictions at the bottom of the crime rate scale and all others. It is clear from our telephone conversations with local prosecutors in the low crime rate jurisdictions that rarely are they confronted with interstate auto theft cases and, thus, they are inclined to bring subjects back for prosecution if the evidence is available. Given that their crime rates are low, these jurisdictions are likely to give roughly equal priority to prosecution of different types of crimes. Another possible explanation for their low crime rates is that they enforce the law more actively. By contrast, jurisdictions with higher crime rates are more likely to assign a lower priority to prosecution of interstate auto thefts (as, indeed, data in the next section suggests) because of the need to prosecute the more serious crimes or crimes that are easier to prove.

D. Subjects Not Transported and Not Prosecuted, By Reasons Given by Agencies in Theft Jurisdictions

Actual reasons given by state and local prosecutors for not transporting or prosecuting arrested subjects add further support to the conclusion that costs play

much less of a role than originally anticipated. As the two tables below indicate, reasons common to all types of criminal cases predominate. (It should be noted that the possible reasons are not mutually exclusive and, thus, multiple answers were given in a substantial number of cases).

Table 17. Stated Reasons for Not Transporting 56 Subjects^{21/}

<u>Reason:</u>	<u>Frequency Mentioned</u>	<u>Percentage of Cases in Which Reason was Given</u>
1. Insufficient evidence against subject	17	30.4%
2. Subject was passenger only	11	19.6%
3. Victim refused to prose- cute	12	21.4%
4. Witness(es) unavailable	4	7.1%
5. Low priority case	14	25%
6. Insufficient prosecutive manpower	0	0%
7. Costs of prosecution are prohibitive	14	25%
8. Transportation of subject is too costly	5	8.9%
9. Other/unknown	4	7.1%

It is noteworthy that in only 8.9% of the cases was cost of transportation cited as a reason for not bringing

^{21/} This includes all subjects on which we had relevant information.

the subject back for prosecution, and in no instance was lack of prosecutive manpower given as the reason. As in most criminal cases, the prosecutorial decision here turns on questions of evidence (reasons 1 and 2) or proof (reasons 3 and 4). However, it is interesting to note that a substantial number of prosecutors accorded low priority to interstate auto theft cases and, thus, considered costs of prosecuting them to be excessive.

The above pattern is perhaps even more pronounced when looking at the reasons cited for not prosecuting subjects who may or may not have been transported back to the theft jurisdiction. See Table 18 on the following page.

E. Utilization of 18 U.S.C. §5001

18 U.S.C. §5001^{22/} provides for escort by the U.S. Marshal at federal expense of arrested subjects under 21 years of age. This service is available to any theft jurisdiction seeking to prosecute a person arrested in another state. Our survey reveals that the service is rarely utilized and, in fact, few prosecutors even know of its existence.

At our request, the U.S. Marshal required its 94 field offices during the September-October study period to keep track of all auto theft subjects transported from

^{22/} Reproduced in Appendix C.

Table 18. Stated Reasons for Not Prosecuting 90 Subjects^{23/}

Reason:	Frequency Mentioned	Percentage of Cases in Which Reason Was Given
1. Insufficient evidence against subject	29	32.2%
2. Subject was passenger only	17	18.9%
3. Victim refused to prosecute	21	23.3%
4. Witness(es) unavailable	8	8.9%
5. Low priority case	15	16.7%
6. Insufficient prosecutive manpower	3	3.3%
7. Costs of prosecution are prohibitive	20	22.2%
8. Transportation of subject is too costly.	5	5.6%
9. Other/unknown	4	4.4%

^{23/} This includes the 56 subjects from the preceding table and all other subjects on which we had the relevant information. The 34 additional subjects were transported back to the theft jurisdictions at official expense but were not prosecuted.

state of arrest to state of theft pursuant to 18 U.S.C. §5001. The U.S. Marshal brought back only 5 subjects during this period--a figure that exactly matches our findings in the combined NCIC and FBI subject files.

In the course of telephone interviews with 90 state and local prosecutors, we learned that 81 (90%) had never heard of 18 U.S.C. §5001, 5 (5.5%) had a vague notion of what the statute provides, and only 4 (4.4%) prosecutors were fully aware of the statute and, in fact, had utilized it. Of these four, only one considered the service to be excellent, one regarded it as "fair," and the remaining two considered it to be "poor." Of the 86 prosecutors who knew little or nothing about 18 U.S.C. §5001 before, 75 indicated that they would utilize it in the future.

It is interesting to note that 18 U.S.C. §5001 would theoretically have been available for transportation of at least 144 subjects in our sample (see Table 9 for subjects under 21). In fact, only 5 subjects (3.5%) were transported pursuant to the statute, 34 (23.6%) were transported at state or local expense, 22 (15.3%) were transported at their own or parental expense, and 83 subjects (57.6%) were not brought back to the jurisdiction of theft for prosecution. Only 24 of the latter 83 subjects were prosecuted by the arresting jurisdiction.

F. Comments by State and Local Prosecutors

In addition to our requests for specific information about individual subjects, we solicited the views of state and local prosecutors on a wide range of other matters relevant to the study. In particular, we asked for their comments on the Justice Department guidelines, their internal office policies on extradition and prosecution of interstate auto thieves, their problems and needs for assistance. Their candid observations illuminate and substantiate the findings made elsewhere in this report.

1. To Prosecute or Not to Prosecute

It became increasingly clear from our many telephone conversations with states' attorneys^{24/} that most, if not all, of them engage in a balancing test when deciding whether to prosecute. The cost of prosecution or extradition is, indeed, a factor, but it is clearly secondary to other considerations (not ranked in order of priority):

1. A number of prosecutors indicated that the value of the stolen car presents a threshold question as to whether prosecution is worthwhile.

2. Some of them stated that they will not proceed without a firm guarantee from the victim that he will

24/

We spoke to 90 prosecutors responsible for handling 142 interstate auto theft cases in our sample.

testify at trial. A few prosecutors require the victim to guarantee the costs of bringing the defendant back for prosecution as a precondition for initiating a prosecution.

3. Virtually all of them consider the strength or weakness of the evidence to be conclusive in the decision. A frequently cited reason for not prosecuting is the difficulty of proving that a subject arrested in another state actually stole the car and did so with the intent permanently to deprive the owner of possession.^{25/}

4. Even if the evidence is strong and the witnesses available, many prosecutors indicated that they will not bring a subject back for prosecution unless there is a reasonable assurance of incarceration after conviction. The prior criminal record or pendency of other criminal charges against the defendant play an important role in this assessment. In fact, a substantial number of prosecutors conceded that they will not proceed against first-time offenders because of the likelihood of probation.

5. Finally, a majority of the prosecutors interviewed indicated that auto thefts, generally, and interstate auto thefts, particularly, have low priority when

^{25/} In those states where auto theft as larceny is the only available criminal charge, a key element that must be proven is that the defendant stole the car with the intent permanently to deprive the owner of possession. It is far easier to prosecute under the Dyer Act or an "unauthorized use" statute since proof of the "taking" or "use" of the vehicle without the owner's permission is sufficient to convict.

matched against crimes of violence and property crimes which are easier and less costly to prove. If the press of other, more important, business is great, prosecutors will not go after the auto thief who has left the jurisdiction.

Viewed in this context, the cost of extradition, transportation, and prosecution is clearly not determinative. It can, and does, occasionally tip the scale against prosecution, but only after other factors have been considered and weighed. Indeed, as many states' attorneys told us: if the case is strong, the victim is willing to prosecute, and the defendant is likely to serve time, they will readily bear the costs, even if considerable, of bringing the subject back for trial. Conversely, if one or more of these factors is uncertain, they consider the risks of failure too great to justify the expense of attempting a prosecution.

2. On-Site Interviews

In addition to our telephone interviews with 90 states' attorneys, we made on-site visits to prosecutors' offices in three cities in order to test the validity of our findings.^{26/} With slight variations,

^{26/} In the interests of preserving confidentiality, these offices are not named but are designated as Office No. 1, No. 2, and No. 3. Office No. 1 is located in Washington, D.C. metropolitan area, Office No. 2 is located in a state capital roughly equidistant from four other states, and Office No. 3 is located in a large northeastern city with high crime and auto theft rates.

these interviews essentially confirmed the prosecutorial decision-making process described in the preceding paragraphs and the results set forth in Tables 17 and 18.

In Office No. 1, the prosecutor stated that the two major factors in his decision on whether to bring a subject back for prosecution are 1) the criminal record of the subject, and 2) the circumstances of the theft. He conceded that recovery of the automobile in a case where the subject is a friend or relative of the victim offers little incentive for prosecution. However, he stressed that the prosecutive decision does not turn on the attitude of the victim--if the two principal factors alluded to above justify prosecution, his office will proceed, emphasizing to the victim that a criminal offense has been committed for which he is a necessary witness. The prosecutor indicated that the vast majority of those cars stolen in his jurisdiction and taken across state lines are recovered in nearby jurisdictions and, thus, involve minimal transportation costs for return of arrested subjects. Finally, he stated that the costs and inconvenience of extradition and prosecution of interstate auto thieves normally do not figure as considerations in his decision.

The prosecutor in Office No. 2 essentially made the same observations as the prosecutor in Office No. 1. However, he stressed somewhat more firmly that the prospect of incarceration for the defendant and the attitude

of the victim are important considerations in his decision to prosecute. He also mentioned that it is policy in his office to require automobile leasing companies to bear the costs of bringing subjects back for prosecution if they want his office to proceed criminally against a lessee who has failed to return a car. As to subjects arrested far from his jurisdiction, he acknowledged that he would weigh the public interest in prosecution against the cost of bringing the subject and other witnesses back to his jurisdiction. The implication was clear that he would not bring someone back from California, for example, unless there were extraordinary circumstances justifying the expense.

Office No. 3 is located in a large city with one of the highest auto theft rates in the nation. To that extent, its prosecutorial problems are considerably more severe than those faced by the other two offices, and its approach to prosecution of interstate auto theft is correspondingly different. This office tends to concentrate whatever resources it devotes to auto theft prosecution to intra-city and intra-state cases. Where a stolen automobile is recovered and a subject arrested in another state, this office defers prosecution, wherever possible, to the authorities in that state and encourages the victim to cooperate with the other state in seeking prosecution. Only in the rarest instances

will extradition be sought (and, then, only after indictment). These instances are 1) where the subject has committed associated crimes involving violence, or 2) where the victim is prepared to bear the costs of transporting the subject back for prosecution, or 3) where the subject is a known member of an auto theft ring. Costs of extradition, transportation, and prosecution were cited as the major reasons for not pursuing interstate auto theft cases. However, this office could not state that federal reimbursement for some of these costs would appreciably increase the level of prosecution given the proof problems involved in these cases and the priority given to more serious crimes.

3. Resource Needs

As a prelude to inquiring about their needs for additional resources, we asked local states' attorneys in our telephone interviews to comment on the Justice Department's referral guidelines. In light of their generally negative comments about prosecuting interstate auto thefts, their answers were mildly surprising. Of the 87 who answered, 27 (31%) agreed with and another 26 (30%) were indifferent to the guidelines. One might have expected far more than 34 (39%) to disagree with the Justice Department on this issue. The implication seems to be that the referral policy could be made to enjoy a greater level of acceptance than it now does if specific

problems with it can be addressed and, perhaps, solved.

In this connection, we asked the prosecutors if increases in their resources would lead to more auto theft prosecutions: of the 81 who answered, 48 said "yes" and 33 said "no." However, the affirmative answers should be viewed with some skepticism given the prosecutorial decision-making process described earlier and the fact that the question invites an affirmative response. Nevertheless, this question was followed up by a further question on the types of resources or assistance they would need in order to handle more auto theft prosecutions. Their answers are as follows: ^{27/}

--Three (3) stated that they could use additional prosecutors.

--Six (6) stated that they needed additional investigative and other similar manpower.

--Twenty-five (25) stated the need for improved communication and cooperation between state, local, and federal law enforcement agencies. In this connection, a substantial number of prosecutors singled out the U.S. Marshal's Service as uncooperative and difficult to work with and cited problems in getting accurate information and prompt assistance from federal

^{27/} A number of those prosecutors who answered "no" to the previous question nevertheless stated their resource needs.

authorities.

--Fifty-nine (59) stated the need for state or federal funding of transportation costs for subjects of all ages. Seven (7) of these also mentioned the need for funds to transport witnesses.

Notwithstanding the above answers, the basic question remains unanswerable: Would additional resources in the forms suggested above actually result in more auto theft prosecutions? There is reason to believe that infusions of additional resources or assistance might have only a marginal impact, particularly given that interstate auto theft cases occupy an inherently low position on the scale of prosecutorial priorities and that factors other than costs are determinative in the decision to prosecute. Nevertheless, to the extent federal aid can improve the situation, efforts to improve cooperation between federal and non-federal agencies and additional funds for movement of prisoners and witnesses appear to hold the greatest promise.

III. Conclusions

- Nearly half of all subjects presented to United States Attorneys for Dyer Act violations are neither prosecuted federally nor referred to state and local authorities for prosecution (see Table 5, page 22 and text). This contravenes the apparent intent of Justice Department guidelines that state and local authorities should at least be asked to prosecute those cases where policy prohibits federal prosecution.

- Unlike for auto theft generally, interstate auto theft is predominantly an adult crime (76% of the subjects in our sample are over 18). Thus, law enforcement resources are best concentrated on the adult side of criminal investigations and prosecutions.

- The cost of transporting a subject back to the jurisdiction of theft is a relatively unimportant factor in the states' attorney's decision on whether to prosecute. This conclusion is contrary to original expectations (see pp. 37-39 and 42-47).

- The factors which predominate in the decision on whether to bring a subject back for prosecution are:
1) the strength of the evidence against the subject; 2) the likelihood of imprisonment after conviction; 3) the willingness of the victim to prosecute; and 4) the priority of the case vis à vis prosecution of other crimes. (See Tables 17 and 18, and text on pages 37-39.)

• Jurisdictions with populations in excess of 100,000 and crime rates above 3,000 transport subjects and, thus, prosecute interstate auto theft cases, at a substantially lower rate than small, rural jurisdictions with crime rates below 3,000 (see Tables 14 and 15 and text on pages 33-37). Consequently, efforts to increase prosecution of interstate auto theft cases are most profitably aimed at the larger cities and counties.

• Federal-state-local cooperation and communication are clearly poor, as evidenced by: 1) the large number of subjects presented to the U.S. Attorney who are neither prosecuted nor referred; 2) the almost complete non-utilization of the transportation services available to state and local authorities pursuant to 18 U.S.C. §5001; and 3) the comments and recommendations made by local district attorneys in telephone interviews regarding their problems with federal law enforcement agencies.

IV. Recommendations

So long as the Justice Department adheres to a policy of referring individual Dyer Act violations for prosecution by state or local authorities, it should take the following actions:

1. All United States Attorneys' Offices should be required to contact the appropriate state or local law enforcement authorities about prosecution of all subjects presented to them who cannot be prosecuted federally because of the prosecution and referral guidelines. This necessarily requires a redrafting of the guidelines to remove ambiguities and to make it clear that U.S. Attorneys (and, by extension, the FBI) have an affirmative duty not only to contact state and local authorities about these cases, but also to assist in all appropriate ways in making subjects, witnesses, and evidence available for state or local prosecution.

2. Substantially increased utilization of 18 U.S.C. §5001 should be encouraged. This will require action on at least three fronts:

--Increased appropriations for the U.S. Marshal's

Service to enlarge its capacity to move prisoners across state lines pursuant to 18 U.S.C. §5001.

--Dissemination of information about 18 U.S.C. §5001

to state and local district attorneys across the country. This should be an on-going and frequently-

repeated effort.

--Improved coordination between the U.S. Attorneys, the FBI field offices and the U.S. Marshal's Service in making the services under 18 U.S.C. §5001 available to state and local jurisdictions.

3. Consideration should be given to new legislation expanding the scope of 18 U.S.C. §5001 to include persons over 21 years of age or to provision of federal funds for existing non-federal agencies engaged in interstate movement of prisoners

4. The Justice Department should take the lead in improving coordination and communication between federal law enforcement agencies and state and local authorities. A major complaint of local police departments, sheriff's offices, and district attorneys turns on the failure of federal authorities to disseminate information on federal policies and practices and to respond promptly to local requests for assistance.

APPENDICES

APPENDIX A. Supplemental Findings on Transportation of Subjects

Mode of Transport

In those instances where the information was available, 47 of the 137 subjects transported back to theft jurisdictions were moved by automobile, 45 were transported by air, and 2 subjects were transported by bus.

Duration of Trip

Roughly half of the subjects transported back to the theft jurisdiction were picked up and returned in one day. Nearly all the rest were picked up and returned within two days.

Number of Escorting Officers

In the majority of cases (61%), transported subjects in our sample were escorted by only one law enforcement officer. The remaining 39% were escorted by two officers. It should be noted here that where prisoners are transported on commercial airline flights, FAA regulations require that "high risk" prisoners be escorted by two officers, while the ratio for "low risk" prisoners is one officer to every two prisoners. The designation "high risk" or "low risk" is made by the agency transporting the prisoner, and not by the FAA or the airline. See 14 C.F.R. 121.584 for a complete description of the applicable FAA regulations.

Actual Costs of Transportation

Based on the formulas described in Appendix D, the actual costs of transporting those prisoners who were brought back by

auto averaged \$180.40, while the average cost of transporting those who were brought back by air was \$425.30. It should be noted that these calculations do not include salaries of escorting officers. Thus, it could be that air transportation is the cheaper mode where travel by auto involves several man-days of officer time. See Appendix D for a fuller explanation.

APPENDIX B, Justice Department Guidelines for Prosecution and Referral of Dyer Act Cases.

UNITED STATES ATTORNEYS' MANUAL
TITLE 9--CRIMINAL DIVISION

9-61.000 CRIMES INVOLVING PROPERTY

9-61.100 NATIONAL MOTOR VEHICLE THEFT ACT - DYER ACT (18 U.S.C. 2311 - 2313)

9-61.110 Investigative Jurisdiction

Violations of the National Motor Vehicle Theft Act (Dyer Act), as amended (18 U.S.C. 2311-2313), are within the investigative jurisdiction of the FBI.

9-61.120 Supervising Section

General Crimes Section.

9-61.130 Policy Concerning Prosecution

To achieve uniform application of the statute in all judicial districts and to keep Dyer Act prosecutions in proper perspective with other prosecutions, the following guidelines should be followed in determining whether a stolen car report is to be investigated and prosecution instituted:

9-61.131 Organized Rings And Multi-Theft Operations

Organized ring cases and multi-theft operations should be investigated and prosecuted.

9-61.132 Individual Thefts - Exceptional Circumstances

Individual theft cases involving exceptional circumstances should be investigated with the provision that when local authorities indicate a willingness to prosecute, the United States Attorney should defer to such prosecution. In determining whether "exceptional circumstances" justifying Federal prosecution are present, the following examples may be considered illustrative but not exhaustive:

(a) The stolen vehicle is used in the commission of a separate felony for which punishment less than for the Dyer Act would be expected from local courts.

(b) The stolen vehicle is demolished, sold, stripped or grossly misused.

(c) An individual steals more than one vehicle in such a manner as to form a pattern of conduct.

(d) The stolen vehicle constitutes heavy commercial or farming equipment, such as a tractor truck, a farm tractor, or a vehicle used in heavy construction.

9-61.133 Individual Thefts - Not Prosecuted Federally

Individual theft cases should not be prosecuted in Federal Courts, regardless of local prosecutive decisions in the following instances:

(a) Cases involving joy-riding.

(b) Cases in which the individual to be charged is 21 years of age or older and has not previously been convicted of a felony in any jurisdiction.

(c) Cases in which the individual to be charged is less than 21 years of age and cannot be defined as a recidivist. A "recidivist" for purposes of this policy is a person under 21 who has on at least two prior occasions been arrested for motor vehicle thefts and on one or more occasions has been subjected to institutional incarceration for motor vehicle theft or other offenses.

9-61.140 Discussion Of The Offense

Within the meaning of the statute the word "stolen" should not be construed in a technical sense of common law larceny. What is required is a felonious taking or conversion of a vehicle of another for one's own use without right regardless of how the party taking the car may originally have come into possession of it. United States v. Turley, 352 U.S. 407 (1957). However, in situations where both title and possession to the car intentionally have passed, the courts have held that the car is not "stolen" within the purview of the Act. Hite v. United States, 168 F.2d 973 (C.A. 10 1948); United States v. O'Carter, 91 F. Supp. 544 (S.D. Iowa C.D. 1949); also Loney v. United States, 151 F.2d 1 (C.A. 10 1945).

APPENDIX C. 18 U.S.C. §5001 and 18 U.S.C. §3182

§ 5001. Surrender to State authorities; expenses

Whenever any person under twenty-one years of age has been arrested, charged with the commission of an offense punishable in any court of the United States or of the District of Columbia, and, after investigation by the Department of Justice, it appears that such person has committed an offense or is a delinquent under the laws of any State or of the District of Columbia which can and will assume jurisdiction over such juvenile and will take him into custody and deal with him according to the laws of such State or of the District of Columbia, and that it will be to the best interest of the United States and of the juvenile offender, the United States attorney of the district in which such person has been arrested may forego his prosecution and surrender him as herein provided.

The United States marshal of such district upon written order of the United States attorney shall convey such person to such State or the District of Columbia, or, if already therein, to any other part thereof, and deliver him into the custody of the proper authority thereof.

Before any person is conveyed from one State to another or from or to the District of Columbia under this section, he shall signify his willingness to be so returned, or there shall be presented to the United States attorney a demand from the executive authority of such State or the District of Columbia, to which the prisoner is to be returned, supported by indictment or affidavit as prescribed by section 3182 of this title.

The expense incident to the transportation of any such person, as herein authorized, shall be paid from the appropriation "Salaries, Fees, and Expenses, United States Marshals."

§ 3182. Fugitives from State or Territory to State, District or Territory

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.

APPENDIX D. EXPLANATION OF DISTANCE/COST
FUNCTION FOR DYER ACT

DISTANCE

Each theft location and arrest location has been geocoded using a 4 digit code.^{1/}

- Digits 1 - 2 = LONGITUDE
- Digits 3 - 4 = LATITUDE

The LONGITUDE portion of the code actually measures the deviation of each locale from 65° East, a point just East of Maine. The LATITUDE portion measures the deviation of a locale from 18° North in ½ degree increments; where 18° North corresponds to Puerto Rico. These conventions allow for coverage of any point from Maine to Hawaii and from Puerto Rico to Alaska.

For most of the United States LONGITUDE readings will be accurate to within +26.5 miles versus +17.3 for each LATITUDE reading. Any resulting calculation of a distance is thus accurate to +31.6 miles.

Calculation of the air distance between two points is performed via the pythagorean theorem of the form;

$$D = \sqrt{X^2 + Y^2}$$

where X refers to longitudinal distance and Y is latitudinal.

1/These 4 geographic digits are immediately followed by an alpha character designating the size of the jurisdictions.

- A = Under 25,000
- B = 25,000 - 49,999
- C = 50,000 - 99,999
- D = 100,000 - 249,999
- E = 250,000 - 499,999
- F = 500,000 - 999,999
- F = 1,000,000 or more

For our application the differences between two longitude coordinates and two latitude coordinates must be converted into distance. For standard latitude the proper factor to be used is 69.06 miles per degree of distance or 34.53 per half degree. Longitudinal distance however varies from 69.17 miles per degree (at the slightly bulging equator) to zero miles at the pole. Accordingly, the proper factor to be employed can be obtained by reference to the table on the next page.

In employing the table, the average latitude for the two points in question should be used. For example, in calculating the air distance between Boston (0549) and Miami (1416) the following steps should be performed.

1. Subtract the longitude for point 1 from that of point 2.

$$14 - 05 = 09$$

2. Calculate average latitude.

$$(49 + 16)/2 = 32.5$$

3. Look up mileage factor in table by truncating 32.5 to 32.

$$\text{GIVEN AVG. LAT.} = 32$$

$$\text{MILEAGE FACTOR} = 57.34$$

4. Multiplying 09 (from step 1) times 57.34

$$09(57.34) = 516.06$$

for the longitudinal distance.

Latitudinal distance is obtained more easily.

5. Subtract the latitude for point 1 from that of point 2.

$$16 - 49 = 33$$

6. Multiply the result times 34.53.

$$33 \times 34.53 = 1,139.49$$

to obtain the latitudinal distance.

MILEAGE
LONGITUDINAL FACTORS

FOR AVERAGE LATITUDES

<u>AVG.</u> <u>LAT.</u>	<u>MILEAGE</u> <u>FACTOR</u>	<u>AVG.</u> <u>LAT.</u>	<u>MILEAGE</u> <u>FACTOR</u>	<u>AVG.</u> <u>LAT.</u>	<u>MILEAGE</u> <u>FACTOR</u>
01	65.60	34	56.67	67	42.59
02	65.40	35	56.31	68	41.97
03	65.20	36	55.96	69	41.63
04	65.00	37	55.61	70	40.66
05	64.79	38	55.24	71	40.17
06	64.58	39	54.88	72	39.68
07	64.36	40	54.51	73	39.18
08	64.14	41	54.13	74	38.68
09	63.91	42	53.75	75	38.18
10	63.67	43	53.37	76	37.67
11	63.44	44	52.99	77	37.17
12	63.19	45	52.60	78	36.65
13	62.95	46	52.20	79	36.14
14	62.69	47	51.81	80	35.62
15	62.43	48	51.40	81	35.10
16	62.17	49	51.00	82	34.59
17	61.90	50	50.59	83	34.06
18	61.63	51	50.18	84	33.53
19	61.36	52	49.76	85	33.01
20	61.07	53	49.34	86	32.48
21	60.79	54	48.91	87	31.94
22	60.50	55	48.48	88	31.40
23	60.21	56	48.05	89	30.86
24	59.90	57	47.62	90	30.33
25	59.60	58	47.18	91	29.78
26	59.29	59	46.73	92	29.23
27	58.98	60	46.28	93	28.69
28	58.66	61	45.83	94	28.13
29	58.34	62	45.38	95	27.58
30	58.01	63	44.92	96	27.03
31	57.78	64	44.46	97	26.47
32	57.34	65	44.00	98	25.91
33	57.00	66	43.53	99	25.35

Finally;

7. Square and sum the longitudinal and latitudinal distances.

$$516.06^2 = 266,317.9236$$

$$1,139.49^2 = \underline{1,298,437.4601}$$

$$\text{'Sum} = 1,564,755.3837$$

8. Obtain the square root.

$$\sqrt{\quad} = 1,250.9 = 1,251$$

which corresponds closely to the actual air distance of 1,255 miles.

TRAVEL COSTS

Having obtained the air distance (D) between two points an estimate of the travel costs for those cases where a return was effected may be estimated as follows.

IF AN AUTO USED:

The following assumptions and procedures are followed.

1. Surface miles average 1.20 times air miles ($D' = 1.20D$)
2. Round trip mileage is paid at \$.15 per mile or $.15 \times 2D'$, since a round trip is involved
3. The item DURATION shows the length of a trip (L) in days
 - For officers (O), food costs (F) equal $\$10 \times L \times O$
 - For each suspect, food costs (F) equal $(\$10 \times L/2)$, since a subject travels only one way
4. Motel costs (M) are also figured based on trip length (L)
 - For one or more officers, $\$30 \times (L-1)$
 - For each subject, $\$10 \times (L-1)/2$

so that, after reduction:

$$\bullet \text{ AUTO COSTS} = .36(D) + 10(L)(O) + 40(L) - 35$$

For two officers spending 4 days returning a subject to Miami from Boston:

$$\text{AUTO COSTS} = .36(1251) + 10(4)(2) + 40(4) - 35$$

$$= 450.36 + 80 + 160 - 35$$

$$= 655.36 = 655$$

IF AIRPLANE USED:

1. Round trip air fare = $\$55.30 + \$.1527(D)$
2. Miscellaneous costs (e.g., taxi fare) = \$20 per trip
3. Food and motel costs are incurred only by officers for trips greater in duration than one day at \$30 per day per officer

So that, after reduction:

$$\bullet \text{ AIR COSTS} = 47.65 + 0[55.30 + .1527(D)] + .0764(D) + 30(C-1)(O)$$

For one officer spending one day returning a suspect to Miami from Boston

$$\begin{aligned} \text{AIR COSTS} &= 47.65 + 55.30 + .1527(1251) + .0764(1251) + 0 \\ &= 102.95 + 191.03 + 95.58 \\ &= 389.56 = 390 \end{aligned}$$

If two officers had been on the one day trip:

$$\begin{aligned} \text{AIR COSTS} &= 47.65 + 2[55.30 + .1527(1251)] + .0764(1251) + 0 \\ &= 47.65 + 492.66 + 95.58 \\ &= 635.89 = 636 \end{aligned}$$

IF BUS USED:

1. Surface distance (D') = $1.20(D)$
 2. Round trip bus fare = $\$22.435 + \$.0416(D)$
 3. Miscellaneous costs = \$5 per trip
 4. No motel costs are incurred
 5. Food costs are:
 - For each officer, $\$10 \times L$
 - For the subject, $\$10 \times L/2$.
- $$\bullet \text{ BUS COSTS} = 16.22 + 0[22.435 + .0499(D)] + .0249(D) + 10(L)(O) + 5(L)$$

For the two officers on a three day trip:

$$\begin{aligned} \text{BUS COSTS} &= 16.22 + 2[22.435 + .0499(1251)] + .0249(1251) + 10(3)(2) + 5(3) \\ &= 16.22 + 169.72 + 31.15 + 60 + 15 \\ &= 292.09 = 292 \end{aligned}$$

COMPARISON OF
CAR AND AIR TRAVEL

At a distance of 460 land miles (383 air miles), sending one officer to secure and transport a subject costs as follows:

- By car - \$199
- By air - \$198

Beyond this point it becomes increasingly advantageous to travel by air.

At a distance of 960 land miles (800 air miles) sending two officers to secure and transport a subject costs as follows:

- By car - \$493
- By air - \$494

For other examples, see table below.

TRAVEL COSTS

<u>LAND MILES</u>	<u>ONE OFFICER</u>		<u>TWO OFFICERS</u>	
	<u>BY AUTO</u>	<u>BY AIR</u>	<u>BY AUTO</u>	<u>BY AIR</u>
200	\$ 67	\$ 144	\$ 75	\$ 288
400	168	186	185	298
600	270	227	295	368
800	372	268	405	438
1,000	473	310	515	508
1,200	575	351	625	578
1,400	677	392	735	647
1,600	778	434	845	717
1,800	880	475	955	787
2,000	982	516	1,065	857

DYER ACT GEOCODES

In order to determine the effect of distance (as a determinant of prosecution costs) the location of both arresting and originating jurisdictions is to be encoded on all transactions using assigned GEOCODES. A list of GEOCODES for representative cities and towns in all 50 states and various territories is attached.

The first 4 digits of each code designates coordinate location in a manner very similar to conventional latitude and longitude. The fifth digit is a letter code indicating the population base of the county within which the city or town is located.

A = under 25,000

B = 25,000 - 49,999

C = 50,000 - 99,999

D = 100,000 - 249,999

E = 250,000 - 499,999

F = 500,000 - 999,999

G = 1,000,000 or More

ALABAMA

BIRMINGHAM	2131F
HUNTSVILLE	2133D
MOBILE	2225E
MONTGOMERY	2029D
TUSCALOOSA	2230D

ALASKA

ANCHORAGE	8487B
FAIRBANKS	8294A
JUNEAU	6981A
NOME	9993A

ARIZONA

FLAGSTAFF	4634B
PHOENIX	4631F
TUCSON	4528E
YUMA	4930B

ARKANSAS

BLYTHEVILLE	2436C
FORT SMITH	2835C
LITTLE ROCK	2633D
PINE BLUFF	2632C

CALIFORNIA

ANAHEIM-SANTA ANA	5232F
BAKERSFIELD	5335E
FRESNO	5438E
LOS ANGELES - LONG BEACH	5232F
OAKLAND - BERKELEY	5640F
RIVERSIDE	5132E
SACRAMENTO	5541F
SAN BERNADINO	5132F
SAN DIEGO	5230G
SAN FRANCISCO	5640F
SAN JOSE	5639F

COLORADO

COLORADO SPRINGS	3942D
DENVER	3943F
PUEBLO	3940D

CONNECTICUT

BRIDGEPORT	0746F
HARTFORD	0748F
NEW HAVEN	0747F
NEW LONDON	

DELAWARE

DOVER	1042C
WILMINGTON	1043E

FLORIDA

FORT LAUDERDALE	1416E
JACKSONVILLE	1625E
MIAMI	1416F
ORLANDO	1521E
PENSACOLA	2125D
TALLAHASSEE	1826C
TAMPA - St. PETERSBURG	1719E

GEORGIA

ATLANTA	1831F
AUGUSTA	1631D
COLUMBUS	1929D
SAVANNAH	1528D

HAWAII

HILO	8903B
HONOLULU	9207E

IDAHO

BOISE	5051C
POCATELLO	4650B

ILLINOIS

CHAMPAIGN	2244D
CHICAGO	2248G
DECATUR	2346D
EAST ST. LOUIS	2441E
PEORIA	2445D
ROCKFORD	2348D
SPRINGFIELD	2444D

INDIANA

EVANSVILLE	2240D
FORT WAYNE	1923D
GARY	2147F
INDIANAPOLIS	2044F
SOUTH BEND	2047D
TERRE HAUTE	2143D

IOWA

CEDAR RAPIDS	2648D
DAVENPORT	2547D
DES MOINES	2847E
DUBUQUE	2549C

KANSAS

LEAVENWORTH	2943B
TOPEKA	3042D
WICHITA	3139E

KENTUCKY

COVINGTON	1942D
LEXINGTON	1940D
LOUISVILLE	2040F

LOUISIANA

BATON ROUGE	2525D
METAIRE	2423D
NEW ORLEANS	2423F
SHREVEPORT	2829D

MAINE

BANGOR	0354D
PORTLAND	0451D

MARYLAND

ANNAPOLIS	1042D
BALTIMORE	1143F
BETHESDA - CHEVY CHASE	1142E
COLLEGE PARK, ETC.	

MASSACHUSETTS

BOSTON	0549F
CAMBRIDGE - SOMERVILLE	0549G
FALL RIVER - NEW BEDFORD	0547E
LYNN	0550F
SPRINGFIELD	0748E
WORCESTER	0649F

MICHIGAN

DETROIT	1749G
FLINT	1850E
GRAND RAPIDS	2050E
KALAMAZOO	2049D
LANSING	1949D
WARREN	1749E

MINNESOTA

DULUTH	2658D
MINNEAPOLIS	2754F
SAINT PAUL	2754E

MISSISSIPPI

BILOXI - GULFPORT	2325D
JACKSON	2429D

MISSOURI

KANSAS CITY	2942F
ST. LOUIS	2441F
SPRINGFIELD	2739D

MONTANA

BUTTE	4756A
HELENA	4657A

NEBRASKA

LINCOLN	3145D
OMAHA	3047E

NEVADA

LAS VEGAS	4936C
RENO	5443C

NEW HAMPSHIRE

MANCHESTER	0550D
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NEW JERSEY

ELIZABETH	0845F
JERSEY CITY	0845F
NEWARD	0845F
PATERSON	0846E
TRENTON	0944E

NEW MEXICO

ALBUQUERQUE	4134D
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NEW YORK

ALBANY	0849E
BUFFALO	1350G
NEW YORK	0845G
ROCHESTER	1251F
SYRACUSE	1050E
UTICA	0950E
YONKERS	0846F

NORTH CAROLINA

CHARLOTTE	1534E
GREENSBOR.	1463D
RALEIGH	1336D
WINSTON - SALEM	1436D

NORTH DAKOTA

FARGO	3158C
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OHIO

AKRON	1646F
CANTON	1546E
CINCINNATI	1942F
CLEVELAND	1647G
COLUMBUS	1744F
DAYTON	1844F
TOLEDO	1847E
YOUNGSTOWN	1546E

OKLAHOMA

OKLAHOMA CITY	3235E
TULSA	3036E

OREGON

PORTLAND	5755F
SALEM	5754D

PENNSYLVANIA

ALLENTOWN	0945D
HARRISBURG	1145D
PHILADELPHIA	0944G
PITTSBURGH	1445G
READING	1045E
SCRANTON	1047D

RHODE ISLAND

PROVIDENCE	0548F
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SOUTH CAROLINA

CHARLESTON	1430D
COLUMBIA	1532D
GREENVILLE	1634D

SOUTH DAKOTA

PIERRE	3453A
SIOUX FALLS	3151C

TENNESSEE

CHATTANOOGA	1934D
KNOXVILLE	1836E
MEMPHIS	2434F
NASHVILLE	2136E

TEXAS

AUSTIN	3225D
CORPUS CHRISTI	3220D
DALLAS	3130F
EL PASO	4028E
FORT WORTH	3130F
HOUSTON	2924G
LUBBOCK	3631D
SAN ANTONIA	3323F

UTAH	
SALT LAKE CITY	4646E
VERMONT	
BURLINGTON	0753A
VIRGINIA	
ARLINGTON	1142D
NEWPORT NEWS	1038D
NORFOLD - VIRGINIA BEACH	1038E
RICHMOND	1139E
WASHINGTON	
SEATTLE	5659F
SPOKANE	5159E
TACOMA	5658E
WASHINGTON, D.C.	1142F
WEST VIRGINIA	
CHARLESTON	1641E
WHEELING	1544C
WISCONSIN	
GREEN BAY	2253D
MADISON	2350D
MILWAUKEE	2250G
WYOMING	
CHEYENNE	3946C

APPENDIX E. Forms and Instruments

The forms and instruments used in conducting this survey are numbered as follows in this Appendix:

- Item 1. FBI Form (Used in developing our sample of cases referred by U.S. Attorneys to state and local authorities)
- Item 2. U.S. Marshal Form (Used to determine the number of subjects transported pursuant to 18 U.S.C. §5001)
- Item 3. NCIC Locating Agency Form (Mailed to agencies reporting recovery of vehicles stolen in other states)
- Item 4. Covering Letters for NCIC forms:
 - a) From Blackstone Institute
 - b) From Chief Emil Peters, I.A.C.P.
- Item 5. Dyer Act Referral Form (Mailed to all agencies to whom arrested subjects were referred for prosecution by the FBI or NCIC locating agencies)
- Item 6. Covering Letters for Dyer Act Referral Forms:
 - a) From Blackstone Institute
 - b) From Chief Emil Peters, I.A.C.P.
- Item 7. Articles describing the Dyer Act Survey:
 - a) "Auto Theft Prosecution Procedures" by Emil Peters, November 1977 issue of Police Chief.
 - b) "Car Theft Prosecution Study Set" in November 1977 issue of FBI Law Enforcement Bulletin.
- Item 8. Prosecutor's Questionnaire Check List (This was used in telephone interviews of states' attorneys).
- Item 9. Final Statistics Tape Record on each referred subject. (This record combines all information obtained from mail and telephone responses and is the final product of the data-gathering process).

NOTE: A number of the above forms are also found in Appendix F where they are integrated into a complete discussion of the key-punching, mailing, and data-gathering procedures.

DYER ACT VIOLATIONS 18 U.S.C. §2312 & §2313

GENERAL INSTRUCTIONS: (please print or type)

1. This form is to be completed for each matter referred to the FBI, excluding theft ring cases.
2. Check all relevant boxes and record all relevant information in blocks provided for all Dyer Act matters reported during September and October, 1977.
3. If matter is referred for state or local prosecution, be certain to record all information identifying the state or local agency, including ZIP CODE, if available.
4. When form is completed, return top (white) copy in accord with procedure established by FBI HQ. Retain second (yellow) copy until December 31, 1977.

LOCATION OF FBI FIELD OFFICE:

FILE NO.

DYER ID F	REPORT DATE mo. day yr.	NAME OF SUBJECT (Last Name, First, MI)	FBI OR STATE ID NUMBER	BIRTH DATE mo. day yr.	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> White <input type="checkbox"/> Nonwhite
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NAMES OF OTHER SUBJECTS (If any.)

MATTER REFERRED TO FBI BY:

- ☐ Other Fed. Agency ☐ State Police
☐ Local Police/Sheriff ☐ Other
 If "Other", please specify.

PLACE OF ARREST:	City or County	State	ARREST DATE mo. day yr.
LOCATION OF THEFT:	City or County	State	THEFT DATE mo. day yr.

TYPE OF MATTER

Were exceptional circumstances present? ☐ Yes ☐ No If "Yes", please check relevant box(es).

- ☐ Vehicle was used in commission of a separate felony.
☐ Vehicle was demolished, sold, stripped, or grossly misused.
☐ The individual stole more than one vehicle so as to form a pattern of conduct.
☐ The stolen vehicle constitutes heavy commercial or farming equipment.

Do guidelines prohibit federal prosecution? ☐ Yes ☐ No If "Yes", please check relevant box(es).

- ☐ Subject was joyriding.
☐ Subject is 21 years or older and has no prior felony conviction.
☐ Subject is under 21 and not a recidivist (i.e. arrested on at least two prior auto thefts and incarcerated at least once for auto theft or other offenses).

FINAL DISPOSITION OF MATTER

- ☐ Declined and not referred. ☐ Referred for state/local prosecution
☐ Retained for U.S. prosecution.

If "Referred for state/local prosecution.", was this action pursuant to 18 U.S.C. §5001? ☐ Yes ☐ No

U.S. ATTORNEY'S OFFICE MAKING DISPOSITION

IF REFERRED FOR STATE OR LOCAL PROSECUTION, PLEASE ENTER THE FOLLOWING:

REFERRAL DATE mo. day yr.	TITLE OF AGENCY	TELEPHONE (Include Area Code.)
STREET ADDRESS/P.O. BOX		CITY/TOWN
		STATE ZIP CODE
REASONS FOR REFERRAL:		

PRISONER MOVEMENT PURSUANT TO 18 U.S.C. 5001
(Dyer Act Referrals Only)

GENERAL INSTRUCTIONS: (please print or type)

1. This form is to be completed for each prisoner movement made by the U.S. Marshal pursuant to 18 U.S.C. 5001 involving persons charged with violations of the Dyer Act (18 U.S.C. 2312 & 2313 - interstate transportation of stolen motor vehicles). Only those matters referred to the U.S. Marshal between September 1 and October 31, 1977 are to be recorded.
2. Please record all of the information requested, including an estimate of the costs of moving the prisoner. Do not include personnel costs, but do include costs of transportation (e.g. mileage or air fare), per diem, and overnight jail costs (if any) for both the prisoner and his or her escort. If more than one prisoner is moved at the same time and by the same deputies, please pro rate the cost only for the person being moved pursuant to 18 U.S.C. 5001. If two or more Dyer Act prisoners are moved at the same time pursuant to 18 U.S.C. 5001, fill out a form for each.
3. When movement has been effected and the form completed, follow the procedures established by U.S. Marshal Headquarters in Washington for return of the original (white) copy. Retain the second (yellow) copy until December 31st, 1977.

LOCATION OF U.S. MARSHAL'S FIELD OFFICE:

M	Dyer ID	NAME OF PRISONER (Last Name, First, MI)	AGE	BIRTH DATE mo. day yr.	DATE REFERRED TO U.S. MARSHAL mo. day yr.

MOVEMENT INITIATED BY:	LOCATION OF FBI OR U.S. ATTY. OFFICE INITIATING MOVEMENT:
<u>1</u> FBI	City State
<u>2</u> U.S. Atty.	

DATE OF MOVEMENT mo. day yr.	PRISONER MOVED FROM:	City or County State	MODE: 1 auto
	TO:		2 air
			3 other

TITLE OF AGENCY TAKING CUSTODY OF PRISONER	TELEPHONE (Include Area Code)

STREET ADDRESS/P.O. BOX	CITY/TOWN	STATE	ZIP CODE

ESTIMATED COST OF MOVEMENT FOR PRISONER AND ESCORT:
Transportation: _____
Per Diem: _____
Overnight Jail Costs: _____
TOTAL: _____

--

Blackstone Institute

2309 Calvert Street, Northwest

Washington, D.C. 20008

(202) 332-7125

November 10, 1977

Dear Sirs:

We are conducting a study of the problems involved in prosecuting individuals who are referred to local or state jurisdictions after arrests for criminal offenses which could also be violations of the Federal Dyer Act relating to the interstate transportation of stolen motor vehicles. The study is sponsored by the Law Enforcement Assistance Administration and is being conducted with the close cooperation of the Federal Bureau of Investigation, the United States Marshal's Service, the Interagency Committee on Auto Theft Prevention, the Criminal Division of the United States Department of Justice, and the International Association of Chiefs of Police. The National Automobile Theft Bureau has also endorsed the study. Reference is made to this study (on page 53) in the November issue of POLICE CHIEF and the November issue of the FBI LAW ENFORCEMENT BULLETIN. An endorsement letter from the IACP Vehicle Theft Committee is enclosed for your information.

Your cooperation in providing information for this study will be greatly appreciated since the value of the study for future policy making is entirely dependent on the accuracy and completeness of the information provided. One of the purposes of the study is to propose possible alternatives to the Attorney General which could involve seeking Congressional approval for the expenditure of federal funds to assist states and local governments to better prosecute those individuals arrested for offenses relating to stolen motor vehicles taken across state lines.

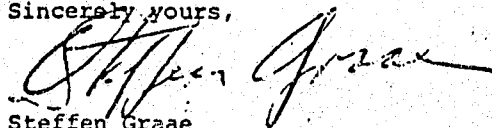
Attached you will find a form for each stolen vehicle for which your agency placed a locate with NCIC during September and October of this year and which vehicle had been reported as stolen by another out-of-state law enforcement agency. Relevant information from NCIC records is contained on the top lines of the form so that you can locate the case in your records.

Kindly provide us with the information requested. If no arrest has been made in connection with the vehicle locate, just check the appropriate box. If an arrest or arrests have been made, please fill out the balance of the form. Please return all forms to us in the self-addressed and franked envelope provided as soon as possible.

All the information that you provide will be held in the strictest confidence and will be used solely for general analytical and statistical purposes. Subject information will be used only to track the cases. No information concerning individual subjects will be disclosed or released and, at the completion of the study, all information identifying individuals by name will be destroyed or deleted from your responses, whichever is feasible. We will comply fully with the confidentiality requirements of 42 U.S.C. Sec. 3771(a).

If you have any questions about this form, our telephone number is (202) 332-7125. Your cooperation is greatly needed and much appreciated.

Sincerely yours,



Steffen Graae
Associate Project Director

SG/sc
Enc.

CITY OF SAN ANTONIO
POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE



E. E. Peters, Chief
Area Code: 512
225-7484 Ext. 201



214 West Nueva Street
P.O. Box 9346
San Antonio, Texas 78285

November 10, 1977

To Whom It May Concern:

In March of 1970 the U.S. Department of Justice relinquished its responsibility for prosecuting all but a small fraction of auto thefts in violation of the Dyer Act. The theory was that prosecution of the many auto thieves who cross state lines is more appropriately handled by the local and state jurisdictions where the thefts occur. However, this drastic change in policy was not accompanied by federal efforts to assist local and state law enforcement authorities, financially or otherwise, in assuming this added prosecutorial burden. The result is that, today, a vast number of auto thieves who cross state lines do so without fear of prosecution. The situation is grave, with federal authorities declining prosecution and the states and localities either unwilling or unable to carry the prosecutorial burden.

We recently learned that the U.S. Department of Justice and the Interagency Committee on Auto Theft Prevention have recognized this serious law enforcement problem and are preparing to do something about it. Blackstone Institute in Washington, D.C., has been engaged under a grant from the Law Enforcement Assistance Administration to conduct a study and issue a report on the problems faced by local and state authorities to whom interstate auto theft cases are referred for prosecution. The ultimate objective of this study is to develop appropriate federal policies for assisting states and localities in bringing auto thieves to justice.

Blackstone Institute will necessarily have to contact many police departments, sheriff's offices, and local or state prosecutors during the course of its study. The I.A.C.P. Vehicle Theft Committee fully endorses this study and strongly urges all agencies contacted by Blackstone to cooperate fully and promptly.

Sincerely yours,

A handwritten signature in cursive script, reading "E. E. Peters".

E. E. PETERS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT
CHAIRMAN, VEHICLE THEFT COMMITTEE

1 OF 1

This form is to be completed by each local / state law enforcement agency ~~XXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX~~ TO WHOM A SUBJECT HAS BEEN REFERRED FOR PROSECUTION.

~~agency XXXXXXXXXXXXXXXXXXXXXXXX TO WHOM A
SUBJECT HAS BEEN REFERRED FOR PROSECUTION~~

REGARDING THE FOLLOWING SUBJECT:
DOE, JOHN A.
WHITE MALE BORN: 03/11/57

• AZ

XX

IF YES, AT WHOSE EXPENSE?

WHEN?

TRANSPORTED BY

NUMBER OF OFFICERS
ESCORTING SUBJECT

MO	DAY	YR
----	-----	----

1 AUTO 3 BUS

PER DIEM RATE PER
ESCORTING OFFICER

2 STATE / LOCAL GOVERNMENT

2 AIR 4 TRAIN

DURATION OF ROUND
TRIP IN DAYS

TYPE OF CASE OR CHARGE(S) AGAINST DEFENDENT: 1. ADULT 2. JUVENILE

OVERNIGHT JAIL
COSTS (IF ANY)

ERRAL DATE		TITLE OF PROSECUTING AGENCY TO WHICH SUBJECT WAS REFERRED
Day	Yr	
1	1950	U.S. DEPT. OF JUSTICE
2	1950	U.S. DEPT. OF JUSTICE
3	1950	U.S. DEPT. OF JUSTICE
4	1950	U.S. DEPT. OF JUSTICE
5	1950	U.S. DEPT. OF JUSTICE
6	1950	U.S. DEPT. OF JUSTICE
7	1950	U.S. DEPT. OF JUSTICE
8	1950	U.S. DEPT. OF JUSTICE
9	1950	U.S. DEPT. OF JUSTICE
10	1950	U.S. DEPT. OF JUSTICE
11	1950	U.S. DEPT. OF JUSTICE
12	1950	U.S. DEPT. OF JUSTICE
13	1950	U.S. DEPT. OF JUSTICE
14	1950	U.S. DEPT. OF JUSTICE
15	1950	U.S. DEPT. OF JUSTICE
16	1950	U.S. DEPT. OF JUSTICE
17	1950	U.S. DEPT. OF JUSTICE
18	1950	U.S. DEPT. OF JUSTICE
19	1950	U.S. DEPT. OF JUSTICE
20	1950	U.S. DEPT. OF JUSTICE
21	1950	U.S. DEPT. OF JUSTICE
22	1950	U.S. DEPT. OF JUSTICE
23	1950	U.S. DEPT. OF JUSTICE
24	1950	U.S. DEPT. OF JUSTICE
25	1950	U.S. DEPT. OF JUSTICE
26	1950	U.S. DEPT. OF JUSTICE
27	1950	U.S. DEPT. OF JUSTICE
28	1950	U.S. DEPT. OF JUSTICE
29	1950	U.S. DEPT. OF JUSTICE
30	1950	U.S. DEPT. OF JUSTICE
31	1950	U.S. DEPT. OF JUSTICE

STREET ADDRESS / P.O. BOX	CITY / TOWN	STATE	ZIP CODE	TELEPHONE NO. (Include Area Code)
---------------------------	-------------	-------	----------	--------------------------------------

66801N230

Blackstone Institute

2309 Calvert Street, Northwest

Washington, D.C. 20008

(202) 332-7125

January 24, 1978

Dear Sirs:

We are conducting a study on the problems involved in prosecuting individuals who are referred to local or state jurisdictions after arrests for criminal offenses which could also be violations of the Federal Dyer Act relating to the interstate transportation of stolen motor vehicles. The study is sponsored by the Law Enforcement Assistance Administration and is being conducted with the close cooperation of the Federal Bureau of Investigation, the United States Marshal's Service, the Interagency Committee on Auto Theft Prevention, the Criminal Division of the United States Department of Justice, and the International Association of Chiefs of Police. The National Automobile Theft Bureau also has endorsed the study. Reference is made to this study on page 53 of the November 1977 issue of Police Chief and page 31 of the November 1977 issue of the FBI Law Enforcement Bulletin. An endorsement letter from the IACP Vehicle Theft Committee is enclosed for your information.

Your cooperation in providing information for this study will be greatly appreciated since the value of the study for future policy making is entirely dependent on the accuracy and completeness of the information provided. One of the purposes of the study is to propose possible alternatives to the Attorney General which could involve seeking Congressional approval for the expenditure of Federal funds to assist state and local governments to better prosecute those individuals arrested for offenses relating to stolen motor vehicles taken across state lines.

Attached you will find a form on each auto theft case referred to you for prosecution by the FBI or a non-Federal law enforcement agency during the nationwide test sampling period. All information already obtained from the referring agency is recorded in the large box at the top so that you can track the case through your own records. If the case was referred to you by a non-Federal agency, the case number recorded on the form is that which you entered into NCIC when your agency reported the vehicle stolen. Kindly fill out the balance of the form, providing as much of the information as you are able. Please make certain to include the name, address, and phone number of the local or state prosecuting authority responsible for handling the case so that we can contact them for further information. If available, the prosecutor's file number would be extremely valuable.

All information that you provide will be held in strictest confidence and will be used solely for general analytical and statistical purposes. Subject information will be used only to track the cases. No information concerning individual subjects will be disclosed or released and, at the completion of the study, all information identifying individuals by name will be destroyed or deleted from your responses, whichever is feasible. We will fully comply with the confidentiality requirements of 42. U.S.C. Sec. 3771(a).

When the form or forms have been completed, please return them in the self-addressed and franked envelope provided as soon as possible. If you should have any questions about this form, our telephone number is (202) 332-7125. Your cooperation is greatly needed and much appreciated.

Sincerely,

Steffen Graae

Steffen Graae
Associate Project Director

SG/sc
Enc.

CITY OF SAN ANTONIO
POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE



E. E. Peters, Chief
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214 West Nueva Street
P.O. Box 9346
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November 10, 1977

To Whom It May Concern:

In March of 1970 the U.S. Department of Justice relinquished its responsibility for prosecuting all but a small fraction of auto thefts in violation of the Dyer Act. The theory was that prosecution of the many auto thieves who cross state lines is more appropriately handled by the local and state jurisdictions where the thefts occur. However, this drastic change in policy was not accompanied by federal efforts to assist local and state law enforcement authorities, financially or otherwise, in assuming this added prosecutorial burden. The result is that, today, a vast number of auto thieves who cross state lines do so without fear of prosecution. The situation is grave, with federal authorities declining prosecution and the states and localities either unwilling or unable to carry the prosecutorial burden.

We recently learned that the U.S. Department of Justice and the Interagency Committee on Auto Theft Prevention have recognized this serious law enforcement problem and are preparing to do something about it. Blackstone Institute in Washington, D.C., has been engaged under a grant from the Law Enforcement Assistance Administration to conduct a study and issue a report on the problems faced by local and state authorities to whom interstate auto theft cases are referred for prosecution. The ultimate objective of this study is to develop appropriate federal policies for assisting states and localities in bringing auto thieves to justice.

Blackstone Institute will necessarily have to contact many police departments, sheriff's offices, and local or state prosecutors during the course of its study. The I.A.C.P. Vehicle Theft Committee fully endorses this study and strongly urges all agencies contacted by Blackstone to cooperate fully and promptly.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "E. E. Peters".

E. E. PETERS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT
CHAIRMAN, VEHICLE THEFT COMMITTEE

AUTO THEFT PROSECUTION PROCEDURES

Nationwide study
will identify
federal, state, and
local problems.



auto thefts now pose a major and growing law enforcement problem. Admittedly, auto theft cases have in the recent past been given low priority by almost all levels of law enforcement.

The problem appears to have been exacerbated by the issuance of restricted prosecutive guidelines by the Department of Justice in March 1970. Under these guidelines, the Department of Justice generally concentrates its efforts on the investigation and prosecution of Dyer Act ring cases and declines individual Dyer Act violations (interstate transportation of stolen motor vehicle) in favor of prosecution by state and local authorities. Such authorities can be situated usually in the jurisdiction of where the car was recovered or where the theft occurred. There are indications that prosecution of these non-federally prosecuted interstate stolen car cases are not being pursued by state and local law enforcement authorities. Since the latter do not pick up all of these cases, many car thieves who cross state lines may ultimately do so with impunity.

The underlying reasons for this failure of law enforcement are, as yet, little known. Consequently, the Law Enforcement Assistance Administration, with the full support of the Criminal Division of the U.S. Department of Justice and the Inter-agency Committee on Auto Theft Prevention, has engaged Blackstone Institute in Washington, D.C., to conduct a study of the problems faced by local and state authorities to whom interstate auto theft cases are referred for prosecution. Specifically, Blackstone will determine the lapses which exist in the prosecution of these cases and the reason for the failure or inability of state and local jurisdictions to prosecute such cases. The results of this survey may support the development of appropriate federal policies which would encourage state and local authorities to pick up greater numbers of these violations for prosecution.

In conducting its study, Blackstone Institute will be working closely with the Federal Bureau of Investigation and the U.S. Marshal's Service. These two agencies have kept a record during September and October, 1977, of all auto theft cases that they refer to local and state law enforcement agencies for prosecution. Blackstone will then follow up by tracking these cases at the local and state level. At the same time, Blackstone will trace all interstate auto theft cases that are not referred to the United States attorney by picking up stolen vehicle locates placed with the National Crime Information Center (NCIC) during the same test period. Locating agencies will then be asked to indicate whether arrests have been made in connection with each vehicle recovered and, if so, whether arrestees have been prosecuted by the arresting authority or are being referred to out-of-state authorities for prosecution. Blackstone will thereupon track those cases where subjects have been arrested to determine what prosecutive action resulted.

Many police departments, sheriff's offices, and local or state prosecutors can expect to hear from Blackstone Institute during the months of November and December of this year. Information provided will be held in strictest confidence and will be used solely for general analytical and statistical purposes. No information concerning individual subjects will be disclosed or released; and at the completion of the study, all information identifying individuals by name will be destroyed or deleted. The prompt and full cooperation of all agencies contacted by Blackstone will be greatly appreciated. Accurate and complete information will substantially enhance the potential of this study to contribute to solution of this serious law enforcement problem and, if warranted, the possible development of new policies, including financial aid, for assisting local and state authorities across the nation in bringing auto thieves to justice. ★

NEARLY one million automobiles are stolen each year at a total economic loss exceeding \$1.6 billion. New auto theft prevention devices and motor vehicle identification procedures are being developed to cope with the problem, but what has happened over the last decade to auto theft prosecutions? Recent crime statistics suggest that an increasingly smaller fraction of such cases led to arrest, prosecution, and conviction. Indeed, it is generally acknowledged across the country that

EMIL E. PETERS is Chief of Police, San Antonio Police Department, San Antonio, Texas 78204. He was appointed a member of the Department in 1941, served in various command positions, and named chief of police in 1971. He has served on the Governor's committees for Police Goals and Standards, the Texas Criminalized Crime Council, and is presently a member of three IACP committees. He is a past president of the Texas Police Association and the San Antonio Police Officers Association.

Car Theft Prosecution Study Set

Under 1970 U.S. Department of Justice prosecutive guidelines for interstate car thefts, only ring cases are now prosecuted federally. Individual Dyer Act violations are referred for State and local action. A study is being initiated to determine the results of these referrals, as there are indications these individual cases are not being pursued.

The cooperation of State and local authorities is sought for this study, which is to be done by the Blackstone Institute in Washington, D.C., at the request of the Law Enforcement Assistance Administration. The study has the full support of the Criminal Division of the Department of Justice and the Interagency Committee on Auto Theft Prevention. Its purpose is to learn the problems faced by State and local authorities in handling these cases, to develop new policies, including possible financial aid, and to assist local and State prosecution of interstate theft of motor vehicle cases.

In conducting the study, Blackstone Institute will work with the Federal Bureau of Investigation and the U.S. Marshal's Service. During September and October 1977, these two agencies kept a record of all auto theft cases referred to local and State law enforcement agencies for prosecution, and Blackstone will determine the results of these cases. Blackstone will also trace all interstate auto theft cases that are not referred to the U.S. Attorney by picking up stolen vehicle locates placed with the National Crime Information Center (NCIC) during the same test period. Locating agencies will then be asked to indicate whether arrests have been made in connection with each vehicle recovered, and if so, whether arrestees have been prosecuted by the arresting authority or are being referred to out-of-State authorities for prosecution. Blackstone will then check those cases where subjects have been arrested to

determine what prosecutive action resulted.

Many police departments, sheriff's offices, and local or State prosecutors can expect to hear from the Blackstone Institute during November and December of this year. Information provided will be held in strictest confidence and will be used solely for general analytical and statistical purposes. No information concerning individual subjects will be disclosed or released, and at the completion of the study, all information identifying individuals by name will be destroyed or deleted. The prompt and full cooperation of all agencies contacted by Blackstone will be greatly appreciated. Accurate and complete information will substantially enhance the potential of this study to contribute to the solution of this serious law enforcement problem, a problem which involves nearly 1 million stolen cars a year—a total economic loss of over \$1.6 billion.

Item 8

INSTRUCTIONS - DYER ACT STATUS OF CASES

Prior to telephoning, copy the following data from the Dyer Act Referrals sheet.

PROSECUTOR'S OFFICE

Enter the name of the prosecutor's office being contacted.

LAST NAME OF SUBJECT

Enter the last name and/or case number of the subjects associated with each office.

ZIP CODE

Enter the five digit zip code for each office next to the name of each subject. (See lower left corner of each Referral sheet. First five digits of nine digit number.)

DYER ID

For each subject, enter his/her four digit Dyer ID number. (Remaining four digits.)

IF NOT TRANSPORTED

Enter up to five reasons using the following codes.

- 1 = INSUFFICIENT EVIDENCE OF THEFT BY SUBJECT
- 2 = SUBJECT WAS PASSENGER, NOT PRINCIPAL
- 3 = VICTIM WOULD NOT PROSECUTE
- 4 = WITNESS(ES) UNAVAILABLE
- 5 = LOW PRIORITY CASE
- 6 = LACK OF PROSECUTOR MANPOWER
- 7 = COSTS ARE PROHIBITIVE
- 8 = TRANSPORTATION TOO COSTLY
- 9 = OTHER/UNKNOWN

Cease filling in the form for this case.

IF TRANSPORTED:

AT WHOSE EXPENSE

- 1 = U. S. GOVERNMENT
- 2 = LOCAL/STATE GOVERNMENT
- 3 = PARENTS/SUBJECT'S OWN EXPENSE

MODE OF TRAVEL

- | | |
|----------|-----------|
| 1 = AUTO | 3 = BUS |
| 2 = AIR | 4 = TRAIN |

OF OFFICERS

Enter the number of officers escorting the subject.

PER DIEM RATE

Enter the daily per diem rate per escorting officer.

CONTINUED

1 OF 2

DURATION OF TRIP

Enter the number of days for the round trip.

JAIL COSTS

Enter, as a two digit number, any overnight jail costs incurred.

CHARGED AS

Enter whether the subject was charged as:

1 = ADULT 2 = JUVENILE

CHARGES

Enter up to five charges filed against the subject.

- 1 = VEHICLE THEFT/POSSESSION
- 2 = TRAFFIC OFFENSE
- 3 = DRUG POSSESSION/DISTRIBUTION
- 4 = BURGLARY
- 5 = ROBBERY
- 6 = ASSAULT
- 7 = RAPE/HOMICIDE
- 8 = OTHER MISDEMEANORS
- 9 = OTHER FELONIES

CHARGES

Confirm and alter or add to charges using the above codes.

CASE DISPOSITION

Indicate whether prosecution occurred, is occurring or will occur using the following codes.

- 1 = Yes, prosecution is currently proceeding, or has been completed
- 2 = No, prosecution is not occurring or was discontinued.
- 3 = Prosecution is proceeding, or has been completed, in jurisdiction of arrest.
- 4 = No, runaway/fugitive returned to authorities.
- 5 = The subject turned over to FBI.
- 6 = No record of subject or case being referred (in fact, we believe that all these cases and subjects were referred by phone and declined and, thus, no records are extant).
- 7 = Agency unable or unwilling to cooperate.
- 8 = Subject turned over to mental health authorities.
- 9 = Subject returned to military authorities.

IF NO PROSECUTION (REASONS)

- 1 = INSUFFICIENT EVIDENCE OF THEFT BY SUBJECT
- 2 = SUBJECT WAS PASSENGER, NOT PRINCIPAL
- 3 = VICTIM WOULD NOT PROSECUTE
- 4 = WITNESSES (ES) UNAVAILABLE
- 5 = LOW PRIORITY CASE
- 6 = LACK OF PROSECUTOR MANPOWER
- 7 = COSTS ARE PROHIBITIVE
- 8 = TRANSPORTATION TOO COSTLY
- 9 = OTHER/UNKNOWN

IF PROSECUTED:

STATUS

Determine the current status of those cases where prosecution for vehicle theft is occurring. For those termed "guilty" two codes may be appropriate.

1 = PENDING EXTRADITION

2 = PENDING PRELIMINARY HEARING/DETENTION HEARING

3 = PENDING INDICTMENT/FILING OF PETITION

4 = PENDING TRIAL/JUVENILE HEARING

5 = ACQUITTED/CHARGES DROPPED

*6 = PLED/FOUND GUILTY OF FELONY CHARGE(S)

*7 = PLED/FOUND GUILTY OF MISDEMEANOR CHARGE(S)

8 = PRETRIAL DIVERSION

9 = WARRANT OUTSTANDING / FUGITIVE

*Both codes may apply.

SPECIAL REASONS

Enter any special reasons (up to 3) for prosecuting this case for vehicle theft.

1 = OTHER UNRELATED CHARGES EXIST

2 = SUBJECT HAS PRIOR CRIMINAL RECORD

3 = SUBJECT INVOLVED IN OTHER AUTO THEFTS

Item 9

DYER ACT SURVEY

<u>Statistics Tape:</u>		<u>Sources</u> (Column)	<u>Values</u>
01-01	Source	VS 01-01	"F," "N"
02-04	Dyer ID	VS 02-04	001-500
05-06	Age	VS 30-31	N(2)
07-07	Sex	VS 32-32	1-2
08-08	Race	VS 33-33	1-2
09-09	Other Subjects	VS 34-34	1-9
10-14	Arrest Geocode*	VS 35-39	N(4) + A
15-16	Arrest State	VS 57-58	A(2)
17-21	If Not Transported	SC 10-14	1-5
22-22	At Whose Expense	SC 15	1-3
23-23	Mode of Travel**	SC 16	1-4
24-24	No. of Officers**	SC 17	1-5
25-25	Duration of Trips**	SC 20	1-5
26-26	Charged as	SC 23	1-2
27-31	Charges	SC 24-28	1-9
32-32	Case Disposition	SC 29	1-9
33-37	If No Prosecution/Reasons	SC 30-33	1-9
38-39	Status	SC 34-35	1-9
40-42	Special Reasons	SC 36-38	1-3
43-47	Zip	FP 01-05	N(5)
48-77	Agency Title	FP 06-35	A(30)
78-94	City/Town	FP 55-71	A(17)
95-96	State	FP 72-73	A(2)
97-101	Theft Geocode*	FP 86-90	N(4) + A
102-106	Crime Rate/100,000 pop.	SC 39-43	00001-99,999
107-110	Auto Theft Rt/100,000 pop.	SC 44-47	0001- 9,999
111-114	Distance	[To Be Added Later]	0001- 9,999
115-118	Costs	"	0001- 9,999
119-119	Region	"	N

Key: *Items used in calculating air distance.
 **Given distances, items used in calculating travel costs.
 FP = Fixed portion of Reported Arrest File.
 VS = Variable Segment of Reported Arrest File.
 SC = Status of Cases File.

APPENDIX F. Keypunching, Mailing, and Data Processing
Instructions

DYER ACT REFERRALS PROCESSING

Blackstone Institute's study of the referral and subsequent prosecution of persons charged with interstate car theft requires the execution of four processes over a four month period.

- Process 1 - Determination of Arrest Status
- Process 2 - Determination of Return Status
- Process 3 - Determination of Prosecution Status
- Process 4- Statistical Tabulation and Analysis

The first three processes represent logically sequential steps of data aggregation. Aggregated data is then tabulated and analyzed during Process 4.

PROCESS 1 - DETERMINATION OF ARREST STATUS

Process 1 commences September 1 and terminates November 30. Its objectives are:

1. Identify all arrests related to interstate car theft during the period September 1 - October 31;
2. For those arrested, determine
 - a. If they are being returned to the jurisdiction where the crime was committed; and
 - b. The address of the law enforcement agencies to which they are being returned.

This data is being secured via three methods:

1. Through local offices of the Federal Bureau of Investigation, which are completing Form 1.1 for each case (see page 2);
2. Through local offices of the U. S. Marshall's Service, which are completing Form 1.2 for each case (see page 3); and
3. Through the computer files of the National Crime Information Center (NCIC) and the application of Form 1.3 (see page 4).

DYER ACT VIOLATIONS 18 U.S.C. §2312 & §2313

GENERAL INSTRUCTIONS: (please print or type)

1. This form is to be completed for each matter referred to the FBI, excluding theft ring cases.
2. Check all relevant boxes and record all relevant information in blocks provided for all Dyer Act matters reported during September and October, 1977.
3. If matter is referred for state or local prosecution, be certain to record all information identifying the state or local agency, including ZIP CODE, if available.
4. When form is completed, return top (white) copy in accord with procedure established by FBI HQ. Retain second (yellow) copy until December 31, 1977.

LOCATION OF FBI FIELD OFFICE:

FILE NO.

DYER ID	REPORT DATE mo. day yr.	NAME OF SUBJECT (Last Name, First, MI)	FBI OR STATE ID NUMBER	BIRTH DATE mo. day yr.	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> White <input type="checkbox"/> Nonwhite
F						

NAMES OF OTHER SUBJECTS (If any.)

MATTER REFERRED TO FBI BY:	PLACE OF ARREST:	City or County	State	ARREST DATE mo. day yr.
<input type="checkbox"/> Other Fed. Agency <input type="checkbox"/> State Police <input type="checkbox"/> Local Police/Sheriff <input type="checkbox"/> Other If "Other", please specify.	LOCATION OF THEFT:	City or County	State	THEFT DATE mo. day yr.

TYPE OF MATTER

Were exceptional circumstances present? ☐ Yes ☐ No If "Yes", please check relevant box(es).

- ☐ Vehicle was used in commission of a separate felony.
- ☐ Vehicle was demolished, sold, stripped, or grossly misused.
- ☐ The individual stole more than one vehicle so as to form a pattern of conduct.
- ☐ The stolen vehicle constitutes heavy commercial or farming equipment.

Do guidelines prohibit federal prosecution? ☐ Yes ☐ No If "Yes", please check relevant box(es).

- ☐ Subject was joyriding.
- ☐ Subject is 21 years or older and has no prior felony conviction.
- ☐ Subject is under 21 and not a recidivist (i.e. arrested on at least two prior auto thefts and incarcerated at least once for auto theft or other offenses).

FINAL DISPOSITION OF MATTER

- ☐ Declined and not referred. ☐ Referred for state/local prosecution
- ☐ Retained for U.S. prosecution.

If "Referred for state/local prosecution.", was this action pursuant to 18 U.S.C. §5001? ☐ Yes ☐ No

U.S. ATTORNEY'S OFFICE MAKING DISPOSITION

IF REFERRED FOR STATE OR LOCAL PROSECUTION, PLEASE ENTER THE FOLLOWING:

REFERRAL DATE mo. day yr.	TITLE OF AGENCY	TELEPHONE (Include Area Code.)

STREET ADDRESS/P.O. BOX	CITY/TOWN	STATE	ZIP CODE

REASONS FOR REFERRAL:

PRISONER MOVEMENT PURSUANT TO 18 U.S.C. 5001
(Dyer Act Referrals Only)

GENERAL INSTRUCTIONS: (please print or type)

1. This form is to be completed for each prisoner movement made by the U.S. Marshal pursuant to 18 U.S.C. 5001 involving persons charged with violations of the Dyer Act (18 U.S.C. 2312 & 2313 - interstate transportation of stolen motor vehicles). Only those matters referred to the U.S. Marshal between September 1 and October 31, 1977 are to be recorded.
2. Please record all of the information requested, including an estimate of the costs of moving the prisoner. Do not include personnel costs, but do include costs of transportation (e.g. mileage or air fare), per diem, and overnight jail costs (if any) for both the prisoner and his or her escort. If more than one prisoner is moved at the same time and by the same deputies, please pro rate the cost only for the person being moved pursuant to 18 U.S.C. 5001. If two or more Dyer Act prisoners are moved at the same time pursuant to 18 U.S.C. 5001, fill out a form for each.
3. When movement has been effected and the form completed, follow the procedures established by U.S. Marshal Headquarters in Washington for return of the original (white) copy. Retain the second (yellow) copy until December 31st, 1977.

LOCATION OF U.S. MARSHAL'S FIELD OFFICE:

M	Dyer ID	NAME OF PRISONER (Last Name, First, MI)	AGE	BIRTH DATE mo. day yr.	DATE REFERRED TO U.S. MARSHAL mo. day yr.

MOVEMENT INITIATED BY:	LOCATION OF FBI OR U.S. ATTY. OFFICE INITIATING MOVEMENT:
1 FBI	City State
2 U.S. Atty.	

DATE OF MOVEMENT mo. day yr.	PRISONER MOVED FROM:	City or County State	MODE: 1 auto
	TO:		2 air
			3 other

TITLE OF AGENCY TAKING CUSTODY OF PRISONER	TELEPHONE (Include Area Code)

STREET ADDRESS/P.O. BOX	CITY/TOWN	STATE	ZIP CODE

ESTIMATED COST OF MOVEMENT FOR PRISONER AND ESCORT:	Transportation: _____
	Per Diem: _____
	Overnight Jail Costs: _____
	TOTAL: _____

--

NCIC Sub-Process

Data collection via NCIC involves a number of steps.

1. The fact that a stolen vehicle reported to NCIC by an "Originating Agency" has been located by a "Locating Agency" must be established. This service is being performed by NCIC and the data stored on a Vehicles Located (Inter-State) Tape (one each for September and October). There should be on the order of 2,000 to 2,200 "locates."
2. The address of the Locating Agency must be ascertained by look up on the NCIC-supplied Agency Address Tape.
3. A mailing to 1,100 - 1,400 Locating Agencies must be performed, each packet consisting of:
 - a. Cover letter;
 - b. One or more copies of Form 1.3 (see page 10);
 - c. A postage pre-paid return envelope.
4. Allowing three weeks for return of the data, its review and processing, a second mailing to the 300 - 500 agencies that failed to respond to the first mailing must be performed.

Both NCIC tapes are 9 track 1600 BPI. Their record lay-outs are attached to this document as Attachments A and B respectively.

First NCIC Mailing

- Task 1 - Extract the following from each 141 character record on the two Vehicles Located (Inter-State) Tapes:
 1. ORIGINATING AGENCY (18-24)
 2. ORIGINATING AGENCY PRECINCT (25-26)
 3. DATE STOLEN (36-39)
 4. ORIGINATING AGENCY CASE # (40-48)
 5. LICENSE # (52-59)

6. STATE (60-61)
7. YEAR (81-82)
8. MAKE (83-86)
9. MODEL (87-89)
10. COLOR (92-98)
11. DATE LOCATED (99-102)
12. LOCATING AGENCY (103-109)
13. LOCATING AGENCY PRECINCT (110-111)
14. LOCATING AGENCY CASE # (112-120)

Produce a count of "UNUSABLE RECORDS," i.e., records for which LOCATING AGENCY (103-109) is blank or LOCATING AGENCY CASE # (112-120) plus LICENSE # (52-59) are blank.

- TASK 2 - Take ORIGINATING AGENCY (18-24) and LOCATING AGENCY (103-109), append two zeros to produce a full 9 digit ORI code, and look up appropriate records on Agency Address Tape by comparing with ORI (2-10). For each relevant 385 character record, extract the following:

1. AGENCY - LINE 1 (42-66)
2. ADDRESS - LINE 1 (189-213)
3. ZIPCODE (359-363)

Produce an exception listing entitled, "LOCATING AGENCIES NOT FOUND," for those LOCATING AGENCIES on Tape 1 (cols. 103-109 plus "00") for which no corresponding ORI on Tape 2 (cols. 2-10) can be found. Produce a second exception listing entitled "DATA MISSING" if AGENCY - LINE 1 or ZIPCODE is blank.

- TASK 3 - Create a single tape entitled "NCIC USABLE LOCATES" on which variable length records are ordered by LOCATING AGENCY. Each record consists of a fixed portion of 62 characters and up to 100 segments, each segment 119 characters in length (see next page).

RECORD FORMAT FOR
NCIC USABLE LOCATES

FIXED PORTION:

<u>FIELD NAME</u>	<u>POSITION</u>
LOCATING AGENCY ID	01-07
LOCATING AGENCY NAME	08-32
LOCATING AGENCY ADDRESS	33-57
ZIPCODE	58-62

VARIABLE SEGMENTS: (EST. MAX = 100)

LOCATING AGENCY PRECINCT	01-02
LOCATING AGENCY CASE #	03-11
DATE LOCATED	12-15
LICENSE #	16-23
STATE	24-25
YEAR	26-27
MAKE	28-31
MODEL	32-34
COLOR	35-41
ORIGINATING AGENCY ID	42-48
ORIGINATING AGENCY PRECINCT	49-50
ORIGINATING AGENCY NAME	51-75
ORIGINATING AGENCY ADDRESS	76-100
ZIPCODE	101-105
ORIGINATING AGENCY CASE #	106-114
DATE STOLEN	115-118
RETURN RESPONSE	119-119

- TASK 4 - Use the fixed portion of each record on the NCIC Usable Locates Tape to produce mailing labels sorted by ZIPCODE.
- Task 5 - Mount Form 1.3 Special Stock (see sample page 8) and using both fixed and variable record segments produce ADDITIONS TO FORM 1.3 sorted by ZIPCODE. One sheet of stock will be expended per variable segment. Each sheet to be labeled as "NTH OF NTH" sheets being produced for a LOCATING AGENCY. Print format specifications appear on page 9 and an example of final output on page 10.
- TASK 6 - Separate Form 3 sheets where LOCATING AGENCY CHANGES, affix labels to packet envelopes, and mail to agencies. Each packet also contains a cover letter and return envelope.

DYER ACT REFERRALS	This form is to be completed by each local/ state law enforcement agency reporting a stolen vehicle locate with N.C.I.C.	OMB No. 43-S7707 APPROVAL EXPIRES 1/31/78
AS AN ARREST BEEN MADE IN CONNECTION WITH THE ABOVE LOCATED VEHICLE? 1 YES 2 NO If "NO", make no further entries. If "YES", please enter the following.		
NAME OF SUBJECT (Last, First, MI)	AGE	BIRTH DATE mo. day yr.
		SEX 1 M 2 F
		RACE 1 White 2 Nonwhite
IS SUBJECT BEING PROSECUTED BY YOUR JURISDICTION? 1 YES 2 NO If "YES", what are the charges?		
HAS SUBJECT BEEN REFERRED TO THE US ATTORNEY OR FBI FOR FEDERAL PROSECUTION? 1 YES 2 NO AS SUBJECT BEEN REFERRED TO THE JURISDICTION OF THE THEFT FOR PROSECUTION? 1 YES 2 NO If "NO" in both cases, make no further entries. If either answer is "YES", please enter the following.		
REFERRAL DATE mo. day yr.	TITLE OF AGENCY TO WHICH SUBJECT WAS REFERRED FOR PROSECUTION:	
STREET ADDRESS/P.O. BOX	CITY/TOWN	STATE ZIP CODE
TELEPHONE NUMBER (Include Area Code.)		

Upon completion, please return this form to: Blackstone Institute
 2309 Calvert St., N.W.
 Washington, D.C. 20008

PRINTING FORMAT
FOR FORM 1.3

Each Sheet of Form 1.3 consists of 42 lines with 102 print positions per line.

- LINE 1 - Pos. 3 - "THIS REPORT IS AUTHORIZED BY LAW 42 U.S.C 376. WHILE YOU ARE NOT"
- LINE 2 - Pos. 3 - "REQUIRED TO RESPOND, YOUR COOPERATION WILL BE GREATLY APPRECIATED."
- LINE 3 - Pos. 72 - "NNN OF NNN"
- LINE 7
 - Pos. 8 - "TO:"
 - Pos. 40 - "REGARDING THE FOLLOWING STOLEN VEHICLE"
- LINE 8
 - Pos. 11 - Locating Agency Name
 - Pos. 40 - "LIC. NO. ST. YR. MAKE MODEL COLOR"
- LINE 9
 - Pos. 11 - Locating Agency Address
 - Pos. 27 - State (Use first 2 characters of Locating Agency ID)
 - Pos. 29 - Zipcode
 - Pos. 40 - License #
 - Pos. 50 - State
 - Pos. 55 - Year
 - Pos. 60 - Make
 - Pos. 66 - Model
 - Pos. 73 - Color
- LINE 11 - Pos. 8 - "LOCATED BY YOUR AGENCY ON (date located) AND REPORTED TO NCIC AS CASE (Locating Agency Case #)"
- LINE 13 - Pos. 8 - "THIS VEHICLE WAS REPORTED STOLEN BY:"
- LINE 14 - Pos. 8 - Originating Agency Name
- LINE 15
 - Pos. 8 - Originating Agency Address
 - Pos. 27 - State (Use first 2 characters of Originating Agency ID)
- LINE 17 - Pos. 8 - "THE THEFT OCCURRED ON (date stolen) AND WAS REPORTED TO NCIC AS CASE (Originating Agency Case #)"
- LINE 41
 - Pos. 8 - Locating Agency ID
 - Pos. 17 - Locating Agency Case #

Note: In the event that a field within a record is blank, print "UNKNOWN" or "UNK" depending on print positions available.

FORM 1.3 (completed)

HIS REPORT IS AUTHORIZED BY LAW 42 U.S.C. 3763. WHILE YOU ARE NOT REQUIRED TO RESPOND, YOUR COOPERATION WILL BE GREATLY APPRECIATED. NNN OF NNN

OVER ACT REFERRALS		This form is to be completed by each local/ state law enforcement agency reporting a stolen vehicle locate with N.C.I.C.		OMB No. 43-S7707 APPROVAL EXPIRES 1/31/78	
TO:		REGARDING THE FOLLOWING STOLEN VEHICLE:			
LOCATING AGENCY		LIC. NO.	ST.	YR.	MAKE MODEL COLOR
ANYWHERE AA 99999		99999999	AA	99	AAAA AAA AAAAAAA
LOCATED BY YOUR AGENCY ON 99/99/99 AND REPORTED TO NCIC AS CASE 999999999					
THIS VEHICLE WAS REPORTED STOLEN BY:					
ORIGINATING AGENCY					
ANYWHERE AA 99999					
THE THEFT OCCURRED ON 99/99/99 AND WAS REPORTED TO NCIC AS CASE 999999999					
AS AN ARREST BEEN MADE IN CONNECTION WITH THE ABOVE LOCATED VEHICLE? 1 YES 2 NO					
If "NO", make no further entries. If "YES", please enter the following.					
NAME OF SUBJECT (Last, First, MI)		AGE	BIRTH DATE mo. day yr.	SEX	RACE
				1 M	1 White
				2 F	2 Nonwhite
S SUBJECT BEING PROSECUTED BY YOUR JURISDICTION? 1 YES 2 NO					
If "YES", what are the charges?					
AS SUBJECT BEEN REFERRED TO THE US ATTORNEY OR FBI FOR FEDERAL PROSECUTION? 1 YES 2 NO					
HAS SUBJECT BEEN REFERRED TO THE JURISDICTION OF THE THEFT FOR PROSECUTION? 1 YES 2 NO					
If "NO" in both cases, make no further entries. If either answer is "YES", please enter the following.					
REFERRAL DATE mo. day yr.		TITLE OF AGENCY TO WHICH SUBJECT WAS REFERRED FOR PROSECUTION:			
STREET ADDRESS/P.O. BOX		CITY/TOWN	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code.)

Upon completion, please return this form to: Blackstone Institute
2309 Calvert St., N.W.
Washington, D.C. 20008

AA 9999999888888888

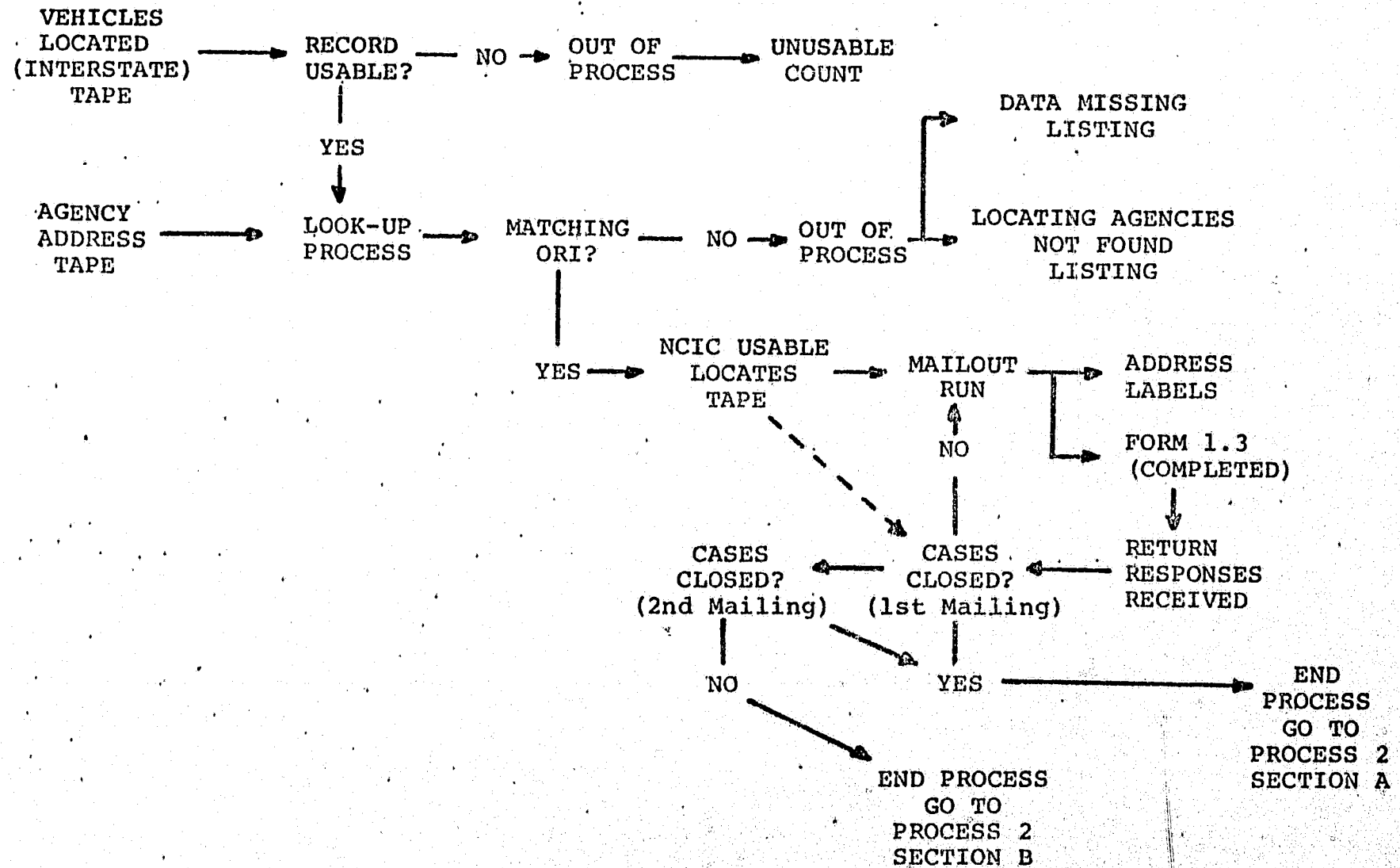
Second NCIC Mailing

It is anticipated that between 60% and 80% of all agencies will respond to the first mailing. The 300 - 500 that fail to respond or respond only in part will receive a second mailing. The steps are as follows:

1. Create key-to-tape entitled "CASES CLOSED" by punching 18 character (Locating Agency ID/Case #) field appearing in lower left hand corner of Form 1.3, and transferred to Return Response Log (see page 12).
2. Use the Case Closed Tape to update the RETURN RESPONSE field (col. 107) for each appropriate record segment on the NCIC Usable Locates Tape.
3. Execute again Tasks 4 - 7 (see page 7) for all records lacking a value for RETURN RESPONSE in one or more segments.

A schematic flow of the entire NCIC Sub-Process immediately follows on page 13.

PROCESS 1
DYER ACT NCIC SUB-PROCESS



PROCESS 2 - DETERMINATION OF RETURN STATUS

Process 2 commences December 1 and terminates January 20. Its objectives are as follows:

1. For those arrests reported during Process 1 determine from the Originating Agency:
 - a. If the subject has been extradited to their jurisdiction;
 - b. The costs and method of transport; and
 - c. The name and address of the prosecutor.
2. For those LOCATES on the NCIC USABLE LOCATES Tape for which no response was secured (i.e., "CASES NOT CLOSED") the relevant Originating Agency must be contacted to determine:
 - a. If an arrest occurred; and
 - b. Given an arrest, the extradition, transportation, and prosecutor data (as above) must be collected.

These objectives must be met through an initial and follow-up mailing using 3 forms:

1. Form 2.1 reflecting arrests initially reported by the FBI using Form 1.1.
2. Form 2.2 reflecting arrests initially reported by Locating Agencies on Form 1.3.
3. Form 2.3 reflecting "CASES NOT CLOSED."

Forms 2.1 and 2.2, shown on page 15, are identical in appearance prior to submission to the computer. Form 2.3, shown on page 16, is very similar in appearance.

Two mailings, an initial and a follow-up (representing the third and fourth mailings) occur during Phase 2. As an estimate, about 300-400 agencies will be contacted during the third mailing as a result of arrests reported by the FBI (Form 1.1) and NCIC Locating Agencies (Form 1.3). Perhaps 200 Originating Agencies will be contacted because of CASES NOT CLOSED during Process 1. Undoubtedly, the two groups (FBI and NCIC) will overlap in terms of agencies and specific cases. Prior to the initial mailing these duplicates will be identified and eliminated.

FORMS 2.1 AND 2.2

THIS REPORT IS AUTHORIZED BY LAW 42 U.S.C. 3763. WHILE YOU
ARE NOT REQUIRED TO RESPOND, YOUR COOPERATION IS NEEDED TO MAKE
THE RESULTS OF THIS SURVEY COMPREHENSIVE, ACCURATE, AND TIMELY.

This form is to be completed by each local/
state law enforcement agency reporting a
stolen vehicle to N.C.I.C.

OMB No. 43-S77007
APPROVAL EXPIRES 1/31/78

WAS THIS CASE ACCEPTED FOR PROSECUTION? 1 YES 2 NO (If "NO", make no further entries.)

HAS DEFENDANT BEEN EXTRADITED? If "NO", give reason, immediately below and stop.

1 YES 2 NO

REASON

If "YES":

WHOSE EXPENSE?	WHEN? mo. day yr.	TRANSPORTED BY:	NUMBER OF OFFICERS ESCORTING SUBJECT
1 US GOVERNMENT PURSUANT TO 18 USC 5001		1 AUTO 3 BUS	PER DIEM RATE PER
2 STATE/LOCAL GOVERNMENT		2 AIR 4 TRAIN	ESCORTING OFFICER
TYPE OF CASE OR CHARGE(S) AGAINST DEFENDANT.			DURATION OF ROUND
1 ADULT 2 JUVENILE			TRIP IN DAYS
			OVERNIGHT JAIL
			COSTS (IF ANY)

REFERRAL DATE TITLE OF PROSECUTING AGENCY TO WHICH SUBJECT WAS REFERRED.

mo. day yr.

STREET ADDRESS/P.O. BOX

CITY/TOWN

STATE ZIP CODE

TELEPHONE NUMBER
(Include Area Code.)

Upon completion please return this form to: Blackstone Institute
2309 Calvert St. N.W.
Washington, D.C. 20008

FORM 2.3

THIS REPORT IS AUTHORIZED BY LAW 42 U.S.C. 3763. WHILE YOU
 ARE NOT REQUIRED TO RESPOND, YOUR COOPERATION IS NEEDED TO MAKE
 THE RESULTS OF THIS SURVEY COMPREHENSIVE, ACCURATE, AND TIMELY.

This form is to be completed by each local/
 state law enforcement agency reporting a
 stolen vehicle to N.C.I.C.

OMB No. 43-S77007
 APPROVAL EXPIRES 1/31/78

HAS AN ARREST BEEN REPORTED TO YOU? 1 YES 2 NO (If "NO", make no further entries.)					
NAME OF SUBJECT (Last, First, MI)		AGE	BIRTH DATE mo. day yr.	SEX 1 M 2 F	RACE 1 White 2 Nonwhite
WAS THIS CASE ACCEPTED FOR PROSECUTION? 1 YES 2 NO (If "NO", make no further entries.)					
HAS DEFENDANT BEEN EXTRADITED? If "NO", give reason, immediately below and stop.					
1 YES 2 NO					
REASON					
If "YES":					
1 WHOSE EXPENSE?		WHEN? mo. day yr.	TRANSPORTED BY:		
1 US GOVERNMENT PURSUANT TO 18 USC 5001		[]	1 AUTO 3 BUS		
2 STATE/LOCAL GOVERNMENT		[]	2 AIR 4 TRAIN		
TYPE OF CASE OR CHARGE(S) AGAINST DEFENDANT.			NUMBER OF OFFICERS ESCORTING SUBJECT _____ PER DIEM RATE PER ESCORTING OFFICER _____ DURATION OF ROUND TRIP IN DAYS _____ OVERNIGHT JAIL COSTS (IF ANY) _____		
1 ADULT 2 JUVENILE					
REFERRAL DATE mo. day yr.	TITLE OF PROSECUTING AGENCY TO WHICH SUBJECT WAS REFERRED.				
STREET ADDRESS/P.O. BOX	CITY/TOWN	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code.)	

Upon completion please return this form to: Blackstone Institute
 2309 Calvert St. N.W.
 Washington, D.C. 20008

Third Mailing

- Task 1 - Examine return of Forms 1.1 and 1.3, editing for completeness and adding data as required. Remove from Process all Forms 1.1 where no local referral resulted and all Forms 1.3 where no arrest occurred. Add to each return:
 - a. DYER ID
 - b. NUMBER OF OTHER SUBJECTS
 - c. THEFT GEOCODE
 - d. ARREST GEOCODE
 - e. ARREST CITY/TOWN
 - f. ARREST STATE
- Task 2 - Key punch all relevant returns (see layouts, page 18).
- Task 3 - Create REPORTED ARRESTS Tape organized by REFERRED AGENCY, identified by ZIP CODE. Each record consists of a fixed agency portion of 89 characters and up to 10 segments; each segment consisting of 66 characters, identified by DYER ID (see page 19 for format).
- Task 4 - Identify possible duplicate cases within an agency record based on a match of the first three characters of NAME OF SUBJECT. Produce a POSSIBLE DUPLICATES listing identifying the AGENCIES and SUBJECTS by name. Any confirmed duplicates will be purged from the REPORTED ARRESTS Tape using ZIPCODE/DYER ID to identify each case.
- Task 5 - Examine CASES NOT CLOSED on the NCIC USABLE LOCATES Tape. Eliminate from further processing any records lacking ORIGINATING AGENCY data and produce UNUSABLE COUNT report. Create NCIC USABLE ORIGINATES Tape, a virtual flip-flop of the NCIC USABLE LOCATES Tape (see format, page 20).

KEYPUNCHING INSTRUCTIONS

FORM 1.1-FBI DATA

COLUMNS	FIELD NAME	VALUES
01-01	SOURCE	"F"
02-04	DYER ID	001-500
05-10	REPORT DATE	MMDDYY
11-35	NAME OF SUBJECT	A(25)
36-43	FBI/STATE ID	N(8)
44-49	BIRTHDATE	MMDDYY
50-50	SEX	1-2
51-51	RACE	1-2
52-52	OTHER SUBJECTS	1-9
53-53	REFERRAL BY	1-4
54-70	ARREST CITY/CNTY	A(17)
71-72	ARRESTING STATE	A(2)
73-78	ARREST DATE	MMDDYY
79-82	ARREST GEOCODE	N(4)
83-99	THEFT CITY/CNTY	A(17)
100-101	THEFT STATE	A(2)
102-105	THEFT GEOCODE	N(4)
106-106	EXCEPTIONAL CIRC	1-2
107-109	IF YES, CIRC (3)	b, 1-3
110-110	PROHIBIT PROS	1-2
111-112	IF YES, PROS (2)	b, 1-3
113-113	DISPOSITION	1-3
114-114	IF REFERRED	b, 1-2
115-118	US ATTORNEY CODE	b, N(4)
119-124	REFERRAL DATE	b, MMDDYY
125-154	AGENCY TITLE	b, A(30)
155-166	TELEPHONE	b, NNN-NNN-NNNN
167-185	STREET ADDRESS	b, AN(19)
186-202	CITY/TOWN	b, A(17)
203-204	STATE	b, A(2)
205-209	ZIP	b, N(5)

FORM 1.3-NCIC LOCATING AGENCIES

COLUMNS	FIELD NAME	VALUES
01-01	SOURCE	"N"
02-04	DYER ID	001-500
05-29	BANE IF SUBJECT	A(25)
30-31	AGE	N(2)
32-37	BIRTHDATE	MMDDYY
38-38	SEX	1-2
39-39	RACE	1-2
40-40	OTHER SUBJECTS	1-9
41-41	CHARGED	1-2
42-43	IF CHARGED	b, 1-9
44-44	REFERRED/FEDERAL	1-2
45-45	REFERRED/LOCAL	1-2
46-51	REFERRAL DATE	b, MMDDYY
52-81	AGENCY TITLE	b, A(30)
82-100	STREET ADDRESS	b, AN(19)
101-117	CITY/TOWN	b, A(17)
118-119	STATE	b, A(2)
120-124	ZIP	b, N(5)
125-136	TELEPHONE	b, NNN-NNN-NNNN
137-140	THEFT GEOCODE	N(4)
141-144	ARREST GEOCODE	N(4)
145-161	ARREST CITY/TOWN	A(17)
162-163	ARRESTING STATE	A(2)

NOTE THAT ALL FIELDS IN WHICH A BLANK (b) IS AN ACCEPTABLE VALUE ARE CONDITIONAL IN NATURE. IN MOST CASES A VALUE OF 2 FOR "NO" MUST APPEAR IN THE IMMEDIATELY PRECEDING FIELD. ALSO;

• IF "DISPOSITION" ≠ 3 ON FORM 1.1 THEN "IF REFERRED" AND ALL SUCCEEDING FIELDS ARE BLANK

• IF "REFERRED/LOCAL" ≠ 1 ON FORM 1.3 THEN "REFERRAL DATE" AND ALL SUCCEEDING FIELDS ARE BLANK

KEYPUNCHING INSTRUCTIONS

FORM 1.3-NCIC LOCATING AGENCIES

<u>COLUMNS</u>	<u>FIELD NAME</u>	<u>VALUES</u>
01-01	SOURCE	"N"
02-04	DYER ID	001-500
05-13	ORI CASE NUMBER	N(9)
14-38	NAME OF SUBJECT	A(25)
39-40	AGE	N(2)
41-46	BIRTHDATE	MMDDYY
47-47	SEX	1-2
48-48	RACE	1-2
49-49	OTHER SUBJECTS	1-9
50-50	CHARGED	1-2
51-52	IF CHARGED	b, 1-9
53-53	REFERRED/FEDERAL	1-2
54-54	REFERRED/LOCAL	1-2
55-60	REFERRAL/DATE	b, MMDDYY
61-90	AGENCY TITLE	b, A(30)
91-109	STREET ADDRESS	b, AN(19)
110-126	CITY/TOWN	b, A(17)
127-128	STATE	b, A(2)
129-133	ZIP	b, N(5)
134-145	TELEPHONE	b, NNN-NNN-NNNN
146-150	THEFT GEOCODE	NNNNA
151-155	ARREST GEOCODE	NNNNA
156-172	ARREST CITY/TOWN	A(17)
173-174	ARRESTING STATE	A(2)

REPORTED ARREST FILE

FIXED PORTION:		INITIAL SOURCES		
<u>COLUMNS</u>	<u>FIELD NAMES</u>	FORM 1.1 <u>COLUMNS</u>	FORM 1.3 <u>COLUMNS</u>	<u>VALUES</u>
01-05	ZIP	205-209	120-124	N(5)
06-35	AGENCY TITLE	125-154	52-81	A(30)
36-54	STREET ADDRESS	167-185	82-100	AN(19)
55-71	CITY	186-202	101-117	A(17)
72-73	STATE	203-204	118-119	A(2)
74-85	TELEPHONE	155-166	125-136	NNN-NNN-NNNN
86-89	THEFT GEOCODE	102-105	137-140	N(4)
VARIABLE SEGMENT (UP TO 10):				
01-01	SOURCE	01-01	01-01	"F", "N"
02-04	DYER ID	02-04	02-04	001-500
05-29	NAME OF SUBJECT	11-35	05-29	A(25)
30-31	AGE	44-49*	30-31	N(2)
32-32	SEX	50-50	38-38	1-2
33-33	RACE	51-51	39-39	1-2
34-34	OTHER SUBJECTS	52-52	40-40	1-9
35-38	ARREST GEOCODE	79-82	141-144	N(4)
39-55	ARREST CITY/TOWN	54-70	145-161	A(17)
56-57	ARRESTING STATE	71-72	162-163	A(2)
58-65	FBI/STATE ID	36-43	N/A	N(8)
66-66	RETURN RESPONSE	N/A	N/A	N

*Convert BIRTHDATE to AGE as of 10/01/77.

RECORD FORMAT FOR
NCIC USABLE ORIGINATES

FIXED PORTION:

<u>FIELD NAME</u>	<u>POSITION</u>
ORIGINATING AGENCY ID	01-07
ORIGINATING AGENCY NAME	08-32
ORIGINATING AGENCY ADDRESS	33-57
ZIPCODE	58-62

VARIABLE SEGMENTS: (EST. MAX = 100)

ORIGINATING AGENCY PRECINCT	01-02
ORIGINATING AGENCY CASE #	03-11
DATE STOLEN	12-15
LICENSE #	16-23
STATE	24-25
YEAR	26-27
MAKE	28-31
MODEL	32-34
COLOR	35-41
LOCATING AGENCY ID	42-48
LOCATING AGENCY PRECINCT	49-50
LOCATING AGENCY NAME	51-75
LOCATING AGENCY ADDRESS	76-100
ZIPCODE	101-105
LOCATING AGENCY CASE #	106-114
DATE LOCATED	115-118
RETURN RESPONSE	119-119

- Task 6 - Perform consolidated mail out run to Referred/Originating Agencies using REPORTED ARRESTS Tape and NCIC USABLE ORIGINATES Tape.
 - a. Produce one address label per agency.
 - b. Complete Form 2.1 (see page 22).
 - c. Complete Form 2.2 (see page 23).
 - d. Complete Form 2.3 (see page 24).

In paginating forms (NTH OF NTH), the sequence is continuous from first to last form even when different form types are being sent to the same agency.

These requirements imply several steps.

1. Compare records by zip code, and identify agencies occurring in both files.
2. Use addresses as found in REPORTED ARREST file for labels.
3. Determine appropriate NTH OF NTH Assignments; where:
 - Total to agency equals sum of case segments in both files;
 - Sequence is ARREST FILE (by DYER ID) followed by NCIC USABLE ORIGINATES.
4. Two print runs (Form 2.1/2.2 and Form 2.3) will be required.

FORM 2.1 (COMPLETED)

THIS REPORT IS AUTHORIZED BY LAW 42 U.S.C. 3763. WHILE YOU ARE NOT REQUIRED TO RESPOND, YOUR COOPERATION IS NEEDED TO MAKE THE RESULTS OF THIS SURVEY COMPREHENSIVE, ACCURATE, AND TIMELY.

NN OF NN

This form is to be completed by each local/state law enforcement agency reporting a stolen vehicle to N.C.I.C.

OMB No. 43-S77007
APPROVAL EXPIRES 1/31/78

TO:
PREFERRED AGENCY TITLE
ANY CITY/TOWN ANYWHERE AA 99999

REGARDING THE FOLLOWING SUBJECT:
ANYPerson, JOAN Q.
NON-WHITE FEMALE BORN: MM/DD/YY

ON OR ABOUT MM/DD/YY SUBJECT WAS ARRESTED IN ANY CITY/TOWN ANYWHERE
AND REFERRED TO YOUR AGENCY ON OR ABOUT MM/DD/YY BY THE FEDERAL BUREAU
OF INVESTIGATION UNDER FBI CASE NUMBER 99999999.

WAS THIS CASE ACCEPTED FOR PROSECUTION? 1 YES 2 NO (If "NO", make no further entries.)

HAS DEFENDANT BEEN EXTRADITED? If "NO", give reason, immediately below and stop.
1 YES 2 NO

REASON

If "YES":
AT WHOSE EXPENSE? WHEN? mo. day yr. TRANSPORTED BY: NUMBER OF OFFICERS
US GOVERNMENT PURSUANT TO 18 USC 5001 1 AUTO 3 BUS ESCORTING SUBJECT
STATE/LOCAL GOVERNMENT 2 AIR 4 TRAIN PER DIEM RATE PER
DURATION OF ROUND
TRIP IN DAYS
OVERNIGHT JAIL
COSTS (IF ANY)

TYPE OF CASE OR CHARGE(S) AGAINST DEFENDANT.
1 ADULT 2 JUVENILE

RE REFERRAL DATE TITLE OF PROSECUTING AGENCY TO WHICH SUBJECT WAS REFERRED.
mo. day yr.

STREET ADDRESS/P.O. BOX CITY/TOWN STATE ZIP CODE TELEPHONE NUMBER
(Include Area Code.)

Upon completion please return this form to: Blackstone Institute
2309 Calvert St. N.W.
Washington, D.C. 20008

99999888*

*ZIP/DYER ID

FORM 2.2 (COMPLETED)

THIS REPORT IS AUTHORIZED BY LAW 42 U.S.C. 3763. WHILE YOU
ARE NOT REQUIRED TO RESPOND, YOUR COOPERATION IS NEEDED TO MAKE
THE RESULTS OF THIS SURVEY COMPREHENSIVE, ACCURATE, AND TIMELY.

NN OF NN

This form is to be completed by each local/
state law enforcement agency reporting a
stolen vehicle to N.C.I.C.

OMB No. 43-S77007
APPROVAL EXPIRES 1/31/78

TO:
REFERRED AGENCY TITLE
ANY CITY/TOWN ANYWHERE AA 99999

REGARDING THE FOLLOWING SUBJECT:
ANYPerson, JOAN Q.
NON-WHITE FEMALE BORN: MM/DD/YY

OR ABOUT MM/DD/YY SUBJECT WAS ARRESTED IN ANY CITY/TOWN ANYWHERE
IF REFERRED TO YOUR AGENCY ON OR ABOUT MM/DD/YY BY THE ARRESTING LAW
ENFORCEMENT AGENCY.

WAS THIS CASE ACCEPTED FOR PROSECUTION? 1 YES 2 NO (If "NO", make no further entries.)

HAS DEFENDANT BEEN EXTRADITED? if "NO", give reason, immediately below and stop.

1 YES 2 NO

REASON

IF "YES":

WHOSE EXPENSE?	WHEN? mo. day yr.	TRANSPORTED BY:	NUMBER OF OFFICERS ESCORTING SUBJECT
1 US GOVERNMENT PURSUANT TO 18 USC 5001		1 AUTO 3 BUS	PER DIEM RATE PER
STATE/LOCAL GOVERNMENT		2 AIR 4 TRAIN	ESCORTING OFFICER
TYPE OF CASE OR CHARGE(S) AGAINST DEFENDANT.			DURATION OF ROUND
ADULT 2 JUVENILE			TRIP IN DAYS
			OVERNIGHT JAIL
			COSTS (IF ANY)

REFERRAL DATE TITLE OF PROSECUTING AGENCY TO WHICH SUBJECT WAS REFERRED.

STREET ADDRESS/P.O. BOX	CITY/TOWN	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code.)
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Upon completion please return this form to: Blackstone Institute
2309 Calvert St. N.W.
Washington, D.C. 20008

999998883*

SHIP/DYER ID

FORM 2.3 (COMPLETED)

THIS REPORT IS AUTHORIZED BY LAW 42 U.S.C. 3763. WHILE YOU
 ARE NOT REQUIRED TO RESPOND, YOUR COOPERATION IS NEEDED TO MAKE
 THE RESULTS OF THIS SURVEY COMPREHENSIVE, ACCURATE, AND TIMELY.

NN OF NN

This form is to be completed by each local/
 state law enforcement agency reporting a
 stolen vehicle to N.C.I.C.

OMB No. 43-S77007
 APPROVAL EXPIRES 1/31/78

TO:
 ORIGINATING AGENCY
 CITY/TOWN ANYWHERE AA 99999

REGARDING THE FOLLOWING STOLEN VEHICLE:
 LIC. NO. ST. YR. MAKE MODEL COLOR
 99999999 AA 99 AAAA AAA AAAAAA

THE THEFT OCCURRED ON MM/DD/YY AND WAS REPORTED TO NCIC AS CASE 888888888.
 THE VEHICLE WAS LOCATED ON OR ABOUT MM/DD/YY BY THE LAW ENFORCEMENT AGENCY
 SERVING ANY CITY/TOWN ANYWHERE.

HAS AN ARREST BEEN REPORTED TO YOU? * 1 YES 2 NO (If "NO", make no further entries.)

NAME OF SUBJECT (Last, First, MI)

AGE	BIRTH DATE mo. day yr.	SEX	RACE
		1 M 2 F	1 White 2 Nonwhite

WAS THIS CASE ACCEPTED FOR PROSECUTION? 1 YES 1 NO (If "NO", make no further entries.)

HAS DEFENDANT BEEN EXTRADITED? If "NO", give reason, immediately below and stop.

1 YES 2 NO

REASON

If "YES":

WHOSE EXPENSE?	WHEN? mo. day yr.	TRANSPORTED BY:	NUMBER OF OFFICERS ESCORTING SUBJECT
1 US GOVERNMENT PURSUANT TO 18 USC 5001		1 AUTO 3 BUS	PER DIEM RATE PER
STATE/LOCAL GOVERNMENT		2 AIR 4 TRAIN	ESCORTING OFFICER
			DURATION OF ROUND
			TRIP IN DAYS
			OVERNIGHT JAIL
			COSTS (IF ANY)

TYPE OF CASE OR CHARGE(S) AGAINST DEFENDANT.

ADULT 2 JUVENILE

REFERRAL DATE TITLE OF PROSECUTING AGENCY TO WHICH SUBJECT WAS REFERRED.

mo. day yr.

STREET ADDRESS/P.O. BOX

CITY/TOWN

STATE

ZIP CODE

TELEPHONE NUMBER
 (Include Area Code.)

If more than one arrest, please reproduce this form and complete
 one copy for each arrest. Upon completion, please return to:

999999998888888888

Blackstone Institute
 2309 Calvert St. N.W.
 Washington, D.C. 20008

Fourth Mailing

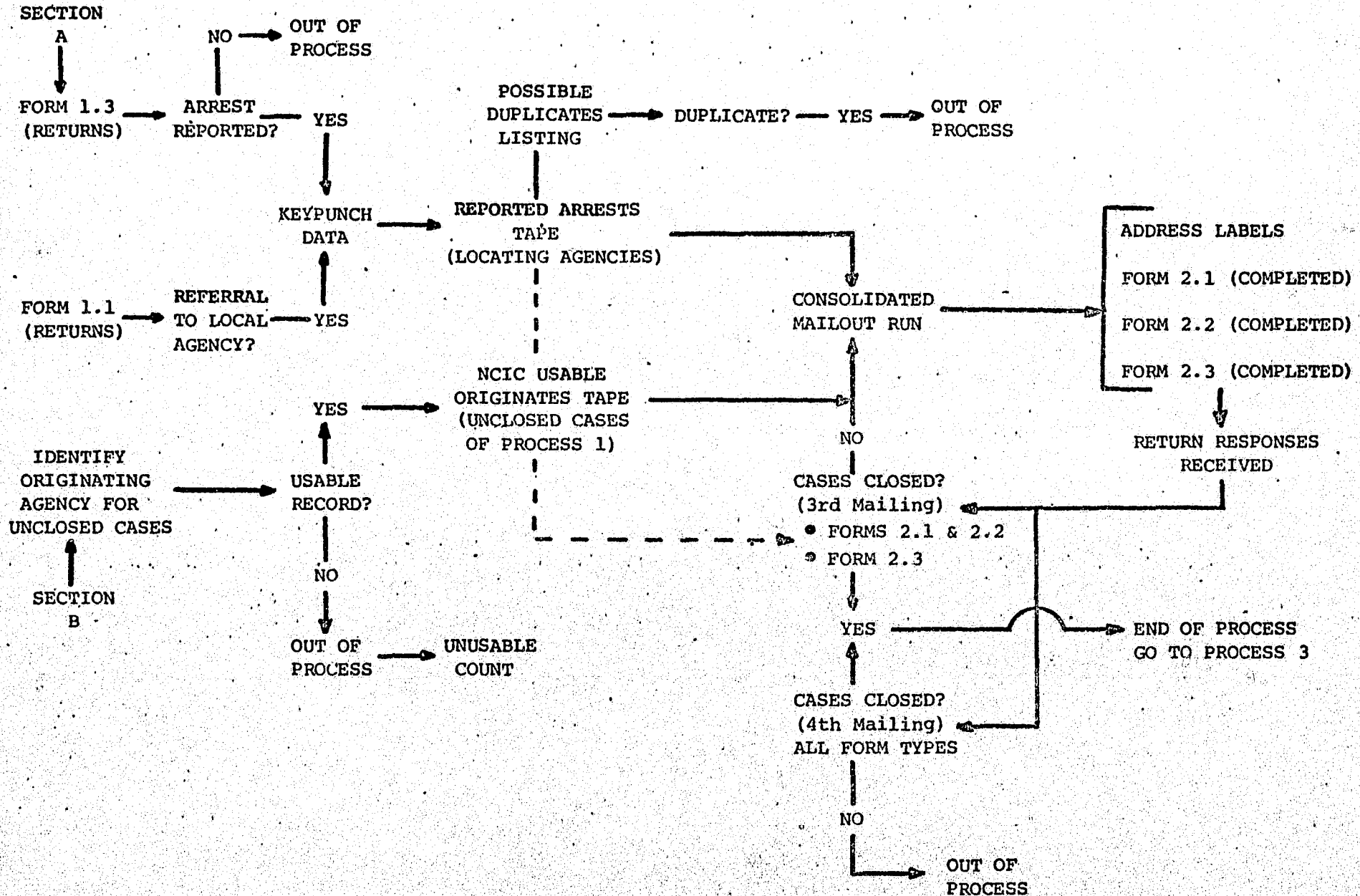
In the same manner as in Process 1, return responses are to be noted on the respective tapes. Agencies with CASES NOT CLOSED will then be the recipients of the fourth mailing.

- o For the REPORTED ARRESTS Tape identification of each case is by ZIP CODE/DYER ID.

- o For the NCIC USABLE ORIGINATES Tape identification is by ORI/CASE #.

A flow summary of Process 2 appears on page 26.

PROCESS 2



Vehicles Located (Inter-State)

<u>Position</u>	<u>Description</u>
1 - 5	Julian date the locate message was received by NCIC (NCIC assigned).
6 - 13	Military time the locate message was received (NCIC assigned) HH=hours, MM=minutes, SS=seconds, TH=tenths and hundredths of a second.
14	Record type (always X'03')
15	Delete byte (always X'00').
16 - 17	User code (code for entering agency assigned by NCIC)
18 - 26	Originating agency code.
27 - 31	NCIC number (NCIC assigned)
32 - 35	Message Key (LV for located vehicle)
36 - 39	Date stolen (date theft report was received by entering PD) MMDDYY.
40 - 48	Entering agency case number.
49 - 51	Date of entry (NCIC assigned) Julian.
52 - 59	License number of stolen vehicle.
60 - 61	State of registry.
62 - 63	Year of expiration of license number.
64 - 65	Type of license.
66 - 80	Vehicle Identification Number.
81 - 82	Vehicle year of manufacture.
83 - 86	Make of vehicle.
87 - 89	Model of vehicle.
90 - 91	Style of vehicle.
92 - 98	Color of vehicle.
99 - 102	Date record was located by recovering PD (MMDDYY).

Position

Description

103 - 111

Locating agency identifier

112 - 120

Locating agency case number

121 - 140

Remainder of original miscellaneous field.

141

One character code indicating NATE region covering theft.

ATTACHMENT B

The ORI tape is fixed block, 385 characters per logical record, block size is 6,930 characters. The records are in sequence by ORI (positions 2 - 10, see description of ORI and True ORI below). A description of each field follows.

Delete

Always hexadecimal '00'.

ORI

Agency identifier with all alpha O's converted to numeric 0's.

Type

- 1 - State Agency
- 2 - County or Parish Agency
- 3 - Local Agency other than County or Parish Agency
- 4 - Federal Agency
- 5 - Other Agency (such as NATB)
- 6 - Criminal Justice Agency
- R - Retired ORI

County

County name, "Independent City" or blank.

Agency lines 1 thru 4

Agency Name.

ORI Translation Name

Combination of agency name and address for those agencies the location of which cannot be determined by agency name alone.

Address lines 1 and 2

Location of the agency (normally the city name).

Special Address lines 1 thru 4

Formerly used for Uniform Crime Reports, now obsolete.

ZIP

Zip code.

True ORI

Agency identifier, identical to the ORI above except alpha O's are not converted to 0's.

FBI Code

A code for the FBI office covering the agency. The first two characters are state code, the third and fourth characters are city code.

NCIC/COH ORI FILE 2/16/77

385

6730

1 1

0 =

ORI	X	County	unused	Agency - line 1	X	Agency -
-----	---	--------	--------	-----------------	---	----------

line 2	Agency - line 3	Agency - line 4	ORI Trans -
--------	-----------------	-----------------	-------------

ORI Translation Name	Address - line 1	X	Address -
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line 2	Special Address - line 1	Special Address - line 2
--------	--------------------------	--------------------------

Special Address - line 3	Special Address - line 4	X	Zipcode	True Ori	FBI CODE
--------------------------	--------------------------	---	---------	----------	----------

unused

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CHARACTERISTIC CODES

C - character code

B - binary

P - field point forward

E - field point forward

S - field point forward

A - field point forward

V - address column symbol

If ORI last pos. - Alpha then non-PD to use all 9 char.
else use first 7

Rec'd 45-

Page

Date _____

22

2000

Wrote
Fried:

55-3112

Labia

141

141

✓

336 _____

None

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Ag. 10-2-2-1

1600

[illegible][illegible]

(V.N CONT)	Year	Make	Model	Style	Color	Date located	Locating Agency
C	C	C	C	C	C	C	C
1C	2C	3C	4C	5C	6C	7C	8C

Locating Agency										V									
Case Number										D									
miscellaneous (blank)										D									
C										C									

END