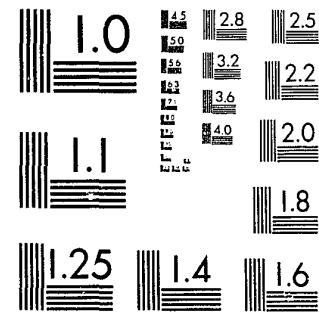


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**National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531**

5/14/84

**REAUTHORIZATION OF PROGRAMS UNDER THE  
JUSTICE SYSTEM IMPROVEMENT ACT OF 1979**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON CRIME  
OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES  
NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

REAUTHORIZATION OF PROGRAMS UNDER THE JUSTICE SYSTEM  
IMPROVEMENT ACT OF 1979

JUNE 10, 1982

Serial No. 92



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ACQUISITIONS

## REAUTHORIZATION OF PROGRAMS UNDER THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979

THURSDAY, JUNE 10, 1982

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

The subcommittee met, pursuant to notice, at 10:26 a.m., in room 2337, Rayburn House Office Building, Hon. William J. Hughes (chairman of the subcommittee) presiding.

Present: Representatives Hughes and Sawyer.

Also present: Hayden W. Gregory, chief counsel; Eric Sterling, assistant counsel; and Deborah K. Owen, associate counsel.

Mr. HUGHES. The Subcommittee on Crime will come to order.

I want to apologize for getting underway a little late, but, as you may know, we just had a very important vote on the journal.

Today marks our first hearing on reauthorization of the Justice System Improvement Act of 1979. That act authorizes the so-called OJARS family of programs, OJARS, of course, being the acronym for Office of Justice Assistance, Research and Statistics.

The OJARS programs include LEAA, which has not been funded for some 2 years, and which was closed down on April 15 of this year; the Federal criminal justice research program of the National Institute of Justice; and the statistics program of the Bureau of Justice Statistics. Also within the OJARS family, but separately authorized, and therefore not directly before us today, is a program known as the fourth box, the Office of Juvenile Justice and Delinquency Prevention, or OJJDP.

This administration has tried for some 2 years to get Congress to declare this program to be, as I understand it, successfully completed and closed down. The Congress to date, has refused to do so. We will be interested in hearing from the Department of Justice today whether the administration still proposes to terminate OJJDP, leaving only two boxes—the National Institute of Justice and the Bureau of Justice Statistics, in the deteriorating arsenal of Federal crime-fighting assistance for State and local criminal justice systems.

This hearing was originally scheduled to be held exactly 1 week earlier, but we had to postpone it at the last minute. I regret having had to do this, but I hope none of our participants or guests were inconvenienced by this particular change.

Let me explain why I thought it necessary to do so. On March 2, Congressman Rodino wrote the Attorney General calling attention

to the fact that the Congressional Budget Act requires the administration to furnish to the Congress, by May 15 of this year, its recommendations for reauthorization of the programs of the Justice System Improvement Act. Chairman Rodino's letter also invited informal discussion between staff of our committee and Justice Department personnel in the course of developing the proposal due to be submitted on May 15.

Finally, the March 2 letter set a hearing date of June 2, later changed to June 3, at which we would take testimony from the Justice Department on their particular proposal. This date was chosen to give us a couple of weeks to study this important legislation before the formal hearing.

Unfortunately, our offer to work together with the Department on reauthorization legislation received no response whatsoever. May 15 came and went with no response. The Department finally furnished testimony on a proposed bill near the end of the day on June 2, the day before the hearing. It just was not possible for us to become familiar with the 29-page bill in the time remaining, therefore making it necessary to postpone the hearing.

I realize that the Department of Justice does not have final authority on the substance or form of its testimony before Congress. Nonetheless, it is the Department that represents the administration on this matter, and it is the Department of Justice to which we must address our dissatisfaction in not receiving, in a timely fashion, information for a hearing scheduled 3 months in advance.

The Attorney General recently and unilaterally informed our committee that he was imposing a 2-week rule under which departmental witnesses would be furnished for congressional hearings, only if written notice was received 2 weeks in advance.

Although I believe we must sometimes make exceptions for emergency situations, I do not object to a general policy of giving the executive branch at least 2 weeks' notice for congressional testimony. This subcommittee was already applying such a policy to the extent possible. What we are saying is that we expect some sort of reciprocity, and last week's developments were notably lacking in this regard.

Turning to the substance of the administration's proposal, I must note that the most striking and most disappointing feature of the proposal lies in what it does not contain. I refer to the fact that no authorization is requested for any direct Federal assistance for State and local crime fighting. The administration has opposed proposals to strengthen our Nation's ability to fight crime if it costs any money.

The effects of inflation in the late 1970's have seriously eroded our Nation's law enforcement budget in real terms. Comparatively, the defense budget has experienced 3 years of substantial real growth: over 3 percent in 1980, over 12 percent in fiscal year 1981, and over 10 percent for fiscal year 1982.

The American people, when polled, state that reducing crime is just as important an issue as strengthening national defense. But the administration has refused to ask for the money that is necessary.

H.R. 4481, the Justice Assistance Act, as passed by the House of Representatives on February 2, would be authorized at \$190 million

for each of the next 2 years. This compares to a military defense budget proposed for 1983 of between \$240 to \$250 billion, increasing to \$280 to \$290 billion in 1985.

The justice assistance sum would be less than one-tenth of 1 percent of the military budget. In fact, the entire Department of Justice budget would be roughly 1 percent of the size of the Department of Defense budget.

I do not believe that we need to lower the military budget to provide for law enforcement. But we must remember that the first line of defense is right here in this country. And considering the enormous sums spent for national defense, the sum we spend for real and immediate day-to-day protection is a tiny drop in the bucket. Even if we doubled the size of that drop, it would still be a tiny drop in the budget bucket, but one that could have a positive impact on violent crime and improvement in the criminal justice system.

The administration's proposal raises some important questions regarding the structure of the Federal Research and Statistics' programs, the only two OJARS programs which the administration proposes to continue, and which we will examine after we hear the testimony of Associate Deputy Attorney General Stanley Morris.

The Chair now recognizes the gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman. I have no opening comments at this time.

Mr. HUGHES. Very well. Our witness this morning is Stanley Morris, the Associate Deputy Attorney General, Department of Justice. Mr. Morris has been with the Justice Department since February 1981. He is responsible for budget, personnel, and management issues. Previously, Mr. Morris was Deputy Assistant Director of Regulations Policy of the Office of Management and Budget.

Mr. Morris, we welcome you to the hearing this morning. We have your statement, which, without objection, will be made a part of the record in full. I might add that there is no significance to this room and all the foot soldiers you see, though we are trying to step up our war on crime. [Laughter.]

Mr. MORRIS. Mr. Chairman, I suspect this is the smallest amount of money ever discussed in this hearing room. [Laughter.]

Mr. HUGHES. I suspect you are right. You are absolutely correct. [Laughter.]

You may proceed as you see fit.

**TESTIMONY OF STANLEY E. MORRIS, ASSOCIATE DEPUTY ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY ROBERT DIEGELMAN, ACTING DIRECTOR OF THE OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS**

Mr. MORRIS. Mr. Chairman, Mr. Sawyer, the Department of Justice appreciates this opportunity to appear before your committee to discuss the Justice Department's proposed legislation for the reauthorization of certain functions currently authorized under the terms of the Justice System Improvement Act of 1979.

Before I proceed, I would like to apologize to the committee for the delays in getting our testimony and the legislation up here. We will genuinely try to do better in the future.

As you know, the statutory authority for the programs established under the JSIA will expire September 30 of next year. As a prelude to a discussion of the status and the future of these units, it may be useful to briefly sketch the events that brought them to their present condition.

As you know, the Omnibus Crime Control and Safe Streets Act of 1968 established LEAA and, with it, the first Federal block grant program providing funds to State and local units of government. LEAA was initially designed to focus on four basic objectives: the development of State comprehensive planning for criminal justice improvements; the provision of technical and financial assistance to improve and strengthen law enforcement and criminal justice; research and development projects to improve criminal justice operations; and finally, to develop and transfer new techniques and methods to reduce crime and to detect, apprehend, and rehabilitate criminals.

In 1970 Congress extended LEAA authorization and added a new part E to the basic legislation providing for block and discretionary grants exclusively for corrections-related programs. The Crime Control Act of 1973 further amended the 1968 act and extended the LEAA program for another 3 years. In the process, numerous administrative requirements were added to the program, leading to an increased redtape burden on State and local governments.

The following year, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation established a separate juvenile justice program to be administered by LEAA. It provided formula and discretionary grants to State and local governments and private nonprofit organizations.

The primary focus of the program as mandated by the legislation is the deinstitutionalization of juvenile status offenders and a separation of juvenile offenders from adult offenders. The act also established the National Institute of Juvenile Justice and Delinquency Prevention.

The next year, 1975, LEAA appropriations reached their highest level, almost \$900 million, and dropped precipitously from that time until the present.

In 1976 Congress enacted the Public Safety Officers Benefit Act, which authorizes LEAA to provide payments of \$50,000 to the survivors of public safety officers killed in the line of duty. That same year, 1976, the LEAA authorization was again extended for 3 years by the Crime Control Act of 1976, and again numerous administrative requirements were written into the legislation adding further to the redtape burden on State and local governments that we have all heard so much about.

The current authorizing legislation came next with the enactment of the Justice System Improvement Act of 1979, signed by former President Carter in late December of 1979. This legislation separated LEAA into four distinct agencies—OJARS, the National Institute of Justice, the Bureau of Justice Statistics, and LEAA—each to be headed by a Presidentially appointed administrator.

In addition, the Office of Juvenile Justice and Delinquency Prevention, which remained within LEAA, was also to be headed by an administrator appointed by the President.

Three months after this act was signed into law, the previous administration proposed a phaseout of LEAA and requested no fiscal year 1981 appropriation for that program. Congress endorsed the phaseout by appropriating no funds for fiscal years 1981 and 1982.

The Department of Justice request for 1983 will continue the research and statistics programs and conclude the phaseout of the remaining LEAA-funded projects.

These events dictate a realignment and consolidation of functions relating to the phaseout of LEAA grants. Because the agency had received no program funds for the past 2 fiscal years, its role had been essentially to monitor and close the grants made in previous years as the projects reached the end of their funding period.

Under the JSIA structure, however, the grant closeout responsibility was shared by LEAA with OJARS, which exercise the financial management and accounting through its Office of the Comptroller.

In addition, the level of administrative funds and personnel authorized for OJARS and LEAA required a significant reduction in staff during this fiscal year. Thus, the steadily diminishing role for LEAA led to the decision to consolidate the LEAA phaseout activities within OJARS and to terminate LEAA as a discrete entity, which was done on April 15 of this year.

I want to emphasize that the continuing program functions authorized by separate legislation, such as the public safety officers benefit program, were also shifted to OJARS and continue to operate without interruption.

All of our planning and actions taken thus far have been based on certain fundamental principles: first, that the LEAA program must be closed out in a way that assures proper accountability for those public funds that are still in the pipeline; second, that continuing JSIA program activities be given sufficient support to function effectively.

Since May of 1980 LEAA has been phasing down in a manner consistent with these principles. The accomplishments to date are a credit to the professionalism and the ability of the LEAA and OJARS personnel who, during this period of uncertainty, maintained the fiscal accountability and integrity of their operations.

With the phasedown of LEAA, the remaining grant workload and the continuing programs require a structure that can carry out the administrative tasks necessary to responsibly phase down those programs no longer funded and monitor those that will continue. However, these duties will diminish over time. By the time the majority of funds previously appropriated to LEAA are expended in March 1983, only a small capability will be required to continue whatever closeout activities that remain and to administer the continuing grant programs.

The proposal which we have submitted to Congress recognizes the new budget realities and provides for the continuation of the programs of the National Institute of Justice and the Bureau of Justice Statistics. It also establishes a small Office of Justice Research and Statistics, headed by an Assistant Attorney General re-



sponsible for providing staff support to, and coordinating the activities of, NIJ and BJS as well as administering the remnants of the LEAA program and the public safety officers benefit program, which is also reauthorized in this legislation.

Consistent with the intent of Congress, as manifested in the decision to discontinue the LEAA appropriation and the constraints on Federal spending overall, the proposal does not provide for direct Federal financial assistance to State and local governments.

The legislation which we have submitted recognizes that crime is essentially a local problem that must be dealt with by State and local governments. Although the Federal Government is limited in the assistance it may render to State and local enforcement by virtue of the Federal system and the reality of our own Federal budget needs, it is appropriate for the Federal Government to continue in those areas where it can make a unique contribution.

The Department, in pursuing this objective through its various new initiatives which have been explained in the past by the Attorney General—for example, the LECC, the Law Enforcement Coordinating Committees, which the U.S. attorneys are establishing—the proposed legislation contributes further to this effort by encouraging research and providing for the gathering and dissemination of statistics and evaluation of programs and the coordination of criminal justice activities at all levels of government in order to strengthen the capacity of State and local governments to improve their criminal justice systems.

These objectives can only be achieved in a workable, efficient administrative framework. This legislation that the administration has proposed eliminates the complex and duplicative structure of OJARS and LEAA, replacing both with a modest Office of Justice Research and Statistics, headed by an Assistant Attorney General. This office will provide the staff services necessary for the operation of the institute and the bureau as well as administer the PSOB program.

The Assistant Attorney General for Research and Statistics will also represent the Department's interest to the Nation's research and university communities, provide a single point of contact throughout the Department on policy matters pertaining to State and local justice research and statistics, serve as a spokesperson for the interests of research and statistics within the highest levels of the Department and throughout the Federal Government, and engage in special projects as assigned by the Attorney General.

The Assistant Attorney General will exercise the general authority of the Attorney General over NIJ and BJS, while the directors of those organizations manage their day-to-day programs and have authority to make grants and award contracts on behalf of their units.

To facilitate administration and reduce potential duplication, the office will provide the staff support services, instead of NIJ and BJS each providing them separately and therefore less efficiently. And the Department will have one focal point for all research and statistical efforts relating to State and local criminal justice.

Under the terms of this proposal, the NIJ and the BJS will continue the programs begun in the past years, embark on new initiatives, as well as respond to emerging issues as they develop. It will

permit them to be responsive to the concerns of the Federal, State, and local criminal justice community and facilitate the delivery of the results of their research and statistical projects to them.

The Assistant Attorney General will stimulate the communications process so that we do not simply store up an impressive library without ever assisting the intended beneficiaries.

Let me now briefly outline the activities contemplated for the institute and the bureau under this authorizing legislation.

Since its inception, BJS has taken major steps toward meeting its statutory mandate by maintaining major ongoing national statistical series, supporting State statistical analysis centers, expanding its analytic functions in support of departmental policymaking, launching efforts to establish Federal criminal and civil justice statistical series, developing national criminal justice statistical policy, completing information system development efforts, and evaluating its own and other major Department of Justice statistical programs.

Following a decade of operations, the National Criminal Justice and Statistics Service within LEAA, BJS has become the national repository of criminal justice information either by initiating new statistical series or by assuming responsibility for ongoing data programs for other Federal agencies.

Perhaps the best known BJS data program is the National Crime Survey, which provides victimization data on the extent and severity of crime in America and which is the third largest survey sponsored by the Federal Government. Other major data programs and statistical series now sponsored by BJS include: Reports on National Prisoner Statistics; National Court Statistics; Uniform Parole and National Probation Reports; and the Expenditure and Employment Series, which provides information on expenditures, manpower, total operation costs to State and local criminal justice systems.

These and other national BJS programs provide comprehensive coverage of all aspects of the administration of justice. In creating BJS, the Congress directed that attention be given to the problems of State and local justice systems.

In addition to the scope and coverage of the national statistics, BJS meets this responsibility through cooperative agreement programs with State statistical analysis centers and uniform crime reporting agencies. The Bureau now supports a statistical capability in over 40 States which provides information services and policy recommendations on criminal justice matters to the Governors and legislatures of these jurisdictions.

The Bureau also assists the operation of uniform crime reporting programs, also in over 40 States, in order to facilitate the submission and improve the quality of arrest and clearance data submitted to the FBI by local police agencies.

After over a decade of the development of criminal justice data bases, the Bureau is now placing its primary emphasis on the analysis, publication, and wide dissemination of the data that it has developed. The Bureau now produces topical bulletins and special reports to provide brief, concise, and nontechnical interpretations of the key data bases.

And the Bureau will also continue support of the National Criminal Justice Data Archive to assist outside academic analysis of its data bases.

Having been at the forefront of developments related to the security, privacy, and confidentiality of criminal justice records and histories, the Bureau will continue to focus on issues and information policy, such as interstate exchange of criminal records, new kinds of white-collar crime appearing as computer and data communications technology advances and matures, and related fraud and abuse issues.

In and perhaps its two most important efforts, the Bureau is now supporting and directing evaluations of the uniform crime reports program of the FBI and its own national crime survey of personal and household victimizations. Implementation of the findings and recommendations of these assessments in 1985 and 1986 will reestablish this Nation's two most important indicators of the extent and magnitude of criminal behavior in our society.

The National Institute of Justice currently supports research, development, tests, and evaluation activities aimed at increasing our knowledge about the causes and control of crime and improving our criminal justice systems, primarily at the State and local level. Recently, these efforts have provided valuable information to criminal justice policymakers on such issues as career criminals, prison overcrowding, pretrial release, drug use in crime, sentencing guidelines, and improved police practices.

The career criminal area provides a good example of how criminal justice research affects policy and practice. NIJ has just concluded a 6-year research agreement with Rand on career criminal issues. The research corroborated earlier findings that relatively few offenders committed a large amount of crime and identified offender characteristics which distinguish the most criminally active offenders from the rest.

This research has implications for all stages of the criminal justice process. Apprehension and prosecution strategies can maximize their effects by concentrating on high-rate offenders. Pretrial release decisionmaking may be somewhat better able to assess potential danger to the community, and the crime reduction potential of prison sentencing policy may be improved by focusing on the career criminal.

Additional research is underway and planned which will provide further refinement of current findings and address the second generation of research questions raised by the examination of career criminal patterns.

Studies of police patrol and response to calls for service have indicated that current practices may not provide the most cost-effective use of police resources. Random preventive patrol seems not to have its anticipated crime-suppression effects.

Similarly, rapid response to calls for service can only hold the potential for on-scene arrests if the call is placed immediately after the incident. A recent study showed only 25 percent of calls received by the police as having such potential.

The NIJ is now planning controlled experiments to answer the critical police policy questions raised by this past research. Hopefully, these experiments will suggest ways in which police re-

sources, involving billions of dollars a year, can be most effectively used to control violent crime.

The new knowledge gained from this and other NIJ priority areas, such as sentencing, the pretrial process, and deterrence, will continue to contribute to effective criminal justice policymaking. This new knowledge will be practicably applied through testing and demonstration projects which will systematically test crime control initiatives in several sites and provide the independent evaluations needed by State and local policymakers to determine the appropriateness of such initiatives for their jurisdictions.

While cities and States can be expected to finance and manage their own agencies and respond to their own problems, they cannot reasonably be expected to devote scarce resources to demonstration projects that may chiefly benefit other jurisdictions or the Nation as a whole.

The demonstration program envisioned for the Institute, although modest, will provide the essential link between theory and practice without which many important policy-relevant research recommendations would fail to be implemented.

This authority will permit the Institute to implement innovative approaches to a few critical criminal justice issues—for example, the systemwide handling of career criminals from apprehension through incarceration or police-citizen crime control strategies—and examine their effects across jurisdictions and over time.

Simultaneously, an objective evaluation will be conducted to insure the reliability and integrity of the findings which would emerge from the demonstration effort. These findings would guide policymakers in other jurisdictions for whom the initiative might also be appropriate, as well as inform host sites on ways in which the initiative might be improved.

In summary, Mr. Chairman, we believe that the Federal Government's most unique contribution to State and local criminal justice can be made through the development and dissemination of information and knowledge generated by the research and statistics activities of an Office of Justice Research and Statistics.

These undertakings can be effectively implemented by units functioning from a streamlined, simple organizational structure within the Department of Justice and within the modest funding levels appropriate to this period of fiscal austerity. The legislative proposal we have submitted will provide what we believe is an efficient structure and the necessary authority to meet those objectives.

I appreciate this opportunity to discuss this proposal. And I have with me this morning the acting director, Mr. Robert Diegelman, of the Office of Justice Assistance, Research, and Statistics, and he and I will be happy to try to answer any questions that the committee may have.

[The statement follows:]

PREPARED STATEMENT OF STANLEY E. MORRIS, ASSOCIATE DEPUTY ATTORNEY  
GENERAL, U.S. DEPARTMENT OF JUSTICE

Mr. Chairman, members of the committee, I appreciate this opportunity to appear before the committee to discuss the Justice Department's proposed legislation for the reauthorization of certain of the functions currently authorized under the terms



of the Justice System Improvement Act of 1979. As you know, the statutory authority for the programs established under the JSIA will expire September 30, 1983.

As a prelude to a discussion of the status and future of these units, it may be useful to briefly sketch the rather complex set of events that brought them to their present condition. As you know, Mr. Chairman, the Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration and, with it, the first Federal block grant program providing funds to state and local units of government. LEAA was initially designed to focus on four basic objectives: the development of state comprehensive planning for criminal justice improvements; the provision of technical and financial assistance to improve and strengthen law enforcement and criminal justice; research and development projects to improve criminal justice operations; and to develop and transfer new techniques and methods to reduce crime and to detect, apprehend, and rehabilitate criminals.

In 1970, Congress extended the LEAA authorization and added a new "Part E" to the basic legislation providing for block and discretionary grants exclusively for corrections-related programs. The Crime Control Act of 1973 further amended the 1968 Act and extended the LEAA program for another three years. In the process, numerous administrative requirements were added to the program, leading to an increased red-tape burden on state and local governments.

The following years, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation established a separate juvenile justice program to be administered by LEAA. It provided formula and discretionary grants to state and local governments and private non-profit organizations. The primary focus of the program as mandated by the legislation is the deinstitutionalization of status offenders and separation of juvenile offenders from adult offenders. The Act also established a National Institute of Juvenile Justice and Delinquency Prevention.

The next year, 1975, LEAS appropriations reached their level—\$895 million—and dropped precipitously from that time until the present.

In 1976, Congress enacted the Public Safety Officers' Benefits Act, which authorizes LEAA to provide payments of \$50,000 to the survivors of public safety officers killed in the line of duty. That same year—1976—the LEAA authorization was again extended for three years by the Crime Control Act of 1976 and, again numerous administrative requirements were written into the legislation adding further to the red-tape burden on state and local governments.

The current authorizing legislation came next with the enactment of the Justice System Improvement Act of 1979, signed by former President Carter in late December of 1979. This legislation separated LEAA into four distinct agencies: the Office of Justice Assistance, Research, and Statistics (OJARS); the National Institute of Justice (NIJ); The Bureau of Justice Statistics (BJS); and LEAA. Each was to be headed by a Presidentially appointed administrator. In addition, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which remained within LEAA, was also headed by an administrator appointed by the President.

Three months after this Act was signed into law, the previous Administration proposed the phaseout of LEAA and requested no funds for Fiscal Year 1981 or Fiscal Year 1982. The Department of Justice budget request for Fiscal Year 1983 will continue the research and statistics program and conclude the phaseout of the remaining LEAA-funded projects.

These events dictated a realignment and consolidation of functions relating to the phaseout of LEAA grants. Because the agency had received no program funds for the past two fiscal years, its role had been essentially to monitor and close the grants made in previous years as the projects reached the end of their funding period. Under the JSIA structure, however, the grant closeout responsibility was shared by LEAA with OJARS, which exercises the financial management and accounting through its Office of Comptroller. In addition, the level of administrative funds and personnel authorized for OJARS and LEAA required a significant reduction in staff during this fiscal year. Thus, the steadily diminishing role for LEAA led to the decision to consolidate the LEAA phaseout activities within OJARS and to terminate LEAA as a discrete entity on April 15th. I want to emphasize that the continuing program functions authorized by separate legislation—such as the Public Safety Officers' Benefits program—were also shifted to OJARS and will continue to operate without interruption.

All of our planning and the actions taken thus far have been based on certain fundamental principles. First, that the LEAA program must be closed-out in a way that assures proper accountability for public funds. Second, that continuing JSIA program activities be given sufficient support to function effectively.

Since May of 1980, LEAA has been phasing down in a manner consistent with those principles. The accomplishments to date are a credit to the professionalism

and ability of the LEAA and OJARS personnel who, during this period of uncertainty, maintained the fiscal accountability and integrity of their operations.

With the phase-down of LEAA operations, the remaining grant workload and the continuing programs require a structure that can carry out the administrative tasks necessary to responsibly phase-down those programs no longer funded and monitor those that will continue. However, these duties will diminish over time. By the time the majority of the funds previously appropriated to LEAA are expended, in March 1983, only a small capability will be required to continue whatever closeout duties that remain and to administer the continuing grant programs. The proposal which we have submitted to Congress recognizes the budget realities and provides for the continuation of the programs of the National Institute of Justice and the Bureau of Justice Statistics. It also establishes a small Office of Justice Research and Statistics, headed by an Assistant Attorney General, responsible for providing staff support to and coordinating the activities of NIJ and BJS as well as administering the remnants of the LEAA program and the Public Safety Officers' Benefits Program, which is also reauthorized by this legislation. Consistent with the intent of Congress as manifested in the decision to discontinue the LEAA appropriation and the constraints on Federal spending, the proposal does not provide for direct Federal financial assistance.

The legislation which we have submitted recognizes that crime is essentially a local problem that must be dealt with by State and local governments. Although the Federal Government is limited in the assistance it may render to State and local enforcement, by virtue of the Federal system and the stark reality of the Federal budget, it is appropriate for the Federal Government to continue in those areas where it can make a unique contribution. The Department is pursuing this objective through its various new initiatives, which have been explained in the past by the Attorney General (for example, the Law Enforcement Coordinating Committees which all U.S. Attorneys have been establishing). The proposed legislation contributes further to this effort by encouraging research and providing for the gathering and dissemination of statistics, evaluation of programs and the coordination of criminal justice activities at all levels of government in order to strengthen the capacity of State and local governments to improve their criminal justice systems.

These objectives can only be achieved in a workable, efficient administrative framework. This legislation eliminates the complex and duplicative structure of OJARS and LEAA, replacing both with a modest Office of Justice Research and Statistics headed by an Assistant Attorney General. This Office will provide the staff services necessary for the operation of the Institute and the Bureau as well as administer the Public Safety Officers' Benefits program. The Assistant Attorney General for Research and Statistics will also represent the Department's interest to the Nation's research and university communities, provide a single point of contact within the Department on policy matters pertaining to State and local justice research and statistics, serve as a spokesperson for the interests of research and statistics within the highest level of the Department, and engage in special projects as assigned by the Attorney General.

The Assistant Attorney General will exercise the "general authority" of the Attorney General over NIJ and BJS while the Directors of NIJ and BJS manage their day-to-day program and have authority to make grants and award contracts on behalf of their units. To facilitate administration and reduce potential duplication, the Office will provide the staff support services—instead of NIJ and BJS each providing them separately—and the Department will have one focal point for all research and statistical efforts relating to state and local criminal justice.

Under the terms of this proposal, the National Institute of Justice and the Bureau of Justice Statistics will continue the programs begun in the past years, embark on new initiatives, as well as respond to emerging issues as they develop. It will permit them to be responsive to the concerns of the Federal, State and local criminal justice community and facilitate the delivery of the results of their research and statistical projects to them. The Assistant Attorney General will stimulate the communications process so that we don't simply store up an impressive library without ever assisting the intended beneficiaries.

Let me now briefly outline the activities contemplated for the Institute and the Bureau under this authorizing legislation.

#### BUREAU OF JUSTICE STATISTICS

Since its inception, the Bureau has taken major steps toward meeting its statutory mandate by maintaining major on-going national statistical series, supporting state statistical analysis centers, expanding its analytic function in support of De-

partmental policy making, launching efforts to establish Federal criminal and civil justice statistical series, developing national criminal justice statistical policy, completing information system development efforts and evaluating its own and other major Department of Justice statistical programs.

Following a decade of operation as the National Criminal Justice and Statistics Service within LEAA, BJS has become the national repository of criminal justice information, either by initiating new statistical series or by assuming responsibility for on-going data programs from other Federal agencies. Perhaps the best known BJS data program is the National Crime Survey, which provides victimization data on the extent and severity of crime in America and which is the third largest survey sponsored by the Federal Government. Other major data programs and statistical series now sponsored by BJS programs provide comprehensive coverage of all aspects of the administration of justice.

In creating the Bureau of Justice Statistics, the Congress directed that attention be given to the problems of state and local justice systems. In addition to the scope and coverage of the national statistics, BJS meets this responsibility through cooperative agreement programs with state statistical analysis centers and uniform crime reporting agencies. The Bureau now supports a state statistical capability in over forty states which provides information services and policy recommendation on criminal justice matters to the Governors and legislatures of these jurisdictions. The Bureau also assists the operation of uniform crime reporting programs, also in over forty states, in order to facilitate the submission and improve the quality of arrest and clearance data submitted to the Federal Bureau of Investigation by local police agencies.

After over a decade of the development of criminal justice data bases, the Bureau is now placing its primary emphasis on the analysis, publication, and wide dissemination of the data. The Bureau now produces topical Bulletins and Special Reports to provide brief, concise and non-technical interpretations of the key data bases. The Bureau will also continue support of a national criminal justice data archive to assist outside academic analysis of its data bases.

Having been at the forefront of developments related to the security, privacy and confidentiality of criminal justice records and histories, the Bureau will continue to focus on issues in information policy such as the interstate exchange of criminal records, new kinds of white collar crime appearing as computer and data communications technology advances and matures, and related fraud and abuse issues.

In perhaps its two most important efforts, the Bureau is now supporting and directing evaluations of the Uniform Crime Reports program of the Federal Bureau of Investigation and its own National Crime Survey of personal and household victimizations. Implementation of the findings and recommendations of these assessments in 1985-1986 will reestablish this nation's two most important indicators of the extent and magnitude of criminal behavior in American society.

#### NATIONAL INSTITUTE OF JUSTICE

The Institute currently supports research, development, test and evaluation activities aimed at increasing our knowledge about the causes and control of crime and improving our criminal justice systems, primarily at the State and local level. Recently, these efforts have provided valuable information to criminal justice policy-makers on such issues as career criminals, prison overcrowding, pre-trial release, drug use and crime, sentencing guidelines and improved police practices.

The career criminal area provides a good example of how criminal justice research affects policy and practice. The NIJ has just concluded a six-year research agreement with the Rand Corporation on career criminal issues. The research corroborated earlier findings that relatively few offenders committed a large amount of crime and identified offender characteristics which distinguish the most criminally active offenders from the rest.

This research has implications for all stages of the criminal justice process. Apprehension and prosecution strategies can maximize their effects by concentrating on high rate offenders. Pre-trial release decision-making may be somewhat better able to assess potential danger to the community, and the crime reduction potential of prison sentencing policy may be improved by focusing on the career criminal.

Additional research is underway and planned which will provide further refinement of current findings and address the second-generation of research questions raised by the examination of criminal career patterns.

Studies of police patrol and response to calls for service have indicated that current practices may not provide the most cost-effective use of police resources. Random preventive patrol seems not to have its anticipated crime suppression ef-

fects. Similarly, rapid response to calls for service can only hold the potential for on-scene arrests if the call was placed immediately after the incident. A recent NIJ study showed only 25 percent of calls received by the police as having such potential.

The NIJ is now planning controlled experiments to answer the critical police policy questions raised by this past research. Hopefully, these experiments will suggest ways in which police resource—involving billions of dollars per year—can be most effectively used to control violent crime.

The new knowledge gained in these and other NIJ priority areas such as sentencing, the pre-trial process and deterrence, will continue to contribute to effective criminal justice policy making.

This new knowledge will be practically applied through testing and demonstration projects which will systematically test crime control initiatives in several sites and provide the independent evaluations needed by State and local policy makers to determine the appropriateness of such initiatives for their jurisdictions. While cities and States can be expected to finance and manage their own agencies and respond to their own problems, they cannot reasonably be expected to devote scarce resources to demonstration projects that may chiefly benefit other jurisdictions, or the nation as a whole.

The demonstration program envisioned for Institute—although modest—will provide the essential link between theory and practice, without which many important policy-relevant research recommendations would fail to be implemented. This authority will permit NIJ to implement innovative approaches to a few critical criminal justice issues (for example, the system-wide handling of career criminals from apprehension through incarceration, or police/citizen crime control strategies) and examine their effects across jurisdictions, and over time.

Simultaneously, an objective evaluation would be conducted to insure the reliability and integrity of the findings which would emerge from the demonstration effort. These findings would guide policy-makers in other jurisdictions for whom the initiative might also be appropriate, as well as inform host sites of ways in which the initiative might be improved.

In summary, Mr. Chairman, we believe that the Federal Government's most unique contribution to state and local criminal justice can be made through the development and dissemination of information and knowledge generated by the research and statistics activities of an Office of Justice Research and Statistics. These undertakings can be effectively implemented by units functioning from a streamlined, simple organizational structure within the Department of Justice and within the modest funding levels appropriate to this period of fiscal austerity. The legislative proposal we have submitted will provide what we believe is an efficient structure and the necessary authority to meet those objectives.

I appreciate the opportunity to discuss the proposal and will be happy to answer any questions you or the Committee may have.

Mr. HUGHES. Thank you, Mr. Morris.

I do not want to prolong this discussion that I started off with this morning about the tardiness with which statements come to this committee. But I just want to make an observation before I move on. This is the first time that I can recall on a number of major initiatives, with a few exceptions, that we have actually had input from the Justice Department before we have actually passed legislation.

I am thinking of some major initiatives where we never received anything from Justice. Justice never participated in a hearing process in helping us shape legislation that was important to the criminal justice system. And I just think that the Justice Department has not discharged its responsibilities and honored the need to commit itself to these major initiatives.

Now, having said that, I listened attentively to your statement, and I read it. I skimmed it earlier, and I find that there is a lot in the statement to which I can subscribe. What I do not understand, for the life of me, is why at this posture, the Justice Department is not able to support H.R. 4481.

You concede in your statement that we have a number of research projects underway at the National Institute of Justice, that we are collecting a lot of information through the Bureau of Justice Statistics, and that the States are not able to put those new approaches to the test in the marketplace to see whether they work in the field, and that some program is necessary to carry that forward.

And you suggest in the concluding paragraphs of your statement that, in fact, there is a need for some type of demonstration program. Why is it that you do not look kindly upon a bill that passed this House by a 4-to-1 margin that does just that, that is modestly funded?

Mr. MORRIS. Well, Mr. Chairman, I guess there are two parts to our response. First, as you know, we—we, the Federal Government—have spent billions of dollars over the past decade in the LEAA programs and tested out a number of concepts in the criminal justice area.

Progress has been made in the area of criminal justice planning, and it is our feeling that these matters can be handled by State and local governments. And the Federal Government will try to do its job better and work more closely with State and local governments, but that the financial responsibilities for running the criminal justice program in State and local governments are their responsibility, not the Federal Government's.

Mr. HUGHES. Well, that is inconsistent with your suggestion on the last page of your statement where you indicate that you recognize that State and local units of government are not going to fund programs, demonstration programs, that carry forward the research that is conducted at the Federal level.

Mr. MORRIS. The point of the concluding remarks is not that there are not initiatives that are not cross-cutting across jurisdictions in the research area and in the area of limited demonstration areas in which the Federal Government can play a role. And we intend to play that role, but when we talk about demonstration projects, we are not talking about the day-to-day running of career criminal programs in district attorneys offices and the like which has been done in the past and which was a part of the LEAA program, which we do not intend to continue.

We have now proven, I think, the wisdom of special programs focusing on career criminals. As the statement said, there are other elements, frontiers of research which we will continue to pursue. But the actual operation of those programs are the responsibility of local law enforcement.

Mr. HUGHES. That is one aspect of H.R. 4481, as you well know, to provide that type of research, that type of a demonstration program in the field for innovative programs that, in fact, should be funded. Also, H.R. 4481 directs itself at multistate programs that are needed.

Insofar as the career criminal and the other programs that you say the States should be funding, there are a lot of local law enforcement agencies that have not tried these programs and adapted the concept of the career criminal program because they are up to their eyeballs with crime programs. There is a recognition, even on the part of the Attorney General's task force that it is the Federal

Government that has to provide the leadership to say to these communities, "Hey, this program has worked over here in Alabama, you ought to try it in Texas."

Mr. MORRIS. Well, we agree with that, Mr. Chairman. The point is that we want to disseminate the success of these programs. I guess the core issue is whether or not, as a part of that demonstration, you know, to show to them what works, we also have to fund them. And I guess that is where we differ.

Mr. HUGHES. Well, how do you expect to be able to convince States through demonstration programs that these programs do work unless you provide some kind of an inducement such as H.R. 4481 does?

Mr. MORRIS. Well, we believe that the demonstration that a high proportion of crime, for example, is caused by career criminals and that there are specific programs that work in Alabama or Chicago or Philadelphia, that that information disseminated to places such as Des Moines or someplace, you know, will encourage them to fund such programs.

Mr. HUGHES. Is that happening? Do you have any body of evidence that would suggest that these jurisdictions that have not tried these programs are going to do so on the basis of your recommendations?

Mr. MORRIS. I do not have any specific evidence of that, Mr. Chairman.

Mr. HUGHES. I would be interested in knowing if you have something.

Mr. MORRIS. I think we could certainly look into that and provide that for the record.

Mr. HUGHES. Well, we have looked into it. You know, you ought to read some of our transcripts of hearings that we invite you to, and I think you would find just what I have related to you, that jurisdictions are not able and are often unwilling because of limited dollars to fund a test program that they are not sure is going to work in their jurisdiction.

That is the whole purpose of providing a 50-50 matching grant to these jurisdictions to try to get them to try career criminal test programs.

Do you think that the Attorney General's task force was incorrect in its recommendations that this program happens to be a vital need throughout the country at this point? Does the Attorney General disagree with that recommendation?

Mr. MORRIS. The task force has made many recommendations, as you know, most of which we endorse.

Mr. HUGHES. I know. But I asked you about—

Mr. MORRIS. I am getting to that, Mr. Chairman.

Mr. HUGHES. Well, that is the one in which I am interested. I am not talking about the other.

Mr. MORRIS. Well, the fact is that the Attorney General's task force had to look at the issue of violent crime from a narrow focus and was not able to look at the overall fiscal needs of the Federal Government. They made a recommendation that, in an ideal world, additional funding in these areas would be of aid to State and local governments. I do not think there is anybody who would disagree

that if we put more money out there, that would be of some aid to State and local governments.

The real issue is, in the current situation, current budget situation when we are required to cut back on Federal employment across the board and basically cut into or try to hold the line on Federal law enforcement activities, we simply cannot afford that. And that is something obviously that the Attorney General's task force could not take into consideration as they reviewed priorities.

So I think the combination that the task force focused on in demonstration programs, we think that this will go a step toward dealing with that in recognizing the reality which the Congress and the President are grappling with, that we do not have as much money as we would like.

Mr. HUGHES. What kind of money are you talking about for this modest demonstration program? What do you envision as modest? I would be interested in knowing.

Mr. MORRIS. Probably under \$4 million.

Mr. HUGHES. \$4 million? Are you seriously suggesting that that is going to enable us to run the demonstration projects that will test research? I mean you are talking about the money, \$4 million, as the type of arithmetic mistakes this committee makes in marking up their bills.

Mr. MORRIS. Well, as you pointed out at the outset, those kind of arithmetic mistakes in the Department of Justice's small budget are catastrophic.

Mr. HUGHES. Yes, but \$4 million, what are you going to do with \$4 million in demonstration projects? I mean that is almost ludicrous.

Mr. MORRIS. Carefully targeted. [Laughter.]

Mr. HUGHES. Where are you targeting it? At Trenton? [Laughter.]

Because you cannot be going much farther than Trenton. I mean, come on now. You cannot be serious about that. Are you?

Mr. MORRIS. Yes, Mr. Chairman, we are. We went through a very tough look at the Department of Justice's overall budget. The Attorney General very carefully identified what he felt were the highest priorities, and we made our recommendations to OMB and the President and went through a process for 1983 and are going through that process for 1984 and have arrived at levels which we feel will meet our central mission needs.

And this is an area where, like the rest of the Federal Government, we have all got to cinch our belts.

Mr. HUGHES. Well, I have to give you credit. You have a lot of courage to come up here and tell us that. How do they select who comes up and tells us things like that? Do you have a lottery or something, a pool? [Laughter.]

Mr. MORRIS. I got, as somebody behind me said, the short straw. [Laughter.]

Mr. HUGHES. I mean that is almost silly.

I have reason to believe that the Justice Department did, in fact, recommend that there be some money for a juvenile assistance type of program. Am I accurate in that? Were you shot down at OMB?

Mr. MORRIS. We have gone through in the budget for 1982 and for 1983 and in this program a series of discussions back and forth on what we would like from the perspective of the Department of Justice and our needs. And the result of that was the proposal that you have here, and we fully support it. We have a perspective in the Department of Justice that is different than the perspective that the President has. It was a fair hearing.

Mr. HUGHES. Let me see if I understand what you just said. I think your answer is: Yes, you were shot down at OMB.

Mr. MORRIS. No; that is not—

Mr. HUGHES. Oh.

Mr. MORRIS. The answer is not "Yes." But we discussed several options on this particular extension proposal, including the issue of financial assistance for State and local governments and the pros and cons on those.

Mr. HUGHES. How about within Justice? Does Justice feel and recommend that we have such a program? That is what I am trying to find out. Be candid with us.

Mr. MORRIS. I really do not think it is appropriate to come up here and present to this committee or to the Congress the "who shot John" processes by which the President makes decisions.

Mr. HUGHES. I am trying to find out. It is appropriate. If it is not appropriate here, where is it appropriate? We are trying to find out what the law enforcement arm of the Government recommends.

You know, OMB does not know diddley about law enforcement. David Stockman, you know, was trained in divinity school, and, you know, his knowledge of the criminal justice programs would fit in a thumbnail.

I happened to serve with him in the Congress, and he was a very bright guy in some areas. But he does not know the first thing about criminal justice. I want to know what the Justice Department thinks and how it feels about this type of program. So it is appropriate.

Mr. MORRIS. The Attorney General is the law enforcement arm and the administration supports the proposal. It was sent to the Congress last week, and the testimony I have just given. We have looked at it very carefully. We think that we can make a sound contribution to the objectives of this particular legislation, and we support it.

Mr. HUGHES. Well, let me handle it another way then. Working on the assumption that this Congress believes that there is a need for a program like the Justice Assistance Act, H.R. 4481, and the Department was forced into recognizing that there is going to be such a program, what changes would you make in the program?

There are two approaches, basically, maybe three. One is the H.R. 4481-type of program, where the emphasis is targeted at programs that have proven effective, and modest funding on a 50-50 matching grant basis. The other approach would be the emphasis on training and technical assistance. And then there might be a third variation; that is, a combination of both.

How could the Justice Department give us some direction on what they would envision as the proper approach if, in fact, we determine that there were going to be such a program, as we have?



Mr. MORRIS. I am not sure how to address that question, Mr. Chairman. Maybe you could rephrase it? What are the options that you are proposing?

Mr. HUGHES. I said, pure and simple, let us work on the assumption for a minute that you are going to have a justice assistance program, irrespective of what David Stockman says. We have two approaches, perhaps three. One is the approach we have taken in H.R. 4481, which I trust you are familiar with. One is the approach that apparently is underway in the Senate which provides some emphasis upon training and technical assistance. And a third possibility would be a combination of both.

Now, under those circumstances, how would Justice give us some direction?

Mr. MORRIS. Well, the direction we would give you would be to support the legislation that the administration sent up here last week.

Mr. HUGHES. Which means, in other words, that Justice would not give us any direction, because, in fact, if what I have just given to you is going to be the case, and I suspect it will be, then Justice will have no input whatsoever—which is typical of what has been happening.

In regard to pretrial services, we received a letter recently on pretrial services from Justice indicating they support it. Now, in your statement today, you indicate how important it is, but Justice did not participate at all in structuring that legislation.

The same thing occurred with posse comitatus. We made modifications in the posse comitatus legislation, and Justice came in when the matter was before the House, but we received no recommendations from the Justice Department prior to that. Basically, Justice had little input into the bill.

Well, my time is up. And before we recognize the gentleman from Michigan, let us recess and come back in 10 minutes. We will go to vote.

[Brief recess.]

Mr. HUGHES. The subcommittee will come to order.

The Chair recognizes the gentleman from Michigan.

Mr. SAWYER. I am a little curious. On page 6 of your testimony, down at the bottom where you are talking about the Rand Corp. study on career criminals, you say that they were able to identify offender characteristics which distinguish the most active or career criminal from the rest.

Is a list of those characteristics available?

Mr. MORRIS. Yes, Mr. Sawyer. Would you like us to supply that for the record?

Mr. SAWYER. Yes. And I would also like it if you would just put a copy of whatever it is in the mail to me, too, at my office. Will you do that?

Mr. MORRIS. I will do that, Mr. Sawyer.

Mr. SAWYER. 123 Cannon.

Mr. MORRIS. We will do that.

Mr. SAWYER. Thank you.

[The information to be furnished follows:]

## Varieties of Criminal Behavior

### Summary and Policy Implications

Jan M. Chaiken and Marcia R. Chaiken,  
with Joyce E. Peterson

**Rand**

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## PREFACE

The study summarized here is part of a series of Rand publications that document Rand's second inmate survey, a project funded by the National Institute of Justice under its Research Agreements Program. In this project, Rand researchers developed, fielded, and analyzed data from a survey instrument administered to nearly 2200 jail and prison inmates in three states. The following annotated list of publications indicates the purposes and scope of the project and this study's place in it.

- Peterson, Mark, Jan Chaiken, Patricia Ebener, and Paul Honig, *Survey of Prison and Jail Inmates: Background and Method*, The Rand Corporation, N-1635-NIJ, August 1982.

Describes the purposes of the survey, its design and administration, the data collected, and response patterns. Appendix contains a copy of the full survey instrument.

- Marquis, Kent, with Patricia Ebener, *Quality of Prisoner Self-Reports: Arrest and Conviction Response Errors*, The Rand Corporation, R-2637-DOJ, March 1981.

Analyzes the reliability of the survey's self-reported arrest and conviction data, using both the retest method and a comparison with official records.

- Petersilia, Joan, and Paul Honig, with Charles Hubay, Jr., *The Prison Experience of Career Criminals*, The Rand Corporation, R-2511-DOJ, May 1980.

Determines the proportion of prison inmates who have demonstrated a need for specific treatments while incarcerated, the proportion who actually receive such treatment, and the differences in these two aspects (controlling for inmate characteristics). Also describes inmates' assessments of various programs and analyzes which inmates are disproportionately involved in prison violence.

- Chaiken, Jan, and Marcia Chaiken, with Joyce Peterson, *Varieties of Criminal Behavior: Summary and Policy Im-*



*plications*, The Rand Corporation, R-2814/1-NIJ, August 1982 [the present report].

Gives conclusions from analysis of the survey and official record data concerning identification of serious criminal offenders and the implications of their characteristics for public policy.

- Chaiken, Jan, and Marcia Chaiken, *Varieties of Criminal Behavior*, The Rand Corporation, R-2814-NIJ, August 1982.

Documents the concepts, methods, and findings that underlie this summary report. Appendixes describe (a) an analysis of the internal consistency of survey responses and their correspondence with official record data, and (b) the construction of scaled predictor variables.

- Greenwood, Peter W., with Allan Abrahamse, *Selective Incapacitation*, The Rand Corporation, R-2815-NIJ, August 1982.

Uses the predictor and outcome variables constructed by Chaiken and Chaiken to produce a 7-item scale and draw conclusions about selective incapacitation. Also summarizes the entire research effort under Rand's Research Agreements Program.

This summary report emphasizes the policy-relevant results of the study. It is intended for criminal justice practitioners and others concerned with public policy on criminals and crime control. It should, however, also provide criminal justice researchers with a useful overview for reading the report *Varieties of Criminal Behavior* (R-2814-NIJ), which contains references to related research, explanations of the analytical methods, and comprehensive data tables.

## ACKNOWLEDGMENTS

Richard T. Barnes, former Director of the Center for the Study of Crime Correlates and Criminal Behavior, the National Institute of Justice, supported the inclusion of this project in the Research Agreements Program. Patrick Langan, our project monitor at the National Institute of Justice, provided insightful comments and advice at each stage of data collection, analysis, and presentation of findings. Peter Greenwood, the former manager of Rand's Criminal Justice Program, oversaw all the work that was conducted under the Research Agreements Program. Several reviewers of earlier drafts of reports on Rand's second inmate survey made insightful suggestions concerning our terminology, presentation, and conclusions. We especially wish to thank the reviewers Alfred Blumstein, Phillip Cook, Don Gibbons, Daniel Glaser, James Kahan, Michael Maltz, Albert Reiss, Wesley Skogan, Sorrel Wildhorn, and Barbara Williams.

Without the cooperation of many people in county and state corrections agencies, temporary Rand employees who administered the survey, and the staff who coded information from prisoners' inmate folders, we would have had no data to analyze. Their names are listed in the acknowledgments of the companion publication, *Survey of Prison and Jail Inmates: Background and Method*, N-1635-NIJ. In addition, the thousands of inmates who filled out survey questionnaires were vital to our research.

Mark Peterson provided leadership for this project in its initial stages. Mark was the person primarily responsible for the site selection, survey design and administration, official record data collection, and preparation of the data for analysis. He planned the overall scope of the study and directed the first analyses.

Pat Ebener helped plan the survey instrument. She supervised the administration of the survey in prisons and jails and painstakingly ensured the confidentiality of the data from the moment the questionnaires were completed through transportation, coding, cleaning, and keyboarding. Pat also assisted Kent Marquis in the construction of the difference variables relating self-reports to official record data of conviction crimes and arrests, which we used in our validity study.

Sue Polich organized and operated the information retrieval system that permitted use of data from multiple sources. She did the programming and documentation for the majority of the variables re-

ported in this study and gave ongoing advice about the statistical packages we used.

Paul Honig designed and supervised the data collection methods for the information collected from inmate folders. He also designed and organized the code book for the official record data. Paul constructed indicators of validity and carried out extensive computer programming. One of the most difficult aspects of his work was the construction of analysis variables that captured comparable information from data files of three different states.

Leola Cutler performed the computer programming related to the indicators of internal quality of the data; she also helped with multiple regression analyses. Allan Abrahamse gave valuable statistical advice in the planning of the multivariate analysis. Peter Greenwood assisted in the response rate analysis.

David Lyon, David Kanouse, Gene Fisher, and Barbara Williams provided impetus for documenting this study and the administrative support that made it possible.

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## I. INTRODUCTION AND SUMMARY

Faced with rising crime rates, fiscal limitations, and a conservative political movement, public officials increasingly long for a simple, encompassing policy that would permit them to deal quickly and effectively with criminals. They have also deemphasized rehabilitation in favor of longer prison sentences as a means of reducing crime. Unfortunately, an important truth has almost disappeared during these developments: There are many kinds of criminals, and to fix on any single punitive solution to the problem of crime is simplistic, unjust, and inefficient.

Increasing the lengths of determinate prison sentences exacerbates the problems of overcrowded prisons without necessarily reducing crime rates efficiently. Consider the following example. Of two men convicted for burglary, one may commit fewer than four burglaries a year and limit his other criminal activities to a range of crimes society considers relatively less serious. The other may commit 60 burglaries a year and a range of robberies, assaults, and other serious crimes, also at very high rates. Assuming that these criminal patterns are characteristic, imprisoning the first for three years will affect the crime rate far less than imprisoning the second for the same period. If reducing crime is at least one purpose of longer prison sentences, these longer sentences should be consistently imposed on the most serious, active offenders. But how are criminal justice authorities to distinguish between the two criminals in our example?

This report describes the diversity of criminal behavior in a way that can help the criminal justice system distinguish among and develop appropriate policy for handling various subgroups of offenders. It presents the results of our analysis of a survey of adult male prison and jail inmates in three states. The study, which builds on previous Rand studies of criminal careers (Petersilia, Greenwood, and Lavin, 1977; Peterson and Braiker, 1981), utilized a survey instrument that was designed and administered by Peterson et al. (1982). This report concentrates on the most policy-relevant findings and implications of the study. A separate publication (Chaiken and Chaiken, 1982) contains more complete descriptions of our methods, models, and findings.

The study aimed at discovering whether official records and characteristics that the records might or might not contain would permit identification of serious criminals. The models we developed rely on

information about criminals that is currently or potentially available to the criminal justice system: prior record adjusted for age, a history of frequent juvenile violence starting before age 16, specific forms of drug use and alcohol abuse, employment record, and marital status. The study data came both from the self-reports of the surveyed inmates and from their official records. We realize that use of self-reports immediately raises questions about their veracity. However, by exploiting redundant questions built into the questionnaire and cross-comparisons with the respondents' official records, we were able to show that our main findings are not sensitive to respondent error that may be present. (Section II contains a brief description of the questionnaire used and the data's validity and reliability.)

Using the survey data, the study established a framework for classifying criminal offenders that counters two major objections to the construction of typologies: (1) that criminals do not specialize and (2) that their criminal behavior is too unstable to permit meaningful classification. The survey results indicate that criminals can be categorized according to the combinations of crimes they commit, and that the resulting typology may be quite useful for prosecution, incapacitation, and rehabilitation policy. The inmates in our sample who committed *specific combinations of crimes* were distinguishable from other inmates by their crime commission rates, their persistence in committing crime, and their personal characteristics.

One important result of the study is our ability to identify and characterize the most serious category of offenders. Criminals in this category reported committing robbery, assault, and drug deals during the one- to two-year measurement period covered by the survey.<sup>1</sup> We found that these criminals, whom we have called "violent predators," usually committed the three defining crimes at high rates, and they often committed burglaries, thefts, and other property crimes at high rates too—sometimes at higher rates than any other type of criminal, including those who specialized in those crimes. Typically, the violent predators also began persistently using hard drugs as juveniles and committing violent crimes before they were 16. In short, these "omni-felons," deeply entrenched in a life of multiple drug use and violence, constitute an important criminal threat to society.

Table 1 shows the ten types of offenders discussed in this study, defined in terms of the crimes they do or do not report committing. The offender types are arranged hierarchically, the lower ones relatively less serious than the higher ones. We found that with the excep-

<sup>1</sup>The measurement period began on January 1 of the year preceding the inmate's arrest for the crime that led to his incarceration. The amount of unincarcerated time a respondent had during the period could have varied from 1 month to 24 months.

Table 1

DEFINITION OF HIERARCHICAL SUBGROUPS OF OFFENDERS

| Group   | Robbery | Assault <sup>a</sup> | Burglary | Theft, <sup>b</sup> Fraud, Forgery,<br>Credit Card Crimes | Drug Deals | Percent of Study Sample <sup>c</sup> |
|---|---------|----------------------|----------|---|------------|--------------------------------------|
| Violent predators<br>(robber-assaulter-dealers) | +       | +                    | ?        | ?   | +          | 15                                   |
| Robber-assaulters                               | +       | +                    | ?        | ?   | 0          | 8                                    |
| Robber-dealers                                  | +       | 0                    | ?        | ?   | +          | 9                                    |
| Low-level robbers                               | +       | 0                    | ?        | ?   | 0          | 12                                   |
| Mere assaulters                                 | 0       | +                    | 0        | 0   | 0          | 5                                    |
| Burglar-dealers                                 | 0       | ??                   | +        | ?   | +          | 10                                   |
| Low-level burglars                              | 0       | 0                    | +        | ?   | 0          | 8                                    |
| Property & drug offenders                       | 0       | ??                   | 0        | +   | +          | 6                                    |
| Low-level property offenders                    | 0       | 0                    | 0        | +   | 0          | 8                                    |
| Drug dealers                                    | 0       | 0                    | 0        | 0   | +          | 6                                    |

NOTE: + = Group member commits this crime, by definition.  
0 = Group member does not commit this crime, by definition.  
? = Group member may or may not commit this crime. Analysis shows that nearly all members of the group do.  
?? = Group member may or may not commit this crime. Most don't.

<sup>a</sup>Assault includes homicide arising out of assault or robbery.

<sup>b</sup>Theft includes auto theft.

<sup>c</sup>Percentages add to 87%. The remaining 13% did not report committing any of the crimes studied. Some serious crimes (e.g., rape, kidnap) were not included in the self-report survey. Respondents with missing data (150 out of 2190) were excluded in calculation of percentages.

tion of those who commit assault only ("mere assaulters"), offenders in the lower categories not only committed fewer serious crimes and at lower rates, but their patterns of employment, drug use, and juvenile behavior were more socially acceptable than those of other offenders. However, even among the "lesser" offenders, those who used particular forms of hard drugs and had employment problems were likely to commit crime more frequently than their counterparts.<sup>2</sup>

<sup>2</sup>The categories of offenders do not constitute a comprehensive "criminal typology" as that term is usually defined by criminologists. The hierarchical arrangement of

Unfortunately, as we discuss below, our analysis showed that information currently available from such sources as official arrest and conviction records does not allow criminal justice officials to distinguish meaningfully between the violent predator and other types of offenders. However, significant (though imperfect) distinctions can be made on the basis of information potentially available on such factors as specific forms of drug use, employment, and juvenile drug use and violence. Properly interpreted, this information could give prosecutors and judges clearer understanding of the type of criminal they are confronting in any particular case.

Although certain questions and issues raised by this study deserve further research, we believe our findings have important implications for present criminal justice policy and practice. Our study methods specifically searched for patterns that are common across three states, and the results do, to some extent, reconceptualize the findings of much previous research. Consequently, we anticipate that they can be generalized.

Because the characteristics we found associated with the violent predators have been associated with high probability of recidivism in many earlier studies, we infer that until effective means are found to prevent criminals from repeating serious crimes, the violent predators are better candidates for incapacitation and worse candidates for conventional rehabilitation efforts than any other criminal types. By focusing on the less serious (but still highly active) offenders, existing rehabilitation programs may prove more effective than they currently appear. Many offenders who belong to the subgroups we have identified as less serious typically have the kinds of drug- and employment-related problems that seem amenable to rehabilitation efforts.

Because the violent predators commit a disproportionate amount of crime, it seems prudent to devote a commensurate proportion of criminal justice resources to dealing with them. At present, the only effective method available for curtailing their criminal behavior is incarceration. In the short run, other than increasing the apprehension, conviction, and confinement of violent predators, we know of no policies that are likely to reduce their crime rates. However, in the long run, it would be preferable to develop effective ways of dealing with the young juveniles who are most likely to become violent predators—those under 16 who are committing serious crimes. Finally, in our

categories by seriousness is based solely on the current public perception of the relative seriousness of the specific criminal acts that in combination define the categories. The fact that offenders in the most serious categories were also the most serious in terms of the rates at which they committed crimes and in terms of factors such as drug use is a finding of the research rather than part of the definition of the categories.

view, selective incapacitation policies should always allow for broad exercise of judicial discretion. In every identification exercise we performed, there were individuals who neither fit the category nor committed crimes at the rate typically associated with their particular characteristics.

The remainder of this report develops at greater length the issues and conclusions discussed above. In Section II we describe the purpose, conceptual basis, and methodology of the study. Section III presents our general findings concerning criminal categories and then provides detailed conclusions concerning characteristics, effects, and identification of the most serious category. In Section IV we discuss the study's implications for policy and research.

## II. BACKGROUND AND METHODOLOGY

The concept that qualitatively different types of offenders who commit the same criminal act should be dealt with in different ways is thousands of years old. Attempts to classify criminals according to quantitative criteria, although not quite as ancient, have been made for decades. However, early criminological interest in typologies of criminal behavior was mostly abandoned in the 1970s. The search for typology was considered unsuccessful primarily because a number of studies had demonstrated a lack of consistency in criminal behavior over time. These findings suggested that it was extremely difficult to predict the nature of future criminal behavior, if any, from an individual's current activities.

The search for typology was considered unsuccessful also because the typologies developed as theoretical constructs resisted translation into discrete, empirically verifiable categories. Other typologies were based on small or possibly idiosyncratic samples of offenders. Overall, the categories proposed in most typologies could not be used effectively by officials in the criminal justice system.

Although we did not attempt to develop a comprehensive typology of criminal offenders, our study indicates strongly that stable, empirically based classifications of offenders can be constructed. The main distinctions between our work and typological research of earlier years are, first, that we defined our subgroups (in Table 1) based on self-reported behavior over one- to two-year periods instead of either sequences of officially recorded criminal acts or anecdotal reports, and second, that our sample contained hundreds of offenders from each of three states. An offender who, in our data, appears to have a stable pattern of committing, for example, robbery, burglary, assault, forgery, and auto theft might appear, in official record data, to be switching unpredictably from one type of crime to another. To call such an offender "stable in versatility" is not mere sophistry, because he can be clearly distinguished from other offenders who consistently engage in different combinations of crimes. Moreover, certain stable combinations of criminal activity are substantially more serious than other combinations.

To the extent that criminal behavior is not stable within the classifications we developed, the transitions appear as progressions from less serious to more serious forms of behavior (which is to be expected

in an incarcerated sample) or as temporary interruptions in criminal activity.<sup>1</sup>

Two previous Rand projects laid the methodological and substantive bases for our study of criminal categories. In interviews with 49 robbers, Petersilia, Greenwood, and Lavin (1977) showed that among apparently similar robbers, some were highly active criminals and others "intermittent" offenders. Rand's first inmate survey using written questionnaires established the quantitative differences in crime commission rates between "highly active" and "less active" criminals, and indicated that distinction's potential implications for selective incapacitation policies (Peterson and Braiker, 1981). Based on self-reported data, the study showed that a small minority had committed a disproportionate number of crimes, while the vast majority of respondents had very low crime commission rates.<sup>2</sup> Indeed, the findings indicated that incapacitating the most active 8 percent could prevent three times as much crime as incapacitating the least active half of the respondents for the same length of time. It also showed that high commission rates were typically associated with certain psychological and childhood factors: juvenile involvement in serious crime, criminal self-identities, and hedonistic motives. Using less subjective information about criminal offenders, which was known to people other than the respondent and was potentially available to the criminal justice system, generated weaker associations with crime rates—only about two-thirds as strong.

Peterson and Braiker (1981) considered their findings tentative: The crime rate data were imprecise, the self-reported data were not validated, the sample came from only one state (California), and the researchers did not know whether the data that presumably represented information available to criminal justice officials could actually be found in official records. Moreover, they noted that any implication to be drawn about selective incapacitation from their results would be based on the assumption that offenders will continuously maintain their activity patterns into the future. Rand's second inmate survey (on which this study is based) improved on the first survey in ways that help resolve many of these issues. However, it did not verify the assumption that activity is maintained into the future.

The second survey included nearly 2200 offenders from three states (California, Michigan, and Texas); its construction enabled internal and external validation of the self-report data; and the format of its questions permitted more accurate determination of the crimes com-

<sup>1</sup>Although the data we analyzed were cross-sectional in nature, they included a limited amount of information about criminal behavior of respondents in earlier periods.

<sup>2</sup>A "crime commission rate" (for a particular type of crime) is the number of crimes (of that type) that the person commits in a year, if free to do so for the entire year.

mitted by respondents and the rates at which they committed them. (See Peterson et al., 1982, for details of the survey design and pretests, including a copy of the survey instrument.)

The survey questionnaire elicited self-reported information about the following aspects of the inmates' background and activities:

- Juvenile criminal behavior, use of illegal drugs and alcohol, and incarceration in juvenile facilities.
- Criminal behavior and arrests during a one- to two-year period just prior to the present conviction.
- Other behavior during the same period prior to conviction, including use of alcohol and illegal drugs, employment, and change in residence.
- Types of crimes committed in two earlier reference periods.
- Sociodemographic information.

For prisoner respondents (but not those in county jails), the following additional information was collected from their official records (inmate folders):

- Rap-sheet arrests for the same one- to two-year period covered by the self-reports.
- Details of the current conviction offense(s).
- Prior history of adult convictions.
- Juvenile probation and commitments to juvenile facilities.
- (For California only) details of up to ten juvenile arrests: date, charge, whether convicted, and disposition if convicted.
- Sociodemographic data.

The structure and administration of the survey and associated data collection efforts were intended to provide multiple means for exploring the integrity of the inmates' responses. The questionnaire included pairs of questions, widely separated, that asked for essentially the same information about crimes the respondents had committed and about other topics. This made it possible to check for internal quality (inconsistency, omission, and confusion). Over 83 percent of the respondents filled out the questionnaire very accurately, completely, and consistently. Over 95 percent were able to follow the fairly complicated skip patterns in the survey booklet and to fill out the calendar that showed the time period being studied. For prisoners, the official records showed that 85 percent of them filled out their calendars correctly to the month. (Chaiken and Chaiken, 1982, Appendix B.)

Access to official records made possible an external check of the self-reports' validity for prisoner respondents. Although the external comparison of validity of their responses did not yield as favorable



results as the check of their internal quality, 59 percent of the prisoner respondents had an external error rate of less than 20 percent. (Nearly half of the respondents had two or fewer disparities out of 14 categories checked, less than 7 percent had between six and nine disparities, and none had more than nine.) However, for most disparities, the records' validity and completeness are as suspect as the respondents' veracity: Records are often missing or incomplete through no fault of the prisoners.<sup>3</sup> Our findings in regard to validity reinforce those of Marquis and Ebener (1981), who, working with the same data, showed that estimates of the numbers of arrests and convictions obtained from self-reports are unbiased or, in a few instances, higher than the official record estimate.

Taking a very conservative approach, we constructed scales of predictor variables,<sup>4</sup> and we carried out the key analyses in two ways. The first involved all respondents; the second excluded the 42 percent whose truthfulness we had even the slightest reason to doubt. (Even the prisoners with missing or incomplete official records were in the excluded group.) We found that estimates of overall crime commission rates were not significantly or consistently affected by excluding the suspect group. We also found that the strength of the equations used to predict crime commission rates from personal characteristics was only slightly lessened by excluding that group.

To anticipate the suspicion that some groups or types of individuals might be less truthful in self-reports than others, we compared a variety of self-reported characteristics with indicators of quality of the self-report data. With minor exceptions, such individual characteristics as conviction crime, self-image, activity in fraud or "illegal cons," and sociodemographic characteristics were unrelated to the quality and validity of the individual's response.<sup>5</sup> We also found that self-reported rates of criminal activity were not significantly correlated with the self-reports' internal or external reliability.

In sum, we believe that the data from the self-reports, coupled with official record data and handled conservatively, are sufficiently valid and reliable to serve as a credible basis for our findings.

<sup>3</sup>Juvenile records suffer notably in this regard. In nearly all cases of disparity between the self-report and juvenile records, the respondent admitted to juvenile crimes or incarceration, but the record showed none.

<sup>4</sup>These scales were initially constructed using Guttman techniques with data from one state. They were tested for reproducibility and scalability with data from the other two states. See Chaiken and Chaiken (1982), Appendix C.

<sup>5</sup>For the exceptions, see Chaiken and Chaiken (1982), Appendix B.

### III. IDENTIFYING THE SERIOUS CRIMINAL

Without a definition of "the serious criminal," it is difficult to develop an appropriate way of identifying and dealing with him. Many criminological researchers avoid the issue because they realize that a precise, one-dimensional definition is impossible to construct: Judgments of seriousness differ with perceivers and contexts. Consequently, criminological research has tended to describe *offenses* but not *offenders* in terms of seriousness, using categories such as "index" or "nonindex," "violent offenses" and "nonviolent offenses," or public perceptions of seriousness. Comprehensive typologies have described offenders according to concepts other than seriousness—for example, ethnographic terms, policy-related dimensions, career types, or psychological profiles. Our study synthesizes these approaches, discussing the varieties of criminal behavior represented in the survey in their order of publicly perceived seriousness.

#### CATEGORIES OF CRIMINAL BEHAVIOR

Most research concluding that criminals do not specialize focuses on *known offenses*. Even when offenses are categorized into broad groups, an individual's arrest history usually shows nearly random shifts from one category of offense to another. Moreover, in self-reports, few criminals say that they commit just one kind of offense. The self-reports used in this study are no exception. However, we examined the stability over time of the entire complex of crimes committed by an offender. In this way, we found indications of substantial stability in varieties of criminal behavior or very clear and understandable transitions from one variety to another. While it is true that the first group—the most criminally active offenders—commit a broad range of types of crimes, other offenders commit only specific, limited combinations of crimes.

When the combinations of crimes are arrayed hierarchically, as in Table 1, offenders whose behavior puts them in high-level (serious) complexes are very likely to commit one or more of the crimes that define lower-level complexes.<sup>1</sup> For example, 81 percent of the offenders in our survey sample who rob and assault and deal drugs

<sup>1</sup>Individuals who commit only assault are (by definition) an exception.

also commit burglary, and 71 percent of them commit theft. The situation is analogous to any profession in which an individual advances through ranks based on cumulative knowledge and adequate performance of tasks at each level. The most highly trained individuals have some facility in performing tasks usually handled by lower-level personnel. For example, an army sergeant cleans his weapons and achieves passing grades in target practice—skills that are common to combat soldiers. But the sergeant can be distinguished from the private by the unique higher-level managerial and administrative tasks he performs in conjunction with lower-level tasks.

This observation guided our derivation of the ten categories in Table 1 from the inmate survey data. The questionnaire asked about a number of different types of crimes that we summarized into eight: assault, robbery, burglary, drug deals, theft, auto theft, fraud, and forgery or credit card swindles. Counting each respondent as "yes" or "no" according to whether he did or did not report committing each of these eight crime types, there could have been 256 different combinations. However, examination revealed 19 combinations of crimes reported so frequently that they described the behavior of more than half of the respondents in all three states. Moreover, 99 combinations occurred extremely infrequently (either no respondent or one respondent reported the combination). Examination of the remaining 138 categories showed that many of them differed from the major 19 categories by "uninteresting" distinctions among four crimes: auto theft, other theft, forgery, and fraud. (For example, a person who commits robbery, assault, burglary, and auto theft does not seem meaningfully different from a person who commits robbery, assault, burglary, and other theft.)

When these four crime types were joined together, the 19 combinations became 11. Finally, we expanded the 11 combinations so that they encompassed less common similar combinations (as shown by "?" or "??" in Table 1), obtaining ten categories plus a default category ("didn't do any of these").

Because of the crimes that define them, we can arrange the ten categories in approximate order of publicly perceived seriousness. The most serious category consists of offenders who concurrently rob, assault, and deal drugs. The least serious category consists of those who commit only drug deals. We must note that some offenders may be misclassified according to seriousness if they committed serious crimes that were not among the eight in the questionnaire. For example, rape and kidnapping were not included, and homicide was not distinguished from assault in defining the complexes.

These complexes would have little interest for criminological re-

search or criminal justice policy if they were unstable over time. If most criminals switched from complex to complex during a year, knowing that they belonged to a particular complex at a particular time would not help prosecutors or judges anticipate what kinds of crimes these offenders would later commit or how often. Moreover, personal characteristics would not imply membership in a particular category: A given individual, with fixed characteristics, would belong to different complexes depending largely on when he happened to be arrested. However, the survey data strongly suggest that criminals do belong to single categories or naturally related pairs of categories over extended periods of time. Further, the data give some indication that if they make transitions, offenders usually move to a more serious complex (or else they stop committing crimes altogether). These conclusions are tentative because the survey sample is not well suited for studying upward transitions in seriousness. One would naturally expect that offenders display some of their most serious criminal behavior just prior to their incarceration.

## CRIME COMMISSION RATES

The survey data reveal that the rate at which criminals commit crimes is related to the seriousness of the crimes that define their category. The more serious the category, the more likely the offender to commit crimes in that category at a high rate—and to commit less serious crimes at high rates, too.

Most criminals commit crimes at low rates. In any subgroup of offenders, defined in any way that does not make reference to crime rates, crime commission rates are highly skewed: Most members will commit none or a small number of each particular crime, but a small number will commit the crime at very high rates (Fig. 1). Even among the subgroup that we call violent predators, there are offenders who commit crimes at low rates. However, this group of robber-assaulter-dealers is much more likely than any other group of offenders to have very high rates for all crimes. Table 2 shows the "high end" of the crime rate distribution (worst 10 percent) for each complex of criminals. Since violent predators are defined by the fact that they commit robbery, assault, and drug dealing, it is not surprising that the worst of them have very high crime rates for these three crimes. But the table also shows that these robber-assaulter-dealers are more likely to be high-rate burglars than are offenders who just commit burglary. Only 10 percent of burglars who do not commit robbery commit over 150 burglaries a year, while 20 percent of the robber-assaulter-dealers commit at least that many burglaries per year.

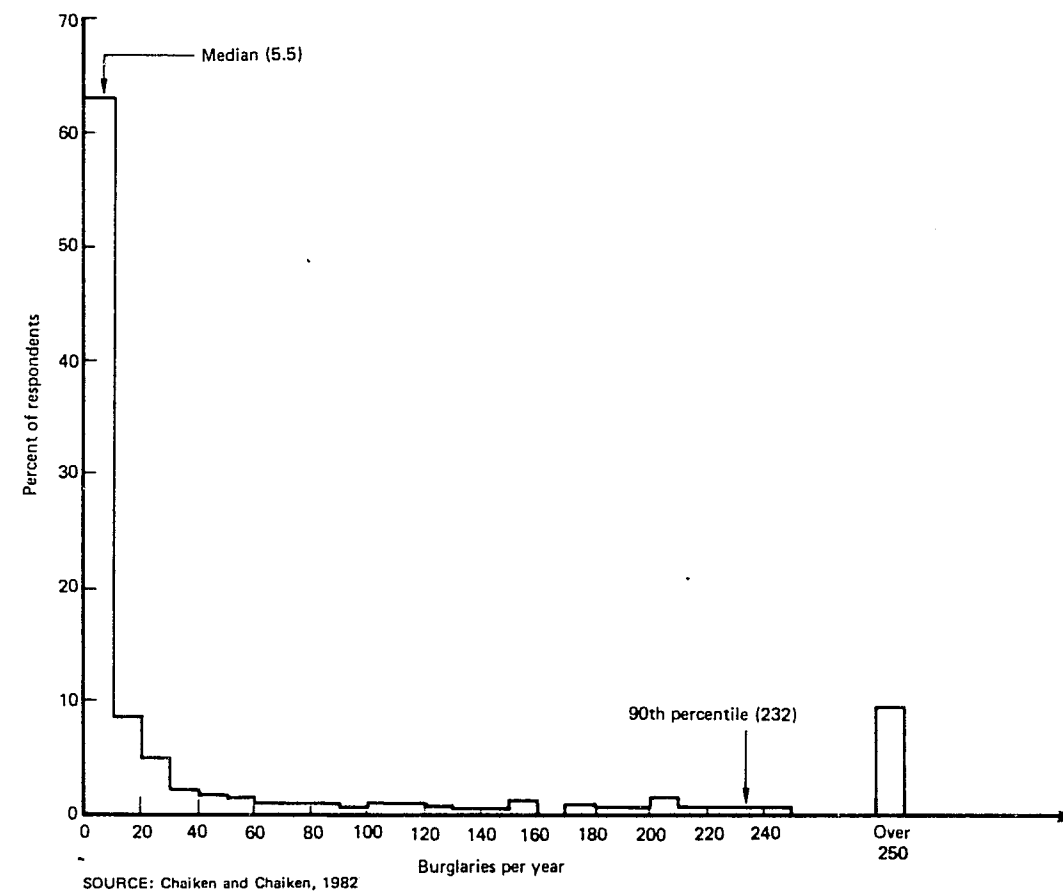


Fig. 1—Distribution of annualized burglary commission rates for respondents to Rand's second inmate survey who commit burglary

Previous studies have only hinted at how serious the violent predators' criminal behavior is. Even if we allow for the possibility that respondents overestimated their commission rates by factors of three or four—and the validity studies associated with this study give no reason to believe the errors were so large—the most active violent predators commit hundreds of serious crimes a year. And they commit five or more distinct types of crimes. For example, the sample's 10 percent of violent predators who have the highest robbery rates commit over 135 robberies a year. The 10 percent with the highest bur-

Table 2

COMPARISON OF HIGH-RATE OFFENDERS AMONG CATEGORIES OF OFFENDERS  
(Annualized Crime Rate, 90th Percentile for Those Who Commit the Crime)

| Group   | Robbery |          |        | Assault | Burglary | Theft | Forgery<br>& Credit<br>Cards | Fraud | Drug<br>Dealing |
|---|---------|----------|--------|---------|----------|-------|------------------------------|-------|-----------------|
|   | All     | Business | Person |         |          |       |                              |       |                 |
| Violent predators<br>(robber-assaulter-dealers) | 135     | 96       | 82     | 18      | 516      | 517   | 200                          | 278   | 4088            |
| Robber-assaulters                               | 65      | 46       | 38     | 14      | 315      | 726   | 27                           | 293   | --              |
| Robber-dealers                                  | 41      | 60       | 32     | --      | 377      | 407   | 255                          | 106   | 2931            |
| Low-level robbers                               | 10      | 15       | 9      | --      | 206      | 189   | 78                           | 811   | --              |
| Mere assaulters                                 | --      | --       | --     | 3.5     | --       | --    | --                           | --    | --              |
| Burglar-dealers                                 | --      | --       | --     | 5       | 148      | 507   | 288                          | 82    | 2890            |
| Low-level burglars                              | --      | --       | --     | --      | 105      | 97    | 62                           | 36    | --              |
| Property & drug offenders                       | --      | --       | --     | 7       | --       | 947   | 221                          | 188   | 3302            |
| Low-level property offenders                    | --      | --       | --     | --      | --       | 560   | 486                          | 1160  | --              |
| Drug dealers                                    | --      | --       | --     | --      | --       | --    | --                           | --    | 3035            |

NOTE: The 90th percentile is crime-specific, not group-specific. For example, 10 percent of robber-dealers commit robbery at a rate exceeding 41 per year. A different (but overlapping) group, consisting of 10 percent of the robber-dealers who commit burglary, has a burglary rate exceeding 377 per year. The annualized crime rate is defined to be the number of crimes committed in a year, if the offender is free from incarceration for the entire year.

glary rates commit over 500 burglaries a year. The 10 percent with the highest drug-dealing rates make over 4000 drug deals a year.

The survey's data indicate that the relative representation of the ten categories of offenders (shown in the tables) will determine crime rates in any naturally occurring subpopulation of inmates (e.g., all the offenders imprisoned from a given county in a given year). The greater the fraction of offenders in the more serious categories, the higher the crime commission rates will be. Comparison of data from the three states illustrates this hypothesis. Prisoner respondents in Texas had substantially lower crime commission rates than their counterparts in Michigan and California. For example, the California prisoners had average robbery rates five times greater than Texas prisoners, burglary rates three times greater, and rates for almost all other crimes two times greater. The relative numbers of prisoners by category almost entirely explain these differences—especially the fraction of prisoners who are violent predators. Texas had relatively few of them in prison.

## THE VIOLENT PREDATORS

The discussion to this point indicates that the robber-assaulter-dealers commit serious crimes, often at high rates, and typically have done so persistently for a number of years. This combination of traits earns them the label "violent predator." However, if, as we explain below, criminal records do not provide enough information for the criminal justice system to identify these offenders, how can they be identified? We can hardly expect criminals to put themselves in jeopardy by volunteering the kinds of information that the self-reports supply. In establishing and addressing this dilemma, the study makes its potentially most important finding and contribution to criminal justice policy.

As the description of the survey questionnaire (Sec. II) indicates, we collected background information on the inmates that included more than their criminal activities, arrests, and convictions. The questionnaire also asked about juvenile history, drug and alcohol use, employment, and demographic characteristics—information that is currently or potentially available to the criminal justice system. The inmates' responses clearly establish that certain personal characteristics correlate strongly with the various criminal categories. These characteristics make it possible to identify the most serious criminals and distinguish them from less serious criminals. Thus, even though criminal records, as now constituted, do not permit identification of

violent predators, our results show what kinds of information could improve records to make such identification possible in the future.

## Characteristics of the Violent Predator

Considering their effect on crime rates—especially for serious crimes—the violent predators are extremely young. In the survey, they averaged less than 23 years of age when coming into jail or prison. Yet, they also averaged considerably more total arrests than any other respondents, including those substantially older, and they had been committing the more serious crimes for at least six years.

The length of their criminal activity is implicit in their juvenile history. The predators typically begin committing crimes, especially violent crimes, well before age 16. They are likely to commit both violent and property crimes frequently before they are 18. They are more likely than other types of criminals to have received and had parole revoked and to have spent considerable time in juvenile facilities. Yet some of those who report the highest juvenile crime rates have no official records of juvenile criminal behavior.

They are also more socially unstable than other types of criminals. Few of them are married or have any other kind of family obligation. They are employed less regularly and have more trouble holding jobs. The more they are unemployed, the more crime they tend to commit. (This correlation between unemployment and higher crime rates holds true for other categories of offenders as well. However, employment problems are more chronic for the violent predators.)

The violent predators also have characteristic histories of drug use. Most of them begin using several types of "hard" drugs, and using them heavily, as juveniles. Indeed, their use of drugs and their criminal careers usually begin at about the same time. However, this does not indicate that drug use caused them to become criminals. Rather, drug use appears to be just another element of the criminal life-style they have adopted. Actually, the violent predators' characteristic relationship with drugs deserves some elaboration here because the survey revealed some new (or not widely recognized) facts about the nature of drug use and criminal activity.

In addition to dealing drugs, 83 percent of the violent predators in our survey also used drugs during the measurement period. As other studies have indicated, dealing drugs is often synonymous with using drugs. Further, heroin addiction has long been seen as part of the criminal subculture, often as the economic cause of crime. However, the survey revealed that certain types of drug use are even more characteristic of the violent predators than heroin addiction. Although

they are more likely than other offenders to have high-quantity, high-cost heroin addictions, their more distinctive characteristic is multiple drug use: heroin with barbiturates, heroin with amphetamines, barbiturates with alcohol, barbiturates with amphetamines, amphetamines with alcohol, or multiple combinations of these.

When their drug use is costly and intense, the violent predators are more likely to commit most kinds of crimes and at much higher rates. However, the nature of the drug use seems related to the kind of crime that the user will commit. Addictive use of heroin is more associated with property crimes than with violent crime, and there is some indication that cost, rather than the drug's physiological effect, provides the impetus here. As a matter of fact, heavy but relatively inexpensive heroin use is not associated with high crime rates. If the user has a cheap source of supply or can trade other services for his drugs, the heroin habit apparently has no effect on his rate of criminal activity.

In contrast, multiple drug use, especially use of barbiturates and intermittent, "recreational," use of heroin, is associated with assault; and extremely heavy use of nonopiate psychotropic drugs is strongly related to high rates for all crimes except the nonviolent crimes of burglary and auto theft. This association helps explain an otherwise puzzling finding that white respondents committed assault at much higher rates than black respondents did. The whites used barbiturates more commonly.

In addition to shedding light on the relationship between heavy drug use and high crime rates, the survey also clarified some other aspects of serious criminals and their backgrounds:

- Juvenile drug use is strongly associated with rates of robbery and assault in our study, but we found *no* association between crime rates and juvenile use of marijuana or *experimentation* with hard drugs.
- Among people who wind up in jail or prison, there are very few full-time criminals. Not even most violent predators use crime as their sole source of income. Their employment is less stable than other offenders', but the inverse relationship between level of employment and crime rates indicates that they use crime, at least in part, to supplement their "straight" incomes.

### Why Violent Predators Cannot Be Identified from Official Records

The violence of these offenders makes them a phenomenon of growing public concern. Criminal studies prior to the 1970s showed that violent crime then, especially homicide, tended to occur among acquaintances and to result from various kinds of personal disputes. But for the predators, violence seems to be an integral part of a deviant pattern rather than a response provoked by particular situations and individuals.

Compared with criminals in other complexes, violent predators seem to be different in kind. Then why are the violent predators so hard to identify from official records? An immediate problem is their youth: Because most of them are so young, their adult criminal records do not usually reveal extensive prior criminal activity. And juvenile records offer little more enlightenment. Many of the violent predators' self-reports describe such heavy juvenile drug use and frequent, violent criminal activity that they must have been highly visible to teachers, neighbors, and schoolmates. Yet, some appear to have no official juvenile criminal records. (This lack of records is confirmed by their self-reports of having no contacts with police or incarcerations as juveniles.) Even when the violent predators have juvenile records, they rarely indicate the rate or seriousness of their criminal activities. Indeed, where self-reports and juvenile records disagree, the self-reports usually report more crimes and incarcerations than the records do.

When violent predators do have prior adult records, those records do not readily distinguish them from other (lesser) offenders. It might seem that checking an inmate's prior record to see whether he had ever been convicted of the defining crimes—robbery, assault, and drug dealing—would provide an easy method of identifying violent predators. However, this method does not work: Some offenders with convictions for these three crimes in their records are not committing them concurrently at the present time and consequently do not match the definition of violent predator. For example, in our sample of California prisoners, 5 percent of inmates who are not violent predators had been convicted of these three crimes at some time in the past. More important, the vast majority of those who do commit all these crimes have not been convicted of them. For example, in our California sample, 91 percent of violent predators did not have conviction records—juvenile or adult—for all three crimes: robbery, assault, and drug dealing.

Quite apart from whether they are or are not violent predators according to our definition, the inmates whose conviction records in-



clude assault, robbery, and drug dealing are not predominantly high-rate offenders. In fact, they are not significantly different from other offenders in their crime commission rates. In order to effectively and efficiently reduce crime, it is crucial to be able to differentiate the violent predators—who are disproportionately high-rate offenders—from others.

Sometimes official records show that a criminal has been arrested or convicted of robbery and assault and also has a history of drug use or addiction (usually an indication that he also deals drugs). But this information is not pragmatically useful for identifying the violent predator. Although violent predators are significantly more likely than other inmates to have this kind of history, we found a large number of "false positives"—inmates who use drugs but are not drug dealers. In the California sample, 35 percent of violent predators had official records of drug use and convictions for robbery and assault, but so did 18 percent of the inmates who were not violent predators.

Various other potential definitions of violent predators derived from their official records were tested. To sum up, there is no simple, straightforward way to identify robber-assaulter-dealers from the data in their official records—as those data are currently collected. A number of factors explain the records' limitations: plea bargaining, imprecise definition of drug use, and the fact that some offenders successfully evade arrest and conviction for crimes they commit frequently.

### The Value of Information Not in Official Records

We carried out regression analyses to determine what personal characteristics are most associated with a high robbery commission rate. (Although not all violent predators are high-rate robbers, the two groups overlap substantially.) The following characteristics, only three of which can be reliably obtained from inmates' official records, proved to be the most important in explaining the robbery commission rates of incoming inmates:

- Frequent violent juvenile crime (committing violent crime frequently before age 18).<sup>2</sup>
- Early onset of juvenile crime (especially violent crime before age 16).<sup>3</sup>
- Number of prior adult robbery convictions.

<sup>2</sup>This also implies commission of property crimes as a juvenile.

<sup>3</sup>Different coefficients for violent crime and for property crime in the absence of violent crime.

- Being young.
- Being unmarried.
- Persistent unemployment or unstable employment.
- General drug use.
- High-cost heroin use (more than \$50 daily).
- Use of both heroin and barbiturates.
- Use of both barbiturates and alcohol.

With minor exceptions, the same variables explained robbery rates in each of the three study states.<sup>4</sup>

Offenders in the survey sample whose characteristics indicated their robbery rate "should," according to the regression analysis, be in the highest 20 percent actually had, on the average:

- Robbery rates 65 times as high as those predicted to be in the lowest 20 percent;
- Burglary rates 66 times as high;
- Auto theft rates 346 times as high;
- Other theft rates 10 times as high; and
- Drug dealing rates 5 times as high.

These relationships were found by fitting regression equations using a randomly chosen half of the survey sample. The resulting estimated regression coefficients were then applied to the other half of the sample to "predict" which offenders "should" be in the highest and lowest 20 percent.<sup>5</sup>

We also carried out staged multiple regressions to provide comparisons between the strength of official record information and the strength of other personal information in associations with robbery commission rates.<sup>6</sup> In the first stage, only the inmate's age and officially recorded adult conviction data were considered, with the result that his age and number of robbery convictions entered the regression and accounted for 13 percent of the variance in robbery commission rates. Using just this information, an incarcerated robbery convict predicted to be in the highest 20 percent would have, on the average, only 10 times the robbery rate of one predicted to be

<sup>4</sup>Commission of property crime, but not violent crime, as a juvenile was relevant only in Texas. Use of both heroin and barbiturates was relevant only in Michigan.

<sup>5</sup>We also carried out regression analyses for crimes other than robbery. Naturally, when we developed an equation specifically for, say, burglary, the disparity in the burglary rate between those who "should" be high and those who "should" be low was larger than the factor of 66 shown above. High-cost, high-quantity drug use figured prominently in the equations for assault, theft other than auto, forgery, fraud, and drug dealing.

<sup>6</sup>The staged regressions described here were carried out for inmates convicted of robbery.

in the lowest 20 percent, not nearly as high as the 65-to-1 ratio described above.

In the second stage we considered all other adult official record items, including what some might consider inappropriate official record information about recent robbery *arrest* rates. The results showed that robbery arrest rates and adult incarcerations (together with the previously entered age-adjusted robbery convictions) explained 21 percent of the variance, and the ratio in robbery commission rates from predicted-high to predicted-low rate increased to nearly 20.

The following information in official records of inmates was specifically not predictive of high robbery commission rates:

- Any details of the current conviction crime, such as multiple conviction offenses in conjunction with robbery, use of a weapon, or injury to victim.
- Prior adult convictions for any other types of crime.
- Annualized arrest rates for any other types of crime.
- Information about incidents of probation or parole and/or their outcome (revocation or successful completion).

Next we considered all official record information about juvenile criminal activity, none of which explained any additional variance in robbery commission rates, and finally we added all the self-report items mentioned earlier, yielding 32 percent of variance explained. This means that currently collected official juvenile record data cannot be substituted for self-reported juvenile criminal activity in predicting the robbery rate of convicted robbers. The officially recorded juvenile data do not explain any variance above that explained by adult criminal record information, even though the self-reported amount of juvenile criminal activity is the strongest predictor of robbery rates among convicted robbers.

To briefly summarize, we can draw a portrait of the high-rate robber, whose characteristics overlap significantly with those of the violent predator. He is a relatively young man who committed violent crimes, and committed them frequently, before he was 16; a long-term user of psychotropic drugs or addictive doses of heroin who has supported his drug habits with property crimes, which he also began committing before 16; a relatively unstable person who does not work very much or assume family obligations and has spent a lot of time in juvenile institutions and/or prison in the recent past. Unfortunately, most of this information that distinguishes high-rate robbers from other incarcerated criminals cannot be found in records the criminal justice system currently has readily available.

### Importance of Distinguishing Between Violent Predators and Other High-Rate Offenders

Violent predators commit so many crimes at high rates that their data overwhelm information about other types of offenders who may also commit some crimes at high rates. For example, analysis shows that the characteristics associated with those committing burglary at high rates are essentially identical to those of violent predators—because violent predators are often also high-rate burglars. Nevertheless, it is interesting to know what kinds of offenders, other than violent predators, commit crimes at high rates. To find out, we removed the data for the violent predators from the rest of the sample and examined factors associated with high crime commission rates for these other categories of offenders.

In this way, we were able to establish how the high-rate (nonrobbing) burglars differed from the violent predators. The high-rate burglars were characterized by employment instability but not steady unemployment, by general drug use but not high-rate multiple drug use, and by commission of property crime before age 16 but not violent crime. Similarly, we were able to show that, among offenders who commit forgery and fraud (but not more serious crimes), the high-rate offenders had high education and were more likely to be married than other offenders. In addition, the fraud rate was associated with sudden loss of employment.

We believe that the high crime rate of violent predators has overwhelmed official record data and led some researchers to draw conclusions about criminals in general that actually apply only to the predators or that are distorted by their activities. For example, many researchers conclude from arrest records that all offenders switch from committing one type of crime to another in random fashion. If they could identify and exclude the violent predators, as we did, they would probably find distinctly different patterns that reflect the activities of other offenders.

#### IV. POLICY AND RESEARCH IMPLICATIONS

Much of the information that helps to distinguish the violent predator or other high-rate offender convicted of a crime is currently or potentially available from various sources. But even assuming that our findings prove to be generalizable, serious questions remain about whether and how that information should be used, especially for purposes of criminal sanctions.

As we have indicated throughout the report, there are always some offenders who do not commit the crimes at the rates that their characteristics would suggest. For example, our regression analysis separates high-rate from low-rate robbers with reasonable effectiveness. On the low end, the separation can be considered highly successful: 86 percent of respondents that the regression identified as low-rate offenders reported committing no robberies during the measurement period, and only 3 percent committed more than ten robberies a year. Even so, a 3 percent false-negative rate could be considered a failing of any formula intended for sentencing purposes. At the high end, the false prediction problem is more serious: Although the regression also captured the bulk of high-rate offenders, some respondents identified as high-rate robbers reported having committed no robberies. Ten percent of those it identified as probable high-rate robbers committed over 63 robberies per street year during the measurement period, but 30 percent reported no robberies. Without recourse to disinterested self-reports, this margin of error allows for considerable false identification of some offenders as high-rate robbers—which is more than just a research problem if the criminal justice system acts upon such identifications.

Even if the models were foolproof, the legal and ethical ramifications of their use by the criminal justice system would be a matter of dispute. Sentencing offenders for past crimes that have never been adjudicated runs counter to principles of just deserts, while sentencing them for predicted future crimes runs counter to tenets of free will and justice. Therefore, we suggest that our findings should not be used simplistically as criteria for passing judgment on specific individuals.

However, the findings do have important implications for criminal justice policy and criminological research, especially concerning these issues:

- Limitations of official criminal records.
- Criminal drug use and drug control.
- Incapacitation effects.
- Rehabilitation efforts.
- Effects of the environment.

#### LIMITATIONS OF OFFICIAL CRIMINAL RECORDS

As we have seen, official records provide a very limited and usually misleading picture of the seriousness of any given offender's criminal behavior. They make some very serious criminals look relatively inoffensive and other, less serious criminals look relatively vicious. Inability to distinguish the violent predators from other offenders may cause the justice system to focus resources on the wrong targets. For example, burglars who are not robbers have fewer antisocial characteristics than the violent predators, as the contrast we have already drawn shows. However, on the basis of their adult criminal records only, these older, less serious offenders seem more dangerous to society than the violent predators. This study suggests that certain other characteristics of offenders could give prosecutors, judges, and other criminal justice officials a clearer sense of seriousness than the nature of the current conviction crime or officially recorded prior offenses. Information on significant juvenile behavior and drug-use history could help identify the violent predator and distinguish him from less serious offenders. It would be possible to collect this information.

Juveniles with long histories of violent crime and heavy drug use can hardly have gone unnoticed by schools, police juvenile officers, probation officers, and juvenile courts. Consequently, when dealing with young *adult* offenders, prosecutors might be able to distinguish between predators and others if they had access to school records and other appropriate information about juvenile activities. We believe that a study is warranted to determine the feasibility of collecting such information and its potential for discriminating violent predators from other offenders. Moreover, we recommend a study to find out how accurately police officers, probation officers, and prosecutors already make these distinctions, despite the limitations of official juvenile records.

#### CRIMINAL DRUG USE AND DRUG CONTROL

As Section III indicated, information about a criminal's drug history can tell more about the seriousness of his criminal activity than the

kinds of crimes he is arrested for. If offenders were routinely tested for drug use when arrested, the tests would, in the long run, help to distinguish between more and less serious offenders. We are not suggesting that the drug test would necessarily be relevant for prosecuting the offender on his current arrest, but rather that the history of drug tests would eventually be highly informative.

Use of heroin and multiple drugs can now be accurately and inexpensively determined from electronic urine tests. These technological advancements make possible the specific drug tests needed to make the distinctions described in our study. Such drug testing could, in our view, even be required by juvenile courts, which are supposed to know and treat the "whole child," not just the one incident under consideration. We recommend that such a procedure be explored to determine the total cost of carrying out a large number of tests and providing the apparatus for recording and retrieving the test results. A 1978 feasibility study of a similar drug abuse surveillance system, sponsored by the National Institute on Drug Abuse, could serve as a basis for this exploration.

Drug use and drug-use patterns can not only tell criminal justice officials a great deal about the kinds and rates of crime a criminal probably commits, they also have important implications for drug control efforts. Drug use is one of the major factors associated with virtually every type of crime we studied, and specific forms of drug use correlate strongly with crime types and rates.<sup>1</sup> Offenders who have to support \$50-a-day heroin addictions or who use both alcohol and barbiturates heavily and frequently are especially likely to be persistent, serious, high-rate criminals. However, those who use the alcohol-barbiturate combination commit violent crimes at high rates, while those addicted to heroin usually commit property crimes at high rates. As we noted in Sec. III, if the habit doesn't cost much, heroin addiction is unlikely to increase an offender's commission rates.

Although violent predators often have expensive heroin addictions, they more characteristically use combinations of drugs, particularly the alcohol-barbiturate combination. Considering the violent predators' contribution to very high rates of serious crime, these emerging forms of drug abuse could possibly contribute as much to crime as heroin addiction does. Prosecutors and judges should be wary of leaning toward short sentences for offenders convicted of major, violent crimes who appear to have been acting uncharacteristically because they were "high" on these drugs at the time. The drug use should, in

<sup>1</sup>It should be noted that the study sample contained a small but significant number of inmates (16 percent) who had relatively long criminal careers but had never used drugs.

fact, be viewed as possibly indicating that the behavior for which the offender was convicted is characteristic of his deviant life-style. Equally important, drug control agencies should not invest resources so heavily in controlling heroin (and marijuana) traffic that they unduly limit their resources for controlling traffic in these other drugs.

Despite the high correlation between drug-use patterns and criminal behavior patterns, simply preventing *adults* from beginning use of hard drugs does not appear to be a sensible approach to reducing crime. Relatively few inmates reported simultaneously beginning both crime and drug use *as adults*. Further, inmates who began using drugs as adults were just as likely to have engaged in crime before using drugs as after. These findings suggest that the relationship between drug use and criminal behavior is *chronic* rather than acute. In our sample, the vast majority of those who had long-term histories of drug use, usually beginning as juveniles, also had relatively long criminal careers. Thus, efforts to reduce crime by reducing drug use should focus primarily on juveniles.

Recent ethnographic studies have suggested that drug use and crime cannot be discussed in one-dimensional or simplistic terms. They exist as part of various complex life-styles, and the relationship between them may have less to do with the direct effect of drugs than with biological, psychological, and social factors that increase proclivity for both drug use and criminal behavior. Ideal intervention must address those factors. But until research can isolate the deeper causes of serious criminal behavior, the criminal justice system must rely on incapacitation effects and rehabilitation efforts to reduce the rate of serious crime.

## INCAPACITATION EFFECTS

Our findings suggest that violent predators are the most appropriate candidates for incapacitation strategies and the least appropriate for currently used rehabilitation methods. The seriousness of their crimes, the rates at which they commit all crimes, and their violence have an inordinate effect on crime in our society. Their characteristics and consistent behavior imply that extended imprisonment is the only currently understood policy likely to substantially reduce crime rates for all the crimes they commit—not just the crimes for which they are convicted. The other side of the coin is that most offenders coming into prison in the three study states are not violent predators. Collectively, they commit less serious crimes than the violent predators do and they contribute far less to crime rates. Thus, imprisoning them is much more costly per crime averted than imprisoning the predators.

Nevertheless, we cannot now recommend basing sentencing policy on these conclusions. Giving less serious criminals lighter sentences would probably be cost-effective (on the basis of incarceration cost per crime averted), and any errors in identification result only in unwarranted leniency (which happens also at presentencing stages of the criminal justice system). However, using the models to identify violent predators—even if limited to those convicted of serious crimes—can potentially result in real injustice. In our opinion, the models would make too many false identifications. Further, while we have been careful not to report findings that appear to be applicable in only one or two of the three study states, our results do reflect only the study sample.

One other fact makes us reluctant to approve lengthened incapacitation for the violent predators: They are not common among older prison populations. Research has not yet explained this fact. It may be that, left on the streets, they die young or spontaneously go straight as they get older. It would be well to understand these phenomena before deciding that selective incapacitation for violent predators is a good way to reduce the amount of crime in our society.

## REHABILITATION EFFORTS

Our findings suggest that the apparent failure of many rehabilitation programs may be due less to their content than to the nature of offenders in the programs. Standard programs of vocational training and drug rehabilitation are better aimed at criminals who engage only in income-producing rather than in violent crimes. Most of them use crime as a substitute for legitimate sources of income, and we found that their crime commission rates go up when they are out of a job. They could probably benefit from vocational training programs, especially training in the fundamental skill of working steadily at a job. Those nonviolent, income-producing criminals who use or sell drugs appear to be good candidates for drug rehabilitation programs. In contrast with serious, high-rate offenders, who have been using drugs heavily and frequently for years, these less serious offenders appear capable of abstaining from drug use.

Superficially, violent predators seem to be the best candidates for rehabilitation. Most are relatively young drug users with unstable employment who have been convicted of their first adult offense. However, their patterns of criminal behavior were established at such young ages, persisted for so long, and reached such a degree of seri-

ousness that conventional programs of rehabilitation can probably have little, if any, significant effect on their lives.

If our conclusions about the relationship between drugs and criminal life-styles are correct, trying to rehabilitate adult violent predators through drug intervention may be tantamount to "curing" tubercular patients by suppressing their coughs. In our sample, drug use alone was not a major reason for becoming involved in a criminal life-style. This suggests that breaking the drug-crime connection will require more than just drug-use prevention or intervention for adult criminals; any effective program will have to alter not just criminal users' drug patterns but their entire behavioral patterns.

For violent predators, the most effective program might have to focus on preventing those patterns from developing. Their juvenile predilection for violence and drug use indicates that the conditions that foster the development of their serious criminal behavior operate when they are very young. Identifying them at a very early age and attempting to control the factors that enhance the chances of their becoming violent predators—whether social, psychological, or physiological—might be more sensible and effective than trying to "fix" them after they enter the adult criminal system, or even after they enter high school. Investigating the possibilities for prevention may present a more challenging but fruitful line of research than trying to discover ways to make standard rehabilitation programs reach the violent predators.

## EFFECTS OF THE ENVIRONMENT

We have said very little about the differences among states in our study, but the findings in Texas indicate that there may be environments and criminal justice practices that inhibit development of the patterns through which juveniles become and continue as violent predators.<sup>2</sup> Especially in comparison with the California cohort, the Texas cohort had much lower commission rates for most crimes, lower incidence of serious crime, and a much lower percentage of violent predators. At the same time, the Texas sample reported much less serious drug use and much higher employment rates.

Clearly, Texas sentences to prison less serious offenders than California and Michigan send to either jail or prison. But even after the study accounted for personal factors, including drug use, Texas inmates still appear to have significantly lower rates of robbery than

<sup>2</sup>The reader will find considerable material on the similarities and differences among states in Chaiken and Chaiken, 1982.

those in the comparison states. Reasons for these lower rates may be implied by the inmates' responses to this question: "Do you think you could do the same crime(s) again without getting caught?" The California inmates as a whole had committed more serious crimes than inmates in Michigan and Texas, but they were the most likely to answer "Yes." The Texas inmates, who had as a whole committed the least serious crimes, were the most likely to answer "No."

These findings seem to suggest that some environments tolerate life-styles comprising frequent criminal acts and hard-drug use while others condemn them, that these disparate attitudes manifest themselves in different criminal justice policies and practices, and that the differences in those policies and practices explain why some environments have a more serious criminal problem than others. That is a highly conjectural interpretation, but its possible implications for criminal justice policy make it a worthwhile topic for research.

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Mr. SAWYER. When we are talking about how inconsequential \$4 million is, you have to recognize the side of the aisle that the chairman is on here; \$4 million to them is nothing, it would not even pay the postage to get a program started. [Laughter.]

On the other hand, I have to sympathize with some of the observations of the chairman. I also served in Congress and on the same delegation with Dave Stockman. He is a very bright young man, and there is no one who deals with him who would argue to the contrary. He is also quite articulate.

But he knows about as much about law enforcement as I do about divinity school, which is his background. I am sure neither of us would be very shining lights in the other's field. It disturbs me that Mr. Stockman is having so much leverage on what we are doing in criminal justice.

I recognize, that it is not your fault. The chairman is well aware of that, too. On the other hand, since you are sent down here with a message, maybe we can send you back with one.

Mr. MORRIS. I think I have heard one. [Laughter.]

The truth is, Mr. Sawyer, that we did go through a series of debates about what nature this JSIA reauthorization bill should take, those debates both within the Department of Justice itself and with OMB and with the White House and with the President.

This proposal that we have sent up here is not a unilateral decision on the part of Mr. Stockman. The Attorney General is more than willing, when he deems it appropriate, to appeal Mr. Stockman's decisions, and has in the past and will in the future. That is the way the process works.

We had, I think, a fair exchange of views and hearings that discussed budget policy and criminal justice policy and a range of other issues. And this is the proposal which we came up with and which we support.

Mr. SAWYER. I feel it is kind of a shame that we cannot get some reasonable allocation of resources here. I am a firm believer in cutting Government expenditures and I am sure that the Government is in a lot of areas where it has no business, and we have got to get out of them.

I do firmly believe that Government ought to do for people that which people cannot do. That includes national defense and law enforcement. I just think we are coming out rather seriously on the short end of what is a very serious national problem.

There is a good deal for the committee here to be concerned about. Just as we find room to increase the defense budget in a time of austerity—and I do not disagree with that, I also think in a time of austerity one cannot cut everything. Cutting law enforcement equally with food stamps does not make any sense to me.

Mr. MORRIS. The Office of Management and Budget is not setting law enforcement policy or making final determinations on the Department of Justice's budget. We did, I think, well in the 1983 budget process. It was a difficult debate with a fair exchange of views.

But we concentrated very hard on those items in the Department of Justice which we felt were a part of its central mission. That includes Federal investigative activities, drug enforcement, prosecution activities, and the like. And we can show real increases even



in a period of fiscal austerity because this President and the Attorney General feel that the Department of Justice's central missions are important.

And so I do not think that—you know, we are certainly not up here complaining about our budget situation. In an ideal world, you know, we would always like more and, in fact, could probably use a lot more. But we are not starving law enforcement in the Department of Justice.

Mr. SAWYER. They have made some pretty strong pronouncements about taking an increased role against violent crime. I am sure you know that the Federal Government does not have any significant up-front role in violent crime. The State and local governments have about 95 percent of the violent crime frontline troops.

If we do not support some demonstration projects and so on executed by them, how are we going to take this increased role in doing something about violent crime?

Mr. MORRIS. Well, there are a number of initiatives underway. One underway that I believe you are aware of is at Glenco, Ga., the Federal Law Enforcement Training Center, where we are putting, I believe, a half million dollars or close to a million dollars into training of State and local police officers, particularly in areas where such training the Federal Government can provide.

Similarly, we have been working quite closely, as I mention in the statement, with local law enforcement trying to come to priorities, what we can do and what local law enforcement can do as part of the law enforcement coordinating committees.

A vast portion of the U.S. attorneys that the President has nominated and the Senate has confirmed are local prosecutors. And we have a much higher degree of sensitivity, I believe, than the Department of Justice had in the past regarding the problems of local law enforcement and trying to parse out between what the Federal Government can best do and what State and local governments can best do.

I think there are a number of things that we can do to deal with this problem other than reinstituting many LEAA-type programs.

Mr. SAWYER. The chairman and I were a little disappointed that the Department was not more forthcoming with some assistance on the posse comitatus amendments. The initiative started with Charlie Bennett, a Congressman from Florida, and then was picked up by Chairman Hughes and myself.

We had a battle with Senate conferees who did not want to impose any burden on the Armed Forces. And finally, got an agreement on it.

Now I am told by Bud Mullen, head of the DEA, that this is the greatest thing that has happened since the wheel, and that they have really dried up drugs coming in with the use of AWACS and Cobra helicopters. They think they are intercepting about 100 percent of the planes coming into Florida. Now they have to do reverse buys because it is a seller's market in drugs since they dried it up.

Justice did not take the initiative in that whole hassle. It all developed up here on the Hill.

Mr. MORRIS. I was not aware that we were not a part of that battle. I will tell you that we are grateful for the success that you

had. And if we were not a part of it, I hope that we are in future battles like that. The changes in posse comitatus have made a substantial contribution to the presence that the Federal Government can bring to such things as drugs.

Mr. SAWYER. Well, now we think that you could do just that by supporting H.R. 4481.

Mr. MORRIS. We think posse comitatus was an excellent suggestion. [Laughter.]

We have a number of other bills—

Mr. SAWYER. Well, you said you would hope you could be forthcoming in the future. Apparently, you felt it was not really brought to your attention. Well, H.R. 4481 is sitting there waiting for some assistance from downtown. We got it through up here. But we are not invited to the Cabinet meetings; we have to depend on you or your boss to support this program down there.

Well, thank you. I have no further questions.

Mr. HUGHES. Mr. Morris, in the few days we have had Justice's proposed legislation, we have asked a number of individuals and groups for their comments on various aspects of the proposals. So far, most of them have been informal comments.

One commentator, in particular, who probably has done as good a job as any in characterizing their concerns with the new structure with regard to NIJ and BJS, made the following observation: That as far as that particular commentator was concerned, there would not be really any change, for the following reasons:

The National Institute of Justice has never had a director appointed and confirmed; the Bureau of Justice Statistics has only had a director for a few weeks at the close of the Carter administration; neither of the advisory boards which were each given important duties under the Justice System Improvement Act has functioned—one has never been named, the other has been summarily fired by the Attorney General despite the fact that the Justice System Improvement Act called for staggered terms to provide continuity to members of the board; officials in the Department of Justice have assumed unto themselves a much greater role in the direction of NIJ and BJS than is provided by the Justice System Improvement Act, including the assumption of final authority over the agendas of what we envisioned to be independent agencies, basically, NIJ and BJS.

What is your comment on that? You see, in essence, you have already done what you propose in the legislation without legal authority.

Mr. MORRIS. We inherited a massive superstructure when we came in over these organizations. I pointed out that there were five Presidential appointees, three advisory boards overseeing what was intended to be a billion dollar program, overseeing a couple of hundred employees, and funding much less than that.

We have been moving toward, through administrative action, ways to improve the efficiency of that activity. We were derelict in appointing the members of the boards. They have now been appointed, and meetings are being scheduled for the NIJ board and for the Juvenile Justice Board.

Mr. HUGHES. Have there been any meetings to date?

Mr. MORRIS. No; there have not been any meetings to date: no, sir.

Mr. HUGHES. Almost all the organizations that we have asked for informal comments have suggested that they see the legislation as an effort to downgrade the research and statistics functions.

The basis for this particular characterization is removal of final authority for grants and contracts from the directors of NIJ and BJS, placing all personnel and other responsibilities in the new assistant attorney general rather than the directors of those particular bureaus or agencies, and merging the two advisory boards and making the boards' tenure subject to the discretion of the Attorney General.

My question is are they accurate? Is this an effort to downgrade the responsibilities?

Mr. MORRIS. No; quite the contrary, Mr. Chairman. As a matter of fact, I am kind of puzzled by that. It is our intention to upgrade the nature of those organizations. As you know, an assistant attorney general is the highest ranking line-type official in the Department of Justice, and we have put it under an assistant attorney general and given that assistant attorney general responsibility not only for oversight of the NIJ and BJS activities but also for coordination throughout the Department.

We have on the order of 60 million dollars' worth of research in the National Institute of Corrections and the Federal Justice research program and some operational research activities in the Immigration Service and DEA and the bureau.

And it is our intention to pull that organization closely into the Department, to upgrade it so that it has the clout necessary to carry out what the Congress and the President want.

Mr. HUGHES. If, in fact, you require the Director of the Bureau of Justice Statistics to secure approval from the Assistant Attorney General before he buys paperclips, are you not in essence reducing the authority of that Director?

Mr. MORRIS. Well, I doubt seriously that the Assistant Attorney General will want to exercise that level of authority.

Mr. HUGHES. I use that as simply an extreme example. But I am suggesting that the day-to-day activities, the routine matters, would have to be cleared with an Assistant Attorney General. Are you not, in effect, downgrading the responsibilities of the Director when you do that?

Mr. MORRIS. Well, you can look at it one of two ways. I guess it is our view that we are upgrading it; that is, that research and statistics will be the responsibility of an Assistant Attorney General appointed by the President and confirmed by the Senate and that that Assistant Attorney General will have, you know, both responsibility for NIJ and BJS, as I say, confirmed by the Senate and accountable to the President and Congress as appropriate, will sit in on at the highest levels of the Department and so is a coequal with the Director of the FBI and other components.

We think that moves the level of research up a step. It does not move it down a step.

Mr. HUGHES. Do you have any idea when a Director of the Bureau of Justice Statistics will be appointed or nominated?

Mr. MORRIS. No.

Mr. HUGHES. Do you think it is important that that position be filled without further delay?

Mr. MORRIS. Well, we have an acting director in the Bureau of Justice Statistics, Mr. Ben Renshaw, who I think is doing a good job. I have not heard any complaints about the quality of work that is being done and the vision that is being exercised. I guess we would like to—I cannot speak for the Attorney General personally on this, not having discussed it with him—but I believe that he would prefer to move forward on this legislation and not have that be a Presidential appointment but to work on an Assistant Attorney General as a Presidential appointment.

Mr. HUGHES. Regarding the 1976 amendments, complaints were widespread that the civil rights provisions in the old LEAA law were ineffective, and new procedures and requirements were spelled out in the 1976 reauthorization and carried forward without change in the Justice System Improvement Act. They have generally been considered to be very effective, and few complaints have been received that they are unduly burdensome on recipients of Federal aid. Your bill eliminates these enforcement procedures, as I understand it. Why?

Mr. MORRIS. Well, you are quite correct in your characterization of those amendments have strengthened civil rights enforcement. They have been deleted because the LEAA program exists. They were there to deal with a billion dollar program of funding out to State and local governments. Now we have a very narrow proposal to deal with a different ball game, basically.

Mr. HUGHES. Are you suggesting that the basic discrimination is not existent now?

Mr. MORRIS. Well, there is a prohibition in the—we think that all of those procedures are not necessary, given a much smaller program. However, there is a clear bar in the legislation, as you probably noted, against discrimination, and we will enforce that as we do across the board.

Mr. HUGHES. You are going to rely basically upon the——

Mr. MORRIS. The normal enforcement procedures.

Mr. HUGHES. The normal enforcement?

Mr. MORRIS. Yes, sir.

Mr. HUGHES. Do you feel that that is going to be adequate to the task?

Mr. MORRIS. Yes.

Mr. HUGHES. Although the juvenile justice program is separately authorized, OJJDP depends upon OJARS for administrative and logistical support, as you know. We see no reference to OJJDP in your bill. Does that mean that you propose to terminate that also?

Mr. MORRIS. It is correct that the President proposed in both the 1982 and 1983 budgets and the 1983 authorizations before the Appropriations Committee to discontinue the juvenile justice program.

Mr. HUGHES. Yes; but you know, Congress has once again turned you down on that. Is the administration prepared to accept that decision and appoint a permanent director of OJJDP to head the program or not?

Mr. MORRIS. We have constituted the advisory board.

Mr. HUGHES. That would give you about a D-minus.

Mr. MORRIS. About a D-minus. The facts of the process were not as clear a turndown as you suggest, Mr. Chairman. We went through and proposed in the beginning, in March 1981, the elimination of this program. We proceeded to operate on continuing resolutions until December of last year, at which time the Congress basically indicated that \$70 million would continue through the balance of fiscal year 1982, which, as you know, is up in a few months.

We proposed again in 1983, because we do not believe we got a clear expression of congressional intent for the longrun future on this program, to terminate it. We believe that it has largely met its objectives. I have testified before the sister committee here in the House on that subject.

Mr. HUGHES. Does that indicate that juvenile crime in the country is under control?

Mr. MORRIS. No; the reason is that the program is largely designed to deal with the problem of juveniles who are in the criminal justice system, either those who do not belong there and to remove them and deinstitutionalize those status offenders, and to separate juveniles who ought to be in the criminal justice but ought not to be with adults. And by and large, over 40 States have made substantial progress toward that. We have moved so that—what are the numbers, Bob? Please go ahead.

Mr. DIEGELMAN. The position of the administration on the Juvenile Justice Act is basically that the statutory objectives of deinstitutionalization and separation requirements have, to a great extent, been achieved. Of approximately 235,000 institutionalized status offenders, as of this point almost 200,000 of them have been deinstitutionalized. And with the money that the Congress appropriated or provided under continuing resolution for fiscal year 1982 we expect by the end of fiscal year 1982 there be only on the order of 6,000-some status offenders still institutionalized in secure environments.

Mr. HUGHES. I have information that would suggest that as of last year there were 479,000 juveniles held in adult jails and lockups.

Mr. DIEGELMAN. That is adult jails. The jail initiative really came with the recent 1980 amendments to the act. We are talking about the basic thrust of the act and talking about secure penal institution, not jails or temporary lockups.

Mr. HUGHES. Well, you know, that is a nicety that I do not think really gets to the heart of the issue. We are talking about juvenile offenders in adult facilities. I am not sure whether or not you are talking about penal institutions or jails or lockups when you talk about programs that are targeted for juveniles.

Now, it may very well be that the thrust of the statutory legislation should be changed so that we can address the myriad of problems dealing with juvenile offenders. But the facts show that juvenile offenders are accounting for a larger and larger segment of our criminal population.

And it seems to me that it is ostrich-like to suggest that now is the time to be phasing out juvenile justice programs in this country.

Mr. DIEGELMAN. Well, very briefly, Mr. Chairman, you know, this bill does not deal with the juvenile justice issue because—

Mr. HUGHES. I understand that.

Mr. DIEGELMAN [continuing]. It operates under a separate piece of legislation on which would be the hearings on that piece of legislation. The administration proposal in that area will be before a separate committee.

Mr. HUGHES. I understand that. I made that clear at the outset. I realize that the jurisdiction over that program is not before this committee. But it is something that obviously fits within the overall context of OJARS.

How does the administration feel about the national crime survey or victimization study? Do you feel that that is helpful in the overall criminal justice system?

Mr. MORRIS. Yes; Mr. Chairman. We think that it is helpful. As I mentioned in my testimony, we are reviewing it as well as the FBI's surveys, the uniform crime reports. But, yes, we believe that that is helpful.

Mr. HUGHES. If I understand what I have read coming from the Department of Justice, you feel as we do, both Hal Sawyer and I, that the sting operations have been inordinately successful, and along with career criminals and a number of other initiatives that came because of Federal leadership, by and large, we have the wherewithal to begin the type of targeted direction of resources that we both would like to see.

Yet, looking at the record, since 1978 it would appear as if the number of sting operations is decreasing. Why?

Mr. MORRIS. Well, they are decreasing from a Federal funding standpoint, is that what you are referring to?

Mr. HUGHES. Yes.

Mr. MORRIS. We have 13 ongoing which are part of the phasing—they are being funded out of LEAA.

Mr. HUGHES. There were 48—

Mr. MORRIS. That is correct.

Mr. HUGHES. In 1978. We are now down to 13. That does not sound like we have very much confidence in the operations that we all believe are effective.

Mr. MORRIS. Yes; but, Mr. Chairman, the fact is that as the LEAA program phases down, the funding that it provides also phases down. And so we have spent some—

Mr. HUGHES. I know. You are making my point.

Mr. MORRIS. No; I do not believe I am, Mr. Chairman. We have spent \$30 million on sting operations over the last 6 years. I think that they have demonstrated their success; 94 percent of crime are property crimes, that property gets passed through, sting operations work. State and local governments are running sting operations without Federal funding.

I think it, in fact, makes the point that the Federal Government provided leadership and it is now time for the State and local governments to assume their own responsibility in this area.

Mr. HUGHES. How many jurisdictions do you know throughout the country are not utilizing sting techniques?

Mr. MORRIS. Are not utilizing sting?

Mr. HUGHES. Yes.

Mr. MORRIS. I do not know the answer to that.

Mr. HUGHES. How many jurisdictions continue the sting operations as we phase out our operations? Do you know at that?

Mr. DIEGELMAN. Well, that is a very hard question to answer, because sting operations are basically short-term type of operations anyway, anywhere from 18 to 24 months. And you do not do them and continue them for 4 or 5 years; you fund them once, you do it once, you see whether it works or not, and then from that experience you decide whether you repeat it or not.

So at any one time, you know, at this point we have funded almost 48 around the country, 13 are still in existence. We put \$30 million into this. We think it works. Everybody else thinks it works. They know how to do it. And to our knowledge, they are doing it on their own without Federal dollars.

Mr. HUGHES. When you say, to your knowledge they are doing it on their own, that is not what I sense is happening. And that gets us back to H.R. 4481 again. We do not think that the States in many instances are going to pick up the sting operations.

We do not think that all the jurisdictions that should be using sting operations are using them. You just cannot come in here and suggest to us that you believe that this is taking place because that is not our perception.

Mr. MORRIS. We would be prepared, Mr. Chairman, to undertake a review of the current state of that use and provide it to this committee.

Mr. HUGHES. You have anticipated my request. [Laughter.]

And we will leave the record open for you to submit that.

Mr. MORRIS. We will do that.

[The information to be furnished follows:]



U. S. Department of Justice  
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUN 07 1982

The Speaker  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Speaker:

I am forwarding, for your consideration, a legislative proposal to reauthorize and extend significant portions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The proposed bill, entitled the "Justice Research and Statistics Act of 1983," would continue the criminal justice research and statistics programs of the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) and establish within the Department of Justice an Office of Justice Research and Statistics. The Office, headed by an Assistant Attorney General, would coordinate the activities of the NIJ and BJS, provide consolidated support services to minimize duplication and fragmentation, and provide a central focus within the Department for the interests of state and local criminal justice.

As you know, the current authorization provided under the Justice System Improvement Act of 1979 will expire at the end of Fiscal Year 1983. That Act established a complex mechanism for the administration of a financial assistance program in addition to the research and statistical activities of NIJ and BJS. Immediately following enactment of the 1979 legislation, however, the previous Administration and the Congress redirected national priorities in such a way that the newly created administrative structure and its authorized programs were never fully implemented. Subsequently, the Law Enforcement Assistance Administration (LEAA), which had not received an appropriation of program funds for two fiscal years, was phased out. Similarly, the Office of Justice Assistance, Research, and Statistics (OJARS), which provides staff support services to NIJ and BJS, will be terminated under the Administration proposal.

The proposed legislation would fold into a single administratively logical organization various semi-autonomous authorities which exist under current law. Instead of separate units engaged in research, statistical programs, financial assistance, and support services - with each unit headed by a Presidentially appointed director - the proposal eliminates LEAA and OJARS and establishes the research and statistical functions of the National Institute of Justice and the Bureau of Justice Statistics within the administrative framework of the Office of Justice Research and Statistics, requiring

only one Presidential appointment. The Assistant Attorney General will represent the Department's interests to the Nation's research and university communities, and serve as a spokesperson for the interests of research and statistics within the Department. The National Institute of Justice and the Bureau of Justice Statistics will continue to pursue their research and statistical programs and will be responsive to the concerns of the Federal, State and local criminal justice community through the Assistant Attorney General.

The goals of this proposed legislation are to encourage research, provide for the gathering and dissemination of statistics, evaluation of programs and coordination of criminal justice activities at all levels of government, in order to strengthen the capacity of State and local governments to improve their criminal justice systems. These goals can only be achieved in a workable, efficient administrative framework, which this proposal provides.

Enclosed for your review is a section-by-section analysis of the proposal.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress.

Sincerely,

(SIGNED) Robert A. McConnell

Robert A. McConnell  
Assistant Attorney General

Enclosure

A BILL

To provide for and encourage criminal justice research, demonstration programs and the collection and analysis of statistical information concerning crime, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Justice Research and Statistics Act of 1983".

Sec. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I--JUSTICE RESEARCH AND STATISTICS

"TABLE OF CONTENTS

"Part A--Office of Justice Research and Statistics

"Sec. 101. Establishment of Office of Justice Research and Statistics

"Sec. 102. Duties and functions of Assistant Attorney General

"Sec. 103. Advisory Board

"Part B--National Institute of Justice

"Sec. 201. National Institute of Justice

"Sec. 202. Establishment, duties and functions

"Sec. 203. Authority for 100 per centum grants

"Part C--Bureau of Justice Statistics

"Sec. 301. Bureau of Justice Statistics

"Sec. 302. Establishment, duties and functions

"Sec. 303. Authority for 100 per centum grants

"Sec. 304. Use of data

"Part D--Administrative Provisions

"Sec. 401. Consultation; establishment of rules and regulations

"Sec. 402. Notice and hearing on denial or termination of grant.

"Sec. 403. Finality of determinations

- 1 "Sec. 404. Delegation of functions  
 2 "Sec. 405. Subpoena power; authority to hold hearings and hire hearing officers  
 3 "Sec. 406. Employment of personnel  
 4 "Sec. 407. Authority to use available services  
 5 "Sec. 408. Consultation with other Federal, State, and local officials  
 6 "Sec. 409. Reimbursement authority  
 7 "Sec. 410. Services of experts and consultants; advisory committees  
 8 "Sec. 411. Prohibition of Federal control over State and local criminal justice  
 9 agencies  
 10 "Sec. 412. Recordkeeping requirement  
 11 "Sec. 413. Confidentiality of information  
 12 "Sec. 414. Authority to accept voluntary services  
 13 "Part E--Definitions  
 14 "Sec. 501. Definitions  
 15 "Part F--Funding  
 16 "Sec. 601. Authorization of appropriations  
 17 "Part G--Public Safety Officers' Death Benefits  
 18 "Sec. 701. Payments  
 19 "Sec. 702. Limitations  
 20 "Sec. 703. Definitions  
 21 "Sec. 704. Administrative provisions  
 22 "Part H--FBI Training of State and Local Criminal Justice Personnel  
 23 "Sec. 801. Authority for FBI to train State and local criminal justice personnel  
 24 "Part I--Transition--Repealer  
 25 "Sec 901. Continuation of rules, authorities, and proceedings  
 26  
 27  
 28

- 1 "Part A--OFFICE OF JUSTICE RESEARCH AND STATISTICS  
 2 "ESTABLISHMENT OF OFFICE OF JUSTICE RESEARCH AND STATISTICS  
 3 "Sec. 101. There is hereby established within the Department of Justice  
 4 under the general authority of the Attorney General, an Office of Justice Research  
 5 and Statistics (hereinafter referred to in this title as the 'Office'). The Office  
 6 shall be under the direction of an Assistant Attorney General, who shall be  
 7 appointed by the President, by and with the advice and consent of the Senate, and  
 8 such other Deputy Assistant Attorneys General as may be designated by the Attorney  
 9 General. The Assistant Attorney General shall have final authority over all grants,  
 10 cooperative agreements, and contracts awarded by the Office.  
 11 "DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL  
 12 "Sec. 102. The Assistant Attorney General shall--  
 13 "(1) publish and disseminate information on the condition and progress  
 14 of the criminal justice system;  
 15 "(2) maintain liaison with the judicial branches of the Federal and  
 16 State Governments in matters relating to justice statistics, and cooperate  
 17 with the judicial branch in assuring as much uniformity as feasible in  
 18 statistical systems of the executive and judicial branches;  
 19 "(3) provide information to the President, the Congress, the judiciary,  
 20 State and local governments, and the general public on justice research and  
 21 statistics;  
 22 "(4) maintain liaison with public and private educational and  
 23 research institutions, State and local governments, and governments of  
 24 other nations concerning justice research and statistics;  
 25 "(5) cooperate in and participate with national and international  
 26 organizations in the development of uniform justice statistics;  
 27 "(6) insure conformance with security and privacy regulations issued  
 28 pursuant to section 412 and, to identify, analyze and participate in the



development and implementation of privacy, security and information policies which impact on Federal and state criminal justice operations and related statistical activities;

"(7) directly provide staff support to, and coordinate the activities of, the National Institute of Justice and the Bureau of Justice Statistics;

"(8) exercise the powers and functions set out in part D; and

"(9) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General.

#### "ADVISORY BOARD

"Sec. 103. (a) There is hereby established a Justice Research and Statistics Advisory Board (hereinafter referred to as the 'Board'). The Board shall consist of fifteen members who shall be appointed by the Attorney General. The members shall represent the public interest, include representatives of various components of the criminal justice system at all levels of government, and should be experienced in the criminal justice system, including research, statistics and the design, operation and management of programs at the State and local level. The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Assistant Attorney General shall be a non-voting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of an original appointment.

"(b) The Board may make such rules respecting organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

"(c) The members of the Board shall serve at the pleasure of the Attorney General and shall have no fixed term. The members of the Board shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses.

"(d) The Board shall--

"(1) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the National Institute of Justice and the Bureau of Justice Statistics in research, statistics and demonstration programs;

"(2) review demonstration programs funded under part B, and evaluations thereof, and advise the Assistant Attorney General of the results of such review and evaluations, and

"(3) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Assistant Attorney General shall exercise such powers and duties of the Board as may be delegated to the Assistant Attorney General by the Board.

#### "PART B--NATIONAL INSTITUTE OF JUSTICE

##### "NATIONAL INSTITUTE OF JUSTICE

"Sec. 201. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of--

"(1) improving Federal, State and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;



1       "(3) insuring citizen access to appropriate dispute-resolution forums;  
 2       "(4) improving efforts to detect, investigate, prosecute, and otherwise  
 3       combat and prevent white-collar crime and public corruption; and  
 4       "(5) identifying programs of proven and demonstrated success or programs  
 5       which are likely to be successful.

6       The Institute shall have authority to engage in and encourage research and  
 7       development to improve and strengthen the criminal justice system and related  
 8       aspects of the civil justice system and to disseminate the results of such  
 9       efforts to units of Federal, State, and local governments, to develop alternatives  
 10      to judicial resolution of disputes, to evaluate the effectiveness of programs  
 11      funded under this title, to develop and demonstrate new or improved approaches and  
 12      techniques, to improve and strengthen the administration of justice, and to identify  
 13      programs or projects carried out under this title which have demonstrated success  
 14      in improving the quality of justice systems and which offer the likelihood of  
 15      success if continued or repeated. In carrying out the provisions of this part  
 16      the Institute shall give primary emphasis to the problems of State and local  
 17      justice systems and shall insure that there is a balance between basic and applied  
 18      research.

19                       "ESTABLISHMENT, DUTIES, AND FUNCTIONS

20      "Sec. 202. (a) There is established within the Office of Justice Research and  
 21      Statistics, Department of Justice, under general authority of the Attorney General,  
 22      a National Institute of Justice (hereinafter referred to in this title as the  
 23      'Institute').

24      "(b) The Institute shall be headed by a Director appointed by the Attorney  
 25      General. The Director shall have had experience in justice research. The Director  
 26      shall have authority to make grants, cooperative agreements, and contracts  
 27      awarded by the Institute. The Director shall not engage in any other employment  
 28      than that of serving as Director; nor shall the Director hold any office in, or

1      act in any capacity for, any organization, agency, or institution with which  
 2      the Institute makes any contract or other arrangements under this title.

3                       "(c) The Institute is authorized to--

4                       "(1) make grants to, or enter into cooperative agreements or contracts  
 5                       with, States, units of local government or combinations thereof, public  
 6                       agencies, institutions of higher education, private organizations, or  
 7                       individuals to conduct research, demonstration programs, or special pro-  
 8                       jects pertaining to the purposes described in this part, and provide technical  
 9                       assistance and training in support of tests, demonstrations, and special  
 10                      projects;

11                      "(2) conduct or authorize multiyear and short-term research and develop-  
 12                      ment concerning the criminal and civil justice systems in an effort--

13                      "(A) to identify alternative programs for achieving system goals;  
 14                      "(B) to provide more accurate information on the causes and  
 15                      correlates of crime;

16                      "(C) to analyze the correlates of crime and juvenile delinquency  
 17                      and provide more accurate information on the causes and correlates of  
 18                      crime and juvenile delinquency;

19                      "(D) to improve the functioning of the criminal justice system;

20                      "(E) to develop new methods for the prevention and reduction  
 21                      of crime, including but not limited to the development of programs to  
 22                      facilitate cooperation among the States and units of local government,  
 23                      the detection and apprehension of criminals, the expeditious, efficient,  
 24                      and fair disposition of criminal and juvenile delinquency cases, the  
 25                      improvement of police and minority relations, the conduct of research  
 26                      into the problems of victims and witnesses of crime, the feasibility  
 27                      and consequences of allowing victims to participate in criminal justice  
 28                      decisionmaking, the feasibility and desirability of adopting procedures

and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

"(3) evaluate the effectiveness of projects or programs carried out under this title;

"(4) make recommendations for action which can be taken by units of Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

"(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part; and

"(8) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services.

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Institute is authorized to--

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development; and

"(5) exercise the powers and functions set out in part D.

#### "AUTHORITY FOR 100 PER CENTUM GRANTS

"Sec. 203. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

1 "PART C--BUREAU OF JUSTICE STATISTICS

2 "BUREAU OF JUSTICE STATISTICS

3 "Sec. 301. It is the purpose of this part to provide for and encourage  
4 the collection and analysis of statistical information concerning crime, juvenile  
5 delinquency, and the operation of the criminal justice system and related aspects  
6 of the civil justice system and to support the development of information and  
7 statistical systems at the Federal, State, and local levels to improve the efforts  
8 of these levels of government to measure and understand the levels of crime,  
9 juvenile delinquency, and the operation of the criminal justice system and related  
10 aspects of the civil justice system. The Bureau shall utilize to the maximum  
11 extent feasible State governmental organizations and facilities responsible for  
12 the collection and analysis of criminal justice data and statistics. In carrying  
13 out the provisions of this part, the Bureau shall give primary emphasis to the needs  
14 of State and local justice systems, both individually and as a whole.

15 "ESTABLISHMENT, DUTIES, AND FUNCTIONS

16 "Sec. 302. (a) There is established within the Office of Justice Research  
17 and Statistics, Department of Justice, under the general authority of the Attorney  
18 General, a Bureau of Justice Statistics (hereinafter referred to in this part as  
19 the 'Bureau').

20 "(b) The Bureau shall be headed by a Director appointed by the Attorney  
21 General. The Director shall have had experience in statistical programs. The  
22 Director shall have authority to make grants, cooperative agreements, and  
23 contracts awarded by the Bureau. The Director shall not engage in any other  
24 employment than that of serving as Director; nor shall the Director hold any  
25 office in, or act in any capacity for, any organization, agency, or institution  
26 with which the Bureau makes any contract or other arrangement under this Act.

27 "(c) The Bureau is authorized to--  
28

1 "(1) make grants to, or enter into cooperative agreements or  
2 contracts with public agencies, institutions of higher education,  
3 private organizations, or private individuals for purposes related  
4 to this part; grants shall be made subject to continuing compliance  
5 with standards for gathering justice statistics set forth in rules  
6 and regulations promulgated by the Director;

7 "(2) collect and analyze information concerning criminal vic-  
8 timization, including crimes against the elderly, and civil disputes;

9 "(3) collect and analyze data that will serve as a continuous  
10 and comparable national social indication of the prevalence, incidence,  
11 rates, extent, distribution, and attributes of crime, juvenile delin-  
12 quency, civil disputes, and other statistical factors related to  
13 crime, civil disputes, and juvenile delinquency, in support of  
14 national, State, and local justice policy and decisionmaking;

15 "(4) collect and analyze statistical information concerning  
16 the operations of the criminal justice system at the Federal, State,  
17 and local levels;

18 "(5) collect and analyze statistical information concerning the  
19 prevalence, incidence, rates, extent, distribution, and attributes  
20 of crime, and juvenile delinquency, at the Federal, State, and  
21 local levels;

22 "(6) analyze the correlates of crime, civil disputes and juvenile  
23 delinquency, by the use of statistical information, about criminal  
24 and civil justice systems at the Federal, State, and local levels,  
25 and about the extent, distribution and attributes of crime, and juvenile  
26 delinquency, in the Nation and at the Federal, State, and local levels;

27 "(7) compile, collate, analyze, publish, and disseminate uniform  
28 national statistics concerning all aspects of criminal justice and

related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

"(8) recommend to the Assistant Attorney General national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(10) conduct or support research relating to methods of gathering or analyzing justice statistics;

"(11) provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(12) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

"(13) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data; and

"(14) exercise the powers and functions set forth in part D.

"(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Bureau is authorized to--

"(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with the aforementioned agencies and instrumentalities for purposes of data collection and analysis;

"(2) confer and cooperate with State, municipal, and other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title; and

"(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records.

"(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

"(f) In recommending standards for gathering justice statistics under this section, the Bureau shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

#### "AUTHORITY FOR 100 PER CENTUM GRANTS

"Sec. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

## "USE OF DATA

"Sec. 304. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

## "PART D--ADMINISTRATIVE PROVISIONS

## "CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

"Sec. 401. (a) The Office of Justice Research and Statistics is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of the functions of the Office, the Institute and the Bureau, and as are consistent with the stated purpose of this title.

## "NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"Sec. 402. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, either the Institute or the Bureau finds that a recipient of their respective assistance under this title has failed to comply substantially with--

"(1) any provisions of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act, they, until satisfied that there is no longer any such failure to comply, shall terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If any grant application filed under this title has been rejected or an applicant has had a grant, or any portion of a grant, discontinued, terminated, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Institute or the Bureau, as appropriate, shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever such an applicant or grantee requests a hearing, the Institute or the Bureau, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Institute and the Bureau, are authorized to take final action without a hearing if after an administrative review of the denial it is determined that the basis for the appeal, if substantiated, would not establish a basis for reconsideration or approval of the grant application. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

"(c) If such recipient is dissatisfied with the findings and determinations of the Bureau or the Institute, following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Office may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

## "FINALITY OF DETERMINATIONS

"Sec. 403. In carrying out the functions vested by this title in the Office, the Bureau, or the Institute, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and

1 conclusive upon all applications.

2 "DELEGATION OF FUNCTIONS

3 "Sec. 404. The Office may delegate to any of its respective officers or  
4 employees such functions as it deems appropriate.

5 "SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS

6 "Sec. 405. The Office, the Institute, or the Bureau may appoint such hearing  
7 examiners or administrative law judges or request the use of such administrative  
8 law judges selected by the Office of Personnel Management pursuant to section 3344  
9 of title 5, United States Code, as shall be necessary to carry out their powers  
10 and duties under this title, and the Office, the Institute, or the Bureau, or  
11 upon authorization, any member thereof or any hearing examiner or administrative  
12 law judge assigned to or employed thereby shall have the power to hold hearings  
13 and issue subpoenas, administer oaths, examine witnesses, and receive evidence  
14 at any place in the United States they may designate.

15 "EMPLOYMENT OF PERSONNEL

16 "Sec. 406. The Office is authorized to select, appoint, employ and fix  
17 compensation of such officers and employees as shall be necessary to carry out  
18 the powers and duties of the Office, the Institute, and the Bureau under this  
19 title.

20 "AUTHORITY TO USE AVAILABLE SERVICES

21 "Sec. 407. The Office, the Institute, and the Bureau are authorized, on a  
22 reimbursable basis when appropriate, to use the available services, equipment,  
23 personnel, and facilities of Federal, State, and local agencies to the extent  
24 deemed appropriate after giving due consideration to the effectiveness of such  
25 existing services, equipment, personnel, and facilities.

26 "CONSULTATION WITH OTHER FEDERAL, STATE AND LOCAL OFFICIALS

27 "Sec. 408. In carrying out the provisions of this title, including the  
28 issuance of regulations, the Office shall consult with other Federal departments

1 and agencies and State and local officials.

2 "REIMBURSEMENT AUTHORITY

3 "Sec. 409. (a) The Office, the Institute, and the Bureau may arrange with  
4 and reimburse the heads of other Federal departments and agencies for the  
5 performance of any of their functions under this title.

6 "(b) The Office, the Institute, and the Bureau in carrying out their  
7 respective functions may use grants, contracts, or cooperative agreements in  
8 accordance with the standards established in the Federal Grant and Cooperative  
9 Agreement Act of 1977 (41 U.S.C. 501 et. seq.).

10 "SERVICES OF EXPERTS AND CONSULTANTS; ADVISORY COMMITTEES

11 "Sec. 410. (a) The Office, the Institute, and the Bureau may procure the  
12 services of experts and consultants in accordance with section 3109 of title  
13 5, United States Code, at rates of compensation for individuals not to exceed  
14 the daily equivalent of the rate authorized for GS-18 by section 5332 of title  
15 5, United States Code.

16 "(b) The Office is authorized to appoint, without regard to the provisions  
17 of title 5, United States Code, technical or other advisory committees to advise  
18 it with respect to the administration of this title as it deems necessary.  
19 Members of those committees not otherwise in the employ of the United States,  
20 while engaged in advising or attending meetings of the committees, shall be  
21 compensated at rates to be fixed by the Office but not to exceed the daily  
22 equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the  
23 United States Code, and while away from home or regular place of business they  
24 may be allowed travel expenses, including per diem in lieu of subsistence, as  
25 authorized by section 5703 of such title 5 for persons in the Government  
26 service employed intermittently.

27 "(c) Payments under this title may be made in installments, and in advance  
28 or by way of reimbursement, as may be determined by the Office, and may be used



1 to pay the transportation and subsistence expenses of persons attending  
2 conferences or other assemblages notwithstanding the provisions of the joint  
3 resolution entitled 'Joint resolution to prohibit expenditure of any moneys  
4 for housing, feeding, or transporting conventions or meetings', approved  
5 February 2, 1935 (31 U.S.C. 551).

6 "PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

7 "Sec. 411. (a) Nothing in this title or any other Act shall be construed  
8 to authorize any department, agency, officer, or employee of the United States  
9 to exercise any direction, supervision, or control over any police force or  
10 any other criminal justice agency of any state or any political subdivision  
11 thereof.

12 "(b) No person in any State shall on the ground of race, color, religion,  
13 national origin, or sex be excluded from participation in, be denied the  
14 benefits of, or be subjected to discrimination under or denied employment in  
15 connection with any programs or activity funded in whole or in part with funds  
16 made available under this title.

17 "RECORDKEEPING REQUIREMENT

18 "Sec. 412. (a) Each recipient of funds under this title shall keep such  
19 records as the Office shall prescribe, including records which fully disclose  
20 the amount and disposition by such recipient of the funds, the total cost of  
21 the project or undertaking for which such funds are used, and the amount of  
22 that portion of the cost of the project or undertaking supplied by other  
23 sources, and such other records as will facilitate an effective audit.

24 "(b) The Office or any of its duly authorized representatives, shall  
25 have access for purpose of audit and examination of any books, documents,  
26 papers, and records of the recipients of funds under this title which in the  
27 opinion of the Office may be related or pertinent to the grants, contracts,  
28 subcontracts, subgrants, or other arrangements referred to under this title.

1 "(c) The Comptroller General of the United States or any of his duly  
2 authorized representatives, shall, until the expiration of three years after  
3 the completion of the program or project with which the assistance is used,  
4 have access for the purpose of audit and examination to any books, documents,  
5 papers, and records of recipients of Federal funds under this title which in  
6 the opinion of the Comptroller General may be related or pertinent to the  
7 grants, contracts, subcontracts, subgrants, or other arrangements referred  
8 to under this title.

9 "(d) The provisions of this section shall apply to all recipients of assis-  
10 tance under this title, whether by direct grant, cooperative agreement, or  
11 contract under this title or by subgrant or subcontract from primary grantees  
12 or contractors under this title.

13 "CONFIDENTIALITY OF INFORMATION

14 "Sec. 413. (a) Except as provided by Federal law other than this title,  
15 no officer or employee of the Federal Government, and no recipient of assistance  
16 under the provisions of this title shall use or reveal any research or statistical  
17 information furnished under this title by any person and identifiable to any  
18 specific private person for any purpose other than the purpose for which it was  
19 obtained in accordance with this title. Such information and copies thereof  
20 shall be immune from legal process, and shall not, without the consent of the  
21 person furnishing such information, be admitted as evidence or used for any  
22 purpose in any action, suit, or other judicial, legislative, or administrative  
23 proceedings.

24 "(b) All criminal history information collected, stored, or disseminated  
25 through support under this title shall contain, to the maximum extent feasible,  
26 disposition as well as arrest data where arrest data is included therein. The  
27 collection, storage, and dissemination of such information shall take place  
28 under procedures reasonably designed to insure that all such information is kept

1 current therein; the Office shall assure that the security and privacy of all  
 2 information is adequately provided for and that information shall only be used  
 3 for all enforcement and criminal justice and other lawful purposes. In addition,  
 4 an individual who believes that criminal history information concerning him  
 5 contained in an automated system is inaccurate, incomplete, or maintained in  
 6 violation of this title, shall, upon satisfactory verification of his identify,  
 7 be entitled to review such information and to obtain a copy of it for the purpose  
 8 of challenge or correction.

9 "(c) All criminal intelligence systems operating through support under this  
 10 title shall collect, maintain, and disseminate criminal intelligence information  
 11 in conformance with policy standards which are prescribed by the Office and which  
 12 are written to assure that the funding and operation of these systems furthers  
 13 the purpose of this title and to assure that such systems are not utilized in  
 14 violation of the privacy and constitutional rights of individuals.

15 "(d) Any person violating the provisions of this section, or of any rule,  
 16 regulation, or other issued thereunder, shall be fined not to exceed \$10,000, in  
 17 addition to any other penalty imposed by law.

#### 18 "AUTHORITY TO ACCEPT VOLUNTARY SERVICES

19 "Sec. 414. The Office, the Institute, and the Bureau, are authorized to  
 20 accept and employ, in carrying out the provisions of this title, voluntary  
 21 and uncompensated services notwithstanding the provisions of section 3679(b)  
 22 of the Revised Statutes (31 U.S.C. 665(b)). Such individuals shall not be  
 23 considered Federal employees except for purposes of chapter 81 of title 5,  
 24 United States Code, with respect to job-incurred disability and title 28, United  
 25 States Code, with respect to tort claims.

#### 26 "PART E--DEFINITIONS

27 "Sec. 501. (a) As used in this title--

28 "(1) 'criminal justice means activities pertaining to crime prevention,

1 control, or reduction, or the enforcement of the criminal law, including , but  
 2 not limited to, police efforts to prevent, control, or reduce crime or to  
 3 apprehend criminals, including juveniles, activities of courts having criminal  
 4 jurisdiction, and related agencies (including but not limited to prosecutorial  
 5 and defender services, juvenile delinquency agencies and pretrial service or  
 6 release agencies), activities of corrections, probation, or parole authorities  
 7 and related agencies assisting in the rehabilitation, supervision, and care of  
 8 criminal offenders, and programs relating to the prevention, control, or  
 9 reduction of narcotic addiction and juvenile delinquency;

10 "(2) 'State' means any State of the United States, the District of Columbia,  
 11 and the Commonwealth of Puerto Rico;

12 "(3) 'unit of local government' means any city, county, township, town,  
 13 borough, parish, village, or other general purpose political subdivision of a  
 14 State, an Indian tribe which performs law enforcement functions as determined by  
 15 the Secretary of the Interior, or the Virgin Islands, Guam, American Samoa,  
 16 the Trust Territory of the Pacific Islands, the Commonwealth of the Northern  
 17 Mariana Islands, and any agency of the District of Columbia government or the  
 18 United States Government performing law enforcement functions in and for the  
 19 District of Columbia;

20 "(4) 'combination' as applied to States or units of local government means  
 21 any grouping or joining together of such States or units for the purpose of  
 22 preparing, developing, or implementing a criminal justice program or project;  
 23 "(5) 'public agency' means any State, unit of local government, combination  
 24 of such States or units, or any department, agency, or instrumentality of any  
 25 of the foregoing;

26 "(6) 'correctional institution or facility' means any place for the  
 27 confinement or rehabilitation of offenders or individuals charged with or  
 28 convicted of criminal offenses;

"(7) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice information system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(8) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(9) 'Attorney General' means the Attorney General of the United States or his designee.

#### "PART F--FUNDING

##### "AUTHORIZATION OF APPROPRIATIONS

"Sec. 601. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated to carry out the functions of the National Institute of Justice such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated for parts A and D, and for the purposes of carrying out the remaining functions of the Office of Justice Research and Statistics other than part G, such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of Part G.

#### "PART G--PUBLIC SAFETY OFFICERS' DEATH BENEFITS

##### "PAYMENTS

"Sec. 701. (a) In any case in which the Office determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Office shall pay a benefit of \$50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Office determines upon showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Office may make an interim benefit payment not exceeding \$3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Office may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

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**1 OF 2**

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except--

"(1) eligible beneficiaries under section 8191 of title 5, United States Code shall only receive benefits under that section that are in excess of the benefits received under this part; or

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

"(f) No benefit paid under this part shall be subject to execution or attachment.

#### "LIMITATIONS

"Sec. 702. No benefit shall be paid under this part--

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if the public safety officer was voluntarily intoxicated at the time of his death;

"(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death; or

"(4) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

#### "DEFINITIONS

"Sec. 703. As used in this part--

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is--

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by--

"(i) a post-mortem blood alcohol level of .15% or greater;

"(ii) a post-mortem blood alcohol level of at least .10% but less than .15%, unless the Office receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

#### "ADMINISTRATIVE PROVISIONS

"Sec. 704. (a) The Office is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Office. The Office may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Office, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 701, the Office may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Office.

#### "PART H--FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"Sec. 801. (a) The Director of the Federal Bureau of Investigation is authorized to--

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State

and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

#### "PART I--TRANSITION

#### "CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

"Sec. 901. (a) All orders, determinations, rules, regulations, and instructions of the Office of Justice Assistance, Research and Statistics which are in effect on the date of the enactment of this Act shall continue in effect according to their terms until modified, terminated, suspended, set aside, or revoked by the President or the Attorney General, or the Assistant Attorney General, Office of Justice Research and Statistics, or by operation of law.

"(b) The amendments made to this title by the Justice Research and Statistics Act of 1983 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(c) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice Research and Statistics Act of 1983, may be carried out with funds appropriated for purposes of this title.



"(d) The Assistant Attorney General, Office of Justice Research and Statistics, may award new grants, enter into new contracts or cooperative agreements and otherwise obligate unused or reversionary funds previously appropriated for the purposes of Parts D, E and F of this title as in effect on the day before the date of enactment of the Justice Research and Statistics Act of 1983, for purposes consistent with this title.

"(e) Notwithstanding any other provisions of law, the Assistant Attorney General shall have all the authority previously vested in the Director of the Office of Justice Assistance, Research and Statistics and the Administrator of the Law Enforcement Assistance Administration necessary to terminate the activities of the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research and Statistics, and all provisions of this title, as in effect on the day before the enactment of the Justice Research and Statistics Act of 1983, which are necessary for this purpose remain in effect for the sole purpose of carrying out the termination of these activities.

#### "REFERENCES IN OTHER LAWS

Sec. 3 Any reference to the Office of Justice Assistance, Research, and Statistics or the Law Enforcement Assistance Administration in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Research and Statistics shall be deemed to be a reference to the Office of Justice Research and Statistics or to the Assistant Attorney General, Office of Justice Research and Statistics, as the case may be.

#### "COMPENSATION OF FEDERAL OFFICERS

Sec. 4. (a) Section 5315 of title 5, United States Code, is amended by deleting "Administrator, Law Enforcement Assistance Administration" and adding "Director of the National Institute of Justice" and "Director of the Bureau of Justice Statistics".

(b) Section 5314 of title 5, United States Code, is amended by deleting "Director, Office of Justice Assistance, Research, and Statistics".

#### Section-by-Section Analysis

Sec. 2 Amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 as follows:

##### Part A - Office of Justice Research and Statistics

Sec. 101 This section abolishes the Office of Justice Assistance, Research, and Statistics (OJARS) and establishes the Office of Justice Research and Statistics. The Assistant Attorney General of the Office is appointed by the President, by and with the advice and consent of the Senate. Deputy Assistant Attorneys General may be designated by the Attorney General. The Assistant Attorney General has final authority over all grants, cooperative agreements and contracts awarded by the Office.

Sec. 102 This section sets forth the functions of the program directed by the Office; the Assistant Attorney General renders staff support to and coordination of activities of the National Institute of Justice and the Bureau of Justice Statistics; disseminates information on the condition and progress of the criminal justice system; maintains liaison with the Congress, the Judiciary, State and local governments and international organizations; insures conformance with privacy and security regulations set forth in Section 413.

Sec. 103 This section establishes the Justice Research and Statistics Advisory Board consisting of 15 members appointed by and serving at the pleasure of the Attorney General. The Chairman is elected by majority vote. The Board reviews research and statistics programs and advises the Assistant Attorney General regarding NIJ and BJS policies and priorities. The Board replaces the Advisory Boards previously established for NIJ and BJS which are abolished.

##### Part B - National Institute of Justice

Sec. 201 Sets forth the purpose of Part B - National Institute of Justice.

Sec. 202 This section establishes the National Institute of Justice (NIJ) within the Office of Justice Research and Statistics under the general authority of the Attorney General. The Institute is headed by a Director appointed by the Attorney General. The Director, NIJ, is given the authority to make grants, cooperative agreements and contracts awarded by NIJ. Provides for evaluation by public and private research agencies of programs and projects to determine their impact on the quality of the criminal and civil justice systems. Authorizes the Institute to make recommendations to the Assistant Attorney General for programs which can be implemented by the Federal, State and local governments to combat crime.

Sec. 203 Provides that the Federal share of any grant under Part B may be 100 percent of the total cost but permits NIJ to require cost sharing.

## Part C - Bureau of Justice Statistics

- Sec. 301 Sets forth the purpose of Part C - Bureau of Justice Statistics.
- Sec. 302 This section establishes the Bureau of Justice Statistics within the Office of Justice Research and Statistics, headed by a Director appointed by and under the general authority of the Attorney General. The Director of BJS is given the authority to make grants, cooperative agreements, and contracts awarded by BJS. This section authorizes BJS to collect, analyze and disseminate data describing the rates, nature, extent, distribution and attributes of crime, juvenile delinquency and the justice system at the Federal, State and local level; to develop, analyze and provide assistance in implementing improved techniques for the collection, analysis and reporting of data at the Federal, State and local level; to support State activities relating to statistical data collection, analysis and reporting.
- Sec. 303 Provides that the Federal share of any grant under Part C may be 100 percent of the total cost but permits the Bureau to require cost sharing.
- Sec. 304 Requires BJS to use data collected only for statistical or research purposes.

## Part D - Administrative Provisions

- Sec. 401 (a) provides authority for the Office of Justice Research and Statistics, BJS, and NIJ to issue rules and regulations as necessary following consultation with States and units of local governments.
- Sec. 402 (a) provides for compliance hearings prior to termination or reduction of a grant. Subsection (b) provides a review procedure, whereby an applicant or grantee can obtain review of adverse action with respect to a grant or application for a grant.
- Sec. 403 Findings and conclusions of the Office, NIJ & BJS are final.
- Sec. 404 Provides for delegation of authority by the Office to subordinate officers.
- Sec. 405 Provides for subpoena power and employment of hearing officers and administrative law judges.
- Sec. 406 Provides for the employment of personnel.
- Sec. 407 Provides authority to use services of other agencies.
- Sec. 408 Provides for consultation with other Federal and State agencies.
- Sec. 409 Permits reimbursable arrangements and use of the Federal Grant and Cooperative Agreement Act.
- Sec. 410 Provides for advisory committee and expert and consultant authority.
- Sec. 411 Provides for prohibition of Federal control over State and local criminal justice activities and prohibits discrimination.

- Sec. 412 Provides for recordkeeping requirements.
- Sec. 413 Provides for confidentiality of research information and security and privacy of criminal history information.
- Sec. 414 Provides authority to accept volunteer services.

## Part E - Definitions

- Sec. 501 Provides definitions of terms used in this Bill.

## Part F - Funding

- Sec. 601 Provides for authorization for this program through September 30, 1987 and sets appropriation levels for BJS, NIJ and the Office of Justice Research and Statistics. Provides for no-year funds.

## Part G - Public Safety Officers' Death Payments

- Sec. 701 Provides for public safety officers' death benefits coordinated with payments for similar benefits under other Federal legislation.
- Sec. 702 (4) defines intoxication as a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body and sets percentages of post-mortem blood alcohol at .15 percent as evidence of intoxication. A post-mortem blood alcohol of from .10 percent to less than .15 percent is considered as evidence of intoxication unless convincing evidence is received by the office that the Officer was not intoxicated prior to his death.

## Part H - FBI Training of State and Local Criminal Justice Personnel

- Sec. 801 Authorizes the Federal Bureau of Investigation to conduct training for State and local criminal justice personnel.

## Part I - Transition

- Sec. 901 Provides for a transition period between the current Act and this legislation. Authority is provided to enable activities which have previously been approved to continue under the terms and conditions of existing grants and awards or legislation. Authorization is given to continue to use all or portions of existing legislative authority until terminated by the President, the Attorney General or the Assistant Attorney General. Office of Justice Research and Statistics. The Assistant Attorney General shall have all authority previously vested in the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration.
- Sec. 3 Provides that any references in other laws to QJARS or LEAA or the Directors or Administrators thereof are deemed references to the Office of Justice Research and Statistics or the Assistant Attorney General, Office of Justice Research and Statistics.
- Sec. 4 Sets compensation for Directors of the National Institute of Justice and the Bureau of Justice Statistics.

## STATEMENT

OF

STANLEY E. MORRIS

Mr. Chairman, Members of the Committee, I appreciate this opportunity to appear before the Committee to discuss the Justice Department's proposed legislation for the reauthorization of certain of the functions currently authorized under the terms of the Justice System Improvement Act of 1979. As you know, the statutory authority for the programs established under the JSIA will expire September 30, 1983.

As a prelude to a discussion of the status and future of these units, it may be useful to briefly sketch the rather complex set of events that brought them to their present condition. As you know, Mr. Chairman, the Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration and, with it, the first Federal block grant program providing funds to state and local units of government. LEAA was initially designed to focus on four basic objectives: the development of state comprehensive planning for criminal justice improvements; the provision of technical and financial assistance to improve and strengthen law enforcement and criminal justice; research and development projects to improve criminal justice operations; and to develop and transfer new techniques and methods to reduce crime and to detect, apprehend, and rehabilitate criminals.

In 1970, Congress extended the LEAA authorization and added a new "Part E" to the basic legislation providing for block and discretionary grants exclusively for corrections-related programs. The Crime Control Act of 1973 further amended the 1968 Act and extended the LEAA program for another three years. In the process, numerous administrative requirements were added to the program, leading to an increased red-tape burden on state and local governments.

The following year, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation established a separate juvenile justice program to be administered by LEAA. It provided formula and discretionary grants

to state and local governments and private non-profit organizations. The primary focus of the program as mandated by the legislation is the deinstitutionalization of status offenders and separation of juvenile offenders from adult offenders. The Act also established a National Institute of Juvenile Justice and Delinquency Prevention.

The next year, 1975, LEAA appropriations reached their highest level--\$895 million--and dropped precipitously from that time until the present.

In 1976, Congress enacted the Public Safety Officers' Benefits Act, which authorizes LEAA to provide payments of \$50,000 to the survivors of public safety officers killed in the line of duty. That same year--1976--the LEAA authorization was again extended for three years by the Crime Control Act of 1976 and, again, numerous administrative requirements were written into the legislation adding further to the red-tape burden on state and local governments.

The current authorizing legislation came next with the enactment of the Justice System Improvement Act of 1979, signed by former President Carter in late December of 1979. This legislation separated LEAA into four distinct agencies: the Office of Justice Assistance, Research, and Statistics (OJARS); the National Institute of Justice (NIJ); the Bureau of Justice Statistics (BJS); and LEAA. Each was to be headed by a Presidentially appointed administrator. In addition, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which remained within LEAA, was also headed by an administrator appointed by the President.

Three months after this Act was signed into law, the previous Administration proposed the phaseout of LEAA and requested no Fiscal Year 1981 appropriation for the program. Congress endorsed the phaseout by appropriating no funds for Fiscal Year 1981 or Fiscal Year 1982. The Department of Justice budget request for

Year 1983 will continue the research and statistics programs and conclude the phaseout of the remaining LEAA-funded projects.

These events dictated a realignment and consolidation of functions relating to the phaseout of LEAA grants. Because the agency had received no program funds for the past two fiscal years, its role had been essentially to monitor and close the grants made in previous years as the projects reached the end of their funding period. Under the JSIA structure, however, the grant closeout responsibility was shared by LEAA with OJARS, which exercises the financial management and accounting through its Office of Comptroller. In addition, the level of administrative funds and personnel authorized for OJARS and LEAA required a significant reduction in staff during this fiscal year. Thus, the steadily diminishing role for LEAA led to the decision to consolidate the LEAA phaseout activities within OJARS and to terminate LEAA as a discrete entity on April 15th. I want to emphasize that the continuing program functions authorized by separate legislation--such as the Public Safety Officers' Benefits program--were also shifted to OJARS and will continue to operate without interruption.

All of our planning and the actions taken thus far have been based on certain fundamental principles. First, that the LEAA program must be closed-out in a way that assures proper accountability for public funds. Second, that continuing JSIA program activities be given sufficient support to function effectively.

Since May of 1980, LEAA has been phasing down in a manner consistent with those principles. The accomplishments to date are a credit to the professionalism and ability of the LEAA and OJARS personnel who, during this period of uncertainty, maintained the fiscal accountability and integrity of their operations.

With the phase-down of LEAA operations, the remaining grant workload and the continuing programs require a structure that can carry out the administrative tasks necessary to responsibly phase-down those programs no longer funded and monitor those that will continue. However, these duties will diminish over time. By the time the majority of the funds previously appropriated to LEAA are expended, in March 1983, only a small capability will be required to continue whatever close-out duties that remain and to administer the continuing grant programs. The proposal which we have submitted to Congress recognizes the new budget realities and provides for the continuation of the programs of the National Institute of Justice and the Bureau of Justice Statistics. It also establishes a small Office of Justice Research and Statistics, headed by an Assistant Attorney General, responsible for providing staff support to and coordinating the activities of NIJ and BJS as well as administering the remnants of the LEAA program and the Public Safety Officers' Benefits Program, which is also reauthorized by this legislation. Consistent with the intent of Congress as manifested in the decision to discontinue the LEAA appropriation and the constraints on Federal spending, the proposal does not provide for direct Federal financial assistance.

The legislation which we have submitted recognizes that crime is essentially a local problem that must be dealt with by State and local governments. Although the Federal Government is limited in the assistance it may render to State and local enforcement, by virtue of the Federal system and the stark reality of the Federal budget, it is appropriate for the Federal Government to continue in those areas where it can make a unique contribution. The Department is pursuing this objective through its various new initiatives, which have been explained in the past by the Attorney General (for example, the Law Enforcement Coordinating Committees which all U.S. Attorneys have been establishing). The proposed legislation contributes further to this effort by encouraging research and

providing for the gathering and dissemination of statistics, evaluation of programs and the coordination of criminal justice activities at all levels of government in order to strengthen the capacity of State and local governments to improve their criminal justice systems.

These objectives can only be achieved in a workable, efficient administrative framework. This legislation eliminates the complex and duplicative structure of OJARS and LEAA, replacing both with a modest Office of Justice Research and Statistics headed by an Assistant Attorney General. This Office will provide the staff services necessary for the operation of the Institute and the Bureau as well as administer the Public Safety Officers' Benefits program. The Assistant Attorney General for Research and Statistics will also represent the Department's interest to the Nation's research and university communities, provide a single point of contact within the Department on policy matters pertaining to State and local justice research and statistics, serve as a spokesperson for the interests of research and statistics within the highest level of the Department, and engage in special projects as assigned by the Attorney General.

The Assistant Attorney General will exercise the "general authority" of the Attorney General over NIJ and BJS, while the Directors of NIJ and BJS manage their day-to-day program and have authority to make grants and award contracts on behalf of their units. To facilitate administration and reduce potential duplication, the Office will provide the staff support services -- instead of NIJ and BJS each providing them separately -- and the Department will have one focal point for all research and statistical efforts relating to state and local criminal justice.

Under the terms of this proposal, the National Institute of Justice and the Bureau of Justice Statistics will continue the programs begun in the past years, embark on new initiatives, as well as respond to emerging issues as they develop. It will permit them to be responsive to the concerns of the Federal, State and local criminal justice community and facilitate the delivery of the results of their research and statistical projects to them. The Assistant Attorney General will stimulate the communications process so that we don't simply store up an impressive library without ever assisting the intended beneficiaries.

Let me now briefly outline the activities contemplated for the Institute and the Bureau under this authorizing legislation.

#### Bureau of Justice Statistics

Since its inception, the Bureau has taken major steps toward meeting its statutory mandate by maintaining major on-going national statistical series, supporting state statistical analysis centers, expanding its analytic function in support of Departmental policy making, launching efforts to establish Federal criminal and civil justice statistical series, developing national criminal justice statistical policy, completing information system development efforts and evaluating its own and other major Department of Justice statistical programs.

Following a decade of operation as the National Criminal Justice and Statistics Service within LEAA, BJS has become the national repository of criminal justice information, either by initiating new statistical series or by assuming responsibility for on-going data programs from other Federal agencies. Perhaps the best known BJS data program is the National Crime Survey,

which provides victimization data on the extent and severity of crime in America and which is the third largest survey sponsored by the Federal Government. Other major data programs and statistical series now sponsored by RJS include reports on National Prisoner Statistics, National Court Statistics, the Uniform Parole and National Probation Reports, and the Expenditure and Employment series which provides information on the expenditures, manpower and total operation costs of state and local criminal justice systems. These and the other national RJS programs provide comprehensive coverage of all aspects of the administration of justice.

In creating the Bureau of Justice Statistics, the Congress directed that attention be given to the problems of state and local justice systems. In addition to the scope and coverage of the national statistics, RJS meets this responsibility through cooperative agreement programs with state statistical analysis centers and uniform crime reporting agencies. The Bureau now supports a state statistical capability in over forty states which provides information services and policy recommendation on criminal justice matters to the Governors and legislatures of these jurisdictions. The Bureau also assists the operation of uniform crime reporting programs, also in over forty states, in order to facilitate the submission and improve the quality of arrest and clearance data submitted to the Federal Bureau of Investigation by local police agencies.

After over a decade of the development of criminal justice data bases, the Bureau is now placing its primary emphasis on the analysis, publication, and wide dissemination of the data. The Bureau now produces topical Bulletins and Special Reports to provide brief, concise and non-technical interpretations of the key data bases. The Bureau will also continue support of a national criminal justice data archive to assist outside academic analysis of its data bases.

Having been at the forefront of developments related to the security, privacy and confidentiality of criminal justice records and histories, the Bureau will continue to focus on issues in information policy such as the interstate exchange of criminal records, new kinds of white collar crime appearing as computer and data communications technology advances and matures, and related fraud and abuse issues.

In perhaps its two most important efforts, the Bureau is now supporting and directing evaluations of the Uniform Crime Reports program of the Federal Bureau of Investigation and its own National Crime Survey of personal and household victimizations. Implementation of the findings and recommendations of these assessments in 1985-1986 will reestablish this nation's two most important indicators of the extent and magnitude of criminal behavior in American society.

#### National Institute of Justice

The Institute currently supports research, development, test and evaluation activities aimed at increasing our knowledge about the causes and control of crime and improving our criminal justice systems, primarily at the State and local level. Recently, these efforts have provided valuable information to criminal justice policy-makers on such issues as career criminals, prison overcrowding, pre-trial release, drug use and crime, sentencing guidelines and improved police practices.

The career criminal area provides a good example of how criminal justice research affects policy and practice. The NIJ has just concluded a six-year research agreement with the Rand Corporation on career criminal issues. The research corroborated earlier findings that relatively few offenders committed a large amount of crime and identified offender characteristics which distinguish the most criminally active offenders from the rest.



This research has implications for all stages of the criminal justice process. Apprehension and prosecution strategies can maximize their effects by concentrating on high rate offenders. Pre-trial release decision-making may be somewhat better able to assess potential danger to the community, and the crime reduction potential of prison sentencing policy may be improved by focusing on the career criminal.

Additional research is underway and planned which will provide further refinement of current findings and address the second-generation of research questions raised by the examination of criminal career patterns.

Studies of police patrol and response to calls for service have indicated that current practices may not provide the most cost-effective use of police resources. Random preventive patrol seems not to have its anticipated crime suppression effects. Similarly, rapid response to calls for service can only hold the potential for on-scene arrests if the call was placed immediately after the incident. A recent NIJ study showed only 25% of calls received by the police as having such potential.

The NIJ is now planning controlled experiments to answer the critical police policy questions raised by this past research. Hopefully, these experiments will suggest ways in which police resource--involving billions of dollars per year--can be most effectively used to control violent crime.

The new knowledge gained in these and other NIJ priority areas such as sentencing, the pre-trial process and deterrence, will continue to contribute to effective criminal justice policy making.

This new knowledge will be practically applied through testing and demonstration projects which will systematically test crime control initiatives in several sites and provide the independent evaluations needed by State and local policy makers to determine the appropriateness of such initiatives for their

jurisdictions. While cities and States can be expected to finance and manage their own agencies and respond to their own problems, they cannot reasonably be expected to devote scarce resources to demonstration projects that may chiefly benefit other jurisdictions, or the nation as a whole.

The demonstration program envisioned for Institute--although modest--will provide the essential link between theory and practice, without which many important policy-relevant research recommendations would fail to be implemented. This authority will permit NIJ to implement innovative approaches to a few critical criminal justice issues (for example, the system-wide handling of career criminals from apprehension through incarceration, or police/citizen crime control strategies) and examine their effects across jurisdictions, and over time.

Simultaneously, an objective evaluation would be conducted to insure the reliability and integrity of the findings which would emerge from the demonstration effort. These findings would guide policy-makers in other jurisdictions for whom the initiative might also be appropriate, as well as inform host sites of ways in which the initiative might be improved.

In summary, Mr. Chairman, we believe that the Federal Government's most unique contribution to state and local criminal justice can be made through the development and dissemination of information and knowledge generated by the research and statistics activities of an Office of Justice Research and Statistics. These undertakings can be effectively implemented by units functioning from a streamlined, simple organizational structure within the Department of Justice and within the modest funding levels appropriate to this period of fiscal austerity. The legislative proposal we have submitted will provide what we believe is an efficient structure and the necessary authority to meet those objectives.

I appreciate the opportunity to discuss the proposal and will be happy to answer any questions you or the Committee may have.

Mr. HUGHES. The gentleman from Michigan.

Mr. SAWYER. I have nothing further.

Mr. HUGHES. OK. Thank you, Mr. Morris. We appreciate your testimony.

Mr. MORRIS. Thank you, Mr. Chairman.

Mr. HUGHES. That concludes our testimony for this morning. The subcommittee stands adjourned.

[Thereupon, at 11:58 a.m., the subcommittee was adjourned.]

## ADDITIONAL MATERIAL

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D.C., December 16, 1981.

Hon. PETER W. RODINO, Jr.,  
Chairman, Committee on the Judiciary,  
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The recent history of the Law Enforcement Assistance Administration (LEAA) has been difficult. Neither this Administration nor the Carter Administration has sought additional funds for LEAA over the last several fiscal years, nor does this Administration plan to seek funding increases in the future. Many, if not most, of the LEAA grants are moving into termination status. Even with the major personnel reductions absorbed by LEAA in recent years, the agency—in conjunction with all the Justice System Improvement Act (JSIA) Agencies—faces a further reduction-in-force (RIF) in the near future of between 60 and 120 personnel. In short, the LEAA has been moving toward the end of its useful life. Finally, and perhaps most importantly, the expectation has been—on the part of most entities within the criminal justice community—that LEAA's days are numbered and that the agency would soon close. The continued existence of LEAA, even at diminished funding levels, has created a substantial amount of confusion.

It is time to end the confusion and the slow, awkward diminution of the LEAA. We hereby propose to terminate LEAA's existence in the following fashion: Conduct a RIF between January 1 and March 31, 1982 in such a way as to minimize the disruption of continuing JSIA functions in research, statistics, and juvenile justice to the extent possible; transfer all continuing LEAA programs, such as TASC, STING, PSOB, and Regional Intelligence, to the Office of Justice Assistance, Research and Statistics (OJARS), with associated personnel, by March 31, 1982; and terminate the LEAA on April 15, 1982, transferring any residual administrative functions and associated staff that may remain beyond March 31, 1982 to OJARS, effective that date.

Sincerely,

WILLIAM FRENCH SMITH,  
Attorney General.

**END**