

**FEDERAL ROLE IN CRIMINAL JUSTICE
AND CRIME RESEARCH**

JOINT HEARINGS
BEFORE THE
SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
AND
**SUBCOMMITTEE ON DOMESTIC AND
INTERNATIONAL SCIENTIFIC PLANNING,
ANALYSIS AND COOPERATION**
OF THE
**COMMITTEE ON
SCIENCE AND TECHNOLOGY**
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

JUNE 22, 23, 29, 30, AND JULY 21, 1977

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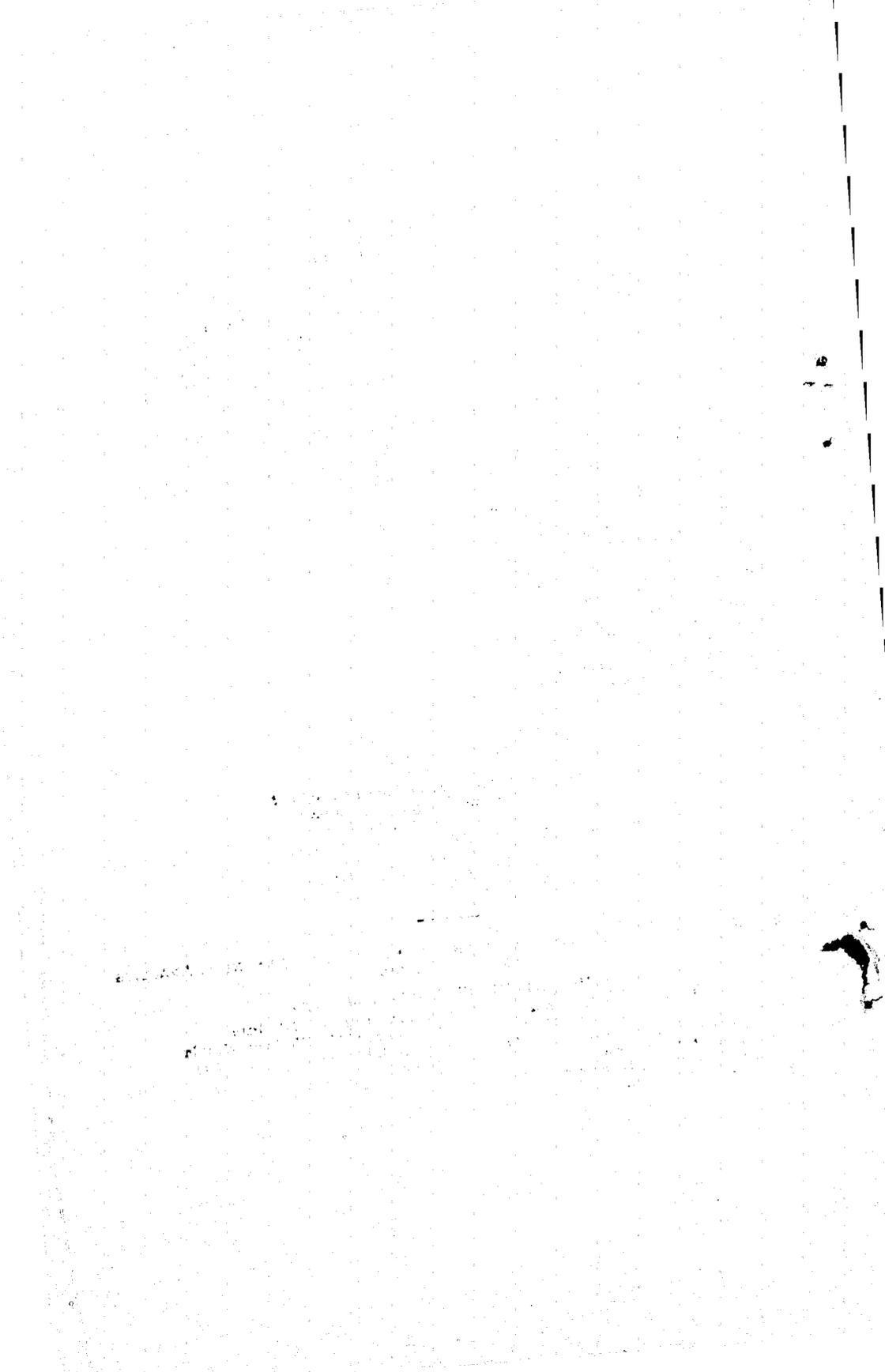
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FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

WEDNESDAY, JUNE 22, 1977

U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, AND SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittees met jointly at 9:06 a.m. in room 2237 of the Rayburn House Office Building, Hon. John Conyers, Jr., and Hon. James H. Scheuer presiding.

Present: Representatives Scheuer, Blanchard, Ertel, Pursell, Walker, and Ashbrook.

Staff present: Jonah Shacknai, Hayden Gregory, Leslie Freed, counsel; Robert Shellow, consultant.

Mr. CONYERS. The joint hearing before the Subcommittee on Crime and Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation will come to order.

We are very pleased to commence these joint hearings, 5 days worth, concerning the inner workings of the National Institute of Law Enforcement and Criminal Justice, which is the research arm of the Law Enforcement Assistance Administration.

The Subcommittee on Crime, which I chair, has had legislative and oversight jurisdiction over LEAA since 1973. We held extensive hearings last spring to develop a bill that would restructure the agency in a way that criminal justice projects funded by the agency which were deemed successful would be replicated, and evaluation would become a tool utilized extensively.

Congressional concern for the reported failures in the program reached a new height in 1976. The very existence of LEAA was endangered.

Part of the concern of the Crime Subcommittee was about the operations of the Institute.

The legislative mandate in 1968 for the Institute was to:

- (1) Make grants to public and private organizations for research demonstrations and special projects.
- (2) Undertake research to strengthen law enforcement.
- (3) Carry out research on crime causes and crime prevention.
- (4) Make recommendations to Federal, State, and local governments.
- (5) Provide training.
- (6) Disseminate information and establish a research center.

Later amendments in 1973 and 1976 expanded the scope of the Institute, although not as far as to include a program of research into "civil justice" as was suggested by the Ford administration.

When the most recent director, Gerald Caplan, appeared before the subcommittee last year to report on the Institute's progress, he had some very discouraging things to say:

We have learned little about reducing the incidence of crime and have no reason to believe that significant reductions will be secured in the near future.

The reason we don't do better in curing crime is that we don't know how.

Unfortunately, Congress felt the same way. There was little to show after the expenditure of a large amount of funds.

What we want to do in this month's hearings is learn why the present situation exists and determine what we can do to reverse the trend.

During our previous hearings we heard suggestions by many people on how the Institute could be reorganized.

One witness recommended a scholarly think tank absorbed with determining the causes of crime and developing ways of protecting society from poverty, unemployment, fear, and crime itself.

That was Sarah Carey who suggested it be an independent agency separate and apart from the Department of Justice.

The Twentieth Century Fund report recommended the LEAA Washington program be a "research entity" and action funds be distributed according to "special revenue sharing."

The 1977 standard and goals report on criminal justice research development has developed guiding principles for research practices and approaches.

Probably the most important recommendations will be those we will hear in our upcoming hearings from the National Academy of Science's representatives themselves.

We have pulled together for this set of hearings what I consider to be outstanding researchers, practitioners, former directors of the Institute, people in research agencies, Justice officials, and others to determine if there is to be a Federal role in criminal justice and crime research and precisely what it ought to be.

I feel that crime is a reflection of poverty, unemployment, unhealthy environment, despair and lack of self-respect.

A most distinguished judge, David Bazelon, with whom I had an opportunity, thanks to our cochairman, to speak with, recently made this observation.

Of course the crime problem is neither illusory nor easy to solve. To the contrary, the issues have become increasingly complex, and libertarians themselves frequently line up on both sides—(but)—there can be no criminal justice without social justice. Our last best hope is to seek out the causes of the criminal act. Tackling the causes of crime admittedly will not be easy. But total reliance on punishment is a superhighway leading to a cowpath.

I hope that these hearings will have a more immediate result. Right now the Attorney General's task force to reorganize LEAA is developing its report. All indications show a research entity for criminal justice is planned.

I hope these hearings will lend congressional direction to the administration in its consideration of a new structure for the Institute.

And I now introduce the cochairman of these hearings, the distinguished gentleman from New York, and my colleague, Jim Scheuer, who has, with his staff, played a very primary role in lining up the witnesses and preparing for this analysis of the Federal role in criminal justice and crime research.

Mr. Scheuer?

Mr. SCHEUER. Thank you very much, Congressman Conyers.

OPENING STATEMENT

Mr. SCHEUER. I would like to welcome all of you here today. I am particularly pleased to be participating in these hearings on the Federal Role in Criminal Justice and Crime Research; the Subcommittee on Domestic and International Scientific Planning, Analysis, and Cooperation is conducting the hearings jointly with the Crime Subcommittee chaired by my distinguished colleague and friend from Michigan, Hon. John Conyers. Both subcommittees share a concern over the fate of the National Institute of Law Enforcement and Criminal Justice and, moreover, criminal justice and crime research as a whole.

The issue of the National Institute of Law Enforcement and Criminal Justice has been of interest to me for many years. It was Representative Bob McClory and I who introduced the floor amendments to the Omnibus Crime Control Act in 1968 that established the Institute. So, it is with special pleasure that I salute my good friend Mr. McClory today.

Many people have charged that the National Institute has been little more than a dispenser of funds for programs and projects of questionable utility. Originally, it was hoped that the Institute would be a center for sound research which would lead to a better understanding of the basic causes of crime and the development of a method for crime control.

It is the purpose of these hearings to determine whether, first, there is a Federal role in criminal justice and crime research, and if so, what should be the priorities of a Federal research program. In addition, we will conduct an examination of what surroundings would best accommodate a Federal research effort should such an effort be appropriate. I fully expect that a detailed set of recommendations as to how to improve criminal justice research at the Federal level, if needed, will evolve for these sessions.

The timeliness of our joint hearings cannot be overstated. Presently, the Department of Justice under Attorney General Bell is evaluating the effectiveness of the entire Law Enforcement Assistance Administration, an integral part of which is the National Institute of Law Enforcement and Criminal Justice. Also, recommendations by an internal study group designated by Mr. Bell are due sometime during the course of these hearings. On the congressional side there are several Members who are working toward new legislation on LEAA and the Institute. Senator Edward Kennedy, long a leader in the criminal justice area, and the Senate sponsor of our 1968 floor amendment establishing the Institute, now has such legislation in the drafting stage. It is our hope in examining the above questions that we can aid the Attorney General in his deliberation over a possible

reorganization of the Institute and can provide useful advice on any future legislation that will affect criminal justice research at the Federal level.

It is important to note at this juncture that we have no preconceived conclusions as to how to restructure the National Institute. We are most fortunate to have a very distinguished group of witnesses to aid us, and I believe each of them will make a valuable contribution to both our subcommittee considerations.

With that, let me turn the mike back to our distinguished colleague. He has to make a plane, I understand.

Mr. CONYERS. Thank you very much.

I want to indicate my complete agreement with the observations that you have made.

Our witnesses this morning are four: Dr. Marvin Wolfgang, Dr. Stanton Wheeler, Justice Jack Day, and Dr. Lee Brown.

Our first witness is, appropriately enough, Dr. Marvin Wolfgang, Professor of Sociology and Law, Director of the Center for Studies and Criminology, University of Pennsylvania; President of the American Academy of Political and Social Science, and a distinguished author and researcher in this field.

Dr. Wolfgang, we welcome you back to the Hill.

Most of us have read and studied and listened to you across the years in this area.

You have, from not one, but two committee chairman, gotten an indication of the direction in which we are moving, and we welcome you to proceed in your own way.

Mr. SCHEUER. Before Dr. Wolfgang starts and I join in welcoming you, may I introduce the other Congressmen present?

Congressman Walker from Pennsylvania.

Congressman Blanchard from the State of Michigan.

Congressman Ertel from Pennsylvania.

Professor Wolfgang.

TESTIMONY OF DR. MARVIN WOLFGANG, DIRECTOR OF CRIMINOLOGY, UNIVERSITY OF PENNSYLVANIA

Dr. WOLFGANG. I am very gratified and honored to be asked to appear before these joint subcommittees that have joint interest in research of criminology and criminal justice. That there are such hearings as these is at once an acknowledgment that there have been problems and concerns with the management of research on crime and criminal justice, and, at the same time, a sensitivity to the style with which such research can be organized, stimulated and developed in the future.

I have been asked to address myself to the question of whether there is, indeed, a significant role for the Federal Government in research on crime and criminal justice.

My answer is, indeed, yes.

To amplify that a bit, I might be somewhat specific. There are national samples that are needed, there are demographic trends that require analysis, there are national regional differences to be discerned, there are controlled experimental groups to be tested in a variety of settings to determine the universality and transferability of findings.

National, economic and race, sex, and social class need to be examined beyond the parochialism of the Chicago or atypicality of New York or Detroit.

To study birth cohort such as we have done in Philadelphia, a study of 10,000 boys born in 1945 and whose careers were followed up to age 18 and now in a followup study to age 30, can bring interesting career probabilities of delinquency and crime but we need to repeat, we need to replicate these studies, studies of that sort in different time and space dimensions.

This requires a large scale and Federal enterprise. A Federal Government research institute can be free of allegiance to local, city, and State demands.

Crime is a cultural, societal phenomenon that knows no state jurisdictional boundaries.

Legally defined differences are not scientific differentials of criminal conduct or norm violation. Accounts of terrorism are phenomena that transcend State codes and approach universal prohibitions. Injury to persons, theft and damage of property are condemned in all social codes of conduct over time. From Hammurabi to the model penal code of the American Law Institute. And over space from Washington to Peking.

These are national issues. We need research that is beyond the political pressures of the city and State. Research scholars know no geographic boundaries and should be drawn and attracted to the funding of a national research institute.

If each of us were wedded to the State constituency, for example, my colleagues in California, myself in Pennsylvania, we would be stifled by the perimeters and parameters imposed by State legislation, especially geared to try to solve State crime problems.

The private sector of support requires no such parochial limitations. The Ford Foundation, Russell Sage Foundation, the Twentieth Century Fund and other great foundations recognize the importance of transferable and universal applicability of research design and findings.

But these foundations cannot match the kind of funding and other accoutrements of the large federal research institute.

Social science in criminology and criminal justice should be recognized as national in scope. Pennsylvania alone could not have accomplished in competition with Ohio the Apollo flights. This analogy does not fit in every way but the point I think is clear. There are criminal justice policy issues that are national in scope and are related to Federal constitutional concerns. The exclusionary rule, judicial sentencing, the viability of parole, racial discrimination in sentencing, jury selection, prosecutorial discretion, the allocation of priority in prosecution, diversions from the criminal justice system, decriminalization and the usual and unusual aspects of the death penalty and so forth are constitutional issues. There are not issues of concern to Columbus, Ohio, or Los Angeles. They concern the whole country and are social—and they concern our social contract with Government.

Deterrents, rehabilitation, retribution, the just deserts model of punishment, these are of momentous national scope and require a national Federal research institute to fund, to study, to do research, as well as to coordinate and provide a clearing house to the extent of the information.

We who are in research require, for example, the services of such organizations and agencies as the Bureau of the Census, the Department of Justice, Department of Labor, HEW and other agencies to provide national data.

Corporate crime cannot be analyzed properly without resources of the Securities and Exchange, Federal Trade Commission, Department of Justice and so forth.

On a few occasions I have had to trace the careers of criminals through their biographies and only with the help of the FBI and the fact that I had the support and funding of Federal agencies could I have done this task. And they have always cooperated well, indicating again, I think, the need for a central base for analysis. All of my colleagues abroad, in Denmark, Italy, Sweden, England, Japan, studied crime patterns within their national jurisdictions with national support and thus I think we should here in the United States. A federally funded research institute can provide such opportunities to develop valid generalizable knowledge about crime, criminal behavior and effectiveness of crime control methods and policies. A national research institute can develop the resources necessary to undertake research that is feasible within the national scope, but not feasible or appropriate at the State or local level.

I have been asked to say a word or two about priority research as well. I would rather make some generic statements about specific topics.

One of the most important things that I think about a national institute supporting research in crime and criminal justice is to allow for open or what I might call risk research, and not demand immediacy and immediate payoff.

I think it is important to the research community that we be allowed to be flexible and to permit the process commonly called serendipity to take place.

We may begin at one point with a goal in mind and end up at quite another point. This is part of the process of accumulation of research.

I would place in the top priority the importance of having more basic, what is commonly called basic research, research that may not in its inception appear to have any immediate kind of policy implication or immediate kind of implementation. If I may, I refer again to my own work, two major pieces of research that I have been involved in over the last 15 years. One has been an attempt to measure the seriousness of crime, by a scale of subjective perception of crime.

The other has been the—[Inaudible]—study. In neither case, did I or my colleagues have any particular social policy implication behind the research. We went to look at a longitudinal study of the probabilities of ever becoming an officially recorded delinquent or criminal.

And yet I am pleased to say that many persons in applied fields have taken some of those findings and made much more policy implementation and inferences out of them than we ever anticipated. Applied research does not necessarily mean immediate results or even solutions to perceived problems. And these items I think should be included among the priorities of concerns about research.

More specifically, a list of topics that I might present is of no surprise, I am sure. I would begin by recommending more research and again I say more basic research on what are known as crimes of vio-

lence, street violence, family violence, and school violence. I am particularly interested in seeing more longitudinal studies like the cohort project. Examining the careers of official criminality. More victimization surveys need to be done. As we know, the victim, surveys that have been conducted in the last several years have been inadequately analyzed. There is a tremendous amount of material there that needs to be analyzed in spite of some of the faulty ways in which some of the data were collected.

Mr. SCHEUER. What additional research do you have in mind in terms of violent crime, street crime? What kind of research?

Dr. WOLFGANG. Well, I think that we really don't have adequate information on the sequencing of offenders of violence. That is to say, we need to get a better handle on who is committing the crimes of violence and how frequently, how much time elapses between the commission of those crimes because I am increasingly convinced that it is a small cadre of people who are committing the nasty, ugly crimes of violence and so that it is more 100 people are committing many, many repeated crimes of violence, instead of 1,000 people committing only 1 act of violence. It is that kind of analysis I think that is needed to a great extent.

And I think that will also then feed into understanding about perhaps what is commonly called incapacitation, specific deterrents, the extent to which restraint and constraint of particular persons who are repeaters who have an effect on the crime rate. Or crime rate of violence. The whole area of criminal statistics, I think, needs to be better studied, particularly juvenile justice.

Employee crime, corporate theft, white collar crime, sentencing procedures in general. Research, I think, could be extremely important in feeding into any sentencing commission that the Federal Government would establish, deterrents, rehabilitation of a noncohesive character and, of course, alternatives to imprisonment.

These are only very general topics. So far as maintaining the quality and excellence of research, I would like to say that any institute under whose auspices or agencies—

Mr. SCHEUER. Excuse me.

Recently there have been evaluations of various experiments and alternatives to incarceration and various kinds of rehabilitation involving education and release time, jobs, halfway houses, what not.

Dr. WOLFGANG. Yes.

Mr. SCHEUER. And the impression that I get is that none of them works very well. Is this rather depressing conclusion a product of faulty research and evaluation, or is it a problem with the basic viability of the programs themselves?

What do you conclude about the experience we have had over the last generation with alternatives to incarceration, various kinds of rehabilitation involving education and, as I said, halfway houses, release time, employment opportunities, and so forth?

Dr. WOLFGANG. The last dozen years' research evaluating various kinds of intervention strategies has become increasingly sophisticated, more controlled comparison groups have been used, so that I have had and I think most of my colleagues have had increasing respect for the conclusions, rather than the old traditional anecdotes that John Jones did well when he got out of the institution. It is a rather

dissolutioning statement and conclusion that the rehabilitation has not been successful. This conclusion has had a great impact, I think, in causing a turnaround in the general philosophy and rationale behind the entire correctional system.

Mr. SCHEUER. Is that your conclusion?

Dr. WOLFGANG. Yes, it is. It is. And the—there have been probably more injustices such as disparities in sentencing that have occurred under the so-called medical model and rehabilitative model than under a just deserts model.

But this to me doesn't mean that rehabilitation doesn't exist and that—nor does it mean that we should abandon efforts to rehabilitate. And that is why I said—

Mr. SCHEUER. What does it mean?

Dr. WOLFGANG. It means that I think we should provide, I think the State in general should provide as many re—what we consider to be beneficial rehabilitative opportunities upon a noncohesive basis as possible because I think it is an obligation of society to provide those opportunities, job, vocational training, whatever psychiatric, social, therapeutic intervention that can be available to constricted offenders in and out of prison, but they should not be part of a cohesive system nor should participation in them be viewed as a basis for determining the time of release.

Mr. SCHEUER. Dr. Wolfgang, you are steeped in this material and I just see an occasional, fleeting piece of paper, whisk by my desk.

It seems to me that one thing we have to learn in our society is not to treat our successes and failures in the same way. We have done that too long. We have treated the successes of the poverty program, the Head Start program just the way we have treated the failures. We have treated the failures. We have to learn to distinguish and carve out a program with elements that produce failure and try to structure into them the elements that seem to produce success so that we apply what we have learned through our research. Have we learned anything from these various examinations of rehabilitation, alternatives to incarceration that will make us a little bit more selective in the kinds of rehabilitation and kinds of alternatives to incarceration that we plan in the future? Can you give us any clue as to, even though the results may be disappointing, to some elements that seem to be successful, are there some ingredients that seem to produce success, can we restructure some of the programs of the past to make them more productive and successful. What have we learned that we can apply? What have we learned that indicates where we should put in some further study and where we should fine tune our research efforts?

Dr. WOLFGANG. It is not an easy question to answer, but the closest thing I think at least I come to a feeling comfortable with a conclusion about that is, that we are more likely to be successful with young subjects, young offenders. By young I mean in their early teens, mid-teens. There is some indication that working closely with young offenders provides a greater probability of success than working with adult, older adult offenders.

Mr. SCHEUER. Do you mean middle teens as against late teens and twenties?

Dr. WOLFGANG. Yes.

Mr. SCHEUER. You are saying by the time the young person gets to be 18, 19 or 20, the statistical probabilities of success in turning him or her around seem to be measurably less?

Dr. WOLFGANG. The probabilities of our directly causing any change; yes.

Mr. SCHEUER. Yes.

Dr. WOLFGANG. There are changes that have occurred by a kind of spontaneous remission. The aging process itself takes over.

Mr. SCHEUER. Yes.

Dr. WOLFGANG. And has an effect, of course. So it is young.

Second, the—despite all of the refined therapeutic communities efforts to work with minds and to alter behavior, the more simple process of finding employment and providing steady jobs, which we all think in our street wisdom and folk wisdom anyway is important, seems to have a greater to hire association with success than crime-free life in a period of time than almost any other.

Mr. SCHEUER. Are you saying that a group of 16-year-old kids, if you take a control group of kids for whom we have provided jobs, perhaps with Government as the employer of last resort, some kind of public service jobs, and a comparable group of kids from comparable backgrounds who don't have jobs, that the group of kids who have had jobs are far less likely to get involved in crime as a way of life?

Or are you saying that if we take a bunch of kids 16 years old, all of whom have been involved in violent crime, and who have bumped up their heads against the criminal justice system, and give half of them public service jobs and do other things with the other half, that the half that gets public service jobs are likely to—more statistically likely to turn around?

Dr. WOLFGANG. It would be my hypothesis; yes.

Mr. SCHEUER. The latter that you are talking about?

Dr. WOLFGANG. Yes.

Mr. SCHEUER. I would strongly believe it is the former also. It could be both.

Dr. WOLFGANG. It could be both; correct.

Mr. SCHEUER. Take a 16-year-old kid and give him a job and give him some bread to take home every week.

Dr. WOLFGANG. The job is important, but it is important to define that job as one having some impact on the self-image and dignity of the person.

If it is simply a task, a menial task that goes nowhere, it is much less likely to have impact.

If it is a boring menial job one can expect to stay in, if there is no opportunity for movement, social mobility, nothing to look ahead into, nothing that permits one to get a stake in society, then that job isn't going to have much of an effect.

Mr. SCHEUER. Yes.

Dr. WOLFGANG. I was going to say something else about the maintaining of the quality and excellence of research, if I may.

A research institute must have internal integrity. Internal integrity and respect of the research community.

The Institute in the past has been troubled in this regard because of pressure for immediacy and crime solving perspectives.

The Institute has not had independence and has been burdened by the requirement to provide a delivery service system, technical assistance, and evaluation of such services, things that I think a research institute should not be burdened with.

There is need for sustained research commitments and agreements by such a national institute.

By sustained, I am referring to the 5-year research agreements that my colleague Stanton Wheeler can talk more about.

It is extraordinarily important to recognize efficiently that research is not a hurry up process, and requires time.

There has not been a proper peer review system of proposals, a system of external members of the research community like NIMH, like the process of NIMH, to screen proposals for their scientific merit.

I emphasize that we must avoid the hurry up character of monitoring.

Crime is a condition that will not be removed or reduced by a simple singular approach.

There are too many uncontrolled barriers.

There are so many dangers in the Federal program that we should also take cognizance of.

A rigid overfocused narrowly defined scope I would consider a danger. I mean it is a dangerous possibility.

When there is a contract system that begs for people to do something and offers the carrot of funding without giving sufficient freedom of researchers to select their own areas of interest, I consider this dangerous.

To impose rather than to solicit research can be a danger that restricts rather than generates creative pioneering research ideas.

Research is an exciting experience when there is freedom to pursue hypotheses through the testing procedures, but overcontrol and excessive bureaucratizing of the power to give funds can stifle that drama, can politicize the process and reduce the integrity of objectivity which is so essential to science.

Finally, in terms of any structuring of a national institute, again I would rather speak in terms of generic attributes rather than making specific recommendations.

Independence, autonomy, are necessary, I think, in whatever character focus an institute might have. But it should have, as the panel of the National Academy of Science has been saying, final authority, signoff authority, by the director of the institute.

The director, I think, should have a research orientation and perhaps best if he had research experience.

A research institute should be separated from mission oriented agencies, separated from technical assistance, separated from delivery systems.

It should have the capacity to build up its own constituency with special development of linkages with the research community.

The past history of the Institute has sadly lacked in most of its life that kind of support and linkage with the research community.

I don't mean simply academic community, but to a great extent that part of it.

It may be that a kind of pluralism is something that should be considered. Pluralism in the allocation and distribution of the funds that the Institute in the past has enjoyed.

I personally would be in favor of augmenting to some extent the funds of the Center of Criminal Delinquency at the National Institute of Mental Health, but not heavily.

I think that some funding should be added to the National Science Foundation. In what branch or division, I am not prepared to say, but there is a kind of research the National Science Foundation does that is different from the NIMH and certainly different from the Department of Justice.

Mr. SCHEUER: How do they differ and how should they differ?

Dr. WOLFGANG: Well, they do differ, and perhaps shouldn't differ, perhaps as a convergence of those two.

NIMH continues to have emphasis on mental health and the research that is done on delinquency in crime always has as an underlying rationale its relationship to the mental health community.

This doesn't preclude their doing "basic research."

National Science Foundation doesn't have that kind of a mandate and is broader in scope, at the same time can sponsor I think with relative ease and without any pressures to—either of time or policy—to the basic research of a wide character.

That there is some overlapping is certainly true, and I think that, too, may be good because these agencies can engage in joint sponsoring of the same research.

To what extent the institute or an institute or a program of research in criminal justice should be in the Department of Justice, I am not clear about.

I suppose there is adequate justification for it, but the record of research under the auspices of the Department of Justice has not been a very good one.

There has not developed a close relationship to the academic research community.

And I am not convinced that the continued directorship under lawyers, as much as I admire the legal guild and do research with the legal guild, I am not convinced that they are that thoroughly oriented to research needs.

And, finally, I would support the desirability of the statutorily approved advisory board composed of researchers and practitioners, perhaps to help in the allocation, pluralistic allocation and distribution of funds and to set the policy needs.

Thank you very much.

Mr. CONYERS: Thank you for your statement.

It seems to me that it is a beginning point for us to go a little bit further, Dr. Wolfgang.

And in saying further, I mean beyond these hearings.

What we are doing is trying to explore, first of all, where the research institute should land in this whole Federal panorama, and in what form.

And I think in general outline you have shaped some directions.

The first question that occurs to me is whether or not it should remain in LEAA or in fact should be removed outside of it, and have some tangential relationship to the Department of Justice.

Have you thought in that kind of specificity yet?

Dr. WOLFGANG. I would opt for the latter, a tangential relationship if LEAA still exists, and a relationship that should be maintained at the discretion of the Institute rather than by the pressure of LEAA.

But I think the history, as you will hear more, of the Institute is such that it suggests independence as the better path.

I think we should also recognize that the Federal Government, that we, in the United States, are still struggling.

We are still at the nascency of that kind of massive funding for research in this field.

We shouldn't be too self-whipping in the matter. The history of these two hasn't been that long. We are still learning, I think, how organizationally and structurally it might better be done.

But I think most of us who have examined the institute closely are convinced that it has not served the research interest, it has not provided us with cumulative research knowledge to build upon in any organized way under the—I mean the structure that it has lived.

Therefore, I would recommend seriously a more independent, autonomous structure for the institute.

I am not suggesting an independent corporation, entirely independent, because that, too, has its problems in developing appropriate connections and linkages with different organizations.

By linkages, for example, I mean, as my colleague from NIMH, Dr. Shaw, would probably tell you, that NIMH has developed a history of good relationships with medical schools, with sociology departments, with institutes, and centers such as mine at the University of Pennsylvania. But not with prosecutors, not with police, not with too much in corrections.

And it takes time to build up the kind of cooperative spirit, receptivity, between an agency and the persons who are being funded.

Mr. CONYERS. I like your description.

Finally, let me ask you: Do you see any important distinctions that ought to be made between applied as opposed to pure research as we generally understand those terms?

For example, would we want to separate out the question of whether the two-man patrol car works better than the one-man patrol car?

Should those be kinds of questions that are separated out from this NIMH kind of criminal justice research arm, or could it be worked within it?

Dr. WOLFGANG. I know what you are driving at, and the distinction between pure and applied is very fuzzy, hazy today.

Probably the example you gave is a clear one of applied research.

I think part of the general characterization of applied research is the specificity of the problem and the probability of getting an immediate, nearly immediate kind of response and answer to that problem.

As we look at the etiology of delinquency and the relationship between business cycle and crime or homicide and social class, these are issues that take a long time to answer and there is no immediate problem.

Yes, there is some distinction and I think that the one-man versus two-man police cars is not—I would not generally assign any high priority to that in national—in a national research institute.

I think that survey kinds of projects, high-order specificity problems, operational, managerial in character, can and should be done under the Department of Justice and perhaps with some section, branch, division, of a larger institute.

But it would not have a top priority in my allocation of important things to do in research.

As I indicated before with the cohort study, and forgive my being personal, so is the study measuring the seriousness of crime, it had no immediate application.

We took a thousand subjects, police officers, juvenile court judges, an urban group of students, and asked them to assign numbers from above zero and less than infinity to a list of offense descriptions that we gave them.

We produced a ratio scale. Crimes can be scaled, and even murder is not infinitely precious, and people do assign numbers.

As you would imagine, murder and rape have the highest numbers. Now, we had no immediate application nor did we have any thought to applied research. It was an interesting social psychological piece of knowledge we were after.

Now, we have been asked by LEAA to do the same thing—that was 12 years ago—to do the same thing on a national basis. And we are doing it now.

In July 30,000 households will be entered by surveyers because many judges have been asking for a scale of crime ranked by seriousness; legislators have asked me about it and so forth. So that there is an application that now exists with something that previously was viewed by us and by people who are sponsoring the research as basic and pure research.

One never really knows what will happen with a piece of research.

Mr. SCHEUER. I wasn't going to ask any further questions, but what are they going to do with this information after they get the ranking?

What significance will it be?

Dr. WOLFGANG. Do you mean what applied significance?

The assumption is that it can be used for producing a better, for one thing, a better index of crime than the current crime index that the FBI uses because the—because with seriousness scores attached to the ingredients of knowledge and death particularly, we can produce a weighted rate of crime.

Robbery is treated the same by the FBI whether it is a serious armed highway robbery that sends somebody to the hospital for 3 weeks or a twisting of the arm by one child of another in a schoolyard.

That is one thing.

The allocation of police manpower resources, the guides to the sentencing practices of the judiciary, guides to providing a scale of sanctions in new penal codes, and so forth.

Mr. CONYERS. Thank you.

May I recognize now the gentleman from Ohio, Mr. Ashbrook, for questions.

Mr. ASHBROOK. Thank you, Mr. Chairman.

Following up this seriousness of crime, is Federal money being spent for that?

Dr. WOLFGANG. Yes.

Mr. ASHBROOK. Is that a project?

Dr. WOLFGANG. Yes.

Mr. ASHBROOK. How much money is being spent on that?

Dr. WOLFGANG. Our budget is approximately \$250,000.

Mr. ASHBROOK. \$250,000 to find out the seriousness of crime? I would have to say I am a little skeptical.

Your one statement—you said it was an interesting sociological and psychological piece of information we are after. I might agree with that.

But I just wonder what real relevance that has to us as legislators.

Dr. WOLFGANG. Well, I could expand on it if you wish and on the remarks I have already made about the extent to which having the subjective perception of the public, the public sentiments about the decrease of seriousness of various kinds of crime it seems to me is important to all legislators.

Mr. ASHBROOK. I doubt that we have to spend \$250,000.

We talk to people every day and I think we get a pretty good idea of what the seriousness of crime is.

Dr. WOLFGANG. No, it is not how serious crime is in the United States, but how serious a robbery is compared to an automobile theft or a drug violation, in comparison with a bicycle theft and so forth.

It seems to me that we—just talking to people doesn't provide that kind of information.

Mr. ASHBROOK. Basically that is what you are doing, isn't it; just talking to people?

Dr. WOLFGANG. But we are talking to people and getting systematic responses.

Mr. ASHBROOK. That makes it different, I guess.

Dr. WOLFGANG. I think systematic responses that are analyzed carefully and with a large number of people in a random representative sampling of households in the United States does make a difference.

Mr. ASHBROOK. I notice you have a project, the death penalty and discretion in the criminal justice system, you were referring to it, cost \$147,000.

Just for my edification, could you tell me where that \$147,000 went?

Dr. WOLFGANG. It went into mainly to persons, personnel, research director, and research assistants on the project.

Mr. ASHBROOK. I notice you report, or the study evidently concluded in October 1976, is there a report available on that?

Dr. WOLFGANG. The report is being typed now and it should be available the end of the month.

Mr. ASHBROOK. I see your name on here, the project director. Can you tell me anything that is going to be valuable to me that will come out of that report?

Dr. WOLFGANG. The purpose of that project, which is to look at the jurisdictions of New York, Massachusetts, and Washington, D.C., as the last jurisdictions that had mandatory death penalty, was to determine whether there is significant differences in the sentences of death during a mandatory versus a discretionary period.

We know that there have been important studies that have shown racial discrimination is an important variable in the sentencing of people to death in this country on discretionary sentencing policies.

At the time we started that research it appeared to the community of lawyers and social scientists who were interested in the death penalty that there was a high chance, strong likelihood, that mandatory statutes were going to be passed in many of the State legislatures and we wanted to have some kind of research experience with mandatory, the history of mandatory, sentencing to be available to persons who were making the decisions of that sort.

Mr. ASHBROOK. Is this the first time you had studied that or has that been an area of interest to you before?

Dr. WOLFGANG. Mandatory sentencing?

Mr. ASHBROOK. The general area of the death penalty and what you are talking about.

Dr. WOLFGANG. Yes; the general area of the death penalty has been of interest to me.

Mr. ASHBROOK. Has been of interest?

Dr. WOLFGANG. Yes; it has been something with which I have been professionally involved.

Mr. ASHBROOK. Did you find out anything you didn't know before?

Dr. WOLFGANG. I found out some things that I did not know in such systematic and scientifically supported form before. That is to say, many people have said that the death penalty is meted out in racially discriminatory fashion.

Now, it is one thing to say that and to think that this does indeed occur or to give some anecdotal experience. But it is quite another thing to amass data, systematically analyze, and under the best rubrication of scientific data and produce such a finding.

Thus we did, as a matter of fact, when we examined sample counties in the Southern States, this was before the *Fermin* decision, and over a 20-year period, and collected data on hundreds of cases, thousands, several thousands of cases, from Texas up to Maryland, and provided a statistical analysis which showed that among 28 variables that we looked at, prior record, employment history, age, and so forth, the only significant variable that emerged as being statistically related to the probability of being given a death sentence was when a black raped a white.

These States were chosen because rape was a capital crime in all of the Southern States. That kind of information may have been thought to have existed, but not until one goes through a systematic scientifically controlled study as adequately as one can and since you can't experiment and do quasi-experiment, do we have a sufficiently firm knowledge base.

Mr. ASHBROOK. Well, I would say I read almost all that from people that didn't charge anything.

I read an article in the paper just last week, told how many were in death row, how many were blacks, how many were Hispanic Americans, rich, poor, analyzed them. It was done by a reporter at no cost to us. I am not so sure that that has really added that much.

Dr. WOLFGANG. Having a list of people who are in death row by race or ethnic origin doesn't say one thing about discrimination.

Mr. ASHBROOK. Well, I don't know—I would like to read your report. I see these huge amounts of money going out, and I think I agree with the chairman, I would be hard pressed to know whether this \$34 million has really ended up in any basic benefit to those of us

who are legislating. I would have to be listed as one who is a very strong critic of this program.

I would like to see your report, but maybe—you know you haven't really answered anything that I think will—specific answer to my question, naming anything that would really help. Maybe there will be in that report. I won't judge until I see it, but if there is it will be one of the first.

Dr. WOLFGANG. The very first.

Mr. ASHBROOK. Thank you, Mr. Chairman.

Dr. WOLFGANG. I think it would be useful, Mr. Chairman, if legislators on the Federal and State and local level would have more communication with research community to let us know what, indeed, they think would be of value to know that they don't already know.

Mr. ASHBROOK. Can we ever do this without paying for it?

I mean is there any communication that they make available, this is for us, without coming in and asking for \$300,000 or \$400,000? I am kind of interested in whether there is a research community out there that works or whether it is just out after grants.

Dr. WOLFGANG. Well, just as Congressmen are paid, I think researchers should be paid.

Mr. CONYERS. We are back now, gentlemen, to the free lunch and whether there is any such thing.

But I am hopeful that my colleague from Ohio will indeed keep an open mind about the validity and appropriateness of some of the kinds of research, because this is really one of the objectives of these joint hearings.

Might I turn now to our colleague from Michigan?

Mr. SCHEUER. I have some questions.

Mr. CONYERS. Oh, I thought you had used up almost all of your time, Mr. Cochairman.

All right.

Mr. SCHEUER. Thank you, Mr. Chairman.

Mr. CONYERS. I would be very happy to yield to the cochairman of the committee.

Mr. SCHEUER. Thank you.

Let's confine our thinking a little bit on where this theoretical research ought to be placed. I take it, I don't want to put words in your mouth, that you feel that applied research could well be with mission-oriented agencies or as Congressman Conyers said, whether we have to-officer cars or one, or how to improve bullet proof vests or improving police communications, the court process, instantaneous assignment of police investigation, that that kind of research can be done in the mission-oriented agencies.

Now, as to theoretical research, the kind of more abstract questions you are talking about, should it be left in LEAA?

Another possibility is taking it out of LEAA and putting it under the jurisdiction of an Assistant Secretary.

The Justice Department, I think, is the only Federal agency that does not have an R. & D. capability under the jurisdiction of an Assistant Secretary. So, we would have an Assistant Attorney General under that option, in charge of theoretical R. & D.

A third option would be placing it outside of the Justice Department in some kind of a Presidentially appointed entity like the National Academy of Sciences or the National Science Foundation.

A fourth possibility would be making it an independent nonprofit entity comparable to the Urban Institute or as the Defense Department has established, a nonprofit entity, known as IDA, Institute for Defense Analysis, of which they are the sole client, and not subject to Civil Service regulations so they can afford to pay people for a month or 6 months without regard to Civil Service.

So, there are three or four options there for the theoretical research structures.

Do any of them tickle your imagination? Do any of them seem to you to be ripe for this mission?

Dr. WOLFGANG. I had thought when I was asked this question privately, I had thought of defense analysis as a possible model. I had some contact with them during the life of the President's Crime Commission and I think one of the witnesses who will testify, Professor Bloomstein, was working at the time he was asked to be—working in IDA—

Mr. SCHEUER. Yes, he was also working in IDA a year or two before that when I was putting together legislation on the National Institute and he was of enormous help to me. Dr. Blumstein helped me structure the legislation.

The big argument was whether to leave this research fund in the Justice Department and get that support and cooperation or whether to place it outside of the Justice Department, in what we expected would probably be a more hostile environment for pure research, but where we might have the opposition not only of J. Edgar Hoover, but of the Attorney General, too.

We finally opted to include them in. We put in it the Justice Department to get their support. Of course, we still had the determined opposition of both the Director of the FBI and then Attorney General Ramsey Clark. So we really achieved nothing by this compromise.

You would feel after a decade of history that the IDA model makes the most sense.

Dr. WOLFGANG. I think so. I think the IDA model or the other one you mentioned, something like the National Academy of Science, with the specific appointment by the President.

Mr. SCHEUER. Yes.

One last question and then I would yield to my three colleagues.

Do you favor an overall comprehensive single, let's say, theoretical agency apart from the mission-oriented research, or do you like the idea of having a little diversity and perhaps a little overlapping?

Dr. WOLFGANG. I would prefer diversity.

Mr. SCHEUER. Yes. So you would say OK, go ahead and set it up in an IDA type setting or NSF type setting but leave the National Institute for Juvenile Delinquency alone and let them do their thing and wherever else seemingly useful research is being done, don't attempt to blanket it all under one umbrella.

Dr. WOLFGANG. That is correct. The closest analog I have to that is what I know and it is not terribly comprehensive. In the Soviet Union the all-Soviet Institute of Criminal Science which is the abbreviated term for that organization, is monolithic, and it—and I know a little bit about the history of Soviet criminology, having just supervised a dissertation on that topic from the time of the Revolution, that it gets—that it does not provide for the kind of diversity, diversion

of labor, the emergence of new insight, if you will, pioneering developments that one had not anticipated previously.

Now, that may be partly a function of the fact that it is, that the Soviet Union has more of a doctrinary position politically. But I think it is also due to the fact that it is just one organization that dominated the thinking and policy.

Mr. SCHEUER. Now, I would yield to my colleague from Michigan and, Congressman Pursell, why don't you and I go over to vote now so by the time we get back Congressman Blanchard might be finished with his questioning.

Mr. BLANCHARD. Thank you, Mr. Chairman.

In Congress, we have two large groups of outspoken critics of this Federal research into crime. One group indicates that they know what the answers are, which are that if people are employed and productive they won't commit crime, therefore, we look at "underlying social causes."

Another group feels that by taking a more traditional law enforcement point of view crime can be effectively combatted.

From what I have seen of both these groups are not very receptive to Federal funding of research in the crime area, pure or applied. I take it that you don't really think a major sustained research effort on criminality has really ever been made.

Dr. WOLFGANG. That is correct.

Mr. BLANCHARD. At least on the national level. I tend to accept that, but I am concerned that if we separate the research function from applied technology we would find no one listening to the results of the research.

I haven't heard too many instances where good research has been transferred to everyday use, and I know that the police officials in my area are very cynical of criminal justice institutes and programs.

How do you suggest we handle this?

Dr. WOLFGANG. Well, I think there is a different function between doing research and disseminating research findings and information. I think the utilization of research should be done independently by a different group, different people.

The promotion of research should not be done by the researchers themselves. The tradition of the academy of knowledge has been to avoid that because it smacks of a self-agrandizement and it is not the business of being in the promotional end of it. I think promotion and utilization dissemination of research is an extraordinarily important enterprise that has been inadequately addressed by our society in general and particularly by the Federal Government.

I think special cadres of people should be assigned to that task alone. What happens is that NIMH, NSF and particularly in the other agencies that do research, various kinds of scientific research simply don't have the capabilities of disseminating the research findings of their grantees.

Mr. BLANCHARD. Are you aware of any research, or substantial research, in the area of how you get the participants in the criminal justice system to accept data which might directly conflict with their widely shared views?

What if we conclude that a massive gun control program would really help? There are those who believe that who do not feel a need for further research.

Dr. WOLFGANG. Well, that is more than simply the people in the criminal justice community. That is the entire country. I don't have an easy answer, a ready answer to the—to how to get the hundred million guns in the United States out of circulation. That is a different kind of public education activity.

But there are, it seems to me, that there are ways in which we, let us say, superintendents of correctional institutions, the judiciary, members of the State and Federal judiciary can be informed about research findings that are directly relevant to their concerns. I have on many occasions talked to groups of judges, sentencing institutes, and have spoken about various kinds of sentencing studies that have been made. They show a vast interest in this kind of research because it is directly relevant to what they are doing.

I find that the police, judiciary and correctional people are increasingly sensitive to what is being done. One of the troubles is that they don't have sufficient time to read.

Mr. BLANCHARD. There are a lot of people, of course, who feel that all the studies and research up to now have not really yielded any beneficial or substantial results.

But I take it that although your specialty is the criminal justice area, you have dealt with other forms of social research. I am wondering if in your opinion research in the area of crime has been any less productive than research in other areas, for example housing or mental illness.

We have spent a lot of money in other areas, too, and I haven't seen results.

Dr. WOLFGANG. I think education is a good example, too. No, I would agree with the implications of your remarks.

Mr. BLANCHARD. I guess my question is whether something unique about the area of criminal research makes it less productive.

Dr. WOLFGANG. I don't think it has been less productive than those other areas, I would agree, nor have we been any less or more successful in intervening in the lives of people than a lot of these other areas have been.

Mr. BLANCHARD. Would it be safe to say that much of the Federal funded research conducted up to now directly or indirectly has at least provided some data base in order to better understand what is happening.

Dr. WOLFGANG. Yes, I think there is the beginning of a data base being constructed. For example, through projects of careers of offenders, data has been collected nationally that can be of some use but we are still in very limited and beginning stages.

There are projects and I don't have a catalog of them with me but there are projects, I think, that have been supported by the—by these in recent years that will have some payoff, some utility in the years to come. I think there is a lot of the research, and I almost wish to put research in quotes, that has been supported by the Institute since inception that has been of extremely mediocre character, and probably much of it should not have been supported in the first place.

But I, my suspicion is that the proportion of good research sponsored has increased over time.

Mr. BLANCHARD. I am going to put our subcommittee in short recess. I think I have 3 or 4 minutes.

[Recess.]

Mr. SCHEUER. Congressman Pursell of Michigan, the ranking minority member of our committee who has made such a very great contribution to our committee's work and in particular about putting these hearings together.

Congressman Pursell.

Mr. PURSELL. Thank you, Mr. Chairman.

Just one brief question and then Congressman Walker has a couple questions.

In respect to research in the criminal field, those of us who have been sort of on the front line, former local official, State senator and so forth, I find law enforcement people have a tendency to ignore basic research in the field. I'm really not so sure that the problem is the issue of research in itself, it's the relationship and how it's used and applied with the local law enforcement people after it's completed.

I find people at the professor level in universities—and I represent three universities in my district, one of which is the largest in the country, the University of Michigan—that they seem to be very aloof from local problems. They say, as you have stated, that this research can't be done at the local level or State level; it's a national kind of a research posture that we take, and we tend to get away from that.

I was wondering, from a practical standpoint, how you can take the research that we do here at the national level, by people like yourself, and hold appropriate workshops, run the tests or pilot programs in the local community to get a better understanding, and have a give and take between the frontline people and people like yourself who are at the university level.

There just seems to be that major gap that—confrontations that are not held. It's an easy way to avoid basic research and basic facts that local law enforcement people ought to have and people on the other side ought to have the input from what is happening on the frontline that doesn't show up in research.

I would like you to comment on that, briefly.

Dr. WOLFGANG. Well, I agree with you that that is a gap. And as I said before, it's—I think with the research community and the professors are not well-prepared to fulfill. If they were to enter into that kind of activity then there would be a diminution in the time you would have available for research.

I think researchers are willing to enter into discussions and to do some promotions, but I think special emphasis and perhaps special academy people should be enlisted with appropriate funding to do that kind of linking up of research and researchers with the particular targets that are most likely in the criminal justice system to benefit and utilize research findings. In business and industry there are scientists who are working in laboratories and there are—there is a promotional staff and there is advertising and there are salesmen.

So, there is a division of labor that I think is important in this area, as well.

To call the professoriate community as aloof is at once pejorative and on the other hand a fair and perhaps fair description of what it should be.

There is a certain value that I think researchers have in not being too close to the daily operation of the system. We need to stand outside and function that kind of Socratic gadfly way, be able to criticize

and evaluate with the degree of detachment that is traditional in this country.

Mr. PURSELL. I would probably tend to disagree with you that you should be somewhat aloof. I can't agree with that.

Dr. WOLFGANG. I think that social scientists particularly, have not been so aloof from the—in the past 10 or 15 years which they were before. We are not afraid to get our hands muddied by practical and applied research. And more than a few colleagues, some of whom are here in the room now, spend a good bit of time working on national committees on crime and criminal justice and participate at the State level as well in a fashion that was unheard of 20 years ago.

Mr. PURSELL. I will yield to Congressman Walker.

Mr. WALKER. Thank you.

As a fellow Pennsylvanian, I would certainly like to welcome you.

Thank you for your comments and for your contributions here this morning, I think they have been very valuable. I was interested in one thing that you said in the course of your testimony in response to one of the chairman's questions when you were talking about the fact that there may be some relationship between the jobs that juveniles have and their attitude toward crime.

I was particularly interested when you said that you didn't, if I interpreted you correctly, that you didn't feel that dead end jobs, however, were an answer. It seems to me that what you're saying is that probably it's a concept of self-dignity that is involved with this; if they feel some self-worth in a job that is meaningful to them.

That kind of leads me to question then, whether or not this doesn't give us a basic question about all of this: If you extrapolate that out further, it seems to me that anybody who gets into a kind of a welfare cycle, locked in a welfare cycle where the individual self-worth comes into question, can he then become a potential crime problem? Any time you separate out and start studying crime, you really have to study the whole welfare institution; to study the whole welfare institution you have to study the whole social institution. Doesn't this lead to a question as to whether or not there can be basic research that separates out crimes as a special ingredient?

Dr. WOLFGANG. Well, most of the history of research in crime causation etiology has not looked at crime per se, but has attempted to look at many of these other social dimensions that you have just mentioned. Most of the research in this country has been—in that area has been done by sociologists in the past who are—have much more macroprospective than simply the criminal justice system.

I have to be fair and admit that we in studying crime causation, we haven't arrived at any specific conclusions or answers. Most of our findings have been negative rather than showing positive results. That is, we have said that certain things seem to be unrelated to crime. But surely, the whole social system, political, economic system are relevant to examining the rates of crime, patterns of crime and individual criminal careers.

Mr. WALKER. I guess what I'm getting to is that this gets down to the very practical question of placement; where this research should be. It seems to me that if you put it in the Department of Justice—and if I have understood your testimony correctly today, you are saying it should be independent, probably—

Dr. WOLFGANG. My last response was to the chairman's question, that an independent, autonomous institute would be my preference, something along the lines of the Institute of Defense Analysis. I would yield to my colleague, Professor Bloomstein on that because he knows IDA from the inside. It is not that I would remove all funds from the Department of Justice, but if there were a congealed entity, known as a national institute of research in criminal justice, I would not want to have it monolithically placed just in the Department of Justice.

Mr. SCHEUER. Will my colleague yield for a moment?

Mr. WALKER. Yes, sir.

Mr. SCHEUER. If we did have this outside entity modeled after IDA or NSF, would you let them do pure criminal justice research and leave the applied research on bulletproof vests in LEAA?

Dr. WOLFGANG. Yes.

Mr. SCHEUER. Or would you have the whole business transferred out to this outside entity?

Dr. WOLFGANG. I would have bulletproof vest research in LEAA or Justice.

Mr. SCHEUER. Yes. I yield back:

Mr. WALKER. First of all, you're saying that you differ with the conclusions of the committee on which you served, of the National Academy of Sciences, which made some recommendations, I think, with regard to separating NILE out from LEAA but keeping it still within Justice; is that a fair statement?

Dr. WOLFGANG. Yes; that is fair. The thrust of the conclusion of the panel was that they should have signoff authority, independent. I would go a step further, in having serious consideration given, and explore having such an institute having an independent structure.

Mr. WALKER. Here it seems to me is where we get into a problem. If you have a completely autonomous kind of group then it seems to me that group is going to be constantly faced with the kind of questions my colleague from Ohio raised a little bit ago. That you have got a group out there doing pure research in the area of crime. What are you producing of value? And the budgetary status of that group will always be in jeopardy because pure research doesn't produce things which we can necessarily legislate about.

Once you separate it out and get it outside of where the law enforcement is taking place, you run into that kind of jeopardy. Yet I can understand the point. It seems to me that as long as it remains under Justice that as soon as the Attorney General makes a determination—that this is how we are going to fight crime this week—right away that is what the research is going to be applied to, regardless of all the other things that may be out there.

If Congress is demanding something be done, the Attorney General is going to come down hard on this group and say, you produce research that will produce something practical for us. But I don't think an independent operation will necessarily serve your purpose either, because then your justification here before Congress is going to be exceedingly difficult.

Dr. WOLFGANG. But the expectations would be different. To describe it in the extreme, while in Justice the expectation is more likely to be fight crime, solve it, reduce it 5 percent next—within the

next 18 months, it will continue to have that kind of direct, immediate payoff.

If it were more independent, were more in the character structurally as well as philosophically in the character of NSF, no such expectations would lie in that organization. And from the outset, it should be recognized that the longer period of time necessary for the conduct of research and production of research and that we are thinking not in terms of 18 months, but 5, 10, 15 years, furthermore, the kinds of research that have been in the past massaged by the institute under LEAA has failed to reduce crime, or at least we don't have a compelling and convincing evidence that it's had much effect in reducing crime. Changes in the age structure has probably had more effect and will in the future in reducing crime than anything currently in the criminal justice system. We may learn more in the future if given appropriate time.

Mr. WALKER. I point out to you that I don't think there has been any program on Capitol Hill that's been more controversial than NSF and the kinds of research projects they send up here. We get all of the professors' research projects up here and at least once a year a Congressman stands up on the floor and reads through a list of those projects we are funding with \$50,000 here and \$150,000 there and he asks, "isn't this ridiculous that we are studying the sex life of the honey bee or something like that."

This has been an extremely controversial subject up here. If you take that and put it in the area of crime, where all of us have political pressure being placed on us about the crime problem, if you take that emotional issue and separate it out, then there is going to be even more screaming and yelling about pure research into certain kinds of things that seem to have no relationship to a practical solution of crime.

I think that you would run into a very great problem in getting continued funding if you were not able to produce something of a very practical nature to help us go back home and say we're funding this because it produced X and helped solve a crime problem.

Dr. WOLFGANG. It's conceivable that some very practical applied research would emerge in time, given time in such an institute.

Mr. WALKER. Our problem is that we run for office every 2 years.

Dr. WOLFGANG. The National Endowment for the Humanities, I hope, doesn't come under this same kind of attack.

Mr. WALKER. But it does. If I had to pick the one, second to NSF, I would have to pick the National Endowment for the Humanities. It's exactly the same kind of thing that is done with the Endowment for the Humanities each year on the floor.

Dr. WOLFGANG. Yes. Doing research on the song of—doesn't have an immediate payoff.

Mr. WALKER. Yes; and that is the problem when you deal with any of these kinds of things with regard to the budgetary process, particularly when the budgetary process is running massive deficits and we're looking for places where we can cut without losing anything in terms of what's seen by the public.

I started off as school teacher so I understand that research does go beyond this, but that is hard to justify within the budgetary process. The more independent you make things and separate them

out so that the budgetary process can focus directly on them, the more problems you create for it.

Dr. WOLFGANG. But I don't think that will be that much different if the Institute were under the Department of Justice.

Mr. WALKER. I appreciate your comments.

Mr. SCHEUER. Well, thank you very, very much for your thoughtful and incisive testimony. We are all very grateful.

Our next witness is Dr. Stanton Wheeler, professor of law and sociology, Yale Law School, associate sociologist for the Russell Sage, Foundation. Dr. Wheeler is also a noted author and lecturer.

Dr. Wheeler, your testimony, your very interesting testimony will be printed in its entirety at this point in the record. So perhaps you would like to just talk to us and then we will all be asking you questions and I encourage my colleagues to break in at any moment, as I have been doing, and let's keep this completely informal.

[The prepared statement of Dr. Wheeler follows:]

TESTIMONY ON THE FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

I have been asked to address myself to two questions. The first question—is there a federal role in crime research?—is in my view easy to answer, and the answer is yes. Crime control, to an important extent, is a local and state problem, but it would not make sense to organize most research on crime at that level. Research problems cross local and state lines both as to research on crime and as to the responses to it by the police, the courts and correctional agencies. And although the results of research may have to be tailored to some degree to meet local conditions and needs, it would be inefficient in the extreme to organize separate research activities for each jurisdiction. There should surely be replication of important research findings, but there is a difference between a healthy degree of replication, and unnecessary duplication of research efforts.

An additional important consideration is that the number of well trained and highly qualified researchers is relatively small. That research community is spread around the country, mostly in universities, and by no means spread evenly throughout the land. It is a national community, and to get the best out of it will require organization at the national level. To have each state and local community competing for those scarce resources would be inefficient as well as expensive, and might tend to promote even more commercial enterprises anxious to profit from the crime problem. There is no question in my mind, then, that there is an important federal role in crime research.

The far more difficult question that I have been asked to address is this: how can research on crime and criminal justice be organized in such a way as to produce a really high quality product? My recommendations stem from my assessment of the nature of the problem, so let me begin by commenting briefly on the nature of crime. Crime and deviant behavior are normal human phenomena. No society known to us has existed without violations of basic rules of the society in some form. It is an utterly stable feature of all modern societies. And so is the response to it. All of those societies have some equivalent of police, of courts, of correctional agencies. The nature and amount of crime may vary under different societal conditions, and the response to it may vary as well. But the variation in many ways are less impressive than the sheer utter presence of important forms of crime in all modern nations.

Now one may immediately say of course that's obvious, let's get on with the business. I stress it because if crime is a stable feature of modern societies it is not going to be solved through some kind of crash program, through miracles, through hastily put together new strategies or techniques. I think many of us, and I include the social science community as well as legislators and others, misled ourselves a decade or so ago when we spoke about the war on crime as though that war can be won like World War II was won and the problem put to an end.

It is not going to be won in any such way. We are going to require the same patience and painstaking approach that we associate with scientific work in biology, or chemistry, or whatever. Indeed, the research on crime can be even more demanding because our subjects, both criminals and those who enforce the

law, can talk back, can conceal information, can refuse to cooperate. To begin to make even modest inroads in problems of crime and criminal justice will require the buildup of basic data about offenders and those who process them. In the future, as in the past, quality research will require thinking in a long time frame; certainly not the sort of time frame we usually associate with quick solutions. You should be asking yourselves: how can we so organize the research effort with regard to crime and its control so that our knowledge is measurably advanced ten or twenty years from now. To do so will require utmost care and attention to quality. Weak, hastily planned, poorly designed and urgently deadlined studies simply cannot produce useful results. High quality studies may.

How do we get such studies? We get them through application of the same principles of basic and applied research that hold in other areas of scientific work. Let me mention just a few of the central ingredients.

One central ingredient is time. Studies that took a minimum of three years to carry out were evaluated as much more successful and producing much more useful results than those done under crash mandates of a year or 18 months. A three to five year period for the careful planning, design and conduct of an important piece of research is not unusual; indeed, it may well be a minimum essential ingredient.

A second ingredient is the system of peer review established in the scientific community. Projects that have been closely reviewed and assessed by competent scientists turn out to be evaluated much more highly than those that have not been the subject of peer review.

A third principal ingredient is publication of the results in referred social science journals, where the work is again subject to quality review by trained professionals. A fourth ingredient of the best studies is that the grants were themselves monitored by a group including persons with graduate training in social science.

The same principles should hold for both basic and applied research. By basic research in this context I have in mind those fundamental, descriptive and theoretical studies that add to our corpus of knowledge about crime and criminal justice without heavy concern for the immediate uses of that knowledge. And by applied research in this context I have in mind principally the evaluation of action programs put into effect because of their potential either for reducing or controlling crime or making more fair and efficient the processes of justice. Let me begin by applying these principles in the applied, or evaluation research, context, along with one additional ingredient that is crucial for applied research, and then I shall turn to basic research.

The fact that evaluation research may be more immediately useful than more basic studies should not lead us to weaken the standards by which that research is appraised or carried out. All the above principles apply. But there is an additional criterion for the doing of applied research: the research should be integrated with and conducted under the auspices of the action agency responsible for the program being evaluated. This is essential in order to assure that the research can be tooled successfully to assess that program and that the program can be designed in such a way as to guarantee the yielding of research results bearing on its efficacy.

Now what does all this imply for the organization of applied research on crime and criminal justice at the federal level? It makes sense, in my view, to organize the more applied aspects of research on crime within the context of an agency charged with the administration of justice, specifically the Department of Justice. An Institute organized within the Justice Department should have the advantage of close contact with the law enforcement agencies, including police, the courts and the correctional systems that are largely responsible for the administration of justice in this country. But it will be absolutely essential to organize that research in such a way that people can plan for the long term future—can ask where we want to be ten years from now as well as today and tomorrow and can conduct an organized research enterprise on that basis. It will have to be organized in such a way also as to provide for peer review of projects, for commitment to scholarly publication and research and providing the time necessary to conduct worthwhile studies. It will be essential to insulate such a research operation from the political and other demands often placed upon government agencies. And while it is essential that any group charged with the responsibility for deciding what research to do and who should do it should contain some persons concerned with the use to which that research is put, the group should also include highly qualified social scientists as experienced in other areas of science

suggests, high quality research even on what might seem to be esoteric problems, may turn out in the long run to be useful. Research of mediocre quality, no matter what its immediate relevance, is likely to be useless.

A critical problem, not easily solved, concerns the coordination of applied research at the local and state level, so that there is not unnecessary duplication, and so that programs in one state or locality can be compared explicitly to those in another. For reasons discussed earlier, it does not make sense to simply give the funds to the states to use in their own way. The funds for applied research should only be made available when there is assurance that the research itself can meet high standards, and when there can be a really effective integration of the research into the action program the research is designed to evaluate. This will require a delicate balance in federal, state and local relations, and a high degree of commitment to research quality in the evaluation of programs.

Both applied and basic research will be able to make use of a basic body of statistical data on the nature of crime and the criminal justice system. Such data should be organized and collected on a national scale, and again probably under the auspices of the Department of Justice, since it is justice-related agencies that will be producing most of the basic data. But the establishment of such a program should include input from both the more "basic" and the more "applied" research communities.

Finally, I want to address briefly the support for basic research on crime and criminal justice. We still know shockingly little about the fundamental nature of crime, either of the white collar variety or of predatory street crime. Nor do we know much in a basic way about the operation of the criminal justice system. The natural place to organize such research, it seems to me, is not within the Department of Justice, but within those structures that have had a longstanding commitment to the conduct of scientific research, and where the patient development of research designs, the peer review of proposed projects, the monitoring of projects by a group that includes persons themselves with a background in social science can take place. I'm referring in particular to the social science division of the National Science Foundation and to the National Institute of Mental Health. Both settings are familiar with scientific research, are used to thinking in research terms, are used to working with both university based and non-university based social scientists.

Whatever inefficiency you might foresee in this kind of organization with the more applied research within the Department of Justice, more basic research in the National Science Foundation or NIMH, would be more than compensated, in my view, by the guarantee of high scientific standards. Furthermore, knowing as little as we do now, a healthy sense of pluralism is called for, so that there can be some competition between these different settings and hopefully an assessment of their relative contributions to some future date. This is another way of saying that I think it would be a grave mistake to try to organize all federal research on crime and criminal justice into a single monolithic agency or institute. We badly need a research and development program enabling us to experiment with new ways of trying to control crime and to process offenders. Money will be needed to carry out innovative action programs and to see to it that they are carefully assessed and evaluated. It makes a good deal of sense to me to organize such programs through the Department of Justice. But it makes equally good sense to organize a basic research enterprise that is not subject to the mandates of that Department, that may concern itself with problems that are not on the current high priority list of that Department, but that promise to produce basic knowledge. There will surely have to be liaison and communication between these different operations. But the prospects for doing the highest quality basic research on crime seem to me to be greater if it is organized on the same principles and standards that we apply to other areas of research in science.

TESTIMONY OF STANTON WHEELER, PROFESSOR OF LAW AND SOCIOLOGY, YALE UNIVERSITY

Dr. WHEELER. My preference would be to start with an abbreviated version of the statement I gave you. I have been asked to address three questions. The first, the Federal role in crime research is, in my view, easy to answer, and the answer is yes. Crime control is a local and State problem, but it would not make sense to organize

most research on crime at that level. Research problems cross local and State lines. Although the results of research may have to be tailored to meet local conditions and needs, it would be inefficient in the extreme to organize separate research activities for each jurisdiction. There should be replication of important findings, but there is a difference between replication, and duplication of research effort.

A more important consideration is that the number of well trained and highly qualified researchers is relatively small. That research community is spread around the country, mostly in universities, and by no means spread evenly throughout the land. It is a national community, and to get the best out of it will require organization at the national level. To have each State and local community competing for those scarce resources would be inefficient as well as expensive, and might tend to promote even more commercial enterprises anxious to profit from the crime problem. There is no question in my mind, then, that there is an important Federal role in crime research.

The far more difficult question that I have been asked to address is this: How can research on crime and criminal justice be organized in such a way as to produce a really high quality product? My recommendations stem from my assessment of the nature of the problem, so let me begin by commenting briefly on the nature of crime.

Crime and deviant behavior are normal human phenomena. No society known to us has existed without violations of basic rules of the society in some form. It is an utterly stable feature of all modern societies. And so is the response to it. All of those societies have some equivalent of police, of courts, of correctional agencies. The nature and amount of crime may vary under different social conditions, and the response to it may vary as well. But the variations in many ways are less impressive than the sheer utter presence of important forms of crime in all modern nations.

Now one may immediately say, of course, that's obvious, let's get on with the business. I stress it because if crime is a stable feature of modern societies it is not going to be solved through some kind of crash program, through miracles, through hastily put together new strategies or techniques. I think many of us, and I include the social science community as well as legislators and others, misled ourselves a decade or so ago when we spoke about the war on crime as though that war can be won like World War II was won and the problem put to an end. It is not going to be won in any such way. It is going to require the same patience and painstaking approach that we associate with scientific work in biology, or chemistry, or whatever.

You should be asking yourselves, how can we organize the research effort with regard to crime and its control so that our knowledge is measurably advanced 10 or 20 years from now. Weak, hastily planned, poorly designed, and urgently deadlined studies simply cannot produce useful results. High quality studies may.

How do we get such studies? We get them through application of the same principles of basic and applied research that hold in other areas of scientific work. Let me mention just a few of the central ingredients.

One central ingredient is time. In one recent assessment, studies that took a minimum of 3 years to carry out were evaluated as much more successful and as producing more useful results than those done under crash mandates of 1 year or 18 months. A 3- to 5-year period for the

careful planning, design, and conduct of an important piece of research is not unusual; indeed, it may well be a minimum essential ingredient.

A second ingredient is the system of peer review established in the scientific community. Projects that have been closely reviewed and assessed by competent scientists turn out to be evaluated much more highly than those that have not been the subject of peer review.

A third ingredient is publication of the results in referred social science journals, where the work is again subject to quality review by trained professionals. A fourth ingredient of the best studies is that the grants are monitored by a group including persons with graduate training in social science.

Let me begin by applying these principles in the applied, or evaluation research, context, along with one additional ingredient that is crucial for applied research, and then I shall turn to basic research.

The fact that evaluation research may be more immediately useful than more basic studies should not lead us to weaken the standards by which that research is appraised or carried out. All the above principles apply. But there is an additional criterion for the doing of applied research: The research should be integrated with and conducted under the auspices of the action agency responsible for the program being evaluated. This is essential in order to assure that the research can be tooled successfully to assess that program and that the program can be designed in such a way as to guarantee research results bearing on its efficacy. In my view, when there is a great separation between the research and the action program it is designed to assess or evaluate the restudy is unlikely to be helpful.

What does all this imply for the organization of applied research on crime and criminal justice at the Federal level? It makes sense, in my view, to organize the more applied aspects of research on crime within the context of an agency charged with the administration of justice, specifically the Department of Justice.

An institute organized within the Justice Department should have the advantage of close contact with the law enforcement agencies, including police, the courts, and the correctional systems that are largely responsible for the administration of justice in this country. It will be essential to insulate such a research operation from the political and other demands often placed upon Government agencies. And while it is essential that any group charged with the responsibility for deciding what research to do and who should do it should contain some persons concerned with the use to which that research is put, the group should also include highly qualified social scientists, as experience in other areas shows high quality research, even on esoteric problems, may turn out in the long run to be useful. Research of mediocre quality, no matter what its immediate relevance, is likely to be useless.

A critical problem, not easily solved, concerns the coordination of applied research at the local and State level, so that there is not unnecessary duplication, and so that programs in one State or locality can be compared explicitly to those in another. For reasons discussed earlier, it does not make sense to simply give the funds to the States to use in their own way. The funds for applied research should only be made available when there is assurance that the research itself can meet high standards, and when there can be a really effective integra-

tion of the research into the action program the research is designed to evaluate. This will require a delicate balance in Federal, State, and local relations, and a high degree of commitment to research quality in the evaluation of programs.

Both applied and basic research will be able to make use of a basic body of statistical data on the nature of crime and the criminal justice system. Such data should be organized and collected on a national scale, and again probably under the auspices of the Department of Justice, since it is justice-related agencies that will be producing most of the basic data. But the establishment of such a program should include input from both the more "basic" and the more "applied" research communities.

Finally, I want to address briefly the support for basic research on crime and criminal justice. We still know shockingly little about the fundamental nature of crime, either of the white collar variety or of predatory street crime. Nor do we know much in a basic way about the operation of the criminal justice system. The natural place to organize such research, it seems to me, is not within the Department of Justice, but within those structures that have had a longstanding commitment to the conduct of scientific research, and where the patient development of research designs, the peer review of proposed projects, and the required monitoring can take place.

I am referring in particular to the social science division of the National Science Foundation and to the National Institute of Mental Health. Both settings are familiar with scientific research, are used to thinking in research terms, and are used to working with both university based and nonuniversity based social scientists.

Here I would just add with regard to the report of the National Academy of Science, I agree fundamentally and basically with its diagnosis of the problem, with its treatment of the history of research in the National Institute, and so on. If I understand it, I am not in full agreement with their recommendation. That is, I do think there is need to support work outside a single monolithic institute and would prefer to see a portion of the funding going elsewhere.

Whatever inefficiency you might foresee in this kind of organization—with the more applied research within the Department of Justice, more basic research in the National Science Foundation or some equivalent, would be more than compensated, in my view, by the guarantee of high scientific standards.

Furthermore, knowing as little as we do now, a healthy sense of pluralism is called for, so that there can be some competition between these different settings and hopefully an assessment of their relative contributions at some future date. This is another way of saying that I think it would be a grave mistake to try to organize all Federal research on crime and criminal justice into a single monolithic agency or institute.

We badly need a research and development program enabling us to experiment with new ways of trying to control crime and to process offenders, Money will be needed to carry out innovative action programs and to see to it that they are carefully assessed and evaluated. It makes a good deal of sense to me to organize such programs through the Department of Justice.

But it makes equally good sense to organize a basic research enterprise that is not subject to the mandates of that Department, that may concern itself with problems that are not on the current high priority list of that Department, but that promise to produce basic knowledge. There will surely have to be liaison and communication between these different operations. But the prospects for doing high quality basic research on crime seem to me to be greater if it is organized on the same principles and standards that we apply to other areas of research in science.

Now let me comment very briefly on research priorities, which is a question I did not address in my prepared statement, but will comment on briefly here. Let me just mention four areas to which I would give attention. I am not going to argue that they are the most critically important. They are the ones that I think very much need work.

One has to do with the study of particular types of crime. I think it is really surprising in a way that at this stage we lack serious inquiries into certain forms of criminality that are now bothering us a great deal. Take for example, the crime of arson. The rate of arson has apparently been going up rapidly in recent years. So far as I know, there is not a single long-term, serious inquiry into the nature of arson as an offense and the background of those who commit it, the extent to which it is either commercial or noncommercial, or a sensible control strategy with regards to it.

As to most other areas of crime, we have on occasion a single research monograph addressed to that form of criminality, for example, a study of embezzlers Donald Cressey was responsible for some 25 or so years ago. But there has been very little sustained inquiry into particular forms of crime, so that if we are really asked to describe the nature of an offense and the process by which persons come to commit that sort of offense, the relationship of that offense to later criminal careers and so on, it is very difficult to answer.

It would be difficult for me to specify immediately what the immediate short-term policy recommendations could be followed from such studies. But I am convinced if we support such studies over a period of years, we would know a great deal more and would have something that would rub off.

A second area has to do——

Mr. SCHEUER. Excuse me, is this the point where you're departing from your prepared text?

Dr. WHEELER. That's correct.

Mr. SCHEUER. It was easy for us to understand you racing along as you were when you had a prepared text, but now as you're sort of philosophizing, if you would speak a little more slowly. Your testimony is absolutely marvelous.

Dr. WHEELER. Just to make the point briefly once more, there is no such a thing as a monograph series on particular types of offense including a study of the nature of the offense itself, the pattern of its commission, the backgrounds of the persons who come to commit it, the history of law enforcement efforts to deal with it, strategies for trying to catch and process the offenders who commit that type of offense. It would make sense, in my view, for us to devote some resources to that kind of inquiry. Related to what Mr. Wolfgang noted, I would hope such studies could be related to serious studies of

criminal careers and longitudinal studies of the career of offenders so we could understand much more about the timing of their offense, about their patterning over their life cycle and so forth.

A second area has to do with the examination of the quality of law enforcement, from arrest through conviction. When we want to punish or rehabilitate or whatever, offenders, it requires that we have our hands on them and that they be convicted. Why the probability of conviction is so low is a terribly important practical as well as theoretical research interest, and what can we do to change it.

Let me mention one example that occurs to me. It is not unrelated to the study Mr. Wolfgang was referring to of his own cohort study where it's demonstrated that some 6 percent of the delinquents are responsible for an enormously large percentage of offenses. There is some reason now to believe that a relatively small portion of police officers are responsible for a large portion of the arrests that stick—those arrests that lead ultimately to conviction. This, I understand from secondhand sources, is something that has been gleaned from research using the promise system in Washington, D.C.

Mr. SCHEUER. Do you measure a police officer's effectiveness by the number of arrests he makes that stick?

Dr. WHEELER. I certainly wouldn't want to use that as the sole measure of his effectiveness, no. If that happens to be related to the number that doesn't stick, it might mean that he's harassing citizens or whatever. It would be an unwise measure to use, I would think.

Mr. SCHEUER. There are some people who say there is a sort of inherent conflict in a police officer's mission between keeping the peace on the one hand and enforcing the law on the other.

Obviously, if the police officer enforced all the laws all the time, we would be in a state of utter chaos and most of us would be in the slammer most of the time.

Dr. WHEELER. Sure.

Mr. SCHEUER. So if a police officer arrested every kid throwing pennies against the wall, illegal gambling, the city would go up in flames.

I simply want to ask you, isn't this a pretty sensitive business when we evaluate the effectiveness of a police officer, by determining how many arrests he makes that stick?

Dr. WHEELER. Absolutely. I wasn't proposing this be used as an effort to evaluate police officers. What I was suggesting is that we know very little still about the process by which a person goes from first contact and arrest through to conviction. And if it happens to be the case that some officers are handling themselves in such a way as to produce arrests and evidence that lead to convictions in court, whereas other officers aren't, it would probably be best to understand more about the difference between those two, even if we might conclude that the ones doing it are being too aggressive, and we would like to cool them down.

Mr. SCHEUER. Certainly, we ought to know how and why some police officers make arrests that stick and others make arrests that just churn out the revolving door, so to speak.

Dr. WHEELER. Or make very few arrests at all. It may well be partly the function of where they are deployed in their assignments and partly a function of their own background or personality, and so on.

That is something we certainly know very little about, this aspect of the quality of law enforcement. Given the low probability and the fact that the presence of the law itself doesn't necessarily constrain persons, it seems to me worth asking what does.

When we know that the probability of conviction is really very small for the commission of a given offense, a totally rational view unconstrained by moral or social concerns would say, why in the world am I waiting? What are we waiting for? I am able to commit one offense, at any rate, or maybe more, and get away with it.

It seems to me it would be worth asking what moral, social, or other constraints take the place of social control through law and how do they work? One element may have to do with public support for law enforcement itself. What are the sources and conditions under which the public gives legitimacy to law enforcement efforts versus being hostile, opposed, and fighting it?

There is a last problem I would note. I would like to make a plea for the role of historical research on the administration of justice.

If we knew where we had been, I think we might have a better understanding of our potentials and of our limits. I have a feeling that if I were a policymaker and were given a choice between having a really thorough historical record of the agency with which I was concerned, what it had tried to do, what its success and failures had been, versus having the two or three most recent policy-oriented studies within the agency, that the former might well prove to be more informative in terms of how I should operate and develop policy in the area. Let me give one example of that, and then I will conclude.

As you all know, we are now preparing for new legislation with regard to sentencing. That legislation, by and large, is going to lead to a reduction in discretion, to a more sharply focused set of limitations on judges in their sentencing activity in all probability. At least it looks that way. It is interesting that about 150 years ago we were in precisely the same position, that is, most States had what we call flat sentences, and the person was sentenced to 2 years, 3 years, or whatever the legislation provided for a given offense under whatever the statutory boundary was. Then we went through a period of progressively opening up that system for discretion. Now we are in the business of closing it off again. It is interesting to ask: What was it that led to the pressures to open it up, since we had it closed off 150 years ago?

If we had a really systematic and thorough history of our sentencing practices, I think it would be very informative for that kind of discussion. Similarly, with regard to plea bargaining and similarly with regard to any other critical decision point in the criminal justice system. It is the kind of research that would be difficult to justify in very immediate, prove your result and relevance in 1 year terms. But I have faith, I guess, that in the long run we would be able to operate our system much more intelligently, if we had that kind of information, as well as the more immediate operations research type.

Mr. WALKER. Excuse me, Dr. Wheeler, could I interrupt at this point?

Mr. WHEELER. Sure.

Mr. WALKER. Going back to something else you said in your statement, I am interested in this kind of historical perspective, because

you talked about the fact that crime was not necessarily an abnormal behavior; it shows up in a lot of societies, and you particularly emphasized modern society. Would you agree it also shows up in societies throughout history and not just modern societies, and that crime has always been a part of society, *per se*? I guess my question is: Do we have any evidence or have we ever developed any evidence as to which societies have not dealt with crime at all well? Also, have there been societies along the way that did a pretty good job of handling crime?

Dr. WHEELER. I think I would really prefer a better historian of crime policy than I am to answer that question. I think probably not. I am sure some have handled it differently than we are currently handling it.

Mr. WALKER. Would it make sense then, as a part of research into all of this, that one of the things which we ought to take a look at is whether or not society has ever handled crime well, and then to use that, maybe, as the basis for research and to make our decisions as to what kind of things might work today? If it meant incarceration, at some point in history, was used in such a way that it, in fact, controlled crime, shouldn't that then be applied to what we are doing now? The fact that crime has always been with us, certainly, through the years, shows that we have tried a variety of different methods to handle it.

Perhaps just isolating particular instances of crime right now, and trying to figure out what we should do about them, is putting the cart way before the horse.

I guess what I am saying is that I do think a historical pattern is probably something we should be taking a look at, too, with regard to crime.

Dr. WHEELER. You are right. I think, as a matter of practicality, I am not sure whether the sources would be clear enough historically to really be able for one to conclude positively that a particular form of crime control worked in a particular context.

Also, there would be questions as to whether our own context is so different that even if it worked there, it might not work here.

Let me add one thing. Another alternative would be to look more systematically now comparatively at other nations to see the way in which they respond to particular aspects of crime, crime policy, and the rest.

Mr. WALKER. What if we looked at our own Nation? Are there times in our history when we have controlled crime better than we do today?

Dr. WHEELER. I don't think I could assert that there were times we controlled it better. The crime phenomena has been different at different points in our history. It has been lesser on occasions. It has been at least as great or greater on occasions, according to some historical reports. It is certainly the case that the gang phenomena of the 1950's for example, was not unique in our history. There were very important gangs doing a good deal of violence in the late 19th century cities, and so forth.

I would not comment beyond that, because I am not enough of a historian to do so. But I do think it would certainly pay to engage in serious historical inquiry.

Mr. WALKER. Obviously, crime in one society is different from that in an industrial society too. The whole economic system has evolved with different things, so you are going to have different problems arising there, but I do think that we have ignored this aspect.

I thought a pertinent part of your testimony was the fact that too often we do deal, particularly in the legislative process, with crime as something which some miracle solution will solve, or that some technique can be developed legislatively here or, for purposes of a political speech, is going to solve crime without taking into account the fact that it has been part of human behavior for as long as society has existed.

Mr. SCHEUER. If my colleague will yield, we have Dr. Al Blumstein in the audience, who will be testifying tomorrow. I don't know exactly what he plans to say, but I am going to ask him to address this very point. I remember Dr. Blumstein making a speech 8 or 10 years ago, looking back over historical perspective and adducing information that a fairly constant percentage of our society is incarcerated at any one time.

Doctor, was it one-tenth of 1 percent or something of that order? And that hasn't changed very much until the last few years, when there seems to have been an explosion of the kinds of offenses which we consider deserving of incarceration? I won't put the words in his mouth, but Dr. Blumstein has some enormously interesting insights into this very question. I am sure we will get to the matter tomorrow.

Mr. BLANCHARD. One step further with regard to comparative studies between our country and others. Have we looked at the amount of research on the new crime in other countries, currently, within the criminal justice research community? Are there nations in the world with similar cultures that have put a lot of money and time into research?

Mr. SCHEUER. Let me add another question. We have had an explosion of crime, particularly violent crime, in this country in the last decade or two. This seems to have been unprecedented in our history. So have several very orderly foreign governments with a rather disciplined structure. They have also had an unprecedented explosion in violent youthful crime. The Japanese have experienced this, the Russians have experienced this. Have they done any thinking or systematic research on their problem, which may give us some insights as to our problem?

Dr. WHEELER. I wish I could answer that definitively. I really don't think I can. Marvin, perhaps, can, although I hate to put him on the spot.

Mr. SCHEUER. Yes, Dr. Wolfgang, join us again.

Dr. WOLFGANG. There is no definitive answer to that, but you are right about the increase in violent crime, that it has gone on in these other countries in Europe too. But the increase is a pittance compared to the increase in the United States.

There is research, considerable research, Professor Wheeler knows this, as well, the Home Office in England has regular funding for research.

I know less about the Japanese, except that they do know that, we all know that the total amount of homicides in the whole country of Japan is about the same as New York City, alone.

I think there are lessons, underscores there are many lessons to be learned by cross-cultural analysis, as well as the historical one, but I don't think that there are any ready, quick answers about how to deal with crime problems, that are available in Japan or Norway, Sweden or England at the present time.

Dr. WHEELER. I might add one footnote with regard to a Norwegian piece of research. Marvin and I both know about this. Norway was one of the countries that managed to have a decent record-keeping system on registered offenders for a long period of time. Sociologist Nils Christie examined closely the rate of registered offenders in Norway, relative to the population from 1804 to 1960 or thereabout, finding what looks like an extraordinary regularity. That is, there were peaks and valleys, but it never went above a certain level, never went below a certain level.

If one speaks about crime as being a normal part of the society, it is that kind of observation that gives one the feeling that it is. It gets down to a certain level, and something seems to happen to turn it around. If it gets up to a certain level, it doesn't continue until 100 percent of the population is engaging in crime every day, but something turns it around the other way. We don't know much about what those turning points may be, of course.

Mr. SCHEUER. It may be that the actual level of offenses peaks out or goes down, or it may be that, as the level of offenses goes up and incarcerations go up, we change our perceptions as to what ought to be a crime with the penalty of imprisonment.

Dr. WHEELER. One of the interesting features of this material is that you can show, for example, that the rate of horse theft has dropped off enormously, but it's been matched by the increase in auto theft. So there are those forms of uniformity.

Mr. BLANCHARD. I remember back in the 1960's there was the National Commission on Crime and Crime Prevention. As I recall, in law school at the time it was stated very boldly that two things were clearly related to crime:

No. 1, the fact that the majority of offenders were young led the panel to conclude that the age of populations and birth rates have a direct effect on crime.

The second was prosperity. In times of prosperity, the adult crime rates went down, youth crime went up. Then in periods of depression or recession, youth crimes went down and adult crime went up.

Has anyone like J. Forrest, for example, ever tried to plug in five or six of these variables and crank them out, or is there an absence of such data?

Dr. WHEELER. It would be easier to do so if we had a much better data series over long periods of time.

Mr. BLANCHARD. I have heard a number of people suggest that because the birth rate has dropped—for the first time the normal birth cycles will not repeat itself in this country—we can expect crime to drop all by itself, which is a welcome prediction.

Dr. WOLFGANG. I just finished supervising a doctoral dissertation directly concerned with that issue—an econometric model that attempted to project crime rate, rates of violent crime, and property crime to the year 2000—and including in the model such things as the age composition of the population.

The particular major contribution to the expected reduction in crimes of violence between now and 1990 is the proportion of population age 14 to 24. Consumer Price Index is another factor.

Mr. SCHEUER. If you will yield. If we could have access to that paper, I think we might like to excerpt it perhaps and print it as part of this record. I think those statistics would be of very great interest to all of us.

Dr. WOLFGANG. I will be glad to send a copy.

Mr. SCHEUER. Let me take an opportunity to introduce Congressman Ertel from Pennsylvania.

Mr. ERTEL. Thank you, Mr. Chairman.

I am curious—I haven't been here during your presentation, but I read your paper. I wonder, has there been any study done as to the incidence of crime in relation to the cultural background of the people in the United States and cultural community in which they grow up?

Specifically, many times I have seen relationships to cultural or ethnic background, but they don't relate it to the community in which the person develops. If I go back to when I was a prosecutor—I guess I look at it from a parochial aspect. But when we had a very tight community, we had very few crimes.

It was a specific ethnic group that lived in various areas of our particular city. When we had those specific ethnic groups with all its pressures, at least detectable or reported crime was minimal.

However, as we broke up those cultural groups, moved them out, our crime rate went up, at least from my observation, dramatically.

Has anyone done any kind of studies on that?

Dr. WHEELER. There have been a number of efforts to try and locate crime in neighborhoods, in local communities and so forth, and to try to examine this relationship to cultural background, and so on. In some of the early work—I haven't seen it replicated recently—done in the city of Chicago in the 1930's and 1940's, it was found certain areas of the city seemed to be natural breeding grounds for delinquency and crime quite apart from the particular ethnic background of the group that was there at a particular time.

So you can trace it as immigrant groups moved into the community, moved through it, became more affluent and moved out, a relatively constant high rate with problems of juvenile delinquency and crime seemed in some ways somewhat independent of ethnicity itself; more related to poverty, culture, and so on.

Mr. SCHEUER. Was it the physical environment there that was crummy, decrepit, depressing, and demeaning, or was it the situation of being an immigrant living in poverty and not having made it yet?

Dr. WHEELER. You can imagine the kind of research design it would have taken to separate out the sheer effect of physical environment itself from the family background, ethnic background, and so forth, of the persons living there.

I would think it would be impossible to say affirmatively whether it was one or the other. Certainly it seemed routinely to be the case that in certain sectors, disorganized sectors of the city surrounding downtown urban areas, and so forth, crime rates tended to flourish.

Mr. SCHEUER. You haven't told us enough for us to make policy. Do we just engage in physical slum clearance, or do we engage in education, job training, and the provision of jobs with the employer of last resort?

In other words, is it the quality of being a low-income person, or is it the fact of living in this degrading, dehumanizing environment? We have to make decisions. We don't have limitless resources. We have to make hard decisions and of priorities. Do we put it into improving the physical environment, or do we put it into trying to improve the human capability, human self-esteem?

Mr. BLANCHARD. If you will yield, we are in the process of making the best case for needed additional research.

Mr. SCHEUER. Yes, that's right.

Mr. BLANCHARD. I am sure you can't answer all of these questions.

Mr. ERTEL. I think my question was different than the physical conditions. My question was, Was it more ethnic, the community involvement, the standards set within that ethnic community, and has anyone evaluated that in relationship to the interreaction of the community which is stable, which in fact has community pressures?

Have you been able to identify any of those as a restriction on the people committing crimes, the makeup of the community itself?

Dr. WHEELER. I think it's certainly commonly believed that the cohesiveness of the community has something to do with whether there will be a high or low crime rate.

There is a study in which there is a clear relationship. Among low-income people, if you compare two different neighborhoods, one in which there is a great deal of cohesiveness, neighborliness, sharing, trading of coffee or sugar among neighbors, the crime rate is lower than in a neighborhood similar in other respects where there is less cohesiveness.

Mr. ERTEL. That is what the common belief is. Then the question comes to my mind, if you get less reportable crime you may not have fewer illegal acts.

Is it the reporting system, or is there a way to determine?

You know, I don't report my neighbor's kid who takes my dog and beats the dog—whatever it might be—or steals my bicycle and I get it back, because I have some sort of affinity for him. On the other hand, if I don't know that neighbor, the inclination is to call the police, and you have a reportable offense.

Has anyone been able to sort out these kinds of things? Is there any systematic way of trying to develop that kind of data?

Mr. SCHEUER. Let me add a footnote to that. It's not only that he doesn't report the crime; it's that the cops won't make an arrest.

In a middle-class, affluent neighborhood, my kid performs an illegal act. The cop brings him home and swats him on the behind, and turns him over to me and says, "Here's Johnny. He needs a little turning around."

For an identical act in a low-income neighborhood, that kid would be subject to arrest.

Dr. WHEELER. There is evidence bearing on a portion of what you are referring to.

Mr. SCHEUER. And he would be arrested.

Dr. WHEELER. And that evidence is that police in an arrest situation do what the complaining victim asks. That is, if the victim wants the offender arrested, there is more likely to be an arrest. The victim is more likely to ask for the offender to be arrested if he doesn't know the offender. So strangers are more likely to get arrested than friends.

Mr. ERTEL. Is there any way to separate out and get a really true picture of what actually is happening to either substantiate this cohesiveness idea or not?

Dr. WHEELER. I think what I have to say is this: I am not sure. I would want to think about it a lot longer than right now to tell you whether we could design an effective piece of research which would select out the reported incidents.

It might be we could have enough indicators of that true rate that we could feel we could establish some real differences. To do so requires the painstaking development of research designs that take time, and I would be irresponsible if I said right now, Sure, the way to do it would be this way. I don't mean to be dodging the question, but to simply say, it is a very serious research problem.

Mr. ERTEL. I guess there is an obvious followup question. My information or belief is that the Federal Government has been tossing a lot of money into this alleged type of research, and why hasn't it been done to date? Why hasn't some sort of statistical analysis been able to be determined at the present time by LEAA or whatever other agency?

Dr. WHEELER. I suppose one reason is that when we were—it's been—one has to have a little time perspective. It's been only a short period of time since we began gathering systematic data from victims or data from self-report that can be used along with data from official sources such as the police and so on.

Mr. ERTEL. I am always leery about collecting data from the police anyway, having been from the law enforcement establishment. I think it's one of the worst places to collect data you can find.

Dr. WHEELER. I think a lot of people agree with you. There have been attempts to gather data separate from police, such as going directly to households.

Mr. ERTEL. My experience with the police department, many of the crimes they overlooked before, now all of a sudden justify being reportable. But that is just a judgment call—

Dr. WOLFGANG. If that study factored out the degree of cohesiveness of a neighborhood and reportability of offenses were done, we in the research community would be faced with the age-old question or responses: A, if we need all that money—did you need all that money to tell us what we already knew? And, B, what do we do with the fact of cohesiveness? Is the Federal Government promoting cohesiveness?

Mr. ERTEL. I guess you are asking me a question at this point and we have reversed the question.

I can think of some things the Federal Government can do just by the fact that we have a very mobile society. Some people, with some feeling that there is a cohesiveness in a community, will tend not to move even for job opportunity if they feel cohesiveness for their children.

So there are some things we can do. That is just a suggestion.

Mr. SCHEUER. Can we turn to Congressman Walker?

I think you had a question.

Mr. WALKER. Go ahead.

Mr. PURSELL. I am going to change the subject here for a brief moment. I would appreciate either of you commenting on an oversight question, I guess. I would like to go back to the concerns I had with our public facilities and our educational community. I will confine it basically to elementary grade, and junior high.

I have been doing some work in that area and find that many of the teachers and counselors tell me that potential criminals among young people can be identified at a very early age, particularly following family breakups and so forth.

I wonder what suggestions you might have for us, since we are dealing with public facilities and public funds, where instead of building more jails we might be able to get more into the areas of preventive crime and rehabilitation, the educational aspects of preventing crime at that lower grade level; for instance, putting counselors at the elementary level rather than high schools to work with potential dropouts, that kind of thing. Would you care to comment on that area of concern?

Dr. WHEELER. I would. I am extremely skeptical of any person who claims that they can pick out prior to the act itself the persons who are going to commit it. It seems to me that to establish a program to work with potential offenders before they offended, thereby perhaps stigmatizing them for the potentiality of their offense rather than for something they actually did would be a very dangerous precedent to set.

It's another thing to say that we have on our hands now a number of persons age 8, 9 or 10 for whom we have reported instances of misbehavior of a serious type and so forth, but that is an after the fact judgment. I do not believe that anyone has successfully shown they can really isolate a group of potential offenders without at the same time getting a large number of what are called false positives, that is, people with similar attributes but who in fact wouldn't commit those acts.

Mr. SCHEUER. Wasn't there a professor at Harvard—

Dr. WHEELER. Sheldon and Eleanor Gluck.

Mr. SCHEUER. Didn't they do exactly what you have said, didn't they start 30 years ago by identifying trouble-prone kids at a very early age, 4, 5, 6, something like that, and traced their history and found out there was an 80 or 90 percent correlation between what was seen at this very early age and what happened to those people in their early and late teens?

Dr. WHEELER. Marvin knows their research.

Dr. WOLFGANG. Yes, they did attempt to do that and they had what was known as a social prediction table which was based on the discipline by the fathers and supervision by the mothers and the cohesiveness of the family.

There were two main problems, one is the methodology of the research design. They took 500 delinquents, 500 nondelinquents, nondelinquents having done nothing worse than taking a pack of gum.

Others were extreme ones, with a long record. The research community responded by saying that this was not a random sample and therefore there was a built-in bias, a 50-50 percent, a built-in bias in the design itself.

Second, one of the immediate responses made to predicting early on is the labeling, fear that there will be a self-fulfilling prophecy that occurs that is absorbed by the teachers in school, that little Johnnie is a bad boy, we know he's going to become a really bad boy later on.

And the responses and interrelationships between teachers and other persons in authority and the child has a tendency to promote the very behavior that they think is going to happen.

Mr. SCHEUER. I don't want to prolong this because I want to yield back but it seems to me if you could identify the kinds who were trouble-prone kinds, you would infuse into the system all kinds of psychological and support services that would attempt to meet their problems and that they would be far better off.

Dr. WHEELER. May I comment on that?

Mr. SCHEUER. Yes.

Dr. WHEELER. I think it's a plausible argument if you could identify them. The problem is if we go back to the Glucks' research, suppose the true rate of offense was 10 percent, not as in their example, that is, that 90 percent of the population of the kids are not going to commit such acts, 10 percent are.

Suppose their research is successful in locating a group in which that 10 percent is as large as 40 percent. If you follow me. That is, we now have a group where the probability is 40 percent rather than 10 percent, much higher than before as a basis for our research, or even 60 percent. But if you act on that group as a whole you will also be acting on the 60 percent who, had we let the course of events take place, would not have committed crime anyway.

So you identify a large number of persons for whom you set up a treatment program who in fact would not have committed the offenses in question. If one could get that 10 percent up to 95 percent, one might feel differently about it. We have been extraordinarily far from anything like that.

Mr. SCHEUER. Let me yield back to my colleagues.

Mr. PURSELL. I wanted to get into this in more depth, but I will pass.

Mr. WALKER. Thank you, Mr. Chairman.

I just wanted to follow up for a second with a comment. It would seem to me that if we looked, as a society, at some of these questions that we would see the research aim by looking at our our experiences rather than looking at comparable societies. From my point of view, if we do find out that the Soviet Union is better controlling crime than we are, it doesn't make much difference to us anyhow because I don't think, as a free society, that we are willing to tolerate the totalitarianism of the Soviet Union.

Mr. SCHEUER. It's quite possible they are controlling crime through methods we would be quite ready to apply. It may be that they are controlling crime through motivation, through getting most if not all of their kids up to scratch with educational skills that would be totally consistent with what a democratic society ought to be doing.

Mr. WALKER. I would tend to think that the very basis of crime control in a totalitarian society would have an awful lot of unacceptable alternatives available to it and that you can't apply some without also taking the unacceptable parts of the alternative. We ought not to discuss that, though, when we don't have witnesses.

I want to pursue something to get back to the basic question. That is, that you seem to have a divergence with your colleague about where this research should be placed. You come down fairly hard, as I get it, in your testimony that the research should be with the Department of Justice, and in so saying—

Dr. WHEELER. The applied portion.

Mr. WALKER. Right. But it seems to me that that gets us to the problem defined earlier and that is the kind of front office control of that research. Do you consider that to be an acceptable kind of relationship, that there is going to be control here with regard to that applied research?

Dr. WHEELER. I'm not quite certain what kind of control you're referring to.

Mr. WALKER. Essentially, the fact that the front office, if it controls the budget, is going to control what the agency does. In regards to the priorities the agency finds for itself; at some time, the front office will say, all right, you may have valuable things on the burner but here's the things the President has just defined for us, or we have a congressional committee coming down on us. This is what you will do, so push the rest of the things to the back.

I take it from your testimony that you are willing to accept that kind of problem as part of the applied research section.

Dr. WHEELER. Yes; I think there is a fundamental problem. It depends on which weighs as the greater concern. That's one side of it. The other is that if the applied research itself is not linked into the agency, it will have a problem with what those agencies do.

One of the great misconceptions, I think, is that you can have an operating agency acting in a particular way and then just say you want an evaluation and bring people in to evaluate. Whether you can evaluate it or not systematically will depend upon the nature of the data they were willing to provide for you, the efficiency with which they are willing to develop that data, their own commitment to the research, and its outcome. I think you're less likely to have that when you have research totally divorced from the agency itself.

Mr. WALKER. I take it you feel, at least on the applied research end of the question, that the applied research should be reflective of the priorities being defined at any particular time as national policy?

Dr. WHEELER. On the applied level, I would suppose to some degree I would say so. It seems to me there may be other pieces of applied research that take a longer time to develop where there would be resources drawn away simply because of the shift in priority at the moment at the top of the agency. It's only fair some of it reflect that agency's perspective.

Mr. WALKER. If that is the case when you get into the basic research side of this thing, that you're separating off and farming out, if I understand correctly, to an NSF or to NIMH—

Dr. WHEELER. I would certainly entertain other models, but the general idea is to get into a context in which the principles I was talking about with regard to research, peer review, and time enough to do it well and so on are thoroughly internalized and part of the atmosphere.

Mr. WALKER. Do you think it's really possible to have basic research going on in the area which is not being, or is not reflective of,

or is not at least supplementing the applied research that is going on and is being fairly well directed by the Department of Justice?

Dr. WHEELER. I think so. I will harken back to your own discussion with Professor Wolfgang. I am certainly aware of the difficulties and position an agency is in if it seems to be doing work that is irrelevant and so on. I think the time will come when one is going to have to decide, a Congressman has to decide whether they have a basic long-term belief and commitment in the general efficacy in approaching the problem in a scientific manner, which if they do they will have to be prepared to go beyond their 2-year reelection campaign and help convince the public that that is not an unwise thing to do.

One is simply going to have to think in terms of decades rather than in terms of 6 months or 1 year or 2 years.

Mr. WALKER. I think some of us are willing to do that. But the problem that I have often perceived in this whole area is that many researchers think in such esoteric terms that they are unable to see the political implications of what they are doing.

I have sometimes told people in my office from the NSF or from the Humanities Council that if they would just title their research a little bit better, if the titles they put on the research were a little bit better, it would make it far more politically acceptable. You know they title it for the academic world in such esoteric terms that the public doesn't understand that, and basically we are dealing with the public perceptions.

Dr. WHEELER. Yes.

Mr. WALKER. That may be a question of semantics. We can think beyond the 2-year term very easily if the researchers will recognize that there has to be a public perception, and as long as they are taking money, they are to some degree in the public realm.

Dr. WHEELER. Yes; I understand. It does seem that there are areas in which legislation occurs where people do not expect that immediacy of payoff, where no one will necessarily expect that you have to show the result within a year or else you won't do any research in the first place.

We would be far behind in our understanding of the physical world or medicine if we were applying those same criteria.

I think some learning is going to have to go on, that it's going to be just a difficult, in fact more so, for a problem like crime, and that we are going to have to establish a setting in which those expectations are supported.

I believe there is a problem with communication. I think many of us do indeed talk primarily to our colleagues and write for them, and so on.

I don't think this is an easy problem to resolve. I also think there certainly is a problem of accountability. You have every right to have a system in which the researchers are accountable in some manner.

I wouldn't argue this and have some feeling about this from my own experience. But that accountability can be in much too short a time perspective—can actually impede rather than help the process of research.

I do think it's possible to have some kind of effective liaison and some kind of sufficient intercommunication between the applied side

and basic side. They are very slippery distinctions anyway. I am not suggesting there should be this one operation dead in the middle of the Justice Department and another off in some esoteric scientific plan. They obviously should be in contact with one another and subject to mutual influence, as distinct from control.

Mr. WALKER. It's a very difficult balance to strike, I think, as long as you're operating in the public policy area, which I've noted because of my background in political science.

You know if somebody had started in 1970, let's say, with a political science study of predicting what is going to change political life in the next decade, and had been working along on that, without any involvement or consideration of Watergate at all, it certainly would be an irrelevant study.

Yet we are only 6 years or 7 years down the pike in that decade. It seems to me the same thing happens with regards to crime, when you're dealing in a public policy area the whole thing can be changed by some event that has great public moment and is very definitely a fact of political life. Maybe the researcher sees it as totally irrelevant but it is going to be completely relevant with regard to how dollars get proportioned.

Dr. WHEELER. I think it's all too relevant. The world constantly comes up with new problems that foul up our designs. That happens to be the nature of the world.

Mr. WALKER. Thank you very much.

Mr. SCHEUER. Thank you, Congressman.

I would now like to yield to Leslie Freed, counsel to the Crime Subcommittee.

Ms. FREED. I had prepared a very lengthy question, Dr. Wheeler, but Congressman Walker covered almost all of the area I wanted to get into. I was disturbed at first when I read your proposal because I felt it left the structure of research in the Federal Government pretty much in the way it is now; applied research done by an agency directly related to the Department of Justice and pure research existent in other agencies.

You have elaborated a little now on how you felt about political pressures and priorities may influence—work done in the applied research field. That is one of the problems our subcommittee found very distasteful to the individual policies and priorities of each administrator, and there were seven at LEAA, pretty much dictated what kind of research would be done in the agency, I hope now you can lay out for us your own priorities and we can use that to influence the Attorney General if the research institute would be in his department.

What do you think are the needs in criminal justice research today?

Dr. WHEELER. Well, I cited some in the remarks I made with regard to research priorities. I wouldn't want to repeat. I gather that is part of the record, and I wouldn't repeat it. But let me go back to concern that you raise and let me be clear as to what I am proposing.

I am not proposing that there be no change in what is in the system as it has gone on. I am saying that with regard to both applied and basic research, you need to meet the kinds of principles of high quality research that have been failed to be met on many occasions through the structure of LEAA.

And those conditions hold whether you do it in the Justice Department or with HEW or NSF or anywhere else.

So I am suggesting a change. I am not suggesting we do anything like we are currently doing. That change will have to assure a high-level, high-quality control through peer review and other such mechanisms. Whether one can successfully establish those mechanisms within the Justice Department on the applied side is I suppose problematic.

It seems to me there are advantages as I tried to indicate with Mr. Walker's question in having the research done in a context in which it can have a close relationship to the action agencies.

Ms. FREED. Maybe our definitions are different. Do you consider applied research what is done now in the Institute which is a lot of study into advanced technology, i.e. bulletproof vests, or do you consider it research which has immediate application in the field like a Kansas City patrol car study?

Dr. WHEELER. I consider the Kansas City patrol study as a model of what I would think of as applied research.

What I have in mind as applied research is a careful effort to examine the effect of some action program put into effect because it's believed to be efficacious for some reason. And I would include in that the evaluation of one-man versus two-man patrol cars, evaluation of saturation levels through studies like the Kansas City Police experiment and others of that type.

I am not thinking either of simple monitoring work that goes on in many agencies. I am not thinking primarily certainly, in fact at all, of technical development, hardware, and things of that sort.

Ms. FREED. Thank you. I think I still have a problem with your proposal. There is a need for an independent research agency not tied to the kind of political direction in an existing Justice Department right now. I say this simply because of the experience we have had in oversight of the present national institute. I think we just have different concepts in mind.

Thank you.

Dr. WHEELER. I am not at all sure we have a difference. If you don't mind, take 1 more minute and explain to me what you find wanting in my suggestion.

Ms. FREED. Dr. Wheeler, I would be happy to discuss this with you afterward, I don't think I should now take up the time of committee.

Mr. BLANCHARD. Thank you. We are, as you know, behind schedule. We have a couple of other distinguished witnesses waiting.

So I think at this time we will thank you very, very much for your time, doctor, and your statement which I find very interesting and I know will be extremely helpful to us.

Thank you.

Dr. WHEELER. Thank you.

Mr. BLANCHARD. Our next witness is Justice Jack Grant Day from the State of Ohio. Judge Day is Chief Justice of the Ohio Intermediate Appellate Court, also former president of the National Association of Defense Lawyers and former chairman of the Criminal Justice Section of the American Bar Association.

Welcome to our panel. We are going to be having people coming and leaving at this point. Our chairman will be back shortly.

We do want to thank you for your patience. We will let you proceed in any way you wish.

If you have a written statement, you can submit that for the record, you can summarize it.

**TESTIMONY OF HON. JACK GRANT DAY, CHIEF JUSTICE, OHIO
INTERMEDIATE APPELLATE COURT**

Justice DAY. I appreciate the chance to be here and I understand the rotating chairs because I have been here before.

I do not have a written statement and for that I apologize because I should have had one and would have had one had I known. But the request got to my office on Monday last at a time when it was already late in arriving here because the request said, "Submit 100 copies 48 hours before you appear."

Because I am late perhaps it would have gotten here within the 48 hours but otherwise would have been late.

If after I have spoken it appears useful to have a written statement, I will be glad to submit one.

I am doing something that is out of character, I am speaking from notes. Normally, I just talk and avoid the humbling experience of reading my own transcripts thereafter, but in this instance, I would like to read it because there may be some not editing but grammatical errors, maybe some spelling errors—

Mr. BLANCHARD. We do send out transcripts for their revising.

Justice DAY. If it fits the Chair's desire, I would make a very brief opening statement, certainly under 15 minutes and then submit to questions.

I feel a little bit like a person who attends Methodist prayer meetings, I have a very meager experience in attending Methodist prayer meetings but almost everything worth saying has been said already after 2 hours or so. And I recognize the expertise of those who preceded me and doubt if there is much that I can add except from the perspective of the judiciary.

At the outset, too, I should make it clear that I represent nobody except myself. I am a minority of one. I have no official status here except as an invitee of the committee. And I do not mean to commit either the court upon which I sit nor any of the numbers of judges around the country who may or may not agree with what I am about to say.

But since I have been asked to come, since I am not notorious for reticence, I will say what I have to say.

First, I would talk about the purpose of research in criminal law. I think it is to develop data to be used in solving problems. That doesn't mean that you must solve the problem the next morning. If I may analogize, I would suppose that the chemist who isolated helium in his lab and discovered it was lighter than air was not expected to build an airship the next morning. Neither did anyone race to an aircraft factory to see, perhaps in Akron, to see if Goodyear would develop a blimp forthwith.

There is value frequently to the product of pure research, which is not—immediately. I think in this area it is probably no different. First of all, crime research is sufficiently complex and exotic that I

think it unlikely that anyone would suppose that day after tomorrow we would come up with a solution.

I have also been asked to comment on why the Federal Government and not State governments ought to take a hand in this. There is one very paramount reason and that is, I think there is an interest at the Federal level, which does not exist at the end of the night stick, which is where the States operate and there is a tendency to view with some awe, and perhaps even more contempt, those who are theoretical researchers by those who operate at the law enforcement level in State government and in local government. This is not necessarily because the local enforcement officers are prime members of the Yahoo Club, but simply because they are visibly engaged in a different kind of research, whose fingerprints match, what MO characterized a particular crime in order to identify the man who may have committed it.

Then, too, I believe that an entity like a police force that thinks a 100 IQ is too high as an admission requirement may be a little baffled when it encounters someone who is doing scientific research and communication is difficult because the wires are down.

I think also that the Federal Government has a perspective on this which is national and perhaps even international and that is what is required. Crime is not any more local than disease. And it does not yield any more readily to easy cure than some diseases. Yet if I may use another analogy, it seems to me perfectly logical we should not omit money for basic research in cancer simply because no cure is forthcoming tomorrow morning.

It is also likely that the kind of person who conducts basic research is a different kind of person than the one who does the application of the findings. It is a little like the analogy to labor union operation, one man organizes the union and he may be a different fellow from the one who administers the contract.

Some men combine these characteristics and some don't.

But, in any event, that is no excuse for not trying to find out what the basic problems of crime are.

Now, we can talk about crime in terms of prevention or we can talk about crimes in terms of remedy. I suspect that most of the work that has been done in the remedial area has taken place with concern to those matters after an arrest has been made or after a crime has been committed in any event. This does not lend itself to looking at basic causes.

You now have a fact and you have a problem what to do with the person—that has done what has been done. When that happens, you cannot expect, I think, that the law enforcement official is going to spend a great deal of his time discovering what fundamentals caused this man to be in the stream of crime.

There is a story which a seer in my neck of the woods used to tell and we do have one or two in Cleveland. He said if a man floats by in the stream, we reach in and pluck him out. If another one floats by we reach in and pluck him out. By the time the third one goes by, we go upstream and see what is causing it, somebody's tossing those fellows in.

It seems this is where basic research gets into the act. They are trying to find out what throws these fellows in.

I was a little reassured this morning in listening to two real experts to hear that there is a kind of basic minimum of crime which occurs in all kinds of societies and only in recent times has ours had this untoward explosion of crime.

I have often thought that what we needed to do is perhaps discover, if we knew how, the hardcore of persons who are responsible for crime, the cadre, as Dr. Wolfgang said, which is responsible for most of it, and with plenty of safeguards to our civil liberties, determine whether or not they need to be insulated from society permanently, not savagely, not viciously but permanently. And then we apply prison on a very stingy basis to the remainder of those persons who manage to find themselves in the toils of the criminal justice system.

If we are going to protect society, if that is an aim, if we are going to prevent recidivism, if that is an aim and I would assume it is, we are doing very badly at the moment. I think that we have never handled crime on a kid glove basis, I realize I am talking in a political atmosphere now. I assure you I am aware of that, I was once nominated to this body and got 141,000 votes and lost, which is a sort of genius.

But it is certainly the fact that—it is a mistake to spend too much time in what may be an unfair recital of the failures of the system and not taking enough time to inquire as to whether the system will work at all the way it is being managed.

If we had a medical service delivery system, which had a 60-to-80 percent recurrence factor in it, we would have a look at that medical arrangement and see whether it was properly structured, whether we were administering it properly, whether the drugs, the medication, and the doctors were performing as they should.

I suggest to you that in our handling of crime except for some sporadic and temporary occasions, we have always taken the tough approach. And it is the approach, if I may say so of the simplistic, not to say the simple minded, who suggest that all you need to do is to clamp down on the violence. Lock them up, throw the key away.

Well, it is true you can prevent recidivism by locking up and never unlocking. If you never let anybody out they will never be back.

But obviously that is not a viable system and it is something we will not do and couldn't do if we wanted because you can't build a stockade around the country.

We have so many laws that virtually everybody in the country has been a fracturer of laws at one time or another in some, more or less, degree.

But we need to examine the tough approach, has it really worked? And we need to examine, too, whether tough penalties are not counter-productive in another sense. We want to protect ourselves. We want to protect society.

There is a certain glee in vengefulness, if you have been mugged and the villain gets put away.

But we ought to temper that with an analysis of what happens. If we take our vengeance under terms and conditions which make it more likely that there will be another day when this person on whom we wreak our vengeance comes back and behaves more poorly in the society than he would have had we treated him differently, we are only endangering ourselves. This is not a bleeding heart argument, although I am one.

I am trying to talk about the practical probabilities that when we incarcerate under monstrous conditions the prisoners come out monsters, and will be a greater danger than they were before.

Deterrents is something that needs to be studied too. What does deter?

There are many myths, at least myths until proven otherwise about deterrents. One of the major ones, for a slight diversion, is that an enormous military force prevents war. Well, the world has hardly ever been more heavily armed than now, but I see no prospect for total peace in that situation.

The same is true in the criminal justice system. We are bearing down on criminals in what I suspect is the most savage way in the Western World.

Yet, we have the biggest explosion of crime of all. Maybe the thing to do is bear down some more, but maybe not.

It would seem to me that the research ought to be designed to determine what works and what doesn't. It isn't enough just to examine results. In order to determine how fast men can run, you must evaluate the runners, as well as those who have run and who are doing the timing. We don't know what kind of programs have been used in full nor do we know the results where we have tried early diversion, or where we have tried shock or full probation.

I would like to see a study, maybe it's been made. If I am talking about something that has happened, well then we ought to evaluate what we have in the way of data.

But have we ever made an attempt to see what a probation officer could do with a load which people who are expert in the field think is a manageable one, as against the overloaded probation officer who simply makes a phone call once a month to his charges? Is there anything to the proposition that he has a function as a counselor and a guide, as against simply one who rides herd?

There are many, many areas, and, of course, one of the problems we have as judges is, how do we effectuate a sentencing process that is sensible and fair?

At that juncture I want to pay my lack of respect to mandatory sentencing. Mandatory sentencing, unless you assume that every single criminal act requires some penalty, no matter what the mitigating circumstances, then mandatory sentencing is a mindless operation because it attempts to say that there is a procrustean way to deal with every single malefactor in the community. They do not come in all sizes.

There is a difference between the kid who hands a joint to another kid and the pusher who goes to the high school to work heroin into the ice cream and hook a child who is a teenager.

There is a difference between the kid who drives the car while there is a bank holdup inside and the man inside who kills the cashier in an effort to get away.

I do not pretend that my guild is made up of saints who know all about these things and, therefore, can sentence better than anyone on Earth.

It is just that they happen to be at that point in the sentence continuum when the most information about the particular person to be sentenced is apt to be at hand.

Having it in hand, they are in a better position than some others, particularly someone in the legislature 150 miles away, 10 years before the fact, or after it for that matter, to decide that this is not the way to do it.

The judge at least has some data that would not be available to a legislator.

In a word, I am suggesting that in separating functions, the sentencing judgment ought to be made by a person who is full of facts and not one who is a total stranger to them—I mean the facts in the particular case.

So I would argue for some kind of an approach which would enable judges to do their job better.

It is true, not everybody will adopt my position. There are judges who are just as much in favor of the thumbscrew and the rack as the worst policeman in the worst urban police force in the whole world. But I would like to believe that they are in a distinct minority and that they could bring to their processes some analysis and some compassion.

Another factor that the criminal research might review is whether or not there is enough time to do justice to the decisions we have to make.

We are in an era of such concern with the docket that figures mean more to us than compassion and justice, I am afraid.

We haven't time to do what we need to do.

Maybe an examination of how we handle that particular problem would yield to some research.

It may be that not every single case ought to be subject to appeal. I have in the last few months sat on traffic cases, on appeal, which involved \$9.25, and that appeal gets the same treatment as aggravated murder which is also in the ambit of our court.

Our court takes any appeal at all, any litigation at all, criminal or civil, and must deal with it with the same theoretical composure and decorum and concern that we would give to the most serious case.

Maybe criminal research can tell us something about that.

There could be something said for research in the usefulness of having a judge tell why he imposes a sentence and couple that with appellate review of sentencing so we could maybe iron out the sentencing process.

We ought to study the effects of the alternatives to prison.

Certainly we ought to discuss it whether we are dealing with the first timer, the child who has found himself in the midst of trouble for the first time, as against the hardened person who repeats and repeats.

Well, one further thing. I think we ought to put high on the research agenda the effect of war and the ambience of war as a cause of crime.

We tend to tiptoe around that as though it is unpatriotic to suggest that military experience may lead to crime.

We can't really evaluate the surge in crime after the Second World War very well, I think, because there has been such a surge it is difficult to discern a wave in all of that massive criminal water.

But it is a fact that when you wage a war you relax every normal consideration which we deem conventionally necessary to a stable society.

Murder parades under the name of necessity because it is war. And every other kind of devaluation of character is pardoned, even advocated, because we are in a time of war.

Maybe there is an excuse. I don't argue that there is not, although I am willing to. This is not the time and place, but it seems to me it is something to evaluate.

For 40 years we have lived in wartime ambience. Our whole environment has been geared to war, threat of war, or actual waging of war with a consequence that the young people in this society—and they are the principal culprits in the committing of crime—have come to believe that there is certainly a context in which killing is all right.

And there is another thing. Maybe we ought to look at idleness rather than simply poverty as a cause of crime.

Clarence Darrow said some turned to crime because they were so well off, because they had so many opportunities.

It is certainly hard to talk about character and integrity when you think of what has gone on in the Federal Government over the past 6 or 7 years.

Another factor that is preeminent in war and which loosens the conventional bonds which make a youth into something valuable as an adult is the relaxation of family discipline. That, too, has been impacted by war.

I think we need to evaluate plea bargaining. Some argue that it discriminates against the poor. That therefore it is an invalid process. Consequently, some people argue you must try every case. Well, if we must try every case, we must increase the work force on the bench by about three times.

And, on top of that, no one would argue, I think, that a plea bargain which is corrupted, or which is done incompetently, is a good deal.

But a plea bargain which is done by intelligent people who are not corrupted but who are diligently trying in an adversary situation to find out where they would come out even if they went to trial makes sense. It saves time, money, and may be a factor in the rehabilitation of the offender because he can be put upon the track to recovery much faster and not be subjected to the trial.

It is perfectly true, of course, that we start with the assumption that all these things are fair, that the people who are engaged in the system are honest and have integrity, and I think that is fair enough, but it would be interesting to test the value of the system by seeing what happens in those cases where a negotiated plea is finally turned down and people go to trial, and what the results are.

We might then make a case either for or against plea bargaining.

I have no quarrel with the competitive research. Replication is, as I understand it, has the values of research proof.

If it can be replicated, it is important to know that because it is another form of evaluation of the process.

So much for that.

I am open to questions.

Mr. BLANCHARD. Thank you. That was really beautiful. I am glad we will have it transcribed for the record. Very valuable testimony.

I have a few questions, and maybe they are developing, our chairman, who has returned, can pursue them.

As I have been sitting here, I thought and mentioned to the staff that what we ought to do after all of our hearings is to compile an agenda of areas that we would like research in because we are making decisions on this like the jobs bill or parole reform, and the list of the things that go to appellate courts and trial courts.

I am just wondering from your experience have you ever been surveyed in terms of what kind of research would be useful to you in your everyday work and seen any positive development, and research carried forward.

You asked a lot of questions which I think probably have enormous practical value to you. You don't have time to look at it. Somebody ought to.

Justice DAY. I hesitate to say I have never been surveyed because every now and again a survey turns up. Some of them have dubious use.

I got one the other day from a university which shall be nameless. I don't know what value it would be. But it listed a crime in one sentence. Let's say it said a young man holds up a gas station and beats up the proprietor. Then a series of four choices. You give him life imprisonment, you give him probation, you would cut off his ears, and so on. That kind of thing. Ridiculous in my view.

Mr. BLANCHARD. I can appreciate that. We get one a day on congressional decisionmaking.

But what I was thinking about was the utility of the research. I think everyone we hear from will say far too little is known about x , y , z . You know I am not a judge, but it sounds to me that there are very important things we should know something about.

The question is whether we should find out from the research angle what it is the policeman wants, trial judge wants, and the Congressman wants.

Justice DAY. That is a very useful suggestion.

Mr. BLANCHARD. Rather than allowing someone in a very high powered research area to decide whether this might make a difference.

Justice DAY. It seems to me that is the kind of thing that would fall more generally in the area of applied research. And I do not mean to denigrate that. I think that is important.

At the same time, it is important to have an independent research agency which is doing the basic research, if for no better reason than that history is replete with examples of basic research which at the moment seem to have no practical value whatever, but in the end turn out to be immensely practical.

I suspect the researcher who first saw a germ under a microscope, or bacteria, did not really understand immediately all he saw.

You would suspect a good many of his neighbors would have thought him a little balmy had he attempted to suggest what all of these things meant to him even if he had the knowledge at the moment to know what to do with it.

I suspect that the history of most major discoveries show some linear development; certainly atomic energy did not come about by some sudden burst of insight.

But there were many, many experiments and judgments which were made along the scientific way which contributed to that.

I dare say there is hardly any major development which doesn't have that same kind of history.

So that when we are talking about insulting men who have time to think, and that is important, it is important we recognize that they may not come up with things which have an immediate relevance. It may not, for instance, be anything you can do anything about immediately to discover that there is a loosening of values which a wartime environment involves. In the end it may be of immense value in fashioning rules for society.

I doubt that that will end war. I don't suspect the Defense Department will come and ask to have its budget reduced if it is found it is contributing to the delinquency of minors. But I do think it is something to know. It is a factor, perhaps.

Maybe it isn't a factor. We ought to know that if it is not, for people like me who have been talking about it, if nothing else.

Mr. BLANCHARD. I take it from your testimony that from where you sit, the workload of you and, your associates—who are on the appellate court, the trial court—the workload is so horrendous that there really isn't the time.

Justice DAY. Let me give you a rough idea, Mr. Chairman, and I don't think we are different from anybody else, but we are in a busy appellate district, one of the busiest in the country.

We read roughly 10,000 pages of briefs a year. We have on particular nights as many as 300 pages of briefing to read. That doesn't count cases in the volumes, doesn't count law review articles, and it doesn't count records. A small record runs 400 pages and we have had them as high as 33 volumes.

It's true that reporters write at a dollar a page and "No" becomes a line at such circumstances, and white space is at a premium; but nevertheless, 3,000 pages is a lot to read even under those circumstances.

So we find ourselves in this condition. We make 24 decisions per panel a month; each of us writes 8 times and read our colleagues 16 times, theoretically, to check the accuracy of what they have done—and I don't just mean the spelling and punctuation. And it means we feel—I am sure this is an accurate comment on the feeling—that we are deciding rather than considering. There is a vast difference.

Mr. SCHEUER. Mr. Justice, is there any way in which, in the course of your appellate work in the State judiciary, that the work of the National Institute of Criminal Justice and Law Enforcement has helped you in any way, has been significant for you, or is providing you with any insights or guidelines?

Justice DAY. Well, if it has—and I don't mean this pejoratively, but if it has, I am not aware of it. Now, I have had—

Mr. SCHEUER. Sentencing or alternatives to incarceration?

Justice DAY. That may have had an input at another level. You see, sentencing would be at the trial level and would be a legislative matter, and we have done things about sentencing.

I didn't pay my respects to indeterminate sentences on my way along. Maybe I should go back and pick that up.

I think indeterminate sentencing is an abomination. The theory is that you sentence indeterminately and the parole authority, in its wisdom, will examine each case and let a man out or a woman out when they have exhibited a sufficient amount of rehabilitation to be absorbed back into society. Well, in point of fact, we put them in a place where survival is the issue.

Second, a person can be flopped and flopped in the penitentiary and get very disillusioned and very hard bitten and bitter about his experience.

It would seem to make much more sense to have fixed sentencing. I am not talking about mandatory sentencing now. I have already said I am against that. But fixed sentencing with time off for good behavior, certain rewards, home visitation, furloughs, and so on, if people knew certainly what the rules were and the rewards or consequences in following or not following them.

It seems to me discipline would be a much easier matter in penitentiaries, and the kind of person that would come out would be a less distorted human being than if you simply kept him locked up in a 4 by 12 cell with two or three other people who may assault him from time to time for 20 years.

Mr. SCHEUER. Ms. Freed, who is counsel to the crime committee.

Ms. FREED. Thank you, Congressman Scheuer.

I have a brief question, Judge, and it's more in looking at the total and, I suppose, political reality of things.

If the Institute or some research entity would come up with a highly published, federally sponsored study on effective alternatives to incarceration in prison, do you think those results would be utilized even by the political and judicial community to stem the tide toward mandatory minimum sentences, oppressive sentencing or prison construction right now?

Justice DAY. Is your question would the Congress and public officials, including judges, have the nerve to do what the data requires?

Ms. FREED. Yes.

Justice DAY. Well, I told you I was defeated for Congress. My answer will show you why.

I think if they haven't the nerve to do that, they ought to resign. It is my judgment that anyone who does not have the courage to do what the data, what the right thing is as it appears to him, and the logical thing and the remedial thing requires, he doesn't belong there.

I have heard colleagues saying before now: if you must wet your finger and see how the wind is blowing before you sentence, get the hell off the bench; you don't belong there, because a certain amount of nerve is an essential ingredient to a judge and to any public official whose work is so controversial.

Political expediency is another matter, I know, and sometimes it isn't good to get so far ahead of the troops that you lose them or maybe get shot in the back, and that is the way politicians think, I believe. Having been one doesn't give you any basis for telling you, because I don't think that way.

My view is that you must do what you must. If you are to decide, for instance, in the Congress that gun control and the elimination of the 100 million weapons was the answer to a substantial part of crime in the streets, then you ought to go for it, and the National Rifle Association ought to have to look out for itself as best it could.

Ms. FREED. Mr. Conyers would appreciate your comments if he were here. I only bring it to your attention because the fear of crime rather than crime itself is so all pervasive, not only in the congressional community and judicial community, but it does tend toward mandating minimal sentencing and prison construction and precluding research into the area of effective alternatives.

Justice DAY. I agree that what people imagine is the case may sometimes be as moving to them as to what the case really is. I know New Yorkers have an absolute paranoia about crime in the streets.

As I say this, I am about to go to New York, and I may be mugged next week; but I have spent seven summers there now and wandering around the subways, up and down, as I teach at NYU, and I don't—I have not yet been mugged. That is the word of a man just before he goes under water, I suppose. I am about to get it.

Mr. SCHEUER. It's an interesting statistical fact that there are many, taking low crime areas, middle class, semisuburban areas in New York City, and high crime areas, it frequently happens that the perception of crime as a threat is far higher in the statistically demonstrable low crime areas than it is in the statistically demonstrable high crime areas.

Crime is high, but the perception of it as a threat, is not very high. And where crime is very low, I can tell you in Co-op City, which is a vast housing project in the northeast Bronx area I formerly represented, the crime level was very, very low. But yet because there was a middle class community that had moved out of high crime areas to come to Co-op City, the very occasional mugging or breaking and entering, whatever, was given so much publicity that the residents perceived themselves as living in a more life-threatening neighborhood than communities that had an infinitely higher, actually identifiable level of criminal activity.

Justice DAY. Somebody has said nothing is bad if you don't mind it, and I suppose the reverse of that is true also; anything is bad if you do. If they believe it is that way, well, then this fear will condition them, and it's too bad.

Ms. FREED. Thank you.

Mr. SCHEUER. Thank you very, very much. Excuse me.
Congressman Pursell.

Mr. PURSELL. Congressman, one quick question: You are pretty much on the front line. From your experiences, how would you evaluate LEAA—from 1968, in the way they have developed grants, and the effectiveness of their programs? Do you have any suggestions to help strengthen the organization?

Justice DAY. I really don't know enough about LEAA to give you a definitive answer on that score.

When I was chairman of the criminal justice section, they were very cooperative in funding programs that we had, such as the implementation of the ABA standards of criminal justice, which in itself, I think, was a worthwhile thing.

I don't have any clear cognizance of things they have done that have been of use as a judge. Maybe a trial judge could tell you something differently. Maybe a police department could.

I have had the impression that they have had more interest in hardware than in causes and cures. Maybe that is unfair because I have not canvassed everything they have done.

Mr. SCHEUER. Just fine tuning that question a little bit, and it's a very good one, have you had the experience of perceiving that the National Institute of Law Enforcement and criminal justice officialdom has been reaching out to State jurists and State law enforcement officials to find out what the problems were and exchange insights, see

if they couldn't provide some research designs to see the criminal justice problem area as you perceive it? Have they reached out to you?

Justice DAY. Mr. Chairman, if they have reached out, they didn't reach me. So I could not answer that. I would suppose that they would say that they have taken part in helping develop programs in the local area. That may be true, but I am not acutely aware of it.

Mr. SCHEUER. Thank you very much, Justice, for your very enlightening testimony. We are very grateful to you.

Dr. Lee P. Brown, please.

TESTIMONY OF DR. LEE P. BROWN, DIRECTOR, DEPARTMENT OF JUSTICE SERVICES, MULTNOMAH COUNTY, OREG.

Dr. BROWN. Thank you.

Mr. SCHEUER. Dr. Brown is director of the Department of Justice Services, Portland, Oreg., and is a former sheriff in Oregon.

We are very pleased to have you, Dr. Brown.

I take it you don't have prepared testimony?

Dr. BROWN. I do not. I do however, have some notes I will utilize.

Mr. SCHEUER. Very good. We will be delighted to listen to you and ask our questions afterward.

Dr. BROWN. Thank you. First of all, let me express my appreciation for the invitation to present testimony here today. The remarks that I am going to present will be based upon over 20 years experience within the criminal justice system, as a student, a university professor, city police officer, as a county sheriff, and now in my existing capacity as a criminal justice administrator.

As a matter of background, it may be of interest to you to know that as director of the Department of Justice Services, for Multnomah County, we have somewhat a unique organizational structure.

Mr. SCHEUER. For the benefit of the audience, that county is Portland, is it not, including suburban areas outside?

Dr. BROWN. Portland is the major city in the county. There are also a number of smaller cities within our county.

Within the Department of Justice services, we have the entire process for the administration of criminal justice, starting with the sheriff, prosecutor's office, court system, adult corrections, juvenile justice system, indigent defense, medical examiner, the whole process.

Thus the testimony that I am going to be giving today is based upon my perspective, from a position where I have the responsibility of dealing with the problem of crime from the vantage point of the entire process established for its control, or at least its management. Thus, my remarks are from the perspective of the practitioner, the potential user of research findings.

I have been asked to address myself around two central questions that the committee is concerned with. One being, "Is there a Federal role in criminal justice and crime research?" and, two, "Which areas of research should be given highest priority?"

In response to the first question, is there a Federal role in criminal justice crime research? My answer is an unequivocal, yes.

The Federal Government does have, in my estimation, a very significant role to play in the area of criminal justice and crime research. In fact, I feel so strongly about it, I would say that not only

is there a significant role to play, but also a responsibility to fulfill a role.

I submit to you that this is the case for several reasons.

First, similar to the problems of health, education, and welfare, and so forth, the problem of crime is a national problem.

Recent public opinion polls, for example, have revealed that the American public view the crime problem as the No. 1 domestic problem. The problem of crime, at least the fear of crime, impacts upon the lives of most, if not all, Americans. Crime in this country has a social, psychological, and economic impact upon our cities, our neighborhoods, our families, and individuals.

Granted, the control of crime and operation of our system for the administration of criminal justice are local responsibilities. But when it comes to research in these areas, the issues, the concerns, and the need exceed the parameter of local government. There is a definite need to view the crime problem, the problem of criminal justice in a broader context. I submit that can best be accomplished through research sponsored at the Federal level.

Second, the Federal Government should be involved in criminal justice and crime research, because those local units of government responsible for operating the criminal justice agencies are preoccupied with doing just that—operating their agencies. Managing the criminal justice system is generally reactive management. It involves dealing with the day-to-day problems of crime with very little time left for reflection and little, if any time for empirical research.

If we take my situation as an example, although I have an appreciation for the value of research and have indeed, worked in a research institute, my responsibility as a criminal justice manager consumes all of my time. As much as I would like to engage in meaningful research, my responsibilities dictate that the day-to-day problems of agency operation receive top and first priority.

Third, most local jurisdictions are currently confronted with severe fiscal problems.

As a result, devoting funds to anything other than the provision of basic services is a luxury that cannot be afforded.

If it was left to local jurisdictions to undertake research in the area of criminal justice and crime, I can assure you that precious little research would be done.

In those places throughout the Nation where criminal justice agencies have been involved in undertaking research, the cost of that research has been underwritten by grants from Federal and/or private foundations, not from the budgets of local government. Since research, by its very nature, as has been pointed out consistently this morning, is a long-range program and thereby will not provide immediate solutions to problems, it is not conceivable that local decisionmakers will allocate funds for that purpose.

A fourth reason why the Federal Government, in my estimation, should be involved in crime research centers around the skills needed to do research.

Competent researchers have to be properly trained in research design and methodology.

There is a research community, but it is not in local government. Rather, researchers are generally located in universities or research institutes or centers.

Therefore, we can accept the position that research has a role to play in our efforts to deal with the crime problem, and I do—accept that position, then the Federal Government has a responsibility to make funds available to the research community to enable them to address the problems of crime and criminal justice.

Sixth, the Federal Government, in my estimation, has the responsibility to guide national policy.

Furthermore, there should be an empirical base upon which policy is set.

Research provides that empirical base. In specific respect to crime and criminal justice, policy direction should flow from empirical research.

Seventh research should result in the accumulation of knowledge about crime and criminal justice. This can best be accomplished at the Federal level. To date we have fragmented pieces of information, we have fragmented pieces of data, but we do not have a cumulative knowledge base about the problems of crime and criminal justice. If the Federal Government assumed responsibility for crime and criminal justice research, its major objective should be to develop a knowledge base upon which decisions could be made.

Its major responsibility should be to resolve the problem currently existing, because there is not a cumulation of research findings and a knowledge base about the issues of crime and delinquency.

In essence, its major objective should be to undertake research that would produce hard empirical evidence on what are the answers to the problems, let that evidence accumulate and thereby be used by practitioners to effect policy.

Eighth, if research findings are to be useful, there must be dissemination to the users.

This function of dissemination obviously can best be fulfilled at the Federal level.

In summary, from the perspective of a practitioner, I strongly believe the Federal Government has a definite role to play in the area of crime and criminal justice research. At the local level we look to the Federal Government for guidance in this area.

For many reasons, some of which I have briefly discussed, local government cannot undertake such research. Most important, is the need for crime and criminal justice research that has a national scope. Such a national scope can only be provided by the Federal Government. The national scope of the crime problem, in my estimation, requires a national response.

I would like to conclude my remarks by addressing the second question, "which areas of research should be given highest priority?" Let me preface my response to this question by saying that the role of the Federal Government in crime and criminal justice research should be directed toward the development of an organized body of knowledge.

The purpose of that knowledge should be to assist criminal justice planners and administrators in developing programs and in making decisions designed to manage the crime problem.

In carrying out that role, the Federal agency responsible for crime and criminal justice research should, first of all, develop a research agenda.

That agenda should not be developed in isolation from the potential users of the research findings. Rather, criminal justices planners and practitioners should be involved in the development of that agenda and the agenda should set forth research priorities.

From my position, the highest priority should be given to research that would tell us more about the phenomena of crime.

Presently we do not know enough about crime. Although much research has been undertaken on crime, the finding only suggests that crime is complex, multifaceted and not well understood.

We have a number of fuzzy theories that do not translate into policy. Much of what we do know is contradictory. To me it is quite clear. If crime is to be curbed in this country, knowledge about its causes must be developed. Such a knowledge base could then serve as a foundation for planners and practitioners to develop strategies for crime control.

Let me elaborate on this point for a moment, in order to illustrate how the absence of unequivocal conclusions resulting from research about the crime problem hampers our efforts to control crime, and at the same time stress the point that the shortage of precise and amply-documented etiological conclusions about crime is a major problem.

From our fragmented research efforts, we know or we believe a number of things.

One. We know that there is a lot of crime committed in this country, much of which goes unreported. Two. We know that young people are most frequently arrested for criminal offenses. Three. We know that blacks are disproportionately arrested, that well over 40 percent of those in our jails and prisons are black, the same is applicable to other minorities, as well. Four. We know that those arrested have certain characteristics. They are poor; they are unemployed, unskilled or undereducated. Five. We know that those areas of the city that have the highest crime rates also have the highest rates of unemployment. Six. We know that blacks are more likely to be the victims of property, as well as violent crime. Seven. We know that in a majority of cases where violent crime is committed, the perpetrator had been drinking alcohol previous to committing the act. Eight. We know a large amount of larcenies are committed by those addicted to drugs. Nine. Some believe TV violence has an impact on the aggressive behavior of young people. Ten. Some people feel overcrowdedness influences behavior. Eleven. Some believe inadequate education adds to the crime problem.

My point is, there are some things we know about crime, there are some things we believe about crime. Yet, the fragmentation of our knowledge and the absence of cumulative research and the absence of an empirical base to support that which we believe about crime, seriously hampers our ability to effectively deal with the crime problem.

Thus, in scope of the first research priority, that is developing a knowledge base about crime, there are many research questions to be answered:

One. What are the causative factors of criminal behavior, and here we should look at the different offenses that are committed, rather than looking at crime as being all-encompassing. Two. What are the causative factors of delinquent behavior? Three. What causes

violent behavior? Four. Does, in fact, TV violence impact upon criminal or delinquent behavior? Five. Does, in fact, alcohol contribute to violent crime being committed? Six. Is there a cause and effect relationship between socioeconomic problems and crime? An example being unemployed, poor housing, inferior education, overcrowdedness, inadequate health services, race discrimination, et cetera. Seven. What does crime cost this country? Eight. What are the factors that lead to the situation where minority groups are disproportionately represented in our jails and prisons? Nine. What are the implications of the redistribution of age groups in the population on crime? Ten. What is the nature and extent of white collar crime and public corruption?

Answers to these and other questions would be of benefit to the criminal justice community, as well as others.

The answers would have implication for legislators and administrators throughout government. In addition, it could stimulate inter-agency planning and coordination.

The second research priority should focus on crime prevention. Here we need valid information on what are the best ways to prevent crime. We need to know: One. What role can or should the community play in the area of crime prevention? Two. What role can private agencies, local, State, and Federal agencies play in the area of crime prevention?

Our knowledge in this area is very limited. To me a well-thought-out crime program should place high priority on crime prevention. This we have not done to date. Rather, we have placed our efforts and resources after-the-fact, after crimes have been committed and mainly by relying on the criminal justice system as a means of dealing with the problem.

I believe this is the case primarily because we know so little about what causes crime, therefore how to prevent it.

I should point out the fact that prevention assumes some understanding about causes. It assumes that we know something about the factors that cause crime and in the interest of prevention, steps can be taken to change these factors that we know are causative.

The third major research program area should be the criminal justice delivery system. Here, research should be undertaken to provide us with information on the best way to deliver criminal justice services, such as the police, courts and corrections. I am personally concerned that although there have been efforts at reform in the criminal justice system, we are still doing things in essentially the same way. This is because the majority of the reforms attempted have been undertaken on subjective beliefs and not hard empirical evidence. There are a number of empirical questions that can be posed here:

One. What's the best, and most effective way to structure and deliver police services? Two. What are the best patrol procedures? Three. How can police officers best use their time, the whole issue of productivity. Four. What are the most meaningful and effective sentencing practices? Five. How can we best deal with the problem of large numbers of persons being in jail pending trial? Six. How can we best reduce the delay in the trial and appellate process? Seven. What's the most effective way of dealing with the offender? Eight. How appropriate are the various treatment modalities used in both juvenile

and the adult justice systems? Nine. How effective is institutionalization of offenders? Ten. How effective is noninstitutional treatment such as probation and parole? Eleven. What impact does long-term sentencing have on rehabilitation?

In effect, we need to know what works and why it works. Rather than attempting to bring about reform in the criminal justice system by piecemeal identification of problem areas, we need an empirical base from which we can approach the complex criminal justice system through careful analysis and synthesis and thereby develop a model based upon what it should look like, how it should be restructured and what it should do.

In conclusion, it's my position that the Federal Government should take a proactive role in criminal justice research. I take this position because crime is a pervasive national problem and a national program is needed to deal with this problem.

The objective of such a program should be to develop a cumulative body of knowledge about the problems of crime and criminal justice that can assist planners and decisionmakers in developing programs and strategies to address the problem.

The development of a knowledge base about crime and delinquency should have very positive results. Such research should be focused on program areas, with first priority being given to the causes of crime, second, the prevention of crime, and, third, the criminal justice system.

Mr. SCHEUER. Thank you very very much.

Mr. PURSELL. Dr. Brown, I appreciate your excellent report, comments and observations in your rather "trailblazing" style.

Dr. BROWN. Thank you. I am glad you appreciate our championship basketball team.

Mr. PURSELL. Thank you. I thought you might mention that. With respect to LEAA, could you comment on your work with it as an organization and how effective it has been and what role it should be playing in providing this data bank which you suggest might help you on the front lines?

Dr. BROWN. My experience at the level of delivering services of the criminal justice system suggest that we do utilize some of the findings or work coming out of the institute on occasions. The institute did research in the area of crisis intervention. We utilized the findings there and modified it to fit our own local situation and developed an ongoing seminar called "Understanding People" for our sheriff's office.

The institute through its technology transfer program, provided funds for neighborhood team policing. Our sheriff's office underwent a reorganization using the neighborhood team policing concept.

We are looking at prevention through environmental design and have worked with architects in our area.

Our district attorney is developing a computerized information system and is looking an LEAA program. Other research that may or may not have been done through LEAA have been utilized by the sheriff's office, such as the role of the investigative function.

We are looking at research that has been done in the area of preventive patrol questioning whether or not random patrol is of merit to the law enforcement delivery systems and if not how can we best utilize the patrol officer's time.

When I was a police officer in San Jose, we utilized and developed a police community relations program using LEAA funds. Presently our corrections unit is looking at the reports of LEAA dealing with alternatives to incarceration with the hope of using some of the materials that come out of that for our own purpose.

We rely very heavily in our agency on the standards and goals work in an attempt to determine what can we use to improve our system.

Those are some examples how we utilize some of the information that came out of LEAA.

Mr. PURSELL. One quick closing question in relation to that.

Do you think that organization, funding and legislation strikes a balance between hardware and preventive rehabilitation type programs? Do you think it's appropriately balanced in those respects since you have been a front line officer as well as serving in the preventive area where you have had both experiences?

Dr. BROWN. I probably would not be in a position to give you a very definitive view because I don't know all the research that's taking place in LEAA. I am mainly familiar with that I have involved myself in. In my testimony I made the point that research at the Federal level should involve basic as well as applied research. I would also take the position that those two should not be separated, and my reason for saying that is that whatever research is done in my estimation should have some value for the users.

I also believe that if we separate the two approaches into separate entities of government, what will happen will be the criminal justice agencies will look at the applied research and ignore the pure research. I suggest that at some point in time we should begin to look at crime and criminal justice in its totality. Crime is not being a problem that can be solved strictly by the criminal justice system.

As a matter of fact, I think the criminal justice system does not control the problem. Rather, we should look at the causes of crime.

If we separate the two, I think what we will find is that social conditions will be dealt with through pure research and operational concerns will be dealt with through applied research and they will never mesh together and have a comprehensive approach to dealing with the crime problem.

Mr. SCHEUER. As a criminal justice planner and administrator over the years, do you feel that the research that is coming out of the National Institute has been of sufficient focus and of sufficient quality so that it's been relevant and helpful to you?

Dr. BROWN. We have utilized, as I indicated earlier, a number of the research findings that came out of the Institute. I would say also that I do not believe the Institute has developed a research agenda where you have a road map to follow in terms of developing a knowledge base, knowing the gaps in that knowledge base, and then focusing research effort to fill those gaps.

Mr. SCHEUER. Do you have any questions?

Ms. FREED. I would like to follow up on the first question that you were asked, Dr. Brown, and also to issue a very warm welcome on behalf of Mr. Conyers if he hasn't already done so. He's called upon you many times, for advice in the criminal justice area and this is a continuation of that reliance upon your advice.

Study results were released yesterday which showed that heroin addicts do not commit a very big percentage of violent crimes. What use has your local enforcement agency made of the results of that study? Such studies are quasi—applied research and slightly into the pure research area.

Dr. BROWN. Not having read the study, I would reach the same conclusion anyway. I think the crimes committed by people who are addicted to drugs would be mainly property thefts, not violent crimes. And so it doesn't provide me with any new information.

Ms. FREED. Do local enforcement agencies then proceed on the results of those studies and not look to heroin addicts as suspects when they are investigating violent crimes?

Dr. BROWN. The fact that one is a heroin addict would not necessarily be a reason that the investigator would pursue him if a violent crime had been committed.

Ms. FREED. Do you think that is true throughout the Nation now?

Dr. BROWN. I think it's pretty well known within the law enforcement field that people addicted to drugs are not the ones generally involved in the commission of violent crimes. That is rather general knowledge.

Ms. FREED. So would you say that study is useless?

Dr. BROWN. It didn't add anything to my knowledge.

Ms. FREED. Thank you.

Mr. SCHEUER. Well, thank you very, very much, Dr. Brown.

Mr. STOVALL. Mr. Chairman, may I inquire as counsel for the minority?

Mr. SCHEUER. By all means.

Mr. STOVALL. One quick question.

Mr. SCHEUER. Sure.

Mr. STOVALL. Dr. Brown, if you were allocating resources for pure research as we have heard it called today and applied research, how would you like to see the resources allocated? And do you think that Dr. Wheeler's estimate of 5, 10, or 15 years is a likely period of time for the pure research projects to continue is a realistic goal? Sort of a bifurcated question.

Dr. BROWN. In response to your first question, I would develop an agenda which would give first priority to pure research. If we identify pure research as developing an understanding about the phenomena of crime, I think flowing from that would also come information that would be helpful for those involved in applied research.

So I don't make the separation between the two.

I think the objective of the two should very well be designed to address the same problem.

With respect to your second question, I would agree that a minimum of 5 years would probably be required before research findings are filtered down to action.

Mr. STOVALL. Thank you.

Mr. SCHEUER. Dr. Brown, you have given us some very thoughtful and provocative testimony. We thank you very, very much.

Dr. BROWN. Thank you for the invitation.

Mr. SCHEUER. The subcommittee will be adjourned until tomorrow morning at 9 o'clock.

[Whereupon, at 12:56 p.m., the hearing was adjourned, to reconvene at 9 a.m. on Thursday, June 23, 1977.]

FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

THURSDAY, JUNE 23, 1977

U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING,
ANALYSIS AND COOPERATION OF THE COMMITTEE ON
SCIENCE AND TECHNOLOGY, AND SUBCOMMITTEE ON
CRIME OF THE COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittees met jointly at 9:10 a.m. in room 2141 of the Rayburn House Office Building; Hon. John Conyers [chairman of the Subcommittee on Crime of the Committee on the Judiciary] presiding.

Present: Representatives Conyers, Gudger, Volkmer, Scheuer, and Walker.

Staff present: Jonah Shacknai, Hayden Gregory, Leslie Freed, counsel; Robert Shellow, consultant; Ross Stovall, associate counsel; and James Gallagher, technical consultant.

Mr. CONYERS. The subcommittee will come to order. We are continuing joint hearings this week on the Federal role in criminal justice and crime research, focusing on the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, with some great concern and interest in the National Academy of Sciences and their report.

We are very pleased to have today the chairman of the National Academy of Sciences Committee on Research on Law Enforcement and Criminal Justice, Dr. Samuel Krislov, accompanied by Dr. Alfred Blumstein, Dr. Richard Schwartz, Dr. Susan White, who have honored us by agreeing to appear on a panel and engage these joint committees in discussion.

Would you ladies and gentleman come forward, please, and I should indicate our pleasure at your joining us.

The committee has your draft report and we also have some detailed comments, and we are very, very pleased that you can join us this morning for our second day of joint hearings.

Without further ado, Chairman Krislov, we welcome you, and I would yield to the cochairman, Jim Scheuer of New York, if he wanted to add a word of welcome.

Mr. SCHEUER. Thank you Mr. Cochairman. We are both very pleased to have you here. We know you have done an enormous amount of work putting this report together. I have had the privilege of meeting with most of you about it. We certainly look forward to what you are going to tell us.

TESTIMONY OF DR. SAMUEL KRISLOV, PROFESSOR OF POLITICAL SCIENCE AND LAW, UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINN.; DR. SUSAN WHITE, STUDY DIRECTOR, NATIONAL ACADEMY OF SCIENCES' COMMITTEE ON RESEARCH ON LAW ENFORCEMENT AND CRIMINAL JUSTICE, WASHINGTON, D.C.; DR. ALFRED BLUMSTEIN, DIRECTOR, URBAN SYSTEMS INSTITUTE, SCHOOL OF URBAN AND PUBLIC AFFAIRS, CARNEGIE-MELLON UNIVERSITY, PITTSBURGH, PA.; AND DR. RICHARD SCHWARTZ, DEAN, STATE UNIVERSITY OF NEW YORK LAW SCHOOL OF BUFFALO, N.Y.

Dr. KRISLOV. I am Sam Krislov of the University of Minnesota, and we are all delighted to be here on behalf of the National Academy of Sciences' Committee on Research and Law Enforcement and Criminal Justice.

Alfred Blumstein of Carnegie-Mellon, Richard Schwartz of Buffalo, and members of the staff. Susan White, to my right, and then Ms. Fredrica Kramer and Mr. Michael Rossetti in back.

A list of the membership of the committee is appended to our statement, and I would like to say a little about our composition.

As with other committees in the National Academy of Sciences, an effort was made to broadly include relevant disciplines, political science, in my case, urban and public affairs and computer programming in the case of Professor Blumstein, geography, law, sociology, economics, as well as criminology, as well as a diversity of disciplines and points of view.

In addition, since we are not just a pure research agency, there was an effort made to include other representation, Charles Herzfeld of I.T.&T., Robert Igleburger, a former police chief, Eugene Eidenberg of the Illinois Law Enforcement Commission, and so on, and Coleman Young, last, but not least, Coleman Young, the mayor of Detroit.

From the beginning it was intended not just to include academic disciplines, although our responsibilities were primarily in the field of the research program of the Institute, but others as well.

The committee was established under a contract with LEAA to evaluate the research program of the Institute and copies of our final report are available for your use, and the final publication is scheduled for September 1977, the Academy not being any quicker than GPO.

The charge to the Academy was to convene a committee of recognized scholars representative of the various disciplines that characterized the field of research in crime and criminal justice, and in this particular, the program of research sponsored by the National Institute of Law Enforcement and Criminal Justice, and to assess the research funded to date, identifying areas of relative strengths and weaknesses. As we looked at the program of the Institute, it became clear that the program included things other than strict research. It included model programs, demonstrations, training programs, impact evaluations, data archives, and what they call technology transfer, in Washington, that is, publications designed to disseminate ideas that originate within the program.

This variety of functions is mandated by Congress and isn't merely the creation of the Institute and is part of the overall action mission of LEAA in its relationship to the State planning agencies. Therefore,

we delineated 13 categories of funding and investigated their effectiveness in all of these areas.

The mandate to evaluate a research program began to be a mandate to look at all of the different kinds of responsibilities the Institute has carried out. And, in a sense, what we were doing was recapitulating for ourselves the type of problem that the Institute had to wrestle with, when it started out do what it was asked to do.

We first established criteria.

We wanted to look at the quality of research, but we recognized also that the usefulness, as it applied to social problems was also important.

In other words, we were not interested in pure academic categories there. We also raised the question of cumulating knowledge, to what degree are the projects additive? Are they just isolated things, or do they add up to a total picture that can be useful to others?

The fourth criterion we used was the competence of the administration of the program. We used a number of different methods of evaluating the actual work of the Institute. One of the most important ones, but not the only one, was to actually pull a sample of the work of the Institute and evaluate it. It is a little unusual to use such a relatively elaborate procedure though; as I understand the theory of evaluation, it ought to be done all the time. We found out there were some difficulties with that approach, but we also think that there are some great advantages. We have dirtied our hands with actually looking at the projects, rather than merely talking to people and getting their impressions.

In addition, we did the normal things. We interviewed people, knowledgeable, particularly people who had been involved with the operations of the Institute of various directors like Henry Ruth, various subordinates at various levels.

In the field of technology where the contracts are very big and are, in fact, umbrella contracts that cover a number of projects, we used a different approach and asked the contractors to come in and make presentations of what they were doing to a subcommittee of our committee of knowledgeable, and that subcommittee was headed by Mr. Charles Herzfeld, who is, as I mentioned, with I.T. & T., and a former director of ARPA at the Department of Defense and Ph. D. in physics.

In looking at the grants in the form I mentioned before, where we pulled a sample, we developed a set of instruments for evaluating, which I won't bore you with, with different criteria for different kinds of projects.

As I tried to emphasize, we did not say that a demonstration project had to be a pure research project.

We recognized the different missions of the Institute, even in our methods of evaluation.

Our major findings can be summarized. In terms of quality, we tended to come out pretty much, although not exactly where most of the critics of the Institute are. That is, we find that a fairly high proportion of the Institute projects have been mediocre.

That is not to say that there haven't been successes, nor that they haven't had some spectacular failures. Most of them are not clearly either successes nor failures. And the main reason, we believe, is

because they were not exacting enough on their original specifications and designs to either achieve success or failure.

We worry about quality control. In terms of usefulness, we have not engaged in as extensive an inquiry, since no data exists and we did not have the resources to do a survey ourselves, and all that we can say is that we could conclude that little of the material disseminated by the Institute is used in planning and program development by the SPA's, at any rate. We did have a team that went and explored relationships with the SPA's.

In terms of cumulative research, we are quite emphatic that the Institute has not done what it could do in developing systematic research programs. It has looked for, we say in our full report, rather than in this testimony, it has looked for short-term winners at the expense of long-range programs. And the trouble with that, is that you end up supporting fads, and fads change from year to year, whereas a systematic research program may fail, but at least you know what you have at the end of that time.

They have not worked toward a coherent body of knowledge, and we suggest they need to restructure along those lines.

Finally, let me say that we found very serious shortcomings in the administration of the program.

We believe that their advisory system is not an efficient one, that they do not draw on the best people. That their staff, I don't want to attack people who are doing the best they can, they are conscientious, but their staff is inadequate to the task of administering this kind of a research program, and yet they insist on being largely in-house in their arrangements.

They follow a research strategy that tends to exclude most of the existing social science research community, and this leaves them in turn vulnerable to pressures from LEAA, Justice, Congress, that at times are destructive of the development of a research program.

○ These problems are not the fault of any individuals, but rather the consequences of the structure of the Institute which does not assure enough independence; for a research program we are not only arguing for independence. We also believe in accountability. As we develop later, in our report we have called for a return to the focus on crime control and crime reduction, as the major purpose of the Institute program. But we believe that that should be a long-range goal. Its success or failure should be judged over a period of years, by which they show what they are doing in a responsible and coherent research fashion, not on a day-to-day basis.

That is to say, I don't believe any, and I doubt that anybody in this room believes that any one piece of research will solve the crime problem.

Research as a body may contribute toward reduction of crime in the long run, but the project is a long-range one, as—to use an analogy that has some weaknesses but still carries over—as a cancer prevention program or any other form of dealing with a social problem.

It isn't done overnight, and it isn't done by one piece of work, and it isn't done because one individual has a project and a bright idea.

That is what we are pleading for, enough independence and integrity for the research program to achieve what is expected by Congress and what can be expected from by the public.

Susan White of the University of New Hampshire, on leave at the Academy, will now continue with an overview of the history of the Institute.

Dr. WHITE. Thank you. We felt that one of the ways in which you might be able to gain some insight in this program and how it developed and perhaps how it went wrong in some respect would be by hearing some of the Institute's historical background.

The staff for the committee spent a great deal of time interviewing a great many former and current staff with the Institute, as well as others who were perhaps in LEAA or in the Justice Department or elsewhere, but would have some contact with and knowledge of the history of the Institute.

When it gets put down on paper, of course, you have to skip a lot of factors that might be considered important by some individuals, and we apologize, if we have slighted anything.

What I would like to do is pretty much highlight some of the findings that we have from the history.

I would like to follow the section from the report that you have which perhaps may make it easier for you.

We divided the administrative history of the Institute into three phases. We believed that this was important to do, because there were quite distinct factors that occurred in these three phases.

The first phase is basically a starting-up period. There were several directors. One was a director for a year, and that particular individual, while he had—certainly had an impact on the program was not there long enough to have the same kind of impact, perhaps, as the others who were there for a long period of time.

The second phase was when Martin Danziger, who was appointed in 1971, and he was there for somewhat over 2 years.

The third phase, since our study really goes only through 1975, is from 1973 to 1975, when Gerald Caplan was the director.

The first phase, as I said, had several different directors and, therefore, one of the factors that you have to look at is simply the effect of turnover, the effect of not having enough time to plan and develop a program. They had a great deal of money, not as much as they do now, but they had a great deal of money for a research program.

The pressure was to move the money, as is always the case. And they didn't really have time to plan well for that process. There was also in this period the three-headed administration of LEAA and, in talking particularly with Mr. Ruth, it is clear that that three-headed administration was a very frustrating experience for the director, who, of course, had to have approval from the LEAA Administrator for what he did.

There was also a strong feeling expressed to us by a number of individuals who were at the Institute at that time that Congress was antiresearch or was hostile to research.

We could go into some more of the detail of that, if you wish. We do have some material from earlier transcripts of earlier congressional hearings on that.

In any case, Mr. Ruth felt quite strongly that he had to spend much of his time more or less justifying the research role rather than actually getting a research program underway.

The second major phase was when Jerris Leonard became Administrator of LEAA and Martin Danziger the Director.

And this phase had some very strong new directions in it, which came about in the following way. The previous year, the year prior to the appointment of Mr. Danziger, had seen very strong criticism of LEAA in Congress because, among other things, the large sums that had already been expended on various programs had not produced a decline in the crime rate.

Now, the use of crime rates as a measure of performance, is very problematic, for three reasons. First, crime rates are affected, to a considerable degree, by factors other than those under the control of the criminal justice system and, conversely, many who contribute to the crime rate do not pass through that system.

Second, crime rates themselves are affected by higher citizen or victim reporting and police reporting procedures.

It is quite possible for a program on citizen awareness, for example, to have the intended impact of higher reporting of crimes, therefore producing a higher crime rate.

Third, and in the context of evaluating the Institute, most important, the use of crime rates as a measure of performance is based on wholly unrealistic expectations about the kind and extent of immediate impact that is possible from research. There are many aspects of crime problems about which we now know little, but can know more. Much of this knowledge, we believe, can be useful in future efforts to prevent and control crime.

But it is important to recognize that practical payoff from research is necessarily indirect and oftentimes long-term.

Nonetheless, increases and decreases in crime rates remain the focus of LEAA performance measures and the criticism continued.

One outcome of the criticism was LEAA's embarrassing discovery that it had almost no information about the impact of its programs.

Therefore, a new effort was begun throughout LEAA to focus on crime reduction, rather than system improvement, and on evaluating the impact of these programs. And the new effort affected the Institute in major ways. First, it hardened and intensified LEAA's commitment to the goal of directly controlling crime. Even for the research program.

Second, it involved Institute staff in a lengthy and complex planning process, using specific reductions in crime rates as performance measures. And, third, it produced a sharp change in the research and development strategy.

The term "crime-specific planning" came into use throughout LEAA in 1971 in direct response to congressional questions about the relationship between Government anticrime funding and the increasing crime rate.

The term meant that programing had to be tied to a specific crime and designed to bring about a specified level of reduction, or decreasing rate of increase, in the rate of occurrence for that particular crime. And that was applied even to research programs.

The next 2 years were devoted to making both the NILECJ organization and Institute programs directly responsive to the goal of reducing crime.

Crime-specific was eventually relaxed to crime-oriented during this period, but the belief remained strong that research on crime could directly and immediately affect crime reduction, if only the right combination of planning and funding strategy was used.

One of the results, of course, was that the Congress mandated that more evaluation be done in LEAA. They put that at the feet of the Institute or on the back of the Institute, perhaps more appropriately, which got the Institute into the business of helping the rest of LEAA be accountable.

As a result of all of these factors, the funding program during the Danziger period was significantly different from previous years.

NILECJ chose to limit its major funding to a few large-scale grants and contracts on the ground that this strategy for spending the money would have the largest possible payoff. Large dollar amounts were committed to projects, several of which continue even today.

The major example of this shift in research strategy was the Institute's involvement in LEAA's impact cities program.

Apparently convinced that solutions could be found by concentrating large amounts of money at selected sites, and believing that this would result in a more efficient use of R. & D. money than a fragmented grants program, Martin Danziger made the impact cities program a major focus of LEAA and Institute funds.

The expected payoff of gaining new knowledge about reducing crime did not materialize and that failure should have been anticipated.

The obviously political nature of the overall program dictated many aspects of its design and operation.

Now, the Institute was not responsible for these politically motivated requirements, but the situation illustrates the highly political constraints within which the Institute operates, constraints that do not lend themselves to good research efforts.

Further, the Institute can and should be held responsible for committing its resources to programs that cannot be reconciled with research objectives. In sum, the Danziger period produced an intensification of the Institute's commitment to directly reducing crimes. Goals, objectives, and planning were all tied to a belief that crime was a problem that could be solved. As we point out later in our report, it was not the goal of controlling crime that was mistaken—but rather the notion that research can contribute directly and immediately to crime reduction.

Furthermore, we believe that during this period research funds were diverted from the goal of knowledge to the goal of direct problem solving.

The third period we have designated the Caplan period. Gerald Caplan was appointed Director of the Institute in the fall of 1973 by Donald Santorelli, then Administrator of LEAA. The Caplan period received its earlier definition in the decision to deemphasize crime reduction as a goal.

Since crime had not been reduced, indeed, had increased more often than decreased, the claims for impact were probably unfounded from the start. Recognizing that it was wholly unreasonable to measure the effectiveness of a research program by specific cure rates Caplan modified the Institute's approach. The Institute would no longer plan for direct and immediate impact on crime rates but instead would develop longer range objectives that could be expected to contribute in a more realistic way to an overall reduction in crime. Even the traditional focus on improving the system was recast so that efficiency

and fairness became objectives in their own right rather than tools for reducing crime rates.

The Institute and all of LEAA entered a new period of deflating expectations. In addition, Director Caplan has recently begun efforts to develop and encourage a research community interested in more basic research questions.

We think it is very important for these committees to realize that at the beginning stages of the Institute there was a very small research community, mostly criminologists with some other people who had in one way or another become involved with criminal justice, but there was no discipline or set of disciplines out there that was concentrating on criminal justice research.

We feel that one of the tasks that the Institute should have taken on from the beginning was developing such a research community, going out to the universities and the consulting firms, research organizations where there were various kinds of social scientists who might be brought into this kind of work.

Basically, this did not begin until after Gerald Caplan became Director and while we believe he should be commended for having begun the effort, we think it has only started and there is a great deal more to be done.

One other point we would like to make about this last period. The overall impression of the Institute's goals and objectives under Caplan's leadership is one of decentralization and eclecticism.

By that time they were burdened, because LEAA had been criticized, with a great deal of impact evaluation that had to be done; so they had an Office of Evaluation.

They also were asked to do a great deal of technology transfer; so they had an Office of Technology Transfer.

Then one of the offices just happened to be an Office of Research Programs, that is, research was confined to one unit of the Institute. And within that Office of Research Programs the program definitions were basically police, courts, and corrections; it also included special programs and community crime prevention, but basically it was the traditional criminal justice system setup.

We feel that that is certainly not the most creative way to develop a good research program because the program desk people—police, courts, corrections—more or less have their own traditional constituencies to reach out to.

Consequently, there was relatively little cross-fertilization, if you will, and creativity in the ideas that developed.

In conclusion, although as I said before, there is certainly a number of other factors that could be mentioned, we believe that the problems of locating research in a mission agency have always been substantial.

The pressures from the parent agency tend to favor immediate solutions and foster an unnecessary polarization of basic and applied research. NILECJ's position in the agency perceived as a servicer of local criminal justice practitioners has narrowed its focus to the criminal justice system only, and sometimes simply to crime rates, and has prevented the Institute from looking to the larger research issues that are important for producing useful knowledge about crime problems.

The Institute's outlook has been unnecessarily narrow, we believe, and its research agenda has not benefited from a variety of perspectives on criminal justice problems. At that point I think I will pause.

There are a number of other factors involved. I think you have this text if you wish to pursue any of them further.

Mr. CONYERS. Good.

Would it be appropriate now for us to go into some questions and then come back for additional presentations?

Dr. KRISLOV. We don't have any additional presentations. We wanted to have questions at this point.

Mr. CONYERS. OK.

Jim, would you like to begin the questioning, please?

Mr. SCHEUER. I am going to have to leave in a couple of minutes to go downtown for a press conference. I will be back in about three-quarters of an hour so I am sorry that I can't wait and hear the answer to my other questions, but I think an important question to get out is it seems to be this stated assumption by all parties that has not been contradicted that the National Institute is held in quite low esteem by the research community and it has had a great deal of difficulty in attracting first-rate scientists and researchers of all kinds.

Even in a time when there was a very tight job market the National Institute didn't seem to be able to attract people and hold them. Why?

Dr. KRISLOV. Are you talking about the staff or the researchers? In other words, the staff at the Institute or—

Mr. SCHEUER. No; this was supposed to be a catalytic place to bring brains together and to organize existing knowledge and come up with some answers.

The National Institute so far has been disappointing to me, and those of you on the panel who played an active role in its early development, in attracting this kind of talent and serving that catalytic role.

Briefly, why?

Dr. KRISLOV. Well, Professor Blumstein had the longest perspective on this.

Dr. BLUMSTEIN. Let me start making a pass at that issue.

There is a long tradition in the research community that integrity of research is a necessary condition for obtaining quality research. And people capable of producing high quality research will not participate in a program that they don't believe has integrity.

That integrity requires that the research seeks out the truth wherever it may lie, and that the research not necessarily be responsive to demands for an immediate solution or demands for an answer that fits some preconceived conclusion that is to be proven.

There was a concern that was reflected in a variety of aspects of both organization and specific incidents that were reported in the Institute that suggested that the Institute did not have that requisite degree of integrity.

Mr. SCHEUER. Can you give us some specific examples?

Dr. BLUMSTEIN. Well, the fact that the Institute was directed—that the sign-off on all grants from the Institute was in the hands of the Administrator of LEAA.

And with the—

Mr. SCHEUER. And not in the Institute?

Dr. BLUMENSTEIN. And not being in the Institute meant that the Administrator's inevitable political consideration would become a very significant factor. There were many occasions when grants were delayed for extended periods of time with no apparent reason, but presumably more on the basis of the conflict between the LEAA Administrator and the Institute itself. These included grants that were rated well and that were clearly of potentially high quality. In many cases the Administrator was perhaps hoping the grantee would go away for one or another reason.

There is a tradition in research that the direction of research should be under the hands of researchers, people who can make effective research judgments, people who can understand the nature of research in substance and the nature of the research community.

The directorship of the institute was under—the institute was under a researcher only in its first few months during the transition period between presidential administrations. Subsequent to that the direction has been under various lawyers who may have had some marginal experience in research, but was not under the direction of research people. And that was not calculated to bring very good people in.

Another administrative aspect of the institute was that their grants were typically 1-year grants often with considerable delay in refunding. This kind of approach is not calculated to bring good researchers into that program because of the considerable uncertainty about the institute's commitment to their effort compared to other sources of support where the commitment would exist.

There was no peer review process. Peer review not only generates high quality in filtering out the bad, but brings in high quality because the existence of a quality peer review group suggests to the research community that those people are really serious. That kind of image was never developed for the institute, a variety of detailed administrative features, all of which served to send up the wrong signals.

Mr. SCHEUER. Can we tick off the administrative features that sent out those signals? I mean, we are legislating, Congressman Conyers subcommittee has legislative jurisdiction. We share oversight jurisdiction with him. We want to get down to the nitty-gritty because ultimately Congressman Conyers and the Judiciary Committee, will, be putting words on a piece of paper for legislative improvements and there will be committee reports mandating X, Y, and Z, so we would like to get at some of these details that seem to have frustrated the original intention of I and others who sponsored the National Institute.

Dr. BLUMSTEIN. One is that we should not be restricted to 1-year grants because research in many cases has to have continuity. And one of the features of the operation of the institute with its rapid changes of directorship was redirecting programs, cutting out what was going and starting in a new direction.

So, one feature is more extended grants opportunities.

No. 2 is a peer-review process which displays quality control and attracts good people.

A third is an advisory committee that is real, that has on it competent practitioners as well as skilled scientists.

A fourth is that the management of the institute must be in the hands of people who know research, have been in research and can manage research.

Mr. SCHEUER. I would like to ask unanimous consent to hold the record open at this point so that any of you can add a list of what the problems were or make some additional recommendations at this point—

Mr. CONYERS. Without objection so ordered.

Dr. BLUMSTEIN. Let me be sure to add two more.

One is that the signoff authority on grants and programs should be in the hands of the director of the institute rather than in the inevitably more politicized higher levels within the Justice Department.

And finally there are a variety of structural features that must be designed to provide the commitment, the stature, the integrity of the institute that represent a display that the Justice Department is serious.

If I may just quote a statement by Mr. Califano in his appointment of the director of NIH, I think it conveys the sense of what I believe should be accomplished.

Mr. Califano said:

I recognize how important the work is that you have been doing and I hope will continue to do so. I recognize and I see it as one of the greatest national treasures the country has, indeed, it is one of the greatest treasures in the world. I will do what I can to help provide an environment in which you can pursue your work. You are looked to for leadership in terms of grants and contracts and direction for much of our Nation's research in these areas. I am happy to announce that we have completed our search for a director of NIH. We have looked only for the best, only for excellence and we found that person and we found him right here at NIH in Dr. Fredrickson.

The only thing and the central thing that I ask in response is that you provide us with excellence, excellent appointments to advisory committees, excellent directors, and staffs and excellent work. I assure you that there will be no partisan politics involved in any of the work you do, in any of the appointments that are made to any of the Institutes or any of the committees advising the Institutes.

I think that statement is an excellent model of the principles and the guiding ideas that should lie behind an institute of justice as well as one of health.

Mr. SCHEUER. That statement just about says it all.

Dr. KRISLOV. Not quite.

Let me just add to it although I agree it is an excellent statement. That those recommendations and others are in our last chapter, and that the interesting thing was that the committee started with quite divergent points of view, and as time went on we converged more and more on these symptoms and those problems.

I do want to emphasize that when we talk about an advisory system and even a peer system, that we really did not mean just pure researchers. We advise a strong input from users who would also have a meaningful advisory role.

It is not a pure research recommendation. On the contrary, it is— if we felt that pure research was the goal we would have recommended NSF or something like that as the home. We may still come to that in terms of pure practical politics.

But ideally we believe that the Institute ought to be in Justice because it ought to be concerned with crime problems. Now, we are going to delineate that later on but that is essentially our recommendation.

Let me recapitulate what I think Al was saying, that the Institute needs to have signs, overt signs and actual signs of its own integrity, and the main symbol of that would be signoff authority. It needs to have meaningful advisory committees who are not just window dressing, although they don't have to be final authorities by any means. There ought to be an inter-action in my opinion between the advisory committees and the staff. But at present advisory committees are largely window dressing if they exist at all.

And there ought to be a process that has the kind of integrity that makes people feel that when they do the research they are expected to have integrity in their own work.

These are the major ingredients.

Mr. CONYERS. Now let me just ask a question separating technical assistance from applied research from pure research. You were saying there that probably both applied and pure is appropriate but technical is not, is that what this discussion a few minutes prior boiled down to?

Dr. KRISLOV. I think we feel that it would be best if the technical assistance part were spun back into LEAA.

Mr. CONYERS. And there was far too much going on in the Institute?

Dr. KRISLOV. Yes. That is where the incompatibility lies, not in the applied research and the pure research. We don't think that distinction is meaningless but we think it is very difficult to point to in practice.

Mr. CONYERS. Right. Of course there was very little pure research going on. I mean would there be a very high stack of works rising off the table if we asked you to produce the pure research from the Institute?

Dr. KRISLOV. Depends how pure you want to be.

Dr. WHITE. I think it would be very small. I am not sure I could think of one right now, as a matter of fact, although I imagine somebody can.

Mr. CONYERS. Now members of the panel, let me move back to just a preliminary point because I keenly appreciate the work you have done and I don't intend to go into a lot of questions about why we got into the problem.

I think you have done it in a very skillful and impartial way. I realize, I want to say, that it is a sensitive kind of evaluation you were called upon to make and it is very easy to cross the line where we are getting into political or partisan considerations and the like. From what I have been able to see of your preliminary work in this evaluation, I think you have very skillfully avoided that kind of controversy.

Now, a threshold question. You are the Committee on Research on Law Enforcement and Criminal Justice in the National Academy of Sciences. Let's go into your history for just a moment so that the record reflects how you came into being and precisely what else you do besides this very important work that we are discussing with you.

Dr. KRISLOV. Well, we were created in order to carry out this evaluation. We were created with the LEAA contract.

In addition to that and at the same time a panel was established to answer the question of what do we scientifically know about deterrence and that panel is headed by Professor Blumstein and its report and ancillary papers will be published by the Academy this fall.

Since then we are carrying out the program that we recommended to a certain extent. We established a panel that will deal with what do we scientifically know about rehabilitation and rehabilitation techniques and that is headed by Prof. Lee Sechrest of Florida State University.

The panels have overlapping membership with the main committee. Now, the committee will carry forward, we believe, establishing a Panel on court congestion under a grant from NSF-RANN.

The committee was originally established for an ad hoc purpose, like many other committees it is continuing. It will continue as long as we think there is some good scientific program to pursue.

Let me say a couple of words about the way in which the Academy works. First of all I think you should know that members of the committee serve only for expenses and that in fact the rules of the Academy preclude the members of the committee getting any personal research money, not just salary, but personal research money out of its work.

So in a sense people donate their time in response to the responsibility, prestige, and type of problems and type of people that you get to work with.

Mr. CONYERS. Sure.

Dr. KRISLOV. I think that is one point.

Second, in terms of, you asked about our histories, the committee was sensitively selected to include some people who are in the criminal justice area such as Professor Blumstein, Professor Wolfgang who testified yesterday, knowledgeable.

But I, for example, am not in the area of criminology. I have never applied for a grant from the Institute nor am I likely to. My field is the judicial process. I did serve as editor of the *Law and Society Review*, which publishes quite extensively in this area, for 5 years so I am knowledgeable about the research but it is not intrinsically my own area.

The committee, in other words, is selected to not be a self-serving committee, although we did not exclude individuals with long-standing commitments in the criminology field because we needed their wisdom and their judgment.

Mr. CONYERS. Very good. How old is the committee?

Dr. KRISLOV. It is now 2 years old.

Mr. CONYERS. Who made the appointments, how, roughly, did they come about?

Dr. KRISLOV. I think Professor White would probably be better—

Mr. CONYERS. They were issued from on high?

Dr. KRISLOV. Yes; but she will describe on high to you.

Dr. WHITE. I am the only one here who is an employee of the Academy. The Academy makes the appointments, they are approved through the procedures of the Academy and by the Governing Board of the Academy.

Dr. KRISLOV. Which means that about six or seven hands and levels are in there. The staff actually is selected first. The Executive Committee of the Assembly of Behavioral and Social Science is involved and then the governing board. All of those processes go on. I guess I was the first member of the committee selected. I think so at any rate. I will never know for sure. And some bargaining then goes on that way, too.

Mr. CONYERS. There are at least two other members of the committee here, so I am going to ask only one question and reserve others when we come back on the second round.

To what extent is there a criminal justice research community in existence now, how do you envision it developing, and how can we in Congress facilitate this responsible development?

After all, that is the idea behind the Research Institute and LEAA, that at least some of us envisioned that this would happen. It didn't happen but it also puts us on to a larger question of what kind of community is out there anyway?

The advisory committee panel within the Justice Department may well abort the Institute or maybe even LEAA for all we know. The newspaper reports divulge something almost daily on this question. So I think that this gives us a larger focus from which to operate, too.

Dr. SCHWARTZ. I would like to respond to that question.

There has been over the last decade the development of a very substantial community or perhaps it would be more accurate to say a large number of people who have involved themselves in research in the criminal justice area.

This is an important part attributable to the magnitude of funding that has come through LEAA. The President's Crime Commission spurred great interest in this and recruited some very fine researchers, social scientists, lawyers, and others who were concerned about the problem.

There was good planning at the outset. But I don't think that it is quite accurate at this point to say that there is a satisfactory community. There are a number of organizations that have developed which tried to put together, to bring together the people who are involved in this field, but they come from a wide diversity of backgrounds. And they lack for the most part what the historians of science now describe as a paradigm, that is, a model which would provide satisfactory direction for their research.

And here I think the Federal effort is extremely important in that it could provide a setting in which to facilitate the development of that kind of a model. It could provide not a single theory, but a continuing reading on the state of knowledge in the field such that researchers could be guided by that kind of an understanding such that research would be cumulative in that it would contribute to the evolution of that kind of a model.

And I think given a subject as vast as the criminal justice area and given interested people of such diversity of backgrounds, it may well be that only a satisfactory effort by the Federal Government could be capable of comprehending and undertaking that kind of a task satisfactorily.

You have already heard some of the reasons why the National Institute of Law Enforcement was not able to do that. I don't think that they should be faulted for their failure; 10 years in the history of a research field is a relatively short period of time. They did make valuable contributions in some ways. Some of them negative in that they showed us some blind alleys.

But I think that what we now need is at the Federal level a center or focus which would work between the pure and applied areas, and assist scholars around the country toward the development of model

that would ask the right questions and direct us toward finding the satisfactory answers.

Mr. CONYERS. Well I thank you.

Now as I approach this subject, the only thing I see out here across the horizon is, one, individual scholars, and two, clusters of scholars in universities. And that is about it.

My vision disintegrates beyond that point. I mean, who is out there in the criminal justice research community?

I mean, can we name organizations or bodies? Please.

Dr. KRISLOV. Yes; well what is it, the association, or council of State courts, National Center for State Courts, which I think is a very valuable structure and one that is getting stronger.

Institute for Court Management, as a matter of fact the distinguished chairman doesn't remember but I had breakfast with him and Leonard Weinglass at a conference sponsored by the Institute for Court Management.

I think a very bad conference, but one that served some other purposes.

Mr. CONYERS. I do recall the good breakfast at the bad conference.

Dr. KRISLOV. And American Society for Criminology is mentioned. Our own—Law and Society Association.

There are, I am trying to remember the name, National Legal Aid Defenders Association, the Vera Institute, which is certainly both successful and prestigious. The National Center for State Courts is a product of LEAA and is one of their successes I must say.

Mr. CONYERS. I am trying to cut my questioning off but, look, couldn't it be argued, and you are as impartial a body as we will ever see before us, can it be argued that some of them did come in with vested interests?

I mean, when you begin to look behind this, just like the SPAS formed their big union and they meet and confer on how they are going to divide the bread and frustrate the Congress. Don't to some extent these organizations have some form of self-interest? And I don't mean to suggest that everybody must come in pristine and totally clean, but when you begin to examine it, some of these folks have a particular focus.

Can these organizations do research and at the same time be divested of any inherent self-interest?

Dr. KRISLOV. Well, let me have a shot and I am sure the others will too.

I think inevitably you are correct, that people and organizations come in with self-interests. And it is very clear that some of the money here, nominally allocated for research, for example, ends up being used for administration of the organization and so on.

Our answer to that is to establish a broad base independent advisory board where there just would be too many people to cut up the pie. Establish a public, responsible independent board, to establish in addition a system of peer and user committees which to some extent will be jealous of each other and will argue the various cases. There will be enough people on any one issue to rise above self-interest.

Most individuals do not come in with a strict pork barrel operation, particularly when you give them a guideline that emphasizes validity, research and so on. It is very difficult to disguise your motives if you are arguing for a very weak project.

We also are asking for technical evaluations of the projects which will be before the committees that would assign it. I think that is—I think your point is well taken and that is exactly why we believe that there has to be a well developed advisory system.

After all, this is not the first research organization in the history of the world. If you let it be run by the in-house staff, then if a prestigious organization such as, for example, the National Legal Aid and Defenders Association, puts in a proposal which is second rate but passable, the staff is inclined to say, well, maybe it is a second-rate proposal but such a grant helps build our constituency.

I think that is what you are talking about, you want to avoid that.

Mr. CONYERS. What might be developing now is a new approach that has never occurred to me before, which is that maybe we shouldn't have a research arm inside of LEAA because of the in-house conflicts that inevitably arise.

Maybe we should keep all of these research bodies developing without any pretext that we can keep it depoliticalized sufficiently to make it any good.

Is that a possible alternative?

Dr. KRISLOV. Which is what, to abandon the research effort?

Mr. CONYERS. To abandon the research arm within LEAA and continue the development of a body of criminal justice research in the broader community. Which could tie into the National Academy of Sciences for example.

Dr. KRISLOV. Well, we don't do that so—

Mr. CONYERS. Or in some way the NIMH patterns we have going in medical or other areas. Has that been considered?

Dr. SCHWARTZ. Yes; and separation from LEAA is one of the recommendations of the Committee for just the reasons that the chairman has set forth.

Mr. CONYERS. That is your ultimate recommendation, as a matter of fact.

Dr. SCHWARTZ. Yes.

Dr. KRISLOV. Yes; we say independent organization, we think within the Justice Department, although Justice itself is sort of disclaiming any role, at least I read the same number of stories that the chairman does.

But we think there are advantages to its being within Justice and to having relationships with LEAA. Working with LEAA's Technology Transfer Division, having a partnership with it, but independent of it, yes.

Dr. BLUMSTEIN. May I say something on the politicization aspect of the research?

There is no way that you will keep ideology out of any individual researchers. But the—normally you keep a pursuit of self-interest whether that—

Mr. CONYERS. You wouldn't keep ideology out of the research or the researcher?

Dr. BLUMSTEIN. The researcher.

Mr. CONYERS. But you can keep it out of the research?

Dr. BLUMSTEIN. You can keep it out of the research through the process of the research community serving as a check on each other in terms of the quality and integrity of their findings.

Let me just say something very briefly about the operation of the Panel on Research of Deterrent and Incapacitation Effects which is the subpanel of this committee.

There were people on that panel who came at the question of deterrence from very different prior perspectives. Our task was looking at the quality of research, and in all the discussions of that panel the issues were what has each researcher shown, how well founded was what he has shown, and the panel indeed continually focused on the validity of the findings, and there was no attempt to negotiate which ideological stance we all wanted to take.

And it is that process that continues among the community that must be fostered, and it must be fostered by bringing together that community of scholars which adheres to the fundamental ethic of the research process which argues that the findings must be supportable and verifiable by other researchers.

Mr. CONYERS. Excuse our interruption but there is a motion to go into committee of the whole so we will recess for a few minutes.

[Recess.]

Mr. CONYERS. We discussed during the recess the notion that there might not be any particular leader in bringing such a community into more enlarged and visible existence, that it might just happen in the jumble of other groups and organizations merely participating.

Was that the impression we got in our discussion?

Dr. KRISLOV. I hope that it was a little bit more organized. We do believe that the institute can be a crystalizing agency for that. That is, it has its particular focus. It is different from the NSF's focus, which is pure research, or NIMH, which is a different kind of applied research, really.

And if the institute had strong leadership (and leaders that were prominent and respected in the research community, it would perform a role that it has just barely begun to do. We would argue, I think—and I think most Members of Congress would, particularly in this kind of sensitive agency, you don't want one approach dominating, pluralism here is very useful.

But we do believe the institute has that potential, and in some ways has moved in that direction. It's come a long way. It's just that there was so much further it could have been.

Mr. CONYERS. Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman. I would first of all like to thank the Academy's Committee for the work they have done, and the report they have before us.

I share the chairman's opinion that I think it gives us one of the better bases I have seen from which to work, and that is certainly very helpful.

I understand what you have said in the report generally. Can it be summed up that you believe as a group that if we can't research crime into oblivion, at least we can produce with research, a reduction in crime? Is that a fair statement?

Dr. SCHWARTZ. I think that is a fair statement, that the long-range effect of better understanding of crime, mechanisms by which it is generated and the efforts by which—that can be made toward its control, can lead to bringing this problem under better control.

Mr. WALKER. Congress is basically a kind of a problem-solving group of people. I mean, that is what we are primarily interested in—getting problems solved.

Therefore, what you are saying is that the priority that Congress should concern itself with here is that if we appropriate money for research in the crime area, the end result will be a reduction in crime?

Dr. SCHWARTZ. That is a reasonable assumption.

Mr. WALKER. It seems to me that if that is the case, you are getting into the whole area that this is a public policy decision that has to be made, that it is a priority that has to be set within the public policy area.

Then I come to question a little bit this whole business of whether or not the fact that you introduce politics ruins the integrity of the research being done, because in all honesty, once you get into the public policy arena, you get into politics.

It seems to me that you cannot get out of the idea that as soon as you expend public funds to meet certain priorities, that you are getting into the public—you are getting into the political arena.

And if what you are saying is that that kind of politics ruins the integrity of the research, I wonder if we don't have an unsolvable dilemma here.

Dr. KRISLOV. We all have answers, but let's start here.

Mr. WALKER. Fine.

Dr. SCHWARTZ. And I think these answers may be different in fact. The committee has not really adopted, to my knowledge, a definite position on this issue.

Therefore, I feel free to talk as an individual on it, and would say this: I think that it is not only inevitable, but also desirable that the will of the people as reflected by Congress, be represented in the development of programs of research in this area.

But I think that there is a danger that a research program can be wrecked by undue fluctuations in day-to-day concerns, considerations of immediate needs and so forth, and that an Institute of this kind should be developing long-range strategies and plans of research, enunciating major questions in the field, and that there should be a mechanism by which the Institute can regularly make known its inclinations, its directions, to the Congress, and take direction and advice from the Congress—we thought primarily through the mechanism of the Advisory Committee.

Dr. BLUMSTEIN. Let me address another facet of that. There is no question but that the decisions we make with regard to the control of crime are inherently political. They represent major value differences among different parts of the population, and there is no desire to make that a scientific question.

The hope is that the judgment that is exercised in making those political judgments will be much better informed if we have better information on what effect different crime-control strategies have on crime.

Right now, we are still abysmally ignorant about what works under what circumstances. Different people have very strongly held opinions of what they think works. But different people differ considerably on those opinions, and what the research program should be doing is illuminating questions so that the political decisions can be much more sharply made.

And in many cases, I suspect we will see much more convergence of people who now come from different political positions. Once they know what the facts are in terms of the effects of altering crime control strategies.

I think the research agenda must be oriented to achieve that. The research cannot be directed to provide politically desirable answers in terms of showing that "X" works. The research must be directed at finding out what effect "X" has.

And once we know that, then the political process can trade off the benefits in terms of crimes reduced against the costs in terms of budget costs, as well as the inevitable individual liberties that get lost in all attempts to control crime.

Dr. KRISLOV. Let me answer a third aspect. Let me use the medical analogy, although I know if we pursue it very strongly, we are distorting it. The decision to have a program to reduce disease is a political and public policy. I think Congress also may decide that it wants to spend more money on cancer than heart, or heart than cancer, because nobody really knows which is the major problem.

After a period of time, I think it is legitimate for Congress to say what is the payoff and likelihood of the payoff to get into that question.

But I take it nobody would argue that individual grants should come for a vote of Congress, and not just because you don't have the time to do it, but because it would represent a chaotic and nonconstructive research program. It is bad. It's a bad research strategy, not just a bad way of using up your time.

And I think the analogy is there, too. We have called for return to the crime control focus so that Congress will have, after a period of time, a way a saying, now look, what have you contributed—not has that reduced crime, because it wouldn't have been implemented yet—that you have reasons for believing will reduce crime?

I don't know whether that period is 10 or 20 years, incidentally, but I think it would be a legitimate question each year. And if they couldn't answer it after a period of "X" years, Congressmen would have to decide. Then they would start cutting the program.

But as individual Congressmen call up, or if, for example, they decide that people who contributed to the Riot Commission reports are radicals who shouldn't be given grants, or conversely, maybe somebody who advocates certain kinds of punishment also is persona non grata for possibly the kinds of punishment advocated, and therefore, they can't be researchers, that is just the intrusion of not the kind of question you are talking about—the policy question—but politics in the bad sense of the term, personal politics that has nothing to do with the public policy issue.

I think you can separate out some of the elements, some of which the public has a right to demand accountability on, and some of which it can't. Results is where it would come.

Mr. WALKER. You have all raised a number of different aspects of some questions I was going to pursue, so if this is a little disjointed, forgive me, but there are a couple things I want to follow through on.

I am not sure, but maybe I don't agree with you that perhaps this research should go on somewhere under the umbrella of the Department of Justice. But let me be the devil's advocate and say, as I understand your proposal, what you want to do is take it out from under LEAA, and basically put it under the Attorney General.

Well, I submit to you that the Attorney General is more political than is the Administrator of LEAA. Whether he has signoff authority or not on the budget, he is going to direct that budget one way or the other under that Attorney General, who is far more susceptible to the pressures of the President, the political pressures of the President, or to the political pressures coming down from Congress than maybe even the LEAA Administrator is.

Yet, you have made a conscious decision to basically go, it seems to be, toward the more political side of the question, rather than to keep it where it is at least insulated one tier down.

Dr. BLUMSTEIN. It is not at all clear that being down in a bureaucracy provides the insulation that you need. One consequence of moving one tier up is that it provides both greater stature and greater visibility.

We were very much concerned about the issue of insulation from the short-run political pressures, and that was the reason that we argued for a statutory advisory board. It's not at all clear that that would be sufficient.

We feel very deeply that it must have that insulation, and the best solution we could come up with was that statutory advisory board. We would be very interested in pursuing other possibilities. But we believe that the insulation from that short-range political justification of its operations is very important.

Mr. WALKER. Let me pursue here just a minute. Here is the kind of thing I am getting to. The Department of Justice has a number of obligations that fall to it, but essentially, it is the prosecuting arm of the Federal Government. Essentially, it provides that role of prosecutor, and you know the functioning head of it is likely to see his role very much in that direction.

Now, I suppose some of you are familiar with a study I have just heard about that correlates nutrition and criminal behavior. As I understand, it's a fairly new study.

I can't imagine, for instance, that an attorney general would be very enthusiastic about that kind of study being done with his money in his department, because it doesn't really get to the main element of his jurisdiction, and that is prosecuting crime. If we are talking about nutrition, I think he would say that, "well, shouldn't that be done over in Agriculture, and if criminal behavior is tied to it, well, then, they can send the information over to me."

Is that the kind of research that is really going to be done as long as you have the umbrella of justice?

Dr. BLUMSTEIN. I think the argument is that there has to be pluralistic support within the Federal Government for research in this area. That is why we feel strongly that the program in NSF, for example, must continue, and indeed, be strengthened, and why we feel the program in the National Institute of Mental Health must continue and be strengthened.

Let me take another kind of study that indeed may see more opposition from the Justice Department, and that is the kind of study that probes deeply into the limited ability of the criminal justice system to exercise control over crime, which may represent more of a threat than a waste of money to the Attorney General.

And those are the kinds of studies that may indeed be much more difficult to take on within the Justice Department, but should be

very much of concern to NSF and to NIMH in their programs related to crime and justice.

So we desperately need to maintain that pluralism to avoid a single monolithic, and thereby controllable, entity in this very political arena.

Mr. WALKER. I can see the Attorney General getting rather enthusiastic about a study that is going to provide better statistics for the FBI, for instance, as Dr. Wolfgang testified yesterday. I can see him saying, well now, we are going to get something out of that. Even though it's pure research now, that has some applicability for the future. But I can't see him getting very enthusiastic about nutrition.

You know, it's basically his budget. Here is the kind of question we come down to. Now I understand that Mr. Caplan observed back in 1975 that: "The single most important thing that could be said about those 7 years of research is that they have exposed how little we know."

Now, we are talking about this whole business of priorities and spending and so on, you know. Then you get down to the question of whether or not that is a priority expenditure of funds, to continue to reveal how little we know about a field. You are going to have trouble justifying that again and again and again on Capitol Hill. I can assure you of that fact.

Dr. KRISLOV. Let me just say that I personally, and I think the committee, feels that Mr. Caplan, in order to reduce expectations, defined a task in which he couldn't fail. And that was a mistake.

I want to go back to your fundamental question, which is one we labored over a long time, and say that we think there are some tradeoffs in being in Justice. That's where the action lies.

And there are some disadvantages, also, that our ideal package—and we have several outlines—the Institute would be part of or would be aligned within one administrative thing, with a Bureau of Criminal Statistics, that would develop its own integrity, its own research program, and one insulated in part from the Attorney General.

Note that we insist that there be sign-off authority no matter what, whether it's in LEAA, whether it's in Justice or out there.

The problem that I see is, if you don't put it in Justice, it's an awfully small entity to be out there unprotected, given its vulnerability and the political dimensions of the problem.

Mr. WALKER. I made mention of that yesterday. With independent status you get the fire from everybody out there.

Dr. KRISLOV. That's really one of the problems. To put it in either NIMH or NSF, which is acceptable, does result in other crippling things. NIMH is mentalistic, psychologically oriented. It ought to be. It ought to function in its proper role. NSF is interested in pure research. NSF-RANN has problems because RANN is not native to the NSF operation.

So the alternatives to us seem to us to have costs. On tradeoffs, on an alternative arrangement, we want an Attorney General that is supportive. Now if we don't have that in the real world, it gets a little bit more complicated.

But even whether it is in Justice or not, there has to be some independence, buffers, that are terribly important.

Dr. SCHWARTZ. Could I just add a bit to that?

Mr. WALKER. Certainly.

Dr. SCHWARTZ. First, I think I want to underline the independence notion. The model that we had in mind was the NIMH in relation to HEW should be comparable to NILE in relation to the Department of Justice. That involves a tremendous amount of autonomy, independence, self-development and so forth, particularly, I think, if that can be established early in the development of the institute.

If Congress is now ready to reorganize the Institute and relocate it outside of LEAA but within justice, that would be a single event which would say there is now a new status. It would also involve, as Professor Blumstein pointed out, the raising of the status of the leadership so that the individual who headed it would presumably be at the level of Assistant Attorney General, and would have some clout within the department, and therefore be more able to provide that kind of independence.

But there still is a danger, obviously—the danger that you pointed to is one of the most important, I think—namely that the Department of Justice is by its primary definition prosecution oriented.

Nevertheless, I think a case could be made—and perhaps the case ought to be made to the Attorney General rather than to the committee, since the Attorney General so far is rumored at any rate not to be particularly favorable toward the research—that a research function built into the Department of Justice could contribute very valuably to the fulfillment of the mission of that Department.

It may well be that major contributions toward the control of crime can best be made by the modification of policy and development of strategy within the Department of Justice, that the Attorney General is the Cabinet officer who is most capable of developing that kind of national strategy, that that strategy might well consist in our focusing the criminal sanction on those crimes which are most serious, and which by consensus of the populace are believed to be most serious and most threatening to the welfare of the entire society, and that correspondingly there should be moves in the direction of reduced emphasis on a variety of minor crimes, various decriminalization policies and so forth.

As of now, prosecutors, not only at the Federal level, but in all of the States and localities, engage in an enormous amount of exercise of prosecutorial discretion as to what they will seek to apply the criminal sanction to.

And my guess is that depending on how they make those discretionary decisions, very serious results occur, either toward the greater effectiveness of criminal control or, alternatively, towards frittering away the prosecutorial and police resources on things that don't help very much.

We need systematic research on that kind of a subject, and we need that research to have a payoff in policy terms. The likelihood that the policy effect will be achieved would, I would think, be far greater if this entity were located within the Department of Justice, although independent of its day-to-day policy—its day-to-day needs and concerns.

Mr. WALKER. What you are saying is, maybe a study of whether or not a tough DA who jams the courts with all kinds of cases that

can't be handled, may do the solving of crime a disadvantage rather than a service even though he is perceived by the public to be tough against crime.

Is that what you are saying?

Dr. SCHWARTZ. Exactly.

Mr. WALKER. Let me pursue just one other thing here that is kind of in the political realm, too, and gets us back to the basic question about the relationship with Congress.

That is, it seems to me that your criticisms center a great deal around the fact that NILECJ at this point has done very little in the way of long-range research and therefore there is a question about its integrity.

But isn't it true that you may be evaluating them a little bit unfairly, because Congress stressed in its initial legislation that it wanted problem-solving research out of this group. Yet from the research standpoint, from those of you who are research oriented to some extent, you expect it to be doing the long-range kind of research, but to do that they would basically be violating the congressional mandate they now exist under? Isn't that the case?

Dr. BLUMSTEIN. Part of their responsibility was to tell the Congress what they could do and what they couldn't do. Part of their research effort should, indeed, have been short range, helping improve the machinery in the courts.

They should at the same time have told the Congress, and more particularly the Administrator of LEAA, "Don't count on us to solve the crime problem or to make a significant dent in the crime problem over the next few years."

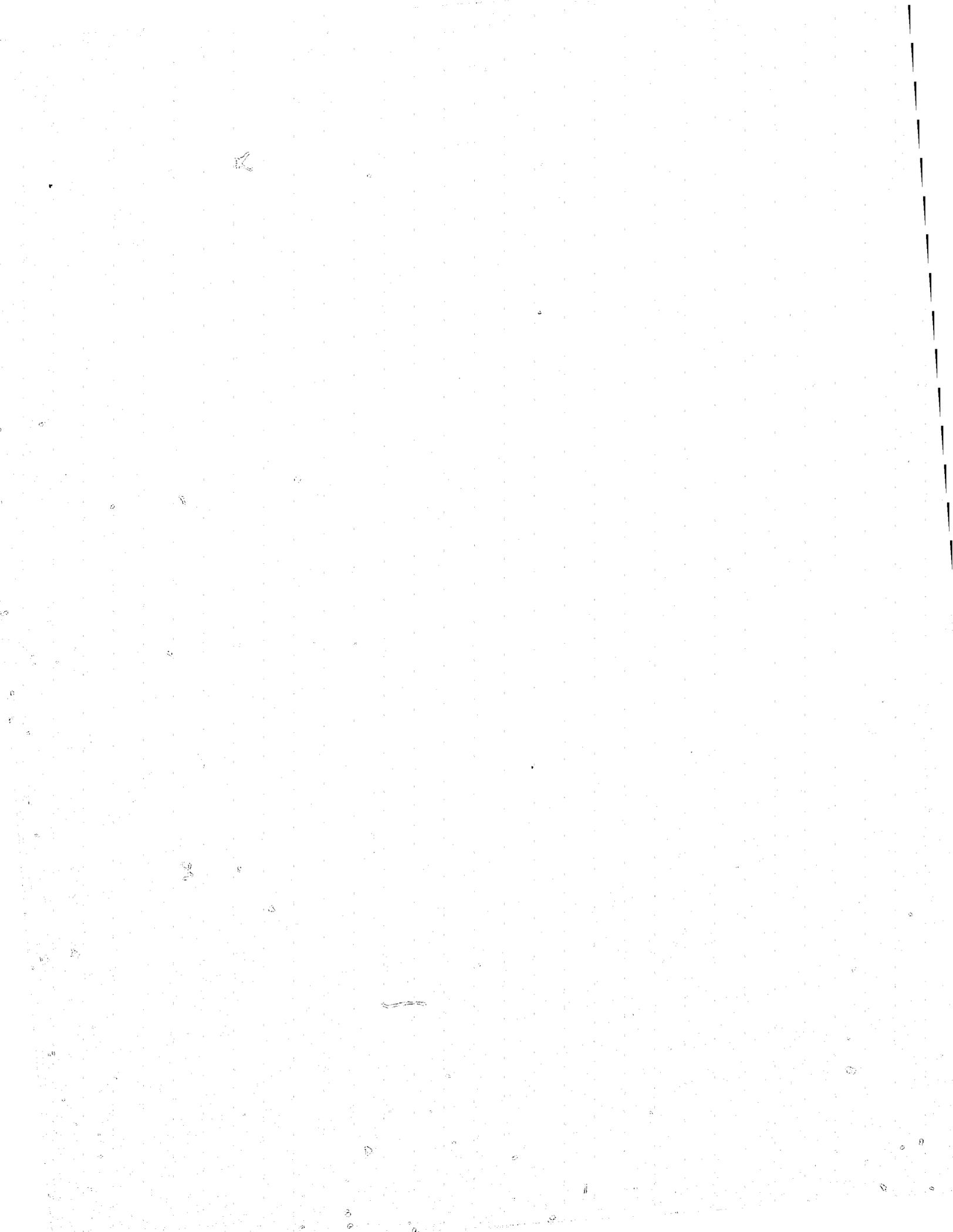
Had they been closely tied to a research community, had they been led by leaders that were sensitive to questions of feasibility of research, then they might well have been in a position to make clear to the Congress and to the higher levels in the Justice Department what they could do and what they couldn't do. They would have made it clear that there were certain requests the Congress laid on that were not deliverable.

There was one recent request from the Congress to provide information on the impact of new sentencing bills on prison populations. The initial request was to provide it, I believe, by this June. In the discussions on the floor, there was a request to hold that for 3 months, that it couldn't be provided by June; give them until September to provide it.

But it turns out that that kind of information isn't going to be available for a long time, because we know that when the criminal justice system gets a big input, or when there is a big backlog of people in prison, judicial behavior changes.

So that it's a very complicated question, and someone should have been there to tell the Congress: Don't expect those answers in 3 months or 6 months. Here is what we can tell you. And if you now provide some basis for waiting a while, then here is what we will be able to tell you after that. In the meantime, we will tell you the best we know, but don't think you are going to get the answers to the questions you asked, because they are not feasible.

Mr. WALKER. In the real world, don't they perhaps jeopardize their own position by telling Congress, "Don't expect us to do that which you want us to do?"



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Dr. BLUMSTEIN. I think they jeopardize their position even more if they fail to tell the Congress that it can't expect to get something, but in the meantime, provide the Congress with the best it can. That is very different from telling the Congress, "Sorry, we won't deal with your question."

Mr. WALTER. I guess what I am saying is that you come back to where I started, and that is the whole question of priorities. Because at that point, Congress may make a judgment that if they can't do any more than that, then I wonder if it's worth the funding that we are putting into it.

Dr. BLUMSTEIN. Congress may make that judgment and that is a risk that the program has to take. But I would argue that any institution that spends \$15 billion a year, as the U.S. criminal justice system does, ought to be spending a reasonable portion of its budget to learning about the impacts it has.

And a Congress that is as concerned about crime as this Congress appears to be would, I would hope, find it very much in its interests to spend some small tens of millions of dollars to find out about the effect of the things we do about crime.

So that I would think that that kind of punitive response would be extremely shortsighted and not very desirable.

Mr. WALKER. Maybe I, somewhat unfairly, believe—but nevertheless, I have expressed it on a number of occasions—that the first function of the bureaucracy on Capitol Hill is self-preservation.

So, therefore, they will bring to Capitol Hill those things which they think will result in self-preservation—the additional income with which to operate for another year, in hopes that next year they will be able to produce something better for Congress. I think that that's the kind of role we may see in the overstatement that takes place.

Dr. WHITE. May I speak to that?

Having looked at the research program in great detail, it is clear that that is exactly what the Institute has done over the years; it's responded to Congress in this way. It has brought—has produced a lot of books, for example, that are supposed to be used by the practitioners, and so forth. And as far as we can tell, they aren't. But the Institute has produced these books because I thought that is what Congress wanted to see—a nice, slick product that could be put before the Congress.

I would really hope that the drafting of legislation would take account of this. I understand what you are saying as far as the political realities are concerned, but I would really hope that you would look at the excessive specificity that is in the legislation now telling the Institute to do a whole variety of things—hardware, et cetera—and which really in the end put the Institute in a position of constantly responding to what Congress wants to do, instead of being permitted to sit back and build a research program.

Mr. Walker. I come back to the point I made just briefly yesterday and that is that Congress has a very difficult time being research oriented because the research which we have done for us by our staff here, by the staffs in our offices, tends to be very short-term research.

Somebody asks a question, and we want an answer. An idt can't be an answer we get 6 years from now; it has to an answer we need tomorrow.

So, therefore, Congress tends to react from our own experience in many instances.

To ask it to react differently in this case—and we mentioned NSF and some of these groups yesterday, Congress has a difficult time to incorporate that. And it's going to be difficult, it seems to me, to draft legislation which reflects an attitude that is totally unfamiliar to congressional experience.

Thank you, Mr. Chairman.

Dr. KRISLOV. Let me say a word on that, though.

I think that I am sympathetic to what you are saying, and as a political scientist I am aware of what you are saying. And one of our purposes is to argue with Congress and try to make it more understanding of research.

When you say an organization has a desire for self-preservation, I would say to it that at some point the directors have to realize that if they are overobliging and if in the process they sell the Institute short in the interest of self-preservation, they are ultimately going to come a cropper.

And that there has to be enough integrity in the director and structure of a research organization to say: If you want an extension of the legislative reference service, create it. Don't call it a national institute and call it a research program, because it won't meet those criteria.

How he says that, the skill he brings to it, there are different ways of coping with that.

He might create an office that satisfies those day-to-day demands, labeled "dirty research," or something like that—"quick and dirty." But don't interfere with my real research program.

I don't know what he does; but at some point he has to be honest enough to tell you: I can't do that, and if we fail, we fail.

Certainly you wouldn't expect somebody to come in tomorrow and say, We will cure the common cold in a year. It would be rather foolhardy. There is no real prospect of its happening. Yet if somebody could promise that, I take it that Congress would give one of the health institutes almost any amount of dollars at this point.

Mr. WALKER. I am not sure that the common cold is the best example, but I do think that we have had some proposals over the years around here that have said, "Give us the money, and we will cure the common cold within a year." I mean, we hear proposals around here like that all the time.

If there is enough money, there is a solution. The question, of course, always comes to money.

Dr. KRISLOV. And we don't take that position. Incidentally, this is a man-bites-dog report in that we say that the Institute, having demonstrated that it can't spend its money very well, ought to have, if not a cut, at least a standstill so that inflation amounts to a cut.

We think the problem ultimately probably will justify expenditure of quite a bit more money. But until it can demonstrate that it spends its money wisely, we don't think Congress ought to increase the appropriation.

Mr. CONYERS. This is very interesting, but I have to go back to the beginning of my colleagues' discussion period when I thought I heard an assurance from this panel that we could reduce crime through research.

Dr. KRISLOV. An assurance, no. We believe it can be done.

Dr. SCHWARTZ. I think the phrase, Mr. Chairman, was a reasonable assumption.

Mr. CONYERS. You gave us then an assurance that you believe that through research crime could be reduced.

Dr. KRISLOV. Wide use of research. We don't believe the research per se will do it, but the information that research produces will be of use; yes.

Mr. CONYERS. Well, then, of course, I am just wondering why we are getting out on this branch, because it may be held against researchers for years to come in the future.

It's contingent, first of all, upon being administered soundly, upon the state of where crime goes. Who knows where we would be?

Why do you have to commit, in the name of all people, that research in criminal justice will reduce crime. I mean, here we go again. Your report just pointed out that that was where the Institute went afoul, when they started a research—a crime-reduction target. And you point out, I think carefully and accurately, that that headed them into a no-win position.

And I fear that this kind of an even quasi-commitment is not only unrealistic, although it may be possible, but it's not wise.

We are again putting research in the bind of having to produce something in connection with reduction of crime. And I am convinced that hardly anybody knows where we are going to go in this area, and where we are going to end up—even with good research.

One attorney general could thwart the whole thing. You could have libraries full of the best research, establish a research community second to no other research community in the country, anything could happen—beautiful—but we could still not be directly reducing crime rates.

Dr. KRISLOV. We do not say, in fact we were against it, that crime rate is not the test of the effectiveness of the research program of the Institute. But the research program, it seems to us, ought to at least be capable, ought to develop information that would help in the reduction of crime and that that ought to be the test, or there is no justification for the Federal involvement.

Mr. CONYERS. But there could be any number of other factors that could be causing a nonreduction in crime that would not impact on the validity—

Dr. KRISLOV. Absolutely.

Mr. CONYERS [continuing]. And accuracy of the research function going on.

Dr. KRISLOV. The joy of this discussion is that it cuts right to the main points that we took a long time in laboring over. We absolutely agree with you.

In other words, you do not judge a polio program by whether it reduced polio or whether—but by whether it was capable of doing it, the research part of it. Then somebody had to go inoculate people. If nobody inoculated people, that wasn't the fault of the researchers.

We absolutely agree with you on that.

Mr. CONYERS. If the Congress fails to deal with the mounting question of unemployment and your research moves forward in a beautiful progression as we predicted, the crime rate probably will not go down.

Dr. KRISLOV. Absolutely.

Mr. CONYERS. We can't come back and cut off the research arm because it didn't work.

Dr. KRISLOV. Absolutely. Our report is in complete agreement with you. But we say to go from that to Caplan's argument that there is no relationship, that we should forget about it, that all we are interested in showing is how little we know, means that there is no accountability at all for the program.

We are saying the test is exactly as you suggest. If they uncovered the right cause and then Congress didn't act, well, then presumably Congress would cut them off because they didn't like the answer. But the test is not whether the crime rate goes down, but whether the research could contribute to the reduction of crime.

That is a little more complicated and might not prove to be easy to measure, but at least it has an end result that holds the feet of the Institute to some fire and must be there; or they are just going to spend money and say, we don't know anything. That is not desirable.

Mr. WALKER. If the Chairman will yield.

Well, I understand where you are going now. But now it seems to me what you are saying is that obviously if research comes up with a solution and we don't go forward and apply the solution, that is not the fault of the research or of the program.

But before we make a priority commitment of taxpayers' dollars, shouldn't there be a reasonable assurance that what we are doing is not just an esoteric study, but that the final results of the research will point us in a direction, at least, of reducing crime? And that we are not just doing a lot of studies, psychological studies of criminals, that have no meaning in the final solution of reducing crime?

I thought that was where we were. Is that essentially the point? In terms of defining the priorities for spending, what we are doing is trying to find a way for reducing crime.

Dr. BLUMSTEIN. I thought very hard when you posed that question of whether you can reduce crime, of how to respond to it without getting into the bind that the chairman thrust us into.

And I think Professor Schwartz' answer was very carefully stated: That indeed, No. 1, there will be a commitment to worry about things that will have some promise of reducing crime rates; but if those actions are implemented, the crime rates should be lower than they would otherwise be.

And that's the problem in using the crime rate as a test of the research program, because so many States are involved in getting any programs implemented, No. 1; and so many other factors influence crime rate.

But the target of the research should, indeed, be oriented at finding ways to deal better with crime. And if implemented, those results should, indeed, do better about dealing with crime than in the absence of that research.

Mr. CONYERS. Couldn't I add on to it, with your agreement, that the random selection of esoteric subjects would be a point of the unreliability of the operation of the research function itself?

I mean that would demonstrate that they are not about the business for which they were created, in and of itself, in searches of that nature.

So that that to me, while it wouldn't decrease the crime rate, and certainly not increase it—probably wouldn't aggravate it any—but it would point out the weakness of the research function itself. But it certainly wouldn't be a test that we would use, or it wouldn't be used against them in any sense.

What I am thinking now is that what we need to do is make sure that there is a sound philosophy that guides the research arm as they move forward in their projects and it isn't in isolation or randomism or just grabbing out in space.

Dr. SCHWARTZ. I think the Chairman states it very well. There should be a coherent research program. That program should be broad enough so that it does not permit an easy assumption that the research that is being carried out, or the policies toward which that research directly points, represents the entire answer to the problem of crime; that there should be aspects of the research program that point to external factors, which are also the business of Congress to concern itself with.

To put it another way, this kind of a program should not be used as a sop, or as a final answer, or as a solution which can permit the Congress simply to stop worrying about the continuing problem of the social causes of crime.

Dr. WALKER. If the gentleman will yield further. It does seem to me that Congress does have as one of its functions not only drafting that legislation in the first place, but an oversight function in the end. Part of my question is: For what are we going to hold this research arm responsible, as to policy?

When they come up here, they may come up with all kinds of studies none of which we will probably understand. I am sure I probably wouldn't understand a good portion of what was being done. Now, you know the research community may justify those studies very, very well, but what do we hold out as our oversight responsibility? What should we say to the agency—

"You are doing a good job; go ahead and continue doing it," or, "You have done a lousy job"—if, in fact, we don't have the proper guidelines? And it seems to me those guidelines have to be built into whatever legislation is drafted here. I am concerned that, if all we are dealing with is pie-in-the-sky kinds of theories that we are going to pursue with public money, we never will have a proper means in which to make oversight judgments.

Dr. BLUMSTEIN. I think you have that problem with research programs in all aspects of the Federal Government. You are clearly prepared to put three-quarters of a billion dollars into the National Science Foundation without the mandate of these clear results.

Mr. WALKER. But not without criticism. There is substantial criticism.

Dr. BLUMSTEIN. I appreciate that. We have research in virtually all other executive departments, and the link between the research and actual figures of merit and performance are always very tough to come by.

And ultimately you are going to have to depend on the judgment of the researchers who obviously have vested—some of whom have vested interests; independent researchers brought together by the National Academy of Sciences, for example, that argue that, indeed, we are moving forward, and your own sense and the judgment of the

practitioners that they are getting something out of it, and your own sense that there is some output from this.

Mr. CONYERS. Now, this re-raises the question of where an institute should lie, because if it goes into Justice, then we are going to have the whole Department of Justice structure and we are going to have one door in this building that says "Independent Research Arm, Immune to All Political Pressures."

Dr. KRISLOV. Most political pressures.

Mr. WALKER. And all budgetary pressures.

Mr. CONYERS. Yes; and that reminds me, as my colleague on Government Operations recalls, of the independent commission within the Department of Energy. Here we build this huge superstructure and we put an independent commission that is going to make judgments that will overrule the Secretary of Energy and all of his assistant secretaries, the combined ERDA, the FPC, if some would have their way, and everybody else, and here is this little independent agency, you can bet, holding forth inside this superstructure. I think that I may have to do some reconsideration because I saw on an organizational chart. "Department of Justice Institute, an independent research arm." It may have to be a little more removed, because the line of questioning my colleague raises is going to be raised in the extreme here, because there is going to be a question of results. And we may not be able to overcome it, because crime is such an emotional, immediate political topic.

Unlike medicine, we cannot fall back and say, "Well, this is a very complex subject. Politicians are regularly called upon to produce solutions to crime, and long-range, what we consider long-range or what we might even consider esoteric projects would soon become highly unpopular, maybe even vulnerable to the Department of Justice itself. So I re-raise in the light of this most recent discussion where we ought to locate such an institute, and also ask you at the same time, is there any place where we could find out where the \$15 to \$17 billion per annum on criminal justice is spent, and is there any evaluation or oversight.

Dr. BLUMSTEIN. There is an annual volume of criminal justice expenditures which is partitioned by State, by police courts, prosecution, corrections, and by Federal and local—

Mr. CONYERS. But no evaluation.

Dr. BLUMSTEIN. Of the aggregate amount, no. Just simply a budget reporting on those categories.

Mr. CONYERS. Well, it would not be inappropriate for you to tell us that we ought be be doing that. I would not feel offended if I got such a response back.

Dr. KRISLOV. Let me point out that there is a tension between the two arguments that both the Congressman from Pennsylvania and the chairman made. That is that on the one hand you are arguing for more independence because of the integrity of the research program, and on the other hand you are arguing for less independence and more accountability because of the sensitivity of the social issue. I think that is an important point to make, that we agree with both parts of that tension; that is, we do not believe that the research program ought to be handed over on a golden platter to researchers, that is there is enough of a social responsibility, social accountability, so that

the research program has to exist with accountability and with give and take with the practitioners.

That is the reason why we have consistently throughout the report tried to build back in the users, and also have said that there ought to be tests we come back to Congress with.

It is partly for that reason again that we said Justice is not a bad place, for locating the Institute, although, it is not an ideal place. Let me point out that independence is not so strange to Justice, as political as it is, that at least let us say on decisions to prosecute in the criminal area, there is a tradition of the Assistant Attorney General or Solicitor General resisting the Attorney General. It did not just develop with the Special Prosecutor. There have been Solicitors General who have resigned in protest, and so on.

Mr. CONYERS. Well, I am sorry you brought up that example. I would argue that the Solicitor General's independence is built into the law, but I could give you far too many examples—

Dr. KRISLOV. No question. No question. But notice that you also want the research program to reflect, over a long period of time, we do at any rate, over a long period of time, public sentiment. We do not want it subject to day-to-day fluctuations.

Mr. CONYERS. Certainly.

Dr. KRISLOV. And, therefore, I am not going to argue too much, because if it turns out that the political realities are that the Department is hostile to research, I think we would have to rethink our position anyway. But notice that you want it independent, but not too independent.

Mr. CONYERS. Well, this orphan does not have any home whatsoever. Let us not get too critical.

Two quick questions and I will yield to the gentleman from Missouri.

Crime statistics: Should it be kept in the FBI, moved into the Institute, moved to some other central location, or what?

Dr. BLUMSTEIN. The recommendation of the committee is that the whole criminal justice statistics function be brought together with the research institute because the statistics are an important part of the research function. The research findings should illuminate what kind of statistics we want, and our recommendation was that the single institute have the whole statistics function together.

Mr. CONYERS. Would it not give more impartiality to this statistic-gathering function if it indeed were separate even from the Institute? I mean, the Institute becomes a big department that would be gathering and calling the shots on statistics—I am sure they would be impartial, but that would give them a very special responsibility, and it really changes them a little bit from what they start off to be doing.

They become now a Government agency like the Department of Statistics and the Labor Department, and it could almost function somewhere else separately. And we are not asking for any opinions on that. That is a purely collection-gathering, administrative function, and I would like you to think about that possibility.

Dr. BLUMSTEIN. Our argument was that that closest place to put it was where the research program was. And to the extent that we can insure the integrity of the research program, which we feel is necessary, then, that same integrity ought to be visited upon the statistics program. There should be no conflict of interest with any preconceived

position. The model that we did have in mind was the Bureau of Labor Statistics as a setting where—

Mr. CONYERS. Another poor example, I warn you. We have—Well I do not want to tell you about the way they keep unemployment statistics. Shall we count the ways? I happen to know in detail how that process has been compromised year after year, administration by administration, over the last 10 years. It is a tragedy.

That probably is one of the most unreliable statistics coming out of Washington—the number of people unemployed in the United States—and the one least believed; quite appropriately so, because we know they do not count the million kids that drop out. It is all a census operation to begin with, and hard core unemployed that do not report that they are actively looking for work are not counted. I mean, it has been contrived now, obviously for the convenience of each succeeding administration.

So, to me that would be the best argument to take it out of an institute.

Let me ask you one final question, which deals with the whole notion of all of these soft- and hardware corporations that have walked away with 34 percent of the Institute's money. Does that not constitute some kind of compromise in and of itself in terms of explaining why the Institute never got off the ground?

Dr. BLUMSTEIN. Let me comment on that. I think that of itself is not inherently bad, but I think one of the aspects of the administrative procedures of the Institute has been that it has ended up generating a research community that indeed was much more willing to respond to the kinds of day-to-day pressures to provide instant solutions. You are much more likely to find that responsiveness in a corporation that is out to maximize sales volume than you are in a community of research scholars that is much more responsive to the kinds of pressures of their peers in terms of the tasks they are willing to take on. And that is why in particular you see much more of a contract organization body of researchers serving the Institute, in contrast to a much more scholarly community serving the NIMH program, which operates with very different administrative procedures.

Mr. CONYERS. Well, I am sorry that you do not feel more worked up than some of us about the fantastic kind of relationships that developed. I mean—

Dr. KRISLOV. Dr. White does.

Mr. CONYERS. OK, then I will yield to the lady.

Dr. WHITE. Well, I was going to point out that going back in the history of the Institute, they had so much money when they started out that practically the only place they could put it were the existing contractors, FCRC's and so forth. Then others have developed to—I do not want to use this in a sense of exploitation—but to take advantage of the money that was there.

We did not really look closely we did not really know how we could within our resources at the question of how dependent some of these operations are on Institute money, but it certainly is an issue that we think is important and legitimate for the Congress to be aware of.

Mr. WALKER. I just want to make one brief point, then I am done, Mr. Chairman.

I would just come back to the point of how difficult it is to keep selling research kinds of projects to Capitol Hill. I was going through the annual report of NILECJ in which I came across this title of a project. I myself could make quite a point on the House floor. The title,—\$315,000 worth—is a study on “Citizen Victimization in the Crime and Criminal Justice System.” I could make quite a point that we know that there are victims of crime, and we are spending \$315,000 to find that out?

This is the kind of thing that can almost be demagogued to death on the House floor whenever you are dealing with research projects. All you have to do is take that title and say that \$315,000 is being spent for that, and just rip holes in a research project. I just point it out for whatever it is worth, but it is the kind of point I was trying to get to a little bit ago.

Dr. KRISLOV. That is really a problem in the educational function. Actually, the theory behind that study—I do not know that particular one—is that if we know more about the characteristics of victims and work backward, we can reduce victimization.

Mr. WALKER. I am not questioning the legitimacy of the study at all. I am just saying there is one I could probably do at least 15 minutes if I had a mind on the House floor.

Mr. SCHEUER. Do we really have to know more about the characteristics of victims? They are old, they are scared, they are weak and feeble, without adequate protection and they are vulnerable.

What more do you have to know about the elderly people in our cities who are imprisoned in their apartments?

Dr. BLUMSTEIN. It turns out that old people are very underrepresented as victims of crime. Part of the reason they are underrepresented is that they are scared and they don't go out. But they are there as victims. And the biggest victims are young black males. The real problem is that we all do have perceptions of what is going on, but those preconceptions are, often wrong. And many of our perceptions are different from each other's and sometimes even when we agree we may all be wrong.

Mr. CONYERS. If the gentleman would yield, I was agreeing with my friend from New York until he brought the new information up, changing my view rapidly.

Dr. BLUMSTEIN. But I think the critical issue is that we have to know and we have to know in detail.

Mr. CONYERS. Very interesting. The distinguished gentleman from New York and I have agreed to share the control of the Chair during these hearings, and I will turn the Chair over to him shortly. However, I first want to raise one question before we recognize the gentleman from Missouri who's been patiently waiting since his return.

But the record of the Institute has in many ways been incestuous in terms of its relationship with the private consulting firms, many of which have no established criminal justice research capability, at least prior to their getting these long series of contracts. Was there any kind of evaluation made in your report on this? I mean these organizations, many of them started off at ground zero and many of them have almost a monopoly within the business on that. It's come to the attention of both these committees' time and time again that millions and millions of dollars were raked off.

I know of one study made of a police department and after the study was made the report was suppressed. It was a \$1 million study. Not that the contracting group could do much about that. That flowed from other considerations obviously.

But this has been noted time and time again before the Subcommittee on Crime.

Dr. WHITE. We didn't have the resources to do any further investigation other than when awards projects that were done by private research organizations appeared in our sample. And I can't say that we found anything different from any other kind of source of research as far as the quality of the research was concerned.

But what we did do and what is available in the report and I think should provide some basis for discussion is develop data on the dollar amount that went to these various kinds of organizations over the years; it was an increasing proportion of the Institute's budget that went to these institutions.

Mr. CONYERS. Didn't you see the "Law and Disorder" and 20th Century Fund reports on some of these software operations? I mean they scored them time and time again for being really throw away kinds of research activities of no real substance, no depth, no objective.

Dr. WHITE. I would have to probably agree although I can't say that I have looked at the same ones; but what they are saying about a particular group of researchers is what we have said about the entire sample we have looked at in which some of them were these organizations, some were other researchers.

Dr. KRISLOV. I'm sorry to say that that is correct. In other words, university-based research was not particularly better. The people who are selected in university places were not particularly better nor were academics more responsible than these organizations. That is to say, that there were ripoffs in both categories. That is the only honest answer to give.

Mr. CONYERS. Yes, but the universities didn't get large continuing grants.

Dr. KRISLOV. That's correct.

Mr. CONYERS. I mean the universities at least pulled individual ripoffs. What we're talking about are the corporations that did multi-million annualized activities, and they were throwing out mediocre and bad reports one after another. In other words, it was clear there was no evaluation going on, but they were proliferated and, as a matter of fact, they occupied a major area to the extent that a good applicant couldn't even get in the door because they were not of a global type corporate entity.

Dr. KRISLOV. Yes, there we are in agreement with you.

Mr. SCHEUER. In that connection, after you answer the Congressman's question, can I ask specifically whether as a result of the 1973 evaluation the Institute has been successful in developing evaluation methodology for criminal justice research?

Dr. KRISLOV. Let me answer Mr. Conyers and I hope Dr. White can answer yours. We criticized those contracts, somewhat along your lines, that is that they exclude the individual one. But more importantly we say that it keeps the Institute from feeling responsible about developing the program.

In other words, it delegates the real responsibility to a corporation or to in some instances a nonprofit research organization. The Institute is supposed to be thinking about what a research program looks like and it turns this analysis over to someone else, and that doesn't work in fact. So we are in agreement that those contracts are undesirable not because they turned out to be, in our sample at least, weaker research, but because they don't have the cumulative knowledge-building effects, and the Institute staff doesn't participate and understand what is going on, which is undesirable. So we do criticize it. We just did not find that quality difference that we would have thought and that the 20th Century report assumes ought to be true.

I guess our evidence is that at least in the short run the expected difference in quality didn't show up because apparently they hire good people. In the long run, though, we feel that a research program would be hurt by too much reliance on contract research organizations.

Mr. CONYERS. That's better.

Dr. KRISLOV. That is more accurate.

Dr. WHITE. One thing we could say is that the large dollar amounts that went into some of these large contracts certainly didn't produce any greater quality than a number of smaller grants.

Mr. CONYERS. Right. In addition to all the other criticisms which I agree with, they had the effect of blocking anybody from getting into it. I mean when you're a large corporation of literally international dimension you can spin off applications for every conceivable possible grant that is up and block a good team of a couple of professors in some small university who just doesn't have the capability to file 200 applications across the line.

Now to Mr. Scheuer's question.

Dr. WHITE. As I understand it, you're asking about whether the Institute has developed evaluation methodologies. I know they have a program directed toward that.

Mr. SCHEUER. They were mandated in the 1973 act to do that, we're now up to 1977. Four years have passed, that is about 1,200 days.

Dr. WHITE. Right. The people in that program we found largely impressive to us. But the problem is that they had several different kinds of things that they were doing. One was impact evaluation, quite specific evaluations. One was developing model evaluation programs for SPAS and another was developing evaluation methodologies. We felt that the last one was most appropriate, in fact, probably the only appropriate one for the Institute.

I can't give you any specific response about how far along they are in that, but I would suggest that there are a couple of people at the Institute who could give you some good response on that.

We felt the involvement in the other kind of evaluation—impact and model evaluation programs or SPAS—was very much a drain on the capacity of the Institute to do the appropriate thing, which is developing evaluation methodology.

Mr. CONYERS. The Chair recognizes Mr. Volkmer, of Missouri, commending him on his longstanding patience, and yields the chair to Mr. Scheuer.

Mr. VOLKMER. Thank you. I would first like to ask individually the panel—I'm sorry I wasn't here to hear all the testimony, if this has already been gone over, and I have basically before me your present

occupations. I would like to know have you individually, how much have you individually been involved in law enforcement? If ever?

Dr. KRISLOV. I was a member for 2 or 3 years of the Minnesota Commission on Judicial Standards. I don't know whether you consider that—

Mr. VOLKMER. That is for the judges, all right?

Dr. KRISLOV. The judges.

Dr. SCHWARTZ. I have been a teacher in the criminal justice area, but have not actively engaged in the law enforcement process.

Mr. VOLKMER. Have you been engaged in law school in any law enforcement courses?

Dr. SCHWARTZ. Yes.

Mr. VOLKMER. All right.

Dr. BLUMSTEIN. I have never carried a gun on a beat.

Mr. VOLKMER. No; I'm not asking that.

Dr. BLUMSTEIN. But I got involved with the criminal justice system as the Director of the Science and Technology Task Force for the President's Crime Commission. And that involved rather extensive involvement—riding in police cars and sitting in courts—so I knew what the system was about in at least half a dozen cities. I learned considerably from the variety of law enforcement officials who were part of the staff and the management of that Crime Commission. When I came to Pittsburgh, I was a member of the Regional Planning Unit of the Pennsylvania SPA and participated actively in the operation of that unit and have been involved in teaching a course on criminal justice jointly with David Craig, who was the former public safety director of the city of Pittsburgh.

Dr. KRISLOV. In addition, Mr. Deskins was with the military police before he was a pro football player, now chairman of the Department of Geography, University of Michigan. Mr. Eidenberg was chairman of the Illinois Law Enforcement Commission. Charles Herzfeld, now with I.T. & T., had been engaged in counterinsurgency planning. Chief Iglesburger was police chief at Dayton. And Coleman Young, I believe, was a sheriff prior to being mayor of Detroit.

Mr. CONYERS. No; that is not correct.

Dr. KRISLOV. No? He was in the police work, was he not?

Mr. CONYERS. No; he was a State senator.

Mr. KRISLOV. I have got that wrong, sorry. Anyway, as mayor of Detroit, he's involved in some police work.

Dr. WHITE. I have done research for several years on police behavior and spent a year observing in a police department during that time.

Mr. VOLKMER. My other question is basic. What would be your opinions individually if we just decided to do away with the Institute period? The research.

Dr. KRISLOV. I think it would be a mistake. By the way, I identified the fact that I don't do any research in criminal justice, I have never applied for a grant from the Institute and don't expect to.

First of all, there is an investment and I think some things have happened. One of the points we made earlier was that there has been a beginning of an establishment of a research community, which has a multiplier effect. For example, there now are meetings of researchers in the area. I did attend the LEAA conference held here in Washington

last spring which brought out a remarkable number of people at their own expense, mostly, except for a few participants. I don't know the numbers but it was run last spring and was impressive. I was impressed, too. The Law and Society Association held a joint conference with the National Conference of State Courts, with that community of practitioners and researchers.

The Institute has been successful in at least starting such activities. And while we are critical of the research in saying it wasn't cost efficient, we don't want to create the impression that all of the projects were bad. There are some very important and good projects that have come about.

I would think it's too early to give up. I don't preclude the possibility of Congress reaching that judgment after a period of time. I wouldn't rule that out, and one of the reasons that the report came back to the notion of reducing crime is that Congress ought to look at the Institute periodically and evaluate whether it has made a reasonable contribution toward our knowledge about crime.

I would personally say it's premature to cut it off and it would be a mistake.

Dr. SCHWARTZ. I believe that the Federal Government has an important role to play in encouraging research, in focusing on the issues, in acting as a catalyst for a criminal justice research community in the country.

And I think it would be very unwise at this time to surrender that role because I do not think it can be satisfactorily accomplished by any other agency that exists in the country.

Dr. BLUMSTEIN. Let me make two points on that issue.

I think that despite some of the problems over the past 8 or 10 years, there have indeed been some important steps forward in starting to find out about crime and about what works in controlling crime. Some very important experiments have been undertaken like the Kansas City experiment, which had flaws and which requires a follow-on to correct those flaws. But I think that it would be very destructive of the progress that has been made to just cut it short.

More fundamentally, I think that cutting short this research effort would be a symbolic step that says we really don't care to know about what affects crime. It would be like saying: "Don't confuse us with the facts, we have made up our minds." And I think that would be an unfortunate step backward.

Dr. KRISLOV. Let me add one more point to all of ours, and that is I think the Institute and LEAA generally have contributed to the data base and the knowledge in quite cost-efficient ways, and that on the whole I think the committee agrees with that judgment. That that has been an important contribution that can't be overestimated. It mustn't be underestimated and can't be overestimated.

Mr. VOLKMER. All right. Now, the next thing, in evaluating these programs and research, can you name me some that perhaps have helped with the knowledge that's been obtained in that research with the prevention of crime?

Dr. KRISLOV. People will differ on the individual ones, but I think the RAND detective study is an important one that gives us much more realism about deploying police forces. I think that—on the technology end of it—the grant to the National Bureau of Standards,

which improved doors, which is a relatively small grant, is nevertheless a contribution. It makes me feel better that I can at least buy the door.

So that there are a number of projects.

Mr. SCHUBERT. On that particular problem, they gave a grant to an architect by the name of Oscar Newman to write a book about apartment house and home specifications for locks, doors, windows at apparently a very small expense.

HUD—Department of Housing and Urban Development—put out a manual on what were the minimum requirements for security not only on hardware but on the planning of building lobbies, how it should be planned and what you should avoid in the way of small odd spaces where people could hide and so forth.

So at very little expense a great deal could be accomplished.

Mr. VOLKMER. Are you then saying that the direction should be to prevent crime you isolate yourself from the populace?

Is that the way we prevent crime?

In other words, if I put bars on all of my windows of my house, I'm not as susceptible to crime or if I put a metal door instead of a wooden door I'm not as apt to have somebody come into my house?

Is that the way we want people to live.

Dr. KRISLOV. No; actually the door they recommend is indistinguishable from any normal door yet is more defensible, I mean harder to break into.

Mr. VOLKMER. That's a condemnation, that we have to design a door that is hard to break into.

Dr. KRISLOV. Yes. If we could solve the social problem I think we would all be happier, but as we were indicating earlier, we don't think that is going to occur.

Mr. VOLKMER. I would like to ask the chairman or the staff, since I am just a new member—can somebody tell me how much the Institute has received in the time it's been in existence?

Mr. SCHEUER. About \$220 or \$225 million, in that neighborhood.

Mr. VOLKMER. So far, what you have told me is what they have produced from that much money from the taxpayers of this country?

Mr. CONYERS. Would the gentleman yield briefly?

Mr. VOLKMER. Yes.

Mr. CONYERS. One of the things we were going to ask this committee to do is to submit to us a list of the projects that the Institute has engaged in over the last several years that they considered worthy or fairly successful.

Mr. VOLKMER. And the results from that. It is great to have knowledge now. And one of the things that is basic with me is that I am going to have to live with crime for the rest of my life. It is just a matter of degree. I don't think we are ever going to prevent crime altogether.

Dr. KRISLOV. Yes, we agree with that.

Mr. VOLKMER. Now, I would like to know—as the chairman has said, that would be of great help to me to make a decision, because when I decide down here on programs, I have to establish priorities. And whether that money—it would be well, sure, to spend all kinds of money if we had an unlimited supply.

But I have the viewpoint that we do not have an unlimited supply.

Dr. KRISLOV. We are in agreement with you, and we are not advocates of the budget of the National Institute. That is, as I did point out, we are quite willing to give you a general estimate that the money should have been better spent.

You know, it is really unfair to the Institute to ask us on the spur of the moment to come up with all of the projects, because we aren't familiar with all the projects. We only looked at a sample.

Mr. VOLKMER. Can you, as the chairman suggested, perhaps in the future, come up with some evaluations of those programs and what they propose to have done?

Dr. KRISLOV. Yes; but I am just saying that we are not the best salesmen or even a fair salesman for the Institute. That is, they could come in and tell you in greater detail.

One of their products—I don't want to sell them short even though we have criticized them very heavily.

Mr. VOLKMER. You could work with the Institute. Perhaps they could come up and give you first what they feel are the best programs, and then you can evaluate those rather than going through every one of them.

Dr. KRISLOV. Yes.

Mr. VOLKMER. They could also give you the list of those they don't feel have done any good. They ought to be able to do that, too. They ought to have some idea——

Dr. KRISLOV. Let me just say that we have come to the conclusion that their product was not worth the money. On the other hand, we are not saying their product wasn't worth anything.

Mr. VOLKMER. I agree on that. Usually, you will find some good in a lot of things. But again, it is cost effectiveness, priorities, whatever you want to call it.

Thank you very much.

Mr. SCHEUER. On the research agreements program, which I am sure you are familiar with, three or four institutions—RAND, Northwestern—were given \$600,000 or \$700,000 to look at rehabilitation, deterrence, econometric models, and so forth.

I take it these were sort of think tanks. They just turned them loose with the vaguest guidelines. How has that worked out as a procedural mechanism?

Dr. KRISLOV. It varied. Not all of them were in our sample. I read most of them.

Mr. SCHEUER. You thought one was terrible?

Dr. KRISLOV. Sorry about that. I am not in a position to make that statement since I have only read the proposal. But I thought most of them were pretty good.

I liked—I don't think I saw the RAND. I think it's like every other area. It has to be done very carefully. I think it is a good idea. And it then has to be read very carefully.

Mr. SCHEUER. Peer review?

Dr. KRISLOV. Yes. The caliber of people was uniformly very high, but that's to be expected if you turn to those institutions.

Dr. WHITE. I think one important point, also, is that these are really just getting underway this year. It is clear nothing of that sort could show what it could do within only 1 year or perhaps even 2.

I would certainly not want to make a judgment on their importance until they had been in business for a little while, because the way they are set up requires a sort of growth process and an internal development process.

Dr. BLUMSTEIN. I have been on the advisory committee for the RAND project which has been looking at career offender problems.

Mr. SCHEUER. Habitual offenders?

Dr. BLUMSTEIN. Habitual offenders. And they have gone at this by some intensive interviews of 50 habitual offenders, and have identified them as habitual offenders, and have seen some distinctions between them. Those whom you might characterize as pros, for example, those who were habitually engaging in crime but only occasionally getting arrested, versus the guys who only occasionally engaged in crime but very often got arrested.

And it is very important, for example, to make some distinctions between the people who are really the marauders on society and get to those guys as opposed to the guys who show up in the criminal justice system frequently but don't represent the real predators on the society. And it would just be very desirable to get some more detailed information of the kind that is starting to be suggested by this research in order to target the resources of the criminal justice system on the people who are most threatening to us.

Mr. SCHEUER. As a system for dealing out money, does it have a role? I suppose you would have to be very selective in who you gave this more or less unrestricted grant to.

Dr. KRISLOV. Yes.

Dr. BLUMSTEIN. I would argue very strongly that it is a very positive concept and in many respects makes so much more sense than the large requests for proposals which get responded to by the kinds of large proposal-generating—not necessarily research-generating outfits, that Congressman Conyers was referring to—and which high quality institutions will often ignore because that is not the kind of business they are in.

And they can afford to be much more selective about where they target their efforts, and they are not prepared particularly to play the crap game involved in responding the RFPs.

Mr. GREGORY. Your report calls for the development of a cumulative research program to develop cumulative knowledge.

Witnesses yesterday made the same point, and I questioned them in that respect. Is this not based, at least in part, upon the medical model, the breakthrough concept, and if so, is that a valid concept? Is there a Salk vaccine for crime waiting to be discovered?

Dr. KRISLOV. No. I think it is based on the canons of science that says at least you ought to know when you fail, in a very direct way.

One of the troubles with something like Impact Cities is that it failed, but we don't know what failed because so many things were done. So it is really not just the medical thing. It is the notion that that is the way in which knowledge derives and it is the only strategy we know that works. The end result of the process is sometimes a "failure" in that all the hypotheses turn out to be untrue; but at least you have that knowledge, as opposed to having learned nothing at all.

Mr. GREGORY. How about impact, are you saying something was learned——

Dr. KRISLOV. I am saying nothing was learned because they didn't follow any notions of systematic cumulative knowledge or anything else. They just threw money away, and clearly that doesn't work. Sometimes it works. But then you don't know what it was that worked, either.

But it is not just built—in answer to your question, it is not just built on the medical analogy. On the contrary, the medical is built on this rather than the other way around.

Mr. GREGORY. Your report also makes a very persuasive argument in favor of the independence and isolation from political influence of the Institute.

Henry Ruth, who, as we have noted today was the first confirmed Director of the Institute, recently published a study for the Urban Institute in which he makes, it seems to me, a diametrically contrary argument, at least in part.

He argues that there is need for certain parts of research to be decentralized. In fact, he agrees that criminal justice practitioners, not just research practitioners, need to be participating—do you see that as a conflict?

Dr. KRISLOV. I haven't read that and don't quite know what he's saying. I think we argue very strongly that practitioners should be involved in the advisory committees in assessing usefulness and so on.

I don't quite understand how they would be involved in the day-to-day research. I would have to know more to see whether I am in agreement.

Dr. SCHWARTZ. I think the problem you are putting is the one of decentralization. I think it is not inconsistent with the development of a major—and continuation of a major Federal effort in the criminal justice area, especially if that strategy is carried out in such a way as to solicit from a variety of research sources independent recommendations, independent suggestions and proposals for research, because you can stimulate diversity in research by virtue of holding out the possibility of funding.

The danger is when you have a plan which is so tightly set and so monopolistic that you will drive the entire research vehicle down a particular avenue which may turn out to be a one-way street or dead end.

Mr. GREGORY. Dr. White?

Dr. WHITE. I haven't read what you were referring to either, but it seems to me that having spoken with Mr. Ruth several times, that he has a certain model in mind, and that is the model of either the SPA or the Criminal Justice Coordinating Council, doing its own research. And we found in our survey of research being done in SPA's that, on occasion, this can be done very well.

And I suspect that when Mr. Ruth was chairman of the Criminal Justice Coordinating Council in New York, it was done very well.

We also know it was done very well in, say, Minnesota when Robert Crew was the director of the SPA, but that was because made a commitment to getting good people.

But this kind of research was also very much directly related to the particular programs they were putting on the street and not the sort of long-range research which we think is different and also important.

So I wouldn't see a real conflict there.

To a certain extent, I would agree with Mr. Ruth, but I think what he is recommending is probably of limited value across the country, and it certainly would require an SPA or Criminal Justice Coordinating Council or something of that sort which, as I understand the rumors, might disappear.

Mr. GREGORY. Do you think the kind of a research institute that you propose might have more difficulty being received and getting cooperation from the criminal justice practitioners?

I would just like to read two lines from Mr. Ruth's report and certainly, if he represents that sector, is one of the more enlightened, and I am sure more favorably inclined toward research. But he says, "In this effort of criminal justice research, common sense and reasonable deductions can help fill the gaps that lack of absolute precision will leave. The demand for absolute precision in the research world is one of its reasons for the wide divergence from the criminal justice world."

Dr. KRISLOV. One of the reasons, again, we recommend the Institute stay in the Department of Justice and have some relations with LEAA is to get that credibility.

I would just point out that Mr. Ruth's Institute had no particular credibility with practitioners, that there are very real problems, and at some point, you have to ask if the research is going to sacrifice its inherent characteristic as research in order to be credible—it is sort of the same problem as selling itself to Congress—then it has to stop calling itself research.

But we believe that there is room for research that can be useful to the practitioners. And the way to establish credibility is to build them into both the controlling body that sets the goals in cooperation with Congress and interprets them, and in the advisory committees that go through and set the programs, not in the individual research, although they might be involved there as appropriate.

At any rate, they should have a lot of say, as we envision it, in setting goals and priorities in the program.

Incidentally, getting back to the notion of pluralism in research, we do argue that a certain percentage of the budget should go for sort of "wild card," imaginative, competitive grants that don't fit the program areas and that aren't necessarily cumulative.

We are arguing for a lot of pluralism, if you read the report carefully, including the RPA's, including small grants and so on, which will allow for creativity.

We are not saying only do four things and force everybody to do that. On the contrary, we would end up with a much more diverse program, but the core of it would be, I think, much more cumulative.

Dr. BLUMSTEIN. I would like to second that argument for diversity and pluralism both in the conduct of the research and in its funding. I would also like to address the issue of the relationship between the research program and practitioners. First, it is very important to get practitioner's perspectives and inputs in the research priorities and what we see would be through their participation on the statutory advisory board that we recommend as well as throughout the management of the research program.

But with regard to the research itself there are two important linkups to the criminal justice system. One is a linkup to gain access to

the body of activity, partly as data sources, partly as opportunities for trying things out. That linkage is terribly important to facilitate, and in part the researchers should and would be doing that, and the linkage would be facilitated as part of the research program.

The other which I think you are getting at relates to the communication between research findings and practice. Now sometimes that goes directly. A piece of research is done with or in conjunction with an operating agency, and they pick it up and implement it. Sometimes it happens through the prescriptive packages that LEAA picks up and sends out through its technical assistance program.

But much more often and I think much more importantly, that link is a much more diffuse one. It has a much longer trail, from what may be a fairly complicated arcane article in some technical journal. The important results may then show up in an article written by somebody like James Q. Wilson in a journal like "Public Interest," which then gets picked up by the editorial writer of the Pittsburgh Press, which then has an impact on the local community and local practitioners. So the trail is a rather complicated one, and not seeing that original technical article in the hands of the police chief or perceiving the article as unintelligible to the police chief doesn't necessarily negate the value of the research that is done, because the diffusion process is a rather complicated one.

Mr. GREGORY. Did your group give consideration to having an institute such as you propose being limited to, shall we say, the more practical applied sort of things that the Department of Justice might be more comfortable with and perhaps increasing the budget of other successful existing programs such as NIMH crime delinquency program which is, what, 10 years in existence and apparently successful in that—I realize they themselves will be telling us they do both applied and basic but more of the basic or more innovative stuff.

Dr. KRISLOV. My answer to that would be that there really is no such animal. Most of the things the Institute has tried to do—and here we are in agreement with the 20th century report—that are service-oriented turn out to be nonproblems. It isn't as if you can say that you need a brandnew innovative method of dealing with patrol and have it come up. That is—I don't think that that exists, the kind of breed that you are talking about, the so-called applied research. Most of the Institute's failures happen to fall in that category, where they really thought they were producing something that would itself be of applied use. Rather than in the pure research, because for applied research they had no canons, they have no method of judging what it should look like.

I think most of the fiascos and most of the types of major things like citizen's alarm and so on were made to order technical delivery products whether of the hardware or of the software variety.

Mr. GREGORY. A couple of the programs cited as examples of successful stories are in that sector, the Kansas City patrol study—

Dr. WHITE. That wasn't done by the Institute.

Mr. GREGORY. No; but I mean the type of study.

Dr. KRISLOV. But the success and failure of that hinges on the research design and it is appropriately done within the Institute. If you are saying that type of thing, I personally regard that as quite appropriately research. I don't care whether you call it applied or

pure. But then I think it has got to follow most of the procedures and techniques that are common to good scientific research. In other words, that is the kind of Institute we want.

Mr. GREGORY. Yes.

Dr. SCHWARTZ. I would like to add there that it is necessary to understand the motives of good researchers as a key to this problem. Most good researchers are interested in methodological precisions, they see the criminal justice system as providing opportunities for interventions, innovations, changes which will give them rigorous research results. They are interested in being involved in that kind of research. In part because of the methodological precision that they can achieve, in part because of the accretions to knowledge that they hope will come from that kind of involvement, and in part because they may have as individual citizens a strong motive to try to contribute to the strengthening of the criminal justice system.

But if you try to get people who are mere technicians, who have been trained in methodology but have no interest in the substantive problem or in some kind of contribution of new knowledge to a growing body of knowledge, then I think you are going to end up with second-raters. This is, I think, one of the reasons why the distinction between pure and applied should not be too rigorously drawn,

Dr. WHITE. I would like to add to that. I agree completely with that and I think that there is too much stress laid upon a dichotomy between applied and basic research in this kind of area. Actually, for good research there is probably a combination in any set of cumulative projects. I think the better distinction would be between research that would be done at the level, say, that Henry Ruth was doing it in New York, or that some, a few, of the good SPA's have done dealing directly with their programs and directly with testing out a project that they are doing, as opposed to what the Institute can do in more long-range research some of which is applied and some parts of which certainly are basic, a combination of applied and basic research. A research institute is not an operating agency with its own program to run. That's the distinction I think that has to be made.

One of the problems the Institute always had is that it has been put in the position of forming an operating program—as if it were an SPA—without any possibility of that ever happening.

Mr. CONYERS. But Dr. Schwartz, your outline of the ideal researcher was, of course, posited somewhere in the heavens. I mean there exist people like you describe, you know, pure of motive, totally committed, no politics, no opportunism, But, of course, the body of criminal justice research we have is so small and piddling that obviously there couldn't be people working in that—at least not for very long or we would have more than a thimbleful to begin to work on. I mean that is sort of like, you know, the Boy Scout code. That is what we want people to be like. But we can't say that they are all out there in numbers doing their job because, well, it is just as the cochairman points out. He and I are the only two we know of, for sure. [Laughter.]

But there isn't any great body of people like you describe, is there? That is what we want them to become.

Dr. SCHWARTZ. Well, Mr. Chairman, I didn't mean to suggest that the people who are involved in these kinds of activities don't have other motives as well. They certainly want to eat. They want to build

their careers. But there are a lot of people out there who see ways in which they can build their careers through additions that they can make to scientific knowledge. That is what a social scientist is, a person who is earning a living by adding to knowledge, and I think that we have more than a thimbleful of results already, in consequence of their efforts.

Indeed, if you look at the reports of the President's Crime Commission you will see that that was a take-stock operation which indicated that we already knew a lot more than we thought we did. And that we found that out by virtue of the Government signaling that it was time to bring that research together and organize it, so we would know where we stood in terms of our—in terms of the state of the art.

Now LEAA had the effect, I think, of trying to take off from that starting point. NILECJ and LEAA have not been insignificant in terms of additions to knowledge. Let me just give you an example. We have had a lot of research done now within the last decade on the operation of plea bargaining mechanism. Now that was a central aspect of the criminal justice system which up until 10 years ago was really not officially recognized, at least in the literature of the criminal law. You could take a course in criminal law and in criminal procedure in any law school and be totally ignorant of the existence of plea bargaining, which happens to account for 90 percent of the dispositions that come through the criminal process. It was important that that fact, that massive fact be discovered. And it was discovered and emphasized and explored. It has been studied as a consequence of the case load to see whether the larger caseload was more likely to produce plea bargaining; it doesn't incidentally.

It was studied to see what the consequences would be in terms of the kind of disposition that occurred. It was studied and it is being studied now to try to understand whether the judge enters and plays an important role, whether the prosecutor and defense attorney constitute kind of a team to see what the best disposition would be.

Mr. SCHUEER. Can you tell us something about the experience under the Rockefeller narcotics law 4 or 5 years ago that prohibited plea bargaining?

Mr. SCHWARTZ. That, as you know, occurred in the State of New York with results with which I'm fairly familiar. The consequence was that, in effect, the plea bargaining system was prohibited, but that drove the decision back to an earlier point at which police discretion entered more heavily in determining the nature of the charges. Typically, that is the way plea bargaining works. Instead of the judge making the decision, the responsibility shifted initially to the prosecutor and then especially where statutory intervention of that type is tried, the responsibility goes back to the police, who by virtue of their definition and their training are never supposed to have played that kind of a powerful role in determining what the price of a particular crime would be.

Now, I submit that that is a good example of the value of a continuing research program which attempts to appraise how the system is working in action, as compared with the theories that lawyers would have.

Mr. CONYERS. Two good examples, and I appreciate them. Now, how many researchers do we have that meet the criteria that you so eloquently described earlier? Do they number in the hundreds, do they number in the thousands? Do they number in the tens of thousands?

Dr. KRISLOV. Could I try to meet Congressman Conyers' point? I think what we argue for in the report is a process which the staff, the advisory committees, the researchers, and Congress are in a state of tension with each other watching each other. That the staff ought to be looking for good research ideas and good researchers hopefully, with the Boy Scout ethic, if you wish, of Dean Schwartz, but at any rate, good researchers. And I think we follow—

Mr. CONYERS. Now there are 435 Congressmen. How many good researchers?

Dr. KRISLOV. In the United States? I don't know.

Mr. CONYERS. In the criminal justice area.

Dr. KRISLOV. They are in the hundreds.

Dr. SCHWARTZ. Certainly in the hundreds.

Mr. CONYERS. I'm not trying to put you in an impossible position. I'm trying to understand how large a body of people we are working with. It's very critical.

Mr. SCHEUER. In the research community.

Dr. KRISLOV. It's now hundreds.

Mr. CONYERS. You say hundred or hundreds?

Dr. KRISLOV. Hundreds.

Mr. SCHEUER. Is it more than 500?

Mr. CONYERS. 200 or 300 or 1,000, or what?

Dr. BLUMSTEIN. Let me try to respond in another sense. If you wanted a number of how many good researchers there are, by some reasonable terms of good, I would say in the order of 300 now doing research in criminal justice. But the fundamental point our report is trying to get at is that the current community is a lot larger than it was 10 years ago, but even that is not representative of the community that should be. There is a much larger community of good researchers out there who are not now working on criminal justice, in part because of the way the Institute has been operated.

What we would like to see happen is that some procedure be developed to mobilize more of those people to bring them into active research involvement with these problems which are terribly important. Thousands or tens of thousands might well be attracted into it if it had the intellectual challenge, if it had the respectability that it's only starting to accumulate now, and if it had the quality of management and integrity of management that would make it worth being associated with.

Mr. SCHEUER. In connection, now, following along, let's assume hypothetically with an iffy question, that the Justice Department comes down here next week and says, well, we're making certain structural changes in the National Institute of Law Enforcement and Criminal Justice. We're addressing ourselves to many of the points that the panel raised last week, and we think we're going to meet most of those problems.

We think the Institute ought to stay where it is in LEAA. We think we met the challenge that the panel raised last week and we

don't think it's necessary to lift it out of LEAA. What would be your reaction to that? Would you say there is something so basically destructive about leaving it in the arms of the practitioners with all the political influences that come to bear that there is no possibility of it being made the truly effective instrument it ought to be to attract the tens of thousands instead of the 300? Or would you say yes, if they would eliminate the signing off by the LEAA Administrator and, yes, if they can have 3- or 5-year grants instead of 1-year grants, if they divest themselves of the laundry list of problems you mentioned, we think in those circumstances it could be left where it is.

Dr. KRISLOV. Well, "could be," I think are the right words. If those conditions for independence were met then we are not better prognosticators, perhaps, than Congress. All we can say is we think the history is against it, but it might be feasible. It might be feasible. Our reluctant conclusion was that we don't think it will work even if it has the independence, but your experience with agencies, is at least as great as ours and it's possible that that prognostication would be wrong. So the answer would yes, it could be left there. We have no way of saving absolutely it shouldn't be under any circumstances. That is not our first wish, but it's feasible.

Dr. BLUMSTEIN. I think the critical point we mean to make is that it must have quality and it must have integrity. And what we have prescribed is a variety of means for achieving those.

It's entirely conceivable that you don't need all of those if the others are in there strong enough. Now we're back in the negotiating position between the Congress and the Justice Department. And we hope that you'll negotiate to assure as much as possible that that quality and integrity is achieved.

Dr. KRISLOV. The same thing is true, for example, on the Bureau of Criminal Statistics, or something of that sort. Our top priority was for combining it with the Institute for a number of reasons. We think the Institute would be benefited. We also believe any decent bureau of statistics needs researchers to help them develop the categories. If combined in fact, that is what would happen; there would be a little Institute attached to the Bureau. But if you asked us what our order of priorities is, clearly it has to be straight, criminal statistics has to be straight and integrated. If that is the best possible deal that can be reached, it has to be taken out of FBI in our opinion, out of an operating agency and given the sort of integrity that a statistical bureau has.

Our first preference is together with the Institute. Our second preference is independent. A long way down the line, 85th preference, is keeping it where it is now.

Dr. WHITE. I would just like to add that the committee struggled with this question of the Institute being in or out of LEAA for the entire life of the committee. When we started out, I think it would be fair to say that almost everybody believed it should be in LEAA. By the end, we had a 15-member committee with no dissents at all on that issue that it should be out of LEAA.

Mr. SCHEUER. I don't understand that. Let me interrupt a second. If it's so transparently clear that there was neither the integrity nor the quality, as sort of a supporting environment for the Institute's work located in LEAA and that seemed to be commonly accepted

perception in the entire criminal justice research fraternity, how could they even have started out with the assumption that a structure that had failed so badly over the decade was an acceptable structure? Even in the initial stages of your deliberations?

Dr. BLUMSTEIN. In the initial considerations, the trade-off basically was between autonomy and proximity, with a hope that this research institute would become a center of intellectual leadership which would serve as a stimulus for creative and innovative change within LEAA and subsequently throughout the criminal justice system. It turned out in the experience of the past 10 years that that proximity served more as a handicap than as a benefit.

Mr. SCHEUER. Yes, but you knew all that when you started your deliberations 18 months ago.

Dr. KRISLOV. No, we didn't. We didn't have such a preconceived a notion as you suggest.

Dr. SCHWARTZ. I think you misconstrued the task of the committee as we understood it. We were trying to stress the whole research product. We took a sample of research with an open mind. We were not clear that the research was of lower quality than other comparable agencies might produce, although there was a bad reputation. But we wanted to look at the research itself.

OK. So then we discovered, as a consequence of that investigation, that it was mediocre and we also, through our exploration of the history, tried to uncover the reasons why this had occurred. It was a genuine research undertaking and only after we had done the research were we prepared to reach our conclusions.

Mr. SCHEUER. You had structured open minds in the beginning.

Dr. KRISLOV. And remember that the committee is very delicately balanced between people who are closely allied in criminal justice and those who are not, but have competence in research, and so on.

There are many people, again, Don Deskins, who I mentioned before in the department of geography, who has had experience in Government and so on, but not so much in criminal justice.

Looking down the list, Hertzfeld had no particular opinion of LEAA. Gary Koch, who is a statistician, who was on for his expertise in statistics, but who had no great knowledge of the Institute except rumor.

I must say I personally think the committee was much more evenly balanced than you suggest. It probably was 50-50 and three people had a strong opinion on each side and nine in the middle didn't have any opinion at all, might be a more accurate way of putting it. We were much more objective. In fact, we tried to take into account that some places with bad reputations may indeed be good places.

Dr. WHITE. I misstated the point earlier about the initial position of the committee on whether or not the Institute should be in LEAA. That wasn't an issue, as a matter of fact, before the committee. The issue was evaluating the research program. Where it should be located came up as we went along and began to learn more and more about the reasons for the problems they were having. It simply wasn't an issue from the beginning.

But what I really wanted to say was: What the committee came to a conclusion about was the principle of the necessity to insulate this research program from certain kinds of pressure that would ruin it

and have ruined it—and that is the principle. We are not competent to tell you what the political decision should be about the ultimate location of the institute. What we wanted to say is that it's not that we prefer a research program insulated in this way. Our point is that a research institute can't do good work; it can't do even reasonable work otherwise. That is what we want to insist upon, the principle of independence and insulation.

Mr. SCHEUER. Excellent answers to my questions. The answers were smarter than the question.

Mr. GREGORY. Following up on that, I understand your reasons for the need for insulation and independence. And you have explained to us how you feel that might bring in those thousands, or tens of thousands of researchers Dr. Blumstein referred to. Your report also indicates that the blame isn't all on the design of the Institute. I think you mentioned at the time the Institute was formed, a couple years after the President's Crime Commission report—I know Dr. Blumstein served on that Commission—you indicate that academic research didn't want to get muddied, I think you put it, in criminal justice research. Has that changed now? What needs to be done in addition to changing the nature of the institute to attract that segment of the research community?

Dr. KRISLOV. I think the academic community was slow in recognizing the importance of this problem. And went into it with stereotypes, too. I think our report does say that, and I think it's accurate. But I think now that that prejudice is largely gone.

I think the conditions are ripe so that if you opened up the field, and indeed it's been happening. I don't think Marvin Wolfgang would have taken a grant, in fact I think he stated that at one point in our meetings, he said he would not have gone to the Institute for a grant at its beginning.

I think as it has established a little bit more credibility and as it's gone to higher standards—we did find a slight improvement of research design over the years, indicating more insistence upon it. At least an effort to do it. So that both the ideological connotations are gone, a little, anyway, and the technical ones are there.

I think it will come of itself now.

Dr. BLUMSTEIN. I would just like to refer to the conditions of 1968, year of the Democratic Convention, the year of riots on campus, police intervention on campus—a period of considerable polarization between the academic world and the world related to police.

I think we have seen changes on both those sides. And so we don't now have the kind of repulsive force that kept these groups apart.

In the meantime, there indeed has been some important and respectable and quality work that has gotten published. The field has attained much more respectability than it did in the late 1960's, and I think that has made it a much more attractive field for many people willing to work there today, whereas they wouldn't have been a decade ago.

Mr. CONYERS. As one of the cochairman, I want to thank you very much. It's been a long and productive morning, we deeply appreciate your preparation and your responses to our questions.

Mr. SCHEUER. Thank you all very much.

The joint session of the Subcommittee on Crime, the Judiciary Committee, and the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation of the Science and Technology Committee is adjourned until next Wednesday morning at 9 o'clock in this chamber.

[Whereupon, at 12:35 p.m., the hearing was adjourned.]



FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

WEDNESDAY, JUNE 29, 1977

U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, AND SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittees met at 9:05 a.m., in room 2141, Rayburn House Office Building, Hon. James H. Scheuer, cochairman, presiding.

Present: Representatives Scheuer, Conyers, and Ertel.

Staff members present: Leslie Freed, Hayden W. Gregory, and Jonah Shacknai, counsel; and Robert Shellow, consultant; Ross Stovall, associate counsel; and James Gallagher, technical consultant.

Mr. SCHEUER. Good morning. The joint hearings of the Subcommittee on Crime of the Committee on the Judiciary and the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation of the Committee on Science and Technology will come to order.

My colleague, John Conyers, is expected momentarily, the chairman of the Subcommittee on Crime, but I think in deference to the very long schedule of witnesses we have today, we will start now.

It is a pleasure to introduce Judge David Bazelon, Chief Judge of the U.S. Court of Appeals for the District of Columbia, and one of the Nation's most distinguished jurists, and a pioneer in the application of behavioral science know-how to criminal justice.

It is a pleasure to have you, Judge Bazelon, and we look forward to hearing from you.

TESTIMONY OF HON. DAVID L. BAZELON, CHIEF JUDGE, U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Judge BAZELON. Thank you, Mr. Chairman.

I am pleased to be able to present the testimony I am about to give before this joint subcommittee.

Mr. SCHEUER. Judge, your statement will be printed in its entirety at this point in the record, so if you'd like you can simply chat with us informally rather than read your statement, which will precede your informal remarks in the record—whichever you prefer.

Judge BAZELON. Well, I put this together in an organized way.

Mr. SCHEUER. Fine.

Judge BAZELON. And if you want to start asking me questions, that's fine.

Mr. SCHEUER. I think we should get some testimony from you, either your prepared testimony or you can speak extemporaneously, whichever you prefer.

[The prepared statement of Hon. David L. Bazelon follows:]

STATEMENT OF DAVID L. BAZELON, CHIEF JUDGE, U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

I am pleased to be here to present testimony before the members of the Subcommittee on crime of the House Committee on the Judiciary and the Subcommittee on Domestic and International Scientific Planning and Analysis and Cooperation of the House Science and Technology Committee. You have joined together for a very important purpose: to determine the future direction of criminal research and, consequently, of federal criminal justice.

Since I have been asked for my considered judgment whether such research should be federally directed and supported, I must respond with an emphatic Yes.

Research, however, does not exist in the abstract; it is a tool that we use to meet our purposes. If we are to use that tool intelligently, these purposes must first be clarified. I am reminded of the story so often told about Gertrude Stein's dying words. A close friend leaned over Ms. Stein's death bed and whispered to the dying woman, "What is the answer?" The barely audible reply as Gertrude Stein passed away was, "What is the question?" The nature of the questions that require research is what I propose to discuss with you.

I should state at the outset that in discussing the possible directions for research I shall focus exclusively on the problem of street crime. My reason for doing so is simple: but for that problem there would not be an LEAA, there would not be a NILECJ, and there surely would not have been hearings on the federal role in criminal justice and criminal research. As serious and destructive as white collar and organized crime are, no one today would be thinking about funding research were these the only types of crimes with which we were afflicted. It is violent crime that has made us afraid on the streets and even in our homes, and it is to allay that fear that we have turned to the techniques of scientific research.

On one level, of course, the question is simple: How can we end this affliction? Dip beneath the surface, however, and the true complexity of the problem emerges. My own experience with the delinquents and criminals that have put us all in fear is that their lives on the street have destroyed their ability to empathize with other human beings. It does not take an expert to guess that many children reared in the ghetto—where acknowledgement of one's own identity and worth is so difficult—will develop at best a hard insensitivity to others. Such individuals feel nothing but hatred toward their victims and society as a whole. Their lack of connection to the majority's culture and values may have nothing to do with mental disease, unless not being able to see or feel beyond resentment and rage is so classified.

Such profound social disorder creates a problem of moral attribution. What we have learned from such disciplines as psychiatry, sociology, anthropology, physiology and biology has disoriented our criteria of individual moral responsibility. We no longer live in a Miltonian arena where God and Lucifer eternally contend in the soul of every man. And we can only return to that stark arena at the price of ignoring what we know. We often seem so intent on punishing that we repress information that might make punishment inappropriate. We want to catch and punish the rat—always assuming there is a rat. We are content with a vast superstructure of codes, trials, prisons and so on, and do not look to see how it fits its base.

The social disorder of poverty also creates a problem of causation. We know neither how to eliminate poverty nor how to correct its often dehumanizing effects. I suspect that none of our providers of treatment services—psychiatrists, psychologists, or social workers—have the ability to implant middle class sensibilities into youngsters who have been actively neglected twenty-four hours a day, every day of their lives. There is no magic humanizing pill for these youths to swallow.

I am not saying poverty equals crime. That would be silly. I am merely stating the obvious: poverty—and the deprivation and discrimination that so often accompany it—creates the conditions that make street crime more likely.

Crime is not surprising. What amazes me is that so many deprived Americans accept their lot without striking out. I am stunned by those who point to the many

docile poor and say, "Their poverty doesn't force them to break the law, so why should it force others to?" Society should be as alarmed by the silent misery of those who accept their plight as it is by the violence of those who do not. I see no hope for reducing violent street crime in this country until our society reaches this level of concern and humanity.

From this perspective the agenda for criminal research is clear. We cannot strive to achieve *only* a change in the criminal justice system. There can in fact be no criminal justice without social justice. We therefore must try to hold in mind the full picture. We must not forget that the people I have been speaking about—the "inputs" in the criminal justice system—are merely the "outputs" of our failing social system. To choose to eliminate social injustice is to choose a long, painful, and costly process. The only option I can imagine that is less appealing is not to choose it.

It is less appealing first, and primarily, because it is morally reprehensible. Can it be true that this nation would rather build a new prison cell for every slum dweller who turns to crime than to seek the causes of his lawlessness and alleviate them? I do not understand how academicians and politicians can have a clear conscience preaching repression to solve crime, unless they believe that despite the accident of birth all are equally endowed, mentally and physically, and have the same opportunities to get ahead.

It is less appealing, second, because it must in the long run be ineffective. So long as there is with us the culture that breeds crime, all the new-fangled gadgets of law enforcement and crime control can at best be superficial; they are only band-aids on a wound that deepens with every twist in the unemployment figures. Similarly recent fads such as the proposals for uniform, determinate sentencing will prove no panacea. Recent research in several cities has indicated, for example, that even under the present system most offenders convicted of committing a violent crime against a stranger can count on being incarcerated. And an LEAA-funded study released last year discovered that in most cases sentencing judges apply a small number of factors in a rational and predictable manner. The problem is not how we sentence, but how we face and grapple with the causes of crime.

If we properly focus our inquiry, a natural agenda for criminal research emerges. I would like to mention only three of the many possible avenues for such research. One of the few clues that we do have about the solution to street crime is that a viable family structure is crucial for social integration. A child needs a family because that is where his roots are developed and his education occurs. Mothers and fathers who spend time with their children are better socializers than most organized group care arrangements. We are learning that the poor are not inherently inferior child rearers. With a rising income, the same formerly poor mother spends more time with her child.

But many poverty parents have insufficient time and energy for their families. They are overwhelmed by the struggle for survival. A frantic and harassed mother is not a natural mother, and a father filled with failure and desperation is not a real father, and he may not even stay around long enough to try. A parent who cannot put food on the table cannot convey to a child a sense of order, purpose or self esteem. The poor are confronted by the same problems confronting the rich, and more of them; the difference is that they do not have the resources or time to cope. And when they slip, they find it all the harder to come back. Research into methods for fostering family structure among the poor is vitally necessary.

A second avenue for research is the connection between unemployment and crime. I once asked the chief of the police robbery squad for his speculations about the reason for the crime increase during one particularly violent summer in Washington. "I don't have to speculate," he said, "I know the cause. August was a wet month. Outdoor jobs were scarce for the day laborer and construction worker from the slums." "Whenever it rains several days in a row," he continued, "there's no work, no money, and we're in for a lot of trouble."

Unemployment among black teenagers ages 16 to 19 is now at 34 percent. For the poverty areas of our cities, the figure is put at 57 percent. The boredom of free time, the desire for money in the pocket, resentment about having no access—even by hard work—to the things that most of society enjoys, these appear to be the ingredients of crime by youths. We need to study such connections, and we need to develop techniques for reducing, if not eliminating, inner-city unemployment.

Finally, there is the issue of incarceration. As much as I long for the day when we can dynamite the Bastilles of this nation, I fear that we will always need

prisons to isolate dangerous offenders. The day Adam stepped out from the garden, we began worrying about protecting the sheep from the wolves. Some offenders simply must be locked up to protect society; otherwise, we face the prospect of escalating street violence, including lynchings to avenge the victims. Everyone would probably agree that the dangerous offender must be imprisoned. The problem is to define "dangerous" and then find the tools to measure it.

If there is no alternative to incarceration, we should at least begin to think about radically new approaches. Perhaps the whole idea of State-run institutions needs to be reexamined. Whenever the State locks people up and hands the keys to keepers who are not answerable to their captives, abuses are certain to arise, whether it be in prisons, reform school, or public mental hospitals. After the initial idealism wears off, there is a danger that institutions will be run for the professionals who staff them, the vendors who supply them, the public who want troublesome individuals kept out of sight and the politicians who use them for patronage. We need to develop mechanisms which will promote accountability so that institutions will remain faithful to their initial goals.

These three areas, of course, are meant to be exemplary, not exhaustive. They do indicate, however, the necessity for research to be funded at the Federal level. Although crime is a local problem, the causes of crime are national in scope, and research therefore must be conducted from a global perspective. To note only two examples: unemployment can only be viewed as a national issue, and the family structure of the poor cannot be separated from the intricacies of providing guaranteed Federal income.

The main point I want to make today, however, is that the purposes for which we have funded research, whatever its scope, must be kept clearly in mind. It is often all too easy to mistake the forest for the trees. Let me illustrate with an example recently noted by Dr. Julius Richmond, Psychiatrist-in-Chief of the Harvard Children's Hospital Medical Center and presently Assistant Secretary of HEW for Health designate. Several years ago a prominent member of the White House staff working for the President's Domestic Council called several developmental scientists and asked whether there was any absolute proof that under-nutrition caused mental retardation in the developing child. Apparently some scientists were willing to be quoted to the effect that there was no such absolute proof. Such rationale was used as justification for proposing the reduction of funds for the food stamp and school lunch programs. Fortunately many people in the scientific community learned of this in time to offer to testify that hunger was bad for children.

The lesson is manifest. Unless the humanitarian purposes underlying criminal research are kept perpetually illuminated, that research will inevitably degenerate into a sterile technological exercise. Pursuing these purposes may lead us to question fundamental aspects of our social structure; if so, we must face those questions also with courage and candor. If research ultimately validates the connections I have suggested between street crime, unemployment and family structure, remedies will be neither easy nor inexpensive. But our national discussion will at least have developed a new dimension; to wit, honesty. We will then know that continuing to address only the effects of crime will be at the sacrifice of our best ideals. Ideals, of course, can be too expensive for this life; but I maintain that we are, at a bare minimum, morally obligated to acknowledge their abandonment. Unless we do, we will never know who, or where, we are.

In 1930, a young official in the Justice Department, in testifying on the need for better crime statistics, told an Appropriations Subcommittee of the House of Representatives that one subject "that would be interesting in connection with crime statistics is the relation to crime of unemployment, of disease, and of the various items which make up the economic life of a country." The official was J. Edgar Hoover. Today, 47 years later, it is time—long past time—to confront the relationship between crime and the accident of birth.

Everything I've said today, you've heard sometime, somewhere before. I've given you no new data or new theories. My purpose in coming here was to deliver a simple message. In the growing hysteria about crime we have lost sight of old truths and priorities. It is easy to concede the inevitability of social injustice and find the serenity to accept it. The far harder task is to feel its intolerability and seek the strength to change it.

Judge BAZELON. Since I have been asked my judgment whether such research as we are talking about here should be federally directed and supported, I would respond with an emphatic, "yes."

Research, however, does not exist in the abstract; it is a tool that we use to meet our purposes. If we are to use that tool intelligently, these purposes must first be clarified.

I am reminded of the story so often told about Gertrude Stein's dying words. A close friend leaned over Ms. Stein's death bed and whispered to the dying woman, "What is the answer?" The barely audible reply as Gertrude Stein passed away was, "What is the question?"

The nature of the questions that require research is what I propose to discuss.

I should state at the outset that in discussing the possible directions for research, I shall focus exclusively on the problem of street crime. My reason for doing so is simple: but for that problem there would be no Law Enforcement Assistance Agency; there would be no National Institute of Law Enforcement and Criminal Justice; and there surely would not have been hearings on the Federal role in criminal justice and criminal research.

As serious and destructive as white collar and organized crime are, no one today would be thinking about funding research were these the only types of crimes with which we were afflicted. It is violent crime that has made us afraid on the streets and even in our homes, and it is to allay that fear that we have turned to the techniques of scientific research.

On one level, of course, the question is simple: How can we end this affliction? Dip beneath the surface, however, and the true complexity of the problem emerges. My own experience with the delinquents and criminals that have put us all in fear is that their lives on the street have destroyed their ability to empathize with other human beings. It does not take an expert to guess that many children reared in the ghetto—where acknowledgement of one's own identity and worth is so difficult—will develop at best a hard insensitivity to others. Such individuals feel nothing but hatred toward their victims and society as a whole. Their lack of connection to the majority's culture and values may have nothing to do with mental disease, that is, unless not being able to see or feel beyond resentment and rage is so classified.

Such profound social disorder creates a problem of moral attribution. What we have learned from such disciplines as psychiatry, sociology, anthropology, physiology, and biology has disoriented our criteria of individual moral responsibility. We no longer live in a Miltonian arena where God and Lucifer eternally contend in the soul of every man. And we can only return to that stark arena at the price of ignoring what we do now know. We often seem so intent on punishing that we repress information that might make punishment inappropriate. We want to catch and punish the rat—always assuming there is a rat. We are content with a vast superstructure of codes, trials, prisons and so on, and do not look to see how it fits its base.

The social disorder of poverty also creates a problem of causation. We know neither how to eliminate poverty nor how to correct its often dehumanizing effects. I suspect that none of our providers of treatment services—psychiatrists, psychologists, or social workers—have the ability to implant middle-class sensibilities into youngsters who have been actively neglected 24 hours a day, every day of their lives. There is no magic humanizing pill for these youths to swallow.

I am not saying that poverty equals crime. That would be silly. I am merely stating the obvious: poverty—and the deprivation and discrimination that so often accompany it—creates the conditions that make street crime more likely.

Crime is not surprising. What amazes me is that so many deprived Americans accept their lot without striking out. I am stunned by those who point to the many docile poor and say, "Their poverty doesn't force them to break the law, so why should it force others to?" Society should be as alarmed by the silent misery of those who accept their plight as it is by the violence of those who do not. I see no hope for reducing violent street crime in this country until our society reaches this level of concern and humanity.

From this perspective the agenda for criminal research is clear. We cannot strive to achieve only a change in the criminal justice system. There can, in fact, be no criminal justice without social justice. We therefore must try to hold in mind the full picture. We must not forget that the people I have been speaking about—the inputs in the criminal justice system—are merely the outputs of our failing social system. To choose to eliminate social injustice is to choose a long painful, and costly process. The only option I can imagine that is less appealing is not to choose it.

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Thank you.

Mr. SCHEUER. Well, thank you, Judge Bazelon, for an eloquent, moving, and certainly very challenging statement.

You have concentrated in dramatizing the need for looking at the causes of social unrest and the causes of lack of esteem on the part of kids.

Do you feel that there is any justification for criminal justice research on how we cope with the criminal activity that results from this lack of self-esteem and the social disorientation and the lack of family structure, or do you think we'd be better off concentrating our efforts exclusively on improving our society and making it that fair, just society that we all hope for?

Judge BAZELON. What I tried to say, Mr. Scheuer, that while we are doing what we are doing, we have to keep in mind how we are going to solve the problem ultimately. And that would be looking to the causes.

Now, in the meantime, we have to do what has to be done so we can live another day to carry on.

I am not saying, "Let's get rid of all prisons." I am not saying there isn't room for improvement in the criminal justice system. If I gave that impression, I didn't mean to. There is something to be done, but the emphasis now—there isn't even the rhetoric anymore about the role of the social causes of crime. The politicians in making their speeches in earlier days used to at least genuflect to the fact that there were these causes.

Mr. SCHEUER. We did more than genuflect. We passed the Elementary and Secondary Education Act and other remedial programs.

Judge BAZELON. I wasn't referring to Members of this body. All I was referring to was people on the platforms all through the campaign. Nobody talked about the social causes of crime and what a difficult job it would be.

Mr. SCHEUER. Well, I think we have learned in the last 10 years or more, since we have had the poverty programs and the remedial education programs and job training programs and public service employment programs—I might say that as the author of the new careers program which was quite a quantum jump in how we provide meaningful jobs for the poor and provide them opportunities for improvement of their skills, education, assurance of promotion and advancement, and meaningful jobs.

How frustrating it is and how elusive that goal is. We seem to be like Alice in Wonderland, running on a treadmill to stand still, and yet we aren't really standing still.

Judge BAZELON. I don't think so. I don't think what we did in the 1960's was a lost cause at all.

Mr. SCHEUER. No. I don't think any of us think it was a lost cause, but it certainly heightened our consciousness level as to how difficult the job was, and the fact, as I think you would agree, we don't have any simplistic answers or neatly packaged solutions.

While all this is going on, I think you ought to agree that we have to do what is feasible and practicable to cope with the violent criminal activity that is there.

Judge BAZELON. Yes, but for every person that you deal with now, you've got 10, 100, 1,000 coming up right behind them because they are coming from the same soil.

Mr. SCHEUER. One factor that gives us a little hope is that the number of kids coming into the years where most violent crime takes place is gradually reducing, so from that factor alone I think after 1980 we can look to some modest——

Judge BAZELON. I don't buy that at all.

Mr. SCHEUER. You don't?

Judge BAZELON. Not in the least. And even if that is true, it is——

Mr. SCHEUER. It is a very negative approach, sort of a laissez faire attitude, hoping the reduction in numbers will reduce the size of the problem. I don't think it's a very creative solution.

Do you feel that there is a role for criminal justice research?

Judge BAZELON. I thought I made that clear. Yes. But I don't think it ought to be devoted entirely to how we are going to catch them and lock them up. We've got to understand something about the causes.

Mr. SCHEUER. The motivations.

Judge BAZELON. And the motivations. And we haven't done that in any systematic way. It has been hodgepodge if at all.

We are learning a lot more about human behavior than we have ever known, and by God, from that we ought to be able to use some of that for purposes of dealing with this problem.

Mr. SCHEUER. I agree. The hope of we who were involved with the National Institute of Law Enforcement and Criminal Justice in its formative years was that more of its effort would be going into the application of our considerable body of behavioral sciences to the questions of motivation, to the questions of deterrence and to the questions of building self-esteem. They didn't do it as much as we would have liked, and that is really part of this set of hearings that we are having, to find out where the new paths and new directions lie.

Assuming you think there is a role for criminal justice research, and emphasizing the application of behavioral science know-how to reducing crime and reducing the incentives and motivations for crime, can you tell us where you think that research function ought to be located?

Judge BAZELON. It ought not to be in a place under the aegis of those whose mission is simply law enforcement. It should be something other than law enforcement. In other words, I would not have research in connection with social causes of crime in any place in any institution, where the mission is law enforcement.

Mr. SCHEUER. Are you saying that the National Institute should be moved out of LEAA, or are you saying it should be moved out of the Justice Department itself?

Judge BAZELON. I am saying I wouldn't have it in LEAA or the Justice Department.

Mr. SCHEUER. And how would you set it up? Would you set it up as a governmental agency like the National Science Foundation or the National Academy of Sciences, or would you set it up as a private, nonprofit research group like the Institute for Defense Analysis?

Judge BAZELON. Any one of the institutions that you mentioned would be candidates. I haven't examined that question closely. But one thing that I am convinced about through my experience is that it is not fair to the institution whose mission is law enforcement to give them an assignment like this.

Mr. SCHEUER. It is not fair to a law enforcement mission——

Judge BAZELON. Yes.

Mr. SCHEUER [continuing]. To give it a research function.

Judge BAZELON. For social causes of crime.

Mr. SCHEUER. Yes.

Judge BAZELON. It is not their bag.

Mr. SCHEUER. Yes.

Do you have any questions?

Ms. FREED. Just one brief question, Judge Bazelon. Do you think there is any utility at all to the type of studies that have been going on now sponsored by the Institute which are considered applied research; the detective studies or other studies that help police catch people? And if you do feel there is validity to such studies, should that research still be in the same type of center that you suggest for social research?

Judge BAZELON. No, I don't think so. I think that type of research can be done in the Department of Justice or LEAA, but not look into the social causes. They are just not geared into it.

Mr. SCHEUER. Minority counsel.

Mr. STOVALL. Your Honor, you stated in your prepared text, your comments, that poverty and deprivation and discrimination which so often accompany it creates the conditions that make street crime more likely.

Is there any evidence, Judge, as to whether or not these conditions are any more aggravated than they were one decade or two decades ago?

Judge BAZELON. Well, I think there is a different awareness in those that have been discriminated against so that they do become more active, and they do strike out.

Somebody told them that they have a place in the Sun, and we are the ones that told them because it's part of our moral precept. They say, well, now, they want their place.

The fact that they act it out in the fashion that they do is unfortunate, but if you ask me, I would say—

Mr. STOVALL. I'm sorry, I'm not hearing you.

Judge BAZELON. All one can do about this is speculate.

Mr. STOVALL. I see. Thank you.

How about deterrents or laxity in the court punishment of criminals? Has that become an element?

Judge BAZELON. I didn't hear you.

Mr. STOVALL. The issue of whether or not people are being punished sufficiently—is this an element in the increasing crime?

Judge BAZELON. Well, as I understand it, there is no evidence to show that increased punishment is a deterrent for street crime. It is a very good deterrent for white collar crime. You give a man 6 months for income tax evasion and everybody in his country club will run down and pay their taxes. So it does have a valid effect.

Organized crime is a very bad thing but we don't close the doors because of organized crime and we don't stay off the streets because of it.

What I meant to talk about today was strictly the street crime.

Mr. STOVALL. Thank you, Judge.

Mr. SCHEUER. Judge, you have given us eloquent testimony.

Yes.

Mr. GALLAGHER. Judge, I appreciate your observations and I have one or two questions. You stated in your testimony on page 3, "Poverty creates the conditions that make street crime more likely." On this theme, Judge Day of the Ohio appellate court testified last week that maybe we should look at idleness rather than poverty as a cause for crime. In your opinion, does his observation tend to qualify your views on poverty as a cause for crime?

Judge BAZELON. If I understand the question, I would say that idleness is associated with poverty. At least in my mind it is associated with poverty. We are not talking about the idle rich, are we?

Mr. GALLAGHER. No, I don't believe that he was.

On the same page you stated, "I see no hope for reducing violent street crime in this country until our society reaches this level of concern and humanity." Would you agree that Congress cannot legislate nor the executive branch administer these features, and that primarily this role is the role of parents, clergy, and educators? And more specifically, do you feel that parents, et cetera, are measuring up to their role with the youth today in developing within youth this concern and awareness for humanity?

Judge BAZELON. Talking about the group that I was addressing?

Mr. GALLAGHER. Yes, sir.

Judge BAZELON. The parents haven't had a chance, either. I was on a committee of the National Academy of Science for child development, and I was the only layperson on this committee. The others were the great experts we have in this country on child development. All they could tell us about child development was in the context of a viable family unit. People living in poverty in the slums don't have that opportunity. Parents who are harassed often don't have the kind of life which permits them to provide their children a "viable family unit."

In my experience on the bench I would guess that 98 percent of the crimes of violence are committed by people from the bottom of the barrel. Yet that 98 percent constitute a very, very small part of the deprived class.

So most of the poor, of course, don't offend. They just live in their misery. Because poverty and discrimination and oppression is, for them, a livable status.

Mr. GALLAGHER. One final point, Judge, You stated that "our culture breeds crime"—"our culture breeds crime." Are we to believe that American culture—and I assume you are not referring to the American civilization—or that Western culture is inherently evil?

Judge BAZELON. No.

Mr. GALLAGHER. Doesn't the American culture breed other things, too? Individual freedoms and opportunity?

Judge BAZELON. Yes; but a culture that allows this kind of situation to exist, a poverty class, a deprived class, is wrong. That doesn't mean we don't have a thousand other virtues. And what I was saying is: If we are going to abandon this group by just locking them all up and that's all we care about, just to get them out of the way, we ought to recognize, we ought to acknowledge that that is what we are doing; we are making a choice.

Now, you can say the survival of the fittest is a law of nature. And you can argue that they are not fit. But in our Western civilization we don't believe that. When we go to church on Sunday or Saturday or whatever day we go to church, we believe in helping the weak.

Mr. GALLAGHER. Thank you, Judge. Thank you, Mr. Chairman.
Mr. SCHUBER. Chairman Conyers.

Mr. CONYERS. Thank you very much. I wouldn't miss this opportunity to express my appreciation to Judge Bazelon for joining us.

As usual, we like to ask our witnesses all the difficult and imponderable questions, frequently the ones that we should perhaps ask ourselves.

But it just occurred to me that as we worry about which way the research arm of LEAA ought to go, which is in the larger context of LEAA being reorganized itself, maybe we ought to be thinking about where the Department of Justice, the fountain of the justice system in this country, ought to be going.

I mean this is an appropriate time to at least contemplate reorganization or "rearrangement" if we don't want to use so drastic a term, and try to hook in the larger changes.

I mean, is the system of justice inflexible? Have we reached a point now where it is just a matter of throwing rhetoric at each other?

This happens frequently in the legislative body for reasons that I think are in some ways understandable. But can the justice system and those of us that are in those parts of it—can we overcome that tendency? Are we caught in a situation where we keep throwing the humanitarian liberal idioms at those who espouse the law and order, "Let's go back to the old school"? I mean is that something that can be broken out of?

Judge BAZELON. Well, I don't know if I have an answer to that one. I do believe in keeping the job of law enforcement separate from the job of looking into the causes of crime. If you separate the two, this body has a better chance of getting the straight dope in both places.

I don't know that I answered your question. What you want to do is to get rid of the rhetoric that is flying between the so-called liberals and so-called conservatives on this question.

Mr. CONYERS. What bothers me is that we have been struggling in this ever since I can remember, and is there movement? Is there a greater understanding about the relationship of the justice system to a nation's values and to its people? I mean, is that being made any more, or what?

Judge BAZELON. Well, I don't want to lay this down as anything very firm, but I sometimes feel that it is getting worse. When things get bad, we find the serenity to accept them because we are unwilling to pay the price for getting rid of causes of crime. We don't want to openly and forthrightly say, "Well, it's impossible; it is just too expensive; we would have to change too much of our societal structure." Instead of acknowledging that we are making a choice, we just block it out.

If we were proceeding on the premise that we can't afford to deal with the causes of crime; it is too long; we don't want to make the changes that are required for it, et cetera; and if it were open, we could have a public national debate: "Is this really what we want to do?"

We haven't brought it to that kind of visibility, and that is what bothers me. Once the debate is had and the decision is made, it is always there and you have something to work against. But this is in the dark. It is sub silentio.

Mr. CONYERS. I kind of like that response.

A last question: Is there anything in your observations here today, Judge, that warns us against the tyranny of statistics?

You know what I'm getting afraid of is that you can prove just about anything that you want if you put it together that way. And I am beginning—

Mr. SCHEUER. If my colleague will yield, there is an old saying, "Figures don't lie but liars often figure."

Mr. CONYERS. But I am worried about another part of it, Jim. I know about that, but I am thinking about almost the pure science. Isn't there a tyranny that can get involved there?

And let me be specific for just a moment. I keep thinking that there may be a body of thought that is developing that, "There is no cure for crime, there never was, so let's not make any pretense about it." And then, of course, we drag out rehabilitation as Exhibit 1, that rehabilitation doesn't work, and we can prove that.

Judge BAZELON. We have never tried it.

Mr. CONYERS. Exactly. And hooked into all that is the notion of, "Well, crime is a part of people and civilization and history," and you can get into some elaborate and very intellectual rationalizations if you're not careful. This is related to some of the work of, for example, the Trilateral Commission, which is now studying unrest in the industrial countries of the United States and Japan and Europe, and they are saying, "Well, maybe people are expecting too much of their governments, and maybe their intellectual dissenters and youth privatists (this is their language in some of their reports) are beginning to suggest, 'Let's not get too far away on changing this whole system and it will reduce crime. Who knows what it is going to do? Maybe it will increase it. Nobody knows. Let's just continue with prison construction. We make a big fuss about how you judges sentence, and it is not the answer. And sometimes I wonder if we aren't getting involved in the tyranny of intellectualism."

Judge BAZELON. All I can say to you, Mr. Conyers, is I am just operating on some reading. For 28 years I have heard thousands of appeals in criminal cases. I have read records. And what I say now is that I don't care what the figures show, the reality is—and I think the figures do back it up, but quite apart from the figures—the realities are these people are coming from the bottom of the barrel. And you will pick up a record and see that somebody was in trouble when he was 6, 8, 10, 12, and you see in the records coming up from trial courts a long list of things. Why, my God, what do you expect?

And then if you learn anything about the family—you don't learn very much about them from these reports at all, and it is understandable. I am not saying that the probation officers and all the agencies who make these investigations can do all this.

Mr. CONYERS. Thank you.

Mr. SCHEUER. Judge, do you have any explanation for the alarming increase in criminal activity, including violent crime, by young people in affluent suburbs?

Judge BAZELON. No. I understand that there is an increase, but the interesting thing about that is—and this doesn't help altogether by any means—there is somebody in the wings that is interested, somebody looking after them, at least making an effort to do something about it. Somebody cares. In the other situation, nobody cares, And that is the tragedy.

I am not saying that the families deal well with them. I could give you a lot of chapter and verse on that but you have got other people to hear.

Mr. SCHEUER. Well, Judge, you have given us eloquent and provocative testimony, and you still remain our conscience, and we thank you very much for being here.

Next, Dr. Richard Atkinson, Director of the National Science Foundation, from whom we heard last week.

TESTIMONY OF DR. RICHARD C. ATKINSON, DIRECTOR, THE NATIONAL SCIENCE FOUNDATION

Dr. ATKINSON. Mr. Chairman, I have a prepared statement for the record.

Mr. SCHEUER. Yes, it will be printed in its entirety at this point in the record.

[The prepared statement of Dr. Atkinson follows:]

STATEMENT OF DR. RICHARD C. ATKINSON, DIRECTOR, NATIONAL SCIENCE FOUNDATION

Thank you, Mr. Chairman, for the invitation to discuss with you today research on crime and criminal justice. As you know, the National Science Foundation funds some basic and applied research that is relevant to crime and criminal justice.

The basis for the Foundation's activity in this area stems from the conviction that science, and particularly the social sciences, can contribute to understanding crime and its causes and to crime treatment strategies and their effectiveness. This belief was recognized in the 1968 Senate Report (90-1137) accompanying amendments to the NSF Organic Act.

These 1968 amendments were initiated by the House Science and Astronautics Committee. In commenting on the legislation which directed the Foundation to support social science research and to apply scientific research to the solution of national problems, the Senate Report said:

"The Foundation is enjoined in this bill to give support to the social as well as the natural sciences. . . . Also, while the social sciences are not defined, and thus do not explicitly refer to law, the committee understands that the field of law is included therein, and expects NSF will support applied and empirical research, studies, and activities in the field of laws which employ the tools of the social sciences or which interrelate with research in the natural or social sciences."

The Foundation responded to this Congressional directive by considering for funding unsolicited proposals concerned with research on elements of the legal system. In 1970, NSF established the Law and Social Science Program in the basic research directorate. A year later, the Law, Science, and Technology Program, which considers applied research proposals, was made a part of the Research Applications Directorate.

The thrust of these programs has been primarily in areas of civil law. Since the Law Enforcement Assistance Administration (LEAA) had been formed in 1969 with a substantial budget and a powerful charter to conduct research, the Foundation chose to focus its programs primarily on features of the legal system not treated elsewhere by Government-supported research. The amount of NSF support for research in this area has remained relatively constant at \$2.5 million per year.

I would like now to describe briefly a few legal research projects being conducted by the Research Applications Directorate. These examples are being presented, Mr. Chairman, to give you a flavor of the type of work being done:

"National Conference on Minor Disputes Resolution" called by the Judicial Conference of the United States, the Conference of Chief Justices and the American Bar Association, featured an empirical analysis of various small claims court models. This study was conducted by the National Center for State Courts under an NSF grant, and it presents the first large-scale comparative analysis of how various forms of small claims court operation affect the litigants and case outcomes.

The area of environmental law was created in response to the National Environmental Policy Act of 1969, and the need for an orderly treatment of the field became apparent. A Foundation-supported study at the Environmental Law Institute produced the book, "Federal Environmental Law," which has become a standard in the field.

As accessibility to legal services is increasing through the use of prepaid and legal insurance plans, attention to the social and economic impact of these phenomena is warranted. Soon after the passage of the legislation allowing for the negotiation for such plans as an employee benefit, the Foundation supported a study which produced a book entitled, "Prepaid Legal Services: Socioeconomic Impacts."

All of the Foundation's legal research activities were coordinated where appropriate, with the Department of Justice and often with the National Institute on Law Enforcement and Criminal Justice (NILECJ). The NSF program managers responsible for this research are routinely in contact with their peers in the Department of Justice. In addition, the old Federal Council for Science and Technology Subcommittee on Social Systems and Human Resources considered questions of legal research. Finally, both NSF and Department of Justice legal research program managers call on their counterparts to assist with the peer review of pending proposals. Through these coordination efforts, both NSF and the Department of Justice have been able to avoid unnecessary duplication of research efforts and have kept abreast of programs each is conducting.

The letter of invitation to these hearings asked for ways to ensure quality research in an institutional setting. I believe the experience of the National Science Foundation may be useful to your subcommittee in designing procedures and criteria for ensuring quality research related to this problem area. Although our procedures at NSF are constantly reviewed and periodically revised, we operate our program in accord with some fundamental concepts that remain relatively constant. In describing our general policies pertaining to research support, I am commending them for your consideration in the Federal research effort relating to crime and criminal justice.

The fundamental feature of NSF decision-making for research funding is the peer review system. Since no agency can assemble a staff with the kind of varied and detailed expertise that research assessment requires, it is necessary to supplement staff reviews by outside review. Moreover, it is necessary to give considerable attention to the selection of appropriate reviewers and to their assessments and opinions. This mainstay of the NSF research evaluation system can be readily applied in the criminal justice field.

A second feature of Foundation policy entails an emphasis on basic research to supply the fundamental knowledge on which to build more sharply targeted applied research which can in turn yield applications of substantial public benefit. We are skeptical about the possibility of by-passing the preliminary steps in this sequence of knowledge building in favor of a crash program which lacks an adequate knowledge base. Basic research takes a number of years to come to full fruition, but the attempt to avoid such delays and to proceed to applications without first accumulating a fund of basic knowledge seems ill-advised. One cannot proceed directly to research applications, without the results of basic research. There is little to apply except opinions and prejudice in the applications effort. While this feature of NSF policy is also adaptable to research and development in crime and criminal justice, it cannot be expected to provide quick or easy solutions to the pressing needs of the criminal justice system. But our experience in all fields of scientific research suggests that it is the best route to follow for eventual success in problem solving.

A third feature of Foundation policy is the use of the grant mechanism in supporting scientific research. Grants provide more flexibility to the scientist to modify his research design to meet the contingencies of ongoing research. In addi-

tion, grants tend to require less bureaucratic paperwork which diverts time and energy from the actual research effort.

Fourth, NSF's procedures attempt to provide more long-term funding, thus precluding the necessity of engrossing expert talent in the task of constant proposal preparation.

Finally, NSF policy emphasizes the publication of research results in referred professional journals. While we request technical reports to the Foundation, the major avenue of dissemination of research results is not through the Foundation itself but through the established channels of scientific communication. This, we believe, subjects our funding decisions to still another test of adequacy—the critical appraisal by knowledgeable experts in their editorial opinions. It also provides an incentive to investigators to make their work conform to the best standards of the field, in addition to providing for the wide dissemination of results. The dissemination of results is important both for stimulating new research efforts that build upon the work already completed and for suggesting new applications of the findings.

The basic policies of the National Science Foundation are applicable, with appropriate modifications, to research programs in any agency. Immediate solutions of considerable merit may be generated in alternative ways, but research-generated solutions simply take time. Our experience indicates that research results usually reward the effort.

A second request in your letter of invitation asked for recommendations regarding the restructuring of Federal research support in criminal justice and crime. The NSF agrees that this issue is an important one which deserves the consideration being given to it by your committees and by the National Academy of Sciences panel.

As you know, Mr. Chairman, the National Science Board has formally resolved that mission agencies should be encouraged to conduct basic research involved directly with their area of responsibility. In the resolution adopted unanimously in October 1974, the Board encouraged "... mission agencies of the Federal government to maintain strong basic research programs in areas that have the potential of contributing to their mission objectives over the long term." Consequently, I believe that the Department of Justice, which has the mission of law enforcement, should create a structure which will sustain high quality research.

In this resolution of the National Science Board, the Director of the National Science Foundation "... is urged to take an active role in promoting basic research within the Executive Branch, including assisting other Federal agencies as appropriate in initiating basic research programs where none now exists and where the potential for long term benefits to the agencies' missions from such programs is greatest; and through discussions with the mission agencies and the Office of Management and Budget ascertain the status of Federal programs of basic research."

In this regard, I would suggest that the Department of Justice, together with the National Institute of Mental Health, the National Science Foundation, the Office of Management and Budget, and any other interested and appropriate agencies, undertake a joint planning effort to identify research problems and establish research priorities, to identify the research community, and to develop an integrated plan for the support of high quality research—both basic and applied—on the legal system. To the extent that it appears, after careful analysis, that the Foundation can make a positive contribution to the development and support of research on crime and criminal justice, we will set ourselves to that task.

Mr. Chairman, this concludes my formal statement. I will be happy to answer questions at this time.

Dr. ATKINSON. Let me take two or three minutes to cover some key points.

As you know, the National Science Foundation is involved in some basic and some applied research relevant to crime and criminal justice. In fact, the Foundations' charter was expanded in 1968 to include research in the social sciences; and the language specifically included research related to law.

Since then, NSF has funded several projects in that area, most of them in civil law. Our program is a small one, amounting to about \$2.5 million a year during the past 5 years.

In my prepared statement I give examples of several projects that NSF has supported. I think they demonstrate the productivity associated with funding of basic and applied research in the legal system.

NSF coordinates all of its activities in this area of research with the Department of Justice and with the National Institute of Law Enforcement and Criminal Justice. Our purpose is to minimize duplication of research effort.

In your letter to me, you asked me to suggest some means to insure quality research in an institutional setting. I believe, and the National Science Foundation believes, there are several fundamental concepts that do relate to insuring quality research.

One of these concepts is peer review, a system in which research proposals are reviewed by scientists who are peers of the proposer. When we receive a proposal at NSF, we go out to the scientific community for peer reviews. A typical proposal is reviewed independently by 6 to 10 scientists. The proposal also may be reviewed again by a panel of scientists who recommend whether the project warrants funding. We rely on some 30,000 scientists each year to provide peer reviews for NSF.

Another concept is the importance of basic research to building a foundation of knowledge. It is not enough merely to require research in certain areas, and then to assume that something, in fact, is going to be accomplished. To the contrary, what is required is a long-term commitment of effort, a commitment that attempts to build a base of fundamental knowledge.

Earlier this morning, some efforts in the 1960's were mentioned: the Headstart program, early intervention, and the like. In my opinion, those research efforts had no sustained or substantial impact. The work was poorly conceived; a knowledgeable researcher would have rejected it as a sound method for building a knowledge base in the field. Unfortunately, many people, using inadequate data, decided that early intervention and Headstart programs were not effective.

Fortunately, there were other research programs, not funded by the Federal Government, but by private foundations. These programs were well-conceived with a long-term followup, with appropriate design and control procedures. And these studies now are beginning to paint an important picture about the effects of early intervention.

I guess the point I am trying to make here is that just simply to say that one is going to engage in research in an area is not enough. The research has to be research; that is building a basic foundation.

A third concept of NSF policy is the flexibility of grants when compared with contracts. Particularly with regard to basic research, it is important to have the flexibility that grants provide. Of course, there are times when a contract is appropriate to a targeted effort, but generally in basic research the scientific investigator needs flexibility for modifying his research design and procedures as his work unfolds.

The fourth concept is the importance of long-term funding. It does little good to begin a program, terminate it, begin it, terminate it, and so on. One has to build a community of scholars, build a store of knowledge based on prior information. Without long-term funding, the best people are not attracted to the field simply because there is no commitment, no insurance, that there will be stable support of the activity.

Everyone in the research business knows about what are sometimes referred to as body shops. There is no question that you can ask to have research done and find groups that will conduct that research and provide reports. And if one wants to call that research, then, fine. But I think in my book most of that work does not count as research, and one of the problems has been that we have not been able to attract the best minds to some of these areas simply because there has not been enough attention to stability and long-term commitments to work in some of these areas.

Another important concept of NSF policy regarding research is that the research be published in the open literature and published in referred journals.

We are not fond of asking for lots of technical reports. We are not fond of emphasizing dissemination programs when there is little information to disseminate. The view is that the work should be published in the open literature where it can be critiqued by colleagues, where it can be evaluated in terms of the quality of the work.

Mr. Chairman, I think the concepts that I have described are as applicable to research in physics or mathematics as they are to work in economics and sociology, or to research on crime and criminal justice.

The second request in your letter of invitation concerned the restructuring of the Federal research support in criminal justice and crime. I have read the National Academy of Sciences' report and find myself in agreement with many of its recommendations. Variations on those recommendations could be debated, but with the general set of recommendations I agree.

On the other hand, let me emphasize one point. The National Science Board, the policymaking body of the Foundation, holds that research should not be restricted to a single agency. In October 1974, the board by resolution encouraged:

* * * mission agencies of the Federal Government to maintain strong basic research programs in areas that have the potential of contributing to their mission objectives over the long term.

In other words, NSF believes that each mission agency should be involved in the support of applied and basic research relevant to the agency's mission. NSF should also be engaged in a broad range of research, but in our opinion it is a mistake to designate a single agency with full responsibility for research in a particular area.

In this context, it is interesting to compare the Soviet and U.S. systems for the support of science. The Soviet system is targeted, organized, planned, singular in its scheme of funding. In contrast, the U.S. system relies on research supported by an array of mission agencies, by the National Science Foundation, and the like. From my examination of these two prototypes for the support of research, I think there is little doubt that the U.S. system has many advantages. And so I would argue that research in crime and criminal justice should be sponsored in the framework of the Department of Justice, but it should also be sponsored by an agency like the National Science Foundation, by HEW, and by others. In short, there should be a fairly broad base of research conducted in crime and criminal justice.

Whatever is done, there should be some attempt among the key agencies involved—the Department of Justice, the National Institute of Mental Health, the National Science Foundation, and others—to

plan a more coordinated effort, to try to lay down a plan for at least a decade on how different agencies should commit resources to different activities related to crime and criminal justice.

Mr. SCHEUER. Thank you very much, Dr. Atkinson.

In terms of where the criminal justice research should lie, and we are not suggesting that it should be located exclusively in any one agency, but outside the work of the National Institute of Law Enforcement and Criminal Justice, do you have any comments on the question of restructuring as to where that research should be located? Should it remain in LEAA? Should it be moved out of LEAA under the direction of an assistant attorney general in charge of research and development? Should it be moved outside of the Justice Department?

Of all of the options which suggest themselves, which one appeals to you?

Dr. ATKINSON. I do believe that the National Science Foundation should have some part in supporting research in this area. In addition, I believe that the Department of Justice should have a strong program of both basic and applied research.

How one protects a basic program and insures its long-term support, its long-term guidance, free from influences of the day-to-day needs of a particular department poses a difficult problem.

I think I would come down on the side of the Academy's report— for a free-standing institute to insure independence of research activities.

What is critical here is that bridges be built to the outside world. I would not want to see more in-house laboratories. But it is important to insure that a group of scholars and researchers is being built in the academic world and elsewhere, researchers who are committed to these problems and to a procedure where the best research is supported, where the decision about the best research is based on an open and public peer review process.

Mr. SCHEUER. John.

Mr. CONYERS. Thank you.

Dr. Atkinson, let me start back from the beginning.

What is the relationship between the Academy and the Foundation? I know there is no formal relationships, but could someone wandering onto the Washington scene say, "These people are duplicating one another," in this area of justice system activity and research?

Dr. ATKINSON. Between the National Academy of Sciences and the National Science Foundation?

Mr. CONYERS. Yes.

Dr. ATKINSON. Mr. Chairman, that would take some time, and I am not sure you want to get into that.

Mr. CONYERS. Well, take a minute or two.

Dr. ATKINSON. The National Science Foundation is a Government agency responsible for the support of basic and some applied research; NSF does maintain in-house laboratories. We support research via grants and contracts, many at universities, but also at other institutions where research is conducted.

The National Academy of Sciences is quite different. I am a member of the National Academy. In part it is an honorific society for distinguished scientists, and in part it is an organization where the

Government can turn for advice and studies. The National Academy of Sciences doesn't duplicate the National Science Foundation in terms of the support of research. Am I making myself clear?

Mr. CONYERS. Well, we are getting more exposed to the subject matter, let's put it like that.

Dr. ATKINSON. Let me comment a little further. Whatever the term "duplication" means is complicated.

The National Science Foundation, for example, sponsors an active program of research in the biological sciences. The program of course, relates to the program of research sponsored by the National Institutes of Health. We also have an active program in the physical sciences. It, of course, relates to the Department of Energy.

Mr. CONYERS. I am more interested in just keeping it to the criminal justice and criminal research, pure and applied.

Dr. ATKINSON. All right.

Mr. CONYERS. Let's keep it to that area. In that connection, for example, I am supposed to be working with the National Center for State Courts, on this issue of courts and communities. Could I or a member of the staff drop a note off to the National Science Foundation and find out what kind of studies you have made about the court systems?

Dr. ATKINSON. Absolutely. A telephone call, would bring at least one person up to review the programs we have been involved in.

Mr. CONYERS. What, roughly, would I get? What would happen? Would they say:

There are 792 studies that have been made that we have commissioned to various universities and academicians and professors, and if you are interested in this part of the communities and the courts and the problems, we have 792 studies.

Would that happen or what would happen?

Dr. ATKINSON. There are two driving factors here. One is the quality of the proposals that we receive, and we do respond in terms of what we judge to be scientific merit. On the other hand, we do try to identify special areas of interest where research needs to be done. Consequently, we try to draw in competent researchers to worry about these problems and to submit proposals.

So, in part, we are driven by the quality of ideas coming from the scientific community, but in part we are trying to identify areas where we think more scientific work might be done. By conferences and meetings, we try to encourage a flow of proposals in that particular area. But once those proposals come in, they are still weighed against the standard of quality.

We have a small program in the area of civil law. We have a small program in the social sciences. In my opinion, the U.S. Government has a minimal investment in understanding of the behavioral and social sciences. In the 1960's, there was talk of a national foundation for the social sciences; frankly, I was cool to the idea because I believe in the unity of sciences, and I do believe that in the behavioral and social sciences, much is to be gained from a fundamental understanding of biological and natural science relationships. And in that sense I was not fond of the idea of a national foundation for the social sciences.

I believe the quality of work within an organization like the National Science Foundation is better than it would have been under something like a foundation for the social sciences.

On the other hand, the nature of the funding for the social sciences during the past 7 or 8 years has been minimal. If there had been a separate foundation, I am sure—even using examples like the endowments—there would have been a better base of funding.

Mr. Chairman, I am concerned about the low level of funding this country has committed to the behavioral and social sciences. And I might add that the National Science Board, after reviewing this matter in some detail during the past couple of years, has come forward with strong resolutions concerning funding.

Mr. CONYERS. One last question. It seems to me, then, that I can infer that the Foundation doesn't have a great impact on this whole area of research and crime. I mean there is nobody waiting breathlessly to find out what the work product of the first 6 months is going to be, or there are not law enforcement agencies banging our door trying to find out what the latest theory is that is coming down the pike.

Dr. ATKINSON. Mr. Chairman, if that were the case, I would know we are not doing our job properly. The work we sponsor is not designed to provide results 2 months from now. It is there to build a knowledge base upon which other agencies can build, upon which applied and developmental efforts can build.

As I said, in this particular area of civil justice, we have only about \$2.5 million involved. I think it represents a superb effort. One needs only look in some detail at the program to judge the significance of its effort.

Mr. CONYERS. This is the last of the last questions.

Can we in some subsequent attachment get an idea of the scope of the program? Because I haven't heard it described really, and I am not sure if someone said, "Tell me what goes on in the program"—except that it is small and isolated, I still don't know what it is doing.

Dr. ATKINSON. There are in my prepared statement some examples of what the program is doing. I will follow up on this exchange by sending you a summary of the material we have.

Mr. CONYERS. Thank you very much.

Mr. SCHEUER. Dr. Atkinson, I notice you were quoted in the June 19 issue of the Washington Post to the effect that "There is no 5-year solution to the energy crisis, and that science just doesn't operate with these 5-year turnaround times."

Would it be fair to say that you would make the same observation in connection with criminal justice research, crime research?

Dr. ATKINSON. Very much so, Mr. Chairman. We have only begun to do serious research in these areas in the past 10 years. The amount of work being done is minimal. One needs only to look at the universities and to examine the departments of sociology, political science, and others, to realize that one can't expect to be moving rapidly in these fields.

Mr. SCHEUER. And I take it you feel a great deal more emphasis should be placed on the application of social science and behavioral know-how to the problems of crime and motivation and incentives and deterrents, and so forth, along the lines Judge Bazelon mentioned.

Dr. ATKINSON. Very much, Mr. Chairman. And long-term research should be viewed as part of the fabric of this society. It should not be viewed so that someone can come along and say, "Look, we spent \$200 million over the past 5 years on crime; therefore we should stop,

and we should have the answers. In the absence of the answers, somehow the program has failed."

I want to emphasize that saying you are doing research—and spending money on what is called research—is no guarantee that you are going to build a necessary base of fundamental knowledge. We now have a history of 10 years in which an awful lot of nonsense was done under the guise of research.

Mr. SCHEUER. You state in your testimony that the Department of Justice, which has the mission of law enforcement, should create a structure which will sustain high-quality research. And I take it you would mean both long-term research, applied research, behavioral research, and the like.

The National Institute exists as the present structure for R. & D. within LEAA. How would you change that? Or if you started from a clean slate, what would you produce in the place of what exists now?

Dr. ATKINSON. I would probably try to develop an overall Federal plan involving several agencies. I am sure one aspect of the plan would be an institute within the Department of Justice—protected from the day-to-day requirements of the Department—to conduct applied research, but also moving into basic research.

Mr. SCHEUER. And you feel that it would be feasible to protect such an institute from the political pressures of a mission-oriented agency?

Dr. ATKINSON. There are some examples from the past in which we have done quite well. ARPA in the Department of Defense is an example of an effective research program that was not driven by the day-to-day requirements of the Department of Defense. One can talk about other examples.

Mr. CONYERS. Would the gentleman yield at that point.

I have never heard of an independent constituency in the Defense Department in my life. That is why I want to know a little more about it. It sounds like the idea in the Department of Energy Reorganization Act before the Government Operations Committee now in which they proposed to establish a quasi-independent regulatory agency in this huge Department of Energy, with a new Secretary, 16 Undersecretaries, and they put in a little office in which it would say on the door, "Independent Agency," that could overturn any of Dr. Schlesinger's notions.

And that goes off in my head when I think of the Pentagon and an independent agency over there telling the Secretary of Defense that he is dead wrong and the Joint Chiefs of Staff that they are not thinking straight about their military prognostications.

It is very, very hard for me to imagine that.

Dr. ATKINSON. Mr. Chairman, I think the point is that an agency like ARPA would not be expected to provide advice on a day-to-day basis. Instead, it would be trying to build a base of knowledge for a longer-term effort.

I don't mean to say that many of the people in such an institute would not be valuable advisers, but I could not imagine them giving uniform advice on a particular issue.

Mr. CONYERS. You used an acronym.

Dr. ATKINSON. ARPA, the Advanced Research Projects Agency, has had a unique record of fostering a strong program of basic research related to the mission.

Mr. SCHEUER. What kind of research does ARPA do compared with IDA, the Institute for Defense Analysis?

Dr. ATKINSON. ARPA supports a broad range of work, much of it basic in character. It has had a unique history.

Mr. SCHEUER. And it is competitive with IDA?

Dr. ATKINSON. I don't know the details of IDA.

Mr. SCHEUER. All right.

Counsel.

Mr. GREGORY. It was a little unclear to me from your prepared statement how you make the distinction between basic and applied research. One of the principles of your program, you say, is the necessity of basic research to build a base for applied. And yet, in your statement, you say that the program, which is the law, science, and technology program, considers applications for applied research. Where does the applied come in?

Dr. ATKINSON. We have two separate programs. One is called law and social science, emphasizing basic research. The other part of the program is targeted and contains more specific applications. In this second group, the research projects are targeted, trying to get some fairly specific answers. In the first group, particular goals are difficult to identify. Really, the goal is building the knowledge base.

Mr. GREGORY. Would you have separate peer review groups for those two programs?

Dr. ATKINSON. It is complicated. Yes, you may on some occasions; on other occasions, you may not. But the division between basic research, applied research, and developmental activities—even though the U.S. Government uses those terms—makes it difficult to identify projects for separate peer review groups.

Mr. SCHEUER. One brief question because we are running behind.

Mr. STOVALL. Sir, you have analyzed the National Academy's report; is that correct.

Dr. ATKINSON. I wouldn't say I have analyzed it. I have read it.

Mr. STOVALL. And I assume you have been familiar with the activities of the National Institute of Law Enforcement and Criminal Justice?

Dr. ATKINSON. No; you are making the wrong assumption there. I do not claim to be an expert in programs of the Institute. I know about some activities it has supported, but I certainly have not been deeply involved or knowledgeable about the range of work it has done.

Mr. STOVALL. Sir, in making the proposal that the National Science Foundation might be involved in the area of criminal research then, and making an assumption that you have some working knowledge of the Institute we are discussing here in the hearings here today, I am just going to ask you simply if the \$150 million that has been spent since 1969 until last year by the Institute might be in some way usable to collect the data bank that you speak of and continue the use of the Institute, or do you recommend a complete dismembering and dismantling and reallocation of resources?

Dr. ATKINSON. I think I have been fairly clear—I don't have any recommendation for dismantling. Perhaps you could try to put the question in steps for me.

Mr. STOVALL. I am afraid we are limited on time.

Let me just ask, then, if you feel that the Institute, as the Academy has analyzed it, should be disbanded?

Dr. ATKINSON. I think not. I believe the Department of Justice should have a research arm, one including both basic and applied research. How that research arm is organized is one of the issues before this committee. The Academy's report provides valuable guidelines. By and large, I would subscribe to those guidelines.

Mr. STOVALL. And do you feel that the report that the Academy made, recommending that the Department of Justice have a research arm, would adequately insulate the research arm from the political and other aspects that they also complain of?

Dr. ATKINSON. I don't know, sir. It would depend on how the institute is organized, what the nature of the advisory structure is to the institute, how the director of the institute is appointed—a long list of items.

Mr. STOVALL. Mr. Chairman, on the basis of the time problem, I will stop.

Dr. ATKINSON. I would be happy to talk by telephone, later.

Mr. GALLAGHER. Dr. Atkinson, you suggest that Federal efforts be pooled to aid LEAA in three things in the research area: one, identify research problems; two, establish priorities; and three, identify the community.

I am baffled because these well-meaning suggestions raise the question: Where, in these many years since 1968, has LEAA/NILECJ been that it still doesn't know its own problems, its own clientele, and its own research priorities?

Dr. ATKINSON. I doubt this can ever be done once and for all. It has to be done on a continuing basis. And one always has to examine priority goals and procedures. I would probably argue that there has not been enough examination of procedures and goals.

For example, there is good coordination between the Department of Justice and the National Science Foundation in what we are doing and what they are doing, but there is not enough planning regarding the future and not enough coordination with regard to future activities.

In the sciences we have the Federal Council on Science and Technology which tries to draw in the many different agencies and players in this game to lay plans in various fields of science, and that sort of planning activity, I think, needs to be emphasized in this particular area.

I don't argue that none has been done in the past, but it is the sort of planning activity that needs to be emphasized.

Mr. GALLAGHER. Thank you, Mr. Chairman.

Mr. SCHEUER. Thank you very much, Dr. Atkinson. We appreciate your testimony.

Dr. ATKINSON. Thank you.

Mr. SCHEUER. Next is Dr. Saleem Shah, the Director of the Center for Crime and Delinquency, National Institute of Mental Health.

**TESTIMONY OF DR. SALEEM A. SHAH, DIRECTOR, CENTER FOR
CRIME AND DELINQUENCY, NATIONAL INSTITUTE OF MENTAL
HEALTH, ACCOMPANIED BY THOMAS L. LALLEY**

Mr. SCHEUER. We are delighted to have you here today, Dr. Shah, and look forward to hearing from you. Your full testimony will be printed at this point in the record, so if you wish, you may just talk informally.

[The prepared statement of Dr. Shah follows:]

STATEMENT BY SALEEM A. SHAH, PH. D., NATIONAL INSTITUTE OF MENTAL HEALTH

Messrs. Chairman, I am honored to have the opportunity to testify before this joint meeting of your two Subcommittees concerning the program of the Center for Studies of Crime and Delinquency in the National Institute of Mental Health. My remarks will be based on my involvement with the NIMH crime and delinquency program since 1966, and also on my knowledge of the various other Federal programs and activities in the crime and criminal justice areas during this point of time.

Since 1968 our Center has been the focal point in NIMH for research and training activities in the areas of crime and delinquency, individual violent behavior, and related law and mental health issues. While the NIMH has had programs and activities in the crime and delinquency area for more than 15 years, it was in 1968 that the Center received its own funds and assumed primary responsibility for programs in this area. The Center operates with an annual budget of approximately \$5,000,000 in research and training grant funds, and has a staff of seven professional and five support staff. Our program is conducted primarily through the support of basic and applied research as well as clinical and research training grants. These grants are awarded on a competitive basis to investigators located in all parts of the country. The Center also has responsibility for providing consultation and technical assistance and for the timely "user-oriented" dissemination of important project findings. We also place much emphasis and importance on efforts to facilitate the utilization of significant findings in order to improve relevant social policies, practices and services. (Some specific examples of such efforts will be provided later in these remarks.)

In testimony prepared in 1975 for the House Subcommittee on Domestic and International Scientific Planning and Analysis, considerable information was provided on the history and development of the Center's program, on some of its research accomplishments, and also on our efforts to ensure adequate dissemination and utilization of important findings from the program.¹ Rather than cover much of that same ground in my remarks today, I would like at this point to simply direct your attention to a short passage in the earlier testimony in which the following statement appeared with respect to the NIMH program in crime and delinquency:

"... in keeping with the trend observable in other fields of scientific endeavor, the NIMH program has become increasingly 'mission-oriented' as possibilities for practical social applications of research findings have become more apparent. Underpinning the entire process, however, has been a continuing commitment to high standards of scientific excellence and to the continued search for new and improved knowledge."

This passage from the earlier testimony speaks rather directly to some of the concerns that appear to have prompted these hearings. That is, it affirms that it has been possible for the National Institute of Mental Health to develop a program of research on crime and delinquency which is concerned about and responsive to practical social needs, but which also maintains high standards of scientific excellence. In my testimony today, I would like to indicate some of the conditions and influences that have, I believe, helped to make this type of research program possible.

THE NIMH ROLE IN CRIME AND DELINQUENCY RESEARCH

The National Institute of Mental Health has a mandate under the Public Health Service Act to undertake a comprehensive program of research, education, training, and planning with respect to problems of human behavior related to mental illness and mental health. The Act further directs the NIMH to administer its program in ways that will encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, the various sciences, and other disciplines. In numerous actions over the last three decades, the

¹ U.S. House of Representatives. Subcommittee on Domestic and International Scientific Planning, Analysis, and Cooperation. *The Application of Science and Technology to Crime Control: Special Oversight Hearings*. July 16, 17, and 18, 1975.

Congress has also identified crime and delinquency as one of the problem areas that should be of specific concern to NIMH because of the frequency with which problems of mental health are involved.

The program of the NIMH Center for Studies of Crime and Delinquency is founded on the assumption that the phenomena of crime and delinquency in the United States pose research issues and questions that are far too numerous and complex for any single Federal program to address satisfactorily. Crime and delinquency may indeed be viewed from one research perspective as constituting, in the main, offenses against the law which are the primary concern of the Nation's criminal and juvenile justice agencies. From another point of view, it is equally clear that "crime" and "delinquency" are simply legal terms that do not provide very adequate scientific descriptions of the behaviors and phenomena in question. Since delinquent and criminal behaviors constitute sub-categories of human behavior, our understanding of the former must of necessity occur within the context of improved understanding of the latter. Similarly, societal reactions and responses to various forms of social deviance, including crime and delinquency, need to be studied within the context of a broad understanding of social and institutional processes. The essential thrust of my point, therefore, is that while a focused program of research in the criminal justice area is clearly needed, a wide range of other perspectives and a pluralistic approach should characterize Federal research strategies aimed at promoting better understanding, amelioration, and prevention of the Nation's crime and delinquency problems.

Our Center places primary emphasis on the development of improved scientific knowledge for better understanding and coping with various types of deviant, maladaptive, aggressive and violent behaviors that frequently involve violations of the criminal and juvenile laws. The Center's conceptualization of its mission further requires that attention be given both to the individuals who engage in socially deviant behaviors and also to the larger social contexts in which these behaviors occur, are observed, and are responded to in accordance with prevailing social norms and legal rules. The Center's program thus encompasses problems that are of concern not only to criminal justice agencies but also to scientists in several fields, mental health professionals and paraprofessionals, mental health agencies, social welfare agencies, schools, and concerned citizens at all levels of Federal, state and local government.

During the 1950's and early 1960's, when it was virtually the only source of Federal grant support for researchers concerned with problems of crime and delinquency, the NIMH did periodically support important research that would more properly have fallen within the mission of a Federal criminal justice research program—had any such program then existed. A case in point was the growing need in the mid-1960's for improved data on correctional outcomes in the United States. In order to respond to this need, and because no other source of Federal grant support was then available, the NIMH sponsored development of the Nation's first uniform system of reporting on the effectiveness of parole programs. Subsequently, the establishment of the National Institute of Law Enforcement and Criminal Justice (NILECJ) and of the Law Enforcement Assistance Administration (LEAA) within the Department of Justice, made it possible for the new Institute to assume responsibility for the further development of the uniform parole reporting system after the original NIMH research grant expired. In this and many other ways, the establishment of the LEAA research institute contributed to a much-needed division of the Federal effort in crime research, with NILECJ addressing those issues of greatest concern to the Nation's criminal justice agencies, and the NIMH concentrating on issues of relevance to the mental health aspects of crime and delinquency.

In more recent years, still other programs of Federal research related to problems of crime have been established in such agencies as the Department of Transportation, the Federal Judicial Center, and the Treasury Department. These programs are indicative of the growing complexity of our crime and criminal justice problems, and of the importance of a total Federal effort in this area that encompasses specific agency concerns.

THE NIMH RESEARCH ENVIRONMENT

An important, and indeed essential, influence on the development of the NIMH crime and delinquency effort has been the agency environment within which the Center's program has been located. Since its establishment in 1946, the NIMH has emphasized scientific research as its primary mission and has placed continuing emphasis on the maintenance of high standards of scientific

excellence in all NIMH-supported research and related activities. The range of the agency's research program also encompasses all of the scientific disciplines that are relevant to the understanding of problems of human behavior and mental illness, such as biology, neurochemistry, neurophysiology, endocrinology, behavioral genetics, psychopharmacology, psychology, psychiatry, sociology, anthropology, epidemiology, social work, and nursing.

The principal formal mechanism used by NIMH (and the many other Public Health Service Institutes) to insure that only high quality research is supported, is the system of "peer review." All incoming grant applications are channeled to an appropriate NIMH program and its associated initial review group (or study section) of non-Federal experts in those program areas. These review groups meet three times a year to review applications for scientific and technical merit and to make recommendations with respect to funding. These recommendations, along with detailed summaries of the panel's reviews on all applications, are then passed on to the National Advisory Mental Health Council—which is composed of experts, citizens, and non-NIMH federal officials. By law, only those applications can receive funding that have been recommended for approval by the Council. Research grants recommended for approval typically reflect a wide range of scientific disciplines, specialty areas, perspectives, and research approaches.

In addition to the institutional environment and quality control mechanisms, there are also informal norms and values associated with scientific research that further reinforce the agency's commitment to broad-ranging and high quality research. Thus, it is expected, and has always been the case, that top-level administrative positions in the agency and program branches will be filled by persons who have had either research training and some experience in conducting scientific research, or are familiar with and sympathetic to the values associated with such research. However, effective sign-off authority for research grant awards does not rest with top agency administrators, but rather with the managers of particular research and related programs since it is presumed that these persons are most substantively qualified to determine which approved applications should be funded in relation to such factors as scientific merit, program priorities, and availability of funds. Top administrators of course retain the authority to overrule these funding decisions of program managers, but this authority rarely needs to be exercised. Approved research grants may be funded by NIMH programs for periods ranging from one to five years. This ability to approve projects for funding over several years is an important means for insuring program and research continuity and for allowing investigators sufficient time to complete their projects without needless administrative disruptions. Investigators can also submit requests for additional and continued support after their initial period of funding. These requests come to NIMH in the form of competing grant applications which must, again, go through the usual peer review process in order to be eligible for funding.

PROGRAM PLANNING

As indicated earlier, the research program of the NIMH Center for Studies of Crime and Delinquency is founded on the proposition that behaviors which are harmful to society need to be studied from as many different research perspectives as behaviors which are viewed as being socially acceptable and "normal." Indeed, it is also important to understand the processes whereby certain acts and social conditions are determined to be "harmful," and not others. The scope of the research supported by the Center accordingly encompasses a wide range of biomedical, behavioral, social science, and empirical legal research issues related to crime, delinquency, individual violent behavior, and certain law and mental health concerns.

A program so broadly defined is also greatly in need of management actions that will insure program coherence and a clear sense of direction and purpose. A principal means of achieving this result has been the development of a series of documents in which basic assumptions and philosophies underlying the Center's program are explicitly set forth. These formulations then provide a conceptual framework for the generation of specific program initiatives in research, training, and related program activities. At annual and also five-year intervals, the Center develops written plans to guide it in the direction of its program. The five-year plans are of particular interest in that they require the Center to take a retrospective look at what has been accomplished and learned in the preceding five years before proceeding, on the basis of this experience, to generate prospective strategies for the next planning period.

Space will not permit the inclusion of extensive extracts from the various Center documents to which reference has been made. The following material is included, however, as one illustration of the way in which the Center tries to move from the enumeration of basic program assumptions to the delineation of specific principles for future program management. The document in question is entitled "Information Dissemination and Research Utilization Efforts" and was developed by the Center in December 1973.

BASIC ASSUMPTIONS

The following are the basic assumptions on which the Center's information dissemination and research utilization strategies are based.

1. The use of public funds for research related to crime and delinquency should be premised on utilitarian goals, i.e., the ultimate translation of new information and research findings into tangible social benefits—and not the pursuit of new knowledge for its own sake.

2. Since development of new knowledge is only the first step in a long and complex process, special attention must be given to ways of enhancing the speed and efficiency with which new information and promising research findings can in fact contribute to better public understanding, prevention, and amelioration of crime and delinquency problems.

3. The various groups involved in the aforementioned research and development process have different values and priorities that must be taken into account when designing dissemination and research utilization strategies. The effective coupling of new behavioral and social science knowledge to public needs in the crime and delinquency area is therefore a task that requires considerable planning and persistent efforts.

PROGRAM MANAGEMENT

The following are some of the major considerations pertaining to the development of the Center's information dissemination and research utilization strategies; these points are mentioned in the general order in which they typically are addressed by the Center.

1. Particular social policy objectives and public needs which provide a starting point for the Center's program need to be specified, e.g., the development of better ways of dealing with juvenile problem behaviors before these result in serious acts of delinquency and crime; the development of better ways of handling delinquents that do not involve confinement in institutions; the reduction of unnecessarily high rates of involuntary and indeterminate hospitalization of the mentally ill.

2. Knowledge as well as technological and related requirements for attaining the stated objectives must be considered, e.g., how to develop improved methodology for conceptualizing and predicting juvenile problem behavior; how to devise more effective community-based treatment programs for delinquents in lieu of institutionalization; how to develop more reliable and useful screening methods for reducing the high rates of involuntary civil commitment.

3. Capable talents must be located (usually in universities and in related research agencies) to perform the needed research. This must be done with the realization that the values and interests of academically-oriented researchers will seldom extend to questions related to effective public utilization of their findings. Attention must therefore be devoted to problems related to possible social utilization of the new research findings to be generated. For example, one needs to learn about factors which might prevent or otherwise militate against reduced institutionalization or involuntary hospitalization (e.g., institutional or statutory obstacles, agency policies, screening procedures, etc.).

4. Manpower development and training considerations must be addressed since there will be need for skilled personnel to effectively apply improved programs developed as a result of the research; or to develop more efficient social programs with the aid of such findings.

5. Social policymakers, agency personnel, concerned citizens and other potential "users" of the new knowledge or technology must be provided with information specifically designed to facilitate their understanding of the research "product", as well as the ways in which the "product" can be utilized in agencies or programs.

6. Additional field testing and replications of the new concepts and research products (e.g., a more efficient treatment model) may be needed to ensure that they are both applicable and effective in various social settings.²

² Saleem A. Shah and Thomas L. Lalley. "Information Dissemination and Research Utilization Efforts." NIMH Center for Studies of Crime and Delinquency. December 1973.

RELATIONSHIPS WITH RESEARCHERS

A Federal program of extramural research has the advantage of providing access to a much wider variety of research talent than the government could justify hiring on a full-time basis.³ For such a program to work effectively, however, considerable thought needs to be given to arrangements and procedures that can assist in the development of constructive relationships between Federal research program staffs and extramural researchers. In this regard it might be noted that Federal programs tend to develop rather stable reputations in the eyes of external researchers, which images can be favorable or deleterious to the success of those programs depending on the nature of the contacts and relationships.

The NIMH system of "peer review" has been described earlier in this testimony as the essential formal mechanism which insures that only high quality research will be funded. What may not be so apparent is that this type of system can also be a means of fostering productive contacts between Federal programs staffs and extramural researchers who are interested in submitting a proposal or grant application. The NIMH Center for Studies of Crime and Delinquency routinely invites (but does not require) prospective grant applicants to seek early consultation with Center staff on the development of proposals, and to provide outlines (concept papers) or drafts of their proposed project for staff comments prior to submission of formal applications. The Center can provide this type of technical assistance to prospective applicants because, under the system of "peer review," recommendations with respect to funding or non-funding of grant applications are not made by staff but, as previously noted, by an independent panel of non-Federal experts in the substantive areas. Staff are thus free to share their knowledge of the review criteria with prospective applicants and, within the limits of available time and resources, try to assist them in strengthening their research designs.

After each meeting of the NIMH Crime and Delinquency Review Committee, Center staff prepare detailed written summaries which include fairly comprehensive statements concerning the major reasons why the grant applications were or were not recommended for approval. Following the final action by the Advisory Council, unsuccessful applicants are informed by letter that the above-mentioned summaries are available and may be requested. Typically, the letters of feedback are three to five pages long, single spaced.

Through this procedure, the Center ensures that applicants have an opportunity to be informed about the precise scientific and technical grounds on which their applications were rejected. And, while applicants are generally quite disappointed to learn of the disapproval actions, it has been my experience over the past 11 years that the detailed feedback based on the review committee's assessment, is very much appreciated. At the very least, there is typically a sense that the application did indeed receive careful and thoughtful review. This review and feedback process further ensures adherence to basic notions of accountability and fairness.

Once approved applications are funded, Center staff try to monitor projects to ascertain progress and to provide necessary technical and administrative assistance to grantees. In virtually all cases, significant monitoring problems do not arise because of the thoroughness with which all approved projects have been scrutinized at the time of the initial review.

RECENT PROGRAM ACTIVITIES

Some brief examples of recent program activities of the Center for Studies of Crime and Delinquency will now be provided in order to indicate the substantive nature of the program. This information is in addition to the much more extensive description of the Center's program that was provided in 1975 testimony before the Subcommittee on Domestic and International Scientific Planning and Analysis.

The Center places great emphasis in its research program on the development, testing, refinement, and evaluation of new types of community-based treatment models for delinquent boys and girls who might otherwise have to be sent to correctional institutions. One such model is known as Achievement Place and has during the past nine years involved the development and refinement of a new

³ Harvey Brooks, "Knowledge and Action: The Dilemma of Science Policy in the 70's." *Daedalus*, Spring 1973, 123-143.

type of community-based residential group home setting in which 6-8 youngsters live with a specially trained husband-wife team who are known as Teaching Parents. As of April 1977, a total of 96 group homes based on this model were known to be operating in 10 states and in Canada. At Boys Town, in Nebraska, the model has been used as the basis for restructuring the entire program of this institution along group home lines.⁴ In the Kansas City area, the model is being used both to provide services to delinquents and as a basis for developing new types of community-based living arrangements for 53 mentally retarded adults.⁵

Let me very briefly note a few other features of this program effort of our Center. Even though the treatment model was initially developed for use with youngsters manifesting behavior disorders and delinquency, the basic principles have wide applicability and the model has been adapted for use with emotionally disturbed children and with mentally retarded youngsters and adults. The NIMH has provided funds only for research concerned with the development, further refinements of the model, and for the systematic evaluation of the replications; funds have also been provided for the very specialized training needed by the Teaching Parents. The huge amounts of service funds for the operation of the many group homes have come from the various states, counties, and from the LEAA block-grant funds. In sum this program effort serves to illustrate how careful applied research must build upon available basic knowledge, how research and training funds have been used for particular program objectives, and how Federally-supported research can assist states and localities with pressing service needs.

In the law and mental health area, the Center has sponsored a number of research projects. One study followed up the 967 persons who were released from hospitals for the criminally insane as the result of the Supreme Court's decision in *Baxstrom v. Herold*.⁶ The research found that excessive use of involuntary hospitalization had probably occurred since most of these persons, who on the average had been continuously institutionalized for 14 years, did not exhibit the feared assaultive or criminal behaviors after being transferred to civil hospitals or following their release into the community.⁷

Along with its support of several research and training projects in this program area, the Center has also published two recent titles in its monograph series. These monographs are aimed at acquainting various policymakers, judges, program administrators, and other concerned persons with recent developments of importance in the law and mental health area. One of these publications is entitled "Mental Health and the Law: A System in Transition" and was written by Dr. Alan Stone; this monograph has received the Manfred S. Guttmacher award of the American Psychiatric Association.⁸ The other publication, "Criminal Commitments and Dangerous Mental Patients," was authored by Professor David Wexler and is intended to provide helpful legal guidance with respect to appropriate public policies for dealing with special types of prisoners and mental patients. Professor Wexler points out that mentally ill persons considered to be in need of secure confinement in special units or mental hospitals constitute a "smorgasbord" of disparate legal categories—e.g., sexual psychopaths, criminal defendants found incompetent to stand trial, criminal defendants found not guilty by reason of insanity, mentally ill prisoners, civil patients with criminal charges or detainers outstanding, and civilly committed patients who are thought to be particularly dangerous or aggressive.⁹

Other Center-supported research has been concerned with family violence and with developing improved means for violence prevention. The Center is currently sponsoring the first national research study ever undertaken on family violence; the preliminary results of this study indicate that this type of violence is far more prevalent than has generally been realized and that it is rather evenly distributed across all socio-economic levels.¹⁰ A recent publication in the Center monograph

⁴ Father Flanagan's Boys Home. Department of Youth Care. *Progress Report*. July 1976.

⁵ Kansas City Press Dispatch, four-part article. December 8 and 29, 1976; March 2, 1977.

⁶ *Baxstrom v. Herold*, 383 U.S. 107 (Feb. 28, 1966).

⁷ Henry J. Steadman and Joseph J. Cocozza. *Careers of the Criminally Insane: Excessive Social Control of Deviance*. Lexington, Mass.: D. C. Heath, 1974.

⁸ Alan A. Stone. "Mental Health and the Law: A System in Transition." DHEW Publication No. (ADM) 75-176. Washington, D.C.: U.S. Government Printing Office, 1975.

⁹ David B. Wexler. "Criminal Commitments and Dangerous Mental Patients: Legal Issues of Confinement, Treatment, and Release." DHEW Publication No. (ADM) 76-331. Washington, D.C.: U.S. Government Printing Office, 1976.

¹⁰ Richard J. Gelles. "Violence toward Children in the United States." Paper presented at the meeting of the American Association for the Advancement of Science, Denver, Colo., Feb. 25, 1977.

series entitled "Police, Prisons, and the Problems of Violence" provides numerous suggestions regarding principles and procedures which can be employed to reduce opportunities for violence in police-citizen encounters and within correctional institutions. Much of the material contained in this monograph is based on earlier research supported by NIMH.¹¹

CONCLUSION

The foregoing description and overview of the NIMH Center for Studies of Crime and Delinquency has, hopefully, provided information that will be pertinent and useful in terms of the purpose of these hearings. It would perhaps be helpful if I tried now to highlight some of the features and principles that should have some broader applicability with respect to your concerns about the Federal role in crime and criminal justice research.

Federal programs in crime and criminal justice research should articulate in writing the basic assumptions and philosophies that undergird and guide their efforts. Planning and position documents of this sort are very important in order to give program staff a clear and steady sense of direction and purpose.

Adequate provision for quality control must be built into Federal research programs in the crime and criminal justice field. (In the case of the NIMH and the various other Public Health Service research institutes, such essential quality control is achieved through the system of independent "peer review" of all grant applications).

Federal research in crime and delinquency should be organized with full attention to the procedures and mechanisms that will be needed for the translation of new information and research findings into certain tangible social benefits. There need to be effective program strategies for timely dissemination of important research findings to potential users of such information at various Federal, State, and local levels. Program managers and staff will need to realize that the dissemination of scientific findings is only the first step in a long and complex chain of actions needed to have influence on relevant policies and practices.

There ought to be rather little talk of "breakthroughs" that may come as the result of continued Federal investment in crime and criminal justice research. Occasionally, something of very great significance may indeed occur. However, in the main, systematic research designed to improve our understanding of the phenomena of crime and delinquency, and also carefully designed applied research undertakings, will entail slow and laborious efforts.

I should like to end my testimony by noting the longstanding interests and concerns of the National Institute of Mental Health to further improve our understanding and handling of the complex problems of crime and delinquency. I shall be pleased now to answer any questions that you and the members of the two Subcommittees may have.

EDUCATION

B.A. 1952: Allahabad University, India.

Graduate Work in Psychology: 1952-53, Lucknow University India; 1953-54, Princeton University, U.S.A.

M.S. 1955: Penn State University (Psychology).

Ph. D. 1957: Penn State University (Clinical Psychology).

PROFESSIONAL EXPERIENCE

1957-59: Staff Clinical Psychologist, Legal Psychiatric Services, D.C. Dept. of Public Health, Washington, D.C.

1959-66: Chief Psychologist, Legal Psychiatric Services, D.C. Dept. of Public Health, Washington, D.C.

1964-66: Consultant, Shaw Residence (Half-Way House for Offenders), Washington, D.C.

1966-67: Consultant, Center for Studies of Crime and Delinquency, National Institute of Mental Health, Chevy Chase, Md.

1968—: Chief, Center for Studies of Crime and Delinquency, NIMH, Rockville, Md.

1970-73: Professorial Lecturer. Washington College of Law, American University, Washington, D.C.

¹¹ Hans Toch. "Police, Prisons, and the Problem of Violence." DHEW Publication No. (ADM) 76-364. Washington, D.C.: U.S. Government Printing Office, 1977.

OTHER INFORMATION

- Consultant, President's Commission on Law Enforcement and Administration of Justice (1965-66).
 Consultant, National Commission on the Causes and Prevention of Violence (1968-69).
 Member, Task Force on Corrections, National Advisory Commission on Criminal Justice Standards and Goals (1971-72).
 Member, Research Council, National Council on Crime and Delinquency (1969-75).
 Member, American Bar Association Commission on the Mentally Disabled (1973—).
 Member, Editorial Board, Journal of Research on Crime and Delinquency (1969-75).
 Member, Executive Council, American Society of Criminology (1974-75).
 Associate Editor, Criminology: An Interdisciplinary Journal (1973-75).
 Consultant reviewer: *Aggression; American Psychologist; American Journal of Psychiatry; Criminal Justice and Behavior; Criminology; and Science.*

RECENT PUBLICATIONS

- Crime and mental illness: some problems in defining and labelling deviant behavior. *Mental Hygiene*, 1969, 53, 21-23.
 (With L. G. Roth) Biological and Psychophysiological Factors in Criminality In, D. Glaser (Ed.) *Handbook of Criminology*, Rand McNally, 1974.
 (With D. S. Bargaonkar) The 47, XYY chromosome-or syndrome? Chapter in A. G. Steinberg & A. G. Bearn (Eds) *Progress in Medical Genetics*, Vol X Grune & Stratton, 1974.
 Some Interactions of Law and Mental Health in the Handling of Social Deviance. *Catholic University Law Rev.*, 1974, 23, 674-719.
 Dangerousness and Civil Commitment of the Mentally Ill: Some Public Policy Considerations. *Amer. Journal of Psychiatry*, 1975, 132, 501-505.
 Some issues pertaining to the dissemination and utilization of criminological research. In, *Evaluation Research in Criminal Justice*. Public. No. 11, United Nations Social Defense Research Institute, Rome, Italy. Jan. 1976.
 Dangerousness: some definitional, conceptual, and public policy issues. In, B.D. Sales (Ed.) *Perspectives in Law and Psychology*. Vol. 1. New York: Plenum, 1977.
 (And about 30 other articles in scientific and professional journals.)

Dr. SHAH. Thank you, Mr. Chairman.

With me on my right is my associate, Mr. Thomas Lalley. Some of the questions you may have later on he may be of help in responding to.

You have my prepared testimony. I would like to take a few minutes to make some general comments, and then to outline and highlight some issues which might assist in the subsequent discussion.

To begin with, I have been with NIMH since 1966 with the crime and delinquency program. So I speak from 11 years or so of working in the agency in the crime and delinquency field.

And since 1968, when the Center for Studies of Crime and Delinquency received its own funding, I have been in charge of directing that program. So that is the background and perspective which I bring with me to provide the basis for my remarks.

And during that time, namely since 1966, I have been quite familiar with the other Federal activities that have been going on in the Department; namely, HEW, in Justice, and elsewhere, NSF, and also some foundations.

Our Center is rather small. We have total funding of \$5 million in basic and applied research and in training, that is, clinical and research training. And, we also have a small staff. We have a total of

seven professional staff, two of whom you see right here in front of you, and we have five support staff. So that is the size of the program we are talking about.

I must emphasize, however, that this small program is embedded within the context of the National Institute of Mental Health, which has a fairly broad range of basic and applied and clinical research going on in the behavioral sciences, social sciences, and biomedical sciences, and we very much draw upon the broader backdrop and relate our efforts to that. So the size of our program, and what we may have been able to accomplish, could not be viewed on its own. It has to be viewed in that broader context.

The program that we are concerned with focuses on problems of crime and delinquency, individual violent behavior, and law and mental health issues—things like pretrial competence, the insanity defense, assessment of dangerousness, and so forth. That is, where the mental health system interacts with various parts of the criminal justice and legal system.

When I refer to these areas of our concern, I'd like to emphasize that we are concerned more with the basic phenomenon. We are interested in, for example, violent behavior not under the rubric of the UCR crimes of violence category, and not even whether or not it is a criminal homicide or a homicide or justified homicide, but rather as a phenomenon in which aggression is taking place.

Thus, the 8-year-old who at that early age has a dozen black eyes and two dead cats and many bruised and battered siblings to his credit, is as much a topic of our concern, even though he has not as yet had any contact with the juvenile justice system. We want to study the phenomenon.

Similarly, the individual who is repetitively violent is of concern to us in order that we may understand the phenomenon.

Similarly violence within the family, child battering—sort of a closet type of behavior that has been coming out more recently, is also of concern to us. And wife battering—I should say accurately "spouse battering," because some husbands also get clobbered, but that doesn't get so much publicity and, of course, is not the major source of concern.

These are phenomena of interest to us. Whether one looks at childhood aggression as a conduct disorder or as delinquency or as unruly behavior, there is a phenomenon to be understood and dealt with.

So that, in essence, is our perspective.

I mentioned that we have had close and ongoing relations with the NILE Institute ever since the formation of that institute in 1968. That relationship continues.

Let me now mention the basic assumptions under which our Center operates.

We have a strong mission orientation, a utilitarian orientation. The Center was formed in 1966 under strong pressure from Congress that the NIMH should be giving greater attention to problems of crime and delinquency. And the hope was that instead of accumulating knowledge over the long haul, 20 or 30 years, perhaps an effort could be made that was somewhat more targeted, while also concerned with basic research. And that such efforts would have an impact on the problem. So, given that mandate, we do have a utilitarian focus.

We feel that new knowledge is only the first step in a very long and complex process of trying to facilitate the applications of knowledge; and I don't believe that the complexity and the length of that process is always understood. I am not sure that publishing things in the scientific literature inevitably or necessarily leads to application. A great deal more has to be done, and we try in our small way to do that.

We also feel there are many groups involved in scientific research and development, and these groups have very different values. They have very different interests. They have very different career contingencies or incentives. I think here of academically oriented researchers, of the various policymakers, of the very busy and harried program administrators, and of the public at large.

And in trying to organize a program, we try to mesh, integrate, balance in some way, these competing values; they sometimes do tend to come into conflict, and we try to have both basic and applied research going on in our Center, to have both long-range efforts as well as more targeted efforts that can shed some light or improve in a small incremental fashion the functioning and handling of certain problems and processes.

We have two types of activities, one which follows very much the NSF model or the NIMH model, that is, investigator-initiated research, projects sent in to us by researchers who know our program areas. All applications are reviewed very carefully for quality control, and if they have high merit and high scientific value, we will fund them. In fact, we have a small amount of money—our research budget is about \$3.8 million—a portion of this \$3.8 million is set aside to fund investigator-initiated research. Not all our money goes into targeted ideas because we don't want to preclude ideas coming in from investigators.

However, we also try to target our research efforts to what we refer to as our priority areas. These priority areas are announced to the field and our staff focuses their project development efforts in these priority areas. One of these areas is concerned with the mentally ill who come into contact with the criminal justice system. Practices in our country have been, to put it mildly, very shabby, and one does not need a lot of fundamental knowledge to improve such practices. That can be done in the short haul. That can be done by making information available to policymakers. Much of the information resulting from these studies has appeared in briefs to appellate courts. These research findings also appear and are cited in judicial opinions.

And I would argue that this can be done in the short haul—a 5-year study or 6-year study. One doesn't have to wait 20 years for that kind of research finding to have impact on relevant policies and practices.

In other areas we think in terms of 10 to 15 years. It requires steady, stable funding. In 3 years or so the investigators come back with a renewal application and again receive careful and critical review.

Quality control was mentioned earlier by Dr. Atkinson, and I would like to underline that. That is a very fundamental requirement for high-quality research.

Quality control is done in the NIMH and the Public Health Service agencies using a peer review process, in which scholars meet at regular intervals to review the applications that have been submitted. Any person can submit applications to the Institute. We don't cut off applications. Grants are for private and nonprofit groups, and the bulk of our money is in grants.

Of all the applications reviewed by the NIMH Crime and Delinquency Committee, fully 70 to 80 percent are rejected for being weak on technical and scientific grounds. By law the Institute cannot fund any project that has not been recommended for approval by the review committee, and then approved by the National Advisory Mental Health Council. So, there are some times when we may have a little money left over because we didn't get enough high-quality grants to fund, even with that small amount of money.

I want to emphasize that unless there is careful quality control, the money will be spent. There are many people who are willing to do things, and there is an economic contingency. The question is: How well is it spent without quality control?

We find if we have front-end quality control, it makes it much easier to monitor the project. We don't have as many problems later on because there has been very careful screening at the very beginning.

We are also very interested in user-oriented information dissemination. We encourage, as does NSF, the researchers to publish in the scientific literature. When we have determined that the findings have some value, not only in the eyes of the researcher who may not be entirely unbiased in this regard, and that the results are holding up, and that there is enough of value here as viewed over a period of 3, 4, or 5 years—let's say a followup on a new treatment approach that has at least 24 months followup—then we feel it is important to bring this to the attention of the users, because will not be reading the technical journals. Then we make additional funds available to the researcher to get someone to translate it into nontechnical language so that a judge, a probation officer, and other program administrators can understand and use the findings.

The scientific review committees may still argue or quibble with the results, as they should. The concern we have in making the promising findings widely available once they are past a certain level of quality control and demonstrated effectiveness, is that what we are practicing in the field is very often very poor. And, one cannot wait for 10 years to improve the quality of care; it's an incremental process, and further improvements develop while the work continues to go on.

Mr. CONYERS. Could you just give us some examples of what you are talking about, this quality control and how you have taken projects and translated them into easy-to-understand language for people in the law system.

Dr. SHAH. Yes, sir.

We have for 9 years now been developing community-based alternatives to incarceration for delinquents. We have been developing small group homes that can be used in the neighborhood by small and large communities with local community control.

It doesn't pay to have youngsters out of the institution with nothing else to be done in the community.

This model is known as achievement place. It develops a group home for six to eight youngsters, using teaching parents, a husband-and-wife team specially trained.

Once the results seemed promising over a 12-month followup period that is, about 4 years after the study had started, and once we had some independent evaluation that the results were holding up reasonably well to have some promise, we then gave additional funds to the investigator to prepare a detailed manual, a film, a 20-page statement in nontechnical language that could be disseminated to people who asked for information, like probation officers, social workers, and so forth.

A year later when the results still held up and looked promising, we gave additional money to have what we called dissemination and utilization workshops, a 2-day meeting for about 25 policymakers and program administrators, that is, people who controlled the local funds, judges, and so on, to explain to them in 1½ days to 2 days what the project was, what the model was, what the results have been, what the cost has been, how it got started, what kind of evaluation system is built into it, et cetera. So, for 1½ days the policymakers can ask questions of the kind technical journals simply do not address. A little novel was also prepared, written from the standpoint of a youngster in the program. In other words, we were always trying to get this across to a wider audience of users.

I must say in all candor, we don't do enough of that. As I say, we have limited resources.

I might just finally mention Mr. Chairman, some of the principles and guidelines that, at least based on our experience, we find essential to the development and maintenance of a high-quality research program in the crime and criminal justice field.

I think it is very essential that there be some clear and explicit understanding as to the purpose of the research. I think some of the remarks made earlier I would agree with. Some I may disagree with. But I am not sure because it was not very clear what the purpose of the research was. I think that should be made very clear. We tend to view the support of research as a means, rather than the funding of the research as an end in itself. We feel it is necessary to have specific objectives. We feel there needs to be careful consideration of the kind of resources and mechanisms that need to be developed in order to make good and effective use of the research funds.

All too often, I must say, there is a tendency to fire funds broadside at a problem without getting the necessary and essential mechanisms in place. I find, for example, Mr. Chairman, that seven professional staff for \$5 million is inadequate. We can't do all we need to do in monitoring, disseminating, and things of that sort.

Mr. SCHEUER. Do you feel that a modest budget such as yours is appropriate for research? Do you feel that a research program can be overfunded, and that there are limits on a research agency's ability to digest funds and spend them creatively?

Dr. SHAH. Yes. I do believe there is such a thing as overfunding, from two standpoints. Let me explain so that you can understand why I come to that conclusion.

One would be an external consideration. That is, do we have available enough highly trained and highly competent researchers in the

relevant area to do the type of research? And I just mentioned to you that up to 80 percent—as a matter of fact, 80 is closer than 70—of all applications submitted to us are disapproved. So there is the external situation. Not as many people have been attracted to this crime and criminal justice area, as Dr. Atkinson pointed out. And, as long as there are enough funds in other areas and long-term stable support available perhaps not as many will be attracted.

The second factor is the internal constraint on how much money an agency can sensibly use?

I feel that if we don't have more staff, I wouldn't want more funds because I don't think we could do the kind of job that needs to be done. So that is the internal constraint.

So I think there are some limits, and they need to be very explicitly realized and understood.

Mr. SCHEUER. One additional question. We have heard hints in recent weeks that the number of advisory groups for various research agencies and others is likely to be reduced. What will be the effect of the reduction of advisory panels or groups on the peer review process in your agency?

Dr. SHAH. That would have for our center a very clear impact, Mr. Chairman. That quality control is very essential. Surprisingly, it is also very cheap. I think you should know that our peer review system costs us, in Center for Studies of Crime and Delinquency, no more than \$42,000 to \$44,000 a year. That is 1 percent of our total grant funds. So it is really an astonishingly cheap way, if you wish, of getting high quality control, because the research community using, the "peer review" system, contributes a great deal of time to such efforts. And I think it would have a rather great impact on the quality of the research and how well those funds are to be used if that mechanism were greatly changed or modified.

Mr. SCHEUER. John.

Mr. CONYERS. Thank you very much. We welcome you here as a pragmatist in this field.

I've got several problems here, and I should be asking everybody the same question ideally, and then we could study the record and come up with some comparative evaluation, apply some of your standards against some of you gentlemen and ladies.

One thing I have been entertaining is the notion that we need to have the President commission a new study on law enforcement and the administration of justice, not because we ever did anything with all the other studies, but that you always have to have a study in front of you. The one thing older than yesterday's newspaper is an old study. A 1967 study—1969—forget it.

So you always have to have a new study.

Now, if we are really going to grab hold of this problem. I might try to drum up some support for this in the course of these hearings. I mean, how else do we get a major focus going, a major appreciation? And I am not ignoring the fact that frequently the main points are not used, but there is always some benefit that comes out of it, and a few people get the message.

What do you think?

Dr. SHAH. I did serve as a consultant to the President's Crime Commission in 1965 and 1966 and later with the National Violence

Commission, and I could go back to those reports and think of any number of recommendations that took a lot of time, a lot of effort to put together, and they still rest very comfortably between the covers of those reports.

I suppose that it does provide a stimulus; it does highlight the importance of a topic. As a matter of fact, it was following the Crime Commission report that the LEAA legislation came about, and Professor Blumstein who is here, headed the Science and Technology Task Force, and did a lot of work on that Commission.

However, I am not so sure, Mr. Chairman, that the cost of that effort, and perhaps the feelings of disillusionment among the scientific and professional community—"What, yet another commission?"—allow me to be very sanguine about that prospect.

Mr. CONYERS. While there is great agreement and discussion about the failure of the criminal justice system, there is relatively little talk about the failure of the research mechanisms to the criminal justice system. I mean, haven't you ladies and gentlemen failed, too, in your own way? Or is it just the fault of the people that get elected and hold the titles to the job, that say "Attorney General" and "Chief of Corrections" and all that, but what about the failure of research?

Dr. SHAH. Yes; I do think there has been perhaps a good amount of people in glass houses casting stones. Yes; I think the question can be asked of the research community: If these problems are so important, why haven't more people shifted into that area? There are, of course, economic contingencies to be considered.

I mentioned in my initial remarks, Mr. Conyers, that there are differences in values, and there is the value position that holds that one should not ask for shotgun solutions but rather should accumulate long-term information and knowledge. And, I think, scientists could indeed be a little more empirical about their own activities. There are certain beliefs shared in the scientific community that have not been adequately tested. And I am not so sure that \$100 million of investigator-initiated research will somehow, in some way, integrate itself into policy options or findings that will be just grabbed up by the field. That is not very likely. A lot more needs to be done to achieve that integration.

So, yes, I do think that the scientific community has not perhaps done all it could, but I do think there are economic contingencies, structural contingencies, to which they respond, just as do the directors and administrators of social work or any other agency. And to the extent those contingencies, those structural arrangements, are adjusted, one can perhaps facilitate certain changes, rather than simply wait for certain behaviors to occur.

Mr. CONYERS. Either I don't understand you or I am not satisfied, or both.

But I want to put this question to a panelist that will come behind you, too.

In what way have you failed? Too much applied science? Or not enough long-range? What went wrong, and what ought we to do to correct it?

That is one consideration I have.

But then another thing begins to bother me that we don't talk about enough. If we could just stop doing some of the obviously wrong things that don't need any research whatsoever, we don't need 3 to 5 years to figure out—there seem to be a lot of dumb things going on that if we could stop them the administration of justice would begin to improve. Some of the tough, pure questions that are hanging out there that stimulate the dickens out of you guys—that's great, and I'm sure it's a constant challenge. But some of the things that we clearly do wrong, the tolerance of racism in a system of justice, which is such an obvious contradiction that to think that people are going to cooperate with a government or with law enforcement when they are at one and the same time the victims of an invidious discrimination, doesn't make sense. We don't have to do a lot of studying on that.

To create an economic system in which as many as 15 million people can be said not to be able to work that want to work, and then wonder why crime flourishes under those circumstances, you know, is not really much of a mystery.

Do you have comments on these random questions?

DR. SHAH. Well, I do think, in all fairness, Mr. Conyers, if research is put to an improper use, that suggests some misconception as to why research is seen as a valuable tool in certain particular areas, namely, to accomplish major social change. I am not sure at all that research is a useful tool for achieving broad social change.

I think the point that I made earlier is: What is the purpose of research? And if there are some major social inequities and major social changes to be brought about, I am not so sure that research is the proper tool for that, and therefore I don't know that researchers and the research community could necessarily be faulted for that. Other action has to be taken in that regard. And perhaps researchers have not been entirely clear or have perhaps oversold their skills. That has certainly been said.

But I think the purpose has to be considered—If I may use an analogy, Mr. Chairman. If someone says to me, "I'd like to build an edifice; it has to have three stories and 10 bedrooms, and I'd like an indoor pool," I still don't know how they are going to use it, and they haven't told me on what ground or soil it is going to be built. And then they tell me, "I need it done for \$50,000." I suppose I should tell them they are crazy and leave.

I think something similar gets done all too often, when we claim to be doing certain things which we cannot. Yet, the tools to be used—and I see research really as a tool, as a tool to the end of developing better understanding, more knowledge that can have some ultimate use, or a tool for more direct impact in areas where research can be of value. I don't see research as a major tool for social change. I think a good scandal would probably bring you more changes than a lot of studies will, and I think that political pressure will bring about those changes.

So I am not sure the fault is entirely that of research. Perhaps there are misconceptions of what research can do.

MR. CONYERS. Your point is well made and I accept it fully.

Do you ever get overcome by a mood in the midst of some non-scientific moment in your life in which you feel: "For God's sake, if I could just get the President and the Attorney General to sit in a room

with me, and 8 or 10 of the academicians that I see here today, and if we could just talk for an hour—to hell with all the research and grants and the projects and the peer evaluation—if I could just get to them and we could just go over eight items, we could dramatically improve the quality of the system of justice in this country in an incredible way.”

Has that mood ever gripped you?

Dr. SHAH. In a rather fleeting fashion——

Mr. CONYERS. You admit to it, though, eh? [Laughter.]

Dr. SHAH. Yes, I admit to it, but I have the feeling that after that talking has been done, I don't really know what will be accomplished, which may indicate I have rather limited horizons, and I am not privy to some of the broader perspectives that you folks may be aware of. I have had very fleeting thoughts, but I can't say I have given it a great deal of thought, Mr. Conyers.

Mr. CONYERS. Maybe this committee, Mr. Cochairman, has something to do. Maybe we have to break through some of the structure. We can draw organizational charts and commission our good thinkers to do research projects 'til hell freezes over, and they join the fate of all other good research studies that already been made. I mean it is not like there isn't anything that ever existed on the subject.

Maybe in the back of even these hearings that take on a very pragmatic note of just evaluating the research institute there is a search that needs to be made to just come through some new forms. Maybe instead of commissioning a multimillion-dollar new Presidential Crime Commission, which you are not enthusiastic about—and you ought to know since you have been on many, if not most, of the ones that I am thinking of—maybe we ought to just argue for an hour of the President's and Attorney General's time on a Saturday afternoon, with 10 of our best colleagues in the field. Of course, we can give their staff all of the research that is possible. But maybe we ought to try to find some new ways to break the ice. Maybe this formalized research method is too dispersed. I am already assigning somebody on my staff to pull together all these various places that criminal justice research goes on, which I am just finding out about.

Are we in need of new forums?

Dr. SHAH. Well, I think I didn't follow entirely your question. I followed the comment to a certain point.

Mr. CONYERS. Shouldn't we find new ways to get research ideas to the people in the criminal justice system, other than what we are doing? We have maybe some 15 different places in the Federal Government, and it always turns out to be modest amounts of criminal research study. Nobody ever comes in and says, "Boy, I've got a big operation going." Everybody says, "Well, I only have two or three people and a couple million dollars."

But it is spread all over the place. Apparently nobody is really looking at it much. Maybe we need to figure out a new way to hook up research to the system, to the justice system and the people in it. Maybe that would be a worthwhile study.

Dr. SHAH. I have two comments, Mr. Conyers.

One, there have been a number of items developed that do lay out the various Federal efforts in the crime and delinquency areas. We did one of those ourselves. I don't know if we have one still

available. We could try to make it available. It describes the role of the many Federal agencies, precisely what they do and under what authority. It makes it easier for somebody to find out.

There is at the present time a Coordinating Council within LEAA that tries to coordinate the activities of the juvenile justice, criminal justice areas.

Several years ago, in the midsixties, Mr. Lyle Carter in the HEW was chairman of a Secretary's Committee on Juvenile Delinquency, and that tried to coordinate various activities.

Some efforts have been made to try to keep track of what is done and try to have some degree of coordination. And I am not saying that all that is possible has been done, but there were efforts, and there are continuing efforts. Many of them are informal. People in NILE have been informally in touch with us by telephone over the years. So a lot of the informal communication has been there, at least on the part of our agency and NILE and other parts of HEW.

The second point in regard to new forms—my personal view is that, as a function perhaps of the values of some researchers and perhaps drawing on models from the physical sciences and biomedical sciences, we keep talking about basic knowledge in the sense of basic discoveries, and I am not so sure that that analogy holds true in the social problems area.

I feel that in many instances, if you compare the programs of this country with, let us say, some of the Scandinavian countries, the prisons I have seen and mental hospitals I have seen, their facilities are much better. Because they have more knowledge? Of course not. They don't seem to have quite the institutional, the bureaucratic, the political, and the economic constraints that we seem to have to use some of the knowledge already available.

So I think this does address your second point, that while, yes, we lack a lot of understanding and, yes, a lot more needs to be known, I am not so sure that we are making very good use of that which is already known for improving our policies and programs. That is where you need better linkages between the researcher and the user of research. And I think that is the type of research that, in my opinion—this pertains to one of the questions in the letter I received inviting me to testify here, this type of effort, I think, belongs in Justice. Because they have the links with law enforcement agencies and justice agencies, and some influence on the funds that have been used. These things an agency concerned with more basic, fundamental, and long-term knowledge really couldn't do. And I think there is a different kind of environment needed for the latter than for the former.

Mr. CONYERS. You have been very helpful here, and we will, of course, be in contact with you.

I am going to ask all counsel to submit written questions to Dr. Shah, and they will be incorporated in the record.

Thank you for joining us. We appreciate your presence here.

Next is Dr. Richard McGee, director, American Justice Institute. Dr. McGee is the former director of the California Board of Corrections, former warden of the New York City Penitentiary at Rikers Island, and the former president of the American Correctional Association.

Your full testimony will be printed in the record at this point.

[The prepared statement of Mr. McGee follows.]

STATEMENT OF RICHARD A. MCGEE, PRESIDENT, AMERICAN JUSTICE INSTITUTE
THE FEDERAL ROLE IN CRIMINAL JUSTICE RESEARCH

The federal role here as in many other fields of knowledge and practice should be that of leader, energizer, coordinator and supporter. Research and Development money is scarce in most public operations. In criminal justice agencies at local and state levels it had been almost non-existent until it was stimulated in a minimal way about twenty years ago by a little private foundation money and later by some from the National Institute of Mental Health.

Since the Office of Law Enforcement Assistance was established in 1966 and later the National Institute of Law Enforcement in 1968 there had been a rapid expansion of effort. Noone has denied the need but there has been much criticism of the results. This has been blamed on many factors including uneven leadership but I suspect that the situation at the state and local levels has been equally to blame. They were unready and expected too much too fast.

As an administrator, practitioner and researcher I too am a little disappointed at this juncture not because of lack of results but because once again we are expressing doubts about the prospects for positive outcomes from criminal justice research. We have made a beginning and the federal government is responsible for giving our feeble start a great new impetus. It is my personal hope that we will do nothing now to set us back or to discourage a growing criminal justice research community which needs leadership and support.

THE EXECUTIVE ROLE IN RESEARCH UTILIZATION

It seems to me that an important point needs to be made here about the use of research methods and research results by policymakers and operational executives. We need a new breed of administrators who are "research-minded" who encourage or at least tolerate experimentation. The best cookbook in the world will not improve a family diet unless the cook is prepared to follow better recipes. This calls for new kinds of training and experience for executives in our field.

NEED FOR ORGANIZED STATE SYSTEMS OF CRIMINAL JUSTICE STATISTICS

The factual base upon which much empirical research must rest is the collection, analysis and publication of baseline data. This is not as simple as it sounds and no state including California does a really adequate job of it at this moment. Why? Because such a system costs more than most state legislators are willing to pay. The federal role here, it seems to me, is not to go into data collection on a grand scale but to set up some standards and subsidize the states to do the job. The national result would then be a summation of the data collected by the states. Such a state-federal system must be insulated in so far as possible from the vested interests in the states and localities.

NEED FOR HIGH QUALITY RESEARCH LEADERSHIP

The federal agencies providing research stimulus and support must be managed and staffed by persons of recognized professional stature in the field. This is a key issue in the controversies surrounding the history of NILECJ. Also in this connection stability must be restored and be maintained so that the so-called research community can have confidence in undertaking the long-term studies which have been so noticeable by their absence.

ESTABLISHING RESEARCH STRATEGIES

A mechanism for establishing a broad research strategy and for its constant review and restructuring should be established. The foundation for such a mechanism might be an advisory board for NILECJ made up of research leaders, experienced practitioners and some policymakers.

MAINTENANCE OF SCIENTIFIC INDEPENDENCE

The support bureaucracies must be able to promote broad established research strategies but at the same time must be restrained from controlling too tightly the professional independence of research managers and practitioners.

CONTINUITY OF THE RESEARCH ENTERPRISE

The federal government might consider providing some continuing subsidies to universities and private non-profit research institutes which have established records of good performance. Eight or ten such centers in the country might provide a kind of ongoing network around which to build the total effort. This would also help toward the goal of a cumulative buildingblock system of knowledge development instead of the hit or miss cafeteria kind of operation which seems to be the present state of affairs.

PROMOTION OF RECIPROCAL STATE AND LOCAL EFFORTS

Finally, I would have the federal government take the leadership in encouraging special efforts on the part of major state and local operating agencies. I think it reasonable to ask that each dedicate somewhere in the neighborhood of three or four percent of their operating budget to R and D functions. This, then could serve to make a closer "fit" with the research community as well as serve as a bridge between research and management.

TESTIMONY OF RICHARD A. MCGEE, PRESIDENT, AMERICAN JUSTICE INSTITUTE

Mr. MCGEE. Thank you, Mr. Chairman. The so-called prepared statement, I would say, is an outline rather than a prepared statement. Your very efficient staff caught me in the hotel and put me to work half the night writing this out in pencil. So whatever is wrong with it, we will attribute to the way it was produced.

Mr. CONYERS. Let me tell you. We have a way of correcting our intemperate remarks on the floor by a method known as revising and extending, so if you have any second thoughts about your statement, you should at least be given that opportunity.

Mr. MCGEE. I think it is mostly extension, but I will try to use as little time as possible.

I should say that I have been close to the LEAA program and programs preceding it, including those mentioned by the previous speakers. Some of our original grants for the American Justice Institute, which we then called by a different name, came from NIMH, rather than from the Department of Justice.

We are not a granting agency, and we are not a foundation. We are a nonprofit corporation that does research, surveys, consultation, and training. We do a variety of things related directly or indirectly to the administration of criminal justice.

I was asked to say something about the Federal role, and I tried to do that on this first page.

I think certainly the Federal Government has a role. I think that role has been expanding and those of us in the field are grateful for that.

Like all such programs, they start in a hurry, and someone has to rustle around and find qualified people to manage them. You always have changes of administration and things of that sort. So when a program of this sort is started, I think many of the people involved in it, as well as many of the recipients of their services, expect too much too fast, because it takes time to gear up and train people and get people used to a new operation.

I don't think that any one function or one level of government should have all the responsibility for research or for any other part of the operation of our society. The Federal Government's place, it seems to me, is to provide funds, to provide national guidance, to

provide some priorities and things of that sort, but not to do the research, but rather to expect the research community, as well as the operating agencies, out there in the communities to do the primary work.

I think if I have any disappointment with the National Institute of Law Enforcement and Criminal Justice, it is chiefly with things that aren't their fault. Chiefly they have to do with excessive changes in management over the last few years. Too often one set of policy-makers and administrators hardly got their feet under the desk before someone else was there. This has been a very demoralizing thing to the people in it and to those of us who have been trying to cooperate with it out in the field.

That, I hope, will come to an end. Some of that is always bound to happen, but there has been a disproportionate amount of it in the last few years.

On the question of dismantling, I don't think it should be dismantled. I think it should be continued, and it probably needs some new kinds of direction, and I don't think it's entirely a research enterprise. It does other things, too. And somebody has to decide, either at the legislative level or at the administrative level, what the boundary lines of their function are, because they can't cover all the evils of an imperfect society, as Judge Bazelon was discussing. Every meeting that I have ever been in on this subject, including the ABA Commission and the National Crime Commission meetings back in 1965 and 1966 and the international meetings of the United Nations, they all want to start with fundamentals, which is understandable, but if we aren't careful we will take in all the functions of civilization under the rubric of crime and delinquency. That, I think, is a mistake because there are many other intellectual disciplines and many other forces at work besides those which are the legitimate business of the criminal justice system.

Actually, I have been in the criminal justice field as an operating administrator for nearly 40 years. That part of our governmental system is a response agency more than it is anything else. It responds to crime; it responds to disorder; it responds to crises. It has little capacity for the initial prevention of the root causes of the phenomenon that it is charged with controlling.

Some more emphasis, I think, needs to be put always on the prevention side, but we have to be careful there to limit what we do because again we can get over into running the school system, we can get into running social welfare, or public health. We can take in everybody on the waterfront if we aren't careful. So we need to delimit the role and prescribe its legitimate boundaries.

I don't think that it is necessary to put this function in any particular department of government but I do think because it does deal with crime and delinquency that it probably will work better if it is given some kind of independent status, but attached to the Department of Justice. I say this because there is a problem that I'm sure all of you are more familiar with than I am, and that is the phenomenon of constituencies. The constituency of the Department of Justice is the law enforcement community—the police, correctional people, courts, the defense lawyers. That is the natural constituency of the Department of Justice.

The members of this constituency at the local levels don't feel at home in the Department of Public Welfare or the Department of Health or some other related agency.

On the other hand, the National Institute of Law Enforcement and Criminal Justice needs to be insulated insofar as possible from too much partisan political control. And I don't say that that has been a scandal or anything of that sort, but in the position where it now is it is vulnerable to that kind of intervention.

Now, there is another point that I think hasn't been made, and that is about the executives who run the criminal justice system. And here I am talking about chiefs of police; about mayors of cities who appoint chiefs of police; about judges; about jailers; about heads of correctional facilities and programs—probation, parole, the whole gamut of services. These people are not researchers. They are either practitioners on the case level or they are managers or executives.

Now, the manager or executive of a company making airplanes, for example, who doesn't pay attention to the changes in technology would soon be broke, but you don't have the controls of the marketplace in this situation, so many of these people are more concerned with survival than with any other kind of success, and that is because of the kind of environment in which they operate.

That is one of the reasons, Mr. Chairman, that much of what we have learned by research does not get used—because there is risk in change, there is risk in suggesting, for example, that 6-month sentences are just as good as 24-month sentences for certain kinds of offenders. We know this is true. We did some research years ago in California when I was Director of the Department of Corrections in Earl Warren's administration. We were afraid to go too far, but through the use of our indeterminate sentence law, we did, on a random basis, reduce the sentences of half of the people who were released over a considerable period of time by 3 months. And that amounted on the average to about a 10 percent reduction at that time.

We were supposed actually to be studying the effect of reduced caseloads for parole agents. We found that in the long run smaller case loads didn't seem to make any difference, but on the other hand it didn't make any difference that we reduced the sentences by 10 percent, either.

So you might say, "Well, if it doesn't make any difference to reduce them 10 percent, why not reduce them 20 percent?"

As soon as you begin talking like that, you run into a political reaction. The "soft on crime" syndrome raises its savage head.

I think we need to keep feeding sound research findings to the people hoping that those who are in public policymaking positions can begin to move in rational directions, but that is not the direction in which matters are going, I can tell you that. They are going just the opposite way.

Mr. CONYERS. Then why do you make so much fuss about keeping everything limited? Because what you seem to be pointing out to me is the importance of us understanding how these things overlap, that the social sciences and welfare relate to the police and to the court system.

So it would seem to me that your experience would be encouraging us to move in more of that direction.

Maybe we need a police force that is less military oriented, that doesn't look at themselves as quasi-military so much, but looks at themselves more as a community force. And maybe that would be healthy.

Mr. McGEE. I think you do. I agree with that. We did a project which was not funded through this agency. It was done on contract with the California Peace Officer Standards and Training Commission. It was funded partly by LEAA money, but it came from block money and it came also from some of California's own money.

The essence of the effort was to try to analyze what the duties and responsibilities and attitudes of people in the law enforcement field really are—not what we think they are or what we think they should be—then try to suggest where change is needed.

We found that the biggest problem really was one not of skills but of attitudes, and we provided some training programs that have been given, to a limited extent, and have demonstrated that some changes in attitude can be brought about by training. But we have to change the attitude of the whole system. Some groundwork has been laid based upon a research effort.

I guess the only point I was trying to make here is that everybody in this game of making policy, making laws, administering programs, needs to know what knowledge is available and be encouraged to use it.

You don't get change—responding to a question by my predecessor in this chair—by research in this field; you get change by political action, really. But a politician needs ammunition. I think the researcher very often can provide him with ammunition. But even with ammunition, it doesn't necessarily follow that he is going to win the race because he's got a constituency out there that still has to be educated and convinced.

So the research-minded policymaker and the research-minded executive out in the field are very important, and I think there is a need for training people in the use of the kind of knowledge that is available. For example, most people don't know how to use statistics. "The tyranny of statistics" is that most people don't know how to interpret them. They get confused by them because they don't understand their limitations either, and in addition to that a large amount of the statistics available in this field are inaccurate and incomplete because of the way they are collected. Also most of them are only police statistics and not criminal justice statistics. The uniform crime reports, for example, contain no information about disposition of cases—in other words, court statistics. They contain no correctional statistics, contain no prosecution statistics, and so on. The total gamut of information about how the criminal justice system works is like keeping the books for General Motors. And one of the reasons why the criminal justice "nonsystem" doesn't work or works as inadequately as it does, is because adequate information is not collected and used. One of the reasons it isn't collected is because it costs a lot of money to do it.

One of the suggestions that I would offer—and I think some movement is being made in that direction in the Department of Justice—is for some kind of centralized system for collating all this information. But I think it's got to be gathered by each of the administrative jurisdictions which, to me, means State governments.

If we depend just on reports from the police departments of major cities, we are certain to get a picture which is both distorted and incomplete.

So we need a real bureau of criminal statistics in each State, supported partially by the Federal Government; if it isn't there won't be any except in two or three places. We have one in California we started as long ago as 1947. I think we know more about how the system works because of that. But on the other hand, it happens to be embedded in the office of an elective officer, and as a consequence it doesn't always get the visibility that it ought to unless it serves some political purpose. So, however such a function is set up, or wherever it is placed in the bureaucracy, it needs to be insulated from that kind of influence.

So that was the third point I was trying to make here—that we need better information systems nationwide.

We need high-quality leadership in the research effort.

One of the reasons why it has been difficult to get that is because there aren't very many people who are trained or prepared for that kind of leadership in this field. When we started organized research in the State of California in 1953, I tried to get it going by drawing people in from the universities. And we got a little action that way, but not much. Finally, in 1957, we got the legislature to provide us with a research capability within the department, within two departments, the youth authority and the department of corrections, and we employed a research director who was academically qualified and also knew something about criminal justice and corrections in particular.

So, here again, I think that the National Government ought to encourage, at least the large operating agencies out in the States and communities, to establish and maintain a limited research capability within each of their own organizations.

Now, one of the things that this does is not only get some research going at the operating level, but it also provides a bridge between them and the rest of the research community. If you get a research person attached to the New York Police Department or to the Federal Bureau of Prisons or wherever it may be, he will be talking to his colleagues in the support agencies, he will be talking to his associates in the universities, and thereby develop a bridge between the operating agencies and the agencies that provide the funds and the research expertise.

It also helps in another way. Finding agencies, very often because they have the power that goes with money, influence or try to influence much too precisely what is done with it. I think Dr. Atkinson was making that point when he said they should give the researcher a certain amount of intellectual latitude, but on the other hand there has to be quality control, too, to make sure they don't waste the money or come out with nothing in the end.

Mr. CONYERS. Could we conclude? I'm sorry we are so rushed for time, but we have a panel and a Georgia Supreme Court justice.

Mr. McGEE. Yes, I can conclude any time you say.

Mr. CONYERS. Well, I wanted to give you some notice.

Mr. McGEE. Do you want to ask some question?

Mr. CONYERS. Well, I don't have any further questions, but I'd like you to conclude your statement, though, finish your points.

Mr. McGEE. All right. Then I will do it very briefly.

There needs to be a mechanism for establishing a broad research strategy and for its constant review and restructuring, should it be established. The foundation for such a mechanism might be an advisory board for the National Institute of Law Enforcement and Criminal Justice, made up of research leaders, experienced practitioners, and policymakers. I don't think that for this kind of operation, at the stage we are in now, this kind of a group should be made up entirely of researchers.

I think I already said that there is a need for maintaining some scientific independence for the people who are doing the research.

And finally I would like to make a suggestion, the Federal Government might consider providing some continuing subsidies to universities and private, nonprofit research institutes which have established records of good performance. Eight or ten such centers in the country might provide a kind of ongoing network around which to build the total effort. This would also help toward the goal of a cumulative building-block system of knowledge development instead of the hit-or-miss cafeteria kind of arrangement which seems to be the present state of affairs.

Also, I would have the Federal Government take the leadership in encouraging special research efforts on the part of major State and local operating agencies. I think it is necessary to ask that each dedicate somewhere in the neighborhood of 3 or 4 percent of its operating budget to research and development functions, and very few of them do, as you know. This, then, could serve to make a closer fit with the research community, as well as serve as a bridge between research and management.

Mr. CONYERS. I want to thank you, Dr. McGee. Are you based here in Washington?

Mr. McGEE. No, I am based in Sacramento, Calif.

Mr. CONYERS. We'd like you to continue to worry along with us as we try to effect the shape of not only the Institute but of LEAA, and hopefully the entire justice system. Your experience is certainly very important, and it is reflected in the several items that you have recommended to us here today, and I am very grateful.

Mr. McGEE. I will be available at any time by telephone or U.S. mail.

Mr. CONYERS. Thank you. I am glad to hear that.

If staff have questions, I'd ask that they communicate with Dr. McGee, and we will include them in the record.

We now have Associate Justice of the Georgia Supreme Court, Justice Robert H. Hall, who comes here today representing the American Bar Association.

Judge Hall, we welcome you to our hearings. We appreciate your statement that has been prepared, and it will be incorporated in the record at this point.

[The prepared statement of Hon. Robert H. Hall follows:]

STATEMENT OF ROBERT H. HALL OF THE AMERICAN BAR ASSOCIATION

I am Robert H. Hall, a justice of the Georgia Supreme Court and Chairman of the American Bar Association's Commission on a National Institute of Justice. I have been asked by the President of our Association, Justin A. Stanley, to appear before you today to discuss a proposal we have developed for addressing needs in the field of justice research and experimentation.

The hearings you are holding are of extreme importance in our view, for they carry the potential of affecting the lives of every citizen in this country in very positive ways. The subject of research and experimentation is one that perhaps lacks the public appeal of programs which would impact more immediately and directly upon social concerns; but in the long run, a systematic and responsible research program has a far greater likelihood of producing sound and productive programs for meeting social problems than programs which are instituted without proper knowledge of the problems or of the impact of alternative solutions.

A brief history of the ABA's involvement in this field may be helpful. The Association is, of course, the primary national organization of members of the legal profession with some 218,000 members. As such, we are involved in a wide range of services for our members—publications on legal subjects, educational seminars, monitoring legislative matters of concern to lawyers, and the like. But we also have become involved in a variety of projects of broader public interest: the development of standards for the improved functioning of the criminal justice system; a lengthy study of methods by which federal law enforcement agencies might be insulated from improper partisan influences, including a recommendation of a triggering mechanism for the appointment of a temporary special prosecutor which has had, we believe, substantial effect on federal legislation in this area; development of and support for programs of law-related education in elementary and secondary schools to improve citizen understanding of the justice system; and a series of projects operated by our Commission on Correctional Facilities and Services oriented toward improving the manner in which criminal sanctions are administered in this country. Better than half of the Association's budget is devoted to these broader public concerns.

In focusing on such programs and activities, the Association has become increasingly aware of two things: first, how little we know about the functioning of the justice system or systems in this country; and second, how meager and uncoordinated are the present efforts to learn more about these systems.

In 1972, Bert H. Early, the Executive Director of the Association, published an article in the *West Virginia Law Review* which highlighted these deficiencies and suggested, in a very broad way, the creation of an independent agency of the federal government to provide the coordination and funding of justice research efforts which were so sorely lacking. The article stimulated the Association's then-President, Leon Jaworski, to appoint a task force to explore the concept, and that task force in turn led to the creation of the Commission which I now chair. That Commission has developed a "Bill to Create a National Institute of Justice," which was approved in principle by the Association's House of Delegates in August 1974. A copy of that proposed bill is appended to my testimony and will serve as the basis of my remarks to you today.

Before discussing the proposal itself, I would point out that the Commission which developed this proposal is not composed exclusively of members of the legal profession but is interdisciplinary in nature. It was evident to the Association from the beginning that the justice system was by no means the exclusive domain of lawyers and judges; that the problems of justice could only be addressed by an effort which embraced persons from a wide range of disciplines; that, indeed, in terms of research methodology and technique, the legal profession probably lags badly behind other disciplines. Less than half the members of the original Commission were judges and practicing lawyers, with the remaining members coming from academia, citizens' groups, the business community and other non-lawyers with a vital concern for the justice system.

I should also note that our proposal did not stem in any way from concerns about or study of the Law Enforcement Assistance Administration or its research component, the National Institute of Law Enforcement and Criminal Justice (NILE), to which you are directing your attention in these hearings. Our proposal was the product of an independent concern with the overall pattern of justice research, and we have only recently begun to explore how this proposal might interrelate with the existing Institute in LEAA.

Turning to our proposal, I would like to highlight some of its major features:

1. Administratively, we believe it is essential that federal justice research and experimentation be performed by an agency structured so as to ensure its independence. There are several reasons for this view.

(a) A research entity which is part of another agency will be subjected to enormous pressures, indeed, dictation, to conduct research which will assist the agency in meeting its own needs. The research agency should be structured so that it can establish its own program and set its own priorities

The operational needs of action agencies should not control the research agency.

(b) It may be possible to place such an agency within an existing Department and provide assurances of its independence to establish and conduct its own program. We question, however, whether sufficient safeguards can be established within a Department setting to ensure that the agency will have control over its budgetary process. Even if such safeguards can be devised, we are concerned that the credibility of an agency within a Department may be substantially less than the credibility of an independent agency. Members of the social science research community, for example, may feel less confidence in associating themselves with an agency which, ultimately, is under the supervision of lawyers, as in the Department of Justice, than they would with an agency having an interdisciplinary governing body. I am also aware that many of my brethren in the state judiciary, who are apprehensive about federal involvement in the activities of state courts, would prefer that the research program be disassociated from the Department of Justice or other large operational agency.

(c) We recommend that the Institute be governed by a Board of Trustees appointed by the President. We believe it is essential that the Institute have an interdisciplinary, broadly representative governing body which will be actively involved in structuring the Institute's research program. The likelihood that a balanced group of the most capable individuals will be appointed, and that these individuals will invest the time and energy necessary to perform these important responsibilities, will be greatly enhanced if the President makes the appointments. Further, the public visibility of the Institute's work is likely to be greater if the Institute is provided such high-level leadership.

2. In terms of mission, we have stressed the need for a comprehensive research and pilot project effort encompassing all aspects of the justice system—criminal, civil, administrative, regulatory, and so forth. A major problem with existing research in the justice field is that it is done on a piecemeal basis, with little coordination between the various efforts. A comprehensive approach would permit both greater awareness of other research projects and appropriate exchange of information and ideas between, for example, researchers in the criminal justice field and those in the civil field. There is an obvious danger in such a broad jurisdiction, of course, in that focusing the research efforts and developing priorities becomes more difficult than in an agency whose jurisdiction is limited, for example, to criminal justice matters. But the overlap and interface between the various components of the justice system is obvious, and the benefits of a broad and comprehensive jurisdiction far outweigh, in our view, the disadvantages.

3. We have suggested that the great bulk of research to be performed by the Institute be performed by outside individuals and organizations. We suggest this approach because we would like to utilize existing expertise, rather than re-invent the wheel, and because we think this approach will foster diversity rather than result in a monolithic federal bureaucracy. At the same time, it is important that the Institute's staff possess and maintain familiarity with and involvement with research methodology; otherwise, they will be unable to evaluate fully research needs and project results. We have suggested that the in-house staff be authorized to perform pilot, developmental and evaluative studies.

4. We have also suggested a variety of other functions which a National Institute of Justice might perform: training and educational programs in the law; and library, clearinghouse, information-gathering and publication functions. These functions are intended to be secondary and supplementary to the primary research function of the NIJ, and care should be taken that the demands for these services not divert the Institute from its principal role.

The bill is not viewed by us as the be-all and end-all. We intend it as a vehicle to focus attention and concern on the problems of justice and the need for a greater federal role in justice research. We are very pleased that your subcommittees have demonstrated similar concerns by holding these hearings, and we hope our proposal may help further the dialogue on the direction the federal effort should now take.

Having discussed some of the key features of the draft bill, I would like to suggest some further considerations which are not specifically dealt with in the bill.

In the last few months, following discussions with the Attorney General and others about our proposal, we have begun to look at the possible interrelationship which the proposed National Institute of Justice might have with NILE, and with

such other research bodies as the National Institute of Juvenile Justice and Delinquency Prevention and the National Institute of Corrections. While the Association has adopted no official policy position on these issues, I would like to share some thoughts with you which have arisen out of our internal discussions.

First, it may make sense for the federal criminal justice research program now embodied in NILE to be reconstituted as part of a comprehensive National Institute of Justice as described in our draft bill. The existing NILE budget would become the budget of the NIJ—a budget on the order of \$30 million. This budget would be split in some fashion between criminal, civil and other research functions. We believe the NIJ should be initiated on a relatively small scale and that its program of research and pilot projects should develop gradually, after the NIJ Board has carefully considered and formulated an overall research plan and general areas of focus. Developing this overall plan would be a major item on the Board's initial agenda. We would also envision the NIJ establishing two sub-components during this first year or two: a Center for Justice Statistics, which would develop a much-needed data base on the justice system; and a Center for Justice Evaluation which would review the work products of federal justice research projects. These two Centers together with an effectively-functioning Board of Trustees, should permit the NIJ to develop and implement a responsible program of justice research.

Second, some consideration needs to be given the National Institute for Juvenile Justice and Delinquency Prevention, the National Institute of Correction, and other federal justice research efforts. One possibility would be to have the NIJ, once it has become established and is functioning well, serve as an "umbrella" for these other institutes, something like the National Institutes of Health model. Such an approach might offer considerable advantages to the existing institutes: the pooling of data, the ability to coordinate efforts, and the strength and impact afforded by greater public visibility and closer working relationships in closely related endeavors. We would suggest, however, that such an umbrella capacity not be made part of the NIJ initially but only later if such an affiliation then appears likely to be beneficial.

Third, the issue of basic vs. applied research is often raised in discussions of federal research efforts. Basic research has the potential for more far-reaching impact but is less appealing politically because it generally takes a far longer period of time and is not intended to produce specific results. Applied research, on the other hand, while politically appealing, may require the sacrificing of creativity and the freedom to pursue collateral research topics due to the pressure to produce results. We would suggest that a balance be struck between the two and that authorizing legislation not favor one over the other. The line between basic and applied research is a hazy one and makes distinctions difficult if not impossible. The research program should not be under the sort of pressure applied to some other federal efforts to produce results immediately, yet it should not be totally divorced from seeking to achieve practical results. Finally, the problems of the justice system are wide-ranging and necessitate different sorts of approaches. The causes of recidivism, for example, require a far different type of research than the development of alternative methods of dispute resolution for routine consumer problems—both of which strike me as possible or even likely topics for study by a National Institute of Justice.

In conclusion, I would like to quote from a statement made in April 1974 about the NIJ proposal by a former governor of my state, Jimmy Carter. Our Commission held a series of five public hearings around the country to receive comments and reactions to our proposal. Governor Carter submitted a statement at the hearing we held in Atlanta and his statement concluded as follows:

"I for one believe that a body like the National Institute of Justice is essential to study these and other problems of our justice system and to achieve meaningful reform. No single city or state can command the resources and personnel to undertake such an effort. Many problems of our justice system are, of course, local in nature; but many others recur time and time again in different cities and in different states. A national body which would study these problems and suggest, not dictate, solutions would be a great resource to me and other governors. The role which the Institute could serve in publicizing and coordinating existing reform efforts would also be a genuine step forward. I commend you for the fine and diligent effort which your Commission has put into this effort so far, and I heartily endorse your proposal. Its unified approach will assist us in establishing justice throughout the United States and thereby create 'a more perfect Union.'"

A BILL TO CREATE A NATIONAL INSTITUTE OF JUSTICE
(American Bar Association, August 1974)

FINDINGS AND PURPOSES

The Congress of the United States finds that:

Continuous efforts must be made to improve the quality of justice and the fairness and effectiveness of the administration of law for all individuals throughout the country;

Improvement of justice and the administration of the law must be made not only in courts but also in administrative tribunals, agencies of government, and in relations among private individuals and organizations;

Particular attention must be given to assuring that the individual citizen is able to secure prompt and efficient recognition of his legal rights, privileges, and obligations, and will receive equal justice without regard to income status, race, sex, age, religion, or national origin;

The task of improving justice and the administration of the law requires development and dissemination of more fully informed knowledge and understanding of the circumstances and processes through which law affects the lives of individuals at all levels of government and society;

The Federal Government, recognizing the authority and responsibility of state and local government and private individuals and organizations in securing the quality of justice and the effectiveness of law, can contribute to improving justice and the administration of the law by aiding in the development and dissemination of knowledge concerning them;

The efforts of existing private and public agencies concerned with development and dissemination of knowledge concerning improvement of justice and the administration of law should not be displaced but should be supplemented and assisted; and

The creation of a National Institute of Justice would further these purposes.

CREATION AND POSITION IN GOVERNMENT

Section 1.—There is hereby established an independent agency to be known as the National Institute of Justice (hereinafter referred to as the "Institute").

POWERS

Section 2.—(a) The Institute is authorized and directed, through grants, contracts, and its own activities:

- (1) To make evaluations and appraisals of the effectiveness and quality of justice and the administration of law, including but not limited to civil and criminal justice, administrative and regulatory law, and private legal conflicts and their resolution;
 - (2) To conduct basic and applied research concerning justice and the administration of law. All forms of research inquiry may be employed, including empirical and doctrinal inquiry and policy and jurisprudential analysis, according to their prospects for valuable results;
 - (3) To conduct experimental programs in the field of justice and administration of law through responsible public and private agencies and organizations, including agencies and organizations of state and local governments;
 - (4) To conduct training and educational programs in law, legal and judicial procedures, and law-related research procedures. Such programs may include fellowships for research, technical training, and advanced education;
 - (5) To coordinate its functions with those of other governmental, academic, and research agencies and organizations, public and private, to avoid as far as possible conflict of purpose and duplication of effort and to promote as far as possible a common set of national priorities in improving justice and the administration of law; and
 - (6) To conduct such library, clearinghouse, information gathering, and publication functions as may further the realization of its other responsibilities.
- (b) In carrying out these functions the Institute shall not undertake research, experimentation, or training through personnel of the Institute, but the Institute through its staff may engage in such developmental studies as may be necessary to formulate or evaluate research, experimental, or training proposals.

(c) In its research, experimental, and training programs, and in making recommendations for improvement of justice and the administration of law, the Institute shall give particular attention to the impact of justice and the administration of law on the individual citizen and his opportunity to secure prompt and effective recognition of his legal rights, privileges and obligations, and to securing to him, equal legal protection and access to legal redress without regard to income status race, sex, age, religion or national origin.

ORGANIZATION OF THE INSTITUTE

Section 3.—The Institute shall consist of a Board of Trustees, a Director, and a Council.

APPOINTMENT OF BOARD OF TRUSTEES

Section 4.—(a) The Board of Trustees shall consist of 16 members. The members of the Board of Trustees shall be appointed by the President, by and with the advice and consent of the Senate. The persons appointed shall be eminent in community and public affairs, public administration, the administration of justice, or scholarship in law or related academic disciplines, and shall be selected solely on the basis of established records of distinguished service or accomplishment.

(b) The membership of the Board shall include:

(1) Two persons, each of whom is chosen from a list of not less than five nominations made by the National Governors Conference;

(2) Two persons who are judges of the courts of the states, each of whom is chosen from a list of not less than five nominations made by the Conference of Chief Justices;

(3) At least four members who are lawyers; and

(4) At least four persons who are neither judges nor lawyers. Appointments to the Board shall be so made that its membership shall include one resident of each of the Circuits of the United States Courts of Appeals.

(c) In making appointments, the President shall solicit and give due consideration to recommendations submitted by members of Congress and other officers of federal, state, and local government, by civic and citizen organizations that have manifested an interest in justice and the administration of law, by organizations of the legal profession (including the judiciary), and by the academic branches of the law and law-related disciplines.

(d) The term of each member of the Board shall be four years, except that (1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the President at the time of appointment, four at the end of one year, four at the end of two years, four at the end of three years, and four at the end of four years after the date of the first appointments made under this Act. Any person who has been a member of the Board for two consecutive terms shall thereafter be ineligible for any subsequent appointment to the Board.

POWERS AND RESPONSIBILITIES OF THE BOARD

Section 5.—(a) The Board shall elect a Chairman from among its members and may elect from such membership a Vice-Chairman and such other officers as it may designate. The Chairman and other officers so elected shall hold office for one year and until their respective successors are qualified and may be re-elected so long as they continue as members of the Board.

(b) The Board may appoint from its members an Executive Committee and assign to the Executive Committee such powers of the Board as it deems appropriate except that of reviewing and approving the budgetary proposals of the Director. It may appoint such other committees, whose membership need not be limited to members of the Board, as it deems appropriate, including advisory committees in specific areas of its work.

(c) The Board shall also:

(1) Meet quarterly and at such other times as it may specify, or upon the call of the Chairman, the Director, or at least one-third of its members;

(2) In consultation with the Director, formulate the policies and programs of the Institute;

(3) At least annually prepare and make public distribution of the program plans and descriptions of projects proposed and contemplated by the Institute and solicit suggestions and comments concerning the same, with partic-

ular regard to their relationship to similar or related programs and projects of other public and private agencies concerned with justice and the administration of law;

(4) Monitor and cause evaluations to be made of the value and effectiveness of the programs of the Institute;

(5) After consultation with the Council, render an annual report to the people of the United States on the work of the Institute and the state of justice and the administration of law in the nation. The report may include recommendations for improvement of justice and the administration of law;

(6) Determine the time and place of sessions of the Council. The Council shall meet at least twice a year;

(7) Approve and submit budgetary proposals for the Institute.

(d) The members of the Board shall receive compensation at the rate of \$100 for each day engaged in the business of the Institute and shall also be allowed travel expenses as authorized by section 5703 of Title 5, United States Code.

DIRECTOR

Section 6.—(a) The Director shall be appointed by the Board without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service. The term of the Director shall be six years unless he is sooner removed by the Board. The Board may remove the Director by vote of a majority of its members.

(b) The Director shall, subject to the direction of the Board, be responsible for carrying out the functions of the Institute and, except as otherwise provided in this Act, shall exercise all authority granted to the Institute by this Act. In addition, the Director shall:

(1) Recommend to the Board policies and programs;

(2) Prepare, for approval of the Board, estimates of the budgetary requirements of the Institute;

(3) With the advice and approval of the Board, appoint a Deputy Director, without regard to the provisions of Title 5, United States Code, governing appointments to the competitive service.

(c) The Director may delegate to any other officer or employee of the Institute any duty or authority he has, except those specified in subsection (b)(1), (2) and (3).

COUNCIL

Section 7.—(a) The Council shall consist of not less than fifty nor more than 100 members appointed by the Board for terms of three years, except that those selected initially shall be chosen in a manner such that the terms of one-third of them expire respectively one, two and three years after their appointment. The members of the Council shall be selected to provide broad representation of the views of private citizens and groups and various types of agencies concerned with the administration of justice and to draw upon diverse experience in life and various regions of the nation.

(b) The Council shall meet as provided in Section 5(c)(6). The Chairman of the Board of the Institute, or another member of the Board designated by him, shall preside at meetings of the Council. The Council:

(1) Shall receive and may discuss and make recommendations concerning proposals and reports of activity by the Institute;

(2) May authorize creation of study and advisory committees of the Council, whose members shall be appointed by the Chairman;

(3) May suggest problems and topics concerning which the Institute should undertake activities authorized by this Act;

(4) May make reports and recommendations to the Board.

(c) Members of the Council shall receive compensation at the rate of \$10 per day for each day engaged in the business of the Institute and shall also be allowed travel expenses as authorized by section 5703 of Title 5, United States code.

FURTHER POWERS

Section 8.—(a) In addition to any authority vested in it by other provisions of this Act, the Institute, in carrying out its functions, is authorized to:

(1) Prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) Receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for a purpose of the Institute; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) In the discretion of the Institute, receive (and use, sell or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) Appoint advisory committees composed of such private citizens, members of civic, citizen, and professional organizations, and officials of federal, state, and local governments as it deems desirable to advise the Institute with respect to its functions under this Act;

(5) Appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions to Title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(6) Obtain the services of experts and consultants in accordance with the provisions of section 3109 of Title 5, United States Code, at the rates for individuals not to exceed the rate prescribed for GS-18 in the General Schedule under section 5332 of Title 5, United States Code.

(7) Accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of Title 5, United States Code;

(8) Enter into contracts, grants, or other arrangements, or modification thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) Provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(10) Make advances and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(11) Make other necessary expenditures.

(b) Each member of a committee other than a member of the Board appointed pursuant to Section 5(b) or paragraph (4) of subsection (a) of this section who is not an officer or employee of the federal government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of Title 5, United States Code, for each day he is engaged in the actual performance of duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

POLITICAL BAN

Section 9.—Neither the Director nor any other employee of the Institute shall take any active part in political management or in political campaigns, and no such officer or employee shall use his official position or influence for the purpose of interfering with any election or affecting the result of any election.

COMPENSATION OF DIRECTOR

Section 10.—(a) Section 5315 of Title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(95) Director, National Institute of Justice.”

(b) Section 5316 of Title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(130) Deputy Director, National Institute of Justice.”

APPROPRIATION

Section 11.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

COMMENTARY

The objective in creating a National Institute of Justice is to provide an informed mind and voice on matters concerning justice and the administration of law in all its aspects in the American community. The Institute is authorized to inquire, to study, and to report concerning the way in which law and justice function in specific contexts of public importance, and to recommend measures for their improvement. The Institute would not be an operating agency, except to the limited extent of being authorized to assist and evaluate experimental programs conducted by other agencies and organizations. The assumption underlying creation of the Institute is that an agency with intelligent and disinterested concern for law and justice can advise and educate public opinion, and thereby help stimulate action for needed change and improvement in this vital aspect of our country's general welfare. To this end, it is contemplated that the Institute will be autonomous, non-partisan, and endowed with excellence and continuity in leadership.

The statement of findings and purposes provides a general statement of the Institute's aims and role. The Institute's field of concern is law and justice in the broadest sense, not merely the courts or the criminal justice system. In the presently foreseeable future it is contemplated that the Institute will play a subordinate role in research and experimentation in matters concerning the courts and criminal justice, because these areas are now being vigorously explored and developed by existing agencies, notably the Law Enforcement Assistance Administration and public and private agencies with which it is collaborating. There are many other important areas of justice and law to which attention and inquiry need presently to be addressed, including such matters as legal protection for consumers, access to health-care services, availability of legal services, due process and equal protection in dealing with public agencies, legally secured opportunity to participate in government decision-making, protection of privacy from official intrusion, accountability of public officials for actions that affect individuals, and economical adjustment of private legal disputes through such devices as arbitration. Our society has become one in which there are ever-increasing involvements of government and private organized groups in the security and well-being of individuals in these respects and many others. There should be a correspondingly increased effort to improve awareness of the legal aspects of these involvements and to reform and improve the law and its administration in response. The Institute would have a responsibility to provide leadership and support for efforts to this effect, collaborating with public and private agencies already concerned with specific areas in the general field.

Section 1 designates the name of the Institute and provides that it is an "independent" agency. In the nature of its work, the Institute will be involved in studying, experimenting, and making recommendations on matters that are complex and potentially controversial. Its effectiveness in doing so will be determined by its record and reputation of candor, thoroughness, and disinterestedness. To assure such effectiveness, it is essential that the Institute be enabled to develop its program without political interference or intervention by other branches or agencies of government. The objective in this regard is an agency maintaining the kind of independence characteristic of the National Science Foundation, the Administrative Conference of the United States, and comparable existing agencies.

Section 2 states the responsibilities and goals of the Institute and provides directions for pursuing them. The provision in Section 2(a) that the Institute may act "through grants, contracts, and its own activities" is designed to indicate that the Institute, while having wide flexibility in carrying out its responsibilities, is to draw primarily upon outside capabilities through grants and contracts rather than attempting to perform its functions "in house." Experience with government sponsored research and experimentation, particularly in policy-sensitive areas, indicates the importance of trying to avoid the insularity or bias that can result from staff-centered operations. At the same time, the Institute must have the capacity to engage in such developmental studies as may be necessary to formulate or evaluate research, experimental or training proposals. No percentage or like limitation is imposed on the proportions of effort involved, but it is contemplated that something like three-quarters of the Institute's budget would be expended through grants and contracts.

Section 2(a) paragraphs (1) through (4) describe the basic responsibilities of the Institute. The subject matter domain of the Institute is "justice and the

administration of law," a term intended to signify in the broadest sense all aspects of law and justice. It includes not only such matters as the operation of courts and administrative agencies and tribunals but the systems of non-governmental dispute resolution, the problem of access of citizens and private organizations to legal assistance and redress, and the fairness and efficiency with which laws of various kinds operate in everyday life. It includes also education in law, both in law schools and in general education, penal law and corrections, effectiveness of legal services, and comparable specific problem situations. In this large and complex subject area, the Institute, of course, will have to make continuous selection of matters for immediate attention. It cannot be expected to consider all matters included in its authority but will have to develop priorities in the light of the general public importance of various matters within its purview. It is not contemplated that the Institute would engage in any functions or activities, the undertaking of which by another agency has been specifically rejected by Congress as an inappropriate use of Federal funds. The Institute might, however, make further inquiry or investigation into the matter if it appeared that Congress had acted on inadequate or erroneous information in making such rejection.

The methods by which the Institute may concern itself with the subject of law and justice include evaluations and appraisals, basic and applied research, experimentation, and training and educational programs. These methods are described in intentionally general terms. At the same time, the Institute is not authorized to become an operating agency in any field of justice or the administration of law, nor to become an on-going source of funding for such operations conducted by other agencies.

The Institute is given no authority to establish or impose standards. Its authority is limited to the persuasive effects of its studies and recommendations, and the influence which it is hoped its prestige and reputation will provide. The provisions of Section 2(a)(4) concerning fellowships contemplate stipends for specific research and educational undertakings, some of which might be made available for research in residence at the Institute, as in the program of the National Institute of Health. It is not intended to authorize a general plan of scholarships for attending law school.

Section 2(a)(5) provides that the Institute shall pursue its responsibilities in a way that minimizes conflict or duplication with existing agencies in the field of justice and the administration of law. This provision recognizes that there are already many private and public organizations devoted to research, education, and reform in law and justice, and that there will continue to be. It is impossible to define jurisdictional boundaries in such a large and complex area, and unwise for an existing or proposed organization to be given preemptive authority in any field within it. Yet it is also important at any given time to avoid duplication and wasteful competition. Many significant problems in law and justice are not now receiving the attention they require and deserve. The direction to promote a common set of priorities requires the Institute to develop its program with an eye to the relative importance of problems, the feasibility of remedies within a given time span, and economy of available resources. Another provision, Section 5(c)(3), requires the Institute to make public dissemination of its program plans and project descriptions on a regular periodic basis and to solicit suggestions and comments concerning them. Administered by a properly constituted Board and a conscientious Director, these provisions could make possible a much greater degree of harmony and coordination of effort than presently exists.

Section 2(a) paragraphs (6) and (7) authorize library, clearinghouse, and publication activities. These are essential to the collection of existing knowledge and the dissemination of new studies and proposals. The requirement of coordination in Section 2(a)(5) applies to these provisions as well as to other elements in the Institute's program.

Section 2(b) makes clear the priority that the Institute is to give to the use of grants and contracts, and the aim of keeping its staff small. The Institute is authorized to perform pilot, developmental, and evaluative studies through its own staff, for this is often an essential element in determining whether a particular program is feasible and potentially productive. Aside from this authority, however, the Institute is to conduct its program through outside agencies—academic, research, and governmental—rather than through its own staff.

Section 2(c) provides that the Institute shall give particular attention to the impact of justice and the administration of law on private individuals. Specific attention is directed toward problems of equal protection and access to legal redress where an individual's situation may be affected by discrimination or disability on account of income status, race, sex, age, religion, or national origin.

This concept is general and necessarily somewhat vague, but it signifies a very important concern. The Institute is required to give continuing attention to those who are affected by the systems of law and justice, and not merely those who administer the law or who are otherwise involved with it in a professional capacity. The ultimate aim of all legal institutions and procedures is a better and more acceptable quality of justice for the citizenry at large. Primary concern for this interest is a vital element of the Institute's responsibilities.

The structure of the Institute is provided in Sections 3 through 7. The organs of its government include the Board of Trustees, the Director, and the Council. This arrangement is intended to provide the Institute with a responsible governing body consisting of a small number of nationally distinguished members, competent professional leadership and administration, and the advice of a broadly representative consultative council. The aim is a balance between public stature, technical and intellectual expertness, and popular expression in the policy and program of the Institute.

Section 4(a) provides for the Board of Trustees. There are to be 16 trustees, a number large enough to have wide representation and yet small enough to assure efficiency and direct responsibility in supervision of the affairs of the Institute. The members of the Board are to be appointed by the President, by and with the advice and consent of the Senate. This is the method most widely employed in constituting an independent federal agency, and has the advantage that the appointments may be made from a single national perspective and through a procedure that facilitates maintaining balanced diversity in the Board's membership. Consideration was given to other procedures for selecting the Board, including having some of the appointments made by the Chief Justice of the United States and the presiding officers of the Houses of Congress. It was concluded, however, that the appropriate balance in the Board membership could best be assured through Presidential selection.

The trustees are to be chosen on the basis of civic concern and professional stature. All appointments are to be made without regard to partisan or special interest affiliation and with due concern for establishing a broadly representative group. At the same time, recognition of the central importance of the states in the administration of justice is preserved through participation of the National Governors Conference and the Conference of Chief Justices in the process of selecting the Board. Similarly, the requirements for geographical diversity in the Board's membership and inclusion both of persons who are lawyers and those who are neither judges nor lawyers are designed to assure that the Board will have a broad perspective of the administration of justice. The cause of justice is far too important to be left entirely in the hands of the legal profession or to a group of persons from any one region.

The terms of the Board members are four years, in terms staggered to provide continuity. A limit of two consecutive terms is imposed to provide gradual turnover on the Board and thus the introduction of fresh viewpoints and abilities. The Chairman and other officers of the Board are to be chosen by the Board from its members. It is contemplated that the burdens of time and effort falling on the Chairman will be very substantial, and those on the other officials similar though in lesser degree. The Chairman in particular should therefore be a person who is able and willing to give substantial and continuing attention to the business of the Institute. The Board would be in the best position to know which of its members could most effectively discharge these responsibilities. Section 5(b) authorizes the Board to constitute necessary committees, including an Executive Committee. This will permit the Board to give close and continuing attention to the program of the Institute. To the same effect is the provision in Section 5(c)(1) that the Board shall meet at least quarterly.

The remaining provisions of Section 5 specify responsibilities and authority of the Board. The Board is required by Section 5(c)(3) to disseminate its program plans and proposed projects on a periodic basis. This provision, as noted earlier, is designed to facilitate coordination of the Institute's program with that of other public and private agencies concerned with justice and the administration of law. It should also provide the Institute with valuable critical commentary on the feasibility and value of projects it is considering to undertake. Section 5(c)(4) requires the Board to monitor the programs of the Institute, which is its inherent responsibility in any event, and to cause evaluations to be made of the Institute's work. The aim is to make sure that the Board has independent advice concerning the usefulness and progress of projects it has authorized. Section 5(c)(5) requires the Board to make an annual report on behalf of the Institute. The report is to

be addressed to the people as a whole and not to any particular agency of government inasmuch as the points of implementation of its findings or recommendations, depending on their subject and substance, may be either legislative, judicial, or executive at national, state, or local levels of government.

Section 6 provides for a Director to be appointed by the Board. The Director is chief administrative and professional officer of the Institute, but is responsible to and subject to the direction of the Board, by whom he may be removed.

Section 7 provides for the Council. The size of the Council is to be determined by the Board within the limits of 50 to 100 members. It is contemplated that the number may vary from time to time, depending on experience as to the participation of Council members and on availability and willingness to serve of properly qualified individuals. The Board is directed to constitute the Council in such way as to provide a wide cross-section of civic, vocational, professional and individual interests.

Other procedures by which to select the Council were considered—such as selection of one member by the governor of each state—but none seemed to provide better assurance of broad representation while at the same time being efficient and expeditious.

The Council is intended to serve as a forum for suggesting matters to which the Institute should give its attention and for reviewing and commenting upon endeavors which the Institute has undertaken. It is empowered to have committees created and to make reports and recommendations to the Board. It is not empowered to speak for the Institute, nor to authorize expenditure of Institute funds. The Council will thus be dependent on the force of persuasion to make itself effective. If the Board exercises its power of appointment with vigor and diligence, as it may be expected to do, the Council can provide both guidance and strong public support for the efforts of the Institute.

Sections 8 through 11 are housekeeping provisions, patterned after those in effect for comparable independent agencies already constituted by law. The prohibition in Section 9 on political activities applies to the Director and other staff members of the Institute. It would not prohibit persons who hold political office, for example a state governor, from being on the Board. Section 11 authorizes an appropriation, which must be provided through the normal budgeting and appropriating process. No figure is specified, but it is contemplated that the Institute's budget would initially be on the order of \$2 to \$5 million annually and expanded thereafter, to a level of perhaps \$25 to \$50 million, as its program develops.

**TESTIMONY OF JUDGE ROBERT H. HALL, ASSOCIATE JUSTICE,
GEORGIA SUPREME COURT, ACCOMPANIED BY ROBERT D. EVANS,
AMERICAN BAR ASSOCIATION GOVERNMENTAL RELATIONS
OFFICE**

Mr. CONYERS. You now know, after these several hours, where we are coming from, so the forum is yours.

Judge HALL. Thank you, Mr. Chairman. I had the pleasure of being with you at a rather frosty seminar in January out at Dulles Airport, if you recall. It is a pleasure to be here, and as you mentioned I am here representing the American Bar Association, which everyone is fairly well acquainted with, I'm sure. And I think it might be interesting to note that that association spends about 50 percent of its funds on programs dealing with the justice system.

We have found that when we focus on these programs and activities, that the association has become increasingly aware, which I mentioned in my written statement, first that we know very little about the functioning of the justice system (or systems, we should say), and second, the rather uncoordinated reform efforts that have been made over the years in reference to these systems. In other words, they are fragmented, as you well know. We have over 50 State systems, plus even several Federal systems.

In 1972, the executive director of the American Bar Association published a paper calling for the creation of an independent agency of the Government to coordinate justice research efforts. That got quite a bit of publicity within the bar, and the Association's then-president, Leon Jaworski, appointed a task force to look into the matter. The task force urged that the matter be pursued. A commission was finally appointed and has been in operation for several years, which I now chair.

The commission has developed a bill, which is attached to my written testimony, and I am just going to hit some of the high points of that particular bill.

We want to emphasize, which I think has been brought out by several others here, the importance of not just having lawyers or judges coming up with ideas in this area; and our commission itself, as you will see, is an interdisciplinary commission composed of scholars, lawyers, judges, representatives of citizens groups, and what you might say are civic leaders in the various local communities.

It is also important, as we note, that our proposal didn't spring from any criticism or even consideration of the LEAA program. In other words, it was an independent idea. We were concerned with the overall problem of the totality of justice in this country.

Now, let me make the key points about our proposal to create a National Institute of Justice.

The first is that we think it should be an independent agency. We think that a research agency should be structured so that it can establish its own programs and set its own priorities.

Now, you have heard already, I think, that members of the social science research community, for example, feel somewhat nervous—perhaps that's not a good word—in associating themselves with an agency such as the Justice Department which is under the supervision of lawyers.

And I can tell you as a member of a State court that most, if not all, of the State courts in the country look with considerable question at the idea of having a justice research body in the U.S. Department of Justice. In other words, you may recall historically—oh, I think it was in the 1930's—that Attorney General Cummings took the Administrative Office of the U.S. Courts out of the Justice Department. When the Federal Judicial Center was set up, it was outside the Justice Department. And we think it would be somewhat ironic to put an agency that is looking heavily at the State systems within the Justice Department.

We recommend that the Institute be governed by a board of trustees appointed by the President. We think it is essential that it have an interdisciplinary, broad-based governing body, which would be actively involved in the structure and the activity of the research program.

We set forth in my statement many reasons why we think a Presidentially appointed board would give us an impartial—I think this is very important—body to evaluate State and Federal justice methods, procedures, and systems. But the proposal that we have would give the Institute no authority whatever to impose standards. The impact of whatever recommendations it made would depend on the prestige of the Institute and its work.

And it would also give for the first time a unified look at both the State and the Federal systems.

We think a third consideration is that the great bulk of research— and others today have said the same thing—should be performed by outside individuals and organizations, because we think this would utilize existing expertise, and we think this will foster diversity rather than result in some monolithic Federal bureaucracy.

You will recall, I think, Justice Brandeis told us many years ago that the States, the 50 States, are our experiment stations where you can try out new ideas. And most of the innovative ideas that have occurred in the last—oh, I'd say 30 years—in my opinion have sprung from the States, such as merit selection of judges, unified court administration, discipline and removal of judges, and review of sentences by some sort of panel or appellate tribunal.

We have also suggested that other functions which the Institute might handle would be training and educational programs in the law, library, clearinghouse, information gathering, and so forth.

The Institute as we propose it, of course, covers the totality of the justice system. That doesn't mean that other institutes will not exist and perform, but it would be a central agency to look at the entire system.

In the last few months we have had discussions with Attorney General Bell and others about how our proposal would relate to the present National Institute—NILE, I believe it is called—and other institutes which now exist. Now, the association hasn't adopted any official policy on this, but we have some thoughts that are in my statement that we wanted to share with you.

The main thought is that if something is going to happen to LEAA—and it certainly looks like something is about to happen to LEAA—the present institute within LEAA could be merged over into what we propose as a broad-based NIJ, and that the money that is currently in the LEAA institute could be used to fund the National Institute of Justice.

We think, of course, that this should be a gradual thing. We are not talking about some great, monolithic body that would start off spending money like a drunken sailor, but would take the money and slowly build a fine institute.

You will notice that we mention two components that we would suggest be under the institute. One is a Center for Justice Statistics, which would develop a data base on the justice system. The other is a Center for Justice Evaluation, which would review the work products that are going on now.

Mr. Chairman, you mentioned earlier, I think, about whether to have an additional study of the crime problem. I have noticed that practically all the studies are copied after the study that took place, I believe, in the 1930's. And my view on that would be no, no more studies, let's proceed.

A second point is that we think some consideration should be given to the fact that institutes are springing up all over the Federal Government. For example, we now have the Institute for Juvenile Justice and Delinquency Prevention, the National Institute of Corrections, and others. And we raise the point of whether, if the National Institute of Justice is created, eventually the Congress may see fit to bring other

justice institutes in and use the NIJ as an umbrella agency, similar to the National Institutes of Health. As you know, they have cancer, heart, and so on. We are thinking here perhaps of juvenile, criminal, civil, administrative, and the like.

Third, we have a statement on basic and applied research, and the only thing I would say there is we hope we wouldn't be locked in on the amount of money that would go for one or the other.

Finally, in conclusion, I have a statement set out in my testimony which was made in 1974 by a former Governor of Georgia, who has now gone on to greater things, endorsing the idea of such an institute.

Mr. CONYERS. Maybe we should have had you as the first witness when these hearings started, because here you come now, Mr. Justice, with a bill, as it were. Has this been introduced?

Judge HALL. No, it has not. We have been working with the Attorney General, keeping him informed and waiting for the administration to come around to see what they are going to do.

Mr. CONYERS. Well, the idea is appealing, just reacting in a little informal discussion that we should have now before we turn to our panel.

Would the American Bar Association be involved in this in any way specifically if it came into being?

Judge HALL. No, I don't think so, Mr. Chairman. That is the whole idea. The Bar Association can't do it; and you know as an attorney, and I'm sure you are familiar with the State legislature, when you come up with some bill that is a lawyer's bill, it just frightens everybody to death. And the idea is that this body, 16 members, interdisciplinary, appointed by the President, would have the prestige and the respect and reputation to carry out an effective research function.

Mr. CONYERS. This would also be the official criminal statistic-gathering agency.

Judge HALL. It could be, yes. And let me say one thing there, if I could, Mr. Chairman, that those of us who are in the judicial branch think it is very important not to split off and fragment the research; that is, the civil from the criminal, the administrative, and so on. We have been through this in reference to separate individual courts; for example, where you have a family problem and you have a court dealing with one aspect of it and another court dealing with another, and so on.

Of course, we are all products of environment and our world, but the judges think that you have to have some sort of unification with reference to research as to the justice system.

Mr. CONYERS. How do you react to the fear of mixing criminal with civil? Usually criminal gets pushed out the back door.

Judge HALL. I don't think it would.

Mr. CONYERS. And the civil boys take over then, you know, and crime is relegated. You don't think that would be much of a problem?

Judge HALL. No. Of course, I am speaking as a judge, you understand, and as far as the judiciary is concerned, I don't think you can consider one without the other. That is my view. Whatever you do in one relates to the other, and vice versa. And this is true, Mr. Chairman, of your system of courts, your State and your Federal. We are constantly looking at one and not at the other, and so forth.

Mr. CONYERS. I am not to read more into it than I ought, but you don't mention much about preventive activity and the social relationships to crime and causation here.

Judge HALL. I am not a researcher.

Mr. CONYERS. Maybe that is why you didn't mention any of these.

Judge HALL. That is right. But I think this is something obviously that the institute would look into.

Mr. CONYERS. Well, it is an intriguing proposition that hasn't been brought to us before, that we just move to a level of an independent organization by law. We have the whole problem of whether or not we'd be creating another body that would be caught up in bureaucracy or not, but that is always present.

You would not destroy any of the functions of the National Science Foundation or—

Judge HALL. Oh, no.

Mr. CONYERS. Everything else remains in place, so that you are encouraging research activity from a broad area of organizations already in existence.

Judge HALL. That is exactly right.

As I mentioned—and I think the statement goes into detail—we would look on this body to be a funding agency for private and public groups that are already in existence.

Mr. CONYERS. Well, I thank you very much for joining us here, and I am sure it is going to stimulate a lot of discussion. Do you have a couple of questions?

Mr. SHACKNAI. First of all, Judge Hall and Mr. Evans, Mr. Scheuer asked me to express his appreciation to you for coming down and talking to the subcommittees this morning, and he left me before he went off to vote with a question he was very intent on having addressed to you.

That is, is it accurate to say that your commission's National Institute of Justice proposal essentially describes a pass-through operation whereby Federal funds are to be granted as a lump sum payment to your institute which, in turn, will reallocate those funds, both in contract and grant form, to worthy applicants?

And the corollary to that is: Wouldn't the cost of this enterprise exceed that of having a current Federal agency with a similar advisory structure and statutory independence carrying out this mission?

Judge HALL. Well, no, I don't think it would. The statement goes into detail that this body would also do some research on its own, primarily evaluating what has been done by these various other agencies.

I am not quite sure I get the point you are after, if you could hit it again.

Mr. SHACKNAI. I think in a sense Mr. Conyers raised this when he expressed a concern that another bureaucracy might be established. So your proposal essentially calls for another agency that would be allocated one lump sum by Congress in some sort of appropriation and you, in turn, are going to grant that money out just as the institute has done over the years. And to a certain extent, we have seen the problems with that kind of operation.

Judge HALL. First of all, you wouldn't have the bureaucracy because you wouldn't be doing most of the research in-house, and you wouldn't

be having all these Federal researchers, if you will pardon the expression.

Second, you would have an independent agency and, of course, people have gone into the criticisms that now exist of the agency we are talking about.

Mr. SHACKNAL. Don't we have independent agencies now? For instance, Dr. Shah's Center for Crime and Delinquency is within the Department of Health, Education, and Welfare, but I think, if I am correct, he would be the first to tell you that he has had very little political interference. So is it necessarily called for to have an independent body outside the structure of the Federal Government?

Judge HALL. We in the court system talk many times about justice and the appearance of justice. And the appearance of research in the Justice Department frightens the State courts.

Now, whether it is valid or not, I am just saying from the appearance standpoint it frightens them.

Mr. SHACKNAL. Well, I might add that I have heard a certain amount of skepticism—and I certainly have no opinion in my mind and I know Chairman Scheuer doesn't either—but there has been a certain amount of skepticism expressed by the research community in turning over an operation to a proposal that largely came out of a legal group.

Judge HALL. I have to question that because it did not come out of a legal group. In other words, the commission is an interdisciplinary body, composed, as I mentioned in the beginning, of various—practically any group you can mention. We tried to purposely avoid that.

In fact, whatever judicial reforms we have been able to put through in Georgia, we have been able to do it usually over the opposition of judges and lawyers.

So I am quite cognizant of that feature.

Mr. CONYERS. Well, thank you very much. I appreciate your coming and presenting this solution, and we are going to examine it carefully.

I am sure that we will be in constant touch with you anyway.

Judge HALL. Thank you, Mr. Chairman.

Mr. STOVALL. Mr. Chairman, would it be possible for the minority to make two inquiries of the gentleman?

Mr. CONYERS. How briefly can it be done, Minority Counsel?

Mr. STOVALL. Very briefly.

Mr. CONYERS. All right.

Mr. STOVALL. Justice Hall, would you envision the research commission that you described getting involved with the LEAA type of project such as we have seen with the National Institute that we are discussing today?

Judge Hall. I would doubt it.

Mr. STOVALL. So would you not be involved in hardware research—

Judge HALL. No question about that.

Mr. STOVALL. So my other question would be: What would you see as the specific length of research involving the area of the causes of crime and whether or not it would be involved in that type of activity?

Judge HALL. I would assume that it would be, although that is outside my field, and I couldn't go into detail of what they should do. But to give you a quick example, one of the most important fields in crime deals with sentencing, and a large amount of research is needed in this particular field.

Mr. STOVALL. Have you established any priorities in the criminal research field that you'd be studying?

Judge HALL. We have a list that we will furnish the committee, not only of criminal but civil and administrative things that are not being done today, and that we think should be done.

Mr. CONYERS. I see our colleague from Pennsylvania is here, Mr. Ertel.

Mr. ERTEL. Thank you, Mr. Justice. I was interested in your proposal. Pennsylvania had a Pennsylvania Crime Commission which basically had the same function as you suggest, but a State commission. Did you examine that in relation to your proposal?

Judge HALL. Not that I know of.

Mr. ERTEL. Because they had some problems with exactly what you are talking about in delegating the research functions to other people and acting as a research and coordinating agency for the entire State. I was just wondering if you had related that to your proposal.

Judge HALL. No; I'm sorry, we did not.

Mr. CONYERS. Thanks again.

We close with our panel from the National Academy of Science's Committee on Research on Law Enforcement and Criminal Justice: Chairman Dr. Krislov, Dr. Blumstein, Dr. Schwartz, Study Director Dr. White.

We welcome you all again.

Dr. KRISLOV. A member of our committee, Dr. Beryl Radin, happens to be in town and is joining us.

TESTIMONY OF PANEL COMPOSED OF MEMBERS OF THE NATIONAL ACADEMY OF SCIENCE'S COMMITTEE ON RESEARCH ON LAW ENFORCEMENT AND CRIMINAL JUSTICE: DR. SAMUEL KRISLOV, CHAIRMAN; DR. ALFRED BLUMSTEIN; DR. RICHARD SCHWARTZ; AND DR. SUSAN WHITE, STUDY DIRECTOR

Mr. CONYERS. What different views do you present to us today that distinguish your presentation from last week?

Dr. KRISLOV. My understanding is that I would say about two words, and then we would answer questions in the light of the testimony of other people.

I would like to just emphasize the commonalities between our testimony and everyone here today. That is, we believe it is very important that the Institute gain greater independence, that it have integrity and research programs that have integrity, as well as interconnections, that it not be short range, that quality control be improved.

I think that has been a theme that echoed throughout the witnesses today, and I think you will probably want to explore the differences now in addition to those commonalities that I think everyone agrees are absolutely necessary for a research program in this area.

Mr. CONYERS. Do any of your colleagues care to make an observation? I would yield at this point in the event that you do.

Dr. White.

Dr. WHITE. I think that there are some areas that various members of the panel could comment on. For example, the testimony from the NIMH and NSF people on the relationship between basic and applied research, which I think pretty much reinforces what our report has stated. And there may be other areas also, particularly with respect to the basic organizational question that you have been discussing all morning. I don't know that we have any new statements to make about that. On the other hand, I think it is probably correct that in our testimony last week, while we responded to questions about that, we never really stated what our position was as a formal matter, and perhaps then for the record we could reiterate that.

Mr. CONYERS. Please do.

Dr. KRISLOV. I think that we tend to the position that there is an important role for the Federal Government in an area that is different from the basic research into causes of crime, and that a program like that ought to exist within the Department of Justice ideally. As we indicated, if it turned out that that climate in your judgment is so hostile that it would not be productive, then there is an argument against that location.

Basically that argument would run like this. I think the chairman developed this questioning very well with Saleem Shah, that there is an area of known research that has not been utilized, and that the only way in which we can assure that there will be good utilization is to have some linkup with the practitioner community. I think that is the argument, incidentally, against the totally independent operation. We want independence, but with linkups.

And I will give you one example. The Crime Commission itself and others since then have demonstrated, in a number of different ways, ways in which the court system could profitably save jurors' time, that is, not have this bull pen of people but telephone call arrangements, and so on.

There are very practical arrangements. There are also some practical problems.

But the real obstacle is that the average court clerk just—he knows it exists but he doesn't want to be troubled to learn a new pattern.

We were talking out in the halls and talking about your suggestion of 1 hour with the President. We have already had the presidential hour, and really the hour with the Attorney General, and maybe even with the States' attorneys general and chief justices. The problem is to get down to the practical level. And the tradeoff on the pure research idea and the independent model is: How do you communicate? How do you disseminate?

Mr. CONYERS. But that is what you should have been doing with that hour you had. That should have been the issue. I don't know what you did with your hour.

Dr. KRISLOV. I don't mean we—the country. That was a rhetorical "we."

The President, I think, is not the one that needs convincing. That is the point I am making. It is the police lieutenants. It is at the level, I would say, of the shop foreman in the criminal justice industry.

Mr. CONYERS. You see, I didn't have any questions up until this point. This precisely defines the problem, Chairman Krislov. Who influences the lieutenant at precinct 13 in Detroit? Let's understand the reality. We are talking about cops as a political body these days. I mean they go way beyond their official influences. And that is why I have become impressed with this kind of reality.

You know, the legislature notwithstanding, what government and civic textbooks say our function is—you take 535 men and women who are rotating on some kind of basis, even to make it more complex, and ask them to spell out a national policy. It gets to be about what it turns out as you read the papers—very, very difficult.

Now, I would like to invoke the good offices of the Chief Executive because until it starts at that level—nobody wants another study that is going to be useless, but nevertheless, a Presidential Crime Commission would allow us to focus on these questions in a way that you can't through the national legislature, that apparently can't be done through all of our research activities, that I think are appropriately spread throughout the system. There is no way to get a handle.

Now, the problem is getting the attention of the right people in the law enforcement system. The subcommittees on judiciary and the various bodies are really not able to do it—a fleeting article in the press, a note on the evening television—there isn't really any other way to do it. And it seems to me we may be moving this away from a very important understanding to say, "Let's not bother the President; let's just wake up all these fellows that should be getting and using and benefiting through our knowledge."

I know I have overstated your position, but let me ask you to reverse.

Dr. KRISLOV. Let me reverse myself and agree with you. I will capitulate with you. It is our argument that it is the day-to-day operations of the Government that we wanted engaged with the fruits of the institute. And just for that reason, we believe that this type of research ought to be integrated into the governmental structure.

Mr. CONYERS. Dr. Blumstein.

Dr. BLUMSTEIN. Since you gave us the opportunity to fantasize with your suggestion of the hour with the President, I'd like to react to the fantasy I prefer, and that would be something like the opportunity to send a truth squad on all the rhetoric that addresses the question of crime, and have an opportunity to interject in the rhetoric, in the rhetorical speeches, the fact when the rhetoric essentially contradicts and denies the fact.

We see in so much of the rhetoric the invoking of myths and deception that we know not to be true if someone would only bother to find the facts and bring it to the person making the speech.

We see lots of hidden assumptions, lots of claims that, "We will solve the problem of crime, cure the problem of crime, remove the causes of crime."

Through the rhetoric, the public is given, in many cases, false hopes for something that is inherently not attainable and is led down a primrose path, that there is somewhere out where a silver bullet which we are just waiting for the researchers to find. And if we could only have that fantasized opportunity to inject some reality and some truth into the rhetoric, I think that would do us much more good than an hour or even a day with the President.

Mr. CONYERS. That's a good point.

Dr. Schwartz.

Dr. SCHWARTZ. I am glad the chairman reversed himself on the issue of the hour with the President because I hate to disagree with my chairman, and I rarely do in this committee since he is a man of such excellent judgment.

But I must say that your suggestion this morning was very stimulating in that it raised a dimension—I think you were trying to raise a dimension—that is difficult to find within the day-to-day activities and the year-to-year reports of the researchers.

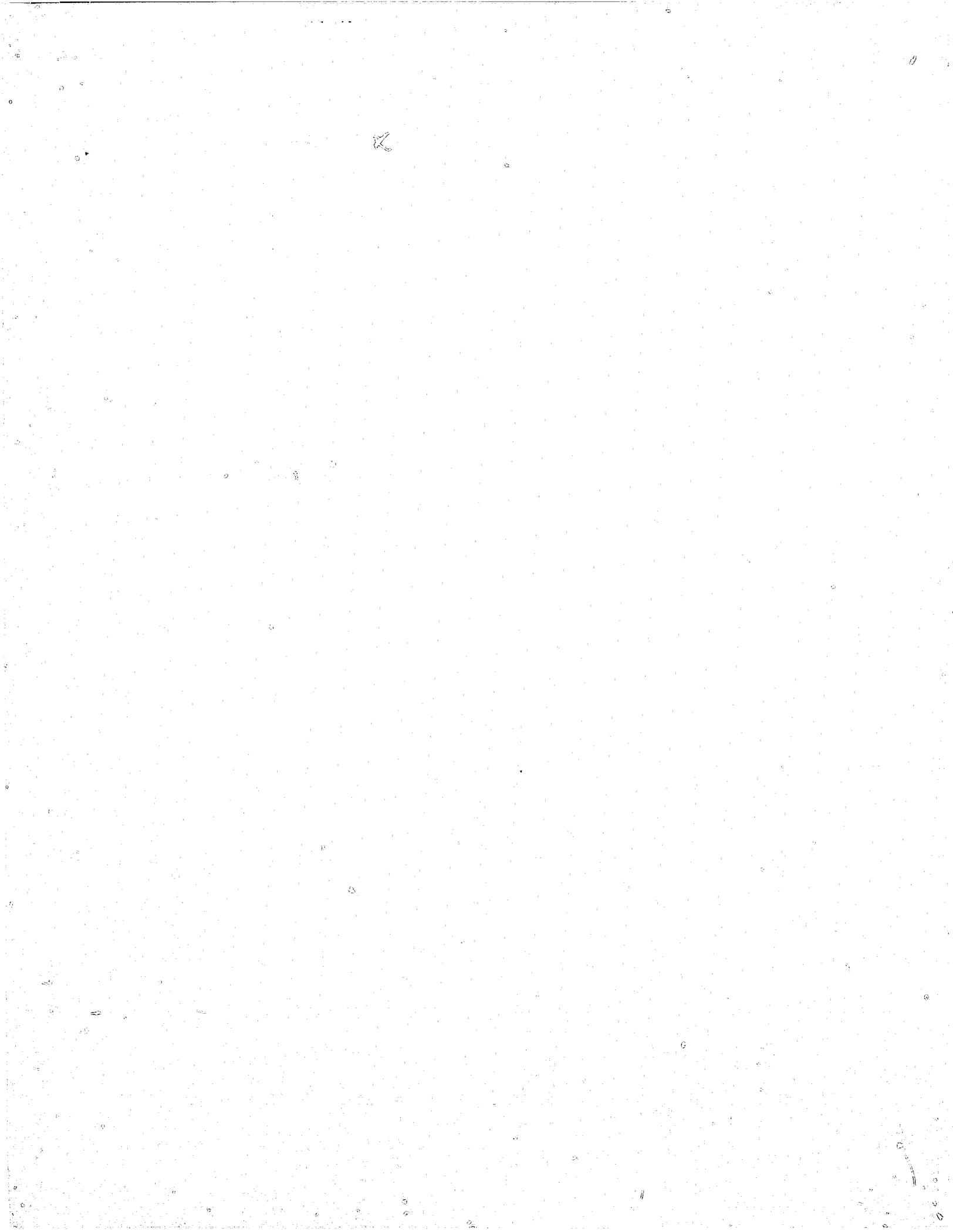
There is a question in this whole criminal justice area of the purpose that that criminal justice system is supposed to be serving, and I think we often, whether it is practitioners or researchers, lose sight of those purposes. We have committed ourselves to an open, free society, and part of the implication of that, increasingly emergent, is that that society will have to depend on a fuller measure of responsibility on the part of all of its citizens.

The crime problem is a part, an important part, of that. Crime is a reflection to some extent of a failure of full responsibility on the part of citizens.

My purpose at this point is not to allocate blame as to whether it is the residents of the ghetto who are subject to enormous deprivations who should bear responsibility, or whether it is those who make high policy in economic matters, who impose those deprivations, who should bear the responsibility. I would rather try to make an affirmative point, that if the society is to deal with this problem and many of its other problems, and to respond effectively to the kind of challenge that is before us in our society, that Toynbee said in his historical studies would necessarily come to every society, that we have to find a way in which we can secure a greater degree of responsibility throughout the society. Failing that, we may well not be able to maintain the fabric of our free institutions.

And it seems to me that a President—and I feel freer to say that during this administration than I might have been in another administration—may well be able to set the moral tone which says, in effect, to those who are tempted toward criminal careers, "We intend to provide you with alternatives to those careers, and we will find out which are the most suitable alternatives for you; and at the same time, as we are trying to locate those alternatives which will make it more possible for you to assume a satisfying role of responsibility in the society, we want you to exercise restraint. And we will set the policeman there as a symbol of that restraint." The policeman must not be construed as a useless or odious element of our society, but quite the contrary, both the police and the prosecutors serve an important responsibility, and if they understood their mission as one of underlining, emphasizing, and facilitating responsible behavior on the part of those who otherwise might be tempted to careers of crime, then it seems to me that they would, in the exercise of their discretion, be much more likely to behave themselves in a responsible way which would help to deal with the problem of crime.

I think that that kind of moral leadership, once conveyed, particularly with the kind of influence that the President can exercise, might well create a climate in which the communication of the re-



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search results of which we speak, and which we continue to consider to be very important, would fall on more receptive ears and find its full utilization.

Dr. KRISLOV. On a narrower point that I think arises out of Professor Schwartz eloquence, I think if the Attorney General, as reported, takes the position that he ought not have functions of this sort, that the mission of the Attorney General in the Department of Justice is simply prosecutorial and law enforcement, it is missing an opportunity and an understanding of the job, and perhaps Congress ought to force him to have a research operation that goes broader and deeper, that is captured by the title of comparable offices in other countries—the ministry of justice. It is the Department of Justice, not the department merely of prosecution or adjudication or administration. “Justice” does imply some sort of inquiry as to the meaning and the purpose.

I know from the chairman’s question that he would resonate to that sort of appeal, which I don’t think is just sententious. I think it is very real that the Attorney General ought to be asking, “What are the effects?” not merely automatically applying the laws.

Speaking of previous administrations, I can’t believe that it is because the Institute was in Justice that certain Attorneys General were unfaithful to their tasks. On the contrary, I think if they had been more research-oriented, they would have realized that there was something more than their day-to-day advantage at stake in the whole operation.

Mr. CONYERS. Well, both your statements are, I think, very profound.

Dr. Schwartz, I appreciate the way you formulated your thoughts on the question that brings us here.

You know, since the last time you were here, ladies and gentlemen, a very small incident occurred in my community in Detroit. A 17-year-old merit scholar who worked at a gasoline station from 4:30 in the evening until 12:30 at night, who rode his 10-speed bicycle back into his neighborhood one night, last Thursday was senselessly beaten into unconsciousness. Somebody called the emergency unit. And he was right in his own neighborhood and the gas station happened to be several miles away. And his 10-speed bicycle was not taken; his money was not taken. And I talked to the mother of that child. And it has been really bothering me in a way that all of these personal acts of violence will bother all of us.

And then I began reading the newspaper accounts in the New York area of this killer who wantonly shoots at couples, apparently parked in their cars. And, of course, it is not that this is the first time a kid was ever set upon by other youths or that people have been shot at in their cars. There is always that possibility that these matters get overblown and lead us to false conclusions. But yet, there is a disturbing phenomenon of this wanton violence that probably results in citizens and even law officers overreacting, “Boy, if we could get our hands on those punks.” “Boys, if we could get this sick guy that is sitting around taking potshots at people and making everybody’s life more dangerous.”

And somehow I think your point is that if they understood their mission more, it almost defines the point of all of our research—to try to get people to understand their missions more. And our deeper job, legislators and professionals as you all are, is to make this a more

understandable objective: How do we get people to understand their missions more?

Maybe it includes the President of the United States, with all due respect.

Perhaps if he could see that his mission can succeed much more than all of the hearings, if the Scheuer-Conyers hearings went on every week throughout the remainder of the year and the Kennedy hearings in the other body went on—so what? Perhaps the President redefining, perhaps the Attorney General beginning to understand his mission with a clearness that will lead us to begin to inspire, others to understand their mission so it gets down to the precinct commander in 13 on the west side of Detroit, that it gets to the teachers in our school system, and that ultimately the parents and the children and citizens—that we break down these laws that separate researchers from law enforcers from legislators from prosecutors from U.S. attorneys, et cetera.

And I think that our discussion, superficial as it may be, is helping at least me and hopefully members on our committees to perceive our role as something more than just writing laws or deciding how the pie is to be allocated. I think it goes much further than that, and I think to that extent you have been incredibly helpful, and that even more excitingly the roles that we may play together in interacting in the future can become important.

I don't think it's fantasy that we could call upon the President for a small amount of his time on a subject of this enormity. I don't think it would be out of order for us to sit with the Attorney General of the United States with some of you who have honored these subcommittees with your testimony. I think it would be extremely important in terms of not only formulating a resolution to the immediate small question in front of us, but helping us to see beyond this piece of legislation or this role of this agency into this larger question.

I think you all have been very helpful. I have been made very proud by my colleague from New York whose subcommittee has gone into this matter even before my own could get to it. I think that our coming together in joint fashion is a good sign, and I feel very helpful and inspired by your words.

Are there other members of the committee that have an observation?

Mr. ERTEL. I haven't an observation. I have been asked to ask a couple of questions of Dr. White. Would you detail your criticism of the research grants of the institute? Specifically, what are the findings of your reviews?

Dr. WHITE. The findings—in our testimony we have a set of summary statements which I can refer you to. We used four basic criteria, and on those criteria, which are quality, usefulness, cumulativeness of the research, and administration, we have a set of separate findings in each.

Would you like me to go into that further?

Mr. CONYERS. If the gentleman would yield, he was not present at the hearings earlier, and that is why he probably wasn't aware of that.

Mr. ERTEL. That's fine. I will read those and that will take care of my problem.

And I was interested in Dr. Schwartz' statement that basically what I think you are saying is to set a model for people to follow to

establish responsibility. But how do you set that model and review it in relation to what we see in the press and what the portrayal is, which is a nonmodel. Many times, as a result of the press and the media, people feel that there is no need for responsibility, that, in fact, we may be engendering a society where anything goes or anything can be gotten away with.

You suggest maybe the presence of a model responsibility. How do you square that or how do you do that in a free society?

Dr. SCHWARTZ. Oh, I think it's all the more important for there to be models of responsibility in a free society.

Mr. ERTEL. How do we counterbalance those against other models which are irresponsibility?

Dr. SCHWARTZ. I think it is important for us to analyze the reasons for what we label irresponsibility. I don't want to belabor these hearing with an elaborate sociological explanation, but let me allude briefly to the mode of analysis developed by Emil Durkheim, a French sociologist, who in some sense is the founder of the field.

He emphasized the importance of what he described as anomie, a state of normlessness, in which it is not clear to people what their moral responsibility is. He said that society was the only agency that could effect this sense of responsibility, and that it had to do it, in the first place, by meeting the problem of limitless aspirations, that is to say, of providing each category of individual in the society with a reasonable expectation of what they could get from life.

Now, this has sometimes been, in my opinion, misinterpreted to mean that he was calling for some system of caste or classes. He was not. What he was saying was that there ought to be some kind of a reasonable expectation of what one could expect from life, and that the society then, given that kind of expectation, had a responsibility to see to it that there was a fair opportunity for attaining those goals.

Now, it seems to me that a great deal of the malaise in our society is consequent upon our, on the one side, holding out limitless aspirations for everybody without differentiation within the society, not setting a very clear set of guidelines by which one would compete for those goals, and most importantly, consigning to the ash heap those people who lose out in the race, making it seem to them as if they are worthless, depriving them of any hope of human dignity.

Our society needs, in my opinion, to be based on the acknowledgment of the human dignity of all of its members. There lies the key problem. And it seems to me the criminal justice system can play a very important part in that. Perhaps the element that has been lacking in the effort at rehabilitation has been the failure to conceive that the real task was to try, in the first place, to avoid the necessity of rehabilitation by giving all people some sense of their basic human dignity. And then if it turns out that rehabilitation is necessary, shaping that rehabilitation in such a way as to cope with the sense of meaninglessness and the sense of lack of dignity and the stigma that has been imposed, correcting for that by providing a real opportunity for the individual to come back in as a useful member of society.

Mr. ERTEL. I understand what you say, but the question is: How do you practically resolve that in a society where everybody aspires to be President of the United States, or at least is led to believe that, in a free society, a society where everyone supposedly has the oppor-

tunity to be the wealthiest kid on the block or the wealthiest person in town?

How do you set goals in a realistic sense for those individuals without destroying that part of our society which at least we pretend or think every person is equal to accomplish?

Because I don't see, when you say that people talk about this as putting people into castes—quite frankly, it sounds to me like that is what it is, the English system, in a sense, of stratifying society and expecting only to rise to the upper position within your class or within that society.

Now, I'd like to know how you are practically going to do that if, No. 1, it is a real solution, and No. 2, it is desired in a society like ours. I'd like to hear that answer, if you will, please.

Dr. SCHWARTZ. That is a large question. I will try to answer it.

I think we must provide genuine equal opportunity for achievement by all of the members of our society without regard to accidents of birth. But at the same time, to the extent that we hold that kind of opportunity open to increasing segments of our population, as we have, I think, nobly done in this era, we must recognize that puts increasing pressure on those who do not make it by the social definition.

And I think we have to devote attention to the ways in which we can provide dignity and a useful place in life for those who don't get to the Congress or to the presidency.

I think there are ways of doing this. The research literature has focused to a considerable extent on the problem of alienation, the familial and community conditions and economic conditions which have contributed to it, and the beginnings of solutions that have been found for it. But I think we need more research of this kind.

However, in light of the subject of the committee hearings let me reemphasize that I think an important part of that approach to the problems of our society is to be found along the way in the more effective development of our criminal justice system, because it is an agency of the society which sees the failures and the low morale of people as they occur.

I have seen friendly police who have made an enormous difference in not bringing a kid prematurely into the justice system, so they will not be stigmatized, which stigma could develop into a self-fulfilling prophesy.

I have seen prosecutors who have been very understanding and who have said, "You have a great life ahead for you. If you will only straighten yourself out, we will drop the charges."

I am a friend of an excellent judge in the Buffalo area who, alarmed at the recidivism rate that he sees in his own courtroom, has decided to have 5 or 10 people, instead of their being sentenced or assigned to the probation department, come back to talk with him, because he wants to find out more about their problems and thinks perhaps his knowledge as a judge and his authority in that position may help them to overcome that.

He knows he is doing that on an experimental basis, but my guess is he may just succeed. If he succeeds, will we learn about it? Will we be able to make it more than just an idiosyncratic incident that Judge Joseph Mattina is responsible for? Neither he nor I would like to see that happen. We'd like to study what he does, and are in fact in the

process of doing that, so that more people can benefit by the kind of insight that he has provided. Because if they succeed in that kind of effort, they may turn people who otherwise would be drains on the State and dangerous to the citizenry into useful and happy members of society. And that is what I think we are trying to do in much of the criminal justice research that we have pursued.

Mr. SCHEUER. Professor Schwartz, can I ask you and the rest of the panel to give us your reactions to the ABA proposal.

Dr. KRISLOV. Let me start.

My feeling is that it is premature. All of my research is on the civil court side, so I natively would be expected to jump up and yell, "Hear." But I have great fears that what you will get will be rather weak research, insipid research, establishment research, that comes out of it.

It seems to me that one great advantage of the focus on criminal justice and the one that we try to bring the Institute back to is that it has a clear goal, and that you can test whether it succeeds or fails.

I think the type of institute that the ABA proposes is not objectionable. I'd rather have it than nothing. But I see nothing other than dilution of good research coming out of it.

Mr. SCHEUER. For what would it be a substitute?

Dr. KRISLOV. As it is proposed, it would clearly supplant the Institute of Criminal Justice right at the beginning. And I think that focus is premature, as I say. It would be promising something that largely would not be delivered and is undeliverable.

I think for the day-to-day improvements that they are talking about, the Federal Judicial Center is quite adequate at this point. If we advance, if we build a research community there, and if we manage to build a decent research community in the criminal justice area, I think we will be doing very well in the society for the next 20 years.

Maybe that is too pessimistic a view.

But I think the ABA proposal would dilute that effort right at the beginning.

It has one advantage that I see: a dramatic new start might be an advantage. I do share the skepticism that was suggested by your staff director, that the Institute necessarily would start out under strong connections with ABA. The role of the Attorney General in the ABA is not a secret. And progenitors and parents have great influence at the beginning.

I don't think that the ABA is the best auspices either, and it certainly would not be an advantage—I'm not worried about the research community because I think it is now in fairly good shape and is coming along, but I don't think the ABA would be useful in dissemination. I don't think it would be useful with regard to the public. At the same time, I think promoting better justice and those goals of the ABA, which I think are desirable, are best served outside of Government in order to have credibility. And the American Bar Foundation is doing quite good work. I would hate to see it nationalized.

Mr. SCHEUER. Anybody else? Professor Blumstein.

Dr. BLUMSTEIN. If I may add that I think Mr. Shacknai's questions targeted on the key proposal. The key proposal is for creating

a national institute. It would essentially have the same grant-giving power. We agree with the desire for independence. I am most skeptical that the Congress would at all sit still for what Mr. Shacknai called a pass-through agency, essentially transmitting \$30 million to an agency outside Government which would then disseminate that \$30 million or the great bulk of that \$30 million elsewhere, and the question he raised about the ABA auspices that Professor Krislov commented on I think would indeed be of great concern.

So I think the desire for independence is something we did speak to and agree with. The resolution of that by the solution of taking it away from Justice—and we feel the program in Justice must be strengthened—taking it away from Justice seems to be too drastic a piece of surgery; and I also would think it is quite unrealistic in terms of whether the Congress would be willing to go along with in any event.

Dr. WHITE. I'd just like to add one thing.

We have proposed an advisory board that would be statutorily established with a mix of researchers and practitioners. And we would like it underscored that we think if that is established properly, you could insulate an institute from pressures that were inappropriate, even within an operating agency such as the Department of Justice.

Obviously, it is somewhat speculative to make that statement since there aren't a lot of examples floating around. But the one that one can point to is the National Science Board of the National Science Foundation; I think, even though NSF does come before the Congress and answers questions about individual projects, basically the National Science Board is an effective shield from inappropriate sorts of demands and short-term kinds of demands for the National Science Foundation. And this is the sort of thing that we are proposing for protection to the extent it needs protection.

Mr. ERTEL. If the gentleman will yield, I am a bit concerned about what you are talking about. Shielding from pressures—what pressures? Because in this society we elect in this particular instance Congress to make decisions. That is a decisionmaking body. Everywhere we go there is a decisionmaking body. There is somebody who has to make a decision. If that is what you mean by pressure, I don't understand that, because we have nothing pure, whether it is in science or anywhere else.

Dr. WHITE. True.

Mr. ERTEL. And I have been in the scientific field and the law field both.

Dr. WHITE. I don't disagree with you at all. I think accountability is a very important part of what we are talking about. In fact, that is one of the main reasons why the committee concluded that the Institute should not be removed entirely from the Department of Justice, because that is where the proper community is. And no one is suggesting, either, that the Congress should not ask questions of accountability for the use of the money.

What we are saying is that a research program has certain requirements for long-term stability, and if it is constantly asked to produce on a yearly basis, or whatever, it can't do that. You are asking them to perform in a way they can't perform.

Mr. ERTEL. We can ask you what you are doing. We can ask you how you are coming. We can ask you what your results are at that time. We can evaluate what your objectives are and your methods of reaching them. We can disagree with you and we can stop that if we think your methods are inappropriate.

We have the same kind of thing in any scientific field, for example, development of atomic weapons—we make those judgments all the time.

Now, we take advice of scientists and we evaluate. It seems to me when I keep hearing you, you don't want to have those evaluations and those judgments made, and that is our responsibility.

Dr. WHITE. I'm sorry; I am not disagreeing with you. In fact, our historical discussion of what has happened to the Institute speaks just to the kind of points you are raising. We are not disagreeing with you. We are talking, however, about the sort of tempo that this kind of oversight should have.

Dr. KRISLOV. But you also, I take it, would not argue that individual congressmen should lobby for a particular research project that has been held to be, by people who are adequately trained in research design, as simply hopeless. And those things do happen. We are talking about those pressures, the day-to-day pressures on individual decisions, not on the social priorities question, where I believe Congress has the oversight, and I think the committee agrees.

Mr. ERTEL. Well, I happen to vary a little bit with what you say because, you see, you have made yourself the final judge of that Congressman who looks for the project which is totally useless. You have made yourself the judge of that. There is a place for reasonable men to differ in this world, and maybe that man differs. You may decide that that is totally hopeless. I have seen people work on things which are totally hopeless, and they turn out pretty decently, and I think you have, too. Now, somebody is making judgments, and what you are telling me is who makes the final judgment.

Dr. KRISLOV. You are saying "me," though we are an operating unit.

Mr. ERTEL. You made that conclusion. You said that.

Dr. KRISLOV. At some point we will have to argue with that. When the Nebraska Legislature decided, for purposes of convenience, from now on π equaled 3, at some point we'd have to agree they were going beyond their competency.

In the social sciences, in particular, it gets pretty tricky.

Mr. ERTEL. It is also very tricky in the sciences. When Einstein came up with the theory of relativity, there was nothing like that in existence.

Dr. KRISLOV. But pretty quickly accepted, I might point out.

Mr. ERTEL. But resisted by many classical physicists.

Dr. KRISLOV. But ultimately it was not the U.S. Government who decided about the theory of relativity but people who ought to know. But I say, as long as it is within the gray area, you leave it to the people who manage the program or get rid of them. If you have day-to-day interference of the kind I don't think you are in favor of but which might be inferred from your language, you will not have people working for you who have integrity. That is to say, managers will make errors in that gray area, but you have to insulate those managers with

a system, by the way, that includes responsible checks and says, "here is the system. Here is the method by which judgments are made. And we are not going to change the rules just because the Senator from Minnesota says so."

I think ultimately that has to be run that way, with the accountability being a long-range one, not on a piece-by-piece basis.

Let me give my own opinion on Senator Proxmire's efforts in NSF. Laudable as the long-range purpose might be, when he singles out individual projects and attacks them—and this is strictly personal—I think there are very real problems with that. I have seen summaries, let's say, of Shakespeare's plays, and they all sound ridiculous, or if you pick up the TV show summaries, they all sound ridiculous. You can't tell whether, in fact, it is a great work of art or something that was written in about 5 minutes.

And the same thing tends to be true about research projects. Unless you are into it, there are weaknesses.

Now, that doesn't mean that there aren't bad managers or incompetent managers or bad scientists. And we say that Congress ought to, as well as in this instance the Attorney General, look at the program as an entirety and from time to time demand accountability, but it is a mistake to do this with individual projects—bad judgment can be manifested in individual projects, but it is more properly judged by the program as a whole. And that is intelligent science management.

Now, when you are talking about a decision to develop the atomic bomb or something like that of \$5 billion, where major social commitments are given, then you can't do that, you can't afford to do that.

Mr. CONYERS. Dr. Schwartz, did you have a comment to our colleague's question?

Dr. SCHWARTZ. Very much along the lines of Professor Krislov. Let me just underline that perspective.

I think that one of the reasons for our favoring the location of this research entity within the Department of Justice, within the Government at any rate, is that we think it is important that research be responsive to national needs, and that there be created both an executive and a legislative liaison. And the statutory advisory board would be presumably an instrument of that, plus the regular hearings that would be held, both intradepartmentally and with the Congress.

Those arrangements are comparable to the ones that have already been developed by the National Institutes of Health, the National Science Foundation, and other entities that are within the Federal Government.

I think we have discovered in this country a way of administering Federal support for scientific research that constitutes a very precious discovery. We know that it has to be somewhat independent in order to get high-quality research. We know that when there is interference in specific research projects in pursuit of particular political needs, that the quality of the research, and therefore of what I might grandiosely call the national intelligence, may be diminished.

We can point to caricatures of this process, for instance, in the Soviet intervention in biological research in the Soviet Union.

I do that only because it seems to me to represent the polar opposite of what we have discovered. We have a scientific research approach at the Federal level which makes it possible for a man like Richard At-

kinson or Saleem Shah, both highly respected scholars in their own field, to take a significant position as administrator in those research areas without in any way demeaning their scientific reputation. Their colleagues respect what they do, and they turn to them with good ideas, with a willingness to carry out the research that is needed.

If the research is unduly subject to specific project interventions by the Congress or by anyone else, it seems to me that there is a genuine danger that that advantage would be wiped out. And I think that the consequences of a failure of a Federal research effort, given the enormous needs that we have for intelligence, for sound information, for correcting our ideological misapprehensions, is enormous. It is one of the major things we need in this society. We already have a substantial amount of it. We have discovered how to get more of it.

And I put to you that the proper course to follow in the criminal justice area is to learn from our successes in other areas, such as NIMH and NSF, and go ahead and adopt that same model within the Department of Justice.

Mr. SCHEUER. So you have no reservations about insulating your research model within the Department of Justice from untoward political pressures and the exigencies of a mission-oriented agency?

Dr. SCHWARTZ. I agree with what Professor Krislov has said, that it would be a shame to try to locate a national institute of law enforcement in the Department of Justice if the atmosphere there were hostile. But if it is favorable, when it seems to me that that effort should be made. I do not think that the role of the Attorney General precludes the development of a sound research function. On the contrary, I think that role can be accomplished far more effectively if he has a research arm available to him.

Mr. ERTEL. If I may on that point, didn't Dr. Blumstein say that the signoff authority of the LEAA has caused political interference within the Institute?

Dr. BLUMSTEIN. Yes.

Mr. ERTEL. Then why do you recommend it be in the Attorney General's office?

Dr. BLUMSTEIN. We do recommend that it be in the Department of Justice.

Mr. ERTEL. That is the Attorney General's office.

Dr. BLUMSTEIN. And that the Director of the Institute has the signoff authority on the grants.

One of the points made in Dr. Shah's testimony was that, in effect, he has the signoff authority on his grants, that indeed authority to countermand those decisions may exist above, but that is an act of exception rather than a standard procedure of clearing all grants with the higher administrative authority.

The issue of pressure might be better characterized by distinguishing between long-term pressure to make sure that the program is relevant, is addressing social needs—and I think our entire committee was quite supportive of the need for long-term pressure.

The problem is short-term pressure which one might otherwise characterize as harassment. If there is harassment, you are not going to get good quality people participating in the process, and you are not going to get good research, and you will indeed get facts that may

tend to support the political position of the harasser, but that is not the national intelligence we need.

Dr. RADIN. I simply want to note that any location has costs. There is no perfect location for this kind of enterprise. But we are very concerned that the research be in a position where it can inform decision-makers. And it cannot do that if it is further removed from a public agency as a public entity.

Mr. SCHUBER. Well, we can't thank you enough for your very, very thoughtful and helpful testimony.

[The prepared statement of this panel follows:]

STATEMENT OF THE COMMITTEE ON RESEARCH ON LAW ENFORCEMENT AND
CRIMINAL JUSTICE, NATIONAL ACADEMY OF SCIENCES

MEMBERS

Samuel Krislov (chairman), Department of Political Science, University of Minnesota.

Alfred Blumstein, School of Urban and Public Affairs, Carnegie-Mellon University.

Donald Campbell, Department of Psychology, Northwestern University.

Donald Deskins, Department of Geography, University of Michigan.

Eugene Eidenberg, Vice-Chancellor, University of Illinois at Chicago Circle, and Chairman, Illinois Law Enforcement Commission.

Malcolm Feeley, Yale Law School, Yale University.

Jack Gibbs, Department of Sociology, University of Arizona.

Charles Herzfeld, Aerospace Electronics Components and Energy Group, International Telephone & Telegraph Corp.

Robert Igleburger, Police Department (retired), Dayton.

Gary Koch, Department of Biostatistics, University of North Carolina.

Beryl Radin, The LBJ School of Public Affairs, The University of Texas at Austin.

Simon Rottenberg, Department of Economics, University of Massachusetts.

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Dorothy E. Jackson, Administrative Secretary.

I. INTRODUCTORY REMARKS

I am pleased to be able to present testimony at this Hearing on behalf of the National Academy of Science's Committee on Research on Law Enforcement and Criminal Justice, which I chair. Two of my colleagues on the Committee—Alfred Blumstein and Richard Schwartz—are also here today, as are three members of the staff—Susan White, Fredrica Kramer, and Michael Rossetti. A list of the complete membership of the Committee is attached; you will notice that it reflects a wide range of perspectives and diverse areas of academic and professional expertise.

This Committee was established by the National Academy of Sciences in September, 1975 (under contract with the Law Enforcement Assistance Administration) to undertake an evaluation of the research program of the National Institute of Law Enforcement and Criminal Justice. The Committee has completed its final report. A few prepublication copies are available for your use and final publication is scheduled for September, 1977. Our testimony is largely excerpted from that report.

II. THE COMMITTEE'S MANDATE

The charge to the Academy was as follows: to "convene a Committee of recognized scholars representative of the various disciplines that characterize the field of research in crime and criminal justice and in particular the program of research sponsored by National Institute of Law Enforcement and Criminal Justice" and "assess the research funded to date, identifying areas of relative strengths and weaknesses." But our initial survey of Institute projects clearly showed that the National Institute of Law Enforcement and Criminal Justice is not and never has been strictly a research and development operation. It also funds model programs, demonstrations, training programs, impact evaluations, data archives, and a series of publications designed to disseminate ideas for LEAA action programming. This variety of functions was mandated by Congress in a clear attempt to connect the Institute's work to the overall action mission of LEAA, and especially to the efforts of State Planning Agencies to mount effective programs in the states.

The Committee found it necessary to delineate 13 categories of funding in order to provide a comprehensive description of the Institute's over-all program. These categories are: research, evaluation, data collection, hardware development, software, dissemination, innovation, training, demonstrations, technical assistance, standards, feasibility studies, and fellowships.

In short, the Committee's mandate—to evaluate a research program—itsself obscured the variety of responsibilities which the Institute has borne. As the Committee's task became more complicated, therefore, we were forced to confront the same complexity of tasks with which the Institute has had to deal throughout its history.

III. NATURE OF THE EVALUATION

A. *Criteria*

In the Committee's view, there are four broad criteria that should be applied to such a program. First, a judgment must be made about the quality of the research that the Institute has funded. This requires looking at both the products of the research and the design of individual projects. Second, the usefulness of the program must be assessed. What kind of impact has the program made? What are its successes and (inevitably) failures? Where does the program stand in terms of meeting social priorities?

Beyond these two obvious criteria are two others that have more to do with managerial competence. First, there is the question of cumulating knowledge. Has the Institute succeeded in developing a program in which research products build on one another—or is the program repetitive and haphazard, with no continuity of planning toward objectives? Second, how competent is the administration of the program? Has the Institute developed effective strategies for obtaining quality research? Is it playing a significant leadership role in our society's efforts to cope with crime problems?

B. *Data sources*

In its effort to evaluate the Institute's programs, the Committee has relied on the wide range of perspectives and diverse areas of academic and professional expertise represented among its membership. Recognizing that the questions posed above are both important and difficult to answer, the Committee has made use of three different means of developing the information needed to provide the answers.

The first kind of information came from interviews with a number of individuals who have been involved in developing the Institute's program over the years, or have been in key positions to observe that development. (These included most current professional personnel, some individuals who formerly held critical positions in the Institute or LEAA, and some major LEAA administrators and Department of Justice personnel; observations were also obtained from respondents to a mail questionnaire sent to all individuals listed by the Institute as having served it in an advisory capacity; and finally, Committee members received informal comments from their colleagues about experiences with the Institute.) The information obtained by this means provided first-hand knowledge of current Institute operations, from general planning down to funding procedures, and of various historical events and practices. It also provided diverse perspectives on the Institute, on LEAA, and on their relationship over the years.

The second kind of information came from direct exchanges between Committee members and current Institute staff and contractors. Conferences were held on evaluation, on technology transfer, and on the technology program. These are special Institute functions that absorb significant shares of its resources.

Subcommittees met with all staff of the Office of Evaluation, of the Office of Technology Transfer, and of the Advanced Technology Division. In addition, a subcommittee held three days of conferences with representatives of major technology contractors: The Mitre Corporation, The Aerospace Corporation, the Law Enforcement Standards Laboratory of the National Bureau of Standards, and the Department of the Army's project on light-weight body armor. These sessions produced both first-hand accounts of the kinds of work being done in these areas and valuable exchanges of views between Committee members and Institute staff.

The third kind of information came from reading a sample of the Institute grants and contracts files. The Committee decided that it needed to develop its own independent knowledge of the Institute's program by examining as many Institute awards as possible. It was decided that the files would provide the widest range of information about each award, from proposal to final report, and about Institute procedures. Since there was neither time nor resources to examine every file, a sample of awards was drawn. The sample was stratified by year and dollar amount, so that the large awards were over-represented; this was done on the assumption that the areas of large resource commitments required, and deserved, the closest examination. With few exceptions each file was read by at least two evaluators including, (in most cases) at least one (and usually two) Committee members.

In order to make the review of files as systematic as possible, a set of instruments was developed covering the thirteen categories of Institute funding (see p. IV-2 above). The instruments, some of which are printed in Appendix D2, included questions common to each as well as questions designed to assess the 13 specific areas. The questions provided for detailed coverage of the kinds of issues that the Committee felt should be part of each file record to indicate that Institute staff had recognized these issues and accorded them appropriate attention. These issues included, for example, conceptualization and design, usefulness, adequacy of funding, significance, and contribution to knowledge building. Each file reviewed was assigned to one principal category but instruments representing other relevant categories were also applied in each case.

The reading of grants and contracts files provided the Committee with a rich supply of information about the Institute's research program—information which could not have been gotten in any other way. The process of "comparing notes" on the basis of this common experience proved invaluable for Committee deliberations, and much of the assessment that follows is drawn from Committee discussions of the grants and contracts files. A note of methodological caution is in order, however. The Committee makes *no* statistical inferences from the sample that can or should be construed as applying to the entire population of Institute awards. While our sample was drawn in an unbiased manner, its (intended) stratification prevents it from being strictly "representative" in a statistical sense. The sample is a large cut from the population (138 of 601), however, and provides a solid base for a close and detailed study of the kind of program that has been funded by the Institute.

IV. FINDINGS

The major findings of the evaluation can be described in terms of the research program itself and in terms of the history of the Institute. Both are presented in brief below.

A. Program evaluation

Quality.—The quality of Institute-funded research is not high, and much has been mediocre. Of the sample projects reviewed by Committee members, most could be labeled neither failures nor successes. Program weaknesses are, in our opinion, primarily the result of a lack of attention to research design and of related administrative failings. The phenomenon of the weak project occurred often enough to prompt grave concern over quality control in Institute procedures.

Usefulness.—The usefulness of the Institute's work is more problematic to assess, in part because there have been few attempts to discover whether or not Institute products are in fact being used. The information that has come to the Committee from staff of State Planning Agencies (SPAs) and other potential consumers, although admittedly limited, clearly indicates that little of the material disseminated by the Institute is used in planning or program development by either SPA staff or practitioners. Furthermore, in assessing individual projects, Committee members found few that deserved high ratings for usefulness.

Cumulative research.—A major criterion of effectiveness of programmatic research is its contribution to building a coherent body of knowledge and to focusing that knowledge on solving problems. Despite rhetoric to the contrary, the Committee finds little evidence that the Institute has been committed to this kind of cumulative research. We conclude that the Institute's purpose would be better served by a research agenda based on program areas, such as deterrence and rehabilitation, within which funding could be focused toward developing a coherent body of knowledge.

Research Administration.—The Committee finds serious shortcomings in research administration. These include a weak advisory system that limits access to program development, review procedures that range from nonexistent to ineffective, a research strategy that tends to exclude a large majority of the existing social science research community, and vulnerability to pressures that are detrimental to the development of a research program. Such weaknesses are not necessarily the fault of any individual, but rather the consequence of misjudging the means by which research can be made useful to an action program.

B. Historical analysis

(See following pages excerpted from final report.)

THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE: HISTORICAL DEVELOPMENT¹

The administrative history of NILECJ can be divided into three phases. These phases reflect the development of LEAA and its impact on NILECJ, and in part explain the character of research as we describe it in Chapter 4. The first phase, which includes the directorship of several individuals can be characterized as a single phase because it was clearly a period of gearing up. The second and third phases are each identified with a single director who had sufficient time to make an evaluable record.

Phase I: Gearing up (1969-71)

The first phase began in October 1968 with a limited attempt by OLEA¹ personnel to plan a research structure that would fit the requirements written into the 1968 Act. Ralph Siu, then at the Department of Defense, was nominated to be the first director, but served only through the change in administrations after the 1968 election. Henry Ruth became the first confirmed director under the new administration and served for approximately one year. He was succeeded in 1970 by his deputy, Irving Slott, who served as acting director until early 1971.

Henry Ruth organized the Institute's work around five centers. The Center for Crime Prevention and Rehabilitation focused on research into the conditions underlying criminal behavior and on new methods of prevention and rehabilitation. The Center for Criminal Justice Operations and Management was devoted to the utilization of operations research for the improvement of law enforcement agencies. The Center for Law and Justice dealt with the appropriateness and fairness of criminal laws; the 1971 program plan added mention of community treatment, offender reintegration, and concern for the conditions from which an offender enters the criminal justice system. The Center for Special Projects administered the fellowship program. The Center for Demonstration and Professional Services was responsible for translating knowledge into action through dissemination and technical assistance programs.

Director Ruth felt strongly that the mood of Congress was anti-research. Representative Rooney was especially critical of research efforts during this period demanding that the Institute demonstrate its usefulness by producing immediate solutions.² Much of Ruth's time was spent justifying the research role to such oversight groups, including his own administrative hierarchy. The LEAA trioka reflected practitioner/political divisions that were never conducive to developing a research role in LEAA. Charles Rogovin, first LEAA Administrator, summarized Ruth's experiences (1973, p. 18):

"I had represented to him that he could design his own research program and enjoy real freedom and flexibility in implementing it. I have rarely been more in

¹ The Office of Law Enforcement Assistance had been created by the Law Enforcement Assistance Act of 1965 (Pub. L. 89-197).

² Mr. Ruth made these comments, during an interview in the fall of 1975. They were supported by several sources: other individuals who were on the staff of the Institute during that time have made similar comments in interviews; Charles Rogovin, first Administrator of LEAA, has made such comments in print (1973, p. 19).

error. Time and again Ruth's initiatives were frustrated by the disagreements from Velde, Coster and myself [the troika]. Despite a wealth of experience in assessing the quality of research institutions and individuals during his service as Deputy Director of the Crime Commission and in academic life, he was second-guessed on every judgment."

Whether it was reporting to a hostile Congress or to a conflicted administrator, the job of the early directors was a political rather than a research task. This characterization of the role of Institute directors varies only in degree of pressure, and never in kind, through the history of the Institute.

Phase II: The Danziger Period—Impact programming (1971-73)

Phase I ended with President Nixon's appointment of Jerris Leonard as LEAA Administrator and Leonard's appointment of Martin Danziger as Director of NILECJ in the spring of 1971. The previous year had seen strong criticism of LEAA in Congress (see Appendix A3) because, among other things, the large sums already expanded on various programs had not produced a decline in the crime rate. Since Congress had established LEAA with the expectation that crime would be reduced, and LEAA had not taken issue with the assumption that crime could be reduced by programs to "strengthen law enforcement," there was no public basis for advocating a different measure of performance. Unfortunately, the new administration accepted—even welcomed—this "cure rate" standard. It thereby confounded, instead of clarifying, a problem that still troubles LEAA, especially its research program.

The use of crime rates as a measure of performance is problematic for three reasons: first, crime rates are affected to a considerable degree by factors other than those under the control of the criminal justice system, and conversely, many who contribute to the crime rate do not pass through that system; second, crime rates themselves are affected by higher citizen or victim reporting and police reporting procedures. It is quite possible for a program in citizen awareness, for example, to have the intended impact of higher reporting of crimes, therefore producing a higher crime rate. Third, and in this context most important, the use of crime rates as a measure of performance is based on wholly unrealistic expectations about the kind and extent of immediate impact that is possible from research. There are many aspects of crime problems about which we now know little but can know more. And much of this knowledge can be useful in future efforts to prevent and control crime: for example, our public policies on punishment as a deterrent, on the use of the criminal law to control deviant behavior, on techniques of law enforcement, on court processing, on techniques of rehabilitating criminal offenders, all can be productively informed by carefully focused research. But it is important to recognize that practical payoff from research is necessarily indirect and often long term.

Nonetheless, increases and decreases in crime rates remained the focus of LEAA performance measures, and the criticism continued. One outcome of the criticism was LEAA's embarrassing discovery that it had almost no information about the impact of its programs. Therefore, a new effort was begun throughout LEAA to focus on crime reduction (rather than "system improvement") and on evaluating the impact of these programs. Interest in evaluation was in itself encouraging, but it had unfortunate consequences for the development of the Institute. The new effort affected the Institute in major ways: it hardened and intensified LEAA's commitment to the goal of directly controlling crime, even for the research program; it involved Institute staff in a lengthy and complex planning process using specific reductions in crime rates as performance measures; and it produced a sharp change in R&D strategy.

The term "crime-specific planning" came into use throughout LEAA in 1971, in direct response to Congressional questions about the relationship between government anti-crime funding and the increasing crime rate (See discussion of the Monagan hearings in Appendix A3; also see Chelinsky 1976, pp. 3-16). The term meant that programming had to be tied to a specific crime and designed to bring about a specified level of reduction (or decreasing rate of increase) in the rate of occurrence for that particular crime. The total lack of realism in the expectations underlying crime-specific planning became clear very quickly, but the concept continued to have organizational impact even in the research program. Two years were devoted to making both the NILECJ organization and Institute programs directly responsive to the goal of reducing crime. "Crime-specific" was relaxed to "crime-oriented" during this period, but the belief remained strong that research on crime could directly and immediately affect crime-reduction if only the right combination of planning and funding strategy was used.

Accepting the pressures of providing immediate, "crime-specific" results, Director Danziger reorganized the Institute. The new structure included a planning and evaluation staff and four divisions: Research Administration, Research Operations, Statistics, and Technology Transfer. The 1973 Program Plan, in which this system was most fully elaborated, admits that "this approach is basically the structure for an operational, action-oriented program," but asserts that "a research plan also can closely follow the design." This statement illustrates the extent to which the Institute during this period was engaged in an intensive drive to produce social change.

The funding program was significantly different from previous years. NILECJ chose to limit its major funding to a few large-scale grants and contracts on the grounds that this strategy for spending the money would have the largest possible payoff. Large dollar amounts were committed to projects (for example, the Equipment Systems Improvement Program), several of which continue today. The major example of the shift in research strategy was the Institute's involvement in LEAA's Impact Cities Program.³ The Institute's 1973 Program Plan describes the Impact Cities Program in the following way:

"This program channels a substantial portion of LEAA's discretionary and research funds to selected Impact Cities for the reduction of stranger-to-stranger crime and burglary. The objective is to halt the increase in the target crimes and to achieve a 5 percent reduction in two years and a 20 percent decrease in five years."

Apparently convinced that solutions could be found by concentrating large amounts of money at selected sites and believing that this would result in a more efficient use of R&D money than a fragmented grants program, Leonard and Danziger made the Impact Cities program a major focus of LEAA and Institute funds. The expected payoff of gaining new knowledge about reducing crime did not materialize and that failure should have been anticipated. A more detailed discussion of Impact Cities appears in Appendix C, but one major point should be stressed here. The obviously political nature of the overall program dictated many aspects of its design and operation. For example, the cities themselves were chosen for political reasons and the New Federalism requirements precluded mandating comparable programs or comparable data collection and evaluation designs. While the Institute was not responsible for these politically motivated requirements, the situation illustrates the highly political constraints within which the Institute operates, constraints that do not lend themselves to good research efforts. Further, the Institute can be held responsible for committing its resources to programs that cannot be reconciled with research objectives.

In sum, the Danziger period produced an intensification of the Institute commitment to directly reducing crime. Goals, objectives and planning were all tied to a belief that crime was a problem that could be solved: a war on crime on the model of the war on poverty. This effort has generally been considered not only a failure, but wrong-headed as well. Just as poverty cannot be wiped away by government programs, so crime cannot be simply purged from the social order by committing massive government resources. While this judgment does not fault the good intentions of those who were part of LEAA's effort during that period; it does point to a major mistake in the agency's understanding of crime problems. In fact, given the political climate and bureaucratic complexities, it is clear that this period did not provide a good test of the validity of crime-reduction policies. And it is particularly clear that the research program was misused in the mistaken campaign for immediate solutions.

Phase III: The Caplan Period (1978-Present)

Gerald Caplan was appointed Director of the Institute in fall 1973 by the new LEAA Administrator, Donald Santorelli. The Caplan period received its earliest definition in the decision to deemphasize crime-reduction as a goal. The experience with crime-specific and then crime-oriented planning was clear throughout LEAA; it simply was not possible to demonstrate that the various LEAA programs, let alone NILECJ research grants, had contributed to specific decreases in specific crime rates.

Since crime rates had not decreased significantly anywhere—indeed had increased more often than decreased—the claims for impact were probably unfounded from the start.⁴ Caplan responded to this state of affairs by explicitly disclaiming

³The Impact Cities Program and its repercussions for the Institute are discussed in Chapter IV, pp. 14-15 and further examined in a case study in Appendix C4.

⁴In fact, some experimental programs had the effect of increasing the crime rate—as measured by the FBI's Uniform Crime Reports—because they achieved their intended effect of increasing the number of crimes actually reported to the police.

the reality of such expectations. Recognizing that it was wholly unreasonable to measure the effectiveness of a research program by specific "cure" rates, Caplan modified the Institute's approach. The Institute would no longer plan for direct and immediate impact on crime rates but instead would develop longer-range objectives that could be expected to contribute to a more realistic way to an overall reduction in crime. Even the traditional focus on improving the system was recast so that efficiency and fairness became objectives in their own right rather than tools for reducing crime rates. The Institute and all of LEAA entered a new period of deflating expectations.

In addition, Director Caplan has recently begun efforts to develop and encourage a research community interested in more basic research questions. He is moving away from the Danziger strategy of supporting a few large-scale efforts toward a policy of awarding a larger number of smaller grants, especially looking to the academic research community. Caplan has been working on developing closer connections with a wider research community. He is attempting to draw in researchers, and research ideas, from among those who have never done work on criminal justice but who are interested in behaviors and social patterns that are clearly important for understanding crime phenomena. Such an approach, if actually carried forward with a major commitment of Institute resources, would amount to a whole new strategy: namely, directing the Institute efforts not to reducing crime rates but to understanding the social and behavioral phenomena that underlie crime rates. Unfortunately, there are only minimal signs that such a strategy is being pursued on a major scale. The overall impression of the Institute's goals and objectives under Caplan's leadership is one of decentralization and eclecticism. No research agenda exists as a general guide to planning and funding. Instead, the organizational structure itself—traditional program areas plus major efforts in evaluation and technology transfer—seems to generate the program. The question to be addressed is whether this reflects the maturing of an organization that, in its collective sense of itself, now realizes that a step-by-step, piece-by-piece approach is the best route to accomplishing its mission—or whether it reflects the frustration of failure and the absence of any sense of mission. This report provides some answers to this question.

CONCLUSION

The problems of locating research in an action agency have always been substantial. The pressures from the parent agency tend to favor immediate solutions and foster an unnecessary polarization of basic and applied research. NILECJ's position in an agency perceived as a servicer of local criminal justice practitioners has narrowed its focus to the criminal justice system, and sometimes simply to crime rates, and has prevented the Institute from looking to larger research issues. Its outlook has been unnecessarily narrow and its research agenda has not benefited from a variety of perspectives on criminal justice problems.

These difficulties have been exacerbated by the political atmosphere and administrative conditions in which the Institute has had to pursue its research program. The brief sketch of the Institute's historical development illustrates a confusion about NILECJ's basic mission that has plagued the agency since its inception. As each new Director or LEAA Administrator brings to the office a different conception of the Institute's mandate, NILECJ's structure is reorganized and the research program overhauled. Given the confusion in the Department of Justice, and the turnover within LEAA's leaderships, during the past eight years, the development and pursuit of a coherent research agenda has been a formidable task. The cumulation of knowledge through research has suffered as program priorities have changed before results could accumulate on specific subject areas.

The Safe Streets Act and the agency that it created were attempts at a pluralistic resolution of severe ideological differences. The resulting structure of the new action agency (LEAA) was an intricate imitation of the federal system. The problems of federal research for local consumption which the Institute's position in this agency caused were not systematically considered by its founders and remain a basic dilemma to the present day. Its outlook has been unnecessarily narrow and its research agenda has not benefited from a variety of perspectives on criminal justice problems.

The nature of a Federal research role in crime programs

Because the federal role in criminal justice research came about as part of a much larger action program, it is important to be clear about the nature of the relationship between the two. As detailed in Chapter I, Congress was ambivalent about assuming any role in state and local criminal justice activities. Its solution

to the problem of federal interference was to set up a framework of block grant funding under which state and local decision makers are supposed to retain programmatic authority, although reviewed by federal officials. The federal role was essentially to provide the funds. But Congress also established a centralized structure for the purpose of performing some functions that were not considered feasible at the state level: principally a national crime statistics center and a R&D effort. Since it was assumed from the beginning that the national interest in crime problems was to serve local needs, a federal R&D effort was not for the purpose of solving crime problems at the national level but rather to help state and local jurisdictions deal with their crime problems. A basic premise of the Safe Streets Act, therefore, was that the federal R&D effort was to service state and local planning.

The issue is: What kind of strategy will best serve that purpose? Several possibilities occur. One is to assume that serving state and local planning means providing information to the administrators of block grant funds (State Planning Agencies, or SPA's) about which programs being considered for funding are likely to be effective. The "what works and what doesn't work?" question has been posed insistently to NILECJ by SPA's from the early days, indicating that they at least perceived NILECJ's service role in terms of providing immediate solutions and that they wished to use the information in their planning. It will not surprise researchers that NILECJ was unable to respond to such requests. While the question itself is important and should be addressed, and it was even encouraging that SPA's asked it, it is naive to pose it in terms of immediate solutions. There is no more complex area of social phenomena than crime problems. Since researchers do not yet understand the basic causes of crime, it is naturally difficult for them to come up with quick prescriptions for stopping it. In short, the "immediate solution" strategy places the Institute in an impossible position.

On the other hand, a strategy which places the Institute in the role of providing programmatic solutions for local crime problems but without the pressure of immediacy might be somewhat easier. Such a strategy would keep NILECJ in its direct service relationship with the block grant structure and thereby force it to focus on the programmatic concerns of state and local criminal justice planners. Because of the nature of block grant funding this strategy would probably mean that the Institute's effort would be predominantly oriented to traditional practitioner needs. Thus a major focus would be operational: improving the efficiency of the criminal justice system. Throughout much of its history the Institute has pursued a course very similar to this. But as will be illustrated in later chapters, the strategy has not successfully served SPA programming needs and has produced mostly mediocre research.

A third strategy would put the Institute in the primary business of planning and implementing large demonstration projects. Such a strategy would have the mixed purpose of synthesizing research results (from any source), testing appropriate implementations, and disseminating model programs to practitioners. It would probably tie the Institute's efforts to SPA programming less than would the first two strategies, and make it more directly responsive to the practitioner community. It would also decrease substantially NILECJ's role in planning and sponsoring primary research. The Institute has engaged in some of this activity, but it is not at all clear that a demonstration strategy requires the guidance of a research institute. LEAA has its own office and funds for this purpose and could probably pursue such a strategy as effectively on its own or with minimal methodological advice from NILECJ.

A fourth possibility, and one that is far more appropriate for a national research institute, is for NILECJ to emphasize that aspect of the Safe Streets legislation that encourages innovative anti-crime programming, and therefore to focus its efforts on developing and testing alternative approaches to crime problems. Such a program would tend to de-emphasize operational questions, except insofar as they were directly related to crime control (e.g., patrol strategies); it would work with non-traditional approaches to crime and criminal behavior in an effort to develop a new understanding of crime problems; it would attempt to bring to bear thinking and research from a variety of disciplines not now focusing on crime, and encourage multidisciplinary research efforts; and it would concentrate on testing hypotheses under experimental and quasi-experimental conditions so that results could be deemed reliable for use in developing programs. This strategy would tie the Institute more to the research community and permit resources to be allocated on grounds that are largely independent of political demands or

system pressures. It would also require a risk-taking posture toward ideas and research possibilities. This kind of activity is necessary, we believe, in order to justify the existence of a national research institute. If encouraged to develop properly, this strategy will eventually serve state and local crime control needs far better than its more agency or practitioner dominated alternatives.

The nature of these alternatives reveals some important features of the relationship between research and action programming in LEAA. The role of SPA's is to administer the block grant funds. These funds amount to approximately 5% of the total criminal justice expenditures in any state. Consequently, if the Safe Streets Program is to have any impact the SPA's must use action funds in strategic and innovative ways. To do so requires careful analysis of local crime problems, law enforcement patterns and system needs. While few SPA's have yet developed this kind of analytical capacity, those who have find it both necessary and natural to conduct their own "immediate solution" research. The critical connection is between programming and research. Research, in this context, becomes totally a tool for planners with specific problems to solve. The case is similar for evaluation. The SPA's need to be able to evaluate particular programs with an eye both to refunding decisions and introducing changes to make existing programs more effective.

While this kind of research and evaluation has not yet developed extensively in the SPA's, it is clearly an appropriate and productive function. The Committee believes, however, that it is not a function which a *national* research institute can perform effectively. The relationship between a particular "need to know" and the deployment of resources to obtain the required knowledge is a matter of intraorganizational response. To place the responsibility for responding in the hands of a research institute that is remote from the particular needs as defined by the fifty-five SPA's is to ignore the natural dynamic in favor of an unnatural and inevitably unworkable relationship. A further complication is the fact that the canons for valid scientific research often conflict with the needs and style of program administrators. Since the basis of the relationship is service, and that relationship runs in one direction only (with research serving program), the likelihood is that research canons will be compromised more often than administrators inconvenienced. Even when the research staff succeeds in protecting the integrity of its work the constant struggle is liable to be debilitating.

The current relationship between SPA's and the Institute ranges from indifference to hostility. The SPA's resist programming that is not developed to meet a specific and, they argue, unique need; they also resent the "intrusion" of the federal presence whenever the Institute funds a demonstration or evaluation program in their state. By the same token, the Institute resents SPA expectations that the Institute should be providing readily applicable knowledge for local programming, and their general lack of understanding of the nature of research. We believe that this mutual hostility was inevitable.

We suggest that there is another way to view the Institute's proper role in serving state and local needs. Rather than intruding upon the relationship between research and programming, which occurs most fruitfully at the SPA level where it is both organizationally sound and part of the dynamics of planning, the federal research effort should concentrate on developing and testing innovative approaches to crime problems. This strategy, which has already been outlined above, is particularly appropriate for a *national* institute, for three reasons. First, a major research commitment will often be required in order to thoroughly develop and adequately test new approaches to crime problems. The scale of such a commitment—both in resources and time frame—is beyond the capacities of SPA's. Second, the range and degree of scientific competence necessary to mount a highly sophisticated research effort are not normally available at the SPA level. Third, an undertaking that has a long range time frame but no clearly specifiable product, and is risky as well, is simply inappropriate for an action agency such as an SPA. Therefore, the proper mission of a national institute of law enforcement and criminal justice is to engage in research and development on a scale and a level and within a time frame that is impractical for the rest of the system. Such a mission must not be all-inclusive because there is much valuable "immediate solution" evaluation and research that should be done (and would be better done) at the SPA level. In short, the nature of a federal research role in crime problems depends not only on the needs to be served but also on the capacities that exist or can be developed at the various levels of the system.

The concept of applied research

To opt for a research strategy based on developing and testing innovative approaches to crime problems is not to exclude what is usually called applied research. The range of contributions that is appropriate in this area necessarily spans a wide variety of research, development and evaluation activities. But it is important to be clear about two matters: first, what is excluded, and why; and second, the essentially eclectic (sometimes serendipitous) nature of what is included.

The preceding argument outlined what is excluded: namely, "immediate solution" research. This has been identified as research that is (or ought to be) tied directly to the planning process of an operating or funding agency, and therefore to action programming. Another equally inappropriate undertaking for a national institute is simply gathering information on aspects of crime problems—building an inventory, if you will. This is what practitioners often think of as applied research, and then feel frustrated when the piles of "data" do not tell them anything.

On the other hand, the example of data collection is a good point of departure for understanding the complex concept of applied research. Data collection and archiving must be carefully planned to be productive. One must, in effect, design a number of potential research projects in order to determine what data are necessary to answer the important questions. In this speculative and informal "design" process, the significance of the questions, and therefore of the information that will become "data," arises from the nature of the problems one is interested in. Which is to say that research, whether its purpose is to understand a problem better or to try to solve it, is always a matter of stating and testing hypotheses. In short, applied research is not a singular activity that is unrelated to the more general process called research or to the normal canons of scientific methodology. It is part of a continuum that ranges from the abstract to the concrete. Whatever differences that exist, therefore, are matters of degree.

Differences do exist, of course, and they are important and instructive. Defining a problem for applied research means (minimally) starting with a practical problem rather than one that derives from theory; it also means that the researcher is concerned with arriving at a means to solve the problem rather than simply understanding it better. Consequently, while so-called basic research is not constrained to produce a certain *kind* of answer, applied research always has a peculiar stake in its own results. For this reason, applied research is often more difficult to design than is basic research. It requires the perspective of the practitioners, of program planners, and of researchers—an inherently conflictful mix—as well as the kind of creativity that permits one to understand and conceptualize social problems in terms of their possible solutions. Therefore, a role for the Institute that emphasizes the applied research end of the continuum is in many ways a more difficult assignment than conducting or sponsoring basic research.

One consequence of these difficulties is the tendency to insist upon dichotomizing basic and applied research in such a way that many fruitful approaches are excluded. So-called basic research is considered inappropriate or so unrelated to problems as to be irrelevant. Research problems are defined as problems of practice, requiring only the application of proper technology for solution. Researchers are hired to perform the tasks of surveying the state of the art and then applying it. This is the model of "immediate solution" research, but without the specific problem and the programming function to make it useful. Furthermore, the approach tends to exclude the normal process of research: namely, generating alternative hypotheses from relevant theory, and then testing one or more hypotheses to determine which variables and relationships are explanatory in the particular case. To say that applied research is problem-oriented does not mean that it cannot be informed by theory. Studying the problem of recidivism surely requires knowing something about attitude formation; caseload and administrative discretion problems require the application of organization theory as much as management technique; testing preventive patrol strategies requires an understanding of various possible behavioral responses in order to ensure that the proper measures are built into the experiment. The point is that the kinds of research that the Institute should be doing necessarily include aspects of both basic and applied research.

The goal for a research program on crime problems

The goals for the Institute research program were set by Congress, in the Safe Streets Act and its Amendments, and by LEAA throughout its history. The historical account in Chapter 1 reveals important shifts in these goals, as the urgency of the "law and order" mandate first intensified and then faded and the

difficulty of pursuing immediate solutions became clear. The Committee has carefully considered both these lessons of history and the compelling nature of the social problem being addressed. Accordingly, we offer our own view of the proper goals for a national program in criminal justice research.

As noted in Chapter 1, crime reduction as a major goal of the Safe Streets Act and of LEAA programming from the beginning. It was responsible for the early emphasis on law enforcement and later for crime-specific and crime-oriented planning—and, eventually, for the Institute's involvement in a disastrous "research" effort as part of the Impact Cities program.⁵ These were all simplistic approaches to the problem and never got beyond the frustrating stage of trying to manipulate crime rates for the short-term. But it is only recently that LEAA and Institute spokesmen have been willing to quarrel publicly with the feasibility and appropriateness of crime reduction as a program goal (see, for example, Gerald M. Caplan, "Losing the War on Crime").

Unfortunately, the Institute's new response has been to deny its capacity to produce useful knowledge about crime problems at all, and to substitute as its focus of concern the operation of the criminal justice system. We do not wish to belittle efforts to improve the operations of the criminal justice system or to exclude them entirely from the purview of the Institute. But many of these efforts are not properly a matter of research interest; furthermore, while some are very important to the effective control of crime—such as studies of the formative conditions for police performance—others are remote from that concern. The danger we see is an Institute that avoids the hard questions of knowledge about crime and criminal behaviors in favor of easier but relatively trivial studies of system operations. It is understandable that an agency would respond negatively to a painful and unproductive history. But the Committee believes that the Institute's response is correct *only* with respect to expectations of immediate payoff. The goal of controlling crime for which LEAA and the Institute were originally established remains a valid objective, although a complex and difficult one.

Clearly there were serious problems with LEAA's approach to crime reduction. If Congress expected that it could mount a program that would defeat crime, these expectations were plainly over-blown. And certainly LEAA's frantic attempts to meet these expectations were ill-advised. But the Committee believes it would be a mistake to abandon the goal of reducing crime as if it were beyond the capacity of this society to cope at all with crime problems. The difficulty with crime reduction as a goal lies in a lack of understanding about how to approach the problem and how to measure the impact of our efforts, not in the inherent intractability of the problem. No one is going to eradicate crime, just as no one is going to "cure" poverty or end wars. But we as scientists and citizens would be irresponsible if we abandoned our efforts because immediate solutions were not in sight. The fact is that we can know more about criminal behaviors and about the effectiveness of various governmental responses to them. And furthermore, this knowledge will ultimately be useful for crime prevention and control.⁶ Therefore, we strongly urge that LEAA restore the control of crime as its primary mission, and that NILECJ define its primary role as building knowledge toward that end.

If the objective of crime reduction is re-introduced, it should be clearly understood that gimmicks like five-year deadlines for 20 percent reductions in burglary rates are seriously misleading, even for action programs, and certainly a mistaken measure of research productivity. In the first place, we do not yet have accurate or informative measures of crime rates, so the use of crime rate measures as indicators or "tests" of anything is highly suspect. But even if we did have useful measures, it would be foolish to apply them to research programs. The National Institutes of Health have a cancer research program but no reasonable observer measures its effectiveness or usefulness by cancer cure rates (or death rates). It is obvious that the knowledge-building process in cancer research is long-term and unpredictable. The same is true for the process of building knowledge about crime and criminal behaviors. It is simply wrong to judge a research program by operational measures.

This research program should be judged by the intelligence and coherence of its approach to crime problems, and by its capacity to cumulate and focus knowledge toward solving those problems. All of these factors are important, including the goal of controlling crime. The Committee believes that such a program is

⁵ The Committee's extended comments on Impact Cities can be found in Appendix C4.

⁶ See the section on research priorities beginning on p. V-21 for specific recommendations about research on crime problems.

feasible—and that it is the only legitimate basis for the existence of a national institute of law enforcement and criminal justice.

V. CONCLUSIONS AND RECOMMENDATIONS

The role of the Institute should be to develop valid, generalizable knowledge about crime, criminal behaviors, and the effectiveness of crime control methods and policies. As a national research institute, it should develop the resources necessary to undertake research that is not feasible or appropriate at the state or local level.

To protect the integrity of the Institute's research program, the Committee recommends that the Institute be reconstituted as an independent research agency within the Department of Justice. Such independence would include final approval authority over all awards as well as control of the administrative budget, personnel, and detailed program review. The Director should be chosen from candidates with significant experience and recognition in both research and research administration. Furthermore, the Committee urges that a Criminal Justice Research Advisory Board be established, by statute, with members appointed by the President and including an appropriate mix of scientists and practitioners.

The Committee recommends that the Institute be organized around substantive program areas. These should be designed to provide a common focus on a theoretically interesting problem while at the same time exploiting the variety of perspectives that different disciplines can bring to bear. They should also be designed on the assumption that producing valid and useful knowledge is a cumulative process.

The Committee recommends that the Institute take steps to ensure quality in its research. One such step involves the process of project review. To ensure quality, that process requires more than a mail review of individual projects. It requires program area panels, meeting regularly, to ensure continuity in the use of criteria and in the cumulation of knowledge. The Committee recommends sub-panels for methodological review and, for panels, a mix of researchers and practitioners to provide proper guidance for the long-range development of program areas.

The Committee concludes that activities involving direct service to components of LEAA or practitioners—whether these be training, technical assistance, packaging and marketing of research results, or non-generalizable evaluations—cannot be undertaken effectively by a research institute. Therefore, they should be a part of LEAA's technical assistance program and not the responsibility of the Institute.

The primary goal for the Institute should be developing knowledge that is useful in reducing crime. At the same time, the Institute should maintain its concern with the fairness and effectiveness of the administration of criminal justice. The function of research is always to produce knowledge, whether for its own sake or for a socially useful purpose. Therefore, the Institute's program should be judged by the value of its contributions to our knowledge about crime and criminal justice rather than by operational measures such as crime and recidivism rates.

Mr. SCHEUER. At this time, the meeting of the committee will adjourn until tomorrow in this room at 9 o'clock, and thank you so much.

[Whereupon, at 12:55 p.m., the hearing was adjourned, to reconvene at 9 a.m., Thursday, June 30, 1977.]

FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

THURSDAY, JUNE 30, 1977

U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, AND SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittees met at 9 a.m. in room 2141, Rayburn House Office Building, Hon. John Conyers, Jr., cochairman, presiding.

Present: Representatives Conyers, Scheuer, and Ashbrook.

Staff members present: Leslie Freed, Hayden W. Gregory, Jonah Shacknai, counsel; Robert Shellow, consultant; Ross Stovall, associate counsel; and James Gallagher, technical consultant.

Mr. CONYERS. The subcommittees will come to order, and we will continue the hearings cochaired by myself and the distinguished gentleman from New York, Mr. Scheuer, with reference to the Federal role in criminal justice and crime research.

We are pleased to have with us today the former Director of the National Institute of Law Enforcement and Criminal Justice, Gerald Caplan, its former Director up until approximately 2 months ago.

We note that Gerald Caplan is also a professor of law and has been general counsel of LEAA, and in addition has been on the President's Commission of Law Enforcement and the Administration of Justice, and has served in distinguished capacities throughout the system of justice.

We welcome you, Mr. Caplan, for a continued discussion of the direction of this part of LEAA, and we would appreciate any high points from your experience which I think would help these subcommittees in recommending to the Congress and ultimately to the Department of Justice the direction that we might most effectively move in the future.

TESTIMONY OF GERALD M. CAPLAN, FORMER DIRECTOR, NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Mr. CAPLAN. Thank you very much, Mr. Chairman.

I am appreciative of the opportunity to participate in these distinguished proceedings.

I have not prepared a formal statement, but I do have several comments that I would like to make regarding the future of the National Institute,

First, I think that what the Institute needs most and what it has had too little of is stability of leadership and continuity of programs. In a field where so little is known, it is important to pursue promising leaders to a point where a reliable assessment can be made of their worth, and to avoid possible scurrying about after each new faddish tip.

It is less important where we begin, I think, than that we stick to what we have started.

What we have learned is that there are no shortcuts in this field. For that reason, "stability" and "continuity" as the medicine most needed for the Institute's health.

Independence from LEAA is a preferred way to reach these goals, but it is not the only way. Equality within LEAA, evidenced by giving the Director of the Institute authority to commit funds would, in my opinion, be an adequate guarantee, even though the Institute would remain under the general supervision of the LEAA Administrator.

Second, regarding the—

Mr. SCHEUER. In other words, you mean doing away with the sign-off by the LEAA Administrator on all grants?

Mr. CAPLAN. That is right. I think if the Institute were not a subordinate part of LEAA, a stepchild as it now is, but was an equal partner, it could be sufficient.

Mr. SCHEUER. But specifically you would advocate removing the sign-off by the LEAA Administrator?

Mr. CAPLAN. I think that is critical.

Mr. SCHEUER. Yes.

Mr. CAPLAN. I recall back in 1968 when Mr. Justice Rehnquist was with the Department of Justice as director of the Office of the Legal Counsel he wrote an opinion interpreting the congressional intent as permitting sign-off authority in the Institute Director, but that opinion was not implemented. But I think it is essential if the Institute remains within LEAA.

On the matter of budget, my own view is that the budget should be kept at about its present level. I think the Congress has been sufficiently generous. The dramatic increases called for by some study groups are a kind of whistling in the dark. The problem with the Institute has not been lack of funds. The problem is much more difficult. It relates more to the newness of criminal justice research and the inherent difficulty of finding ways to cut crime without sacrificing our democratic ways.

Third, I think the Institute staff should have the opportunity to do research. Present staffing levels are not adequate. They do not permit staff research; and the bulk of staff effort goes toward administration. Over time a staff that itself performs research will be better able to monitor and plan funded research. And the opportunity to do research will be a valuable recruitment incentive.

That is all I have by way of formal remarks. I would be pleased to answer any questions that the committee has.

Mr. CONYERS. I will yield to Chairman Scheuer to begin the questioning.

Mr. SCHEUER. Mr. Caplan, I'd like to sort of fine-tune your language a little bit here. I am going to ask you a question, and I

don't want to put the words in your mouth, and I am not encouraging you to engage in overkill, but I would like to get a precise definition of your views on one subject on which other witnesses had very strong opinions.

I ask you—well, let's put it this way: Other witnesses, and I think you, feel that the National Institute could well stay in the Justice Department and even in LEAA if the relationship of LEAA and the Institute was so structured as to give independence to the Institute and freedom from the day-to-day, week-to-week political pressures and political problems of LEAA and the Attorney General.

Other witnesses, and in particular Professor Al Blumstein, have said that it is critical and absolutely quintessential for the director of the National Institute to have final signoff and final authority on grantmaking.

You have said in response to my question that it would be a wise thing for them to have final authority and to take away the signoff capability of the Administrator of LEAA so as to leave undisputed final discretion on the whole grant-funding process to the Institute Director, of course subject to the general supervision on policy and on effectiveness of operations to LEAA, as you have indicated, much as the Attorney General oversees everything that goes on in the Justice Department.

So with that preamble, I would like to ask you: Do you consider giving the Institute Director final authority on grantmaking, and do you consider, therefore, eliminating the signoff for the LEAA Administrator on Institute funding, simply wise and desirable, or would you go to the extent that Blumstein and others have gone in saying that it is absolutely essential for the integrity and the independence of the Institute if it is going to remain in LEAA.

And I repeat, I don't want to put words in your mouth. I am not stimulating you to engage in overkill. I simply want you to define your thoughts very precisely.

Mr. CAPLAN. Thank you. My view is the same as Blumsteins. If the Institute stays within LEAA, then signoff authority should be transferred from the Administrator to the Director of the Institute. And while one-signature checking accounts hold the possibility of abuse, this could be minimized by administrative controls. The pattern of arbitrariness in funding decisions over the past 8 years is not inherent. It is a peculiarity of LEAA rather than an inherent part of a one-signature account.

Mr. SCHEUER. Can you elaborate on your relations with the LEAA Administrator during your tenure? What was the quality of the relationship and how did it impact the quality of your decisionmaking and your work and the Institute's work?

Mr. CAPLAN. I had the opportunity to serve under two Administrators who took very different positions toward the Institute. Mr. Santarelli's view was that the Institute should be allowed to pursue its own course, subject to his general direction. I see nothing improper—in fact, it is totally proper for the Administrator or the Attorney General to say, "This problem should be looked at." It could be neighborhood justice centers or something else.

It is proper for appointed officials to make those kinds of judgments.

Mr. Velde on the other hand had a great interest in research himself, particularly equipment development, and unlike Mr. Santarelli he was involved intensively with individual grants. He had ideas for projects and for individuals who would be suitable to undertake them. I think Mr. Santarelli's style is preferable. It makes it possible to build predictability, regularity, and continuity into the program. General guidance at a policymaking level affecting priorities makes a lot of sense, but day-to-day supervision, even if it is the wisest, produces a situation where the Institute programs become like a railroad ticket—good for 30 days only. And you can't recruit an able group of researchers if they know the program is subject to sudden changes. Research is a risky process, and you increase the risk dramatically when you change signals.

Mr. SCHEUER. Did you have a problem in recruiting high-quality research personnel to the Institute while you were there?

Mr. CAPLAN. Mr. Chairman, I do think we have a quality staff, but it is fair to say that the high hopes for the Institute that you held at its inception and that Mr. Richardson and other officials of the Department of Justice have expressed, have not been achieved. The Institute could have a higher reputation if its style were such as to show a respect for research.

Mr. SCHEUER. You say reputation and style. When you go to researchers in the field of criminal justice and crime and ask them to join you, what would be the nature of their reservations and doubts about whether the Institute provided a proper institutional setting for their efforts?

Mr. CAPLAN. Well, I think the foremost one is "Could we deliver on our program plans?" If I met someone who was prominent in a particular field and said, "Here is a program plan we have been working on for several months," there would be an appropriate suspicion in the researcher's mind that we couldn't get it funded, that even when our program plan had been approved by the Administration, it would not come into being.

Mr. SCHEUER. And would that be because the Institute simply didn't have the funding for it, or because the LEAA Administrator would overrule you as the Institute Director?

Mr. CAPLAN. I would be overruled. There would be so many people looking over my shoulder. Before I signed—in the typical review process—there would be four people who would sign the application as well as written reviews by outsiders. An elaborate process continuing over months.

But after I would approve it, it would then go to maybe 5, 10, maybe as many as 15 people within LEAA, including one formal board consisting of a comptroller, an individual who has no research background, a rotating member, and another high official of LEAA, and the various aides to the three Administrators would read the proposal as well. So there would be a lot of cooks stirring the broth and everybody would have a different view. Even if their views were right—suppose one young assistant to the Administrator was correct in his views—you pay a very high price for being correct on 1 grant out of 150 because there is no predictability in what you are doing. It was a very disorderly process.

Mr. SCHEUER. You say that there is no reason why the LEAA Administrator shouldn't give overall direction on policy and priorities. I want to raise one thing, and I'm sure you can answer it.

It seems to me if the LEAA Administrator is setting priorities and policy that inevitably and understandably there would be almost a predictable tendency to stress applied research that would help a mission-oriented agency—the LEAA and the Department of Justice—and they would always feel constraints against funding for pure research, not because they weren't sympathetic to pure research but because they would tend to look upon you as a support agency for their efforts. And with limited funds and with limited high-quality scientific personnel, it seems to me understandable and almost predictable they would be pressing you in what was a perfectly legitimate goal from their point of view; that of putting resources into applied research.

It seems to me if that is true, then you have, as Colonel Jacobowski would say, one of two possibilities. You could say:

It is reasonable and predictable, and we will let the National Academy of Sciences or the National Science Foundation do the purely theoretical research in the area of crime, criminal justice, and law enforcement, and we will perceive ourselves as an institute for applied research.

Or, if that is not acceptable, then it seems to me you would want to have second thoughts about whether the Institute should remain in LEAA if you want it to do theoretical as well as applied research.

Am I being unduly concerned about what those predictable pressures would be?

Mr. CAPLAN. No; Mr. Chairman, I think you have hit the nail on the head. If the Institute were to remain under the general supervision of the LEAA Administrator, that would be a hazard, and the program might be driven too far in terms of finding answers that would be only useful for the next 6 months or a year. But balanced against this consideration is the fact that if the Institute does produce research of importance, the rest of the LEAA program is there, hopefully waiting to marshal its forces to implement it.

The problem with other research and demonstration programs has been when they do hit a success, there aren't local funds to support it. There isn't initiative elsewhere, and many good ideas wither away. I think part of the genius of the LEAA design was that action funds were to be available to support research projects that proved themselves. It hasn't worked that way, but now that the Institute is 8 years old and has begun to say some important things, it has the opportunity to mobilize LEAA.

That may be wishful thinking. I don't think I have expertise there in predicting what the new LEAA will look like, but it would seem to me that a marriage between research and action funds is possible. Against that has to be weighed the possibility you suggest, that the LEAA Administrator, under pressure from practitioners, will want to go for quick fixes rather than long-term research.

Mr. SCHEUER. Do you think if we leave the Institute in LEAA that the legislation itself should stipulate that the Institute Director have final authority on grant approval, and that there should be an equal priority and an equal funding for pure research as against applied research?

Mr. CAPLAN. Yes.

Mr. SCHEUER. And I'd like you to answer those separately.

Mr. CAPLAN. My strong recommendation would be that the Institute Director be given signoff authority.

Mr. SCHEUER. In the legislation?

Mr. CAPLAN. In the legislation. And if that is not done, the committee should recommend moving the Institute to the Department of Justice or elsewhere. However, I would be cautious about putting in the legislation a formula for the division of funds, and instead rely more on general language stressing the fact that the Institute has an obligation to do both applied and basic research.

I would not want to see the Institute have a monopoly on criminal justice research and, I think it is in the public interest that agencies such as NSF and NIMH provide financial assistance in this area.

Mr. SCHEUER. I think we have had quite a unanimity among witnesses that there ought to be a little bit of competition.

Mr. CAPLAN. It is a healthy thing.

Mr. SCHEUER. And if there is some bit of duplication and replication, that is not the greatest tragedy in the world, and it is far more compensated for by the intellectual competition that these other foci of intellectual activity would provide.

I am going to wind up with this question.

First, what are your thoughts on the judgments and the accuracy of the National Academy of Sciences' report on the Institute?

And second, you mentioned some of the successful programs. During your tenure, which were the programs that were more successful, the most productive, and gave you the greatest feeling of satisfaction? And which were the failures that didn't produce much and the reasons why the underlying factors that produced success and failure?

Mr. CAPLAN. In terms of what our successes were—Mr. Chairman, I had a lapse of memory. What was the first part of your question?

Mr. SCHEUER. Your reaction to the NAS report.

Mr. CAPLAN. The NAS report; right.

I was both heartened and disheartened by it. It was one of a number of reports that attempted to make judgments about the Institute. It was well funded and it studied us at great length. What troubled me about it, the disheartening part, was that it seemed without a political context. It had a utopian flavor about it. One could neither oppose its recommendations nor implement them. I thought it had an unrealistic tenor about it.

On the other hand, I thought that it was a judicial assessment. It provided sensible guidance for the future.

The Institute began to implement it as soon as it was in draft form. It was on my initiative that the study was undertaken, and I think in retrospect it was a wise decision.

Mr. SCHEUER. OK. Now, as to your successes and failures and which were they and what were the elements that seemed to produce success as against failure?

Mr. CAPLAN. Well, I don't have a total list off the top of my head, but several projects come to mind, and I think they illustrate where we are in criminal justice research.

In the police area there are three or four projects that suggest that the way we thought policing ought to be done was incorrect. Taken

together, the sum of their impact is much greater than the individual components.

I think from the first set of studies or related studies, we learn how heavily dependent the police are on citizen cooperation. We talk about police discretion and judicial discretion, but victim discretion to invoke the criminal justice system, to call the police, to tell them what happened, and then to appear in court—that this is what makes a difference.

And the studies are quite dramatic in revealing that where citizens don't promptly call and where they don't have information to give the police officer, when they don't give him a big clue, such as the license plate number or the name of the offender, the police are relatively helpless to solve crime.

Mr. SCHEUER. If I were a conservative Republican member of this committee, I would say you don't have to engage in grandiloquent research efforts to come to the conclusion that if somebody can give the police a license plate or a clear description of the offenders, they have a better chance of making an apprehension than if they have nothing to go on.

Mr. CAPLAN. There is an obvious quality about that.

Mr. SCHEUER. To my thinking, that was not what I had in mind when I worked very hard with others to get the Institute into being and operation.

Mr. CAPLAN. Let me try restating it another way. We find from the Kansas City response time study that citizens delay for a long time in calling police, and this delay means that police rushing to the scene of the crime will still arrive there too late to solve the crime.

Most people who are victimized call somebody else before they call the police. Now, that is something we didn't know about before. It is unexpected, and police chiefs around the country are saying, "That is true in Kansas City but not in my hometown." But I think it will bear up. The research is solid.

Mr. SCHEUER. Maybe it is all that red meat they eat in Kansas City. They call their husbands or wives first.

Mr. CAPLAN. Well, I think we will have it on the east coast and west coast as well. If you combine the findings of delay in reporting with the fact that detectives—we learned from another study—appear to have a very limited capacity to solve crimes, without citizen assistance, it suggests that we are not policing in the right way. When that detective arrives at the scene, it is not so much the way, Mr. Chairman, you put it, that if the citizen tells him the information he can go ahead and solve the crime, but unless he gets that information at the scene of the crime, he is not likely to get it on his own—by fingerprints or some other mysterious ways as they do on television. It is that simple.

These are very important leads in terms of manpower, communications, motor vehicles, and community relations. We need to get at the heart of questions as to why citizens give so many phony addresses, why they delay so long in calling.

And I might say that these kinds of findings, apart from how conservative Republicans or others, would react—the chiefs have taken them very hard. These studies have been disputed and debated.

We have opened up an important area of research.

Another area where I think there is continuing promise is "defensible space," a concept that relates to architectural design. It suggests that crime can be significantly reduced in certain communities by the way public housing and other areas are designed.

Mr. SCHEUER. To what extent were you able to make contact with noncommercial researchers and the community of scientific scholars, university-based and perhaps the private foundation-based community of scientific scholars during your tenure as Director?

Mr. CAPLAN. I think that substantial success was achieved here. It improved over time. Criminal justice research is a relatively new field. When I was working at the Crime Commission in 1965, you could hardly find a political scientist sociologist that had studied the police or the judiciary. The textbooks hadn't been written. This has changed, and there is much new blood, and I think much excitement, because so many people have been recruited into the field as a result of the National Institute's program. Even more are needed.

Much of the Institute's research is of such a large scope that it is no longer within the province of an individual professor or group of professors. Universities aren't organized for large data gathering studies. If you want to do a survey of drug addiction programs in jails, the University of Chicago or Yale is not likely to leap to do it. By and large that work is more suitable for Federal chartered research organizations and other corporations. Many have hired Ph. D.'s and graduate students and have come to look more and more like universities, and it is hard to tell them apart.

Mr. CONYERS. Thank you.

Counsel Hayden Gregory.

Mr. GREGORY. Do you believe, Mr. Caplan, that there is need for Federal support for research in the cause of crime, the origins of crime?

Mr. CAPLAN. Yes.

Mr. GREGORY. To what degree? What are some examples of some of the kinds of research you would find or perhaps did find in this area?

Mr. CAPLAN. I'd say the Institute did too little of it. It is not a type of research that produces sharp and clear answers. It is particularly difficult to design.

I would say one area where it would be useful to know more would be about the relationship between employment and crime. Here there has been a lot of research that needs to be pulled together. There has been a lot of experience in job programs. The Congress has shown a great interest in it. There are views on different sides. And it is probably one that we could learn much more about and turn that knowledge into practice.

Often the root causes are of such enormous proportions that they tend to dwarf even the crime problem.

Mr. GREGORY. Taking that example of employment and crime and the nexus between the two, did you fund any projects in the 4 years you were Director of the Institute in that area?

Mr. CAPLAN. We funded several preliminary studies but nothing of major scope. Several months before I left a large-scale effort, over a 5-year period at \$300,000 a year, was contemplated. It is in the development process. It was started largely as a result of the hearing that I appeared at several years ago where Mr. Conyers and others—particularly Mr. Conyers—showed so much interest in the area.

Mr. GREGORY. Other witnesses appearing before the subcommittees have made the point that there is a need for a certain body of research which is probably only valuable to other researchers, in other words, knowledge-building-type research. Do you agree with that, and, again, did you fund any programs of that nature?

Mr. CAPLAN. Yes. I missed the first part, that there is a need for—

Mr. GREGORY. For basic research which is, in the immediate future, at least, only valuable to other researchers; it is not valuable to the criminal justice community, such as gathering accurate information on which other research can be based.

Mr. CAPLAN. Yes, I would agree with that.

Mr. GREGORY. Do you think there was adequate support over the years in the Institute for that kind of research, or was there more pressure toward immediate results?

Mr. CAPLAN. I would say it was a shortcoming of the Institute that it did not do enough of this kind of research, and for that reason, in my opening remarks, I emphasized continuity and stability as prerequisites undertaking long-term research that does not have immediate yields, and that may not pan out. You study it for a number of years but there is nothing much to show for it.

I would not make those efforts a dominant part of the Institute, but they should be a part of it, and it is a deficiency that it has not been done. I would say the atmosphere has not been sympathetic to that kind of research. With encouragement from the Congress, it could be enhanced.

Mr. GREGORY. What needs to be done to create the atmosphere or the structure that would overcome that? You indicate you would be willing to have the Institute remain within the Department of Justice. What sort of steps should be taken legislatively or by the executive branch to properly insulate the Institute from improper pressures?

Mr. CAPLAN. I think the Institute Director should have the authority to commit funds—in a grant-making agency, that is where the power is. He should be a presidential appointment as well, to demonstrate symbolically that research is on a parity with other functions of the Department of Justice or LEAA.

Mr. GREGORY. What about some sort of outside peer review or advisory group? Did you ever use a group such as that? Dr. Shah of NIMH yesterday spoke in very laudatory terms of that kind of process, and other witnesses have also.

Mr. CAPLAN. On the review of individual projects, we used outside experts to advise. We did not have peer group review in the sense that NIMH uses the term. Our procedures were less structured and varied from project to project. In some cases, an internal task force would feel comfortable in making the final judgment. In others we'd want outside help.

I would say outsiders are helpful. There has to be a rugged review process. But I would be wary of formalizing it. Advisory groups tend to get in the business of making final decisions. I think it makes more sense for government employees to make them. But the use of advice is essential.

Mr. CONYERS. Does the gentleman from Ohio happen to have any questions? We were just winding up.

Mr. ASHBROOK. Thank you, Mr. Chairman.

Mr. SCHEUER. It at this point you would tell the gentleman from Ohio the results of your Kansas City effort, I think you would get a reaction from him.

Mr. CAPLAN. Mr. Chairman, I think you are trying to get me in trouble.

Mr. Ashbrook, I was referring to several studies in the police area that have been disheartening to investigators and to all of us, but I think in the long run they will prove to be good news. One in Kansas City showed that citizens delay a very long time in calling the police after they have been victimized. And although the police capacity to make a response promptly has dramatically improved over the past 10 years, citizens call somebody else before they call the police. As they so often do, the police miss an opportunity to make an arrest.

And other studies have shown—not necessarily in Kansas City; we have studied other places—unless somebody at the scene of the crime gives the officer an important clue as to the identity of the offender, the police capacity to find him is very limited.

Mr. ASHBROOK. It took a study to find that out?

Mr. CAPLAN. It took a lot of time and a lot of money.

Mr. ASHBROOK. There aren't many Kojaks around.

Mr. CAPLAN. No, unfortunately.

Mr. ASHBROOK. How much money did it take to find that out?

Mr. CAPLAN. There is a total of three studies, two by a prior foundation, and one by us. And I'd say they are quite expensive—say \$1.5 million.

Mr. ASHBROOK. Well, Mr. Scheuer knows what my comment would be. I would doubt that that is worth it.

Mr. SCHEUER. I really set the gentleman up for you, John. It was a mean thing to do.

I have one additional question. I am going to read a paragraph from a speech that is being made at the present moment by Peter Flaherty, Deputy Attorney General of the United States, before the seminar on the managing of criminal justice programs, scheduled for 9 o'clock this morning, Thursday, June 30, at the Washington Hilton Hotel. Mr. Flaherty is in the process of telling the assembled multitude the following. This is the last paragraph on page 3 of his remarks:

As for the research institute in LEAA, I would favor keeping it in the Justice Department. I would like to see development and demonstration funds continued but only for projects that meet a stern test of practicability. I would like no constraint on projects that have a high probability of success and would achieve results in a relatively short time.

Mr. CAPLAN. I would be troubled by that approach, Mr. Chairman. All of us want to fund projects that have a high degree of probability of success, and that practitioners could make immediate use of. But these kinds of ambitions are unrealistic.

Mr. SCHEUER. Aren't there a lot of research projects you can envision that wouldn't have immediate possibilities of application, that would be knowledge-building?

Mr. CAPLAN. Yes, I think that is right. If there is any lesson we have learned from this vast expenditure of Federal funds, it is that there are no shortcuts to crime control. We have tried them all. We have looked at court delay and narcotics, and we know the problem

is bigger than any one of them. It is going to be solved quickly. It is going to be solved by the slow and careful accumulation of knowledge in a large number of areas. Cumulatively there may be an impact on crime. There is going to be no single effort that will do it. So I would be very troubled by this approach which seems to be a recipe for simply doing what we did in the past in somewhat more elegant rhetoric.

Mr. SCHEUER. Is there anybody here representing the Justice Department or Mr. Flaherty or the Attorney General?

Mr. CONYERS. I don't want to begin calling those kinds of witnesses.

Mr. SCHEUER. I don't want to call them. It just seems to me there seems to be an extraordinary lack of communication between these two committees and the Justice Department. We have had testimony from witness after witness after witness in which they say we must get away from the short fix, and here is Mr. Flaherty advocating that we do only the quick fix. And I would hope if there is anybody here from the Justice Department that they will carry the message to Garcia.

I, for one, am chagrined and deeply disappointed that Mr. Flaherty seems to have gained so little additional insight from the 3 days of hearings that we have had already before today.

I yield, Mr. Chairman.

Mr. CONYERS. Well, I don't have any questions of the witness, and I want to thank you, Mr. Caplan, for joining us. We are going to have to move on.

Mr. CAPLAN. Thank you, Mr. Chairman.

Mr. CONYERS. Our next witness is Peter Bloch, staff director of the American Bar Association Commission on Law and the Economy. He has had quite an experience in police-related projects and served on the Urban Institute.

[The prepared statement of Mr. Bloch follows:]

SUMMARY OF ORAL STATEMENT

My experience in directing NILECJ funded research was related to two topics of great potential for improving the performance of police agencies and, less directly, of the criminal justice system. These topics are:

Neighborhood team policing.—The decentralization of police services by delegating the responsibility for services in an urban neighborhood of about 15,000 people to a police lieutenant and a team of about 30 officers, responsible for developing and implementing a police services and enforcement plan suitable for the needs of the neighborhood; and

Managing criminal investigations.—The idea that police success in apprehending and prosecuting criminals depends on: (1) increased cooperation between officers conducting preliminary and follow-up investigations (usually patrol officers then detectives) and (2) on improved incentives for using care in investigation, for concentrating investigative resources on promising cases and for successful prosecution.

Both of these ideas are deceptively simple. Successful implementation seems to depend more on the details of implementation than on the adoption of general principles.

My experience with NILECJ has led me to accept the following principles:

1. NILECJ has undertaken research with important policy implications and has played a role in increasing the awareness of police officials concerning some important aspects of their work.

2. NILECJ has in the past been unable to develop meaningful policy experiments to test the effectiveness of either neighborhood team policing or managing criminal investigations. In both cases, it has hurriedly designed demonstration programs without adequate attention either to social science methodology or to the development of adequate local support for the implementation of a uniform, testable approach.

3. Program evaluators and implementers must be employed by a criminal justice research agency and must work together to design experiments.

4. It is possible to design useful experiments. The Police Foundation has had some success. LEAA may now be having some success in its study of police response time in Kansas City.

5. Congress must be patient for results. Good research takes time to design, conduct, and evaluate and the results are disseminated slowly.

TESTIMONY OF PETER B. BLOCH, STAFF DIRECTOR, AMERICAN BAR ASSOCIATION COMMISSION ON LAW AND THE ECONOMY

Mr. CONYERS. Where does your view come down on the question of the research institute, Mr. Bloch?

Mr. BLOCH. Mr. Conyers, I look forward to answering that question. I would like, if I could, to delay just a trifle. I have been very interested in the dialog that the committee has had with Mr. Caplan. My particular expertise is in relationship to two programs that the Institute has been involved in, but that have also received funding from other sources: the management of criminal investigations, which Mr. Caplan identified as an extremely high priority project within the National Institute of Law Enforcement; and neighborhood team policing, which is directed to similar practical concerns about the improvement of police operations.

If I could just talk a bit about those programs, I would like then to comment on general things about the National Institute.

The neighborhood team policing program is one, Mr. Conyers, that you probably are familiar with in Detroit under the name of the beat commander system, and Mr. Scheuer may be familiar with it in New York under the name of Operation Neighborhood.

The idea was one begun under the President's Crime Commission. It was developed at the Urban Institute to some extent by Patrick Murphy and myself, with Ford Foundation funds. There was some testing in Detroit. There was an attempt to implement some of the concepts in New York City. And the National Institute of Law Enforcement paid to have a book on neighborhood team policing compiled which represents the experience of those two cities, plus some others that we were fortunate enough to be able to visit for 3 or 4 days each.

The concept of neighborhood team policing is that the police response to a community's problems needs to be acknowledgeable, that it helps to decentralize a police agency so that there is a lieutenant and a small team of officers responsible for police services and crime control within a neighborhood. And they are responsible for learning about that neighborhood, working with the citizens of that community, developing a police services and crime control program and, if possible, being a constructive force, not only within their own operations—

Mr. CONYERS. Wait a minute now. Are we going to have a recitation of a project you got hired to operate on? I mean what has that got to do with the question before us?

Mr. BLOCH. Well, Mr. Conyers, the reason I want to testify on these two programs is because they were then followed up by the National Institute. And I think both the accomplishment of the Institute in implementing these programs and some of the problems,

some of the fumbles that occurred, indicate some things about the basic operation of the National Institute and also about ways in which the program can be improved in the future. I think they do bear on the possible improvement of the National Institute.

Mr. CONYERS. Maybe they do; maybe they don't. But the reason I can't tell is you haven't submitted a prepared statement, so I don't know where this is going to lead. Can you summarize this in about 5 or 6 minutes?

Mr. BLOCH. Mr. Conyers, I have submitted a one-page summary which apparently is not in your possession.

Mr. CONYERS. A one-page summary? No; it hasn't been in my possession.

But the point I want to get to in the testimony is let's hook this up a little bit faster. We don't want to go into a project analysis. I mean that is not going to prove anything. Neighborhood team policing—I am very anxious to hear what you are going to say is the summary of the effect of it, because I understand people are now recommending one policeman units now.

Mr. BLOCH. I could short circuit the program descriptions if you prefer. The point is there is substantial police and other support for the two concepts that were involved in the programs in which I have done research, and the National Institute, having developed in the Office of Technology Transfer, having developed a description of the best that is known about these programs, then went on to a demonstration phase in which a good deal more money was spent in training and evaluation. And I am afraid that the design of those programs was impeded by the way the Institute is structured, partly because there are separate offices of Technology Transfer and an Office of Evaluation, and partly by the way in which the Institute is staffed.

But operating under substantial time pressures, in order to further learn about these two important programs, the Institute developed programs in which they got sites for further testing through their regional offices which resulted in a spread of sites around the country which is politically advantageous, and they did not pay enough attention to carefully designing what they would want to test, what they would require these individual sites to implement, and how they were going to find out about those programs.

That happened in part because the Office of Technology Transfer is a sales agency within the Institute of Law Enforcement; it is not a research agency. And there was insufficient attention paid to either the methodological problems that need to be faced in order to learn from a widescale demonstration or to input from the practitioners who could tell what the practical problems were with implementation of some of these concepts.

In addition, there wasn't sufficient groundwork with the agencies that were going to be involved in these demonstrations so it would be possible to know the extent to which their cooperation could be expected or the extent to which they would implement these concepts.

In these two national demonstration programs organized by LEAA there were extremely important concepts to be tested that could improve the way in which information is gathered and the police deal with the community and the way the police prosecute criminals, and my fear is that in order to sell these programs and claim success,

LEAA rushed too much and didn't do the necessary groundwork in order to accomplish things.

I think there are some lessons to be drawn by this committee about LEAA on this score.

One is, I think it would be extremely helpful if the Institute had qualified methodological personnel and personnel who were experienced with the field problems working together in the design of important demonstrations. These need to be high-quality personnel who, I am afraid, occur occasionally within the National Institute but are not typical of the personnel that are found within the Institute. They need to be working together, and they need to be given ample time to plan large-scale demonstrations, and the details of how information is to be collected and gathered have to be worked out at the same time the programs are. What I am saying is elementary to those who have thought about program evaluation.

First, they organized the neighborhood team policing demonstration program, and then repeated their mistakes in the managing criminal investigations program which is being implemented now, and they did that after they had a conference with five people who are familiar with the research and the need for improving the management of criminal investigations. And I think they did it because they felt time pressure to do something and get it out in the field and be visible about it, and were not willing to pay attention to very important policy considerations in order to do something from which this country could learn.

I think that was why the staff talked to me about testifying.

I have other observations.

Mr. Chairman, do you have some questions?

Mr. CONYERS. Well, I have this to say.

You know, creating a National Institute outside of the Justice Department was recommended yesterday by the American Bar Association representative, and it sounded like a pretty good way to isolate our whole research effort. Today, listening to the Deputy Attorney General's comments that are being given this morning as reported by the chairman, I am beginning to wonder what we are getting into here. I think this is a precise instance of being caught between a rock and a hard place, and it is going to turn on what kind of attitude is in the Department of Justice. I mean, speaking through this witness, if we don't have the kind of attitude that is going to sanction legislation—at least he has been candid enough to tell us up front they want high success, immediate-application-type activities, which means we are back into applied science systems, gadgetry, and the whole thing that reverses what we are supposed to be learning after 8 years of fumbling around with LEAA.

Now, that makes the ABA proposal look extremely interesting in the light of just what has gone on recently.

I must say that I have been of a mind to leave the research arm in the Department of Justice, but the question now is what for?

Mr. BLOCH. I'd like to agree to some extent with Mr. Flaherty but join you in disagreeing with another portion of what he said. The quote from Mr. Scheuer, read before, said he was advocating the development of funds for projects that meet a stern test of practicality. He then went on to say there should be payoff in a short time.

I would agree we can apply a stern test of practicality, but as the fifth in my prepared summary suggests, a payoff in a short time is not practical.

Mr. CONYERS. But how can a researcher start off knowing how practical a subject is going to be? That contradicts the whole nature of science, it would seem to me. I mean if we could practically start off on a project—you know, we take these system things that are totally impracticable. What about the walking shoes idea and the beefed-up police car? We came up with gadgetry that should have been laughed out of the office that was funded seriously until enough people began to ask them what they were doing. We rationalized sending cannons into little police stations in the Midwest and television scanning in front of police stations, as if that was the most vulnerable place of attack in the city.

You know, we have refuted a test of practicality at the most logical level, and you are suggesting that we ought to sanction a stern test of practicality as a guide to the kind of research we want to get into.

Well, if you think I am in disagreement with that view, you're right.

Mr. BLOCH. Mr. Conyers, in terms of words, I think I agree with what you said, but when I say "stern test of practicality," I believe it requires a sensitivity to what the criminal justice system is about. It requires a knowledge that the police operate within a society, and that there is a relationship among the parts of the criminal justice system and that technology for its own sake may be practical in a very narrow sense but may not be practical in terms of the needs of the Nation. I just feel that there is a difference between the kind of academic research which often has gone on in this county, which is, I think, for publication's sake and for the interest of the academic community—

Mr. CONYERS. But not in the criminal field. I'd like you to just, even after this hearing, submit to me a list of what you would consider to be impractical or theoretical research activities that were funded in the area of criminal justice. I mean we are almost embarrassingly short of any intellectual approach to his area. And it may be because it's new. I don't say we should have a great body of it. But in this area, we are embarrassingly short of any sort of long-range studies that go to causation or root causes. There was very little of that. That was precisely what I infer was frowned on during these first 8 years.

Mr. SCHEUER. Will the chairman yield?

Mr. CONYERS. Of course.

Mr. SCHEUER. I would think that the research institute ought to be engaged in other things than producing hardware and technology. Taking a random group of young kids we have to know which are the ones who are going to engage in violent activity as a full-time occupation. What makes them do it? And what makes the others work hard at school—incentives, motivations, deterrents. I don't know whether research into these esoteric elements of behavioral science would meet Mr. Flaherty's stern test of practicality with a quick, short-term result.

I also would like to have you tell me whether you think that the Institute Director, Mr. Caplan's successor, could go to one of our great universities and ask them to set up a research project on deterrence, on motivation, on incentives, on the whole group of questions of what

makes people engage in criminal activity, and give us some clues as to what some counterprograms could be.

Could they be motivated? We have had a lot of trouble getting first-class researchers in the scientific community involved in the work of the Institute. You heard Gerry Caplan testify to that effect. Do you think a "stern test of practicality which would achieve results in a relatively short period of time" is going to ease the job of Mr. Caplan's successor in attracting the highest quality of scientific research personnel into the Institute from the great universities and foundations? Do you think it will make it easy?

Mr. BLOCH. I would consider the projects you are talking about to meet my test of practicality. They are very important and, therefore, of great practical importance to the way the criminal justice system is run. I can't speak for Mr. Flaherty and didn't come here to defend him. I think the problem with getting people from the research community involved is the way the research program of LEAA is fashioned does not result in defining projects in which that community is interested. And because the personnel at LEAA are not the kind of people who generally have done good research themselves or have directed research projects themselves, they therefore find it difficult to identify good research proposals and separate those proposals from other proposals that they may receive. I think they have difficulty encouraging good research because they are not themselves top researchers. And I think it would be very helpful to have top researchers involved within the National Institute.

Now, unfortunately the history of LEAA has accumulated a lot of people who are trying to fund research who are not suited to do that. There are also some very important exceptions. But unfortunately, a large number of the employees of LEAA have never done good research, have never directed research, and they can't recognize good research or seek it out. And the Director of the Institute cannot be expected to do that by himself. He is going to need help.

Mr. CONYERS. Are there any other questions?

[No response.]

Mr. CONYERS. Well, we want to thank you. You have stimulated a good deal of discussion and hopefully some thought of the subcommittees and staff in terms of what our ultimate direction is going to be. It is not an easy judgment that we can arrive at, and it is based on a lot of things that we have to sort of grope for. So we appreciate your coming with us, Mr. Bloch.

Mr. BLOCH. Thank you.

Mr. CONYERS. We have a senior fellow from the Center for Crime and Justice, the Academy for Contemporary Problems, Mr. John Conrad, former Director of Research for the U.S. Bureau of Prisons, former chief of the Center for Crime Prevention and Rehabilitation, and a professor in several areas.

We welcome you here today, sir.

**TESTIMONY OF JOHN CONRAD, FORMER CHIEF OF THE CENTER
FOR CRIME PREVENTION AND REHABILITATION, LAW ENFORCE-
MENT ASSISTANCE ADMINISTRATION**

Mr. CONRAD. Thank you, Mr. Chairman.

Mr. CONYERS. We have your prepared statement.

Mr. CONRAD. I do have a prepared statement, and if you like I will read it to you, or if you would prefer I will skim through it and be prepared to answer questions, whichever your pleasure is, sir.

Mr. CONYERS. Well, could you skip both of those and let's get to the questions. We've got the statement.

Could you just summarize it for a few minutes?

Mr. CONRAD. Yes, I will do that. I prepared my statement around four case examples which illuminate certain principles for the organization and proper management of the Institute. And in preparing my statement, I had to rely entirely on memory. I have no notes or files on which to draw, so I might be challengable on detail, but in the general outline of the case examples, I think I am correct in my statement.

I also want to say I have taken the liberty of naming some names and have not done this invidiously. I don't want my comments to be taken as the aspersions of a former disaffected employee of the Institute, but on the other hand, I don't see how it is possible to discuss the case examples intelligently or clearly without identifying some people from my experience.

Mr. SCHEUER. We took all those references to be made far more in sorrow than anger.

Mr. CONRAD. More in sorrow than anger. But I don't want any invidious construction made by my statement if I can help it.

Also, I should point out that it is 5 years since I left the Institute, and the examples I give are not exactly recent history and some improvements have been made since the horror stories I am about to recite took place.

The first case leads up to the principle that provision should always be made for some kind of peer review in the approval of any grant over some minimum amount. I am a little uncertain as to what the minimum amount ought to be in view of the changing value of the dollar, but I would say at least any grant over the size of \$50,000 to \$75,000 ought to have some kind of peer review. Below that I think, in the interest of expeditious handling of small grants, the Institute staff itself ought to have some latitude to approve a promising small grant. And there should be some small grants. A great deal of valuable work, some of the most valuable work that was done while I was in the Institute, was for sums of as little as \$5,000 or \$6,000.

Established panels of famous experts, such as the NIMH relies on, have always seemed undesirable to me, particularly as they get better and better acquainted with each other and better and better established in their duties. I would prefer to rely on the Institute staff to choose three to five persons with recognized expertise in the area in which the proposal falls, but there can be no question of the necessity of peer review and its benefits in the improvement of the Institute's work.

Now, the case I wanted to tell you about here has already been mentioned by Mr. Caplan as one of the outstanding pieces of work the Institute has conducted.

In the fall of 1969, Prof. Oscar Newman, a young architect then on the faculty of the Columbia University School of Architecture, came to us with an unsolicited proposal to conduct studies leading to design directives to reduce the alarming incidence of crime in inner city housing projects in such locations as New York City, Cleveland,

Newark, and San Francisco. His concept was that crime in public housing was largely the result of the tenants of these facilities having to live in essentially public space, unprotected from intrusion. He argued that ordinary middle-class householders are to some extent shielded from molestation by defensible buffer zones around their domiciles. He believed that new public housing should be designed to provide the individual tenant with "defensible space" around the premises he occupies. He also proposed to provide design directives for the modification of existing housing projects so that indefensible space could be made as defensible as possible under the circumstances.

The proposal was obviously in the domain of crime prevention and rehabilitation and was therefore assigned to my center. I made contact with social scientists in the Department of Housing and Urban Development to obtain their views about its feasibility. They were well acquainted with Mr. Newman and had some reservations about his ideas.

Nevertheless, the attractiveness of his plans led Mr. Ruth and me to pursue the proposal further. We invited an interdisciplinary group of social scientists, architects, public housing administrators, and other interested parties to join with us in a seminar review of the hypotheses, the research design, and the probable usefulness of any positive findings and recommendations.

Based on a general consensus produced by the majority of this seminar, we decided to go ahead with the grant. The project was successful. It resulted in a book which has been widely and respectfully reviewed. Many of Mr. Newman's ideas have been applied in housing project redesign. The concept of defensible space has become one of the few notions accepted as effective in the field of crime prevention.

Despite the reservations of Associate Administrator Clarence Coster, who was reluctant to provide second-year funding for the memorable reason that he "did not want to see Mr. Newman build his professional reputation at the expense of LEAA," the grant was continued for 3 years, well past the time of my resignation.

In this case history, we see the Institute functioning rather well for an agency in its first year of operations. Indeed, it was one of the few cases I can recall when we did what should have been done. There was careful advance discussion of the project with the proposed project director, a thorough peer review before the grant was made and, most important, a successful outcome in terms of the product of the whole enterprise. Periodic site visits were made, and progress reports gave us a regular perspective on Mr. Newman's problems and achievements. Mr. Newman's reports have been widely disseminated in many different forms and media. I cannot and do not claim any special credit. The contribution of a monitor to a successful project is not particularly important, even though the blame which must be assigned to him in the case of an unsuccessful project can be very heavy indeed.

Mr. CONYERS. Pardon me, Mr. Witness. I am going to ask you to summarize because we could get into a long discussion on just how great this notion of defensible space was. I mean some people thought it was a great idea. Others thought it was less than a great idea.

What do you suggest it proved?

Mr. CONRAD. Well, I think that this was one of the few cases during the 3 years I was with the Institute in which a satisfactory process

was carried out, more or less by accident, from beginning to end. We were uneasy about the reservations of people in the Department of Housing and Urban Development about Mr. Newman, and as a result we decided we'd better get a thorough discussion with experts in the field. We were able to recruit a number of people from Harvard and Columbia and the University of Pennsylvania to join us in a discussion of the project and the ideas that Mr. Newman had and the feasibility of his approach.

I feel that that was the kind of peer review which should take place in the review of any project of this magnitude.

Mr. Newman's project, as I recall, was budgeted at around \$150,000 annually for 3 years. I feel that here we have a case where Mr. Newman and the Institute were in satisfactory collaboration. But the Institute at the same time was able to draw on the independent expertise of people who could make judgments about the feasibility and the wisdom of the ideas which he had.

Now, I am aware that there are people who have some reservations about the defensible space concept. I think these reservations can be defeated, and in review with you, Mr. Chairman, in another place, I'd be happy to discuss them with you. But the point I wish to stress here is peer review and peer review of a kind which I don't think even takes place in the Institute with oral interchange among the various experts on hand to study it.

Mr. CONYERS. We appreciate that point because I think there is no one on either of the subcommittees that would disagree with you there. And I think for that purpose it is a valid example.

Mr. CONRAD. Yes. Now, the second point follows almost inevitably from this on the second case, which refers to my attempt to work with Prof. Vincent O'Leary of the State University of New York at Albany, and now the president of that university, an unusually gifted and able man, to develop a project for the study of adult prisons in the sense of making some judgments about the empirical basis for the standards of practice and administration of prisons which had been enunciated by the National Crime Commission in 1967 and 1968, and later in the standards for the National Advisory Commission on Criminal Justice Standards and Goals.

I felt at that time very uncomfortable, because I had been involved in both task forces, about the process of making pronouncements about standards, about the size of a prison or the size of a probation caseload or the qualifications of probation officers, and so on, without any empirical or statistical or research support for these standards.

I felt at that time that one area in which we certainly needed a great deal of help was what should a prison really be like? What can science really tell us about the proper size of a prison, about the proper administration of a prison, what kinds of programs ought to be going on? And I enlisted the interest of Professor O'Leary and his colleague, Prof. Donald Newman, both of them outstanding researchers in the field of criminal justice.

They submitted a proposal, a proposal which I felt was quite adequate. Because of time pressures and because of overconfidence on my own part, I presented the proposal without peer review—we hadn't been doing peer review anyway—and the Director of the Institute at that time made a flat rejection of the proposal on the basis that he felt that Professor O'Leary and Professor Newman were merely a couple of college professors that wanted some money.

I was unable to persuade the Director to reverse his stand. I was unable to persuade the Director to take any steps to obtain outside peer review. The rejection was flat, complete, and final.

That leads me to the second principle that decisions about approval should never be left exclusively in the hands of the Director, no matter how well qualified he may be. No institute director should want such power. It preferably would be review by peers, administrative review by the Director, and quarterly approval by what I would propose to be an Institute council, which would have a legal status and standing in law, and which would have the final signoff right and responsibility on any project.

Mr. CONYERS. Did you hear Mr. Caplan review the tortured process through which a signoff operated?

Mr. CONRAD. I did, and I think a great deal of what Mr. Caplan had to say relates to the internal inefficiencies of the Institute and the appalling process which the Institute has had to go through in obtaining approval from the LEAA Administrator.

One of the most frustrating parts of my work was when a project had been approved by the Director—and many of my projects were approved by the Director. This isolated case I mention here is sort of a horror story of a case in which the Institute made an extremely bad name for itself with a number of people.

Mr. CONYERS. But Mr. Caplan's recitation seemed like a horror story to me. Here is a Director with comptrollers and whoever else came along with final signoff authority. It was out of his control. I'd much rather combine your recommendation of peer review with the Director having the final authority so it vests somewhere.

Mr. CONRAD. I would assume, Mr. Chairman, that the recommendation of the Director to the Institute council would be a recommendation which would be accepted almost always, except where some serious reservations have been advanced by outside persons who wish to present a competing view.

Mr. CONYERS. If the peer review appraisal is negative, then I would think the Director would have to assume the responsibility if he signs off on the project. But to vest it somewhere out beyond the Director runs in the face of all the bad experiences we have already had.

Mr. CONRAD. I felt, Mr. Chairman, thinking about what I would have done had I been in Mr. Slott's role at that time, and unfamiliar with the subject matter as Mr. Slott was, if I had had any doubts about it, I would have felt better about having a commission to present a case to before making any final approval or rejection, under those circumstances. A council of that kind—I draw the idea from the councils which govern the National Institutes of Health and which make the final decisions for those Institutes would be a wise and desirable way of assuring the legitimacy of the expenditure of public funds on research projects.

Mr. CONYERS. Well, you don't want the Director to have the signoff authority. He didn't have the sign-off authority and still doesn't.

Mr. CONRAD. No, but he did have the power of rejection, and after Mr. Slott had turned me down on Professor O'Leary's proposal, I was in the unfortunate situation of having no place to go. I could not go over Mr. Slott's head.

Mr. CONYERS. All right. Let's try your third horror story.

Mr. CONRAD. The third principle I have is that the Institute should publish an annual research plan—and to some extent it is true the priorities should be related to the body of existing research in the whole field and to the extent possible they should be tied to future research objectives.

As an example, a national jail census is necessarily antecedent to an assessment of the positive and negative impacts of jail programs. Such an assessment must be carried out before we can make empirically based decisions. There are many years of research to be done on jails, and my point is that in the plan for the Institute research there should be provision for a continuing study of jails, building on the existing national jail census, which does exist and is very efficient; but further initiatives to make some judgments as to what can be done to reduce jail populations, what kind of people do have to be placed in jail, what kind of people can be released from jail on their own recognizance or can be disposed of in some other way not available and research of this kind should be going on now. I don't know that it is.

Mr. CONYERS. Do you support the moratorium on prison construction?

Mr. CONRAD. I am not an unqualified supporter of the moratorium, sir. I do feel, however, that we probably have all the jails and all the prisons we really need now in most States. In some States, notably my own State of Ohio, where we have some appallingly inadequate jails and prisons and some jails that are really not fit for a zoo, let alone human beings, I think it would be very desirable to say that the moratorium doesn't apply. And there are many southern States in which the same is true. I support the moratorium for a State like California which has more than enough quite adequate prisons, but not all States are as fortunate as California.

Going on to the fourth principle, I wanted to say something about the national assessment of juvenile corrections, which I think might have been one of my successes had it not had a great deal of interference from the Administrator, Mr. Velde, who, for reasons I never was able to fathom, saw fit to cut off the funding to the extent of about 50 percent of the final year, thereby making it impossible for the staff at the University of Michigan, sir, to complete its work.

And the national assessment of juvenile corrections is an example of the kind of program on which a great deal of building can be done in the course of a general research plan which should be considered as a matter of one of the major continuities in the Institute's life. The research plan should be annually reviewed to determine where we are now on the plan and what should be built into the plan in the future on the basis of what we know now.

My fourth principle is that major projects usually require several years to complete. Their progress should be monitored by staff, and expenditures should be carefully reviewed to assure that deviations from the budget are consistent with objectives and justifiable, but cash flow should never be interrupted, nor should major adjustments to budget be made by the Institute without full review by the council.

Now, the importance of this principle may be not apparent to people who have never worked on a research project, but what the Institute became famous for in most of the universities of the country, and one of the many reasons why many university people are reluctant to get

themselves involved in Institute programs, is that the Institute's business procedures depend upon the idea of an annual project review on any project being planned for a period of years. During the period of this project review, cash flow may be suspended until the review is complete. This may be a matter of months.

The most remarkable example of this, I think, has been in the national assessment of juvenile corrections, in which Professor Vinter and Professor Sarri of the University of Michigan were forced to wait for 3 or 4 months at a time before being assured that their project could continue, during which time they would lose valuable staff, a great deal of momentum, and the morale that any kind of enterprise needs if it is going to maintain continuity.

The importance the purpose of the Institute which we are here to discuss today, should be obvious. The importance of developing better business procedures, and the avoidance of procedures which may be satisfactory to an accountant but which make it impossible for a researcher to work, are not to be overlooked.

Mr. CONYERS. Could you conclude so that we can get into some questions?

Mr. CONRAD. Pardon?

Mr. CONYERS. Can you conclude so that we can get into questions as soon as possible?

Mr. CONRAD. Yes. The final point I would like to make is what should be done with the Institute. I would like to address that because you have in the previous discussion this morning raised several questions which sound to me as though there is some uncertainty as to what should be done.

In the first place, I think it should be continued. I think the Institute is a badly needed agency, and its work is important and should be continued for at least the next 10 years.

It should, however, be removed from the LEAA. The experience of the last 6 years has been demoralizing and frustrating, and it has done a great deal to establish a bad reputation for the Institute in the universities.

The Institute ideally should be placed in the National Science Foundation as a discrete entity. The National Science Foundation is in the business of research, and both the National Science Foundation and the Institute conduct a great deal of social science and similar research which can assure the maintenance of standards which the Institute has not yet been able to achieve.

I want the Director to be accountable to someone. I think his best accountability should be to an Institute Council. I think there are other possibilities, such as, if it is necessary to keep it in the Department of Justice, he might be accountable directly to the Attorney General. But there must be some basis for establishing his accountability.

If the Institute cannot be placed in the National Science Foundation, it should be placed as a distant second choice in the Office of Policy Planning of the Department of Justice which, of course, would have to be reorganized.

And finally, I say let's charter the Institute for the next 10 years and then subject it to congressional review to determine whether it continues to be needed and, if so, what it should do.

Thank you, Mr. Chairman. That concludes my testimony.

Mr. CONYERS. I appreciate your comments, Professor Conrad. I'd like to recognize Subcommittee Counsel Stovall who has a question.

Mr. STOVALL. Thank you, Mr. Chairman.

Professor, do you have any estimate as to what percentage of the funding ought to be applied to what we are calling here basic research as opposed to applied research?

Mr. CONRAD. I have a great deal of difficulty intellectually discriminating between basic and applied research. However, if we are talking about the kind of research which Mr. Velde was fond in recent years of having the Institute sponsor, such as a study of policemen's shoes, I think zero percentage of the Institute's funds should go into projects of that kind.

On the other hand, I think that any kind of research that the Institute should undertake should, to use the Deputy Attorney General's phrase, meet the stern test of practicality, in the sense there is nothing so practical as a good theory. I doubt whether that is what Mr. Flaherty meant, but on the other hand, I do feel that we should be thinking as we start off our projects, such as the project on defensible space or the National Assessment of Juvenile Corrections, where will this lead? Is there some distant payoff, that knowing what we will find out from this study will justify the study in years to come.

But I completely agree with Mr. Bloch that very few studies of this kind can be done in a matter of weeks and months.

Mr. STOVALL. Are you aware of other witness' testimony saying that this kind of long-term research might take 5, 10, 15, or 20 years? Do you think this is an adequate time period?

Mr. CONRAD. Some kinds of research I can imagine, simply because of the need to find over a period of years what the effect of actions taken at some time in an individual's life or in an organization's life may be as to remote consequences in later years—I favor doing that kind of research, and I think some of it should be done. If we are talking about that as essentially basic research, I would say that maybe 10, 15, 20 percent of the Institute's funding should be dedicated to such research if, and only if, there is confidence on the part of the Institute Council that over time such a project is leading to a worthwhile result.

Mr. STOVALL. Are you suggesting now that in the structures that you have enumerated, even if the first option you propose is implemented, that all research, including applied research as well as the basic long-term, if I may, research, should be under the auspices of the National Science Foundation?

Mr. CONRAD. The structure which I would like to suggest to you is that the Director of the Institute be nominated by the Director of the National Science Foundation to the Institute council, which would be a Presidentially appointed body.

The Director of the Institute would have a signoff authority with the approval of the council on projects and proposals, and also on the general research plan.

The National Science Foundation's authority over the Institute would be merely to house it and to help it maintain proper standards of research management and research administration.

The atmosphere at the National Science Foundation is entirely favorable to that kind of attitude toward research, and I doubt

whether the LEAA attitude will ever be much different than what it is now.

Mr. STOVALL. You say on page 16 of your prepared remarks, "It should be understood that the Director need not be an attorney."

Why did you say that, sir?

Mr. CONRAD. The Director what?

Mr. STOVALL. This is referring to page 16 of your remarks where you say that the National Science Foundation should incorporate the Institute as a discrete entity, and if the Director of the Institute should be nominated, as you say, you make a point that it should be understood that the Director should not be an attorney.

Mr. CONRAD. Need not be an attorney.

Mr. STOVALL. Are you proposing that the Director be someone other than an attorney, and I'd like to know why, sir.

Mr. CONRAD. I think the Director need not be an attorney. He may be an attorney, but I think his qualifications must include also some experience in the conduct and administration of research. Most of the Institute Directors, with the exception of Mr. Slott, have been attorneys, and that has been their sole qualification. In the case of Mr. Ruth, it worked out rather well. In the case of Mr. Danziger, it did not.

Mr. STOVALL. So it is not the fact they were attorneys; it is the fact that you didn't agree with the Directors' policies; is that correct?

Mr. CONRAD. No, sir, I think it is necessary for an attorney to have experience over and above and beyond his practice of law in order to function effectively as a director of a research institute. I don't mean to cast aspersions upon the practice of law or the qualifications of lawyers. I merely say that I think that a lawyer who is appointed to the Institute solely on the basis of his proficiency in law doesn't bring enough to the job.

Mr. STOVALL. If I may, what percentage of the funds, if you can give us a generalized statement, during your tenure with the Institute were devoted to the basic type of research, and what percentage were applied—

Mr. CONRAD. During my tenure in the Institute, we had three major divisions conducting research, one on courts and administration of justice by the courts. As I recall, the percentage of funds which was allocated to them was in the order of 10 to 15 percent of the Institute's budget, and great difficulty was found in finding adequate projects even to meet that requirement.

Mr. STOVALL. You are saying 10 to 15 percent of—

Mr. CONRAD. Of the total Institute budget.

Mr. STOVALL. Was for what?

Mr. CONRAD. For research having to do with the administration of justice in the courts.

Mr. STOVALL. OK. I am wondering if you could give me an overview, or is that not possible?

Mr. CONRAD. How much was basic research and how much was applied research?

Mr. STOVALL. Right.

Mr. CONRAD. I would say as an overview we probably spent—and this again is a guess—but I would imagine between 25 and 35 percent on projects which would qualify as fundamental research. There was a great deal of money spent on developing a radio receiver which

policemen could carry in one hand and would have the other hand free for what policemen have to do. A very large amount of the money of the Institute that year was spent on that project, probably in the neighborhood of another 25 or 35 percent.

Mr. STOVALL. You are saying of the entire Institute's budget?

Mr. CONRAD. Yes. A very large percentage was spent on radio transmission because it was believed this would be a payoff which would demonstrate the value of the Institute to the police community.

Mr. STOVALL. You are saying now that the percentage of long-term or basic research, in your opinion, could be 10 or 15 percent of the total research budget and that would satisfy you; is that right?

Mr. CONRAD. The distribution which I would like to see is 10 or 15 percent of the budget going to very long term projects which might be in the order of 5 to 10 years, and the remainder of it going into projects which might have an earlier application—within a matter of 2, 3, and 4 years.

Relatively little work can be done in this field which can be paid off and the final report can be written in 1 year.

Mr. STOVALL. I just want to say, I observe, then, that you disagree with the concept that perhaps half of the funds should be developed for long-term basic research and half used on immediate needs; is that correct, sir? Do you agree with that?

Mr. CONRAD. If we are talking about long-term research in terms of 10 to 20 years, I question the value of that. I think an investment in that is always going to be risky, and 20 years from now we may wonder what in the world possessed us to put so much money into a project which 20 years later doesn't seem relevant any more.

Mr. STOVALL. Thank you very much, Dr. Conrad.

Thank you, Mr. Chairman.

Mr. CONYERS. Subcommittee Counsel Gregory, questions.

Mr. GREGORY. It is pretty difficult, Mr. Conrad, for us to get into questions of personality and personnel, but at the same time it may be that the way an organization like the Institute is structured may have some effect on that and may be reflected in the personnel. You have been, in that respect, very critical of the leadership of Mr. Danziger, who is well known to a number of us here. And we found him to be a pretty thoughtful, intelligent fellow. I wonder if you had any thoughts about where he might have gone wrong in the nature of the program, in the nature of the staff there.

I note you say in connection with the impact cities so far as the professional staff was concerned, "There was never any agreement about impact cities beyond a muted opposition to Mr. Danziger's high-spirited initiative."

Mr. CONRAD. You are quite correct. Mr. Danziger is a man of considerable intelligence and ability. I suspect he is a very able attorney, although I never discussed his competence in the practice of law with an attorney. But I think his administration of the Institute was a disaster.

In the first place, he immediately upon assuming office reorganized the Institute without consultation with the staff and without any preparation of the staff that changes might be made or would be made. The reorganization was poorly thought through and resulted in the power and the monitoring of projects being delegated to very young people, recently out of college, most of them without graduate

education, and making decisions about projects of considerable moment without guidance from anyone.

He organized the senior staff into a group which was supposed to do basic research, and he never told us what kind of basic research he wanted us to do. He never worked out with us budget plans which would make it possible for us to do it, and the result was that many of us found ourselves in frustration doing whatever we could find to do, but without any organized effort to see that it added up to anything significant.

I found myself during the few months I stayed after Danziger came reviewing projects and consulting with various project directors who I had known previously and were interested in getting my opinions and advice, and having a generally miserable time because there was really clearly no clear-cut use for us.

And the result was a demoralization of the senior staff of the Institute. Many like myself left feeling there was nothing further that we could do, and those who remained were generally rather unhappy.

I think Mr. Caplan's tenure corrected most of the problems there and Mr. Caplan gradually reorganized the Institute into a plan which I think meets some general standards of rationality and coherence. There was no coherence or rationality in the plan Mr. Danziger had.

Mr. GREGORY. As to this impact cities program which was, in terms of the money spent, the biggest project in the history of the Institute, there was a lot of what seems to be political considerations built into that—the selection of the cities, the percentage goals for reduction of crime. This was in a presidential election year.

To your knowledge, were those factors built into it by LEAA people out of an understanding that this was something that was expected, or was it imposed on them from outside?

Mr. CONRAD. Of course there were no public pronouncements made by Mr. Leonard who made the decisions personally as to which cities would be the impact cities. There was no public pronouncement as to why some cities were chosen and some were not. In fairness to Mr. Leonard, it should be said he did distribute the cities nationally and some of the cities were cities which could be expected not to vote Republican, such as, for example, Newark.

But by and large, the impression we all had was that these decisions were politically oriented, and they were being made to give mayors of the cities which received these grants a feeling of kindness and friendliness toward the administration of LEAA.

Mr. GREGORY. Thank you.

Mr. CONYERS. Subcommittee Counsel Shacknai.

Mr. SHACKNAI. I waive the questioning to our consultant Dr. Shellow.

Dr. SHELOW. Mr. Conrad, I am very much impressed by your comment that there is nothing more practical than a good theory. It suggests a question regarding an instance of noncontribution to the national intelligence, referred to in your prepared statement.

We have heard testimony from several witnesses—three of them are sitting judges—that there is a tremendous need for an assessment of the impact of various sentencing practices.

Mr. CONRAD. Exactly.

Dr. SHELLOW. In your prepared testimony you describe one such major project that never got off the ground. What would you estimate is the cost in terms of national intelligence, if you will, or any of the other costs, incurred by the cancellation of that project in 1971?

Mr. CONRAD. Well, the cost couldn't have been foreseen at that time. It was much larger than I had anticipated.

What is going on now, as I am sure the committee is well aware, is a national movement toward flat-term sentencing; namely, getting away from the indeterminate sentence and adopting a flat term for the felonies.

The difficulty which we have run into in my own State of Ohio is that if we are going this route—and to some extent I am cautiously in favor of going in this direction—what should the term be? That is, if we have a case of, let's say, a young first-term burglar with certain kinds of antecedents, what should his term be? It shouldn't be left merely to speculation. It shouldn't be left merely to tradition. There should be some empirical basis for deciding that 6 months is not enough and 5 years is too much.

And it was my anticipation that this kind of a study would establish some of these parameters for the use of parole boards. I didn't anticipate that it would be of the tremendous importance it would be to a State like Ohio which is floundering around now trying to decide how long a sentence should be, given the inadequacies of Ohio's prison system and the inadequacies of its plans for future development of that system.

I think that had Mr. O'Leary been allowed to proceed with the project, we'd have some guidelines from it now which would suggest sentencing patterns for different kinds of offenders, and given the kinds of circumstances a State might be in.

But that was not to be, and we still don't have that kind of guidance from the Institute.

Mr. CONYERS. Subcommittee Counsel Gallagher.

Mr. GALLAGHER. Mr. Conrad, I appreciate your forthright and very candid remarks today. I have a couple of questions.

Your first choice was the National Science Foundation.

Mr. CONRAD. Right.

Mr. GALLAGHER. The second was the Department of Justice.

Mr. CONRAD. Yes.

Mr. GALLAGHER. We have had witnesses, Dr. Wheeler for one, and members of the National Academy of Sciences, who preferred a split formula, the basic or long range research to be placed outside the Government contest, the hardware, applied type to remain within the Department of Justice. Would you comment on that particular view as a third alternative?

Mr. CONRAD. I am a little puzzled—it is a little outside of my domain of expertise as to the need for hardware research at all and by the Government. It seems to me the free market could establish with police departments the proper dimensions and capabilities of a police car, for example. I really don't see why the Government should be in a business which the automotive industry and the police know a great deal more about.

Similarly, in the case of the policemen's shoes, footwear, the Government may have a role to play which would say what a substandard

shoe should be, and perhaps the Bureau of Standards in the Department of Commerce might be the place to settle that kind of an issue.

But I fail to see why the Government has any business getting into a domain in which Government expertise is rather difficult to mobilize and when the collaboration between a police chief or the International Association of Chiefs of Police and the industries in question ought to be able to work out the problems themselves. If they can't work out the problems, I am puzzled as to what the Government can do.

Mr. GALLAGHER. If the question is not within your purview, I will withdraw it.

There have been allegations received by the staff that NILE was shortchanged on its allocation of supergrade slots, and that it was given 2 or 3 instead of the 8 or 10 for which it was programed. Could you comment on that?

Mr. CONRAD. It is true, I think, the Institute was originally shortchanged. They now have more supergrades than they formerly did, but it is still an inadequate situation, I believe.

Mr. GALLAGHER. Getting back to your first and second choices. It is our understanding that there was not in the Department of Justice, much higher-level sympathy toward research as such. Your first choice is to move it to the National Science Foundation where there is sympathy for all types of research.

Mr. CONRAD. Yes.

Mr. GALLAGHER. But what assurances for improvement do we have when, by moving it over to the National Science Foundation, which, may, in fact, be very research-minded but not crime-oriented—in the sense of experience in resolving crime problems—its director may be a space man and that is where his heart lies, and therefore he might neglect this crime area, even though it is assigned to him.

Mr. CONRAD. I think you have two assurances, sir. The first one would be that the Director of the National Science Foundation is or should be a person oriented to the requirements of research administration and have some ideas about what the characteristics of a good research program would be and what some of the undesirable characteristics might be also.

That kind of situation, it seems to me, affords some protection. You aren't going to get a person who is, maybe, highly qualified as an attorney but with nothing to offer and no experience in research.

The second protection which I would suggest is the establishment of this Institute council which, as I indicated in my prepared statement, I think should consist of qualified researchers, representatives of both Houses of Congress, and representation from the judiciary. How that should be worked out, I'm not sure. I don't know enough about who can be appointed under these circumstances to what kinds of positions and by what authority, but it would seem to me this would be the ideal composition.

In this way we'd have a council which would assure that if we had a great physicist in the command of the National Science Foundation, the physicist would be sensitive to the need for the kind of research expertise which the Institute would call for and would look for.

Mr. GALLAGHER. Thank you.

Mr. CONYERS. Well, you have helped illuminate several questions and given us a new direction to go in for location of the Institute, and we thank you very much, Professor, for joining us today.

Ⓛ [The prepared statement of Mr. Conrad follows:]

GREAT LESSONS FROM IMPORTANT MISTAKES

Statement before the House Judiciary Committee and the subcommittee of the Domestic and International Scientific Planning, Analysis and Cooperation Subcommittee of the Committee on Science and Technology and the Crime Subcommittee of the Committee on the Judiciary, June 30, 1977

Mr. Chairman, Members of the Committee: I approach my testimony before you today with mixed feelings. On the one hand, it is an important opportunity to be of service to you and to the criminal justice research community to report on the disappointing history of the National Institute of Law Enforcement and Criminal Justice. It is time to review that history and to draw what lessons we can from it, and I firmly believe these lessons are important—not only to the Institute itself but to the larger domain of federally funded research.

On the other hand, I must bear in mind the nature of my former position in the Institute and the circumstances under which I left it. I will therefore begin with a brief accounting for myself. From 1967 to 1969 I was Chief of Research of the Bureau of Prisons, a position with which I was well satisfied until one day, in a casual conversation, Henry Ruth, the first Director of the Institute, asked if he could steal me. One thing led to another and presently I found myself transferred to the Institute in the capacity of Chief of the Center for Crime Prevention and Rehabilitation. I occupied this position until late in 1971 when it was abolished by a successor to Mr. Ruth, Martin Danziger, who chose to re-organize the Institute along lines which I will discuss presently. In June 1972, exactly five years ago, I resigned. I will not conceal from you that I was irritated, frustrated, and in complete disagreement with the policies and actions of my superiors, particularly those which were imposed on the Institute by Mr. Danziger. What concerns me today is that it will be difficult for some who hear these remarks to avoid the conclusion that my views are the aspersions of a disaffected former employee. Let me do what I can to disarm this construction by saying immediately that I do not impugn the honor, the sincerity, or even the intelligence of my former colleagues who, if my conclusions are correct, were responsible for serious errors, in judgement and common sense the consequences of which still affect adversely the Institute's usefulness. I will also concede that some of the remarks to follow constitute the sapience of hindsight and that if I had had to make some of the decisions which I now criticize I might have made some of the same errors, or perhaps some that might have been even worse.

I must also testify from memory; I did not take with me upon my departure the files from which I might document these criticisms. I am also testifying about events and circumstances about some of which I have only partial information. I hope that other witnesses can place in your hands the missing pieces. What is important here is not the reputation of the actors or even the assignment of blame for some inglorious failures. I hold that the country will continue to need the Institute and that it is essential that it should be re-organized so that some kinds of the avoidable mistakes of the past can never be repeated. A scrupulous examination of these mistakes is essential to a rational re-organization.

The history of the Institute is readily divided into four distinct epochs. It began with the vigorous leadership of Mr. Henry Ruth, who served as Director for about a year. There followed an inter-regnum of fourteen months, when the Institute was essentially leaderless under the inexperienced and inadequate direction of Mr. Irving Slott, the Acting Director. In September 1971, Mr. Martin Danziger was appointed Director, and held office until the summer of 1973. There followed the much more professional leadership of Mr. Gerald Caplan, but by that time it was so remote from the Institute's affairs that I cannot comment with confidence about its progress or effectiveness. I propose to offer you case examples of the administrative style which prevailed in each epoch, and I shall conclude with some lessons which I think these brief case histories will demonstrate.

The first case concerns a project to test the hypothesis that crime can be prevented by creating "defensible space" for the tenants of public housing projects. In the Fall of 1969, Professor Oscar Newman, a young architect then on the faculty of the Columbia University School of Architecture, came to us with an unsolicited proposal to conduct studies leading to design directives to reduce the alarming incidence of crime in inner city housing projects in such locations as New York City, Cleveland, Newark, and San Francisco. His concept was that crime in public housing was largely the result of the tenants of these facilities having to live in essentially public space, unprotected from intrusion. He argued that ordinary middle-class house-holders are to some extent shielded from molestation by defensible buffer zones around their domiciles. He believed that new public housing should be designed to provide the individual tenant with "defensible

space" around the premises he occupies. He also proposed to provide design directives for the modification of existing housing projects so that indefensible space could be made as defensible as possible under the circumstances.

The proposal was obviously in the domain of crime prevention and rehabilitation and was therefore assigned to my Center. I made contact with social scientists in the Department of Housing and Urban Development to obtain their views about its feasibility. They were well acquainted with Mr. Newman and had some reservations about his ideas. Nevertheless, the attractiveness of his plans led Mr. Ruth and me to pursue the proposal further. We invited an interdisciplinary group of social scientists, architects, public housing administrators and other interested parties to join with us in a seminar review of the hypotheses, the research design, and the probable usefulness of any positive findings and recommendations. Based on a general consensus produced by the majority in this seminar, we decided to go ahead with the grant. The project was successful. It resulted in a book which has been widely and respectfully reviewed. Many of Mr. Newman's ideas have been applied in housing project re-design. The concept of defensible space has become one of the few notions accepted as effective in the field of crime prevention. Despite the reservations of Associate Administrator Clarence Coster, who was reluctant to provide second year funding for the memorable reason that he "did not want to see Mr. Newman build his professional reputation at the expense of LEAA," the grant was continued for three years, well past the time of my resignation.

In this case history, we see the Institute functioning rather well for an agency in its first year of operations. Indeed, it was one of the few cases I can recall when we did what should have been done. There was careful advance discussion of the project with the proposed project director, a thorough peer review before the grant was made, and, most important, a successful outcome in terms of the product of the whole enterprise. Periodic site visits were made, and progress reports gave us a regular perspective on Mr. Newman's problems and achievements. Mr. Newman's reports have been widely disseminated in many different forms and media. I cannot and do not claim any special credit. The contribution of a monitor to a successful project is not particularly important, even though the blame which must be assigned to him in the case of an unsuccessful project can be very heavy indeed.

Let us proceed to the second case history, the sad story of an aborted proposal in which two distinguished scholars were needlessly inconvenienced and embarrassed. Early in 1971, I engaged in a discussion with Professor Vincent O'Leary, now the Dean of the School of Criminal Justice at the State University of New York at Albany, and Acting President of that University. He was one of the most seminal contributors to the work of the President's Commission on Law Enforcement and the Administration of Justice. Professor O'Leary was and still is one of the relatively few people in the research community with recognized standing, as an original thinker about the problems of corrections. I was concerned at that time about the absence of an empirical basis for the standards for correctional programs and interventions, as enunciated by the President's Commission. We did not then and still do not have any reasonable basis for deciding how long an offender should serve under incarcerative or supervisory restraint. Professor O'Leary thought that he would like to submit a proposal to the Institute to develop such an empirical support for the standards that he and I and a few others had tried to formulate when we worked as staff for the Crime Commission.

In due course, O'Leary submitted a proposal to us which seemed adequate to the purpose which I had in mind. My staff reviewed it and so did I. We agreed on its feasibility and its relevance to the problems of corrections as we understood them.

Our procedures had deteriorated since the departure of Mr. Ruth. Sometimes a consultant was engaged to help us review a difficult project covering unfamiliar territory, but more often we relied on staff review and comments, which was the case in the O'Leary episode. I sent the proposal up to Mr. Slott, a man who had a patronizing disdain for social science research, frankly asserting that as an engineer he could not easily accept the social scientist's emphasis on empiricism. To my consternation, the proposal was returned, after a considerable delay, with the notation that it was unacceptable and would not be forwarded to the Administrator for review. I requested a re-consideration and proposed that there should be further review. Mr. Slott rejected all the alternatives I advanced, but finally agreed to meet with Mr. O'Leary and his colleague, Professor Donald Newman who came to Washington for the discussion. It was a brief meeting because Mr. Slott had other appointments, and ended on the inconclusive note that we would

let them know. A few days later, Mr. Slott told me that he had not changed his mind, he had decided that these were "merely a couple of professors who wanted some money."

Several things went wrong here. I should have arranged for a full scale outside peer review of the proposal. I was so confident of the merits of the project and its co-directors that I did not even engage a consultant opinion. But Mr. Slott obtained an opinion from a colleague in another branch of LEAA who was quoted as thinking the project was "global and ambitious," on the basis of which Mr. Slott decided that it was impractical. Later, this colleague angrily told me that his review had been hasty and his views had been misconstrued. That was too late and the damage was done. Mr. Slott had made his unilateral decision. He could not be persuaded to seek or listen to other advice.

It is necessary to discuss these details in such tedious specificity to give you a clear picture of the sloppy way in which we were doing business. My confidence in my judgment in this case was overweening. My superior's willingness to substitute his uninstructed and inexperienced opinions and intuitions for my recommendation was administrative macho, a demonstration of his authority to me and to my staff. Our joint failure to meet the obvious requirement of peer review was a mistake which I must share with Mr. Slott.

Perhaps a more serious deficiency which this story indirectly illustrates is the absence of coherent planning, understood and agreed upon within the Institute. I had a plan of my own which had been discussed with Mr. Slott and with Mr. Velde and Mr. Coster, who were jointly acting as Administrators of the LEAA. Briefly, I wanted to base the research agenda for my Center on two large and competently staffed projects. One was to carry out a comprehensive study of adult corrections, aimed at providing an empirical base for sentencing decisions. I wanted to know what kinds of sentencing decisions were most appropriate for various kinds of offenders, as measured by positive outcomes—satisfactory adjustment to the community, full time and productive employment, and responsibility for family obligations—as well as by the negative outcome of recidivism, which is the customary criterion of correctional effectiveness. I thought of the aborted proposal submitted by O'Leary and Newman as a good beginning on this ambitious research. It still has to be done, and it is needed now more than ever before because of the nation-wide interest in abolishing indeterminate sentencing in favor of fixed terms for specific offenses.

The second element in the foundation of my research plan was a parallel assessment of juvenile corrections. This study was funded, and I will come presently to the exasperating story of that project. But first, I must conclude my remarks on planning by telling you what was done with my plan. I thought that the two large projects which I wanted to undertake would cost my Center most of the available money that was allocated to it. There were several already funded projects, such as Defensible Space and the Parole Decision-Making Project, and I wanted to leave some money for funding small, unsolicited proposals which might lead us in profitable new directions which I might not have thought of. I presented the plan to Mr. Slott and we discussed it with the Messrs. Velde and Coster, and there it was left, neither accepted nor rejected. I proceeded with it anyway, as I had not been told to do anything else. That was planning in the Institute, and I have to add that it went downhill from there.

The National Assessment of Juvenile Corrections was the other cornerstone of my plan. This project was undertaken by two experienced and resourceful researchers at the University of Michigan, Professors Robert Vinter and Rosemary Sarri. It was a large project, costing the Institute in the neighborhood of \$500,000 a year for five years. I will not take time to discuss its structure or methods, but I will say that it finally ended last year with several distinguished publications to its credit and still more coming from the stimulation of the project's findings on its principals.

A project of this magnitude is highly visible, and it was seen. Its plans were reviewed periodically by Mr. Velde himself. The plan of the project called for several advisory panels; these were included at our initiative. The panels selected were composed of Congressional and state legislative personages, judges, correctional administrators and academic researchers. They were carefully screened in the Administrator's office. Even Mr. Velde's scrutiny of these panels seemed to be insufficient; Dr. Vinter was startled one day to be informed that the White House was challenging the composition of these panels, even though they had been approved by the Administrator.

Monitoring was of two kinds. I had been relieved of my responsibilities as Center Chief and the substantive steering man was placed in the hands of an ener-

getic and generally sympathetic junior staff member who was helpful for as long as she retained the assignment. Rigorous and burdensome accounting controls had also been imposed and the project was required to report its expenditures in extraordinary detail. Each year it was subjected to exhaustive review before it was approved for continued funding.

Now all that control is proper and necessary, if also a time-consuming distraction from the work for which the funds were awarded in the first place. What was totally unnecessary in my view was the suspension of cash flow until the completion of the annual review. This procedure put the project into a state of annual uncertainty for a matter of months, as a result of which staff member sought and found other jobs. The momentum and confidence of the project itself was seriously impaired. Worst of all, in the final year of the project, Mr. Velde the Administrator, arbitrarily cut the budget in half, thereby making impossible the preparation of three comprehensive final reports. I am sure Mr. Velde had his reasons for this decision, but they were never communicated to the project directors or to the research community at large. The mystery is compounded by frequent references by Mr. Velde and his associates in Congressional testimony to this project as a basic element in Institute research on the findings of which many decisions would depend.

Several lessons are to be drawn from this abbreviated account of administrative meddling with research continuities. First, the larger the project, the more important it is that it be protected from political and other external interference. Monitors have to keep in mind that the project principals have more than enough on their hands in the tasks of research administration without having to be answerable for incidental decisions as they are made. Second, the longer a project is continued, the larger the investment of the funding agency becomes and the more important it is that that investment be protected by maintaining agreements and expectations about support. It does the Institute and the LEAA no good at all to cut off funds which are needed to put the final product of years of research into being. What we have from the National Assessment of Juvenile Corrections is more than the Institute deserves and an effective and useful series of publications. These publications are far less than we might have had without Mr. Velde's interference. Third, the Institute had no way of protecting this project from Mr. Velde, the final decisionmaker. Although I do not question Mr. Velde's honesty and sincerity, I have to say that he came to office with no experience or manifest understanding of research, and left it eight years later with no evidence of having learned anything at all about this most sensitive area of his responsibility. If for no other reason, the Institute must be separated from the Law Enforcement Administration simply to remove its accountability to officials with neither interest in nor competence at the practice and administration of research.

The story of the National Assessment of Juvenile Corrections spans the last three regimes of the Institute. My final case is the story of the famous Impact Cities, for better or worse by far the most significant accomplishment of Mr. Danziger's administration of the Institute.

I was on vacation when Mr. Danziger was appointed to replace Mr. Slott. I returned to Washington to find that the Institute was completely re-organized. The five Centers had been abolished. In their place, Mr. Danziger had four Divisions. Unlike many reorganizations, this shift made more than a paper difference. Grant administration was placed in the hands of the Research Administration Division to be conducted by junior members of the Institute staff, some of them recent recruitment and little experience. Mr. Danziger explained to us that monitoring was no more than "busy work". The senior members of the research staff, including myself, were herded into the Research Operations Division and told to work on the Impact Cities Plan.

This program has been well described by Sarah Carey in her *Urban Institute Report, Law and Disorder, IV*. It has also been discussed at length in *Understanding Crime*, the final report of the National Academy of Sciences Committee on Research on Law Enforcement and Criminal Justice. I will confine myself to the view of this project as seen from the vantage of my modest inside position.

The program was to select ten cities with major crime problems and to invite them to submit plans for reducing the incidence of crime by five percent in two years and twenty percent in five years. These eventually famous objectives were embedded in the rhetoric of the program from the first. The Institute staff was to review the cities' plans, provide data and research support as requested, and arrange for the evaluation of the program by an outside research agency. Funding for the Impact Cities grants was to come from the Institute and here it is essential to dwell on a little noticed consideration. All grants from LEAA funds had to

have a fairly hard match, depending on the program from which the funds were allocated, *except* funds from the Institute, which required no match at all. Thus these grants to the Impact Cities were without cost to the recipients; all the mayors had to do was to submit a plan. There was not even a competition between cities; mayors were in effect invited to take the money and do something with it. The staff of the Institute was asked to be helpful and available, but we were not to interfere or impose our ideas. This was for the cities to work out on their own. If they didn't want our assistance, that was all right, too, and only to be expected. After all, Mr. Leonard reminded us, the Institute staff was seen by the world at large as a "bunch of kooks."

We had professional staff meeting at which the plan was unveiled. I commented that I thought we were moving too fast. I thought the expectation that any measures could reduce crime by specific percentages was risky and without support from any research done by the Institute or anybody else. I did not see how the cities, without planning capabilities could be expected to generate plans, nor how we, without much local information, could be helpful to them. Finally, I thought that the whole concept ignored the role of the county in administering criminal justice. The cities administer only the police, whereas the counties administer the courts, the jails and the probation services.

These objections were immediately rejected by Mr. Danziger, who forthrightly stated that they were now irrelevant. The decision had been made to proceed and the task of the professional staff was to assist in carrying it out, not to obstruct it.

It turned out that there was little for us to do, and the activity of the Research Operations Division eventually turned to other things. We never were clear what we were expected to do except that it was hoped that we would undertake some original research. As we had neither the resources to do it, nor the staff positions to fill with research personnel suited to projects which we might conceive and design, nothing came of this expectation. We found ourselves principally occupied in the review of proposals and in long staff meetings about organizational matters. I had an opportunity to leave the Institute and I took it.

Just before I left, I was asked to review the proposals submitted by five research corporate enterprises for the assessment of Impact Cities. These proposals had been generated in a hurry in response to an advertisement with a short deadline. In quality they showed the effects of hurried preparation. They ranged from awful to at least relevant. MITRE, a corporation based in Cambridge, got the substantial contract. Its reports have not been in general circulation, but I am certain that they did not discover the five percent diminution of crime which was the goal of the program.

A veil has been drawn over the failure of the program. I had supposed that this inevitable result would cause the program designers a great deal of embarrassment, but I was too innocent. The public's memory is short, the attention span of the media is brief, and the Congress is far too busy to take corrective action in situations which were not, after all, of a magnitude sufficient to justify extensive inquiry. Nevertheless, the funds wasted on Impact Cities were a very large percentage of the Institute budget and the damage done to research continuities as well as to the credibility of the Institute was serious.

Now there are a number of lessons to be learned here which nobody should have needed to learn, and some which are not so glaringly obvious. First, of course, unilateral decisions by the Director as to general research policy should not be made, even by a Director better qualified than Mr. Danziger. Second, advice from the staff and consensus support should be sought before proceeding with commitments to a program of this magnitude. Whatever merit the Impact Cities program may have had, it could not be a successful Institute program without substantial agreement by the professional staff that it was responsible and feasible. There was never any agreement about Impact Cities beyond a muted opposition to Mr. Danziger's high-spirited initiative. Third, the whole affair demonstrates the imperative need for an independent advisory committee which could be used by the Director as a sounding board for ideas such as Impact Cities and new policies which come into the mind of the Director. Such an Advisory Committee need not be entirely composed of research professionals but it certainly should have some people who are reasonably familiar with what has been done and what now seems to be possible. The *macha* which is attracted to attempts to do the impossible is understandable in this country: if we can land on the moon, why can't we reduce crime rates by five percent? It doesn't console the administrative romantic to be told that we can land on the moon but can't square the circle, either. Nevertheless, I think a prestigious research council might have reined in Mr. Danziger's ebullience.

Certainly no one else succeeded. I have been struck by the reticence of the research community about this fiasco. The whole affair was well enough known, but to my knowledge no one protested. Perhaps it was assumed that it would do no good, perhaps it was beyond expecting that a researcher would nip the hand that might feed him.

The fourth and final point to be made is that this episode demonstrates the necessity of placing a professional researcher in the decision-making role for the Institute. Mr. Danziger was fond of stating that he was an attorney-at-law temporarily assigned to straightening out the affairs of the Institute but hoping in due course to return to the practice of law. The Impact Cities failure could not and does not affect the progress of his career. No member of the bar is going to think less of him because of the errors he made simply because they do not in any way reflect on his ability to practice law. Quite honestly, Mr. Danziger always made it clear that he was not a researcher and had to rely on us for advice in the professional areas which we understood and he did not. Unfortunately he did not take the advice he got and never made it easy for us to give it to him.

Let me reinforce this most important point. If a professional researcher had been responsible for making the ill-fated decisions which led to Impact Cities, his career would undoubtedly have been irremediably damaged. The decision would have been protested before it was made and it would have been severely criticized afterward. I do not think that any responsible researcher would have cared to face his colleagues in such circumstances. It would not have been possible for Mr. Leonard to impose such a program on a scientist of any stature. Because Mr. Danziger had no accountability to the research community, this decision was feasible for him whether the Impact Cities idea was his own or Mr. Leonard's.

What should be done with the Institute now? I cannot resist telling you. As I said at the outset of this statement, the country needs the Institute. There is much work to do, and we are far behind schedule because of errors, follies, and bad luck. Let me offer a prescription:

(1) The Institute should be removed from LEAA as soon as this change can be made. Pending whatever legislative change is provided to carry out this removal, the Attorney-General should direct the Administrator of the LEAA to consider himself relieved of any authority to review and approve research proposals.

(2) The Institute should be incorporated as a discrete entity within the National Science Foundation. This arrangement should be designed to provide the Institute with its own budget and its own decision-making processes but the National Science Foundation should provide scientific and professional services, guidance and consultation. The appointment of the Director of the Institute should be at the nomination of the Director of the National Science Foundation subject to adequate qualification in the social sciences and general familiarity with the criminal justice system. It should be understood that the Director need not be an attorney.

(3) The Director should be directly accountable to a duly constituted Council of the Institute representing Congress, the judiciary, and academic research (not all of them representing criminal justice research). This Council should meet quarterly, should review all proposals to be funded at a level of above \$100,000 annually, and should be furnished with sufficiently comprehensive reports to enable it to make a running judgement on the value of the Institute's work.

(4) If it is not possible to place the Institute within the framework of the National Science Foundation, it should be placed in the Department of Justice, perhaps in the office of Policy Planning. The Attorney-General should take steps to assure the independence of the Institute in the same way as suggested in the recommendation that it be situated in the National Science Foundation. The essential objective is to buffer the Institute from wasteful and ignorant interference. A research organization is always vulnerable; its successes will be slow in coming and there will always be some disappointments. The nature of the work to be done is such that abuse of its resources is easy. The best insurance against abuse is the accountability of its professional staff to their peers. Without that accountability we must expect repetitions of the dreary history I have recited today.

(5) The Institute's work is not necessarily needed forever. The charter of the Institute should run for ten years, after which time the Congress should review its accomplishments to determine whether the charter should be renewed.

I think this structural change will make possible a truly scientific Institute. Its success depends on the willingness of some able and imaginative scientists to reconstruct the Institute and make out of it the important national service it was intended to be.

Mr. CONYERS. The subcommittees will stand in adjournment.
[Whereupon, at 11:05 a.m., the hearing was adjourned.]

FEDERAL ROLE IN CRIMINAL JUSTICE AND CRIME RESEARCH

THURSDAY, JULY 21, 1977

U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING, ANALYSIS AND COOPERATION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, AND SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittee met, pursuant to notice, at 9:12 a.m., in room 2237, Rayburn House Office Building, Hon. James J. Blanchard [acting chairman of the subcommittee] presiding.

Present: Representatives Scheuer and Blanchard.

Staff members present: Leslie Freed, Hayden W. Gregory, Jonah Shacknai, counsel; Robert Shellow, consultant; Ross Stovall, associate counsel; James Gallagher and William G. Wells, technical consultants.

Mr. BLANCHARD. The subcommittee will come to order.

I would like to welcome all of you here today.

Our chairman, Jim Scheuer of New York, was called to a meeting with Prime Minister Begin of Israel, and he is unable to be here. We are going to proceed because we know you have tight schedules.

Today's hearing of the Domestic and International Scientific Planning, Analysis, and Cooperation Subcommittee is the final session in the continuation of joint hearings with the Crime Subcommittee of the Committee on the Judiciary.

The subject that we've been addressing is the Federal role in criminal justice and crime research.

Before we proceed any further I would like to thank the distinguished chairman of the Crime Subcommittee of the Committee on the Judiciary, John Conyers, from my home State of Michigan, for having done such an excellent job of chairing these proceedings with Congressman Scheuer.

To date we've had 4 days of hearings on the crime research topic. Much of the testimony has focused upon the National Institute of Law Enforcement and Criminal Justice, which we know as the research arm of LEAA. We've heard from several witnesses that the efforts of the National Institute over the last 8½ years have been inadequate in furthering our understanding of the basic causes of crime and of the ways to deal effectively with criminals in our society.

Our hearings have established a number of principles on which a quality research program must be based, and the Domestic and International Scientific Planning, Analysis, and Cooperation Subcommittee, DISPAC, is very much concerned with the future of criminal justice and crime research. So obviously then, we look, with great

anticipation, to the testimony of the Deputy Attorney General, Peter Flaherty, and some of his associates from the Department of Justice.

We are most interested in the Department's plans for the National Institute and criminal justice research as a whole.

The witness list for today includes Martin Danziger, former Director of the National Institute, who will lead off; then Mr. Flaherty. We were going to have James Gregg of LEAA. However, I understand he's ill. We'll have Blair Ewing, Acting Director of the National Institute and Paul Nejelski, also with the Attorney General's office.

With me are several members of the staff of both subcommittees: On my left, Bill Wells; on my right, Jonah Shacknai, Bob Shellow, Leslie Freed, and Ross Stovall of the Crime Subcommittee, and Jim Gallagher, also of our subcommittee on the minority side.

Without further ado, our first witness is Martin Danziger, who has had considerable experience in the early years of the National Institute.

We have your statement. If you'd like you could submit that for the record and summarize it, and then we'll have questions and answers, or if you would like you could read it to be sure to highlight whatever you would like.

Mr. DANZIGER. By way of saving time, sir, I would be pleased to submit the statement for the record, and perhaps, with your permission, just to take a few moments to highlight for the record several points that are contained within and perhaps reserve the remaining portion of your valuable time for any questions you might want to ask me, based upon my tenure as Director of the National Institute.

[The prepared statement of Mr. Danziger follows:]

STATEMENT OF MARTIN DANZIGER, FORMER DIRECTOR, NATIONAL INSTITUTE OF
LAW ENFORCEMENT AND CRIMINAL JUSTICE

TESTIMONY

I would like to deal with two topics before you today. First, I wish to describe my idea of how to make research and development, particularly in the social, behavioral and policy sciences, relevant to the needs of the Criminal Justice system and how to develop information upon which that system may, with confidence, base its decisions. I would then like to discuss with you reasons for the apparent failure of efforts of this sort in recent years—for convenience, say, the years of LEAA dominance of funding for such research.

I would add that my assumption, unlike that of many who have appeared before you, is that the aim of any such effort is to reduce crime, and that improving the criminal justice system—whatever that may mean in different contexts—is but one potential means to that end.

Whether or not improving the criminal justice system actually leads to a reduction in crime is an empirical question which needs to be scientifically tested—as should other hypotheses about what will reduce crime, such as getting career criminals off the streets or reducing unemployment.

With this established, let me elaborate on my first point: how to make research and development in the social, policy and behavioral sciences relevant to criminal justice needs. Based on my experience, I would judge that there is little mystery about *how* to do this (where the difficulty arises is in actually doing this, but that discussion is my second point and I only mention it here to keep the two arguments separate.) At least since the Crime Commission Report of 1967, the general consensus is that there are six elements in a repetitive cycle which, if scrupulously followed, will keep research and development on track.

First, it is necessary to have good, reliable and generally accepted measures of what crime is all about, so that you know what it is you are trying to affect with whatever it is you do. There is a crying need for credible measures of crime as well as of all aspects of the criminal justice system—measures whose accuracy is accepted just like figures on unemployment or prices from the Bureau of Labor

Statistics, or morbidity rates from HEW. I will not argue the quality of existing criminal justice indicators, such as the Uniform Crime Reports or the Victimization Surveys, but I submit that the credibility of those indicators is not generally accepted. And if that is the case, then, even though these indicators may be manipulated to show reduced criminal activity, nobody need believe them and effort is wasted because no practical planners will follow your lead.

Speaking to this question, I support establishing a Bureau of Criminal Justice Statistics staffed by professionals and protected from partisan politics as much as possible. As its major role, such a Bureau would develop and promulgate measures of crime to serve as indicators against which all research and development on criminal justice would be measured. Initially, however, it will be necessary to use the best of existing indicators because it is essential to measure the effects of what we are doing now.

Second, once the indicators have been chosen, we can proceed with the task of developing a substantive plan of research systematically relating a host of causal factors to those indicators. For example, if murder is the indicator, all research on murder should ultimately relate to that indicator; if robbery reduction is the goal, all research should be related to that indicator.

To further illustrate, hypothesize that if the average sentence for robbery is increased by a certain amount, then the rate of robberies per 100M population will decline by a certain amount. The plan for research on this issue should be all encompassing enough to force the researcher to consider all the dimensions of the problem he or she is trying to solve—to consider the relationship between all aspects of a particular problem, not just the relationship of A to B, but of A to B, C, D, and so on. The plan should force the researcher to think through all the things in his or her proposed research, that is, how they relate to the particular problem at hand, as well as to the solution of that problem.

I know the concept of a "plan" is looked upon unfavorably in criminal justice, even more so as it has come to represent the overblown and often unproductive plans required by LEAA. That is not what I mean by planning.

By planning, I mean the development of a tool, continually modified and improved by completion of its parts, which guides the effort to try and learn something about the world. Planning should be a substantive effort, freed as much as possible from the bureaucratic process which consumes itself at worst, and at best is rather like building superhighways into the Okefenokie swamp.

Third, once a plan is developed, indicators are determined and proposed research is tightly bound to those indicators, then the priorities among the parts of the plan must be set. Because, realistically speaking, one cannot do everything, definition of priorities is critical. This will assure that when resources are scarce, commitments can and will be made to those areas defined as most important by criminal justice decision makers. Literally, one would construct a list of activities organized in terms of their importance, and go down the list allocating resources until the money runs out. This will insure that when things are done, they are done right, as well as eliminating the current process of inadequately funding the same programs over and over again, getting nowhere.

Fourth, it is absolutely necessary to get the best people possible to work on those parts of the plan which have been identified. But is crucially important that these experts—whether they are academicians or commercial firms—be guided by and responsive to the plan at all times. Without controls and guidelines, even high-priced talent cannot avoid confusion and chaos. It is the responsibility of the program administrator to provide this kind of guidance and direction. Although this is not an easy task, it is not an impossible one.

Fifth, the results of sponsored research should provide a foundation for testing programs or demonstrations to determine how the plan for reducing crime can be applied in different settings, and within differing political systems.

Sixth, as part of the continual modification and improvement of the plan, one would evaluate the original indicators, monitoring which did what in a particular demonstration. Once a specific indicator with a higher priority is "under control," one can then move on to begin research on lower priority items. Alternatively, one might choose a new set of indicators to research, or modify existing indicators, or simply establish a program to promulgate ideas which have been proven successful. In any event, one resumes the cycle, planning all the while in a substantive, responsive way.

This simple cyclical process, Mr. Chairman, is the way to make and keep research and development relevant to the needs of the criminal justice system, chief among which is to determine ways to reduce crime. The process is straight-forward, but that does not mean it is easy. Many groups do not want to hear "bad news"

about their efforts to control and reduce crime. Some recent examples come to mind: As the reception of Robert Martinson's work attests, rehabilitation professionals do not like to hear that nothing they do makes any difference in the post-prison adjustment of former prisoners. Parole board members do not like to hear that street supervision has virtually no systematic effects on recidivism. The public does not like to be told that crime rates are affected only slightly by the most massive crime reduction efforts of our own government. And, we know from the reception accorded LEAA's victimization surveys several years ago, the police do not like to be told that the most crimes are not reported to them.

Because of factors like this, it is crucial that the cycle I have described be well executed, and that it be allowed to run full circle—to implement the cycle for a short period of time cannot be productive.

Just as physical ailments cannot be cured if the entire course of treatment is not followed—neither can a societal ailment like crime be cured if we jump from one solution to another without discovering whether or not the original solution produced any positive results. (Parenthetically, contrary to what has been stated before this committee, the Impact Cities Program did not fail because it was a bad idea; it failed because as a program, it was not allowed to go on to completion as originally planned. There was a lack of nerve in hewing to the course set for the program—a course which incidentally might have taught us something. I will be happy to elaborate on this point later if the committee members would like me to.)

Let me now deal with the second point I want to make. The question arises, why, if the process is so straight-forward, has it not been successfully applied to the problems of the criminal justice system. I judge there is one major reason which dominates all others, and three particular areas where its effect is felt most severely: The reason for the failure of this process is a lack of firm leadership committed to carrying out programs developed during a thoughtful planning process. The effects of this deficiency are most strongly felt in the degree to which researchers are held accountable for how they spend the government's money; in the degree to which research programs are kept autonomous from immediate day-to-day operational demands, and in the degree to which political pressures, inevitable in any federal program have been resisted.

I believe that good people can make poor organizations (from the standpoint of how they look on paper) work well, but the best of organizations will not work well if your people are *no* good. But neither good people nor a good organization will work well without effective leadership.

Let me discuss three areas in which a lack of leadership will impede the progress of any research program.

First, a lack of leadership will affect the accountability of the research personnel conducting studies for you. Unless the manager of the program demonstrates a firm commitment to a particular direction, the research personnel working for him will take the program off into a thousand different byways.

This problem becomes especially acute if the vendor is an academic with widely respected credentials and prestige among his peers, and if the agency manager has chosen the grant mechanism for disbursing funds. As has been pointed out to Secretary Califano about HEW contracting procedures, it has proven difficult for contracting officers to resist the imprecations of Nobel Laureates in directing research programs. The same difficulties are encountered by civil servants involved in criminal justice research who have even less of a professional identity than procurement people in the health research fields. They also find it hard to resist the siren songs of the academics.

Firm leadership and a commitment to procurement standards and contracts which, by law, insure accountability is a step toward resolving this problem and keeping an agency's program on the track intended for it by Congress. This does not preclude innovation. On the contrary, a portion of funds should be set aside for sole source awards on the basis of unsolicited proposals.

But when the Department of Justice cannot count accurately the number of cases brought each year to the U.S. Attorney General's offices, when the estimates of crime rates measured by different services vary by as much as a factor of five for the same crime in the same climate; when the number of law enforcement operatives in this country can only be estimated, give or take several thousand; when such elementary information is lacking, a proper sense of priorities dictates that tightly written contractual arrangements must be made to deal with these problems first. Innovation—which, by the way would be problematical without a grounding in facts, and facts are what is lacking—must initially be a secondary part of the designs of federal efforts in research and development. (In this vein, I applaud the Congress and its effort to pass the Grant and Cooperative Agreement

Act of 1977. I believe that such a clarification of the rules for procurement will offer immeasurable help to managers of mission agencies in dealing with their vendors.)

Firm leadership in this area would insure that vendors are treated fairly, and competition for federal funds can insure that the government gets what it needs, not what different classes of vendors want to offer. In addition, firm direction would allow small innovative programs to solicit creative ideas, limited in size to keep inappropriate classes of vendors out of this market.

Historically, poor leadership has had an impact on federal research and development in crime, particularly at the NILECJ, largely because of a reluctance on the part of its leadership to insist on autonomy for the efforts of the institute. When the Administrator of LEAA, and the Director of the Institute agree, all is well. When they disagree, however, the way current law is interpreted, the Administrator becomes the manager of the program. This, quite candidly, is disastrous because the Institute and the administration do not necessarily have the same goals. The Institute is after facts—information with the potential for long range impact. The administration on the other hand, is after pleasant findings, good news; it seeks to serve a political constituency which is, at best, impatient with mid and long-range planning efforts, and is particularly impatient with findings that are at odds with its prejudices. To avoid the problem of distorting research to fit a preconceived notion, instead of more properly drawing conclusions from the research, the person in charge of the research program should have sign-off authority to commit his funds, and should probably be subject to independent oversight by the Congress. As I indicated before, firm leadership and a commitment to the program can help in this situation, but I would be less than candid if I said this alone is sufficient to solve the conflicts inherent in the different roles involved here.

Finally, regardless of what arrangements are made with respect to the Institute's autonomy, strong leadership is needed to resist political pressure.

All managers of government research and development programs are subject to pressures from many different directions and from many different constituencies, each of which believes it has a legitimate claim to public monies. The manager of the program must be prepared to take a lot of flak in the short run, to face a great deal of heavy and sometimes downright nasty opposition because he is committed to a belief in the planning approach in the long run. He must also accept that he or she can be wrong, admit it, and take the consequences.

Mr. Chairman, I have tried to present what I think is a model for better relating research and development resources to the nation's needs for reducing crime. I have also tried to explain how, in the past, a lack of firm, committed leadership has been largely responsible for getting us into our present sorry state, with respect to criminal justice research and development. I would like to conclude by reiterating the four points I have tried to make.

First, the substantive planning model is a good approach. In the past we naively assumed it would work automatically, we now know better. We now know it must be a tool in the hands of technically competent leaders and managers, else it becomes a meaningless, closed, paper-filled bureaucratic loop, endlessly cycling and recycling independently of the reality it is supposed to address. It becomes a cancer—a few cells are a good thing, but too many can slowly kill you. Thus, I recommend to the committee that substantive, firmly directed, well-planned, long-range research efforts be applied to the problems of reducing crime.

Second, I applaud the trend toward regularized procurement implied by S-431 which will help the leadership of an agency to hold his vendors accountable and, no less important, allow those who work for him to know exactly where they stand. This will assure them that the evaluation of performance will be based on how well they meet criteria previously agreed upon by everyone. This kind of regularization will also increase the appearance of fairness of competition for federal funds, while at the same time increase the actuality of that fairness. It is my experience that the best resources in a field will respond to fair competition; I would question the motives of those who object to fair competition.

Third, I cannot emphasize enough that the choice of leadership for research and development agencies in criminal and civil justice in the executive branch of government is a critical task. In particular, the heads of the NILECJ, the NJJDP, the NIC, and the newly begun PJRP, should be technically competent, able, knowledgeable individuals, highly motivated to manage research and development programs. I cannot emphasize to the committee strongly enough that the choice of leaders for these programs will, in all probability, determine whether or

not the crime and justice research and development fiasco will continue, or be halted.

Fourth, and finally, the sooner a Bureau of Justice Statistics is created, consolidating current research efforts into one agency with the authority to audit quality throughout the executive branch, the sooner we will know where we are, where we want to be, and be able to trace our progress along that road.

Mr. Chairman, lest I be accused of ignoring organizational and institutional factors in favor of individual and personal factors, I can only reply, the flaw in federal criminal justice research and development is not primarily in its structure, but in its leadership and management.

TESTIMONY OF MARTIN DANZIGER, FORMER DIRECTOR, NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Mr. DANZIGER. I indicate in my statement, sir, that there are six elements which I believe that research and development activities should be responsive to.

I think in your discussions during the course of the hearings some of the witnesses have highlighted those elements and some perhaps have strayed from them.

I would like to explicitly place them before you and ask you in your considerations of the work of the National Institute to keep these elements in mind.

First, of course, as indicated by others, I believe that you need reliable and accepted measures. In this regard I might very strongly recommend to you, sir, that in your considerations of research, within or without the Department of Justice, as pertaining to the criminal justice systems, you might consider a bureau of criminal justice statistics, combining from various departments within the Department of Justice as well as from agencies without the data collection efforts pertaining to criminal justice. By example, the FBI, LEAA, and certain data collected efforts of the Bureau of the Census.

I think the time has come for you to consider, and for the Department of Justice to consider, establishing a bureau of criminal justice statistics, not in LEAA but within main Justice.

Second, I offer as an indicator to you, sir, the need for substantial planning in research. Systematic planning I think is a tool. I dare say much of what has happened in LEAA under the rubric of planning has not, in fact, been as comprehensive and as thoughtful as it should be. I believe it is a tool.

I think in the process of establishing planning a third element arises, and that is the establishing of hard priorities, recognizing that there are limitations on funds, that money is scarce, and people have to make judgments and weigh the balance of things, identify items that are most important.

I would like to offer for the committee's deliberation a work product; namely, the fiscal 1974 plan of the National Institute, prepared by persons working in the National Institute during the latter part of my tenure. As part of the plan is an 8- or 10-year component. I might add this document was never implemented, or implemented only in bits and pieces. I am offering it to you for your consideration, daresay not for inclusion in the record as it is obviously too costly, and probably not worth having it printed in its entirety. There is a summary. If you feel it valuable you might wish to reproduce it.

I offer it not as a way of saying these are necessarily the appropriate priorities, but rather, this is a thought process and a process for

attacking research within the criminal justice system which is most important. It is a work product of the staff that was there in place when I left. Clearly, it was not an individual's product nor was it a product which I could say each and every individual agreed with even though they may have contributed to it. I take the responsibility for its failures, and I offer its successes to those who were in the Institute who worked very hard to put it together. I think you might find reading through the document quite valuable in your deliberations, particularly in light of what I think is the failure of the Institute and the testimony presented so far.

Fourth, I think in dealing with one's research efforts I've found that you have to find the best possible people to work on the efforts once the priorities are established, and that's very difficult.

In this regard I believe you are already considering, or you already have in hand, if not, I will gladly give you my copy, a very excellent paper that was produced by Henry Ruth when he was with the Urban Institute. This research effort was funded by the National Institute after my tenure. I had nothing to do with it. I might add Henry Ruth is now an associate of mine, and we work together.

But, to my knowledge, this paper, funded by the Institute, entitled "Research Priorities for Crime Reduction Efforts" has never been implemented, and I don't believe it's ever been used. I think it's an excellent product. I think it deals with substantial reality. It is a blueprint for an operating research entity dealing with criminal justice issues, and since it was funded by the Institute I would hope that they are using it, or would be using it, in furthering their deliberations. I think it's an excellent balance, by the way, to the Academy of Science paper because they are not on all fours, they do not agree, and I think that, again, in your deliberations and considerations in the future one might want to consider an alternative viewpoint.

Fifth, I think the results of any sponsored research must be the foundations for demonstrations. I do not find the efforts of the impact cities program a failure. I do not mean to say that it succeeded with its stated goals. I do believe that demonstration projects following research efforts are important. Whether the demonstration itself succeeds or fails can have positive results and I think it's important to carry through on any research effort with demonstrations. It's an appropriate role for research within the criminal justice system or a research entity within the Department of Justice system to mount demonstration programs.

Sixth, of course, I believe you must evaluate your original indicators; you must monitor them; you must determine what works and what does not work; and you must examine the successes and failures of your demonstrations; and then, of course, you must resume your cycle.

I do not believe that in this particular field we should abrogate our responsibilities and forget that the operating agencies must be moving hand in hand with the research entity. I feel we would be doomed for failure in our research effort were we to accept that particular recommendation within the Academy of Science paper which says we should search out academics solely to give them money, solely to get them interested in research endeavors.

Further, I am not embarrassed by attempting to set goals. I am not embarrassed by us at this stage in our development to more real-

istically and effectively than we attempted in the impact cities program, to be sure, to establish quantitative goals. Nor do I think it's offensive in this day and age to attempt to set crime reduction goals.

I think persons living in urban centers, where the violent crime does exist, are entitled to coordinated efforts by Federal agencies, State and municipal agencies, and the research community to try to make life in those areas more tolerable.

In looking at incarceration rates; at the 100,000 persons presently residing in State and local jails for terms 1 year or less; at the disproportionate number of those persons who are minorities, I think we can say either there is a studied effort at discrimination or something else that should be studied. I think we ought to examine that, and I think the persons who are subject to those conditions, conditions of jails, are entitled to something better, something more positive, than they are presently receiving, and I think there's a role for pragmatic research. For practical hand-in-hand research with the corrections community, State government and the municipal government in solving this problem,

Not to belabor the point, I think the six elements are straightforward. I think we failed, or have failed so far, in mounting a most effective, or an effective, research effort in the National Institute because it lacks a firm, consistent leadership. I think that's been reflected upon by others. I agree. We were unable to carry through any thoughtful programs. There has been no continuity. It is not that what I suggested or the people who worked with me while I was there, what we suggested, was right. It's that each and every person coming into that agency started off on a very, very new track, and there was no ability for anyone to continue the efforts or the directions of their predecessors. A failure to follow a thoughtful planning process with accountability of researchers. Instead chaos and turmoil.

With those brief remarks, sir, I gladly will stop and reserve any time that I have for any questions that you may have.

Mr. BLANCHARD. Thank you. Thank you very much also for taking the time to not only come there and prepare testimony but to try to look backward and make some analysis of where we've been.

To what degree do you think the research function in the justice area ought to be separated from the regular law enforcement machinery?

Mr. DANZIGER. I think there are two answers to that question that I might give.

One, there clearly is a substantial amount of research which will take place and should take place outside of any operating agencies, outside of the criminal justice systems, if you will, and I think that that type of research does exist and I think it should continue, and whether that's housed in NIH or NIMH or whether it's housed in academic institutions or not-for-profit corporations or foundations about the country or criminal justice centers about the country, I applaud it. That is not to say that there should not be at the same time concurrent with those efforts a very effective research program within the criminal justice system.

I strongly suggest to you, sir, that the research efforts of the Federal Government should be housed within the Department of Justice, perhaps under, directly under, a Deputy Attorney General. Perhaps the appropriate configuration would place the Bureau of Criminal

Statistics and the various research efforts of LEAA, the Federal Bureau of Investigation, the Institute on Juvenile Delinquency, the National Institute of Correction and house them all together in a single research entity under a Deputy Attorney General.

I think the value of that is manifold. Not the least of them are as follows:

I do not believe, I do not believe that we should mount the research effort within the Department of Justice, or for that matter outside of the Department of Justice, which is going to deal outside or without the operating agencies. I think research and the system must work together.

I've been in law enforcement for some many years, and I have always found it a very close fraternity. It is very difficult to break into the police community, to the prosecutor community, to the corrections community, to the judiciary, without having some relationship with them and have them share in the decisionmaking process.

I think if the Department of Justice has a failure, its failure is that it has been unable to question the basic assumptions under which it operates, because it is so committed to moving the people and the paper from place to place.

Were you to place a sophisticated research entity within the Department of Justice, highly visible, reporting to the highest ranking political figures in the Department, I think that would help move that Department in areas where it has been unable to move in days past. It would help the Department question its own assumptions and operations. It would help the Department face up to reorganizations which perhaps are appropriate in today's age.

I think it has a leadership role in the criminal justice systems about the country. I think it hasn't exercised that. I think it can. I think by placing the research entity within the Department it might be able to do that again. It would enhance its ability to coordinate those efforts.

I apologize for so long winded an answer. But to directly answer your question: yes, I would continue a research entity, and I would place it in the Department of Justice, operating very closely with the operating agencies.

Mr. BLANCHARD. I served for 6 years with the attorney general of Michigan, but I had some dealings with LEAA grants within our office. The law enforcement research is very meaty in those categories you mentioned.

But the one problem that I see is that those working in the field are so caught up in the day-to-day work process that there is a tendency to have any research project be one of very short duration and with a specific set of applied research goals.

There's been substantial testimony here that there ought to be some sort of basic research function that would be different in time from applied research.

Do you accept that?

Mr. DANZIGER. I do within limits.

But I address your attention to page 76 of Hank Ruth's report, the paragraph entitled "The Final Observation." Mr. Ruth expresses it extremely well. He's cynical of the academic's desire, the Academy of Sciences' desire, of research for research purposes only, and he ends this portion of the report by saying:

A study of the research world is necessary so that we can design new organizations, new attitudes, new reward systems, interdisciplinary cooperation and priorities for those who devote their lives to criminal justice research.

I called him yesterday morning. He works down the hall from me. I called him yesterday morning, and I said, "Hank, I'm going to be testifying today. Would you mind if I used some of your paper?" He said, "No. I would be pleased." I said, "I want you to explain this final paragraph to me because I don't want to misquote you." So we talked about it some.

On the assumption that I understood what he was saying, he is very cynical of the existing reward system presently in place for the academic because it has nothing to do with either reduction of crime or dealing with equity or fairness within the systems. It has to do with Nobel Prizes and tenure and salary.

In my brief period at the Institute—and I was only there as Director formally for less than 1 year, or about 1 year: I was there 1½ years total, that was all—but I could never cease to be amazed, could not cease to be amazed, by the failure of the academic community to produce what they promised to produce.

Now, one can argue that all the selections of grantees are poor. I don't think you believe that, and I certainly don't believe it, because some of the best people in this country, some of the most sophisticated academics, with many years' tenure at the finest institutions, failed to produce once they got their grant, and the efforts of the Federal bureaucrat constantly trying to get them to produce a paper, to produce what they promised to produce before they got that \$500,000 grant, were monumental.

We moved toward a competitive award system. I favor a competitive award system. I'm not offended by that either. I daresay that congressional bill, S. 431, which is alluded to in my statement, I strongly support. I think it's an appropriate way for directed research. That is not to say there should not be some basic research, and I can accept the fact that within an institute, within a research entity, within the Department of Justice some basic research should exist.

But I do not believe that we should award some \$30 million to \$40 million which is in a research budget, abrogate all our responsibilities, just to support an academic research community.

Within some limits, within some priorities, yes.

Mr. BLANCHARD. Do you think that Congress, our society, the law enforcement community generally, has the patience to tolerate substantial basic research programs?

I know in my area in the State of Michigan we have an enormous problem with crime, and you could have a discussion all day long as to what the causes are. But it is a major problem, and everybody is undermanned and understaffed, and the courts are backlogged. I don't know, given the choices of allocating resources, if I were doing it, if I would have the luxury of funding a lot of open basic research projects.

I'm wondering from your experience what you feel? This is a very action oriented society, a "can do" type of society. We don't like to wait around. I wonder if we would have the patience to honestly face, comprehensively face, basic research.

Mr. DANZIGER. When I was head of the National Institute I was a career Federal employee. I had been a political appointee in the

Democratic administration, the Johnson administration. Subsequently I was a political appointee under Richardson. But I was a career employee as head of the National Institute. At that time it was in the competitive civil service. It has subsequently been removed. I never had any difficulty, save in two instances, with the political process. My relationship with the then head of LEAA, Jerris Leonard was excellent. He accepted the fact that he was the political figure, that I was the head of the Institute, and in only two instances did I feel the staff of the Institute and myself were placed in the position of making a judgment which was not based upon our review. That is not to say that I agreed with each and every staff recommendation. I did not. But they were political interests or decisions. I am not a member of any political party.

There are tradeoffs to be sure, and the plan I presented has lots of tradeoffs in it. I agree with what you implicitly state, that as a member of the public, we desire instant gratification. Most of the public wants instant gratification. And conditions are so severe in urban centers that I would authorize all the funds to flow to these centers. I think there should be virtually no criminal justice funds awarded to the rural areas where the conditions are not as grave. I think conditions in our cities are serious enough that the public has a right to be aroused, and if the priorities are set in a manner that forgets, overlooks, the fact that that's where the problem is, I think the public has a right to say, "Why invest in basic research? Here's where the problem is."

So long as in establishing the priorities and allocating the resources one balances the fact of the needs of the public on a day-to-day basis, reserving some portion of the funds, some portion of our efforts for more long-term needs, it can work. But that's a planning process, and that's the establishing of priorities. We tried to do that. The impact program in part was a buy-off at that. It was a way of trying to deal in a demonstration mode with several types of violent crime, most heavily impacting upon the public; crimes of opportunity, a carry-forward of an effort that had started before my time called the pilot cities program, and effort which I understood they were going to continue in another form sometime after I left, under some other heading.

But the attempt to allocate a substantial amount of resources to high crime areas, to deal with crimes of opportunity, that gives you the luxury, that buy-off gives you the luxury, of investing some resources in more long-term efforts. Without doing that, I think the public has a right to feel aggrieved.

Mr. BLANCHARD. The answer to one of the other questions that I had, which was to what the extent political intercession affected, or created a problem, as it were, and you mentioned two instances where that had actually happened.

Mr. DANZIGER. I don't think it existed at all. When I say "in two instances", let me explain it.

An elected administration, responsible to the 50 million people or thereabouts that elect them, have a right to move the boat in the direction that they believe is responsive to the persons that elected them.

In the year and one-half that I was there there were two instances where grant applications, if you will, emanated from above and filtered into the institution. I would not have funded either one of them.

I dare say probably most of the staff would not have funded either one of them. That does not make them improper or inappropriate. The administration was interested in obscenity, so they funded an obscenity grant.

It was interesting that when it first came down from Don Santarelli, who was then working for Mitchell in the Justice Department. It came down as a directive from Santarelli. He said, the White House directed we give money directly to the minority or the dissenter in the Obscenity Commission. Father—his name escapes me. He was connected with Morality in Media—Mr. Leonard refused to do that and stood up to the White House and to Santarelli and said, "I would not do that. Instead," he said, "I would give the money to a law school to act as a clearinghouse on obscenity law," and that was done.

I think that project lasted for some time, for a year or two. I believe it is now no longer in existence. I think for the period of time that it lasted most district attorneys' offices found it a positive thing, though I was surprised by that.

The other grant had to do with an encyclopedia for policing, which most of us felt would be worthless, and duplicative of what already exists. To my knowledge, that has never been implemented. In lieu of that there was an evaluation of a study design and as a result of the evaluation the product was killed.

I don't feel those kinds of efforts are political pressure in divisive sort of way. I think the kind of political pressure that LEAA suffers, at least during my period of time, was not in the National Institute, but rather on the other side of the program where the real money was.

Mr. BLANCHARD. I don't have any further questions. I'd like to move on.

Does staff have any questions you'd like to ask?

Mr. STOVALL. Thank you, Mr. Chairman.

Mr. DANZIGER, have you been aware of the testimony that's come along before your presence here today?

Mr. DANZIGER. I have read, I believe, many of the statements. All of your witnesses have not submitted statements. Nor have I read any of the questions and answers.

Mr. STOVALL. Have you had an opportunity, sir, to evaluate or to reevaluate the National Academy's recommendations and report?

Mr. DANZIGER. Yes, sir.

Mr. STOVALL. Among the recommendations that they make, one of the criticisms seems to be that the Institute is too subject to the LEAA and in general to political pressures, which seems to refute your testimony.

They seemed critical of the inability of the staff in the Institute to have quality kind of methodologies to supervise the research projects which were going on.

They were critical of the short term administration that seemed to resist, or no administration, by their testimony, seemed to get a specific thrust or objectives.

They seemed to be in favor of removing the research completely from this LEAA spectrum, and they seemed to also favor a large amount of basic long-term research money over a period of 5, 10, 15, or 20 years.

I'd like to know if you could skip through those and give what you think you'd feel comfortable in commenting on, and respond to those criticisms.

Mr. DANZIGER. I would like to touch each one of them, if I may, but I'll try to do it very briefly.

I emphasize very strongly I did not have any difficulty or political pressure during the period I was head of the Institute. I believe Henry Ruth did.

I daresay from what I've heard, though I have never discussed the issue with the Administrator that followed me, Jerry Caplan. During some part of his tenure I understand he must have some pressure. He could testify to that much better than I.

I think it's a function of people, and the relationships that are established in advance. I made that deal in advance. When I was called to run the National Institute I had an agreement with Mr. Leonard before I took the job. I wasn't looking for the job, and my deal was he knew what his job was and I knew what my job was, and he wouldn't interfere, and he didn't. I don't think that's a normal relationship.

I would suggest that LEAA is not the appropriate place for the National Institute. I think it has much broader responsibilities than just within the limits of LEAA's responsibility. I think it is more national in scope, including the Federal law, and including both criminal and civil law. I think it more appropriately belongs in the Department of Justice.

It will still experience political pressure. That's fine. The people have a right to adjust that every 4 years, and I am not offended by the political process. I think that's what makes the country strong. I think it belongs in the Department of Justice and that's the appropriate place for pressure to be exerted.

On the issue of staff, the staff of the National Institute is mediocre. They're not researchers. They're not scientists. They're never going to be researchers. They're never going to be scientists. It's a myth to think that they are. Forget the question that they have, a few of them have, doctorates or law degrees. Basically they are Federal employees and grants people. That's all they have time to do, and that's all they're going to do.

When I was there I tried to establish an in-house research unit, just developing state-of-the-art papers, and they did produce. They actually published for the first time in their whole history I think, three or four papers, one on alcoholism, another was a graduate thesis. We let the young man finish it while he was there. It had to do with mobile crime labs. There was also this plan, which I think was a publishable document.

But they are not scientists, and to think that they are working over test tubes, or the equivalent, is not possible. They don't have the ability or the time, and it's never going to attract that quality of person. We should accept the fact that the Institute is a grant on contract operation. Let it learn how to monitor research extremely well. Let it learn how to catalog the resources well, to draw upon the research community, both in the private and public sector. Let it learn how to do those jobs well. But to think of it as a research institute, to think of it as an operation that is doing in-house research, I think borders on the ludicrous.

I think the administration of the Institute has been a terrible failure. I think the responsibility of that in part rests with Congress and in part rests with varying administrations, because people have

not taken the effort to follow through, to hold accountable the agency for the money that it has been appropriated and how it has been spent.

Congress knew about the impact program. They were part of that. They were not part of it however to the extent they should have been. The impact program should have been given a chance to reach conclusion.

By example, I would receive calls after I left the National Institute from one of the better research, basic research directors. He was running a long-term research effort that was started before I took over the Institute. I continued it during all of my tenure. It had to do with an assessment of juvenile corrections, operated by Professors Vinter and Sari of the University of Michigan. An excellent research effort. It probably resulted in more publications than probably any other single research effort the Institution has mounted. I used to get calls from Professor Vinter about the hassles he was being put through by the Institute after I left. What could I do to help him. I used to say, "Bob, I cannot do a thing. I can't do a thing to help you. I'm no longer there."

It is, again, not even important whether his project was a perfect project or not, but rather the commitment was to give him \$1 million by Hank Ruth over a 5-plus-year period. Hank gave him the first \$150,000 or so. I continued it for some years. Whether it actually reached its full completion or not, I don't know. I believe it did not, because eventually they started to say, "The priorities have changed. We switched the rules."

Yet, his project was part of a project which was supposed to be coordinated with Paul Najelski, presently a member of the Department of Justice. He had a grant involving administration of juvenile justice out of the Institute of Judicial Administration in New York. In addition we had a major project with Harvard University, studying and evaluating the deinstitutionalization efforts of Jerome Miller when he was head of Corrections in Mass. These three grants attempted, will others to examine the problems of juveniles in the criminal justice system. That was a legitimate priority, whether the choice of persons to do the research was accurate or not. Certainly the research had problems, but continuing there efforts, was immensely important.

The responsibility for the failure to allow research to be completed I believe, rests in part with changing administrations. But I also believe Congress should have forced the Department to submit multi-year plans. "Don't just tell us what you're going to do this year. Tell us what your priorities are for some years." Representing your constituency, in the development of those priorities you should maintain an oversight function.

On the issue of removing it from LEAA, I think I've already addressed that.

Mr. STOVALL. Can we stop there on the LEAA for a moment?

Mr. DANZIGER. Yes, sir.

Mr. STOVALL. What's your feeling as far as the fact that LEAA has been charged primarily with state and local oriented crime projects, where the Justice Department is charged with the Federal projects? Do you feel that this might cause more of a Federal approach in the Institute to research projects over a State and local approach?

Mr. DANZIGER. I think it could. I think the organizational entity where the boxes fall can just as easily be a failure in the Department of Justice as it has been in the LEAA.

I think you, as an oversight body, have taken an interest. I daresay you have thought through the process over these nine years, or thereabouts, that LEAA has been in existence. You have refined and defined, far better your aspirations. Perhaps you can come to agreement among yourselves as to what you want the Institute to do. You can give better direction to the Federal delivery system. Your oversight responsibility can stop the Institute from becoming a giant pork barrel to support the Federal System.

The box itself, moving the box to Justice in and of itself is not going to, say, make it a more effective institution. I think a combination of forces are at issue. Your interest can potentially make the Institute and the research effort more productive.

Mr. STOVALL. Thank you, Mr. Chairman.

That by and large is the majority of the areas. We may have some further questions which we would like to pass on. Thank you, Mr. Chairman.

Mr. BLANCHARD. Yes. I should add that additional questions can be submitted for the record.

Mr. STOVALL. Thank you, Mr. Chairman.

Mr. BLANCHARD. We'll allow the other witnesses to make their statements.

Thank you very much, Mr. Danziger, for your efforts in helping us.

Mr. DANZIGER. Thank you.

May I leave these, sir?

Mr. BLANCHARD. Yes, I think the staff might like to review those, and then return them to you. Thank you.

Our next witness is the new Deputy Attorney General of the United States, Mr. Peter J. Flaherty.

Since I've been here a couple of years now and am an oldtimer, I would like to welcome you to town, and also indicate that my dealings this year with the Department of Justice have been very good, especially with the LEAA. Although I understand Mr. Gregg is not here today, I want to compliment both of you for the way you've handled matters.

Mr. FLAHERTY. Thank you for the warm welcome.

I regret that Jim Gregg has had some kind of illness in his family and can't be here this morning.

But with me is Blair Ewing of the LEAA, who will be acting in place of Mr. Gregg; and Paul Nejelski, on my left, who is with the Department of Justice in the Office of Improvements in Administration of Justice.

Mr. BLANCHARD. We have your statements and also that of Jim Gregg. If you'd like you can summarize, Mr. Deputy, and your complete statement will be submitted for the record. However, if you wish to proceed, you may. I know you have some scheduling problems, and we thank you for your patience.

[The prepared statements of Mr. Flaherty and Mr. Gregg follow:]

STATEMENT OF PETER F. FLAHERTY, DEPUTY ATTORNEY GENERAL

Mr. Chairman, it is a pleasure to appear before you today to discuss the Department of Justice's research program in crime control and criminal justice

system improvement. Your hearings come at a most opportune time because the Department of Justice is currently reassessing its research program in this area, and I am sure our work will benefit from these hearings and your subsequent report.

In recent years the Department of Justice, with your policy guidance, has initiated a series of major research programs. Since 1968, three major research programs have developed—the National Institute of Law Enforcement and Criminal Justice, the National Institute of Corrections, and the National Institute of Juvenile Justice and Delinquency Prevention. The National Institute of Law Enforcement and Criminal Justice began with funding of \$4 million in 1969; now the combined FY 1978 budget request for all three research programs is in the vicinity of \$34 million. The subsequent testimony of Mr. James Gregg, Acting Administrator of the Law Enforcement Assistance Administration, will more specifically review the structure and accomplishment of some of our research efforts. For now let me briefly indicate the Department's commitment to research by briefly describing the status of these programs:

THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Given the focus of these hearings and your knowledge of this program, I am sure I need not review this program. However, I would note that for FY 1978 we have requested \$21 million for the support of this program. This, as you know, is our largest research program, and the one we are giving the most attention. We are committed to the strengthening of this effort so that the research conducted through this program can contribute to the control of crime and improvement of the administration of justice.

NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections (NIC) has designed its research function to strengthen the research and evaluation capabilities of state and local correctional agencies. Grants are made primarily to state and local correctional agencies that have their own research and evaluation staff. The grants permit these agencies to undertake research projects of immediate concern, but which are beyond the current financial resources of the agencies. These grants range from \$15,000 to \$40,000 each. The focus in these agencies is operational research that may enable the correctional administrator to make better decisions.

The grants would fall generally in these categories: probation and parole operations, evaluation of innovative programs in jails, and evaluation of screening-risk systems being used in correctional institutions.

In addition to strengthening the research and evaluation capabilities of state and local correctional agencies, the National Institute of Corrections plans—during Fiscal Year 1978—a significant evaluation of existing screening/classification systems nationally. For Fiscal Year 1977, NIC has available \$756,000 for grants and contracts. For Fiscal Year 1978, the amount of \$2,057,000 has been requested.

NATIONAL INSTITUTE OF JUVENILE JUSTICE AND DELINQUENCY

This Institute is fully integrated into its larger Office, the Office of Juvenile Justice and Delinquency Prevention. It conducts research into the problem of juvenile delinquency and evaluates juvenile justice programs. In addition, the Institute develops standards for administration of juvenile justice, provides training for practitioners in the field, and serves as a center for dissemination of research results. For Fiscal Year 1978 we have requested \$7,500,000 for support of this program. Currently, the Institute is supporting research on deinstitutionalization, diversion, reduction of school violence, youth service bureaus and learning disabilities and their relationship to delinquent behavior. In addition, the program now being developed will sponsor research on gang delinquency, restitution and the treatment of serious juvenile offenders.

This Institute, with its integrated approach and its evaluation emphasis, may be considered, in many ways, as a prototype.

While all of this indicates the scope of the Department's research program, two recent developments further indicate our commitment to research:

The Department of Justice has developed and requested funding for a new program of research to focus on the Federal justice system. The Fiscal Year 1978 budget that we submitted requested \$2 million to sponsor research on problems in the administration of the Federal criminal and civil justice systems.

The Attorney General appointed a study group, which I chair, to review our total program in assistance to State and local governments in crime control and the improvement of criminal justice. This group has analyzed the functions of the National Institute of Law Enforcement and Criminal Justice and has submitted our recommendations to the Attorney General and through him to the Congress.

* * * * *
 We have already identified certain problems in the research programs, and we have moved to correct them.

First, we have noted that there is little research conducted on the Federal justice system. In fact, the National Institute of Law Enforcement and Criminal Justice is prohibited from funding such research unless it has a direct relevance to state and local efforts. In response to this problem, we have developed, as I have already noted, the Federal Justice Research Program. In 1978, we hope to conduct research to aid in the establishment of sentencing guidelines on the Federal criminal code, and to conduct a study of prosecutorial discretion in the Offices of the United States Attorneys. In addition, the analysis and evaluation required by law of all Federal juvenile justice programs will be quickly undertaken and a comprehensive Federal policy developed that will guide future Federal activities in juvenile justice and delinquency prevention.

We have reviewed the research program of LEAA and the excellent analysis, done at LEAA's request, of a major portion of that program by the National Academy of Sciences. As you know, that analysis focused primarily on the National Institute of Law Enforcement and Criminal Justice. We are concerned about the lack of focus in certain areas of the LEAA research program and the lack of systematic utilization of research results. Our study of the LEAA program gave priority to this problem and has recommended an expanded and refocused research role for the Department of Justice. We are committed to making the resulting research program more responsive to the problems to which it is addressed.

A related problem concerns the relative absence of coordination in our research programs. To consider the extent of this problem and alternatives for dealing with it, a Task Force has been established in the Office for Improvements in the Administration of Justice. This Task Force will consider issues that are common to all our research programs and will recommend ways in which we can enhance the integration of our research efforts, thereby avoiding duplications of effort. We are reviewing carefully all of the suggestions made in the NSA analysis about upgrading the quality of research and assuring a proper climate for good research.

Finally, our review has led us to concur with those who have noted that a major obstacle to good research and planning is the absence of comprehensive, valid data on crime and the criminal justice system. While the Department of Justice spends between \$40 million and \$60 million per year on information and statistical systems and programs, we cannot accurately answer many simple questions about crime and criminal justice. In response to this problem, we are reviewing a series of proposals developed by staff designed to improve the organization of our criminal justice statistics collection and dissemination.

Mr. Chairman, I trust the above indicates the Department is striving to develop an effective research program. We recognize the value of research and are working to improve all of our programs. In that regard, we will carefully consider the testimony that has been given before your Committee, and the report you prepare as a result of these hearings.

I would now be pleased to respond to any questions the Joint Subcommittees might have.

STATEMENT OF JAMES M. H. GREGG, ASSISTANT ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. Chairman, I appreciate the opportunity to appear before this Subcommittee to present the views of the Law Enforcement Assistance Administration on the Federal role in criminal justice research and to discuss the work of the National Institute of Law Enforcement and Criminal Justice.

Both LEAA and the National Institute welcome the Subcommittee's interest in the important issues surrounding criminal justice research. We have found the views of the Subcommittee members and the distinguished witnesses who testified interesting and useful.

Mr. Chairman, your longstanding interest in and dedication to research in crime control is well known. As one of the original sponsors of the enabling legislation of the National Institute, you are familiar with its charter. I believe, however,

that it would be helpful to review it now briefly, for the Congress in 1968 gave the Institute a wide-ranging mandate and has expanded it over the years.

LEAA's mission is to provide leadership and financial and technical assistance to State and local governments and organizations in order to increase their efficiency and effectiveness in controlling crime and delinquency and improving the criminal justice system. The National Institute of Law Enforcement and Criminal Justice is an integral part of the LEAA program crucial to meeting this mandate.

As stated in Title I of the Omnibus Crime Control and Safe Streets Act, the Institute's purpose is "to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to state and local governments, and to assist in the development and support of programs for the training of law enforcement and criminal justice personnel."

Among the specific functions outlined in the legislation are development of new approaches or equipment to improve criminal justice, support for behavioral research, for research fellowships, and for special workshops to disseminate research and operational experience, and information collection and dissemination.

In 1973 Congress gave added responsibility to the Institute for supporting evaluations of criminal justice programs and for sharing evaluation results with state and local governments. Specific assignments, such as the 1973 charge to conduct a national criminal justice manpower survey and the 1976 directive to conduct a survey of existing and future needs for correctional facilities, have also been given. Another important new responsibility added last year is research on the relationship between drug abuse and crime and the evaluation of drug treatment programs, to be carried out in conjunction with the National Institute on Drug Abuse.

HISTORY AND EVOLUTION OF THE NATIONAL INSTITUTE

In making specific provision for a research institute under the general authority of LEAA, the Congress recognized the pressing need to bring the techniques of scientific analysis to bear on the problem of crime and the operations of the criminal justice system. Through research, it would be possible to acquire reliable information and build knowledge that would help ensure effective use of the Federal funds available for criminal justice improvement.

A decade ago the available knowledge was scanty and fragmented. As the President's Commission on Law Enforcement and Administration of Justice put it in 1967: the greatest need was the "need to know." The Commission noted that the revolution of scientific discovery had "largely bypassed the problems of crime and crime control." Only a handful of scientists were engaged in criminal justice research. The establishment of the National Institute provided a mechanism for stimulating and coordinating criminal justice research on a national level.

The Institute began operations in late 1968 with a skeleton staff of four and a budget of \$2.9 million. In fiscal year 1970, the Institute's budget climbed to \$7.5 million where it remained for two years. Staff size was expanded to include specialists in many areas of criminal justice and the social and physical sciences.

Some of the projects funded in the Institute's early years have made significant contributions to the goal of improving and strengthening law enforcement. An example is the early Institute research on Family Crisis Intervention, which produced techniques for training police to handle domestic quarrels safely and more effectively. Some form of crisis intervention training is now offered by more than 100 major police departments.

As important as the results of any specific project, however, was the fact that criminal justice researchers now had a sponsor and an incentive to specialize in this area.

Fiscal years 1972 and 1973 saw increases in the Institute's budget to \$21 and \$31 million respectively. During this period emphasis focused on efforts to control specific crimes and to improve law enforcement capabilities.

Recognizing the advances in technology and the expressed interests of Congress in this area, the Institute invested heavily in equipment research and development. This trend was curtailed in 1974 and a more focused approach taken to the application of advanced technology.

In fiscal years 1974 and 1975, the Institute budgets reached a high of more than \$40 million. The focus of the research during that period was toward improving the efficiency and fairness of the criminal justice system and reducing the costs of crime to the individual and society.

In the past two fiscal years, the trend toward higher budgets has been reversed, reflecting an agency-wide fund reduction. In the current fiscal year, the Insti-

tute's budget is approximately \$27 million. Its program is administered by a full-time staff of 77.

OBJECTIVES OF THE RESEARCH PROGRAM

The principal objectives of the Institute's research can be summarized under the following broad categories—

- To systematically build a body of knowledge;
- To gain new insights that can enable us to evaluate concepts and programs, separating facts from illusions;
- To learn what works under what kinds of circumstances and at what costs;
- To provide useful, reliable information for developing action programs;
- To transfer the results of both research and successful operating experience to policy-makers and practitioners; and,
- To disseminate a wide range of information to the international criminal justice community.

BUILDING KNOWLEDGE AND GAINING INSIGHTS

Over the past eight years, there has been a steady accumulation of much needed new knowledge through Institute-sponsored research. In some important areas, insights are emerging that enable us to see more clearly the limitations of some of the traditional responses to crime.

In the area of police patrol, for example, the Institute has funded a number of studies that have examined the efficacy of traditional practices and explored alternatives that can enhance both the effectiveness and the efficiency of patrol. Among these have been assessments of both traditional and specialized patrol, team policing, and an experiment with the use of "split-force" patrol. In this design, the patrol force was divided into two parts—one that responded only to calls for service, and one that was responsible for preventive patrol. In this way, the project isolated and analyzed preventive patrol and suggested improvements.

An approach that appears to hold promise is "directed" preventive patrol, where activities are carefully planned in advance rather than left to the officer's discretion. But more research is needed to identify preventive tactics. To enhance efficiency, such ideas as "stacking" non-emergency calls appear to be a feasible approach, one that citizens will accept if they are told in advance when police will arrive.

Another research effort that has important implications for patrol is a study of police response time in Kansas City. Over the past decade, substantial sums have been invested in efforts to quicken police response to citizen calls, on the assumption that faster response time would necessarily mean more arrests. But Institute research on response time suggests a challenge to the conventional wisdom in some respects.

Preliminary findings from an analysis of more than 900 serious crimes indicate that prompt reporting by citizens appears to be as critical a factor in apprehending suspects as swift police response. In many cases, however, there were significant delays in reporting crimes to police. Only half of all the serious offenses analyzed were reported within five minutes from the time the citizen was free to call the police. In some cases, delays seemed to stem from the victim's trauma and confusion. But in many cases the researchers found that citizens first talked to other people rather than calling the police immediately.

The reporting delays tended to diminish the impact of rapid police response. Unless citizens can be educated to summon police more quickly, it appears that heavy investments in expensive command and control systems may not bring the crime control dividends we hoped for. The findings also underscore the need for continued research on patrol: if officers are being deployed for a rapid response that in many cases may not be necessary, then changes clearly are called for.

Some general conclusions can also be drawn from research on community crime prevention. A neighborhood approach, for example, is likely to be more effective than a city-wide campaign, in which resources are dissipated and the themes too general to be effective in different neighborhoods. A combination of strategies—neighborhood watch, premise security surveys, property-marking—is likely to be more effective than any one in isolation, because the individual projects support and reinforce one another. Citizens can best be involved in crime prevention efforts when they are contacted in person, in small groups, and in their own homes. Mass-media campaigns and large-scale community meetings seem distinctly less effective.

Among the community crime prevention programs that have been found to be effective are citizen patrols. Building patrols, in particular, seem to be effective

in reducing crime and increasing a sense of security. In addition, such patrols helped to buffer encounters between police and the residents of public housing projects. Concerns about vigilante activity do not appear to be borne out.

Another approach that appears promising is the "radio watch" programs in which truckers and taxi-cab drivers use their two-way radios to report criminal activity observed in the course of their normal job routines. Finally, programs to reduce theft—notable property-marking projects and premise security surveys—can reduce burglary rates among the citizens who take part in them.

In the courts area, too, a body of useful knowledge has been developed that can alleviate many of the pressing problems of the administration of justice. Court delay, for example, is a serious and pervasive problem. To a considerable extent, we have identified procedures which can help to improve case processing and reduce delays. LEAA is supporting a major research and action program to develop precise recommendations to enable the courts to maintain a current calendar.

One of the most successful courts-related research projects of recent years showed that, by adopting simple techniques to improve jury management, the typical jurisdiction could reduce its juror pool by 20 to 25 percent while still maintaining adequate coverage. The cost savings are considerable. A projected \$50 million could be saved each year if reforms recommended by the research were adopted nationwide. LEAA is now supporting efforts to implement the findings in 20 jurisdictions and is providing regional workshops for court personnel.

Research also has shown that it is possible to devise a sentencing model that—by weighing the seriousness of the offense on one hand and the offender's prior criminal history on the other—would indicate the sentence that would be given in about 85 percent of similar cases in a jurisdiction. The model forms the basis for guidelines that judges can use to check their preception of an appropriate sentence in a given case. When a judge believes that a defendant deserves a sentence that falls outside the range of the guidelines, he or she is asked to confer with several colleagues and to provide written reasons for the exception.

Model sentencing guidelines have been fully implemented in two jurisdictions, and the experience indicated that judges were both interested in the concept and willing to use a model that reflects their jurisdictions's sentencing policy. Similar guidelines are now being developed in Chicago, Philadelphia, Newark, and Phoenix. If the project works as well in large metropolitan courts as we expect, the result should be a useful mechanism for achieving more uniform sentencing practices in a jurisdiction and for increasing public trust by making the sentencing process more open and less arbitrary.

In corrections, the Institute's research program has attempted to build knowledge in three major areas: the impact of the courts and state legislatures in shaping correctional policies and practices; the issues affecting the management of institutions; and the effectiveness of correctional intervention.

Research on the legal issues has provided insights into the effects of judicial intervention and the need of uniform laws governing corrections. It appears that the long-term impact of court rulings is somewhat limited, although it does help to remedy some of the most serious deficiencies in correctional institutions and practices. The research on judicial intervention also points to the need to reform corrections legislation and administrative practices so that they are acceptable to the courts. To provide a statutory framework for acceptable correctional practices, Institute research is developing a Model Corrections Code. Another legal issue of increasing interest to corrections is the new trend toward determinate sentencing. The Institute is evaluating the experience of Maine, the first state to revise its criminal code to incorporate a version of fixed sentences and elimination of parole, and intends to assess the experience of other states implementing determinate and/or presumptive sentencing approaches.

The continued prospect of serious overcrowding in institutions represents a major obstacle to humane and effective correctional management. Research findings have yielded information about the level of violence in prisons and conditions leading to violence. Another research topic is development of a classification tool for matching inmates to the types of prisons most conducive to their physical and mental well-being. The survey of correctional facilities mandated by the Crime Control Act of 1976 will help to focus continuing attention on these and other management issues.

Questions about the effectiveness of correctional programs are fundamental, and the Institute is attempting to assimilate knowledge about the value of such traditional practices as parole and probation. One of its major research efforts is a survey of corrections research that is analyzing evaluations of more than 4,000

corrections treatment programs. The results should provide the most thorough compilation of corrections research results yet available.

Crucial to further research and evaluation of correctional programs and services is the development of standardized outcome measures. Typically, the most widely used measures are recidivism calculations that are based upon arrests or convictions. This approach has several major weaknesses. First, there is disagreement about the definitions and methods of determining recidivism. Second, followup periods are either too short or too long to be meaningful or practical for research or evaluation efforts. And finally, because recidivism is measured in terms of success or failure, it is not sensitive to varying gradations of outcome. To develop improved measures, the Institute is planning a study that will synthesize and critique the existing knowledge about recidivism, assess the merits of existing applied to correctional research, demonstration, and action projects.

Although there has been a declining emphasis on technology in the Institute, this does not suggest that there has been little progress in developing valuable equipment for criminal justice. On the contrary, some significant contributions have been made. A primary example is the lifesaving body armor for police now being worn by officers in 15 cities. It is credited with saving the lives of 17 officers. Less dramatic but also valuable is a test that detects the presence of gunshot residue on a person's hands. Similarly, research is progressing on more effective techniques for linking physiological clues—such as blood, hair, and semen—to a specific person. By such forensic research and by developing certification, testing, and other support programs to assist the nation's crime laboratories, the Institute hopes to increase the confidence that judges and juries can place in evidence analysis.

Having completed the previous round of research in technology, the Institute is now in the process of developing a new agenda through a systematic survey and analysis of criminal justice user needs. The emphasis will be on a focused effort matched closely to actual needs.

EVALUATIVE RESEARCH

The need for evaluation has been repeatedly emphasized by the Congress. In carrying out its mandate in this area, the Institute evaluates LEAA funded projects, assesses specific criminal justice approaches, shares the results of these evaluations with the states, and conducts research to develop new evaluation methodologies.

Through the Institute's evaluation program, we are asking questions about such fundamental issues as deterrence. The Institute has a number of studies that will expand our knowledge in this area. Two studies are looking at a deterrent strategy followed by several state legislatures in recent years: enactment of laws that provide mandatory minimum sentences for some crimes. The Institute has funded evaluations of the Massachusetts gun law and the New York State drug law. In each case, the evaluators are addressing the deterrent effect of the legislation as well as its impact on the criminal justice system.

The New York drug law evaluation has just been completed, and the evaluators report that, in the first three years after passage of the legislation, the deterrent effect of the law was neutralized by the inability of the criminal justice system to implement the law. In states or cities suffering court congestion similar to that of New York, it appears that such laws may make little difference.

The incapacitation/deterrence question also is the subject of two projects funded through the Research Agreements Program, which links the Institute to universities or research organizations on a long-term basis for both basic and applied research. Both studies involve the habitual offender. The Rand Corporation is exploring such issues as how much crime is indeed committed by habitual offenders or career criminals and the range and effectiveness of criminal justice responses to them. Another major inquiry is under way at the Hoover Institute at Sanford University, where researchers are paying particular attention to the degree to which family ties and economic opportunity may dissuade individuals from criminal activity.

While these studies proceed, the National Academy of Sciences is studying the question of how deterrence can be measured. A panel of experts is reviewing significant past work on deterrence and will recommend a plan for future research in this area.

In addition to a series of evaluations of LEAA discretionary programs, the Institute also supports the National Evaluation Program, a systematic effort designed to give policymakers useful and reliable information about specific

approaches to criminal justice, such as halfway houses and pre-trial release programs. Each NEP produces a relatively quick "Phase I" study that assesses what is known about the area, and outlines a plan for in-depth "Phase II" evaluation or for further research if needed. The results of 27 Phase I studies are being widely disseminated to state and local planners and criminal justice practitioners. The results also have led to Phase II evaluations in two topic areas and to a number of related research efforts.

To help ensure that the National Evaluation Program would be useful to criminal justice practitioners, the Institute funded an independent assessment of the program. One part of the study addresses the question of utilization. For example, a random sample of readers of the NEP reports was surveyed, and the responses showed that 95 percent felt that the summary reports were useful. Nearly a third of the readers surveyed said their organizations had taken action—or planned to—on the basis of the information in the summary report.

PROGRAM DEVELOPMENT

Often research offers opportunities for program development. One example is the LEAA program in environmental design, which stems in large part from earlier Institute research that suggested that community and neighborhood design can affect safety and feelings of security. The program also incorporates a number of other design mechanisms as well as law enforcement strategies and citizen action. It is now being tested in three settings: a residential neighborhood, a commercial district, and a school system. The results should advance our understanding of the relationship between environment and behavior and produce techniques that can be adopted by city planners, community groups, and the law enforcement community.

Another program developed from research is called Managing Criminal Investigations. It draws upon studies of the criminal investigation process which showed that the single most important determinant of whether a crime is solved is the information supplied by the victim or witness to the officer answering the call. These findings led researchers to conclude that traditional follow-up investigation can be substantially reduced without impairing effectiveness, if officers at the scene are trained to obtain needed information quickly and efficiently when they answer a call. At the same time, it is possible to weed out unproductive cases and concentrate resources where they will do the most good.

Because the criminal investigation process is an important part of a police department's functions, commanding a substantial share of resources, the Institute decided to test the research conclusions in actual operating settings. By synthesizing the findings from several studies, a program model was developed and is being implemented in five police departments. The program includes these elements: expanding the patrol officer's role to include responsibility for preliminary investigation; screening of cases to decide whether continued investigation is warranted; approaches for effectively managing continuing investigations; procedures to improve police-prosecutor relationships, and alternative methods of organizing the investigative function. The evaluation of the tests will provide information the merits of the new approach and any revisions that are needed before wide-scale implementation of this approach could be recommended.

TECHNOLOGY TRANSFER AND INFORMATION DISSEMINATION

The Institute also transfers new ideas, information, and techniques from research and operating experience through a comprehensive system that is designed to stimulate interest, create acceptance, and transform concepts into action. One example of the process is the Managing Criminal Investigations program mentioned earlier. In addition to field-testing the model program in selected departments, training workshops are introducing the research findings and their implications for improved procedures to some 500 law enforcement officials throughout the country.

In addition to research findings, the Institute, in keeping with its legislative mandate, provides information on the best existing approaches through two vehicles. The Exemplary Projects Program identifies outstanding local efforts, validates their success, and publicizes them widely, encouraging other communities to adopt these improved approaches. Prescriptive Packages are handbooks that consolidate the best available research information, operational experience and program guidelines on a particular criminal justice issue.

But technology transfer does not stop with the printed word. In addition to the training and testing program I've outlined, the Institute also sponsors special

workshops for criminal justice officials on major issues, such as determinate sentencing.

One of the Institute's major contributions to expanding the flow of information to the criminal justice community has been the National Criminal Justice Reference Service. Created in 1972, the Reference Service provides information on law enforcement and criminal justice topics to a growing network of users.

In the past five years, the Reference Service has distributed more than 2½ million documents. More than 27,000 items are in the computerized data base. Some 48,000 individuals and organizations are registered users. An international focus was added following the mandate of the 1973 Crime Control Act. Materials produced in other countries are included in the NCJRS data bank with English-language summaries or abstracts.

NEW APPROACHES TO IMPROVING THE PLANNING AND MANAGEMENT OF LEAA RESEARCH

As part of the fundamental reassessment of the LEAA program that is now underway, all of the agency's programs are receiving intensive scrutiny. This is true of the research functions as well. We are determined to improve the planning and management of our research efforts and have initiated several new approaches that we believe will bring us closer to that goal.

SETTING PRIORITIES FOR RESEARCH

With the accumulation of significant research results, the Institute is in a position to set rational priorities and is engaged in that task. An Institute task force has been at work on agenda-setting since the beginning of the year, and efforts are well along in developing a refined framework for Institute research, which will include both basic and applied research, development, program testing and evaluation. In fact, this is now agency policy for development of new action programs. Within this framework, it will be possible to organize research priorities in a more coherent fashion.

Before deciding upon a long-range agenda, the Institute is seeking the opinions of researchers, practitioners, planners, and state and local government officials. The final choices, of course, will reflect the mandate of the enabling legislation priorities set by the Attorney General and by the Administrator of LEAA, and the counsel of the Institute's Advisory Committee of distinguished scholars and practitioners.

In addition, the results of past research are being carefully examined to discern fruitful areas for further inquiry, methodological problems which must be overcome, and areas where more basic or fundamental questions must be answered or serious gaps in knowledge filled before we can move forward. These considerations, taken together, constitute both a set of criteria and a process for the careful selection of priorities for the future. The process is to be completed by August, and we anticipate that a long-range research agenda will be included in the Institute's FY 1978 Program Plan.

We will be able to state in the near future what the Institute's long-term research and evaluation priorities will be. Undoubtedly they will include such broad areas as deterrence and rehabilitation. Also included will be specific approaches such as neighborhood justice centers, which free up resources by diverting minor cases from the judicial process, and career criminal programs, which focus resources where they can have an impact through incapacitation of serious repeat offenders.

To ensure that the results of past research feed into the planning process, LEAA has begun systematic efforts to review research findings to identify implications for both research and action. One approach is the Institute's Research Utilization Committee, which brings together research, technology transfer, and relevant action program staff, to review completed research, identify research and action implications, and recommend options for disseminating research findings to appropriate audiences. In addition, plans are now being considered for creation of a unit that would analyze research both to pinpoint new possibilities and make judgments about those avenues of inquiry that appear to hold little future potential.

ACTION PROGRAM DEVELOPMENT PROCESS

In the past, the results of research and evaluation often were not utilized to the maximum extent possible in the development of action programs. To forge a stronger link between research and action, we have initiated the Action Program Development Process, a cyclical process of planning, testing and refinement of innovative programs prior to wider implementation.

The process consists of seven steps: policy planning, problem definition, selection of response strategies, program design, testing, demonstration, and marketing. The research offices will play a primary role in the steps of policy formulation, problem definition, selecting response strategies, program design, and testing.

Initial program development efforts are already under way. Drawing upon research and operating experience in the area of alternatives to conventional adjudication, for example, LEAA is designing the Neighborhood Justice Center program as an alternative method of resolving interpersonal disputes that now clog the courts. An expanded career criminals program also will be funded. As we proceed with these and other efforts, ongoing and new research will feed additional knowledge into the program development process. Our program development process is predicted on existence of knowledge that ideally is based on the cumulative findings of several studies rather than a single effort.

EXPANDING BEHAVIORAL RESEARCH

Agency policy now envisions a marriage of action and research, where planned research leads to planned action. At the same time LEAA recognizes that not all research has immediate practical application. There is also a need for research that furthers our understanding of criminal behavior so that we can devise more effective prevention and control measures. The Institute has been working in this area, with its ongoing research on the habitual offender and on deterrence, but we recognize the need for expanded efforts.

Some preliminary contacts have been made with other Federal research agencies—the National Science Foundation and the National Institute of Mental Health—to explore the possibility of collaborative efforts to study criminal behavior. The initial responses indicate that these agencies would like to explore this possibility with us.

What we envision would involve comprehensive, multi-disciplinary and interdisciplinary studies of criminal behavior. Certain sociological and analytical research also would be included—for example, studies of the relationship between unemployment and crime and between drug abuse and crime.

I emphasize that our thinking here is very preliminary and tentative. If it is possible to pool Federal research resources, however, I believe that greater progress could be made in this important area.

PERFORMANCE MEASURES FOR THE CRIMINAL JUSTICE SYSTEM

Another area where much more information is critically needed is the performance of the criminal justice system *as a system*. Crime statistics alone do not tell us much about the performance of law enforcement agencies. They cannot reveal where the problems really are—with the police, the prosecutors, the courts, or corrections. Part of the difficulty in this area has been lack of concentrated attention to measuring performance in ways other than crime statistics, and part has been a failure to grapple with the fact that these agencies are part of an entire system devoted to public safety.

In an effort to change this situation, the National Institute has begun a comprehensive study of the criminal justice system—as a system—to identify where the various agencies have conflicting objectives, where inter-agency coordination is needed, and where funds should be allocated to have the greatest impact. By constructing new measures of agency performance that are directly related to the social objectives of the criminal justice system, we hope to encourage agencies to shed the parochialism of the past and begin to think in system-wide terms.

OTHER APPROACHES TO RESEARCH MANAGEMENT

The Research Agreements Program and the National Evaluation Program referred to earlier also represent fresh approaches to managing the research function.

Through the Research Agreements Program, the Institute attempts to develop relatively long-term relationships with select universities and research organizations with an interest in criminal justice research. Each agreement represents a long-term commitment to a program area that complements the overall efforts of the National Institute. The Research Agreements focus on criminal justice problems for which long-term, often basic research is the optimal or only feasible approach, because of the need for longitudinal research designs or the breadth of the subject matter or inter-relatedness of the issues.

Five Research Agreements have been funded. The four original efforts that began two years ago are being carried out by: Northwestern University, which is

focusing on citizens' responses to crime at the community level; the Rand Corporation, which is studying the nature of the habitual offender characteristics and the criminal justice system's treatment of these offenders; Yale University, which is conducting research in white collar crime with an emphasis on Federal enforcement and sanctioning of these offenses; and the Hoover Institution, which is developing methods to apply econometric techniques to the study of crime and criminal justice. A fifth Research Agreement has recently been signed, under which the Vera Institute of Justice will study the relationship between unemployment and crime.

The National Evaluation Program represents a move toward the orderly, sequential collection and synthesis of knowledge. The phased approach was implemented so that information useful to planners, practitioners and policy-makers would be available in a timely fashion. Since the program began three years ago, reports on 27 topics areas have been made available.

The Institute intends to adjust the NEP program as it progresses to suit changing evaluation needs. The Phase I assessments will be longer-term and will provide more definitive results. In addition, more emphasis will be placed on in-depth "Phase II" evaluations. Two have already been funded, with another two or three "Phase II" studies planned for FY 1978.

BUILDING CAPABILITIES

The success of any management effort, or course, depends upon the involvement of capable staff. To enhance the capabilities of its research staff, LEAA operates a Visiting Fellowship Program, which brings researchers to its offices to conduct independent studies. The Program encourages creative researchers to focus on criminal justice problems while at the same time provides a source of contact with the academic world and of continuing education for the Institute staff.

Soon to begin is a program of limited in-house research that will permit staff to perform relatively small research projects at the Institute, at a state or local government agency, or a university, depending upon the nature of the research project. The kinds of research that may be performed include: the design and implementation of an original research project emphasizing either policy-relevant or basic research issues; thorough re-analysis of major data sets produced by other researchers; comprehensive literature reviews and bibliographic essays that assess the knowledge base in a particular area; and, the development and/or testing of methodological tools in criminal justice. We anticipate that the program will give the staff an opportunity to upgrade their professional skills and stature as researchers and will help to improve the Institute's research planning and program development through enhanced staff capabilities.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

An important part of LEAA's overall research effort is carried out by the National Institute for Juvenile Justice and Delinquency Prevention. Established by the Juvenile Justice and Delinquency Prevention Act of 1974, this Institute conducts research into the problems of juvenile delinquency, evaluates juvenile justice programs, develops standards for the administration of juvenile justice, provides training for persons working or preparing to work in the delinquency field, and serves as a center for the collection and dissemination of information.

The Institute's overall policy and operations are developed and carried out with the advice of a Subcommittee of the Presidentially-appointed National Advisory Committee for Juvenile Justice and Delinquency Prevention. As part of LEAA's Office of Juvenile Justice and Delinquency Prevention, the Institute's research and evaluation activities are closely tied to action program initiatives in the juvenile area supported by the Agency.

DEVELOPMENTAL RESEARCH

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) makes discretionary "Special Emphasis" grants as a supplement to a formula grant program for state and local units of government. Special Emphasis grants are awarded to public and private nonproject agencies and organizations to support action program initiatives in priority areas. Objectives and goals for each initiative are based on an assessment of existing data and previous research and evaluation studies prepared by the National Institute.

Initiatives announced to date for which the Institute has completed developmental work include programs for deinstitutionalization of non-criminal juvenile

status offenders, diversion of juveniles from traditional juvenile justice system processing, reduction of school crime and violence, and prevention of delinquency through programs operated by youth-serving agencies. Work is still underway to develop programs for treatment of serious juvenile offenders, reduction of gang delinquency, prevention of delinquency through neighborhood approaches, and restitution.

Basic research

A broad range of basic research studies are being sponsored by the Institute to add to the knowledge base regarding the causes and nature of delinquency. A series of special studies focused on prevention of delinquency will begin early in fiscal year 1978. These will be designed to increase understanding of social factors that promote conforming behavior and legitimate identities among youths. Innovative approaches to encouraging conforming behavior among juveniles will be evaluated.

The Institute also supports a limited number of research and demonstration projects which incorporate both basic and evaluative research aims. A major project currently underway is aimed at examining the link between learning disabilities and juvenile delinquency. In addition to measuring the incidence of learning disabilities among delinquent and non-delinquent groups, the project includes an evaluation of the effectiveness of remediation programs. While most research projects are based on a program developed by the National Institute for Juvenile Justice and Delinquency Prevention, funds are also made available for unsolicited projects that address promising areas.

Evaluation

The evaluation program of the Institute is focused primarily on OJJDP-funded demonstration programs. These activities are included: National evaluations of Special Emphasis initiatives; evaluation of other action projects; and, assessments and developmental work.

Information dissemination

The Institute serves as an information center by collecting, synthesizing, publishing, and disseminating data and knowledge concerning all aspects of delinquency. The principal mechanism for meeting this responsibility is the Assessment Centers Program, consisting of three topical Assessment Centers and a Coordinating Center. The three topical Centers are: Delinquent Behavior and Its Prevention; the Juvenile Justice System Processing. These three areas encompass the entire field of delinquency. Each Center gathers data, studies, and information on delinquency programs and their results for public dissemination.

The fourth Center coordinates the work of the three topical Centers and will produce an annual volume entitled "Youth Crime and Delinquency in America." The document will incorporate the products of the topical Centers and will constitute a summary of current knowledge regarding the nature of delinquency, juvenile justice system processing of youthful offenders, and the effectiveness of delinquency prevention, treatment, and control programs.

Training

The Institute plans to provide two types of training. National training institutes will be held on a regional basis to acquaint policy- and decision-makers with the most recent results and future trends in the field of delinquency prevention and control. In addition, these institutes will assist local teams of interested officials concentrate youth service efforts and expand program capacities in their communities. Secondly, workshops and seminars will be held on a variety of juvenile justice and delinquency prevention issues, techniques, and methods.

The Institute has provided continuing funding to the National Council of Juvenile Court Judges to support training for 1,150 juvenile court judges and related court personnel. Support is also given to Project READ, which provides training in remedial reading methods and techniques for teachers working with offenders who have been identified as having severe reading problems in over forty correctional institutions and programs.

Standards

The Institute provides direct staff support for the Advisory Committee on Standards for Juvenile Justice, another Subcommittee of the National Advisory Committee. This support has included development of a set of standards delineating the functions which Federal, State, and local juvenile service systems should perform, and the resources, programs and procedures which should be used to fulfill those functions.

The full set of Standards developed by the Advisory Committee will serve as a means of unifying and providing direction for the programs and activities of the Office of Juvenile Justice and Delinquency Prevention over the next several years. The Standards Program staff is currently helping to develop a Special Emphasis initiative on standards implementation for funding in fiscal year 1978.

CONCLUSION

Criminal justice research has made a number of significant contributions over the years, but the challenge now is to improve that record. Our research effort must be structured to serve the twin needs of knowledge-building and rational policy-making. This will require judicious combination of both basic and applied research.

But research alone is only part of the process of stimulating change and improvement. Integrating research into a coherent process of program development and implementation is essential. We need to ensure that the development of programs is based on the best available research. To accomplish this requires an orderly system for both using existing knowledge and building new knowledge where there are gaps so that program models can be carefully designed and tested.

The Action Program Development Process now in motion at LEAA is, I believe, a major step toward a coherent, integrated program. As we work towards establishing the future directions of the LEAA program in the months ahead, this process can serve as the basis for a new and more focused Federal response to the problem of crime.

Thank you, Mr. Chairman, we would now be pleased to respond to any questions the Subcommittee might have.

Mr. FLAHERTY. I'll try to briefly summarize the statement, and focus on a few of the areas that I know might be of interest to the committee.

TESTIMONY OF PETER F. FLAHERTY, DEPUTY ATTORNEY GENERAL OF THE U.S. DEPARTMENT OF JUSTICE

Mr. FLAHERTY. In the National Institute of Law Enforcement and Criminal Justice, I would note that for fiscal year 1978 we have requested \$21 million for the support of this program. This, as you know, is our largest research program and the one we are giving the most attention to, and we are certainly committed to strengthening this effort and continuing to improve it within the research effort of the Department in the Improvements in the Administration of Justice.

We are also in the Institute of Corrections in its research function strengthening the area there in research and evaluation. The grants here are made primarily, of course, to State and local correctional agencies that have their own research and evaluation staff. These grants range from \$15,000 to \$40,000 each. The focus of these agencies is operational research that may enable the correctional administrator at the State and local level to make better decisions.

For fiscal year 1977 NIC has available to it \$756,000 for grants and contracts. For fiscal year 1978, the amount of \$2,057,000 has been requested.

In the area of Juvenile Justice and Delinquency, the Institute is fully integrated now into its larger office, the office of Juvenile Justice and Delinquency Prevention. For fiscal year 1978 we have requested \$7.5 million for research in the Institute of Juvenile Justice and Delinquency.

The program now being developed will sponsor, of course, research on gang delinquency, restitution, and the treatment of juvenile offenders.

In our research programs, I would like to move to the area of the conducting of research in the Federal justice system. First, we have noted that there is little research conducted on the Federal justice system. In fact, the National Institute of Law Enforcement and Criminal Justice is prohibited at the present time from funding such research unless it has a direct relevance to State and local efforts. In response to this problem, we have developed the Federal justice research program. In 1978 we hope to conduct research to aid in the establishment of sentencing guidelines under the new proposed Federal Criminal Code, and to conduct a study of prosecutorial discretion in the Offices of the United States Attorneys. In addition, the analysis and evaluation of all Federal juvenile justice programs will be undertaken and a comprehensive Federal policy developed to guide Federal activities in the area of juvenile justice and delinquency prevention.

A related problem concerns, I think, the relative absence of coordination in our research programs. To consider the extent of this problem and alternatives for dealing with it, a task force has been established in the Office for Improvements in the Administration of Justice. I'm sure Paul Nejelski will talk to you about that in more detail. This task force will consider issues that are common to all our research programs and will recommend ways in which we can enhance the integration of our research efforts, thereby avoiding duplications of effort. We are considering the advantages and disadvantages of establishing a National Institute of Justice. We are concerned with proper statistics, credible statistics, in the area of criminal justice, and considering improvements in that area.

I will be glad to respond to any questions at this time that the committee may have in any of these areas.

Mr. BLANCHARD. Fine. What we could now do is have some questions, or we can have your two associates also give their summaries and then do it as a panel.

Mr. FLAHERTY. Fine.

Mr. BLANCHARD. For the record, the next person speaking will be Blair G. Ewing, who is Deputy Director of the National Institute of Law Enforcement and Criminal Justice, and, I take it, the Acting Director too.

Mr. EWING. Yes. That is correct.

Mr. BLANCHARD. We thank you for your time.

Mr. EWING. Thank you, Mr. Chairman.

[The prepared statement of Blair G. Ewing follows:]

STATEMENT OF BLAIR G. EWING, DEPUTY DIRECTOR—NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Thank you for inviting me to testify at these hearings. As Acting Director of the National Institute, I have followed the testimony and the discussions very closely. The views of the members of the Subcommittees and the witnesses have been stimulating and helpful to us at the National Institute in our ongoing efforts to improve procedures and fashion a more effective research program.

The hearings come at a propitious time, for the future shape of the entire LEAA program is now the subject of public discussion. As the Deputy Attorney General noted, the Department of Justice study group has completed its review of LEAA and its report is now being circulated for public comment. That task force—of which I was a member—gave a good deal of thought to one of the principal questions posed by the Subcommittee: Is there a Federal role in criminal justice research? Our response to that question was overwhelmingly affirmative, and that reply has been echoed by many of the participants in these hearings.

The specifics of how Federal criminal justice research might be restructured remain to be worked out. While that discussion proceeds, however, the task of managing the existing Institute program and of helping to lay solid groundwork for the future continues. Mr. Gregg has given you an overview of LEAA's current research activities and some of its new initiatives. For my part, I would like to describe in more detail some specific actions the Institute has taken—and others that we propose to initiate—that we believe will result in a stronger research effort.

In reassessing the Institute's operations, we recognized the value of the perspective of those outside the National Institute. That is why we sought the views of the National Academy of Sciences. In funding their review of the Institute, our hope was that an impartial examination by members of the research community could give us fresh insights that would be useful in charting new directions for research on crime and criminal justice. To a large extent, that hope has been realized. The Academy's diagnosis has been helpful in a number of ways, giving impetus to some existing plans for change and stimulating new ideas.

While the research community's views have provided valuable guidance, there are different but equally valid perspectives that must be considered. That is why we value these hearings, for they have provided an opportunity to look at all sides of the important issues. They also help to place the discussions in context—the mandate of the enabling legislation that governs the National Institute.

As you know, the Institute is not solely a research body. Its responsibilities also include evaluating criminal justice programs, disseminating information on research and progressive practices, training criminal justice practitioners, analyzing research for program possibilities and designing and testing programs prior to wider implementation. Although there are some tensions, we do not view these functions as incompatible. Research, evaluation, and technology transfer are carried out by separate offices, but we try to create conditions that foster coordination and make the functions mesh smoothly.

Looking back at the Institute's experience over the past eight years, there have been research successes and failures—a not uncommon experience for research agencies. Lessons have been learned from both that will help the Institute as it moves into a second generation of research. Having reached the point where a body of knowledge has been accumulated, the Institute is engaged in what many of us see as its most important task: summing up what has been learned and trying to make judgments about which avenues for future research should be pursued.

Developing a long-term agenda of issues that should be addressed by research over the next five years has absorbed a considerable amount of the Institute's time and effort over the past 18 months. In fiscal year 1975, the Institute awarded funds to the National Academy of Sciences for research on deterrence, and this effort is to yield suggestions for long-term priorities. A similar award was made recently in the area of rehabilitation. Long-range research issues also were major topics at both the Fall 1976 and Spring 1977 meetings of the Institute's Advisory Committee.

As part of this planning process, we also have considered carefully the various suggestions made by such groups as the National Academy of Sciences who have reviewed the work of the Institute over the past few years. We have obtained the views of our own staff, of course. This process of consultation and review has produced several categories of research issues and different approaches to classifying research.

We have devised a tentative list of broad topics that will be refining over the next few months. Although there may be some changes and the specific questions to be asked about each topic must be articulated, I would like to share our preliminary thinking with you. The topics that we have selected are: correlates and determinants of criminal behavior, deterrence, community crime prevention, violent crime and the violent offender, career criminals and habitual offenders, performance standards and measures for criminal justice, management and utilization of police resources, court management, sentencing, rehabilitation, white collar crime, and major criminal conspiracies, such as terrorist activities and organized crime.

Using these topics, we are now completing work on a questionnaire that will go to approximately 500 persons, including law enforcement and criminal justice researchers and practitioners at all levels, state and local planning staffs, members of the Institute's Advisory Committee, Justice Department and LEAA officials, and a range of public interest groups. The survey, which will be distributed in the next couple of weeks, will seek responses to the set of broad, system-wide topics I've outlined for you as well as specific areas of proposed research. The responses

will be analyzed and the results reported back to the respondents and fed into the development of the long range agenda. Our decisions will be made in concert with our Advisory Committee and, of course, will reflect the priorities set forth by the Congress and the Attorney General. We anticipate that the initial agenda will represent a five year plan, to be reviewed and revised annually.

The long-range agenda would represent a major share of the Institute's expenditures in a given year, but our preliminary thinking is that approximately 20 percent of the funds would be reserved for other activities, including the legislatively-mandated functions of evaluation and technology transfer.

The broad topics of the long-range agenda will be spelled out in the 1978 program plan. This year, we expect to have advance copies of the plan available in October; thus we will be able to signal our general intentions to the research community in a more timely fashion. Priority topics for specific projects will be described in detail in our program announcements, which will be used more widely in the coming fiscal year to ensure a range of creative responses to research issues.

The long-range research agenda will help us to make progress in another vitally important area—support for basic research. The Institute has sponsored research of this nature over the years, and currently we are supporting studies of such basic issues as the relationship between unemployment and crime, and the relationships between the physical environment and behavior.

We are actively working to expand support for basic research. The Research Agreements Program, begun two years ago, is one example of our efforts. The Program provides longer-term support for universities and research organizations to engage in the study of basic questions and assumptions. Mr. Gregg has already reported to you on the five Research Agreements that have been funded to date. He has also described another initiative—our preliminary discussions with such agencies as NIMH and NSF about the possibility of joint or collaborative programs in behavioral research. These discussions are continuing. We hope that, in addition to the work we have under way and planned in this area, cooperative ventures may be funded in the next fiscal year.

Following the directive of the 1976 Crime Control Act, the Institute also is working with the National Institute on Drug Abuse in formulating a research program on the relationship between drug abuse and crime and the effectiveness of drug treatment programs.

Other approaches to organizing a basic research effort are also being explored. One possibility that we are giving some thought to is setting aside a specified portion of the budget to support competitively solicited fundamental research on broadly defined questions about crime and criminal justice. We plan to designate a task force to look into these and other options that might be considered.

Obviously, this kind of research is risky and often difficult to bring to fruition. But the potential benefits—in terms of more rational and effective crime control policies—are enormous. If those facts are understood and accepted, then basic research can assume the place it should have in any research program. I believe there is general agreement among those who have studied the Institute and the witnesses who have appeared here, that a balanced mix of applied and basic research should be our goal. We intend to continue to work towards striking the proper balance, and we welcome the views and advice of the Congress and the research community in this crucial area.

Another subject that has been discussed in the hearings is the Institute's record in helping to expand the number of researchers in the criminal justice field. As many of the witnesses have pointed out, a decade ago only a small number of talented individuals were working in this area. Today that number has grown to include some of the nation's most prestigious researchers.

A look at the Institute's project lists over the years would reveal such names as Al Blumstein, Marvin Wolfgang, Stanton Wheeler, Lee Brown, David Fogel, Herman Goldstein, Norval Morris, Peter Lejins, Lloyd Ohlin, Andrew Von Hirsch, Herman Kahn, Ruth Glick, Robert Martinson, Elinor Ostrom, Leslie Wilkins, Don Gottfredson, David Rothman, Al Reiss, Oscar Newman, Hans Toch, Marguerite Warren, James Q. Wilson, and many others. Among the organizations that have worked with us are universities such as Harvard, Yale, Stanford, Cornell, Michigan, Chicago, Northwestern, Carnegie-Mellon, and organizations such as the Rand Corporation, the Stanford Research Institute, the Urban Institute, the Vera Institute, and the Hudson Institute.

At the same time, however, the National Institute is eager to bring young researchers and scholars from other disciplines into the field. To help accomplish this, National Institute funds go to doctoral students who are completing their dissertations on criminal justice research topics. More than 250 Ph.D. candidates have been supported under the program.

In 1974, the Institute revitalized a policy of bringing talented researchers to the Institute's offices to work on independent research projects of their own choosing. The emphasis is on creative projects that deal with important criminal justice issues. More than 20 able scholars have been in residence at the Institute, adding the perspective of those actually involved in the conduct of research to the views of our own staff who manage and monitor research projects.

Another effort to expand the pool of researchers and enhance our own staff capabilities is the new in-house research program that soon will begin in the Institute. While the program is limited, it does provide an opportunity to conduct certain types of research projects, thus helping the Institute staff to maintain their research skills. It should help us in recruiting other talented individuals who may be interested in research management and the opportunity to participate in national research policymaking, but reluctant to divorce themselves entirely from research operations.

Because of the broad nature of the Institute's mandate and the newness of criminal justice as a field of inquiry, the Institute has tried to involve a variety of participants. While we value the unique capabilities of the academic research community and strive to maintain productive and continuing relationships with universities, some of our research or technology transfer efforts clearly fall into the province of other types of organizations.

For example, a program to test a hypothesis or innovation in a number of sites scattered across the country tends to be beyond the scope of most universities unless they have an applied research arm.

Similarly, there are activities mandated by the legislation, such as technology development or information dissemination in which universities typically would have little interest. So we turn to a variety of other groups—non-profit research organizations, federally chartered research centers, and commercial organizations—to perform such tasks.

Far from being deleterious, we view this as yet another way to expand the criminal justice research community. There is a good deal of fungibility involved, as many research organizations use the services of academics or train young researchers who may later go into the academic world.

In addition to choosing the most suitable performer, the Institute also tries to use the most appropriate funding mechanism. While grants are particularly suitable for many kinds of research studies, large-scale contracts with major firms may be the most appropriate vehicle for other types of programs. By keeping the process open and competitive, we believe it is possible to secure the best available talent to do the job.

Once a particular project is ended, then our relationship with a firm ceases unless it competes openly and successfully for another award. The Institute, as you know, has had some long-term contracts—notably with Aerospace for equipment development and with General Electric for the operation of the National Criminal Justice Reference Service. Both of these contracts are now coming to an end. As Mr. Gregg noted, our technology development effort will be significantly reduced in the next fiscal year. In the case of the Reference Service, the competitive process for the continuation of the program has now been completed, and the contract has been awarded to Aspen Systems.

Undoubtedly, there are other talented researchers who could and should be recruited to the criminal justice field. Similarly, we recognize that efforts to maintain good relationships with all elements of the research community deserve constant attention. These tasks are continuing ones. They are not done once and for all.

While we continue programs such as the Visiting Fellowships, we also hope to try some new ventures. One of these is a symposium on criminal justice research which we hope to schedule for this winter. Both academic and non-academic researchers would be invited to attend the workshop at their own expense to discuss the state of the field, the major findings to date, the major questions to be answered, and how researchers might be effectively recruited.

Our plans also call for publication of a research bulletin from time to time throughout the year. This brief update would cover such things as new Institute research awards, interim findings, program announcements, and major workshops or symposia scheduled for the criminal justice field. Aimed primarily at the research community, it can help to increase communication not only between the Institute and researchers but also among the researchers themselves. This simple and inexpensive method of communication will complement the existing Research Briefs which appear in the LEAA Newsletter and are designed for the practitioner.

In addition, the Institute is continuing its efforts to communicate the results of its research to appropriate audiences. A principal new approach to this task

is the Research Utilization Committee, which assembles research and technology transfer staff, as well as relevant LEAA program staff, to review the results of completed research projects, to identify implications for new research or program development, and to recommend the most appropriate dissemination options—publications, workshops, executive training, etc. The Committee has reviewed more than 30 completed research projects since it was inaugurated early this year.

We are also working to develop more systematic approaches to management. Proposal review and monitoring procedures have been the subject of study and continuing refinement. It is now Institute policy that all formal grant applications be reviewed by at least two experts from outside the agency. There are instances when three will be normal and desirable, and more than three may on occasion be appropriate.

Monitoring also can benefit from a range of viewpoints and expertise. Team monitoring—using staff members from other Institute offices as well as outside experts—is strongly encouraged where appropriate. During the life of a project, the Research Utilization Committee also may be convened at significant decision points to assist the monitor. Project advisory boards are another quality control mechanism, designed to assist the grantee by reviewing design, methodology, and project operations.

These procedures are now in place and operating. We believe that they respond to many of the concerns voiced during these hearings. Of course, we recognize that there are other ways to accomplish quality control. The use of formal peer review panels to evaluate research proposals is an approach that has been frequently mentioned. Like everything else, however, the peer review process has advantages and disadvantages. Depending upon the structure, peer review panels can sometimes breed unfortunate tendencies toward a very narrow definition of who and what deserves support and a perpetuation of self interest to the exclusion of other researchers.

More important than the pros and cons of peer review, however, is the fact that there is no magic in the process. Peer review does not guarantee quality; nor does its absence equal laxity in evaluating proposals on their merits.

Certainly careful review is always essential, and particularly so as we expand our involvement in more basic research. The system of internal and external review that is now operating existed in embryonic form at the time the Academy was reviewing the Institute. The process has now matured and we believe that it is sensible, workable, and stringent. Our experience during the past eight months attests to the rigorous screening that takes place. In that period, the Institute rejected 90 percent of the unsolicited concept papers it received, 55 percent of those solicited, 10 percent of the grant proposals and 93 percent of the contract proposals.

We were also somewhat heartened to see that the National Academy of Science reviewers would have funded only about 5 percent of the unsolicited concept papers rejected by the Institute. In fact, they rejected 72 percent for the same reasons that led the Institute to reject them—although the Academy had the benefit of hindsight.

Just as peer review is no panacea, neither is a specific location a guarantee of success. The image of an independent "pure" research body that some commentators have drawn is both noble and in some respects appealing. But as members of the Subcommittees have noted, it carries with it a number of risks. By removing research on crime from the policymakers and practitioners who must deal with this critical problem, we run the risk of making the research irrelevant. In gaining independence, criminal justice research might forfeit some of the support and cooperation of people in the field that is essential.

Inevitably there will be tensions between research and policy direction. But they can be kept to manageable proportions and benefit both research and action. Once again, a balance must be struck. We believe the National Academy of Sciences attempted to strike a balance. While we may disagree to some extent with certain specifics of the Academy's recommendations, we would be happy to pursue discussion of how their various proposals might be implemented or adapted to complement the recommendations that other groups have made to the Institute.

I might add that we have carefully studied the Academy's report and have prepared a detailed response which I could be happy to submit to the Subcommittees.

For the past 18 months, the National Institute has been engaged in a process of re-evaluation and reassessment. We've moved ahead on several fronts to remedy deficiencies and set out on new and more promising paths. Much of this effort is only now beginning to show results, and thus is not reflected in the report of the National Academy of Sciences which covers only up to 1975.

Please don't misunderstand—I am not suggesting that the Institute has done everything that should be done, or that the actions that have been taken are the only way to approach certain tasks. We can always do better and, in the months ahead, we intend to try to do just that.

I do not know precisely what the experience of research agencies in other fields has been. Many of these agencies, of course, have longer histories than the National Institute and well established fields of inquiry. It is possible that, if we looked back at those agencies or fields in their early years, our experiences would not be too dissimilar.

The outcome of research depends on a number of factors that are sometimes difficult to predict or control—the research talent and skill of the researcher, his or her management capabilities and the researchability of the topic itself. Many efforts do not achieve the results desired by either the researcher or the funding agency. This does not mean that it was not worthwhile to pursue these inquiries, but only that research inherently involves risks. It is essential to undertake careful planning and management to minimize those risks as much as possible. It is equally important, however, to be realistic about our expectations.

That is how we view our role at the National Institute. We take our assignment very seriously, and are working to improve the quality and value of research in crime and criminal justice. We welcome the assistance of the Congress and the research community in helping us to improve performance.

Thank you, Mr. Chairman. I would be happy to answer any questions you might have.

TESTIMONY OF BLAIR G. EWING, DEPUTY DIRECTOR, NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Mr. EWING. As Acting Director of the National Institute, I have followed these hearings very closely and have attended all the previous sessions. The views of the witnesses and of the members of the two subcommittees have been stimulating and very helpful to us at LEAA and at the National Institute in our ongoing efforts to improve procedures and to fashion a more effective research program.

I would like to describe in more detail some specific actions that the Institute has taken and some others that we propose to initiate that we believe will result in a stronger research effort, and I would say, Mr. Chairman, that some of those that we have begun and some we plan to initiate are the result of our agreement with the main thrust of many of the recommendations of the National Academy of Sciences and with some other suggestions that have come out of these hearings.

In reassessing the Institute's operations, we have recognized the value of the perspective of those outside, and that's why we sought and supported through a contract the work of the National Academy of Sciences. Our hope was that an impartial examination by members of the research community could give us fresh insights that would be useful in charting new directions. To a large extent, that hope has been realized. The Academy's diagnosis has been helpful, and its recommendations particularly helpful.

The research community's views, while providing valuable guidance, have also pointed out that there are different and varying perspectives that need to be considered. These varying perspectives help to place the discussion in context, the mandate of the enabling legislation which governs the National Institute.

I think it's important to note that the Institute is not solely constituted under the act as a research body. Its responsibilities also include evaluation of criminal justice programs, dissemination of information on research and on progressive and innovative practices, training of criminal justice practitioners, analysis of research for program possibilities and designing and testing programs prior to

wider implementation. And so, while some witnesses have pointed out the fact that there may be, indeed there are some times, some tensions as among these tasks, we do not view them as incompatible necessarily. Indeed, research, evaluation, and technology transfer, just how we have grouped these functions, are carried out by three separate offices within the Institute.

The Institute is now engaged in what many of us see as its most important task, and that is summing up what's been learned over the last 8 or 9 years of our own research and of the research of others and trying to make some judgments about which avenues for future research should be pursued.

Developing a long-term agenda of issues that need to be addressed by research over the next 5 years, certainly not an easy task, has absorbed a considerable amount of the Institute's time and effort over the past 18 months. In fiscal year 1975, the NAS panel began its work on deterrence, and this effort is expected to yield some long-term priorities. A similar award was made for that same panel in the area of rehabilitation. Long-range research issues were also major topics at our fall and spring advisory committee meetings.

As part of this planning process, we have also considered carefully the various suggestions made by NAS and by other groups who have reviewed the work of the Institute. We have obtained the views in a systematic way of our own staff, and the process has produced a variety of suggestions for a long-term agenda.

We have also examined with great care the State plans for each State. As you, I am sure, know, the act which established us requires that State plans contain suggestions and plans for research and development.

We have devised a tentative list of broad topics, which we'll be refining over the next few months. I won't read those because they are listed in my testimony. But what we will be doing with that list is circulating it to an audience of approximately 500 persons, including the academic research community and including also practitioners at all levels, State and local planning staffs, members of the Institute's advisory committee, and, of course, officials within Justice, within other agencies that do research at this time, and a range of public interest groups.

Our decisions about the way in which this agenda will finally look will be made in concert with our advisory committee and, of course, will reflect the priorities set forth by the Congress and by the Attorney General. We anticipate that this agenda will represent a 5-year plan, to be reviewed and to be revised, if necessary, on an annual basis.

This long-range agenda would represent a major share of the Institute's expenditures and would contain both applied and basic research activities. Our thought is that it would involve about 20 percent of the Institute's funds in basic research. And I might say, Mr. Chairman, given your earlier comment about whether that might be a luxury, \$17 billion is our best figure for the total criminal justice expenditures nationwide. What we are expecting to spend on basic research next year is not more than \$4 million, and my initial calculations suggest to me that that's 0.0002 percent for basic research. I don't think that excessive.

The broad topics of this agenda will be spelled out in our 1978 program plan. We expect to publish that in early fiscal 1978, in October. In that way we will be able to answer one of the criticisms made of the Institute in the past; namely, that we will be able to signal our general intentions in a more timely way. We'll spell out priority topics for specific projects in detail in program announcements.

The long-range agenda will help us to make progress in support for basic research. The Institute has sponsored of this nature over the years. Up until fiscal 1977 the level of that sponsorship was relatively low. During fiscal 1977 it's increased. We are working to expand support for it, but we do recognize that one shouldn't move quickly in this area, that there is no magic in pouring a lot of money into this area.

We did begin 2 years ago a research agreements program, and this program provides longer term support for universities. It's expected to be 5 years, although there's no guarantee. Sometimes university research doesn't turn out as well as one would hope, as Mr. Danziger has pointed out.

Another initiative is our preliminary discussions with agencies such as NIMH and NSF about the possibility of joint or collaborative programs, and I might say in the last couple of days we've also been in touch with the National Institute of Alcoholism and Alcohol Abuse about the possibility of exploring some work in that area.

These discussions are continuing. We're meeting also with the National Institute of Drug Abuse about the issues of drug abuse and crime.

We expect also to perhaps set aside a specified portion of the budget to support competitively solicited fundamental research on broadly defined questions about crime and criminal justice, and a task force has been appointed within the Institute to look at these and other options.

Obviously, this kind of research is risky and it's often difficult to bring to fruition. But the potential benefits, we believe, are enormous, and we believe a balanced mix of applied and basic should be our goal.

We, or course, welcome the advice of the Congress on this matter, and the research community. We expect that we will be continuing to seek that advice and to use it.

Another subject that has been discussed in the hearings is the Institute's record in helping to expand the number of researchers in the criminal justice field.

A look at the Institute's project lists over the years does reveal that there are a great many distinguished researchers with whom we have worked, including Albert Blumstein, Marvin Wolfgang—some of these names you will recognize, perhaps others not—Stanton Wheeler, who has testified here; Norval Morris, the dean of the University of Chicago Law School; Lloyd Ohlin, Herman Kahn, Ruth Blick, Robert Martinson, Elinor Ostrom, Leslie Wilkins, and many, many more, Mr. Chairman. We have an enormous, long list of distinguished people who have sought and received support from us.

Among other organizations that have worked with us are universities such as Harvard, Yale, Stanford, Cornell, Michigan, Chicago, Northwestern, Carnegie-Mellon, a distinguished roster of universities.

At the same time, the Institute is not satisfied with what it's done. It's eager to bring young researchers and scholars into this field. We

have, indeed, a program of visiting fellowships, and a small number of persons come in each year to pursue research and to increase and enrich the understanding of research on the part of the staff by their presence.

Another effort to expand the pool of researchers is a new in-house research program, which is expected to begin shortly. It's a very modest program, but it does provide opportunities for staff who have interest and capability in this area to carry on this research.

The Institute has tried, in fact, therefore, to involve a variety of participants and we have tried to involve the academic research community. I think it's important to note, however, that some of our research and technology transfer efforts fall outside the province of university interests and sometimes university capability. For example, a program to test a hypothesis or innovation in a number of sites scattered across the country tends to be beyond the scope and beyond the interest of most universities. That isn't to say we don't ask them to bid on those things, however.

Similarly, there are activities mandated by the legislation, such as technology development or information dissemination, in which universities typically have little interest. So we turn to a variety of other groups: nonprofit research organizations, federally chartered research centers, and commercial organizations to perform some of these tasks.

Far from being deleterious, we regard this as yet another way to expand the criminal justice research community. There is a good deal of transfer of people back and forth, as among those groups and the university community.

In addition to choosing the most suitable performer, the Institute also tries to use the most appropriate funding mechanism, and while there was for a time a view in the LEAA that only contracts should be used, or should be used primarily, at present the view of Mr. Gregg is that we should use the appropriate mechanism, either a grant or a contract.

Undoubtedly, there are other talented researchers who should and could be recruited to the criminal justice field, and we are eager to reach them.

One of the things we're planning to do is to hold either a symposium or a series of symposia on criminal justice research, modest in scale, during the next year.

Our plans also call for a short single-page research bulletin which would be published intermittently throughout the year to inform the research community of its opportunities and of what is going on.

We are also trying to improve our efforts to communicate the results of research to appropriate audiences, and we have now formed what we call a research utilization committee, which reviews the results of completed research projects to identify implications for new research or program development or other uses.

We are also working to develop more systematic approaches to proposal review. It is now Institute policy that all formal grant applications be reviewed by at least two experts from outside the agency. So we do have peer review. There are instances when three would be normal and desirable, and three or more may be, in fact, appropriate.

We also use team monitoring, which involves outside experts helping staff to monitor and giving staff its views.

These procedures are now in place and operating. We believe that they respond to many of the concerns voiced during the hearings about peer review and monitoring activities. It is not, of course, the case that we have formal peer review panels. That's been suggested. We do not disagree that that needs to be considered. We believe our current procedures are appropriate and adequate. But one thing we have done is to suggest to the National Academy of Sciences formally that we would like to meet with them to discuss this in the future.

Peer review is no panacea, of course, and it has its advantages and disadvantages. Some of those I discuss in my statement.

We are not suggesting, Mr. Chairman, that these efforts that we've made on several fronts to remedy some deficiencies and to set out on new and more promising paths respond to everything that has been suggested, either by the National Academy or others. We have not also wanted to suggest that the actions that have been taken are the only way to approach certain tasks. We can always do better, and in the months ahead we intend to try to do just that.

We welcome the opportunity to present our views and to discuss with you ways in which this program can be improved, the ways in which we can reach the research community. These hearings have been very helpful to us.

Thank you very much for this opportunity.

I assume that my statement and also Mr. Gregg's will be printed in the record, Mr. Chairman.

Mr. BLANCHARD. Yes.

If there are no objections. All of the statements today, including Mr. Danzigers', will be included in the record.

I have to adjourn this proceeding for about 5 minutes to run and vote, and I'll be right back. The subcommittee will be in recess.

[Whereupon, the subcommittee was in recess from 10:18 until 10:41 a.m.]

Mr. BLANCHARD. The subcommittee will again come to order.

When we recessed Mr. Ewing had just finished his statement. I understand you had one more thing you wanted to add to it before we go to Deputy Assistant Attorney General Nejelski.

Mr. EWING. Yes.

I neglected to mention verbally—it is in my testimony—we have prepared a detailed analysis of the National Academy of Sciences' report and recommendations, and if you wish, Mr. Chairman, we would be happy to submit that for the record.

Mr. BLANCHARD. Fine. Without objection, it will be received.

[The information appears in app. C-1, at page 313.]

Mr. BLANCHARD. Next we'll hear from Deputy Assistant Attorney General Paul A. Nejelski, who is from the Office for Improvements in the Administration of Justice.

You may proceed in any fashion you so choose, sir.

[The prepared statement of Paul A. Nejelski follows:]

STATEMENT OF PAUL A. NEJELSKI, DEPUTY ASSISTANT ATTORNEY GENERAL,
OFFICE FOR IMPROVEMENTS ON THE ADMINISTRATION OF JUSTICE, DEPARTMENT
OF JUSTICE

Mr. Chairman, I appreciate the opportunity to appear today to present the views of the Office for Improvements in the Administration of Justice on Federal criminal justice research. My remarks will be primarily directed to the development of the Federal Justice Research Program (hereinafter the Program) which is

being initiated in our Office. In developing this Program, we reviewed the program of the National Institute of Law Enforcement and Criminal Justice to learn from the experiences of that agency, as the Program was established to undertake research activities primarily in the Federal justice system, which are outside the statutory authority of the Institute.

As one of his first acts after becoming Attorney General, Judge Bell created the Office for Improvements in the Administration of Justice headed by Assistant Attorney General Daniel J. Meador, who is on leave from the University of Virginia where he is James Monroe Professor of Constitutional Law. In creating this new unit in his office, Judge Bell assigned to it the function of engaging in activities that are designed to bring about improvements in both civil and criminal justice systems, including the administration of the Program.

As one of our first acts, we articulated the goals of the Office in the form of a two-year agenda which is attached to this testimony. This agenda includes four primary goals: (1) to assure access to effective justice for all citizens; (2) to reduce the impact of crime on citizens and the courts; (3) to reduce impediments to justice unnecessarily resulting from separation of powers and federalism; and (4) to increase and improve research in the administration of justice. These goals focus the work of our Office on an important but limited set of priorities. The Office has a staff consisting of twelve attorneys and eight social scientists. Acting Deputy Assistant Attorney General Ronald L. Gainer supervises the criminal justice aspects of the Office while I supervise the civil justice aspects and the Program. Dr. Harry A. Scarr, a former Acting Director of the National Institute of Law Enforcement and Criminal Justice, is the Administrator of the Program.

To support the Program, the President requested and Congress appropriated \$2 million in the Fiscal Year 1978 budget. This request reflects our desire to keep this Program at a manageable level and to keep it focused on a limited number of projects. For the near future, we plan to keep the Program funded at this stable level. In general, we hope to avoid the problems that occur when a research program grows at such a rapid rate that appropriate procedures and the staff cannot be developed.

The creation of our Office and the establishment of the Program reflects the Attorney General's recognition of the need to approach the improvement of the civil and criminal justice systems through experimentation, research, and evaluation. In the interest of improving obviously inadequate practices and procedures, new programs are frequently adopted without sufficient empirical basis. To the degree possible, we wish to develop a process by which programs can be proposed after they have been validated by research and experience. The Program, can, therefore, best be characterized as an applied research program. However, we fully understand the need for basic research and recognize that in large part a successful applied research program must rely upon good basic research.

We are currently engaged in a period of planning for the Program. The last five months have been used to organize this Program with emphasis on the fact that ours is an applied research program. The specification of the research projects undertaken is being derived from the policy objectives set by the Attorney General. These objectives have been translated into the two-year agenda of the Office and then appropriate research projects will be designed. Each project will have a specific end-product defined before it is initiated. Frequently, the products of our research will include proposed legislation.

In planning for the program, we conducted a survey of other research offices both in and outside the Department of Justice. During this survey, we contacted over ten research organizations (e.g., National Institute of Education, Twentieth Century Fund, Office of Naval Research) that we thought were analogous in important ways to the structure of our Office and the functions assigned to the Program. The surveys considered such questions as the nature of the research programs, the procurement process used, and the advisability of such matters as peer review and location of authority to commit funds. Particularly helpful in this survey was the National Science Foundation whose representatives met with us on numerous occasions. NSF has also made a member of their staff available to us for continuing consultation.

From this survey we concluded that the following were essential to the development of an effective program.

First, there is a need for a diversified funding strategy. Therefore in the Program there will be a series of competitive procurements which will be used to fund from six to eight large projects each year. There will also be a program of smaller awards (less than \$10,000) to recognized experts to solve specific problems confronting the Office. Finally, we anticipate an in-house research program in which the staff will be able to draw upon funds for support of their research activities.

Second, the procurement process for large projects should be through competitive procurement and use of contracts. Since we are interested in conducting research that has a definable product that is relevant to the policy objectives, contracts are more appropriate than grants because under such a procurement there is more control. Furthermore, use of a contract increases the expectation that timely performance and delivery of specified productions is required. In addition, we felt the credibility of the program could only be enhanced through the use of a competitive procurement process. Particularly given the visibility the Program will have due to its location, we determined it was imperative that an open, competitive process be followed.

Third, related to the above, it is advantageous if our Office has the sign-off authority for all procurements. We feel it imperative that the authority to commit funds not reside with the Attorney General, but rather with either the contracting officer or the head of our Office.

Fourth, it is important to have a single contact point in the Office (i.e., the Administrator of the Program, Dr. Harry A. Scarr) for all potential vendors. This will increase the likelihood that there is consistency and impartiality in the procurement process. In this line, the scope of the Program was announced in the Commerce Business Daily along with a request for capability statements. These statements will be screened to develop a bidder's list that will receive requests for proposals as soon as our funding is secured.

Fifth, the review highlighted the need to have a staff in which there are individuals who have had experience both with research and with the day-to-day problems that they are researching. In that regard, we have available for the research program individuals who have had considerable research experience (e.g., the three principal personnel have managed research programs inside and outside of government) and have worked in the criminal and civil justice systems (e.g., the staff includes former Assistant U.S. Attorneys, law clerks to Federal judges, legislative personnel, and correctional counselors). We feel that this practical experience will add credibility to the research effort and will allow us to better define research projects. Furthermore, these staff will be able to closely monitor projects to increase the likelihood that the objectives of the projects are more fully realized.

Sixth, to avoid insulation of the program and to guarantee that we have continuing expert assistance in the design and execution of the Program, it is advisable to use experts from outside the Office to review work statements and participate in procurement decisions. In this regard, we plan to use some form of peer group review of proposals. In addition, Professors Maurice Rosenberg of Columbia Law School and Geoffrey Hazard of Yale Law School have participated in the work of the Office. It is expected that they, and others, will continue to work with us.

In addition to planning for the structure and procurement side of the program, we have also engaged in some of the substantive planning. At this point, research is focusing on four subject areas. These include the development of guidelines in support of the Federal criminal code revision, the analysis of the use and effectiveness of United States magistrates, the consideration of the form and determinants of discretion in the operation of U.S. Attorneys' offices, and the effectiveness of arbitration systems as alternatives to court handling.

In each of these areas, we are currently developing the work statement portion for a Request for Proposals which we would have ready for distribution during the first two quarters of fiscal year 1978. The most developed of these is in the sentencing area. As you know, the Department helped develop and is strongly endorsing the Federal Code revision as embodied in S. 1437 and H.R. 6869. That legislation calls for more determinant sentencing. Under the proposed system, certain characteristics of offenses and of offenders would be used to determine guidelines for sentences given by Federal judges.

The testimony on this bill indicates that considerable research needs to be conducted to establish such guidelines. Our goal is to fund a project that will provide the fundamental research that is required to allow a sentencing commission to begin its work of establishing guidelines for federal sentencing. We anticipate at this point, that the research will involve not only an analysis of the effect of sentences that have been given in the past, but also consideration of public attitudes towards sentence types and lengths for various offenses. We hope to start this project as soon as funds are available this fall.

As noted above, our program of research will include both civil and criminal justice topics. This reflects not only our recognition that there are significant problems in each of these areas, but our conclusion that there are important

interrelationships between them. Examples of the interrelationships between civil and criminal justice systems include: (1) the suggestion of tort remedies as alternatives to the exclusionary rule; (2) the common problems of pretrial discovery in both civil and criminal matters; and (3) the relationship between criminal prosecutions and class action suits brought to remedy mass wrongs. We feel strongly that a research program that addresses only civil or only criminal justice issues will encounter significant problems in resolving important issues in both systems.

At the direction of Judge Bell, our Office has begun developing, with the assistance of the National Institute of Law Enforcement and Criminal Justice, the concept of neighborhood justice centers which will be funded by LEAA. This effort also requires an understanding of the relationship between civil and criminal justice systems. Neighborhood justice centers in dealing with housing code violations, rent disputes, consumer complaints, etc., will necessarily relate to an impact on both civil and criminal justice systems. The fact that the model of a neighborhood justice center that is being developed incorporates this relationship should contribute to its ability to solve the problems to which it is addressed—increasing access to justice.

The above decisions are guiding the development of the Program. They reflect certain general goals that we have in the development of the program. We are striving to keep the process of procurement open, competitive, and credible. We are attempting to attract the best staff available to design and administer the program. We are coordinating civil and criminal research to reflect their necessary connections. We are committed to the development out of each project of a usable product which meets a need that is defined by the Attorney General. Finally, we are striving to involve knowledgeable researchers, not only in the design of our Program but in the selection of individuals who would conduct research for us.

We hope that this planning and these decisions are appropriate for the Program. Furthermore, we believe these principles and procedures could be utilized by any research funding agency that has established its priorities and committed itself to research that contributes to the analysis and resolution of problems.

Thank you Mr. Chairman. I will now be pleased to answer any questions you or the members of the Subcommittee might have.

A PROGRAM FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

A two-year program to be pursued by the Office for Improvements in the Administration of Justice is outlined in the attached pages. The first page presents a summary statement of the goals of the program. Following that is a more detailed outline of the steps through which those goals will be pursued. This program draws upon a wide range of reports and studies which have appeared in recent years.

This is a beginning agenda. To an extent it is tentative and flexible, and it may be revised from time to time. Limited resources, make it unlikely that every measure indicated will be fully pursued. On the other hand, new items are likely to be added as fresh insights emerge. Goals, however, will remain fundamentally the same.

Some of the projects will be carried out entirely by OIAJ staff; others will be headed by OIAJ staff working with persons from elsewhere in the Department or with expert assistance from outside the Department. Some projects may be developed primarily by outsiders under the anticipated Federal Justice Research Program, administered by this Office.

Liaison will be maintained with professional groups, congressional staffs, interested individuals and citizen organizations, other government agencies, and research entities. Continuing advice will be sought from these sources, and their assistance will be drawn upon in developing proposals. Collaborative efforts will be pursued where appropriate to the end that measures to improve the administration of justice will be soundly conceived and will have broad support. This is an action agenda. All measures proposed are aimed at concrete steps to achieve the stated goals.

Some subjects recognized as important and in need of attention are not included on this agenda because other offices or organizations have special mandates and competence to address them. These include, for example, the delivery of legal services, grand jury reform, antitrust enforcement procedure, and reorganization of the Department of Justice.

A 2-YEAR PROGRAM FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

SUMMARY STATEMENT OF GOALS

Goal I. Assure access to effective justice for all citizens through: A. Non-judicial dispute settlement procedures, B. More effective courts, and C. More effective procedures in civil litigation.

Goal II. Reduce the impact of crime on citizens and the courts through: A. Substantive reforms in Federal law, and B. Procedural reforms in criminal cases.

Goal III. Reduce impediments to justice unnecessarily resulting from separation of powers and federalism by: A. Coordination of the three branches of the federal government to plan for and improve the judicial system, B. Exploration of means of coordinating federal, state and local efforts to improve justice, and C. Reallocation of federal and state authority.

Goal IV. Increase and improve research in the administration of justice through: A. The Federal Justice Research Program, B. A central, effective statistical agency for criminal and civil justice, and C. Development of proposals for new means of organizing and funding nationwide justice research.

GOAL I. ASSURE ACCESS TO EFFECTIVE JUSTICE FOR ALL CITIZENS

A. Non-judicial Dispute Settlement Procedures

1. Plan and establish Neighborhood Justice Centers.¹
2. Develop proposals for increased use of arbitration.¹
3. Devise administrative remedies for victims of law enforcement excesses.
4. Assist in developing proposals for federal role in automobile no-fault.
5. Develop alternatives to class actions as remedies for mass wrongs.¹

*B. More Effective Courts**1. Federal justice personnel*

- a. Perfect procedures and monitor performance of the new judicial nominating panels for the U.S. Courts of Appeals.¹
- b. Encourage and study the use of judicial nominating panels at the District Court level.
- c. Assist in developing proposals for disability and tenure commissions for federal judges.
- d. Develop proposals for improving the selection and training of federal magistrates.

2. Better designed court structures

- a. Increase jurisdiction and evaluate effectiveness of the federal magistrate system.¹
- b. Develop judicial impact assessment of new legislation, in conjunction with the office of Legislative Affairs.¹
- c. Develop proposals for rationalizing and increasing the appellate capacity of the federal judiciary.

3. Federal government representation in court

- a. Improve coordination and management of government litigation below the Supreme Court.
- b. Structure prosecutorial discretion.¹
- c. Develop plans for case management and professionalization in U.S. Attorneys' Offices.

4. Citizen participation in the courts

- a. Improve compensation and treatment of jurors and witnesses.¹
- b. Assist in reassessing the role and composition of juries in civil cases.
- c. Assist in developing proposals to help participants with language problems.

*C. More effective procedures in Civil Litigation**1. Trial procedures*

- a. Improve class action procedures.¹
- b. Develop proposals for more equitable allocation of attorneys' fees and court costs.¹
- c. Revise pretrial procedures, especially discovery, to reduce expense and delay and to increase fairness.¹
- d. Assist in developing legislation governing standing to sue in federal courts.
- e. Make voir dire jury selection procedures fairer and more effective.
- f. Revise procedures to deal with current trends toward strong court role in case management.

¹ Indicates project already commenced or assigned priority.



CONTINUED

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2. Appellate Procedures

- a. Devise and evaluate experiments in subject matter panel assignments.¹
- b. Develop proposals to alter the economic incidents of civil appeals—costs, interest rates, attorneys' fees—for more equitable allocation and to discourage groundless appeals.¹
- c. Devise and experiment with innovations in the presentation and decision of appeals.
- d. Revise procedures to deal with new judicial role in case management and the increased use of professional assistance.

GOAL II. REDUCE THE IMPACT OF CRIME ON CITIZENS AND THE COURTS

A. Substantive reforms in federal law

1. Assist in revising the Federal Criminal Code.¹
2. Assist in developing legislation on handgun control.¹
3. Simplify and consolidate criminal sanctions in regulatory laws.
4. Develop plans to improve prison conditions.¹
5. Propose federal and state programs for compensation for victims of crime.¹

B. Procedural reforms in criminal cases

1. Develop means other than the exclusionary rule for deterring illegal law enforcement activity and of providing redress for persons harmed by such activity.
2. Develop proposals for a fair and effective system or review in criminal cases.
3. Develop sentencing guidelines and procedures, including relation of parole to sentencing.¹
4. Improve procedures for detention and release before trial and pending appeal.
5. Develop proposals for ameliorating the adverse impact of the Speedy Trial Act.
6. Commence long-range, fundamental reexamination of American criminal procedure.

C. Administrative coordination—develop policies to focus criminal law effects within and without the Justice Department.

GOAL III. REDUCE IMPEDIMENTS TO JUSTICE UNNECESSARILY RESULTING FROM SEPARATION OF POWERS AND FEDERALISM

A. Coordination of the three branches of the federal government to plan for and improve the judicial system—devise plan for a Federal Justice Council to include representatives from all three branches.¹

B. Exploration of means of coordinating federal, state, and local efforts to improve justice—consider National Justice Council with mixed federal and state representation to develop and implement national policy on justice.¹

C. Reallocation of federal and state authority.

1. Move portions of federal diversity jurisdiction to the state courts.¹
2. Develop policies for allocating primary responsibility for prosecuting conduct which is an offense under both state and federal laws.
3. Develop proposals for improved federal judicial review of state convictions.

GOAL IV. INCREASE AND IMPROVE RESEARCH IN THE ADMINISTRATION OF JUSTICE

A. Direct the newly created Federal Justice Research Program.¹

B. Assist in devising final plans for a central, effective statistical agency for criminal and civil justice.¹

C. Assist in developing proposals for new means of organizing and funding nationwide justice research.¹

TESTIMONY OF PAUL A. NEJELSKI, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

Mr. NEJELSKI. Thank you, Mr. Congressman.

In the interest of brevity, I will summarize my remarks and save some time for questions.

Dan Meador, who is on leave as a professor at the University of Virginia Law School, unfortunately could not be here today. He has

¹ Indicates project already commenced or assigned priority.

had several eye operations and is home recuperating in Charlotteville. I am on the phone with Mr. Meader each day. He sends his best wishes and is sorry that he cannot be with us today.

The two deputies in the office are Ron Gainer, in charge of the criminal side, and I am in charge of the civil justice, the court reform and administration of Federal justice research program. I would like to spend a few minutes telling you about this new program.

It is not directly relevant to the National Institute of Law Enforcement and Criminal Justice, although I would note that I, as well as the other two senior people working on the program, are former employees of the National Institute of Law Enforcement and Criminal Justice. We hope that we have learned from some of the problems and experiences that they have had over the years.

The Federal justice research program will go into effect this October 1, the beginning of the new fiscal year, with a budget of \$2 million.

I would emphasize that this is a program for studying the federal system. The Congress has allotted millions of dollars, as we know, to the LEAA to study the State systems in the working States. This is really one of the first, certainly in the executive branch efforts to have any Federal justice research program.

Our office is located in the Attorney General's Office, and we are very practically oriented. We are not here to fund basic research. We have very specific questions which we are trying to answer about the Federal justice system. Most of our work results in legislation or other practical manifestations.

The office is dedicated to both criminal and civil justice, and the combination is an important contribution. Working on many problems on the criminal side, one sees civil aspects. For example, one of the complements to the exclusionary rule would be tort remedies. One of the problems in the Speedy Trial Act or learning about how to expedite criminal cases is that we often forget about the civil side of the docket.

Before rejoining the Department of Justice 3 months ago I was the Deputy Court Administrator in the State of Connecticut. There, I was dismayed to see that we were having to try to solve the criminal problem by putting 80-90 percent of our judges on the criminal side and leaving only 10 to 20 percent of our manpower on the civil side. As a result, there were no civil cases being tried.

One important aspect of our program is a look at the total system for administration of justice.

I would now mention some of the elements that we have tried to put into effect in our program as it has been developed over the last 3 months.

It has diversified funding mechanisms. We plan to have several large grants given out at spaced periods of time.

I would note that the \$2 million that we have is no-year money. We do not have to spend it within the fiscal year. That is a great advantage. Often funding problems come when at the end of the fiscal year. At the end of June, everyone is rushing to give out money; and there is not the kind of review and thought that should go into it. We hope to avoid those kinds of problems, not only by spacing the award of the grants throughout the fiscal year, but also not losing money if we don't spend it by a certain deadline.

We also hope to have focused procurements under \$10,000 for experts to help solve specific problems.

We have our own in-house research capability. I am pleased to say that the staff we have inherited and been able to recruit, I think, is excellent. It's a first-rate staff, both in the law and social science. Several people have degrees in both and experience in both disciplines. We hope to do some in-house research, and we'll be needing part of the \$2 million to supplement their efforts.

Procurement will be competitive. Some of the small, under \$10,000 contracts may be sole source where we have identified particular experts. But we are very much committed to open competition, especially for the larger grants.

We think that the office itself ought to have its own signoff authority. The Attorney General has already approved our plan. Attached to my testimony is a copy of our 2-year program. We've attempted to tell the world and to try to tell ourselves what we are trying to do. We hope to revise that agenda as time goes along. I hope after the first 6 months of the program we'll issue a supplement to this to say what progress has or has not been made.

The reason for the 2-year limitation partly was the life of the Congress that we would be working with in trying to implement legislation. Also, Professor Meador is on a 2-year leave of absence from the University of Virginia, and he wanted to have some set limits to his tenure and what he hoped to accomplish in that 2-year period.

The Attorney General worked very closely with us in developing this program on a day-to-day basis. After he's done that and after he sets procedures for procurement, he really does not want to be concerned with what individual researcher gets a grant. He does not want to have a deluge of vendors at his doorstep. He does not want to be pressed or influenced by Congressmen and others who might call on behalf of someone.

We have a competitive, open procurement process. That is the way we hope we will go about our business. We have a single contact in the office for any vendors of research. Everyone gets the same treatment. I had many friends in the research community and I've been director of a research center at New York University. But in that respect all my former friends are vendors. Everyone gets treated the same, and there are no more friends. It is a hard thing to do, but I think it is terribly important to maintain the integrity of the process. I am happy to talk to anyone, but if they want to talk about a grant or a contract they see Dr. Harry Scarr, who is the administrator of the program, and they get the same treatment.

Our staff has had experience both in research administration and in practical problems in the administration of justice. I used to be assistant U.S. attorney, and worked in the criminal division before going over to LEAA in 1969 and 1970. Others on the staff have worked as law clerks for judges, as prosecutors and as correction counselors. This practical dimension is an important one in terms of assessing the value and the utility of the research.

We called on some experts in helping develop the program. Prof. Maurice Rosenberg at Columbia Law School has worked with us, and Geoffrey Hazard, former director of the American Bar Foundation and currently professor at Yale Law School, will also be working with us on a continuing basis.

We are aware of the need to cut down on consultants. That is something certainly that could be abused. But the alternative to me is to say that all knowledge resides in the Federal bureaucracy, and I do not think that is true. We need to have those experts, especially people like Rosenberg and Hazard who have been in the research administration in the writing area for several decades.

We plan to use contracts and not grants. The Attorney General incidentally does not have granting authority. The special granting authority is given to LEAA by statute. To some extent there is little difference between research contracts and grants. You can make a grant very restrictive and very narrow, and you can make a contract very wide. I remember the then Bureau of the Budget 8 years ago was attempting to come up with something called a research agreement that would cover the whole range and not get caught up in terminology.

A contract generally denotes more specificity, better delivery of what is promised. As one of the preceding witnesses, Mr. Danziger noted academics and other researchers do not always deliver. We are very action oriented, and if people do not deliver for us, we are in serious trouble in attempting to draft legislation. We care about that.

The 2-year plan has already been mentioned. We are not trying to cover the waterfront. We are trying to set out certain program areas that the Attorney General has agreed and told us that he finds are of serious importance. We are working to fill those.

In conclusion, I should note, as Mr. Flaherty has mentioned, that we have established an informal task force in the Department to look at our research needs.

I was surprised that the directors of the Department's research institutes never met before. We have gotten them together and have had two meetings now, with John Wallace from the Corrections Institute, Buddy Howell, Director of the Juvenile Institute, Blair Ewing from the National Institute of Law Enforcement and Criminal Justice, and Dr. Harry Scarr from our Federal justice research program. I think that is a nucleus of the formal research institutes in the Department. There are other branches of the Department conducting research. The FBI does a certain amount of research, as well as the Bureau of Drug Enforcement, and others. I am not sure what the final parameters or requirements would be. We want to inquire.

There is a need for the people doing research in the Department to get together, at least on an informal basis. There are many substantive issues that cut across what we are doing. Sentencing is one example. The trend toward determinate sentencing affects not only the National Institute of Law Enforcement and Criminal Justice, but also the Corrections Institute, the Juvenile Institute, and also our research at the Federal level.

We are exploring the feasibility of some sort of a more formal coordination between these research institutes, what it would take to accomplish that. Whether it's worth doing, is to be decided by the Attorney General, by the Deputy, by the Congress.

Thank you very much.

Mr. BLANCHARD. Thank you very much.

Much is said about the President's plans to reorganize, and as you know, Congress has given him authority to begin that process.

Mr. Deputy Attorney General, can you reveal to us any directions that are going on with regard to the LEAA, and with regard to research in particular?

Mr. FLAHERTY. With LEAA, of course, the task force has come out with a report recently which has been widely distributed—I think at least 2,000 copies have been distributed, or will be distributed—for a 60-day comment period, and these reports are being made available not only to Congress but throughout the country to State and local officials, universities, and other interested parties to develop a response to the reorganization of LEAA.

In the area of research we are considering the advantages and disadvantages of a National Institute of Justice. It's now actively under consideration. It's mentioned briefly in the LEAA report. I think we can expect some reorganizational changes with, of course, the input from all these other areas that I mentioned, including, of course, Congress as we go along.

Mr. BLANCHARD. Do you envision a strong research function within the Department of Justice?

Mr. FLAHERTY. I do. I believe we should have a strong research function. I think it's very important to study the ultimate and perhaps root causes of crime in basic research, in applied research; and in demonstration projects, which are also a part of research.

We are looking, of course, at whether or not it should fit within the Department of Justice or be autonomous. That's another issue.

When we speak of research today, the developing of a separate research body, that's also one of the areas that we are considering.

Mr. BLANCHARD. Are you considering a research unit within Justice as part of the LEAA, or perhaps something separate and aside?

Mr. FLAHERTY. The report alludes to it briefly. I don't think I can give you a final decision on that until we get our comments back as to whether the Research Institute will be a part of LEAA or whether the two will be separated. We've certainly given a lot of consideration to a separate Research Institute.

Mr. BLANCHARD. One of the things that I'm sure you have faced—I know I did when I moved from a career attorney in Michigan to administrative assistant to the Attorney General of Michigan—was that out of 120 attorneys, only 4 or 5 of us were in the policy area. That's a difficult situation. But it's awfully hard, despite the quality of the people we had, to control policy.

Do you envision that to be a problem? There must be over a thousand attorneys right within the Justice Department.

Mr. FLAHERTY. I think it's closer to 1,500.

I think policy is a matter of sharing. I don't think any policy that is to be credible can be elitist, that comes from the top down. I think it has to be a sharing with those who work in the field, where policy loops out, and some loops down, with the review and evaluation process continually influencing policy.

So I understand your question, but I would have to say if it's to be credible it's got to be a continuous one that involves, I think, many areas in the decisionmaking, many people. Of course, not 1,500, but certainly those that are actively involved in a particular area.

Mr. BLANCHARD. Several studies have recommended that the entire research effort in law enforcement be guided by some sort of advisory body or board, or a board of governors, independent

from anyone else, presumably, to keep research planning and development away from the day-to-day pressures, or perhaps political pressures.

Is this one of the approaches the Department has considered?

Mr. FLAHERTY. Yes; this is under consideration, as to whether or not if we move toward a separate institute we would have an advisory board, a group that would assure the day-to-day pressures are insulated from those who do the top research. Yes; it is actively under consideration. If it would come within the Department of Justice, the final institute that is envisioned, if it would stay within the Department of Justice, I think that there obviously would be some opportunity for the Institute to share with the other agencies within the Department, and at the same time, I think, on the day-to-day specific projects that there may very well be a need for an advisory board or a board of directors.

I think Mr. Nejelski has some feelings on this, too.

Mr. NEJELSKI. If I could just add a brief comment.

There are different kinds of advisory boards. It's interesting to note that the American Bar Foundation, for example, has a research committee which reviews the final product, and says that "This is a scholarly product. It meets certain standards, whether we agree with the results or not." This is opposed to a body that would set policy.

When I was with the National Institute of Law Enforcement and Criminal Justice, we did a study on preventive detention, which did not meet with favor with the then Deputy Attorney General Kleindienst. He felt that the study should never be issued because the sample size was too small. There ought to be some way of assuring the quality of the product without having to get into things that could be interpreted as political interference.

Mr. FLAHERTY. I might add too, Congressman, that I certainly recognize the legitimacy of the question, but in the short time that I have been there, which has been since about April 1, I've had many bits of correspondence and calls and demands concerning LEAA from all over from the various people that are interested in it. But I can't think of any at the moment that dealt with the Institute.

So that I think the idea of political pressure in the Institute, while it's one that obviously we should all consider, I have found very little evidence to support it, again, in the 4 months that I have been in the Department. I mean from outside.

Mr. BLANCHARD. I think a lot of people confuse political pressure with the everyday personal struggles with priorities, which goes on everywhere, apart from the political pressure, which is part of the everyday struggles, as you know, in the whole structure.

In fact, I would caution you to set up—and I know there are a number of people on our committee who like the idea—some sort of a totally independent, autonomous blue ribbon panel, and, quite honestly, from what I've seen in the State government machinery, which is even smaller, or here, that can often lead to people doing their own thing on the Federal payroll without regard to any of the priorities. The policymakers who are held accountable here, for budget, time, for policy, are held accountable indirectly by the people of the United States for policy, end up having to apologize for things which appear to be either irrelevant or disjointed. Then you have an independent

board, and President Carter is apologizing for the Postal Service. They're independent and, as you know, we have no control over it.

So I don't think there's any magic to so-called independence at all. We have more struggles with agencies like that than any, and the people do too, whether it's the Federal Power Commission or the Federal Reserve Board, or whatever.

Mr. FLAHERTY. You're hitting on a problem that we're very much aware of, and that is that as you move toward independence or autonomy you run the risk of suffering from detachment, isolation, whereas if you're within the Department's purview and policymaking you're much more sharing and have much more access to other agencies.

Mr. BLANCHARD. Yes.

We have some staff followup questions.

I notice our distinguished chairman has returned from his meeting.

Mr. BLANCHARD. Mr. Wells has, I think, a couple of followup questions.

Mr. WELLS. I would like to follow on Mr. Blanchard's point about the advisory board vis-a-vis the advisory committee.

This is a very tough question, and I think the suggestions have ranged all the way from a National Science Board arrangement, which was hammered out in about a 5-year debate here in Congress, when the National Science Foundation was established.

The problem is to strike this delicate balance that I think Mr. Blanchard and Mr. Flaherty were getting at—how do you deal with the problem of bringing in responsible political authority and accountability for the use of public funds and yet retain integrity, a degree of independence in conducting research. This is a somewhat different kind of activity than ongoing, current programs in which you must be immediately responsive to political authority?

I think that's the concern that the subcommittee has been expressing. It is not so much we want to either dictate or say that the National Science Board is the exact format that you should follow, but that at least this balance problem should be very seriously considered during your deliberations.

The advisory committee obviously has certain limitations. It advises. On the other hand, it can bring a point of view that the Administrator may not have considered. The National Science Board arrangement, on the other hand, has a policymaking role, which is specified in law. Yet the Director of the Foundation is still responsible to the President, as Mr. Blanchard was talking about, for the budgets and programs and performance. So you have this leavening of a variety of influences.

I also think that there has been perhaps a little confusion in the political pressure aspect of the Institute. If one looks at the record, perhaps it's more a problem of instability than it has been political pressure per se. So perhaps it would be possible for some kind of an arrangement to be devised which would minimize instability in the future. The idea is to avoid changes in directions and in policy which are made overnight, or when a new Administrator comes in and shifts the whole Institute around to an entirely different approach.

Now, the social sciences obviously are different from the physical sciences. They are much closer to what's going on with human beings. Yet, I would hope, in expressing a point of view here, that this

would be given serious consideration in trying to achieve this balance as you make your recommendations to the President, in consultation with the Congress, on the reorganization of the Institute and the LEAA.

Mr. FLAHERTY. I feel sure it will be, and I believe that the areas that will be discussed and looked into are other models. You mentioned the National Science Foundation, and I suppose the NIH model, the advantages and disadvantages they have with their policymaking, and we certainly want to study NIMH and the many others as we go along to find out more about advisory boards and their role in policymaking, and I think that will be part of our work in the next 60 days.

Mr. WELLS. I would also like to ask Mr. Ewing a question. I hope I don't detect in your comments on the peer review system in your testimony that's there's an antipeer review bias built into the proceedings you're going through.

Could you perhaps set my concern at rest?

Mr. EWING. No; there's no antipeer review bias at all. As a matter of fact, we have in place, largely developed and refined over the last year and one-half since the fieldwork for the National Academy of Sciences study was completed a peer review system.

Now, it's more like the NSF model than it is like the NIMH model in the sense that it's a mail-in of views.

Mr. WELLS. It's an ad hoc review versus a panel.

Mr. EWING. That's right. We do not have a formal panel review. We do, however, have an advisory committee which advises us on program plans, and we interact with them on a regular basis with respect to program plans and the selection of priorities. As I said in my statement, the priorities will be discussed with them at a meeting in September, and we will obtain their advice on how that ought to be done.

We also have used, and continue to use, review boards for individual projects, especially the ones that are more in the nature of being fundamental or basic research, because we think that's critical. Occasionally they are people from the Government; often, however, they are from outside; and normally the majority of the people are from outside the Government, outside experts.

So we firmly believe in, and have recently strengthened and continue to search for ways to strengthen, the peer review process.

Mr. WELLS. I'm encouraged by that.

Our committee had conducted an 18-month investigation of the peer review system used by the National Science Foundation, primarily in terms of: What they're doing, is this the right way? Has the time come for making changes in a system which has been used for some 25 years, since the Foundation was established?

But we also at the same time looked at NIH, and we looked at the Office of Naval Research, all distinguished research institutions. I'm encouraged by Mr. Flaherty's comment that you're going to be looking at these models of well established, high influence, institutions which have made great contributions in science in this country. So that I think these models are worthwhile to look at, not that they will provide the exact format that you should follow.

Our findings on the peer review system are that there does not appear to be a better way, in combination with program managers ultimately

having the authority to make a decision. In other words, again finding this delicate balance of executive authority versus having an independent point of view become a part of the process. But when a program manager overrides a peer review recommendation he had better have a good reason for doing it, and I think that's sort of the situation that we would like to see develop.

Mr. EWING. May I respond to that?

Part of our current policy also says that when a program manager wishes to override the views of the peer review panelists, or outside experts, he has to put his reasons in writing and they have to be, therefore, set forth in a clear way so that the justification for that is there in full.

Mr. WELLS. Mr. Flaherty, if I could come back to you for just a moment.

The nature of an institute is going to be set to some extent by the kinds of people that you choose to run it.

What preliminary thoughts do you have in the Department in terms of qualifications of the person who should head whatever entity you decide to suggest? This may be premature, but at least what thoughts you might have.

Mr. FLAHERTY. Obviously, we want the best qualified person for the job. But it's rather a difficult question to set the qualifications until we know what type of institute we might have, and then we would go out and look for the best person for that, and, again, I think that's what will be done. After the structure is decided upon, then the next step will be to try to come up with a set of qualifications for that particular person to direct the Institute, and I'm sure it's the feeling of both Attorney General Griffin Bell and myself, and Mr. Ewing and Mr. Nejejski, that we get the best qualified person we can for that Institute.

We probably would also look to others for suggestions and considered recommendations as well, outside of our own mechanism.

Mr. WELLS. You would intend to cast a wide net? You would not necessarily confine your search to just the criminal justice community?

Mr. FLAHERTY. No. I'm not even sure that the Institute would itself be structured for just criminal justice. It might even include civil as well. So it may not be confined to criminal justice, or particularly to the criminal justice community, as you mentioned.

Mr. WELLS. Yes. So conceivably you could go outside the entire community for someone who is experienced and has a long established record in research management or management of research institutions?

Mr. FLAHERTY. Yes.

Mr. WELLS. And who has nothing to do with the justice field?

Mr. FLAHERTY. That's right. Yes; we would.

Mr. WELLS. That's a possibility?

Mr. FLAHERTY. Yes.

Mr. WELLS. What kind of a selection process do you envision to be followed in this? Are you going to have a group who will go out and actively select names?

Mr. FLAHERTY. I don't know. There are pros and cons on select commissions. I really can't answer that at this point, not knowing what the structure is. Obviously, we would expect input from outside, but whether or not we would have a structured select commission, I really couldn't say at this point. I really don't know.

Mr. WELLS. I guess what I'm really getting at is, is this going to be part of the political selection process within the administration, or do you see this as being outside the political realm?

Mr. FLAHERTY. It's difficult to separate, but basically we're looking for a research director. Insofar as possible, I think it would be outside the realm, but obviously any choice that is made is considered, to some extent, ultimately political. But the usual political considerations, I would hope, would not apply in finding a research director. That is, I believe, the feeling of the Attorney General as well as mine.

Mr. WELLS. I would like to ask one question about the speech which you gave on June 30.

I'd like to preface this by an anecdote about President Roosevelt. He gave a speech in your home town during the 1932 campaign, in which he promised to balance the budget. After having been elected and faced with the necessity of some fairly heavy deficits, he committed himself to a speech in Pittsburgh. Sam Rosenman had been given the task of putting together a speech that would somehow reconcile his campaign promise with what he had actually done as President. The next morning Rosenman came to the President's office and said, "Mr. President, the only solution I have is to deny you were ever in Pittsburgh."

Mr. FLAHERTY. I have heard that FDR did make such a promise in Pittsburgh to balance the budget, and we've never heard from him since.

Mr. WELLS. In any event, on the 30th of June you gave a speech in which you stressed concentration on projects which had a high probability of success in a short period of time.

Now, we may have been given this, or taken this, out of context, but could you expand on what might lie behind this philosophy, or does it represent a philosophy?

Mr. FLAHERTY. I do recall the June 30 speech, and what I was talking about there were the demonstration projects, which are a form of research. It's not basic research. It's not applied research. But in so-called demonstration projects, which I look upon as basically action projects, yes, I would, and did, intend that a test of practicality be applied. However, that wouldn't be for across-the-board research projects, and I would hope you wouldn't interpret it that way.

Obviously, when you're talking about basic research, I see that as something much more long range than demonstration projects, something from which you cannot expect instant success or instant gratification, and, as a matter of fact, I believe in increasing our basic research budget, and recognize that that's long-term development of a body of knowledge and would not have that type of test applied to it.

Ms. FREED. I have a question, and then I'd like to defer to the chief counsel of our subcommittee to ask a question of the Deputy Attorney General, as I know he wants. But I have a quick question for Mr. Nejelski because he hasn't been getting attention.

I'm afraid too I'm going to disrupt the friendly dialogue that has been going on, and raise my voice slightly.

You have been saying that you are concerned that research have an objectivity to it. Yet in your plan submitted to the subcommittee you have very clearly stated research goals with predetermined objectives. One of your clearly stated goals, as I read from your proposal, is to

“ . . . develop proposals for ameliorating the adverse impact of the Speedy Trial Act.”

My question to you, Mr. Nejelski, is that there are many people who think that the speedy trial has had no adverse impact, in fact that it has had a beneficial impact. Most of these people sit on the House Judiciary Committee and supported that piece of legislation. I hope that your research is not simply going toward an already determined fact.

Could you explain, please, your thoughts about the direction of research within your office, particularly as to how you feel about the Speedy Trial Act?

Mr. NEJELSKI. I appreciate your advice.

The Speedy Trial Act is certainly a very beneficial piece of legislation, but the adverse effects we were talking about there were on the civil side. There resources have had to be drawn off to meet the deadlines that were unreasonably set by the legislation.

Your point is well taken. We are going to first do a study to see if there has been an adverse effect on the civil calendar, on the civil processing of cases. I have been told that, and I understand that to be a problem in some districts. But it is an area, I think, of mutual concern that there should not be an adverse effect.

Ms. FREED. I won't follow up because I think Mr. Gregory wants to follow up by questioning some of your proposals, so I'll defer to him.

Mr. GREGORY. Yes. Thank you.

This will be in the nature of a continuation of the last question, not so much about the speedy trial question, but about the direction of the research program.

You mention in your prepared remarks, Mr. Nejelski, and I'll read one sentence: “The specification of the research projects that are undertaken is being derived from policy objectives set by the Attorney General.”

I wonder if you feel that is totally compatible with the research agenda—and perhaps Deputy Attorney General Flaherty can address this as well—how do you see this tying into the need for a research agenda to be defined outside of the political arena, in other words, not political, not in the Department?

Mr. NEJELSKI. The Attorney General comes to the problems in this area with a great deal of experience; 15 years as a Federal judge, the recent chairman of the judicial administration division of the American Bar Association, and as the head of the Pound Conference task force to follow up the recommendations that were developed in St. Paul. He has identified certain areas in his experience that are of concern.

Mr. Danziger in his remarks this morning pointed out the need for the administration to be responsive to changes in personnel and to the new direction, the new commitment which hopefully comes with the new administration.

I do not see that conducting research is incompatible with policies. If our research shows that certain programs would not work out, we have an obligation to tell the policymakers that and to work with them.

If that's what troubles you?

Mr. GREGORY. Let's put it another way.

If we can assume that the research program in your office is the research agenda of the Attorney General, and you suggest it is, he has continuous input into this.

Mr. NEJELSKI. We work together.

Mr. GREGORY. I note that that is by definition only applied research, very very practical in its approach, to the extent that you feel you don't even need a grant process, but you utilize a contract process under which you specify that by a certain time you want a certain result. It seems to me that that's more a management tool than a research tool, and I wonder if this suggests that if the entire research program is placed within the Office of the Attorney General whether you would see a similar direction as is present in your program.

Mr. NEJELSKI. We need different types of research to meet different kinds of problems.

Our office is not a basic research organization, as I suggested in my remarks, both in writing and also orally. We have a practical intention of trying to draft legislation, in the area of, say, giving powers to the magistrates. The problem is, what powers do they have now? You can look at the statutes, but that may not reflect at all what's happening in the 90-plus districts. There are all sorts of variations and problems that creep into that.

Mr. GREGORY. I understand what you're saying, what you are and what you aren't. I guess my question is why? Is it that way because the Attorney General feels that that's what research should be, or is it because he's deferring to other organizations to do the basic research, that it should be done there?

Mr. NEJELSKI. Because we have the National Institute of Law Enforcement and Criminal Justice that should be doing the basic research. There is much time spent at NIMH, researchers who are working in this area. Our office deals with practical applied research problems. I do not call it basic research. I do not want to quibble over terms. The Attorney General needs some eyes and ears to understand what is happening and not try to make policy in a void.

Mr. GREGORY. If I could just ask one question of Deputy Attorney General Flaherty.

In your prepared statement you mentioned a study being done on criminal justice data processing. I note that that is apparently not on the agenda of the LEAA task force reorganization.

I wonder if you would share with us some of the considerations that are being addressed there and if you have some preliminary views about where that might go? I have in mind whether you're thinking in terms of a separate Bureau of Criminal Justice Statistics, as has been recommended, or something within the institute.

Mr. FLAHERTY. I say that from my own experience basically with criminal statistics, that they are subject to a great deal of criticism as presently accumulated. The credibility of criminal statistics is often questions, and I think there is a need for, whether you call it a bureau or what, getting proper criminal statistics accumulated and amassing them in a direction that we know would be more credible perhaps than the one which we have now.

Other than that, I haven't been actively involved with the development of such an organization, except that I know it has been mentioned by others and I'm aware of that, and I think we have it under

consideration, even though it was not mentioned or alluded to in the report.

Mr. GREGORY. Do you think there might be some staff studies that you might be able to share with us now or later on in that area?

Mr. FLAHERTY. I would hope so, as we go along, because I'm certainly interested in improving the present system of criminal statistics, and then, if it's necessary—I hate to say we want to establish another bureaucracy—but it may be that we will be able to improve it from its present system through an institute or through perhaps ultimately the Institute of Research.

Mr. GREGORY. Thank you, Mr. Chairman.

Mr. BLANCHARD. Now our distinguished subcommittee chairman, Mr. Scheuer, has some questions. I've asked most that I wanted to.

Mr. SCHEUER. First of all, let me apologize for being late. I was unavoidably detained, and much more importantly, let me thank all of you, and particularly Mr. Flaherty, for your great patience. I understand you've been here since 9 o'clock and it's now 11:30. I know that with all the tremendous pressures on your time this is a real sacrifice, and I want you to know that we all appreciate it very much.

As you know, this is the last day of our 5 days of hearings. We've heard from the National Academy of Sciences and we've heard from many other individuals, and there are some very clear concerns that we have, Mr. Flaherty, with the operations of the Institute over the last number of years.

We're concerned with the environment in which the Institute has functioned, with political influences coming from top echelons in the Justice Department, with the fact that the Institute Directors have not had signoff authority and that they must look to upper echelons that are not really familiar with the research process and in many cases have not been sympathetic to the research process, and particularly the theoretical role of applied research, and because of the politization of the process the basic credibility of the Institute has suffered greatly and they have found it difficult, if not impossible, to recruit first-class scientific personnel. This has been very disappointing to me and to Congressman McClory and to Congressman John Conyers, and all of us who had worked for the establishment of the Institute a decade ago. We had high hopes for it, and those high hopes have not been met at all.

I must say in all candor that we were distressed to read the speech that you made not long ago (and we were made aware of it in one of our last days of hearings) before the seminar on managing Federal criminal justice assistance programs on Thursday, June 30, at the Washington Hilton Hotel. In that speech you said you would like to see development and demonstration funds continued for the Research Institute in LEAA, which you favor keeping in the Justice Department, but you wanted funding continued only for the projects that would meet a stern test in practicality, projects that have a high probability of success and would achieve results in a relatively short time.

Now, I'm sure that anybody who is familiar with the process of scientific research investigation knows that if you want all the answers in before you start the research and are expected to show the results tomorrow you would never engage in theoretical research.

It's true, isn't it, to say that the research process is a two-step-forward and one-step-backward process: Why do people commit crimes?

What are the incentives and disincentives that we can construct to inhibit criminal activity and to encourage constructive involvement in the community? If you're going to do anything more than just warmed over, more of the same, you know ab initio that everything you try and all of the avenues that you explore are not going to reach paydirt. The quintessential element of scientific research is that some failures are part of the overall process.

It seems to me that with our rising rate of criminal activity, not confined to the poorest of the poor, cannot all be explained on the simplistic grounds of poverty and deprivation, much of it can be explained by the rising unemployment rate, but that is by no means the whole story. It seems to me that we have some very perplexing and very challenging aspects of human behavior that we've got to delve into, and that these aren't all going to be quick payoff projects, these aren't all going to be quick fix projects, and that the major challenge facing the Institute is to learn more about what induces a small minority of the people in our country to commit crimes and how we can deter this criminality by a combination of incentives and disincentives.

And to get from a leading official in the Justice Department this simplistic quick fix approach, the neatly packaged stern test of the practicability tomorrow is egregiously imbalanced, in my view, waiting for an applied research with almost an undisguised contempt for basic theoretical research, to me was very disquieting.

Nobody is more in favor of applied research than I am, and I wrote a book 8 or 9 years ago on the application of science and technology to the criminal justice system, and we talked about the application of computers to the instantaneous police assignment, to the instantaneous assignment of police vehicles, to the instantaneous identification of fingerprints, to the court process, to the trial process, to the development of nonlethal weapons, and to the development of bulletproof vests. I believe in applied research, but I don't believe exclusively in applied research, and I am deeply concerned about the thrust of your remarks on that occasion, and I wonder if you can do something to alleviate my concerns, and perhaps indicate that you have had, and you do have, a more balanced view of the totality of the research process, the balance between theoretical and applied research.

Perhaps that was an oversimplistic summary of your views that gave us undue concern, perhaps unnecessarily. We're looking for reassurance.

FLAHERTY. First of all, what I was speaking about, as the context of the speech indicates, was not basic research, but I was speaking about demonstration projects; I look upon research as basic, applied and the demonstration or action projects. When I was speaking of the practical results that we hope to achieve I was speaking, as the speech indicates, of the latter, of the demonstration projects.

I certainly recognize the need for and was not alluding to short-changing basic research, nor was I saying that I expected instant results or instant gratification from basic research. I'm talking there about the demonstration projects.

I believe we are asking for an increase in basic research, and I recognize, as you pointed out, Congressman Scheuer, that you don't get instantaneous results from basic research, that there's a long-term development of a body of knowledge that hopefully will lead to some solution. But, of course, it's long term.

And so I wasn't speaking of research across the-board, as perhaps you may feel from reading that. I was speaking of the demonstration or the action projects, which I think are in a different category, and that we have a right at that point to——

Mr. SCHEUER. You did say "development and demonstration projects."

Mr. FLAHERTY. That's right. That's a point I wanted to make clear.

Mr. SCHEUER. And you do feel there's a role for the basic theoretical research?

Mr. FLAHERTY. Oh yes, and I've said that here this morning earlier, Congressman.

Mr. SCHEUER. Good. I'm very much encouraged at that because this was a matter of deep concern to us.

How about the matter of the political intervention that has taken place, the pervasive politicization of the National Institute in the decisionmaking process?

Mr. FLAHERTY. We discussed this briefly, but I think it's good to get into it again because I recognize it's a matter of concern. It's been mentioned several times here this morning.

I've been the deputy now since approximately April 1, which is over 4 months, and in that time I've had a lot of questions and a lot of interest groups inquire about other LEAA programs that they may have an interest in, and some of them might be political, some might be interest groups, and so forth, a number of them. I have yet to receive though, that I can remember a demand or an interest to have something done in the research area. Now, I don't say that that means there is no politicization. Obviously, we don't live in a vacuum on that. But my belief is that the way we should look at it is perhaps—and this is my own belief—is that in perhaps the broad topical areas that these should be areas of policy, but in the more specific research projects that should be for the Institute itself, that the development of research specifically that should be, insofar as possible, outside of the politicization sphere.

Mr. SCHEUER. In other words, what you're saying is broad policy directions, the general charting of the paths for this year and next year?

Mr. FLAHERTY. Right. I really think that if you don't have that you wouldn't really get support, that is often necessary, and that if you had it in a vacuum too much it would be too detached, too isolated, and perhaps get into more irrelevant things. So I think that in broad policy areas, yes, that we should be involved.

Mr. SCHEUER. I'm inclined to agree with you, that that would be one advantage of having the Research Institute in the Department of Justice.

When we were originally contemplating all the options as we were writing the legislation we did consider leaving it within LEAA, as one, or putting it in LEAA. Another option was putting it in the Justice Department under an Assistant Attorney General in charge of research and development.

You might be interested in knowing that even at that time, a decade ago, the Justice Department was the only executive branch agency that didn't have an official of the rank of Assistant Secretary, or in this case, Assistant Attorney General in charge of research and

development. So that was a second option, to place it under an Assistant Secretary in charge of research and development.

Of course, the third option was placing it outside the Justice Department, and there were two options, one to make it a governmental agency like the National Science Foundation or another model would be setting up a prototype similar to IDA, the Institute of Defense Analysis, which, as you know, has a single client, the Department of Defense. It's really funded by the Defense Department, but it is not subject to civil service regulations.

We thought a lot about all of them, and we finally decided to place it in LEAA, thinking that in terms of all the tradeoffs we would get the benefit of overall policy guidance and we would get the support of the Justice Department, which we felt was important. It didn't really work out that way.

We're still openminded. I think we have a question mark, based on the history of the LEAA's involvement, as to whether there's so much history of orientation toward the quick fix and the applied research and political interference. I think there's a real question of whether the Institute would ever recover its credibility within the LEAA. But certainly another alternative is having it under an Assistant Attorney General and, of course, the outside placement, either in a Government agency or on the IDA model. These remain our options.

As I said, we decided the advantage of fitting it into the Justice Department family, getting overall policy coordination and some political support outweighed what are some of the counterbalancing advantages of independence on the outside. We do see the National Science Foundation functioning quite well without any coordination from an executive branch agency, but they get a little coordination over here at budget time because we're prejudiced.

What do you perceive as the various inherent elements in where it should be located?

Mr. FLAHERTY. We haven't molded any final conclusions on it, but we are going to be looking at models such as NSF, NIH, NIMH, and other such institutions to see what their model is and to see what the advantages and disadvantages they have faced are.

I was thinking, as you were discussing how in the past perhaps there wasn't that relationship of Justice to the Institute that you had expected. I'm only speculating now, from looking at the history myself, and it's not as deeply involved by any means as your interest has been over the years, I know that, but one problem might have that when it was devised it was devised so that the funds could only be spent on State and local assistance, and so therefore it might very well have been that Justice felt somewhat divorced from it. I'm speculating here for a moment that that may have happened.

Mr. SCHEUER. I think that was true of perhaps LEAA funding, but I don't believe that was true of National Institute funding or the process by which they funded other projects.

You're quite right that one of the real problems with the LEAA funding was that it did go through the State planning agencies and that they did not tend to spend their moneys where the action was or where the problem was, in the big cities, but rather for two or three more cars for the county sheriffs of rural counties. There was a tremendous imbalance between the State planning agencies in allocating

the moneys to rural areas and urban areas, and also a tremendous predilection for hardware rather than something much more meaningful.

I don't think there was quite that same problem with the National Institute. You did have a very real problem, the way the LEAA functioned, and I think there was great congressional dissatisfaction with that whole mess.

Mr. WELLS. Mr. Chairman.

Mr. SCHEUER. Yes. Go ahead.

Mr. WELLS. Congressman Fuqua, who is a member of the full committee but not a member of the subcommittee, has asked that we ask this question of the LEAA, and perhaps Mr. Ewing may respond to this. Writing to Mr. Scheuer, he said:

I've been contacted by the Governor of Florida and by other officials who are enthusiastic about the LEAA program conducted by the Florida School System.

Realizing that you have LEAA witnesses today, I would appreciate it if you would ask the following question on my behalf:

And here is Mr. Fuqua's question:

It is my understanding that Crime Prevention Through Environmental Design Program conducted in Broward County, Florida has been one of the most successful ever run for the LEAA. If this is so, what does the LEAA plan to do to utilize the information gathered through this pilot project to disseminate to other school systems throughout the country? In other words, now that this pilot project has proven successful what happens next?

Mr. EWING. This project is, we think, a very promising one. It isn't yet finished. It's going to go into full operation, as a matter of fact, this September. I just had a letter yesterday from the superintendent of schools there. They are indeed very enthusiastic.

The purpose of it is to assure that the school and its functions are taken account of as the school itself is redesigned on its site and in its interior. That's, of course, an application of the principles that have been developed through our crime prevention through environmental design program generally.

We have plans to evaluate it. We expect that when it's been evaluated, we will prepare a report, which we will then circulate to all school systems throughout the country.

I have, I just might say, a very personal interest in that because I serve on a local school board, and I want to make sure that all the local school boards get to know that this is an available program. We don't have certainty, however, that it will succeed. That's why we're doing an evaluation.

Mr. WELLS. Thank you very much.

Mr. BLANCHARD. Are there any other questions?

Mr. STOVALL. Thank you, Mr. Chairman.

Mr. Ewing, currently do you think the method of dissemination of your research findings to the various agencies around the country is adequate, and, if not, do you have any plans to improve the method?

Mr. EWING. I think there's room for improvement in the way in which we go about that, and we have made some changes of late.

One change we've made I've mentioned in my testimony. We've developed within the agency what we call a Research Utilization Committee, the purpose of which is to review the final report and determine, among other things, what the likelihood is that the final report will be of interest to a variety of audiences. We try to identify

those audiences, and then we try to disseminate the reports directly to those people.

We have a fairly adequate publication process, and that's both through GPO and through, of course, our encouragement to our grantees and contractors to publish privately. We are, in fact, making a much more active effort in the future than we've made in the past to encourage private publication, especially of research results, in referred journals; that is, academic journals. We think that is a good way to get results to the academic community.

One problem we continue to face is moving the results of research into the operating agencies when research, in fact, has applications for those agencies.

Recently we have begun a series of briefings. We also have training programs, and one of our most successful training programs is a program on the management of criminal investigations, which comes directly from research. We've worked with several hundred police chiefs around the country in transmitting that kind of information. We started this as a kind of pilot to see if this is likely to be a good way to make sure that research results get disseminated.

So we're still exploring this. We think improvements can be made. We have some ideas about how to do that, and we are piloting some of those.

Mr. STOVALL. Would you be willing to submit to the committee your analysis of the current percentage of reports that have been disseminated and the method by which they were disseminated?

Mr. EWING. I would be happy to do that.

Mr. STOVALL. It would be helpful to us so we can evaluate what's going on.

Mr. SCHEUER. There being no objection, we'll hold the record open until we get a copy of that report.

[The information appears in app. C-2 at page 313.]

Mr. SCHEUER. I'd like to just add a question on this whole business of political interference, which I very much hope, and have a developing confidence, is behind us.

Mr. Nejelski, do you remember any instances during your term with the National Institute under Mr. Velde's administration of LEAA when unusual or even perhaps undue or improper influence was exerted on decisions affecting recruitment, appointment, promotion, assignment, or release of personnel?

Mr. NEJELSKI. I do. I was at the National Institute. I came over from the Criminal Division in the Department of Justice as a career employee in January 1969, and left the same day that Henry Ruth did, in May of 1970. I was the Executive Assistant to the Director, both Dr. Ralph Sui, whom you may remember, and—

Mr. SCHEUER. Indeed. I remember them both. I have the highest esteem for both of them.

Mr. NEJELSKI. He was briefly director and then Mr. Ruth was appointed.

Mr. SCHEUER. Two extraordinarily capable men.

Mr. NEJELSKI. It was an education working for both of them, I can assure you.

At that time Mr. Rogovin was the Administrator, and LEAA was burdened with an unfortunate troika arrangement.

Mr. SCHEUER. Yes.

Mr. NEJELSKI. In which any one of the three could veto, and sometimes did, even the most minor action.

I think that some of those experiences gave me a sensitivity to keep the research process as objective and as open as possible.

Mr. SCHEUER. Can you give us any specifics?

Mr. NEJELSKI. I remember on one occasion we were ordered to hire someone who was just 2 years out of law school as a GS-15, whose experience had been as a Deputy Probate Clerk, who had a C-minus average in his law school record. His only other claim to fame seemed to be that he was Republican County Chairman. I thought that was inappropriate and refused to hire him.

Mr. SCHEUER. I'm noting a look of shock, horror and consternation on Mr. Flaherty's face, so the record will show that.

Mr. NEJELSKI. We used to have regular meetings with at that time Mr. Revercomb, who was in charge of political patronage and appointments in the deputy's office. It was a very difficult time to recruit competent people. As you know, the Vietnam war was going on. A lot of people did not want to come to work in Washington in any capacity, but especially in John Mitchell's Justice Department. It was very hard to recruit lawyers as well and social scientists.

Then also we were asked to do a study on preventive detention in the District of Columbia and we subcontracted with the National Bureau of Standards. We spent about \$200,000. When the results came in, as I mentioned earlier, Mr. Kleindienst thought the sample size was too small and thought that the report should not be issued. Henry Ruth at the time said, "Well, it is nice to know that they are trying to suppress our results. That is the first notice we have had of any attention being paid to the Institute's results in the first year of its existence." It is a negative way of knowing that you are making some impact. We made a decision to issue that report even though it was ordered to be suppressed.

I think those are the kinds of things that are totally damaging to the integrity of any kind of research process.

Mr. SCHEUER. Yes.

Let me just ask one followup question on that and then we're going to have to leave to vote, but we'll come back.

As I understand it, the Juvenile Justice Research Institute is looking for a staff. I understand also that the regional offices have been abolished, and perhaps 150 people have been let go. Now, for the first time the Institute right now is planning to recruit fully trained and experienced researchers for a half a dozen positions as project monitors.

We have heard rumors that they are being required to give first priority to people who work in the regional offices. We have heard further the rumor that the regional office people do not have the kind of talent and experience and research training that they are looking for for these project monitor jobs.

Are they going to be forced to take on people that don't meet their high standards, and is this going to be another example of sort of a process of demagning the quality of research in the National Institute and a further eroding of the Juvenile Justice Research Institute, and a further eroding of their credibility?

Mr. FLAHERTY. Mr. Ewing, who is representing the Acting Administrator, who could not be here, by the way, this morning, wants to reply to that because he is been talking to the Administrator on it.

Mr. EWING. If I may, Mr. Scheuer?

Mr. SCHEUER. Yes.

Mr. EWING. Mr. Gregg in his capacity as Acting Administrator, has made it clear to me, as the Acting Director of the Institute, and to Mr. Howell, as the Acting Director of the Juvenile Justice Institute, that although we may consider people from the regional offices, his first priority is that we should recruit people who are highly qualified and who meet standards as researchers and that we are not to take people from regional offices just because they are there. He's made that very clear.

Mr. SCHEUER. And he will have the authority to choose not to take people from the regional offices if he does not think they meet his high standards?

Mr. FLAHERTY. Yes, he will.

Mr. SCHEUER. That's very encouraging. I'm very happy to hear it. I'm now going to yield to Mr. Gallagher, minority consultant.

Mr. GALLAGHER. Mr. Flaherty, your people are doing currently a complete reevaluation of the LEAA program and you've submitted 2,000 copies around, with a 60-day reporting period until the returns come in.

Mr. FLAHERTY. This is a study group that has come up with that report, right.

Mr. GALLAGHER. My question then to Mr. Nejelski is: I note in the appendix of its report that you have a separate statement concerning this, and I would ask Mr. Flaherty, after I ask Mr. Nejelski, whether he would agree with Mr. Nejelski's response; in this report of June 23, you said that the LEAA had served its purpose and that the decision of whether, and in what form, it will continue should be left to the States and the localities that it's supposed to serve.

Does this rule out Congress having any input into the final determination of LEAA?

Second, since the Department of Justice now is in a holding period for 60 days awaiting these returns, how is it possible that you have already made a determination prior to that 60 days as to the end fate of LEAA?

Mr. NEJELSKI. The document which I believe you have in your hand is the result of a seven-person study group that the Attorney General appointed to look into these questions about what should be done with LEAA and to make some recommendations based on their advice.

My comments were written in that context, advice to the Attorney General about what stance he should take.

Certainly Congress has a role. Congress created LEAA and its predecessor organization, the Office of Law Enforcement Assistance. That would be my advice to the Congress as well. It's not a predetermination by either Mr. Flaherty or the Attorney General, who will have to be making those decisions. It's a staff document, a report to a superior.

Does that clarify that?

Mr. GALLAGHER. Yes.

In that same statement, in that report, you state:

It is almost impossible to modify significantly the present distribution scheme which is the product of powerful special interests.

Would you care to amplify on what special interests you are referring to?

Mr. NEJELSKI. The present system is not all bad. It is an uneasy compromise, but that is true in many cases. The block grant midway between strict revenue sharing, which would be giving the States too small an amount without any direction. The money would not be used for innovation and improvement, but merely firefighting. There is a Brookings study done on the revenue sharing that exists now for law enforcement. Much of it was used for teachers' salaries, garbage collection, and other emergencies that I understand that these people have to meet.

On the other hand, if you get into too categorical a program, with Washington trying to tell the States, "You can only use this money for X program," you are going to have more redtape, more hard feeling, more inefficiency. I do not think that Washington knows that much to try to impose those kinds of limitations on the States.

But yet, from all of the reports that I have seen, there is a lot of dissatisfaction with the current distribution formula. It causes serious problems of federalism and separation of powers. People in the State court system, for example, can fill out an application form and get thousands of dollars without having to go to the State legislature, which should have a say on a continuing basis.

It has been an excellent experiment. It's lasted approximately 10 years, give or take the OLEA experience, and it has 2 years to go. I think Congress has recognized the experimental nature of LEAA by passing it for 3-year periods and says let us see what it looks like at the end of that period.

My experience has been as an early LEAA administrator, has been in the field, and most recently as the deputy court administrator for the State of Connecticut in charge of their research, development and Federal grants programs. I have had experience with the program on both sides.

Mr. GALLAGHER. One final question.

The National Academy of Sciences' Committee has pointed out that it is imperative that the National Research Institute be isolated from political factors, and so forth, and that such insulation can only come about if you have authorities involved which are pro-research and sympathetic to its goals.

Now, last month we had a witness who stated that it was his understanding that Attorney General Bell is unsympathetic to research.¹

Mr. NEJELSKI. That I can tell you that is not the case. I've talked with the Attorney General. He is certainly concerned about any program which is spending \$30 or \$40 million, whatever it may be. But he's especially interested in research. His commitment, I think, is demonstrated by the creation of our office, appointing an Assistant Attorney General in charge of what had formerly been the Office of Policy Planning, upgrading it, giving it new responsibilities, in civil and court reform as well as in criminal justice.

¹ Dr. Samuel Krislov, p. 112 Transcript, June 29, 1977.

The office, as you probably know, goes back in its history to the Office of Criminal Justice originally started by Robert Kennedy in 1964.

The Attorney General has asked me to chair a task force to get the heads of the four research institutes together and see how we can improve research, improve the objectivity, improve the quality, and so on.

I do not know what witness gave you that information, but I can tell you that's not my perception, working with the Attorney General and working with the administration. We're very concerned.

Mr. GALLAGHER. Thank you.

Mr. SHACKNAI. Mr. Nejjelski, I'd like you address a couple of questions.

First of all, in the study group report to the Attorney General and in the American Bar Association publication, "A Quest for Justice," which I believe has a 1972 copyright, you call for the establishment of a National Institute of Justice to be independent, free-standing agency outside the agency structure which now exists.

My question to you, and we asked the same question of Mr. Justice Hall, who was kind enough to appear before the subcommittee, is simply: Doesn't the proposal essentially describe a passthrough operation wherein Federal funds would be granted as a lump-sum payment to the National Institute of Justice, which, in turn, will reallocate those funds, either in a lump sum through grants or contracts with the applicants? And to follow up on that, isn't this just creating another bureaucracy for a function that has been performed in the Law Enforcement Assistance Administration?

Mr. NEJJELSKI. There are several attractions for me in the National Institute of Justice. One, that they would address civil as well as criminal problems.

Second, they would have a stability being outside the Department. A lot has been made, I'm sure, at your hearings of the fact that there have been a lot of changes at the Attorney General level and the Director of LEAA and at the National Institute itself. It seems to me that instability is inherent in any system where you have three levels of bureaucracy: the Attorney General, the head of LEAA, and the National Institute. Even allowing that the 8 years have been unusual in that regard, you are probably going to have a change at one of those levels during the year.

I would prefer a strong Director with a strong independent Board. The Legal Services Corporation is a good example. That model gives stability, and it also gives objectivity. I am very sensitive, and I hope I act that way now and in the future, to the need for objectivity. I think we can do that in the Department. It is hard. There is a tension between action and research. As a personal matter—and those were both personal expressions and not as a matter of any administration policy—that the Institute would have more credibility if it were outside and started anew.

Mr. STOVALL. I might comment to that that Mr. Flaherty has already assured us that the Department of Justice is prepared to take on a big effort in the research area, is prepared to make the commitment, and Mr. Flaherty also indicated that they're presently considering such a statutory body, or however it would be established, with a

strong Director. So again it boils down to the same thing: Do you create another bureaucracy, which is clearly against the campaign promises of this administration, or do you have the same function within the Department of Justice providing the commitment is there as Mr. Flaherty has indicated it is, in fact, there?

Mr. NEJELSKI. You have a bureaucracy now in the National Institute of Law Enforcement and Criminal Justice, and the other Institutes and the LEAA itself. It is also a campaign promise to reduce inefficient bureaucracies. It is a question of whether the current one can carry on a newly expanded mandate or whether you need new people and a new organization. I opt for the last.

Mr. STOVALL. But it could conceivably be done within the Department of Justice.

Mr. NEJELSKI. Certainly it could.

I would just also say that not only the ABA has proposed a National Institute of Justice, but I am sure you are aware of a very interesting draft that I've seen by Tom Ehrlisch and Jane Frank, which also calls for a National Institute of Justice. This differs from the ABA proposal, and in some ways is an improvement. So I do not think the whole idea of a National Institute of Justice should be wedded to just what the ABA has been developing.

Mr. SHACKNAI. Wouldn't the natural constituency of the ABA proposal, for example, or of any other National Institute of Justice proposal be the legal community of the United States?

Mr. NEJELSKI. No. I think the report issued, "The Quest for Justice" will show that at that organizational meeting in 1973, I think December of 1973, they were very careful to have a variety of people there. Probably half of the people at that meeting were nonlawyers. Just because the ABA is sponsoring it, that does not mean that they are going to run it. My understanding is that they would not be affiliated with it in any formal or informal way. The proposed legislation suggests that half, or at least a substantial number, of the board would be nonlawyers. I do not think it should just cater to the desires or the needs of the legal profession.

Mr. SHACKNAI. My concern is—and by the way this is not to be construed as my personal opinion—but that of Dr. Samuel Krisloff and the other members of the National Academy of Sciences Panel, who gave a very excellent presentation to this subcommittee.

Mr. FLAHERTY. I might say that I don't want to be pitted against Mr. Nejelski's testimony because we're still in the position of a moderator.

While I said we were considering it as part of the Justice Department, we're also aware of Mr. Nejelski's proposal, and I really wanted to cite the differences that exist: Mr. Nejelski, whom we have great respect for, feeling that it belongs outside the Department. On the other hand, Mr. Danziger, a former Institute Director, feeling that it belongs within. We're still going through this process of considering disadvantages and advantages on both sides of that.

Mr. GREGORY. I'd like to ask the three of you, if you care to address it, what you feel would be the proper level of funding for such a reconstituted Institute.

I note, Mr. Nejelski, that you mentioned your program is held to the \$2 million level because that's as much as can be intelligently managed. Mr. Shah of the NIMH has several times before the com-

mittee here indicated that there's only so much money that can be intelligently spent. For example, the National Institute of Corrections funding is about \$3.2 million. The Institute of Juvenile Justice is now up to, I believe, \$7½ million; and I note that in the statements prepared by Mr. Gregg and Mr. Ewing it seems that, in effect, the Institute is going back to "Go" and doing things that I think we would all recognize should have been done in the beginning, that is, setting priorities, making long-range plans. So aren't we, in effect, starting from "Go," and should not the level of funding reflect that?

Mr. EWING. Whom do you want to begin first?

Mr. NEJELSKI. A lot depends on the functions you give it. Assuming you have a new National Institute of Justice, do you want to put in the reference service, which I think has probably been a plus? If you start getting into demonstration programs, they get very expensive. Much depends on the charter and the function which you give it. I would suggest though that you start very small, maybe 30 million or \$40 million at the most.

Mr. GREGORY. That's quite a bit more than the Department is asking for, isn't it, next year?

Mr. FLAHERTY. Yes; 21 is being asked.

Mr. NEJELSKI. But there are now a lot of current discretionary funds that you have to take into account. There is a lot more money that is available. It would be doing more than just research. One of the objections of some of the people who have talked to me about a National Institute of Justice is that they see it just doing basic research and often being unrelated to law reform and litigation. People of the Ralph Nader stripe correctly are not happy with that. They want to see action tied to the research in some way. I think you need a balance of interests, not just a WPA program for research people.

Mr. EWING. If I may speak to that?

One point to make, I think, is that our proportion of staff to dollars is the same as NIMH. Our budget for the coming year is \$21 million. The Institute's budget has been as high as \$40 million. We think \$21 million is a reasonable figure and one that can provide well, in fact, for the tasks that we now have. I agree with Mr. Nejelski that the budget level really is, or ought to be, a function of the tasks assigned—but for the tasks we now have, we believe that \$21 million is certainly adequate. Now, those tasks are varied, and they aren't all research, of course. We do have some responsibilities for identifying action program opportunities and doing some very, very limited testing of a select, small number of those. We do not have major demonstration projects and do not expect to have them.

So given our current tasks, given our growing emphasis on basic research, which tends to be, of course, long-term and often not as expensive as applied, we think we have plenty of money.

Mr. FLAHERTY. I just wanted to point out, and I think Mr. Ewing has touched upon it already, that we are increasing our basic research, we're also decreasing the amount of budgetary dollars going into equipment oriented functions within the Institute. That's down now. This current year I think it's 19 percent, and the next fiscal year I think it will be down to 4 percent, and I think within our \$21 million we'll be adequately funded, at least for next year, until we can see whether the reorganization plans will go.

Mr. BLANCHARD. One final question, and then we're going to conclude. Mr. Shellow has one.

Mr. SHELOW. Granted the distinction between basic and applied research is a very fuzzy one at best, nevertheless, how much do you think the Federal Government should be investing, in trying to increase our understanding of the phenomenon of crime, whether by basic or any other research.

You're talking about a mix in any research program between various types of investigative efforts, whether they be increasing the understanding of crime or trying to improve one of the institutions, namely criminal justice system that has to deal with crime or whether it has to do with evaluating programs. Balance also implies some sort of active competition among these various interests, and at least at the present time it appears that the development of a clear understanding of what the causes of crime are has lost out in the competition.

What do you think is the appropriate funding level for this type of research for future programs?

Mr. FLAHERTY. I don't have a figure, but I believe that basic research ought to be on the increase in future programs.

I agree with you on the need for finding the root causes, the social causes, if you will, for the crime, and much more research in the basic area is needed on this.

Mr. Ewing might be able to help me. I don't have a dollar figure though that I can give you. But I certainly agree on an increase in that area.

Mr. EWING. We do have figures which we would be glad to supply for the record, which show the distinction between basic and applied over the years, although we would want to enter a caveat that that distinction may not always be a terribly meaningful one because the same project may have elements of both.

Basic research has been at about 5 to 8 to 10 percent of our total Institute appropriation until fiscal 1977. In fiscal 1977—and this goes to your point about getting left out—we expect that if our plans, which are already approved by the Acting Administrator of LEAA, come to fruition it will be approximately 20 percent of our Institute budget. Mr. Gregg wants it to remain at least at that level the next year. You've heard Mr. Flaherty say that the Department supports that kind of increase. We are looking at things like unemployment and crime, drugs and crime; we are exploring the issue of alcohol and crime; we are exploring the issue of economic factors other than unemployment and crime; and we are developing these through the research agreements program, among other ways. That's the prime focus. We have a determined commitment to long-term basic inquiry into what the motivations are; and, to use Mr. Scheuer's terms, to explore what the incentives as well as the disincentives may be.

Mr. FLAHERTY. There's also a correlation here, as you probably already have seen, between the decrease in the percentage of the budget going into hardware and almost a corresponding increase in the moving of that funding into basic research.

Mr. SCHEUER. Do you approve of that transfer?

Mr. FLAHERTY. Yes, I do.

Mr. NEJELSKI. Part of the answer would depend on the extent to which you are going to get into civil justice, because it has been long forgotten. But 10 years or 8 years ago when we were starting the

National Institute of Law Enforcement and Criminal Justice we couldn't find any criminal justice researchers, except for—

Mr. SCHEUER. There weren't any.

Mr. NEJELSKI. Just a handful.

Mr. SCHEUER. The criminal justice research fraternity has evolved really over the last decade, but I think the existence of the National Institute had a great deal to do with stimulating it, and I think that's at least one area in which we can take a little bit of pride.

Mr. NEJELSKI. I think there have been a lot of pluses, and we need to make that same kind of contribution in the civil law area.

Mr. SCHEUER. I couldn't agree with you more.

Mr. NEJELSKI. They are very closely related, with similar, closely related problems.

Mr. SCHEUER. Do you think that the National Institute should include both criminal justice and civil justice? Should a National Institute of Justice presume encompassing them both, or do you think that the civil justice research component should be handled separately?

Mr. NEJELSKI. I think it should be under the same roof. You can have some autonomy, with different Directors and so forth, but I think the problems are so closely related.

We are getting into the problem now at the Federal level of class actions which attempts to remedy mass wrongs. But then the question is: To what extent should you be doing that by criminal prosecution and the criminal process. There is a constant interplay between criminal and civil justice problems. It has been a problem in the past that we have not been able to address those areas whole.

Mr. SCHEUER. I'm very sympathetic with that problem.

Mr. BLANCHARD. We're going to conclude, then.

Again, on behalf of Chairman Scheuer, the subcommittee and all the staff, we deeply appreciate all the time that you've given us.

I should mention too that I've indicated Judiciary Committee Chairman Rodino and to the Crime Subcommittee Chairman, John Conyers, that you have been more than generous with your time today, and you've shown a very strong interest in working with the Congress, in making your feelings and views known, and we're very appreciative of that also.

Without further ado, the subcommittee stands adjourned, subject to the call of the Chair.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]



APPENDIXES

- A—Statements for the Record
 - A-1. Forensic Sciences Foundation
- B—Recommendations for Federal Criminal Justice Research
 - B-1. Research Priorities for Crime Reduction Efforts
- C—LEAA Submissions
 - C-1. LEAA Response to Testimony of the National Academy of Sciences
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APPENDIX A

- A—Statements for the Record
 - A-1. Forensic Sciences Foundation

THE FORENSIC SCIENCES FOUNDATION, INC.,
Rockville, Md.

STATEMENT

The Forensic Sciences are areas of scientific study specifically designed to assist law enforcement and judicial personnel in crime detection and investigation, and in criminal and civil court procedures through the examination, identification, and interpretation of evidence. In the face of ever-increasing crime, rising court costs and the advent of new and more complicated civil suits resulting from our technological society, the extensive use of scientific methodology in our legal system embodies a feasible method to ensure that justice is served swiftly and effectively.

Unfortunately, however, the forensic sciences are presently used in a very small percentage of the nation's criminal investigations. This is due in part to the lack of awareness of law enforcement and judicial personnel and the public about the benefits to be gained from the expanded use of forensic sciences, and in part to the lack of commitment of adequate resources for research, personnel and facilities.

The Forensic Sciences Foundation, Inc. has been the recipient of three major research grants from the National Institute of Law Enforcement and Criminal Justice (NILECJ) since 1973. These grants have enabled the Foundation to undertake meaningful research into the areas of personnel and analytical needs/deficiencies in the forensic sciences and to begin to structure programs to improve the practice of, establish and enhance standards for, and advance the field of forensic science. Although the NILECJ has the Congressional mandate to support scientific research in the criminal justice field, the Institute and LEAA as a whole have still not adopted a long range research and development program which is essential to meet the needs of the forensic science field.

RECOMMENDATIONS

The Forensic Sciences Foundation, Inc., strongly urges the establishment of a National Institute of Justice as a research entity separate from the Law Enforcement Assistance Administration. The enormous problems of our civil and criminal justice systems warrant an organization which serves to promote both basic and applied research, innovative programs and education and training in the justice system, many areas of which are not adequately served by LEAA funds.

Any future configuration of the National Institute of Law Enforcement and Criminal Justice must recognize the importance of the law/science relationship in both the civil and criminal justice arenas. With this in mind, we trust you will give careful consideration to the recommendations which follow.

1. NILDCJ should be reconstituted as the National Institute of Justice (NIJ), as a research entity separate from LEAA. The NIJ should be given agency status within the U.S. Department of Justice.
2. The focus of NIJ should be expanded to include the civil justice field, although its primary focus ought to remain the criminal justice system.
3. NIJ's primary mission should be the promotion and funding of research, evaluation and demonstration projects and other programs not adequately covered by LEAA.
4. NIJ should establish a formal system for consultation with the leaders in the professional/scientific research community. Review panels, composed of leading researchers in the law and science fields, must be formed for programmatic input as well as for the routine evaluation of concept papers and grant proposals.
5. NIJ must attract and retain qualified staff who are given the opportunity to continue their own research.
6. The Director of the NIJ must have demonstrated excellence as a researcher in one or more areas of the justice field. Similar criteria should be employed for the selection of the directors of NIJ's program divisions. This should result in a more stable, scientific working environment, removed from the political pressures which beset the LEAA.
7. The NIJ must have adequate professional and support personnel. Four or more GS-14 program managers should not have to compete for the services of a single GS-5 secretary.
8. The Institute must develop the flexibility to fund both small and large research projects, from modest acorn grants to large multi-year research contracts.
9. NIJ's budget allocations should not be tied to fluctuations in the crime rate. It is unrealistic for the Administration or the Congress to expect that the results of research can affect the nation's crime rate in the span of a year or two. There must be recognition of the continuing need for research into the problems of crime and justice and the development of long range, five-to-ten year, research programs.
10. The NIJ should avoid concentrating most research funds in existing research and development centers which previously have performed contract research in the areas of defense, aerospace or public policy. Federal monies should be directed toward the creation and enrichment of multidisciplinary research centers which will prepare scholars entering the justice field while producing meaningful research.
11. NIJ must recognize and understand the role of the forensic sciences within the justice system. The Institute should be staffed with one or more individuals possessing broad, interdisciplinary backgrounds in the forensic sciences and who understand the manner in which forensic science interfaces other components of the justice system.
12. The long range forensic science research plans of the NIJ must address the following areas:
 - The need for the advancement of scientific techniques for forensic scientists in the analysis and interpretation of evidence;
 - The need for continuing education and training programs to ensure that the justice system possesses the scientific expertise required to fill the growing need for the services;
 - The need for studies in the fields of management and operations, to develop optimal procedures for the deployment of scientific services throughout the nation's justice system.

APPENDIX B

B—Recommendations for Federal Criminal Justice Research.
B-1. Research Priorities for Crime Reduction Efforts.

RESEARCH PRIORITIES FOR CRIME REDUCTION EFFORTS

(By Henry S. Ruth, Jr.)

CRIME AND CRIMINAL JUSTICE RESEARCH PRIORITIES

Given the general framework, there remain questions of priorities for placement on the research agenda and matters of organizational needs of research.

Interim improvements in efficiency and fairness

Stuart Adams tells us that criminal justice administrators feel they receive the most helpful knowledge from agency in-house research. In the realm of cost-effectiveness, I would deemphasize the police-courts-corrections trichotomy and the controlled experiment-demonstration approach. All the variations in crime, case processing, criminal justice agency organization, and other matters cited throughout this paper serve to frustrate precise experimental replication, precise measurement, and cause-effect conclusions.

In the quest for interim improvement, efficiency and fairness should be defined as individual state and local problems with decentralized research organizations at the state and city levels using researchers, administrators, criminal justice employees, and representatives of the public to define those problems. Because of the participation of system personnel and use of system facilities and equipment, research overhead would be much less of an intrusion on research monies and a few researchers can address a great number of efficiency and fairness problems. Most of the defined problems then have to be researched with the goal of explicating answers that do not cost more money than is now being expended. And the projected solution to the problem should not generally be an adjunct project loosely attached to the ongoing system and operated temporarily and experimentally by the best and the brightest, just out of college, eager and making less than union scale. When adjunct, force-fed, carrot-and-stick programs are operated by "outsiders," the losses to organizational change seem to be fatal in the long run.

Thus, problems like court delay involve police presence in the courtroom, sanctions against attorneys, judicial control of a court calendar and of court attendance, treatment of witnesses, prisoner delivery from the detention cells in the jails, availability of counsel for the indigent, pretrial discovery, and many other aspects that require system participation in formulating efficiency research priorities and organizationally implemented solutions. If state or local research corporations or agencies guide such research in cooperation with the criminal justice actors and clients, the regional-state-city variations will be reflected in the data gathering, problem definition, and proposed solutions.

Missions of decentralized research

This decentralized approach to efficiency research should be funded on a permanent basis. In this way crime analysis, information system development, and system participation on a cross-agency basis would become an ongoing function. Change then would not be seen as something that needs to await a national project funded with personnel in one criminal justice branch; rather, organizational and procedural impediments would be analyzed in their specific local context with participation and approval by the affected cluster of agencies. And this could be happening in many places, each with its own research corporations.

We have seen now an administrative judge can "clear" the calendar with no additional monies. There are many such interim, subsets of problems involving age-old conditions of inefficiency in the criminal justice system. Decentralized research can also build interim productivity measures by working both on system problems and agency-by-agency problems. These measures will vary according to different goal definitions, different possibilities of achievement, and different resource availability. The state and local efforts would also construct that system's "model" and the particular components of the criminal justice funnel needed to

assist in problem identification. Also to be identified would be a list of information needs, and then the research development in response, for agencies addressing management problems and also for a system analysis of juvenile-adult processing continuity needs and measurement continuity and compatibility needs. The national SEARCH effort in developing information systems would provide suggested models and possibilities, but only local and state research can deal with particular local and state variations and legal problems.

Evaluation of the implementation of various problem solutions could also be part of the mission of decentralized research management. In our search for the revealed "truths" of research, with the precision so necessary to achieve the rewards of the research world, we have forgotten the improvement potential in dealing with day-to-day, hour-to-hour sheer grubbiness; impersonal aspects; lack of basic coordination; lack of effective communication; lack of measurable and approved subsets of goals; failure to deal with the just and simple daily wants of the public, victim, and offender; and slipshod execution of some basic, but simple tasks. For example, one can list many harmful effects occurring when a policeman or prosecutor does not make a sustained effort, or even use his or her best common sense, to get a victim's correct name and address, or when a short-term assistant prosecutor, for one reason or another, keeps pushing those hard or lengthy cases to the back of the calendar or the file drawer. Too often, research and experimentation lead now to special offices or separate personnel to perform the functions that ongoing, line personnel should and could perform.

Decentralized research can also identify approaches to priority crime problems. Instead of having a national test of an anticrime patrol, of team policing, or of operation identification, a research team in high-robbery city could systematically catalogue all possible criminal justice and non-criminal justice approaches, work with the various agencies and the community, and then develop a robbery response, implement it, and measure the results. A crime analysis might show that street robbery is occurring primarily in defined places at certain times, that police are willing to test defined responses, that the community is willing to participate in defined ways, that the prosecutors and courts will set priorities for certain robbery cases, that retail establishments will conform to certain prevention mechanisms, and so on. These responses, defined and measured with decentralized research help, will lose precision in implementation and evaluation; but no more will be lost, and perhaps more will be gained, than with current efforts to see if single efforts through single projects under one agency will reduce a certain crime.

Again, we should emphasize the decentralized approach involving joint responses to jointly-defined system problems. The research effort would have to overcome some of the pitfalls detailed in the evaluation reports of the pilot cities and impact cities programs; but many of those problems seemed to emanate from the rush to federal gold. The current and probably continuing budgetary problems of states and cities probably hode well for acceptance of research that, while federally funded, is decentralized.

Rationing and regulating the creation of criminal laws and the use of criminal sanction

Among the prime achievements of criminal justice research in the past decade are an unfolding of the content and extent of discretionary decision-making, a statistical portrayal of the criminal justice funnel, and a delineation of many approaches to crime reduction that do not seem to work or are not feasible for one reason or another. But unfortunately, much of this research evades or ignores system problems by addressing one decision point in one agency or one part of the system. Plea bargaining is researched in ten given places, mandatory sentencing somewhere else, and prosecutors' case screening in still other places. Yet all these discretion points, or decision points, occur as part of a continuum in a particular setting. Research should switch its emphasis to this case processing continuum. Exercise of discretion, for example, needs to be analyzed for its system effects; more specifically, a radical change of policy at one decision point, such as a ban on plea bargaining, may mean only that intake and case flow will have to be checked at decision points in other parts of the system to cope with the greater volume occasioned by that initial change.

No systematic mechanism now exists for rationing criminal justice resources. Nine decision points can be defined for purposes of study:

Legislative decisions about the criminal code.

The allocation of enforcement efforts among crimes and geographic areas by police and other enforcement agencies.

The decision by enforcement officers to make arrests and the supervisory reviews of those decisions within the enforcement agency.

The bail decision.

The decision of the prosecutor whether to charge the suspect, and if so, for what crime.

The decision to effect a plea bargain or have a trial.

The sentencing decision.

The parole decision.

The parole and probation revocation decisions.

Each of these decision points represents a criminal justice valve which, for the most part, can be opened or closed at each checkpoint by various criminal justice employees. With the nearly infinite variety and large volume of conduct made criminal, each employee guides the use of criminal penalties and rewards with various motives: protection of the community from physical harm, alleviation of citizen fear, minimizing workload because of resource limitations, personal belief in the values which a particular law seeks to preserve, public pressure, habit, reaction to resource and workload crises, and many others. This form of anarchy is a prime cause of inefficiencies, random enforcement, inequalities in application of sanctions, and confusion among goals.

Ten states produced 60 percent of the index crime in 1974. A five-year or ten-year research project could be undertaken in each of these states in an effort to combine the realities of resource limitations, the need to set priorities, and the recognition that the legislature enacts the criminal statutes that set the bounds of the crime demands upon the criminal justice system. The ten-state construct also recognizes the diversity of crime, of case processing, of information availability, and of system dominance by various parts of the system in different places.

The research would posit the need to limit the use of the criminal sanction, officially recognize and regulate the use of discretion, and devise a wider scope of possible sanctions for the less-serious crimes. The research would include case flow studies, analyses of how discretion is exercised, resource analyses, and sessions with criminal justice administrators and appropriate executive branch persons. The goal of the research would be a proposed process detailing: (a) the kinds of analyses legislatures should pursue in criminal code revision, and in adding or changing components of a criminal code; (b) specific illustrations of the kind of code, or changes in a code, that such a process would produce; (c) specific illustrations of criminal code provisions that regulate the use of discretion at the nine key decision points in the system, with provision for administrative rule-making under specified guidelines and procedures; (d) specific illustrations of the kinds of specified guidelines and procedures; (e) specific illustrations of the kinds of administrative rules that could be enacted for the exercise of discretion at the local level; (f) specific methods for criminal code assignment of levels of seriousness of condemned conduct with specific mechanisms for dealing with the various levels of seriousness; such mechanisms would draw upon several possible methods of imposing sanctions; and (g) suggested specific legislative and administrative requirements of the production of information on a continuous basis to signal necessary changes in the law enforcement process and to measure effects over time.

In this effort, common sense and reasonable deductions can help fill the gaps that lack of absolute precision will leave. The demand for absolute precision in the research world is one of the principal reasons for its wide divergence from the criminal justice world.

National research to improve criminal justice operations

The attempt here is to isolate priority research projects which should be conceived and directed nationally by a federal funding source with the goal of examining and testing practices in various regions of the nation. Research would then encompass examination of a smaller breadth of subject matter. But rather than have a long list of research projects each looking at one subject matter area in one place, each longer project would be conceived to capture the diversity of operations of criminal justice in America:

(a) Police-citizen contact could be used as a broad definition for one research program area. Several studies have shown that most street crimes are solved through early eyewitness identification by the victim or neighbors or witnesses to the crime. In addition, in many communities, it seems apparent that victims replace their stolen goods by purchasing goods stolen from other victims. In other words, they support the illicit business by which they are victimized. In many communities also, various kinds of block associations have attempted to assist the police and courts in various ways. Research can assess the effects of past programs, the potential for future actions, and the full range of possible community assistance in law enforcement efforts.

On the other hand, only a few studies have explored police-citizen contact in relation to law enforcement effectiveness and proper use of the arrest power and other strategies. Morals enforcement, family crisis intervention, field interrogation, police-juvenile contacts, preventive patrol, and broad concepts under the label "team policing" have been analyzed and tested. But Herman Goldstein points out that research has developed many ways for policemen in effect to get there fastest with the mostest, but little research tells the policeman what to do when he arrives. If our society is to ration its use of criminal justice resources, we have to examine why almost one-half of city males have been given a non-traffic arrest record. We have to know how police-citizen contacts should be structured to obtain the benefits of full citizen cooperation in apprehending and identifying career criminals and at the same time maintain an effective and proper degree of police alertness and aggressiveness. Since police patrol and arrest affect more persons' lives and cost far more than any other criminal justice function, it makes sense to focus on ways to maximize the use of that power and money.

(b) The so-called direct prevention research should be a continued priority. This includes target-hardening. A major field is architectural and environmental crime prevention planning for communities, apartment complexes, shopping centers, commercial areas, schools, small business establishments, and center city business and shopping areas. The living habits of victims and their actions which tend to precipitate crimes need to be analyzed to indicate ways of reducing criminal opportunities and to suggest more relevant preventive actions by the police. Included in this examination should be a coordinated search with the business world of direct prevention techniques and of more effective ways to spend the millions and perhaps billions of dollars private industry is now spending on private guards. The importance of this underscored by the fact that Americans suffer the greatest dollar losses and costs from crimes against businesses.

(c) The plight of crime victims should receive a broad emphasis encompassing every contact a victim has with law enforcement. More attention should be given to the development of every justified service and compensation that society can offer its victims. The present and commendable rape center projects and victim assistance projects in prosecutors' offices are examples of steps in the right direction, but this research area should be much broader.

(d) Juvenile system flow studies are needed. A high percentage of career criminals commenced their criminal activity before their 18th birthday. In 1974, about one-third of the arrests for robbery and over 50 percent of the burglary arrests involved persons under 18. And yet, processing of juveniles through the court system has received surprisingly little research attention. Even the new actions proposed for restoring punishment as a prime goal of criminal justice do not encompass the juvenile justice system in most cases. Our proposed research would analyze the flow of decisions in the juvenile court system in order to achieve understanding of the gap between actual operations and various stated goals of helping offenders, controlling crime, and administering an adversary system. This would include an assessment of the need for a juvenile justice system separate from the adult system.

(e) Analysis of the "dropout" rate in adult criminal case flow is also needed. If a much higher percentage of career criminals, and of criminals who commit serious crimes on their first offense, are to be arrested and imprisoned, the success rate of the adjudication process must be vastly improved. Indeed, many of the proposed criminal justice changes understate the difficulty of proving crimes in the court system. Some attempts have been made to assess the various reasons for the high rate of dismissals, acquittals, and plea compromises. Studying this process and making comparisons in a selected number of cities should lead to better understanding of the effects of, and reasons for, insufficient evidence, witness unavailability, lack of witness cooperation, noncompliance with constitutional requirements, lack of resources, and inefficiency.

(f) Rehabilitation research, while very important, should be removed from the scope of criminal justice research funding and incorporated in social research funding. Thus, it is more appropriate, as now, to have the Department of Labor funding national experiments in supported work and post-prison welfare payments. Research and experimentation in approaches to education in high-crime areas and in prisons should be an integral part of education research funding. Research in post-prison delivery of services should also be a part of social service research. For now, I would limit expenditures of the criminal justice research money in the rehabilitation area to an in-depth national evaluation of whether or not probation and parole supervision justify in any measurable way the expenditures now de-

voted to those functions or even justify the existence of those functions as now established.

Criminal justice research funds must also continue evaluating rehabilitation and diversion programs funded by LEAA. But I think that quantum jumps in knowledge over the years will proceed only from noncriminal justice research programs that explore directional changes in the lives of the socially adrift. I have never understood the persistent belief that there is some magic formula awaiting discovery of what prison programs can accomplish—beyond the basic offering of a high school education, some skill training, and perhaps some strengthening of motivation and self-confidence. General social service research, however, should be able to concentrate on theory and programs concerning adjustment to the streets, to the world of work, and other facets of the actual environment that persons who have committed crimes must live in. Such research can also explore private sector service delivery.

If criminal justice is developing, as many believe it should be, toward a mere fear-inducing entity, then criminal justice research will have to explore the discarding of service delivery and the maintaining of a credible threat that a prior offender will suffer consequences if he commits further crimes. Such research must first evaluate whether or not existing parole and probation rules have any relevance to the maintenance of that credible threat, or indeed any relevance to other stated purposes of such rules and their enforcement or lack thereof.

(g) It seems reasonable to group accountability and productivity in one research program area. This should include within it those aspects of personnel and organizational research that pertain to both internal and external accountability and to adoption and enforcement of productivity measures. Much of the initial search for productivity measures sets unrealistic goals and fails to include a system perspective. Is it reasonable, for example, to expect a prison to rehabilitate a person? Or would it be more reasonable to start with more modest goals that we think, but admittedly are not sure, may contribute to rehabilitation? In the police area, some chiefs by their public statements assume responsibility for the level of crime in their communities. Others blame the courts or community corrections programs. Research could explore development and adoption of subsets of criminal justice goals and estimates of each agency's contribution towards those goals. But ways should be found to replace the current public assumptions, and criminal justice agency promotion thereof, that establish unrealistic global goals or irrelevant subsets of goals. Since reward systems motivate actions, personnel will act to achieve goals that are rewarded. If we persist in using sheer gross figures like the number of arrests one makes, the number of convictions one achieves, or the number of presentence reports an agency can produce in a certain time, those unsophisticated measures of performance will aggravate the perpetuation of actions not really pertinent to effective law enforcement or to fairness.

(h) A neglected but important field of research is the prevention of corruption of certain kinds. Recent disclosures of illegal diversions of money reveal that delivery of government aid to individuals often permits easily-committed and difficult-to-detect thefts and frauds. Methods could be devised, through research, to build corruption-prevention considerations into the planning stages of various government aid programs. Analysis would include the recent scandals in the grain inspection field, FHA financing, medicare, medicaid, and the food stamp program.

Research to examine basic concepts

Crime control and crime studies have adopted certain traditional practices under sets of assumptions that constantly need testing. Such basic research is not welcomed by the public or appropriations committees because it does not promise immediate or short-term probabilities of producing new practices. Yet it needs to be an integral part of a dynamic concepts that bear reexamination:

(a) We need greater sophistication and specificity in the measurement of crime and its effects and in development of ways to communicate crime facts to the public. National statistics are seriously deficient in alerting citizens to what they should correctly fear. For example, people could benefit by knowing the relative safety of specific places at various times, but research has not provided police chiefs many ways of producing this information. The city-suburb separateness in our society and the general fear of "crime" make this imperative.

(b) Definitions in the criminal justice area must be standardized if administrators are to interpret various studies. For example, the word "discretion" is used by many to convey exercises of judgment ranging all the way from illegal interposition to whether available facts in a criminal case show a sufficient likelihood

of requisite proof to justify prosecution. If discretion is to be measured and analyzed, categories are necessary to separate out the various degrees of judgmental decisions now encompassed in the broad term "discretion." Another example is "recidivism." If success is to be measured by recidivism, corrections officials tend to define that term as narrowly as possible; but the people, who grow tired of rearresting the same persons, tend to define it broadly. Recognized and defined categories of recidivism must become part of the vocabulary of research.

(c) Limited resources mandate more refined classifications of the seriousness of crime, including seriousness of prior criminal records. These studies should include both the juvenile and adult experiences of a recidivist and suggest record-keeping methods that afford a broader picture than now available of each person's criminal career. One need only listen to the varieties of conduct that come to a police stationhouse and a prosecutor's complaint room to realize that legal labels are insufficient and existing seriousness scales do not capture or categorize this diversity.

(d) Factual bases of procedural doctrines need to be examined. It is important to the adjudicative and appellate processes to know whether legal rules—relating to exclusion of evidence, gathering of evidence, and admissibility of evidence—rest upon sound factual bases. One goal of this study would be an attempt to discover changes in the adversary system that consume less time without a sacrifice of accuracy and justice. A corollary of such an examination is the communications aspect of procedural rules. Certain assumptions exist about what juries hear, what they understand, and what they can successfully put out of their minds. One study suggests that what judges think they are communicating by their words is not in accord with how juries understand the judges' words. Work needs to be resumed and expanded in this area despite the difficulties.

Research under this program area also leads to examination of fairness concepts. For example, the law has constructed various doctrines whereby the "consent" of citizens justifies certain law enforcement actions. We need to know more about what people really comprehend when they "consent" to coercive power. Our felony adjudication process now rests principally on defendants' "consenting" to plead guilty. People "consent" to searches every hour of every day in different jurisdictions. Prisoners "consent" to participate in certain programs. One can construct a series of legal rules and of the factual assumptions that judges express in their opinions. The most prevalent ones, and the most important ones need research on their factual underpinnings. This research can also be applicable to concepts under development, such as judicial decisions about right to "effective" counsel.

(e) The process of change in the criminal justice system, if understood, could facilitate many vital reforms. The need for such understanding is exemplified by the limited successes of LEAA in trying to introduce various changes in criminal justice operations through state and city planning agencies and through special programs of concentrated resources in pilot cities and so-called impact cities. The recent LEAA legislation for new authorization includes a special section for another attempt at an impact city program. The kinds of institutional analysis proposed by Erwin Hargrove should become an integral part of criminal justice research to identify organizational impediments to change and to suggest alternative methods of devising and introducing agency change. The analysis by Rosett and Cressey of the courthouse "club," for example, poses many revealing questions and many answers about the why's of the actors who process criminal cases. Devising better ways may be useless if we do not know how to implement those ways in a real-world environment.

(f) Prevention of economic crime is largely unexplored territory. It is apparent that prosecutors have few resources to devote to economic crime and that police have little time or expertise to cope with this phenomenon. As a society we have shown little desire to cope with white collar crime. The law enforcement resources required to investigate and prosecute such crimes are enormous compared to street crime. In many instances, the law itself is difficult to define. Communities express a preference for using law enforcement to achieve street safety. Since law enforcement in the courts is primarily a middle-class function, white-collar criminals, who tend to be perceived as members of the same class, usually receive non-prison sentences. That makes the expensive adversary and adjudicative process cost ineffective. Thus, perpetrators are treated leniently and the victims are unprotected from the various manifestations of white-collar crime. Research is needed to find alternative protective approaches, alternative sanctions for the criminals, and alternative monitoring devices to ensure adherence to those sanctions.

Philosophical and theoretical base.

Research funding must also include monies for the philosophers, thinkers, and theorists whose writings can challenge and influence research planning and help the public understand the conflicts of criminal law and its enforcement. The publications of recent study groups have had these effects, forcing reexamination of the underpinnings of criminal law and justice and stirring a tremendously useful public debate. This should be an ongoing process. For example, when fairness dominated the thinking of the 1960s, the concepts of fear and punishment were submerged. And now the situation has reversed. A continuous flow of writings that portray all the dilemmas and suggest philosophical and theoretical solutions or approaches would be healthy. Questions that bear ventilation easily come to mind: If criminal conviction is now to entail a high proportion of prison sentences with long terms, does this impose new dimensions of "fairness" for the defendant in the adjudicative process? Should defendants have investigators funded by the state? What is "informed consent" even in theory? Should there be compensation for detained persons who are not later convicted?

If we are to have any radical changes in our system, a lengthy thought process will probably have to precede experimentation. What about less use of arrest powers when only 30 percent of felony arrests lead to convictions for any crime? What about more judicial dominance in our adversary system? What about deterrence for the middle-class criminal? What are the components of just procedures when coercion is necessary to reduce criminality by the discarded outcasts of an affluent society? What is fairness if deterrence can be effectuated without equal punishment for all equally guilty of like conduct? What is the role of the criminal law beyond control of unjust injury?

The questions can be framed endlessly. Emotion and rhetoric can build mighty flames unless tempered by continuous publication of careful philosophical and theoretical thinking. Perhaps the historical cycles of fads and instant solutions can one day evolve into a continuum rather than a circle.

A final observation

Some organizations, perhaps research funding organizations, must begin addressing the conflicts between the reward systems of the research world and the research needed in criminal justice. That is, the things for which researchers win position, power, compensation, and glory are not necessarily the products that rank high among the vital needs of the criminal justice system. I mention this without further explication because I do not think even the problems have been sufficiently defined, let alone the solutions. The pending task force report of the Research Advisory Group on Criminal Justice Standards and Goals did not face up to this problem either. Yet problem definition is most important because, without it, it will be difficult to justify funds for a study of the research world. Criminal justice research must have a continuum with building blocks, validations, and ongoing relationships with the persons and organizations subject to research. A study of the research world is necessary so that we can design new organizations, attitudes, reward systems, interdisciplinary cooperation, and priorities for those who devote their lives to criminal justice research.

APPENDIX C

C—LEAA Submissions.

C-1. LEAA Response to Testimony of the National Academy of Sciences.

C-2. Excerpts from 1976 Annual Report.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., July 28, 1977.

Hon. JAMES H. SCHEUER,
Chairman, Subcommittee on Domestic and International Scientific Planning,
Analysis and Cooperation, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During the recent hearings concerning the Federal role in criminal justice research and the activities of the National Institute for Law Enforcement and Criminal Justice, considerable attention was given to the recent report on the Institute by the National Academy of Sciences.

Enclosed for your full information is the Institute's response to the NAS report. An advance copy of the response was submitted for the Hearing record on July 21, 1977.

Your interest in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

STEPHEN T. BOYLE,
Director, Office of Congressional Liaison.

A RESPONSE TO UNDERSTANDING CRIME: AN EVALUATION OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

A REPORT OF THE COMMITTEE ON RESEARCH ON LAW ENFORCEMENT AND CRIMINAL JUSTICE, NATIONAL ACADEMY OF SCIENCES

As a result of its 18-month review of the National Institute, the National Academy of Sciences' (NAS) Committee on Law Enforcement and Criminal Justice recommends a major structural and conceptual reordering of the current research program.

The recommendations emanate from a consideration of the goals of the Institute, its role within the Law Enforcement Assistance Administration (LEAA) and from an assessment of Institute research in terms of four criteria: The quality of funded research, the usefulness of research products, the success in cumulating knowledge, and the effectiveness of research administration. The Committee found the following with respect to each.

Goal.—The existing expectations that the Institute can address directly the goals of crime reduction or can decrease crime and recidivism rates are inappropriate for a research program. However, the Committee suggests that the Institute, in rejecting these expectations, has tended to deny that it can contribute at all to these objectives and has opted instead for a focus on improving the criminal justice system. The Academy believes the Institute's primary goal should be developing knowledge that is useful in reducing crime.

Role.—The role of direct service to LEAA programming has not been successful and should not be undertaken by a national research institute. The more appropriate role is to engage in research and development on a scale, a level, and within a time frame that is impractical for the rest of LEAA.

Quality.—The quality of research is not high, and much has been mediocre. Project weaknesses are a result of lack of attention to research design.

Usefulness.—Committee members found few projects that deserved high ratings on this criterion, although they acknowledge that it is problematic to assess. No attempt has been made to assess usefulness, though it appears low among SPAs.

Cumulative research.—There is little evidence that the Institute has contributed to building a coherent body of knowledge and has focused that knowledge on solving problems. Its purpose would be better served by a research agenda based on program areas, such as deterrence and rehabilitation.

Research administration.—Advisory system and review procedures are weak. The research strategy excludes a large majority of the existing social science research community and is vulnerable to pressures detrimental to development of a research program.

The Institute's overall response to this assessment of its operations and management is largely a positive one. The study was commissioned by the Institute not only as part of a larger six-year assessment of LEAA, but also because the Institute felt that its internal procedures, processes, and programs could benefit from an impartial examination by a prestigious organization such as the NAS. The Institute finds a number of the criticisms valid, to one degree or another, and has taken steps to correct what it perceives as some of the more serious deficiencies. These are described below.

However, while for the most part the Institute has found the diagnosis helpful, it is less sanguine about the cure. NAS argues consistently throughout its report that research cannot be conducted within and responsive to an action agency—that to do so is to distort the meaning of research and to force the research program into short-term, immediate, problem solving activity. While the report notes the political nature of the program, the turmoil generated by constantly changing priorities and leadership (both within the Institute and within LEAA), and the unrealistic expectations against which performance has been measured, it sees these formative and possibly idiosyncratic pressures less as the causes

of the Institute's "mediocre" record, and more as the symptomatic results of trying to influence action program development through research.

In so doing, however, the report fails to put the experience of the Institute and LEAA in the larger context of the Federal effort over the past decade to develop an effective role for social research in the policy-making and policy-management processes. Nor does it take sufficient account of the difficulties of translating research into action in a block grant program—an experiment in intergovernmental relations that by definition confounds the traditional national leadership and regional office delivery roles.

Because the report is not set within this broader context, its primary and structural recommendations for corrective action appear almost naive. The report says, in sum, that the best that can be done is to isolate research from the policy-making and implementation processes and hope that a program structured to address the more fundamental and causative factors associated with crime and society's response to crime will somehow, over the long run, serendipitously result in prescriptions for change at a level to justify continued public investment.

That a society would consciously devote a portion of its wealth and resources to the pursuit of fundamental knowledge concerning deviant behavior and its relationship to social structure and process is a noble thought. However, even in such areas as health and education, where the typical inconclusiveness of research is accepted as part of a longer-term commitment to some "social good," the trend in the past decade has been toward increased public and Congressional demands for results and for greater focus on priorities for the use of public funds.

Research on crime and criminal justice does not, and could not, have a constituency remotely approaching the size of those in the health and education fields. Thus, from a strictly pragmatic point of view, the prospects for survival of an independent institute devoted to fundamental research—particularly one that continues to have crime control as its ultimate goal—are remote. The trend in Federal support is away from basic research and toward more applied and impact-oriented research and development. The wisdom of this trend is not in question here. The point is that without a vocal public constituency, it is unlikely the Institute could successfully move counter to this trend unless major changes occurred in the Department of Justice as well—for example, creation of a Federal Bureau of Crime Statistics and Research. Even in this setting, however, the research likely would be a more descriptive and analytic variety than the rigorous hypothesis testing suggested by NAS.

In summary, the Institute believes that the Academy's criticisms and recommendations must be viewed in light of the role of social research and development and trends in Federal support of R&D. By ignoring these important realities, the Academy's report fails to put the National Institute into perspective. Repeatedly the question that emerges is "compared to what?" Viewed in this larger context, many of the Academy's observations and conclusions can only be seen as subjective judgements.

Criticisms and recommendations

The following section responds to the Academy's conclusions according to the criteria used in the assessment.

Quality

NAS characterizes the seven-year research history of the Institute as "mediocre." A less pejorative characterization might be average. It would also reflect the rating categories developed by the Academy. But the difficulty with either characterization is that they cannot be compared to any standard, nor to any other point of reference.

NAS notes that baseline data which presumably would allow comparison of research programs is lacking, thus it is difficult to accurately measure the performance of the Institute's work against that done elsewhere in the field. NAS goes on to suggest that, nevertheless, one should expect higher quality from funded projects than from research normally undertaken with little or no support.

Quality of research is, of course, a very difficult variable to measure. Without a comparative frame of reference, statements about quality inevitably are highly judgmental. Another view of Institute research appears in a comparative study by Bernstein and Freeman, entitled "Academic and Entrepreneurial Research" (Russell Sage, 1975). While their sample included only 18 Institute awards and was confined to evaluation research, this comparative study concluded that higher research quality seems to be correlated with, among other variables, "being funded by NIH or NIMH (and to a somewhat lesser extent by LEAA)." The following table reproduced from Bernstein and Freeman's book illustrates

this finding and also suggests that the NAS assumption that more money should make a difference is in error.

Characteristics of the award and research quality

	<i>Deviation from over- all mean</i>
Sponsoring agencies:	
NIH/NIMH.....	+ 0. 6
Justice (NILECJ).....	+ . 4
SRS.....	- . 1
OE/other HEW.....	- . 4
HUD/AG/Labor/OEO.....	- . 5
Nature of the award:	
Grant.....	+ . 5
Contract.....	- . 7
Length of study:	
More than 3 years.....	+ . 7
2 to 3 years.....	- . 3
1½ to 2 years.....	- . 3
1 to 1½ years.....	- . 8
Funds allocated:	
\$10,000 to \$49,999.....	+ . 2
\$50,000 to \$99,999.....	- . 1
\$100,000 to \$149,999.....	- . 1
\$150,000 to.....	- . 1

Thus, from a comparative standpoint and another point of view, the Institute's record does not appear to be as bad as the NAS report implies. It is exceeded only by NIH/NIMH but not to a great degree.

These figures are not cited as a refutation of the Academy's findings, nor as evidence that the Institute's program is a better than average one. They are offered only to suggest that without such comparative data, the Academy's conclusions are highly judgemental, and in some areas, could quite possibly be misleading.

Another measure that NAS used to assess quality was Committee review of selected projects. The reviewers were asked: "If it were your decision to fund this project, would you have funded it?" For 29 percent of the projects, the response was "No." For a total of 71 percent, the answer was "Yes" (48 percent), "Yes, with some change" (7.2 percent), or the reviewers themselves were in disagreement (17 percent). Similarly, a review of unsolicited concept papers rejected by the Institute showed that NAS reviewers would have funded only 5.8 percent and rejected 72.3 percent for the same reasons as the Institute. Thus, even with the benefit of hindsight on the part of the Academy's reviewers, there seems to be substantial agreement among the NAS and the Institute as regards which projects were worth funding and which should have been rejected and were.

Without comparative data, and given this apparent agreement, it is difficult to understand how the conclusion that most Institute research is "mediocre" was reached. The Academy claims in its summation that the low quality is due to the Institute's failure to attract proposals from the "right" people. However, no evidence is provided to substantiate this claim.

A review of Institute grantees, the individuals who participate in the Institute's team monitoring and plan and project review efforts, and a glance at the backgrounds of those persons who have chosen to become members of the Institute's Advisory Committee would dispel such a notion. The Institute believes they represent a cross-section of noted and capable criminal justice researchers and practitioners and that their willingness to participate in the program demonstrates the Institute is not alienated from the research community, as the NAS report would have one suppose.

Usefulness

The Academy's criterion of utility is neither defined nor applied consistently to Institute activities and programs. The conclusions drawn are judgemental rather than data-based or analytical; contradictory with regard to the Institute's role vis-a-vis LEAA State Planning Agencies (SPAs); and rely too heavily on examples of the most politicized of past Institute efforts—the Impact Cities and Technology programs.

The first measure of utility is related to the extent to which the Institute has met its responsibilities under the Safe Streets Act. NAS states that the Institute "is supposed to serve the programming needs of State Planning Agencies and,

perhaps less directly, the operations development needs of practitioners." Serving the programming needs of LEAA State Planning Agencies is only an indirect function of the Institute. According to the Act and its Amendments, the purpose of the Institute is to encourage research and development to improve and strengthen law enforcement and criminal justice; to disseminate the results of such efforts to state and local governments; and to assist in the development and support of programs for the training of law enforcement and criminal justice personnel. The Institute also has responsibilities in the areas of evaluation, graduate student research support, and also in special areas mandated by Congress such as the national manpower and correctional facilities surveys, and drugs and crime.

While NAS does suggest that unrealistic expectations in the legislation may be the cause of the Institute's lack of visibility at the state and local level, it fails to suggest specifics and does not address this question in a systematic fashion.

Given the Institute's limited staff and resources, and the myriad more immediate problems of State Planning Agencies, the Institute could not be expected to have a direct and visible impact on state and local programming needs. In 1975, at its highest appropriation level, Institute funds still were only .04 percent of the LEAA total. The Institute believes that, within the constraints of its resources and mandates, it has met and is continuing to improve its service responsibilities as specified in the Act.

It also feels that the Academy's conclusions with regard to utility, at least in this instance, are judgemental and not particularly insightful. Certainly Appendix F of the report, "A View of the Institute from the States," should have been drawn and expanded upon in the analysis. While noting that visibility is low, the appendix does suggest some of the more complex reasons why this is so. Among them are the normal differences in Federal-state perceptions of each other, the high turnover rate in SPAs, and particularistic needs vs. the more generalizable requirements of research. The fact, that SPA staffs themselves do not have any clear and consistent ideas about what the Institute might do to be more useful, suggests a more complex situation than the NAS report describes.

The question NAS should have raised was: To what extent could the Institute be expected to visibly impact SPAs and local operating agencies given (1) its seven-year history and the state of reliable knowledge in law enforcement and criminal justice; (2) the nature of the block grant program which locates almost total discretion for programming LEAA funds at the state and local level; and (3) the ratio of research and development dollars to the rest of LEAA, as compared to research and development intensity in other areas.

The Academy chose several programs to evaluate from the perspective of utility: Impact Cities, Evaluation, Technology Transfer, and Advanced Technology.

Impact cities.—The NAS report comments on the Institute's role and participation in the Impact Program both in the main body of the text and in Appendix C4. The conclusion drawn by the Academy is that the Institute's participation was "a wholly inappropriate use of resources." Unfortunately, little documentation is provided to support this conclusion.

The National Institute from its inception and its enabling legislation was clearly mandated a variety of tasks, only some of which related to responsibility for supporting the type of pure research apparently acceptable to NAS. Indeed, the role the Institute played in Impact seems clearly to be in line with the wishes of Congress as expressed in Section 402(b), paragraphs 1, 2 and 4 of the Safe Streets Act of 1968 and the Crime Control Act of 1973. For example, 402(b), 1 authorizes the Institute to:

"Make grants to, or enter into contracts with, public agencies . . . to conduct . . . demonstrations or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice."

The original Institute grants to each of the eight Impact Cities were to support and establish a Crime Analysis Team to act as the Institute's agents in performing precisely the activities outlined in this paragraph. How can such a clear relationship to the legislative mandate be considered a "wholly inappropriate use of resources?" One can only conclude that the NAS staff failed to relate their study to the intended purposes for which the Institute was created by Congress and, instead, had a preconceived view of what the Federal research role in criminal justice should be.

The remaining Institute funds that went to the Impact Program supported the various levels of evaluation which the NAS describes briefly in Appendix

C4. While the Academy emphasizes that "evaluative research is an appropriate use of Institute resources . . .," it concludes that the Impact evaluation efforts did not constitute acceptable evaluative research, again a rather judgemental conclusion.

The Impact Cities program did have a number of shortcomings, however, it is necessary to put the program in a more historical perspective. In 1972, little if any evaluation of LEAA-funded projects had been done. The Institute was to be identified as responsible for this activity when the 1973 legislation was passed. In anticipation of this, LEAA and the Institute began to be more assertive in encouraging the states to plan and implement evaluations of at least some of their programs. In this atmosphere, it was fairly natural that the Institute would be called upon to take a lead role in the various evaluation efforts of Impact. In light of the fact that there was no body of criminal justice evaluative research available on which to draw, the Impact efforts in this area should be viewed as groundbreaking to some extent, and, as such, it is not surprising that they lacked the sophistication that might have been more impressive to the Academy. It is interesting to note that NAS cites the National Evaluation Program as "a socially useful program appropriate to the mission of a criminal justice research institute."

In fact, the NEP in many respects owes a great deal to the experience and knowledge gained from some of the evaluation efforts (and failures) supported by the Institute in Impact.

The largest single Institute expenditure in Impact was for the Mitre National Level Evaluation. The report collected and organized for future use by criminal justice researchers and practitioners the many lessons to be learned from an effort like Impact. The Academy draws the conclusion that this work also was "a corruption of the purposes of research and development." However, it is unlikely that NAS would have been able to use the Impact Program as a Case Study at all had the Mitre Evaluation not been available, since Appendix C4 is based completely on the Mitre Final Report. The Mitre work has been seen by others as an important, policy-relevant type of evaluation and documentation of a major government program.

Finally, the NAS report gives the impression that in excess of \$16 million was spent by the Institute on this program. Appendix E, figure 5 in the report shows that while that much was allocated, only \$12 million was actually obligated. Both figures are high because allocations and obligations are used instead of expenditures and because unexpended funds from one year may have been reallocated and re-obligated the following year. The actual amount expended by the Institute on the Impact Cities Program was approximately \$9 million.

Evaluation

The Institute has few comments to make with regard to the NAS assessment of evaluation programs. The analysis is an essentially valid and positive one.

One slight point of difference has to do with the implication in the report that the role of the Office of Evaluation (OE) in 1974 was confined to capacity building and, specifically, to administering the Model Evaluation Program (MEP).

The 1974 report of the LEAA Evaluation Policy Task Force gave the Institute responsibility for the same functions it is performing today. These were evaluation of Office of Technology Transfer replications, evaluation of national LEAA programs, the development of innovative evaluation systems, the development of advanced tools and methodologies, and model evaluations of LEAA discretionary programs. The Institute's role in evaluation has in no way been confined to capacity building and has included evaluation research and methodology development from the start.

With regard to the Model Evaluation Program, the Academy argues that encouraging the development of program evaluation at the state and regional levels is an inappropriate function for a research institute. While this might be true for an independent research institute, the National Institute is not so isolated, and it has been given increasing responsibility by the Congress since 1973 for evaluating the LEAA program. The NAS exaggerates somewhat the purpose and outcome of the Model Evaluation Program experiment.

The Model Evaluation Program was originally conceptualized as an approach to the development of innovative evaluation systems and secondarily as a capacity building effort. There was no national model evaluation design. Proposals were to submit a locally-generated strategy to introduce evaluation into criminal justice planning agencies. Thus, the Model Evaluation Program involved neither national leadership nor evaluation design as suggested by the NAS report. Furthermore, calling the Model Evaluation Program experiment a costly failure a full year before the evaluation of the experiment is completed is premature.

Technology transfer

The Academy concludes that the Institute has not developed data to measure its own utility and suggests there is a "lack of interest" in such data. The reference is made specifically with respect to the Institute's Office of Technology Transfer and is erroneous.

NAS also concludes that the Institute's technology transfer and dissemination efforts: (1) do not use research findings in program development; (2) rely on very traditional forms of dissemination with an emphasis on printed materials which NAS suggests go unread; (3) lack impact or assessment data on programs or have only recently started collecting it; (4) involve aggressive marketing activities which NAS considers inappropriate for a research institute.

While early technology transfer efforts focused almost exclusively and of necessity on the transfer of successful operating practice—because as the NAS Report points out, research findings were not yet available—this is no longer the case. Increasingly, as major studies or series of studies are completed, they become the focus of intensive technology transfer efforts.

Field tests on Managing Criminal Investigations and Juror Usage and Management—developed through Institute research—are currently being conducted in 23 jurisdictions across the country, and training workshops on these topics are being sponsored in every LEAA Region. The Institute's first demonstration and training topic, Police Training for Family Crisis Intervention, also was based on Institute research, and this fall two workshop series, Developing Sentencing Guidelines and Managing Police Patrol will bring the results of Institute studies in the courts and police area to over 1,000 senior officials. In addition, a new program of special national conferences focuses another technique on the dissemination of information on such major research issues as indigent defense and the determinate sentence.

In both the body of the Report and in Appendix C3, NAS describes the Institute as using only "traditional" dissemination techniques—printed materials, demonstration programs and training conferences—with a heavy reliance on the printed document. It then cites studies by Robert Yin and Rand to question both the usefulness of printed materials in communicating research results to practitioners and the success of demonstration programs as transfer mechanisms.

Yin's monograph cites a 1974 Urban Institute evaluation of the Prescriptive Package program which reported that the majority of persons interviewed either had not received or had not read the Prescriptive Packages studies. If the reference highlights why the NAS Report is concerned about the readership of OTT printed materials, it also highlights the limitations of depending on secondary sources. The Urban Institute's figures on the completion rate for interviews indicate that 37 percent of the total sample had read all or part of the Prescriptive Package in question and were sufficiently familiar with it to discuss and assess its utility. Informed observers say that in dissemination evaluations of this type, a readership rate of 20 percent is considered a positive finding and that rates between 30 and 40 percent are highly significant.

Of greatest significance is the assessment of the respondents who were familiar with the Prescriptive Package. Here, 92 percent of the utilization sample rated the Meahadone Treatment Manual above average to excellent, while 77 percent of the target audience for Police Crime Analysis rated that document above average to excellent. These findings from an independent evaluation speak directly to NAS concerns about the quality of Institute documents, but were overlooked because of NAS reliance on a secondary source.

As for the general issue of interest in, and use of, printed documents by criminal justice practitioners, the Institute would point out that despite NAS reservations, there appears to be considerable interest in this form of dissemination: The National Criminal Justice Reference Service processed 28,743 document requests in fiscal year 1976, distributing over 727,800 documents; it responds to over 1,000 specialized information inquiries each month and its list of registered users expands by approximately 12,000 each year.

The NAS Report states repeatedly that the Institute's Office of Technology Transfer has "only recently begun" to include evaluation forms in training materials or to make impact analyses on their disseminated documents. The Institute disagrees. The development of assessment data, and where possible impact information, has been part of every technology transfer program since its inception. A summary sheet of ~~assessment~~ data from the various technology transfer programs is attached.

The NAS Report is most critical of what it considers aggressive Institute strategies which it deems inappropriate within a research institution. These it

defines as marketing, packaging, technical assistance and capacity building and labels them "inappropriate," "totally inappropriate," and "unseemly."

The Institute would make three points. First, the difference between NAS and Institute perceptions of "appropriate" strategies is in part exemplified by the fact that the NAS Report speaks only of research dissemination and never mentions research utilization. A careful review of the NAS Report reveals only two dissemination techniques which NAS actively endorses: the useful formatting of research findings and panels and conferences to make ongoing research known to researchers and practitioners. While this limited approach may be fully effective for communication between researchers, the Institute questions its effectiveness for the criminal justice planner or practitioner who needs not only to know what the finding is, but also how to use it.

Second, if marketing strategies are effective within the business sector in reaching a potential user and introducing him to a new idea, technique or product, the Institute sees no reason for not investigating their adaptation to public sector or research utilization needs.

Third, an active, or aggressive, strategy in research utilization does not automatically imply distortion of research. The Institute sees no problems in actively seeking opportunities to present and explain research findings without in any way overstating the research results.

Advanced technology

As NAS notes, the Institute's technology program has been controversial. Since 1974 efforts have been underway to create a more balanced program than in the past and to align standard setting and development activities more visibly in conformity with user needs. It is no secret that in the past Congressional and LEAA Administrators' interest often dictated the size and scope of efforts in this area—often over Institute objections.

The Institute generally agrees with the NAS conclusions. After a year of study and construction of several alternative proposals, the Institute has concluded that in the future the technology effort will be redirected toward the identification of user needs and an assessment of manufacturer ability or willingness to meet such needs. The program will be funded at a much more modest level than in the past with development efforts confined to priority gaps which may exist between user need and manufacturer response.

Although there will be a declining emphasis on technology in the Institute, this does not suggest that there has been little progress in developing valuable equipment for criminal justice. On the contrary, some significant contributions have been made. A primary example is the life-saving body armor for police. Less dramatic but also valuable is a test that detects the presence of gunshot residue on a person's hands. Similarly, research is progressing on more effective techniques for linking physiological clues—such as blood, hair, and semen—to a specific person. By such research and by developing certification, testing, and other support programs to assist the nation's crime laboratories, the Institute hopes to increase the confidence that judges and juries can place in evidence analysis:

Knowledge-building in the institute research program

NAS concludes that there is little evidence that the Institute has been committed to a cumulative research program and states that it would be better able to do so if its research agenda was based on program areas such as data center, deterrence, rehabilitation, analyzing the consequences of change, socialization to crime, and focusing the criminal law. Implicit in this criticism is the need for a stable, long-range set of priorities (or "program areas") which would guide research.

Certainly, changing LEAA personnel and shifts in LEAA program emphases detailed elsewhere in the NAS report have constrained somewhat the Institute's ability to undertake long-range planning. However, another factor mitigating against the development of such an agenda—one that NAS does not deal with—is the evolution of the state of criminal justice knowledge over the last 10 years and the shifts in perceptions about the crime problem.

As the President's Commission on Law Enforcement and Administration of Justice noted in 1967, the revolution of scientific discovery in America during this century has largely bypassed the problems of crime and crime control. The Commission was emphatic that greater resources were needed to support research. The Commission also noted the dearth of skilled and interested researchers in this field in 1967 and recognized that its recommendations could not be fulfilled overnight.

When it was created in fiscal 1969 with a budget of \$3 million, the Institute was challenged by the Congress to correct this situation and perform additional

functions ancillary to the LEAA block and discretionary grant programs, as well. Proposals for structuring a research agenda were either non-existent, too comprehensive for the Institute's meager resources, or were patterned on the massive social experiments of the 1960's, which have since been found to be lacking.

The more immediate problems which then beset society could have suggested agendas for research but today their relevance would be questionable. Urban and student disorders and drug abuse dominated public concerns at the time. Now they are secondary to the public's fear of violent crime and the criminal justice system's concern with its inability to detect and prosecute criminals, to house them humanely, and to have any effect at all on subsequent behavior of convicted offenders.

In short, at the time of the Institute's inception there were no sure guides for a research agenda nor were any priorities suggested. The Crime Commission itself noted at the time that "there is virtually no subject connected with crime or criminal justice into which further research is unnecessary," and "we do not even know all the questions that need to be asked."

The Academy notes that the quality it calls cumulativeness must have, as necessary conditions, "the goals of a common focus and of integration—or bringing evidence to bear on centralized concepts." The Institute agrees with this definition, but suggests that it assumes a common understanding of which issues need to be addressed. Such an understanding was non-existent in 1969. Nor was there a criminal justice research community to articulate the possible options.

Now almost eight years later, the Institute believes that it has made tremendous progress in both encouraging and expanding the community of scholars and researchers interested in crime and criminal justice. It believes that, over the past two or three years, a knowledge base has emerged making it possible to establish focused and integrated goals.

NAS notes exceptions to their general perception of lack of cumulativeness, noting specifically the National Evaluation Program's phased approach to knowledge building and the long-term nature of the Research Agreements Program. The Institute sees these examples not as "exceptions," but as the natural evolution of research in an uncharted field.

Undoubtedly a strong degree of cumulativeness in program planning and project design would reduce the opportunities for shifts in research strategy and goals with changes in leadership. But such a tradition takes time to develop; it presupposes that objectives can be charted in the first instance; and it presupposes knowledge and experience to support the choice of those objectives.

Both LEAA and the Institute were forced to experiment and feel their way along in a new field, confronted by a system of law enforcement and justice which was only entering the 20th century. This condition was as much responsible if not more so—for the Institute's marbled past than those suggested by NAS.

Administration of the research program

In the area of administration, the Institute believes NAS has offered its most constructive criticism. Improving administrative procedures has been an Institute concern for some time. It has been experimenting with a number of different approaches to planning, solicitation, and monitoring procedures over the last several years.

Research strategies.—NAS's characterization of the planning process as managerial rather than substantive fails to take into account the role of professional program staff in determining the Institute's research agenda. Planning in the Institute has always involved a great deal more than a "canvass" of each research desk's program needs. The Institute requires that research desks generate proposed program plans for the coming year; that they convene a panel of outside experts (approved by the Director) to review and comment on plans and to suggest alternatives; and that surveys be conducted of Regional Office, State Planning Agency, academic and practitioner representatives. Program plans are then successively reviewed at both the office and Institute Director levels and proceed through several iterations to avoid duplication and to foster coordination. Through the Management by Objectives mechanism, these plans are then reviewed horizontally and vertically within the LEAA structure.

The Institute continues to explore better methods for structuring its planning and is developing a process for long-range planning which will hopefully allow the Institute to break out of the constraints imposed by the current annual planning and funding cycle. We feel this is the only way the substantively integrated research objectives called for by the Academy can be developed.

Several steps in this direction were taken by the Institute prior to publication of the NAS recommendations. In fiscal 1975, a contract was awarded to NAS to recommend a long-term research agenda in the area of deterrence. A similar award was made recently in the area of rehabilitation. Also, at its fall 1976 meeting, the Institute's Advisory Committee expressed a clear preference for dealing with long-range issues. This gave impetus to the development of procedures to further address these recommendations. In January, Institute staff were asked to recommend long-range research issues appropriate for the Institute as a whole and for their specific program areas. These were submitted to the Advisory Committee at its meeting in March 1977 as a stimulus for discussion of future research needs in criminal justice. A set of long-range priorities is now being defined which the Institute plans to include in its annual program plan to be published in October of this year. NILECJ also is formalizing its solicitation of external input into its long-range plan by structuring a survey on long and short-term issues to be disseminated to approximately 500 representatives of the practitioner and performer communities, and professional organizations and associations. This process will culminate in publication of a long-term agenda with corresponding statements of goals and objectives.

With regard to its solicitation strategies, the Institute agrees that it needs to improve the advertising of its program and to expand awareness to a broader research community.

The trend in federally supported research and development is toward larger and more immediate problem-solving projects, with a subsequent decline in the academic share of available resources. Through more structured participation by the academic community in planning, and as members of the Advisory Committee and outside review panels, the Institute hopes to insure that academic researchers can compete for funds on an equitable basis. Beyond this, the Institute has established a program to support academic research through a small continuing grant program geared toward awards of \$50,000 to \$200,000. Because staff is limited and the same amount of effort is required to process a \$300,000 award as a \$12,000 one, the Institute may paradoxically overlook the potential benefit of the smaller request—which may be very useful in academic research.

The Institute also intends to develop and issue its annual program plan based upon results of the more general research program development process which occurs in the spring of each fiscal year. In this way, a general statement of program emphases will be issued before the funding year begins. As part of this proposal, the Institute also is considering restructuring its funding cycle, which currently staggers award of individual grants and contracts throughout the fiscal year, to permit development and issuance of quarterly program announcements, which would spell out in greater detail programs and projects and hopefully stimulate greater competition. Relatedly, we are in the process of developing a profile of the criminal justice research community which will be maintained by the National Criminal Justice Reference Service and used for future program planning surveys, dissemination of research results, and as a vehicle for announcing new programs. These mechanisms, coupled with an expanded program on conferences on research and development results, should improve greatly our communication with the performer community.

NAS voiced concern about project selection and monitoring. Some historical comment is necessary. Prior to 1973, there was no system for routinely soliciting outside advice on program plans and individual projects, nor for stimulating the research community to participate in the Institute's programs. NAS in its treatment of the so-called "Caplan Period" virtually acknowledges this fact.

The technical assistance contract referred to by NAS was inaugurated in 1974 as a vehicle to enable the Institute to utilize outside experts easily and regularly in the review of plans, projects and final reports. It also was seen as a way of bringing interdisciplinary skills to bear on particular problems facing the Institute and its grantees or contractors, and as a way of assuring that both researcher and practitioner interests were considered in the conduct of particular projects and in the publication of reports. The contract is not used simply to provide "a mail review" of proposals, but to supplement staff views with those of outside experts across the entire range of Institute activities.

Involvement of outside experts is clearly established in Institute policies. External expert opinion is solicited during the program planning, project selection, and final report review stages. Advisory boards are created for some projects for the sole purpose of providing expert opinion to grantees or contractors and to assure that researchers and practitioner interests are represented. They are created precisely for the purpose of responding to the need that NAS identifies—the need

for "balanced advice from both practitioner and research communities (which) is essential to a well-planned and methodologically sound program." The Institute is not aware of any instance where panels or advisory boards were created or relied upon to "salvage" projects that were badly designed to begin with.

In the Institute's view, the NAS conclusions regarding current procedures are an overstatement and are unsupported by examples or other data. While not perfect, the Institute believes current procedures represent a vast improvement over what existed a short four years ago.

NAS found monitors to be preoccupied with budgetary and administrative detail, evidencing lack of substantive concern until the latter stages of projects. They also found little evidence that tight monitoring provided increased feedback for future funding decisions. The Academy recommends that more emphasis be put on the initial review and selection process and that, once funded, researchers be given greater flexibility. NAS does credit the Institute with taking steps to increase the use of outsiders both in proposals review and in monitoring.

The Institute's response to these recommendations is mixed. Given staff limitations and the different types of projects funded, there is no doubt that monitoring requirements need to be more systematically structured. Some of the more fundamental or exploratory research projects probably require less monitoring and more emphasis on competitive proposal selection.

However, the Institute's responsibilities are varied. The more mission and goal-oriented projects in response to agency initiatives or specific practical user problems are not as conducive to grantee flexibility as NAS would perhaps like. Greater Institute control is warranted in these situations.

The NAS observation that little in the files seemed to provide information useful for future decision-making is a troublesome one, though it may be a function of the sample of projects selected. Institute project monitors are required to provide substantive summaries of team monitoring and site visits and to transmit these to the grantee or contractor. Final project evaluation forms also assess the researcher's performance and provide recommendations regarding future research.

In the summer of 1976, a Research Utilization Task Force was established with the task of recommending methods to better communicate, disseminate, and utilize the results of Institute research. The recommendations of the Committee resulted in procedures now in place which require the convening of a research utilization committee following the submission of each research report. Each committee is interdisciplinary and involves, when appropriate, representatives from other LEAA offices. The committee is responsible for making recommendations to the Director regarding the implications of a research report for future research planning and action and/or LEAA program development. The committee also is charged with responsibility for recommending appropriate dissemination strategies including publication, special conferences, etc. Procedures also have been developed requiring each grantee or contractor to submit with the final report an executive summary detailing major findings and recommendations for future research. These procedures should enhance communication of research results both within the Institute and LEAA and to performer and practitioner communities.

One final item in this section concerns the NAS observation that "there is something fundamentally wrong about the image of social research in an uncharted area planned and executed by a staff that lays only limited claims to research capacity or expertise—indeed, that claims, if anything, skill in management rather than research." Apparently this conclusion was based on Appendix D4 of the report which summarizes responses to a questionnaire distributed to Institute staff by NAS in the course of its study, and which indicates that only 53 percent of Institute staff have had 3 or more courses in some methodological area (specified in the questionnaire as "statistics, design, or sampling").

Unfortunately, the NAS sample consisted of only 80 percent of Institute staff with the research office particularly underrepresented. NAS also chose to ignore that the Institute has been mandated to perform support functions in the areas of training, reference and dissemination, and workshops which may not require staff with methodological backgrounds. When the House Committee staff requested similar information with a 100 percent response, the following picture emerged:

SUMMARY ANALYSIS

1. GS grade level

The GS grade level of NILECJ professional staff average 12.8; 39 percent of total staff have GS rating 14/15 and above.

2. Education

76 percent have postgraduate degrees; 23 percent have PH.D.'s or LL.B.'s; 15 percent have ABD's (Ph.D coursework completed); 93 percent of ORP have postgraduate degrees; 90 percent of OE have postgraduate degrees; 44 percent of OTT have postgraduate degrees.

Undergraduate Major: 18 percent majored in Hard Sciences; 72 percent majored in Behavioral Sciences.

Graduate Major: 12 percent majored in Hard Sciences; 52 percent majored in Behavioral Sciences including 8 percent in Criminology/Criminal Justice.

Courses in Research Design and Methodology: 83 percent have had 2 or more courses; 30 percent have had 2 to 5 courses; 22 percent have had 6 to 9 courses; 31 percent have had 10 or more courses; 4 percent have had no courses. 93 percent of ORP have had 2 or more courses; 53 percent of ORP have had 6 or more. 80 percent of OE have had 2 or more courses; 70 percent of OE have had 6 or more. 67 percent of OTT have had 2 or more courses; 39 percent of OTT have had 6 or more.

Courses in Criminal Justice: 52 percent have had 2 or more courses; 38 percent have had no courses; 69 percent of ORP have had 2 or more courses; 20 percent of OE have had 2 or more courses; 45 percent of OTT have had 2 or more courses.

The Office of Research Programs and Office of Evaluation are the primary research offices in the Institute, while the Office of Technology Transfer has responsibility for training, reference and dissemination, and other support functions. When viewed in this manner, the Institute feels that the figures portray a well-qualified staff for the tasks Congress has given it to perform.

Conclusions and recommendations

The foregoing responds to the NAS analysis and criticisms according to the criteria the Academy developed for its study. In some cases the conclusions and recommendations follow from the Academy's analysis. In others, however, they do not.

The Academy proposes a model for structuring a research agenda, and for restructuring the Institute around the six program areas of data center; deterrence; rehabilitation; analyzing the consequence of change in the criminal justice system; socialization to crime; and focusing the criminal law. While the Institute appreciates the Academy's suggestion, we feel it represents simply another view on how to allocate resources based on perfunctory discussion, albeit by an eminent panel. However, the suggested topics do not emerge from the systematic knowledge-building and analytic efforts that NAS recommends the Institute should undertake elsewhere in the report. At this stage in its development the Institute believes it is possible to be much more specific than the NAS was about what needs to be done. Also, these categories are difficult to reconcile with the overarching goal of crime control that is strongly recommended by NAS, and with other more specific areas of research recommended by NAS elsewhere in the report—police-community relations, women offenders, economic insecurity, and official corruption.

However, the Institute is considering these categories and topic areas in the development of the long-range planning process described above.

The NAS makes 19 recommendations regarding the Institute. These are organized into three categories: (1) Research and Development program (quality),

- (2) Administration (structural administrative devices, research priorities) and
- (3) Operating Conditions. The following comments on each of these specifically.

I. RESEARCH AND DEVELOPMENT PROGRAM

The Institute has little comment on the discussion preceding the recommendations beyond what has already been noted in this response. However, the Institute does not understand the Academy's "concern" with the "conspicuous absence of research on emerging phenomena" such as "women offenders," "economic insecurity and its relation to crime," and "official corruption." The Institute in fiscal year 1974 funded the first national study of existing conditions and programs for women offenders in jails, prison, and the community and developed a demographic profile of incarcerated women. The study provides the only national baseline data for the continued study of this subgroup. Programs in white collar crime and official corruption were included in the Institute's fiscal year 1975 program plan and were actually developed as far back as January of 1974. The Yale Research Agreement Program (RAP) was funded in fiscal year 1975 and deals specifically

with aspects of white collar crime including studies on scandal and corruption and the regulation of white collar crimes at the federal level. This year, a RAP with the Vera Foundation on unemployment and crime has been funded. This oversight by the Committee is surprising and troubling.

One could also argue that it has been precisely the Institute's concern with "emerging phenomena" that has prohibited it from developing a stable set of priorities more responsive to the long-term basic research needs in criminal justice system operations and to the factors associated with social deviance. To student disorders, urban riots, drug abuse, methadone maintenance, and victimless crimes, can now be added female offenders and a post-watergate concern with official corruption as the latest of the "merging" concerns.

While a portion of the Institute's resources should be—and have been—reserved for the study of "emerging phenomena" or unique opportunities such as evaluation of new laws and practices, more stable objectives to guide long-term research is of higher priority for the institute at this stage of its development.

RECOMMENDATIONS

Following are the specific recommendations of the Academy together with Institute responses.

1. *The Institute should develop more programs that are cumulative in nature.*

Response.—The Institute agrees that more programs should be developed that are cumulative in nature. It believes that the Research Agreements Program, the National Evaluation Program and exploratory studies of deterrence and rehabilitation are evidence that the Institute has, in fact, been moving in this direction for several years.

2. *The Institute should use a long-range set of priorities, like those discussed in V-IIB, to guide individual project choices, and should not require suggestions of immediate payoff.*

Response.—The Institute agrees that a long-range set of objectives is needed to guide research and efforts toward that end are well under way. It feels the suggestions of the Academy are worth consideration along with a number of others. However, NAS has not offered a set of priorities as much as it has suggested program areas useful for classifying research. The Institute believes that its program must not only be balanced among basic and applied research, and grants and contracts, but also among research and development activities with both long-term and more immediate payoffs. The Institute feels it can structure a research agenda responsive to the more immediate concerns of LEAA program development and to the need for more fundamental research on crime and the criminal justice system.

3. *The Institute should use devices for making funding choices that would force it to take deliberate and systematic stock of what related research has already been undertaken, to tighten research designs and to determine appropriate grantees and contractors.*

Response.—The Institute agrees that a small-grant mechanism is needed to explore potential problems before committing itself to larger scale projects. One variant of this approach has been larger awards such as those to the NAS to assess current methodologies and conclusions in the areas of rehabilitation and deterrence and to recommend productive lines for further inquiry. Use of \$5,000 to \$10,000 grants will be facilitated by identification of a more stable set of objectives and priorities now being developed.

b. *Closer relationships should be maintained with other federal agencies and other research institutions in similar pursuits.*

Response.—The Institute also agrees that closer relationships need to be maintained with other federal agencies and research institutions in similar pursuits. This is not to say that such relationships were ignored in the past, but only to stress the need for continued efforts at communication and coordination. The Institute has worked extensively and productively with NSF, HUD, DOL, NIMH, and other agencies in the past. Currently, joint studies with NIDA, in the area of drugs and crime, are being conducted. Preliminary discussions also are being held with both NIMH and NSF about the possibility of a joint program in behavioral research. While the Institute will continue existing efforts, it also is hoping to expand and develop new approaches in this area. Conferences in selected areas of research are one method being tried, and a proposal for a symposium on criminal justice research, to include academic and non-academic researchers, is being considered.

c. A consideration of the appropriate audience should be one of the primary criteria for project selection and design.

Response.—The Institute agrees that research projects should be undertaken with both the use and limits of end products in mind. This continuing concern led the Institute to inaugurate the Prescriptive Package program in 1972. Under current procedures, every proposal recommended to the Institute Director and the Administrator for approval requires that the government project monitor describe in detail the anticipated utility and the appropriate audience in writing prior to award of a project.

4. All NILECJ grantees and contractors should make their data available for secondary analysis, replication, and verification upon completion of the project.

Response.—The Institute agrees that the widest possible sharing of data should be encouraged to provide for secondary analysis and replication. The data center project noted by the Academy was inaugurated by the Institute and is now administered by the National Criminal Justice Statistics and Information Service (NCJISS). The project is designed to contribute to this end.

5. The Institute should use announcements of areas of interest as the primary means of generating concept papers and proposals, rather than relying heavily on solicitations with precise specifications of research design.

Response.—With its present mandate, the Institute must continue to respond to basic long-term research needs, the more immediate operational problems confronting practitioners and to the program development needs of LEAA. While the Institute needs to more effectively communicate the differences between these activities to its constituents, it believes the demands of these types of research are different. Depending upon the type of research and development enterprise, the management functions (including planning, solicitation, award, and monitoring) are likely to vary.

The more basic long-term research and development probably is more susceptible to broader program announcements, open solicitation, multiple awards, and relaxed monitoring. However, the more problem-oriented research and development must continue to rely on solicitations with more precise specifications of research design and output. In general, however, the Institute agrees that its program announcement and dissemination practices need to be more structured. It feels it has been moving in that direction for the past several years.

6. The presumption should be in favor of granting rather than contracting as the Institute's method for obtaining research. Within the chosen set of priorities and specific research interests, contracting should be limited to those projects with precise and known deliverables that would ideally be performed by contract and research organizations.

Response.—The Acting LEAA Administrator has rescinded the previous policy regarding grants vs. contracts. LEAA agrees that the nature of the priorities and the projects themselves should determine the appropriate funding mechanism. While grants are particularly suitable for many kinds of research studies, large-scale contracts with major firms may be the most appropriate vehicle for other types of programs. By keeping the process open and competitive, we believe it is possible to secure the best available talent to perform the task required.

7. The Institute should use a variety of mechanisms to establish more positive relationships with a broadly defined research community and to enrich the dialogue between staff and quality researchers.

a. The Institute should raise its visibility in various potential grantee communities.

b. The Institute should make use of extended leave and exchange programs, to put researchers in grant development and administration work for select areas, and grant administrators who have been trained in research into academic settings to engage in research.

c. The Institute should clearly articulate its priority setting and funding procedures to the research community.

Response.—The Institute agrees that it needs to expand its relationships with the research community. To the extent that limited Federal travel funds permit, the Institute will continue to encourage its staff to attend professional meetings and conferences dealing with research. The Institute currently is developing guidelines for a small in-house research program which would permit staff to spend up to 10 percent of their time on individual research projects. This will enhance staff capability and increase their stature as researchers.

The Institute also agrees that its program plan should be published early and widely distributed. Procedures being developed to streamline the announcement and solicitation processes were discussed earlier in this report.

8. *The Institute's budget should not be increased in the near future. The Institute should change its emphasis to smaller proposals within the program areas recommended in IIB or of a pilot nature, and to the major data efforts recommended in IIB; it should reassess its position with respects to the knowledge it will have developed in three to five years hence.*

Response.—Unless there is a significant increase in professional staff, the Institute generally agrees that its budget should not be increased in the near future. In fiscal year 1971, when the Institute's budget was \$7.5 million it had a staff of 79 full-time professional and clerical personnel. Today, with a budget of \$27 million, its staff is 77.

The Institute has already begun to develop a multi-year program for research. As indicated above, it will consider the NAS substantive recommendations as it proceeds. As currently stated, however, the Institute does not see them as a panacea.

II. ADMINISTRATION

Again, most of the observations made in the commentary have been dealt with in the preceding analysis. However, some summary observations are in order.

According to NAS, the internal organizational structure of the Institute has interfered with the ability to make informed judgements about planning and funding. NAS characterizes existing organizational divisions as "unnatural," and suggests organization should evolve from substantive research problems rather than parallel traditional criminal justice system functions. Presumably this means divisions such as data center, deterrence, rehabilitation, etc.

Any organizational structure has advantages and disadvantages. When the current structure was established in 1973, it was done with full realization of the need for interdivisional coordination. Some staff recommended coordinating committees, others simply noted the likely consequences and pointed out the burden which would be placed on management to prevent divisional barriers and subsequent dysfunctional competition from occurring. It was clearly recognized that criminal justice research was a systems problem; and, that while it often could be addressed in functional segments, a companion interdisciplinary focus had to be maintained.

The move to the current functional or institutional structure was in part, however, a response to earlier attempts to force research and development planning into a single set of assumptions defined in terms of a single action-oriented goal—crime reduction. Under crime-specific planning, this approach proved unproductive because it attempted to include all criminal justice functions under the simple goal even though they were only tenuously related or, at a minimum, several assumptive steps away from a direct relationship to crime control. As a result, an inordinate amount of staff time was spent attempting to construct an ideal and unrealistic system of integrated logic relating all activities to the single goal.

The reorganization was also undertaken because management of the external research and development program was seriously understaffed. Those responsible for developing plans and conducting in-house research and analytic studies were unable to do so; they were constantly being called upon to assist in reviewing and monitoring external research and development activities. Priority was given to the external program and to communicating Institute activities to the performer and practitioner world which some suspected had been alienated by strategies and organizational changes inspired by crime specific approaches. Given this background, the recommendation will be considered with the recognition that the Institute needs a better mechanism for attending to system-wide research and development issues. Short of reorganizing along substantive problem lines, we are developing a process for cross walking projects throughout the Institute by major topics or programs, e.g., performance standards, to aid in integrating our efforts.

In summary, the Institute does not believe that organizational structures is the answer to its administrative problems. It has experimented with functional centers, with floating task forces which organize and disappear around problems, and it has experimented with more traditional organizational units paralleling the criminal justice system. It is virtually a principle of organizational theory that as soon as groups are established they drift toward insularity. The solution to the problem is probably more managerial than organizational.

With regard to the Institute's use of outside expertise, we would again stress that the NAS view is a historical. The Institute agrees with the spirit of the recommendation, but believes that over the past four years a number of steps to increase both involvement of outside experts and use of peer review have been undertaken.

The Academy proposes a three-tiered review advisory committee to set priorities and separate committees for program planning and project review. Without congressional action, the Institute is constrained by the Federal Advisory Committee Act which stipulates that the function of such committees should be advisory only, and that all matters under their consideration should be determined by the agency involved. The Act is specifically designed to prevent abdication of staff responsibility, which can be a problem whether committees are advisory or have specific decision-making powers.

Even without this constraint, proposals to rely exclusively on advisory committees and peer review for decision-making must be approached with caution. While advisory committees do provide a mechanism for increasing communication, and expanding expertise, they have the disadvantages of reducing agency flexibility and, when involved in project selection, of making program development difficult to achieve. The danger of making a number of unrelated individual project awards and thereby dissipating program thrusts is a real one. Their potential for becoming cliquish or operating as "closed systems" is also a real problem, particularly in the area of criminal justice where the number of performers is still relatively quite small.

Nevertheless, the Institute agrees that its ongoing efforts to further structure external involvement in development and review of its programs should continue. The steps described earlier to involve the Institute's Advisory Committees, as well as ad hoc panels, in long term planning and program review are a move in this direction. Similarly, the funding process in 1976 has been restructured so that fiscal 1977 projects will be awarded more on the basis of competitive program solicitations than in the past. This will facilitate the establishment of review groups to assist in selecting proposals for award. If the added step of issuing more structured quarterly announcements is taken the incorporation of standing or, perhaps, revolving review groups in our award selection process will be enhanced.

Parentetically, the NAS report notes the heavy burden put on Institute staff. The report suggests that current procedures place the major responsibility for conceptualizing research on staff, who are expected to create single-handedly "what generations of social scientists have never achieved: a well-defined set of research tasks leading to clearly applicable knowledge about solving crime problems." We are not sure that the success of this generation of social scientists in pursuing this goal will be assured by organizing them into formal, multi-tiered peer review panels.

RECOMMENDATIONS

9. *The Committee recommends that the Institute establish formal peer review procedures and an overall advisory panel for general program planning. To accomplish this, the Institute should structure a three-tiered advisory system, in the following ways:*

a. *A statutory Advisory Board on Criminal Justice Research, to set overall priorities (see Recommendation 16 for details):*

b. *Program planning panels for each of a selected set of program areas:*

c. *Individual project review panels:*

This advisory system should have the following characteristics:

a. *Both researchers and practitioners should be represented on all panels:*

b. *Review panels should provide for methodological and programmatic scrutiny of all projects:*

c. *Panels should be set up for extended terms to establish continuity of program and should meet regularly.*

Response.—The Institute cannot establish the formal peer review structure recommended by NAS within its existing legislation. Given the current administration's publicly stated views on the use of consultants, it is unlikely that such a structure would be acceptable. Other weaknesses of this proposal and Institute views on external assistance in general were dealt with above.

10. *The Institute should employ a less obtrusive monitoring system which would allow more flexibility to grantees.*

Response.—In the context of long-range planning, the Institute is conducting a review of its research management methods. This review so far has led us to examine and to begin categorizing the functions of the Institute to better identify more appropriate management mechanisms for different functions. It is quite probable that this review will result in modifications to current monitoring policies. Programs of small academic research grants presumably will not require the same level of monitoring as more directed program development activities. Of course, the Institute also is required to conform to LEAA policies regarding monitoring of grants and contracts.

11. *Substantive program areas, like those suggested in V-IIB, should be the basis for creating the framework for program administration and budget allocation. Functional divisions, whether they relate to criminal justice operations (police, courts, and corrections) or Institute mandates (dissemination, evaluation, technology) should serve only to provide particular expertise to program and project development, not to suggest substantive divisions.*

Response.—The issue of the proper organizational structure for the Institute has been dealt with extensively above. The Institute will reexamine its current structure to insure that it is appropriate for implementing the long-range research and development plan that is being developed.

12. *Funding levels should not be rigidly fixed within substantive areas.*

Response.—The Institute generally agrees that funding levels should not be rigidly fixed within substantive areas and that excellence of proposals should govern the apportionment of funds. But too strict adherence to these two criteria would be tantamount to converting the total program to competitive unsolicited research. While flexibility in some portion of its program needs to be maintained, the Institute and the LEAA Administration also need to budget more specifically for certain priority programs and research problem areas.

13. *Strict funding cycles—two or three a year—should be established and adhered to.*

Response.—The Institute agrees that its funding cycles should be better structured and advertised. It has been moving in this direction for the past two years through expansion of the use of program announcements and in the development of a competitive bidder's mailing list. These efforts are described above.

14. *NILECJ's research program, through its structure, should have appropriate evaluation, dissemination, and technology development functions integrated into the major research effort. These components should be represented on whatever decision-making mechanisms are developed to set the research agenda.*

Response.—Though not necessarily through organizational structure, the Institute agrees that appropriate evaluation, dissemination, and technology transfer functions should be integrated into the research effort. However, it believes that such coordination and integration of views in the decision-making process is more a function of management than organizational structure.

III. OPERATING CONDITIONS

NAS quite clearly suggests that organizational factors have contributed to what it views as the Institute's mixed record. That there have been numerous changes in both LEAA and the Institute is obvious. Despite this fact, the Institute has been able to maintain continuity over the years in a number of research areas including environmental design, police patrol, courts, corrections, and technology. The fact that the Institute's program also includes a number of discrete projects does not entirely stem from changes in direction, though some of it certainly does. An alternative way of looking at it is that it reflects the need for knowledge in an uncharted area which has dictated an exploratory approach.

RECOMMENDATIONS

15. *LEAA's domination over the Institute must be eliminated. At the very least, the Director must have full processing and sign-off authority over all Institute awards, control over Institute administrative budget, personnel, and detailed program review. The Committee also recommends that the Director should be appointed by the Attorney General of the United States, at the level of Assistant Attorney General.*

16. *Overall program priorities should be set by a statutorily authorized criminal justice research advisory board. A major portion of its membership should be leading scientists from the spectrum of relevant disciplines and should also include practitioners and members of the community having substantial interest in the problems to which the research ought to apply.*

17. *The Director should be chosen from candidates with significant experience and recognition in both research and research administration.*

18. *The National Criminal Justice Statistical Service, the National Institute of Juvenile Justice and Delinquency Prevention, and Project Search should all be included within the NILECJ structure. We endorse the idea of a Bureau of Criminal Justice Statistics; the ideal arrangement would be to locate this Bureau within an independent NILECJ.*

19. *The Committee recommends that major functions and activities that are extraneous to NILECJ's substantive research program, such as formalized technical assistance to criminal justice planners and practitioners in designing and performing*

project evaluations, or the packaging and marketing aspects of dissemination, be located within LEAA's Office of Regional Operations rather than in the Institute.

Response.—Recommendations 15 through 19 deal with proposals outside the purview of the Institute. They require an LEAA Administration or Department of Justice response beyond what has been said above. With respect to recommendation 19, the Institute does not agree that dissemination is an inappropriate function for a research institute. This aspect of the recommendation seemingly contradicts the Academy's argument in support of recommendation 14 which suggests that a major function of the Institute's dissemination strategy should be "fostering an understanding on the part of practitioners of the contributions and limitations of research, and understanding on the part of researchers of the needs and experience of practitioners".

With regard to technology transfer and evaluation functions, the legislation governing the Institute is clear and explicit: "to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to state and local governments and to assist in the development and support of programs for the training of law enforcement and criminal justice personnel."

The Institute believes it can operate as effectively within the Department as it could within LEAA. However, congressional intent argues persuasively in favor of a research institute operating within the primary mission agency—LEAA.

It has been suggested by several of the Institute's Advisory Committee members and others that the real challenge is to develop and support more efforts that serve the twin needs of research and policy-making. The institute believes that the two goals can be met and is apprehensive about moving in the direction suggested by NAS where operational considerations could too easily be relegated to a low priority.

Of course, there will be tensions between research and policy direction, these are inevitable. But they can be kept to manageable proportions and, the Institute believes work to the benefit of both research and action.

As has been noted often in this response, the NAS report suffers from an ahistorical perspective. It does not reflect developments over the past several years in comparison with what existed earlier. Nevertheless, the Institute agrees with the major recommendation concerning the need for a focused, long-term strategy. After eight years of charting an unexplored area, such a strategy is now possible where before it was not. It should be remembered that while the Institute has been struggling for a foothold so has LEAA as an agency. Such recent innovations as the agency's action program development process, designed to develop a rational approach to development of action programs based on research, provides an opportunity for both to develop a more focused approach to learning about and improving law enforcement and criminal justice.

ASSESSMENT/IMPACT DATA

Exemplary Projects.—(from Questionnaires on six ExP Manuals): 89 percent of respondents had favorable overall reaction; over 99 percent found manuals relevant to their needs; 96 percent found manuals useful.

Prescriptive packages.—(Independent Urban Institute Evaluation—1974)

Methadone Treatment Manual.—read by 60 percent of target audience receiving copies; rated above average to excellent by 92 percent of that group.

Police Crime Analysis.—read by 82 percent of target audience receiving copies; rated average to excellent by 77 percent.

OTT analysis of questionnaires from over 1,000 respondents showed that 94 percent rated documents excellent to above average. In most recent assessment (1976, 5 packages, 500 responses) 70 percent considered the prescriptive package the best single document available on the particular topic.

Training workshops.—in current workshops, follow-on surveys show 75 percent of participants report sharing workshop information with their staff and peers; over 50 percent report definite plans to incorporate all or part of program in their own operation.

Follow-on surveys of earlier workshops show adoption of program elements ranging from 33 percent (Community Based Corrections) to 63 percent (Family Crisis Intervention).

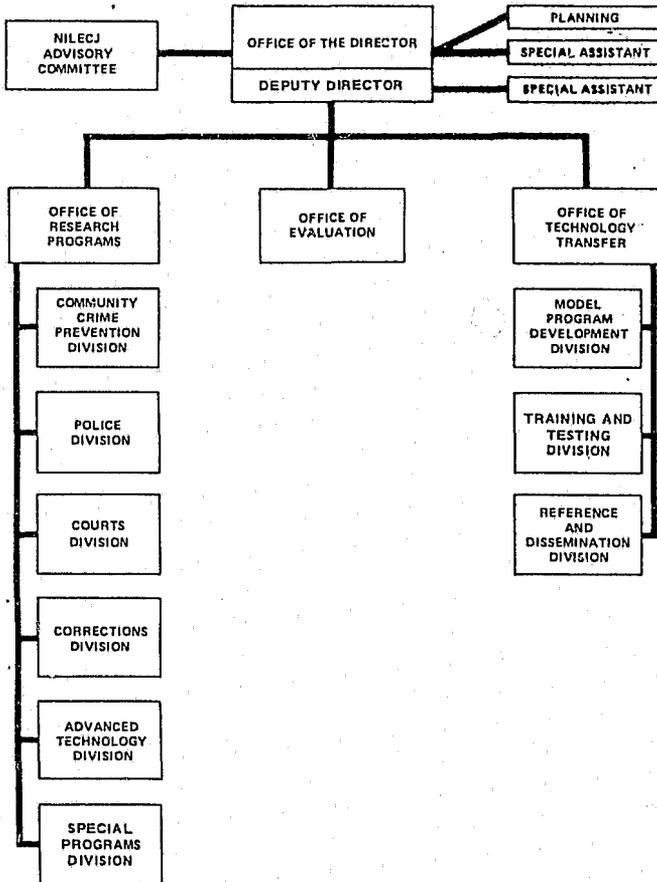
Field test.—Program evaluations by OE; sites also function as technology transfer resource; hold statewide conferences, etc. Examples: Salt Lake CBC site hosted delegation of 75 representatives of Western Council of State Governments; Syracuse FCI site instrumental in getting FCI training incorporated into New York State POST standards.

Host.—Too new for aggregate data; following is quote from the evaluation of the first HOST visitor to New York Street Crime Unit, the Commander of the newly established San Francisco Street Crime Unit. "In 2½ months (preceding visit), my 75 man unit had 10 'accidental' decoy arrests. Since returning, I trained the men per NYC-SCU and in five days we have made 65 good decoy arrests with an average of 15 new ones per day. This could turn the crime (violent street crime) picture around in this city."

NCJRS; Conclusions of independent survey by Law and Order magazine on reader opinion of NCJRS: "NCJRS is a valuable service to the law enforcement profession, a primary source of education material, and most comments had nothing but praise for NCJRS." Particularly high ratings went to Interest Profile (90%), SNI program (94%) and Search and Retrieval (100% positive responses). Results comparable to NCJRS, conducted surveys of user satisfaction.

Appendix A Organization

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE



Appendix B FY 1976 Awards

NATIONAL INSTITUTE PROGRAMS AND AWARDS FISCAL YEAR 1976

The National Institute of Law Enforcement and Criminal Justice is the research branch of the Law Enforcement Assistance Administration, established by the Omnibus Crime Control and Safe Streets Act of 1968. As stated in the Act, the Institute's mandate is:

"To encourage research and development, to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to state and local governments, and to assist in the development and support of programs for the training of law enforcement and criminal justice personnel."

Over the past eight years, the Institute has sponsored research on crime prevention and control and the administration of criminal justice and disseminated information on significant research findings to state and local officials throughout the country.

In FY 1976, the Institute continued its support of ongoing research in such areas as police response time and environmental design, and commissioned new projects on subjects ranging from plea bargaining to consumer fraud. It refined techniques for disseminating research findings and encouraging their use, and it sponsored evaluations of both established practices and new approaches.

The Institute awarded \$38.8 million in FY 1976. The following table shows the distribution of these funds by program area.

FY 1976 National Institute Program Funds*		
Program Area	Dollars	Percentage
Community Crime Prevention	\$ 4,439,293	11.4
Police	3,014,811	7.8
Courts	1,841,700	4.7
Corrections	1,554,724	4.0
Advanced Technology	10,576,493	27.3
Manpower Program	1,644,693	4.2
Visiting Fellows	238,986	0.6
Evaluation Programs	5,306,963	13.7
National Evaluation Program	(1,365,602)	(3.5)
Office of Evaluation	(3,941,361)	(10.2)
Technology Transfer**	10,187,592	26.3
Total	\$38,805,255	100.0

*Includes awards made during the transition quarter.

**This figure includes \$2,335,496 in training and technical assistance funds.

Note: The Institute's funding cycle normally extends into the first quarter of the following fiscal year. Hence its total obligations may exceed the appropriation for a given year, because they include awards made under the previous year's appropriation.

Selection of Policies, Priorities and Projects

In setting priorities and allocating funds, the Institute is guided by the following:

- The Congressional mandate as set forth in the authorizing legislation;

- The management by objectives process, which takes into account the LEAA Administrator's priorities, the judgments of the Institute's professional staff, the recommendations of the Institute's Advisory Committee of knowledgeable criminal justice practitioners and researchers, and the views of other recognized experts; and

- Timely criminal justice issues, such as the problem of the serious, habitual offender.

Each year, the National Institute publishes and disseminates a Program Plan that briefly describes all Institute programs and projects and explains application procedures. The Institute is expanding its use of individual program announcements that provide detailed information on the background and objectives of specific programs, funding, and deadlines, and solicit concept papers. Requests for proposals are announced in the *Commerce Business Daily*.

Institute projects generally are selected to meet priorities outlined in the Program Plan. A limited amount of funds is set aside each year to support especially promising research that may fall outside designated priorities.

Institute staff review initial concept papers and solicit the views of one or more knowledgeable professionals—either within LEAA or from an outside source. All full applications are similarly reviewed by a monitoring team made up of the Institute project monitor and two or more professionals from outside the Institute whose background, training, and experience are relevant. In making their judgments, the reviewers consider the nature of the problem to be addressed and whether the applicant's skills and resources can accomplish the objectives.

The Institute is authorized to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private

organizations. The Department of Justice Office of Legal Counsel has ruled that the Institute also is authorized to make grants to individuals, but that authority is used sparingly. LEAA policy stipulates that profit-making institutions may not receive Institute grants.

The following table shows the distribution of FY 1976 Institute funds by type of recipient.

Universities	\$ 2,421,887
Private Firms	26,685,609
Federal Agencies	3,234,500
State and Local Government Agencies	3,433,454
National and Professional Organizations	2,790,819
Individuals	238,986
Total	\$38,805,255

FY 1976 Awards

To carry out its wide-ranging mandate, the Institute is organized into three major offices: Office of Research Programs, Office of Technology Transfer, and Office of Evaluation. The functions of each office and the projects they funded in fiscal year 1976 are described in the following pages.

Office of Research Programs

The Office of Research Programs develops and sponsors research studies that probe major problems facing the criminal justice system. Current research efforts focus on acquiring new knowledge and suggesting alternative approaches in community crime prevention, police, courts, corrections, and advanced technology.

Community Crime Prevention. The Institute's program in Community Crime Prevention works to dispel the notion that crime is solely the responsibility of the criminal justice system. Both as individuals and as members of the community, citizens can have a measurable impact on the complex task of fighting crime. For example, each individual can take simple, definable steps to protect his or her personal property. Individuals can also assist the criminal justice process by reporting criminal activity when it occurs, by testifying to such activities in court, and by serving on juries when called.

The program in Community Crime Prevention seeks to encourage community involvement both on the public and on the private level. Secondly, the program seeks to broaden public understanding and involvement in the workings of the criminal justice system. Finally, it seeks to develop a more meaningful response to the citizen as a victim of crime and client of the criminal justice system.

76-NI-99-0029

Title: A Study of the Structure and Operation of the Rackets in Metropolitan New York (from 10/1/75 - 3/31/77)
Grantee: Policy Sciences Center, Inc., 270 Broadway, Room 10001, New York, New York 10007
Project Director: Dr. Jonathan Rubinstein
Amount: \$182,125

This project studied gambling and loan-sharking rackets in the New York Metropolitan Area. Data were collected on the organization and activities of these rackets over a ten-year period. The final report will describe in detail the structures, functions, and activities of the organizations, their relationships with each other, and the manner in which they operate.

76-NI-99-0036

Title: Study of Crime and Stability in Residential Communities (from 2/1/76 - 1/31/78)
Grantee: Institute for Community Design Analysis, 853 Broadway, 19th Floor, New York, N.Y. 10017
Project Director: Oscar Newman
Amount: \$650,072

This project is studying a sample of public housing projects and Federally-assisted moderate-income developments in Newark, St. Louis, and San Francisco to determine the impact of the socioeconomic characteristics of residents, building design and management policies on crime and stability in the developments. Based on its findings, the project will recommend the combinations of resident

groups, building types, and management policies that are likely to result in stable, low-crime communities.

76-NI-99-0056

Title: Techniques for Improving the Effectiveness of the Criminal Justice Response to Forcible Rape (from 2/25/76 - 6/30/77)

Grantee: Battelle Human Affairs Research Center, P.O. Box 5395, Seattle, Wash. 98105
Project Director: Dr. Donna Schram
Amount: \$348,609

This follow-up study to a FY 1975 grant (75-NI-99-0015) explored in greater detail the major problem areas identified by criminal justice officials that impair the system's effectiveness in dealing with rape cases. The project will produce materials for police, prosecutors, and legislators to improve the system's response to rape.

76-NI-99-0122

Title: Consumer Fraud: An Analysis of Impact and Opportunities for Intervention (from 8/9/76 - 2/28/78)

Grantee: American Institutes for Research, 3301 New Mexico Ave. NW, Washington, D.C. 20016
Project Director: David J. Zus

Amount: \$342,966

The purpose of this project is to identify promising approaches to curtailing consumer fraud. Researchers are collecting data on the characteristics, incidence, and impact of consumer fraud, and assessing current strategies for dealing with the problem.

J-LEAA-022-74

Title: Crime Prevention Through Environmental Design (CPTED) (Modification from 6/1/76 - 7/31/78)

Contractor: Special Systems, Westinghouse Electric Corporation, Suite 1111, 2341 Jefferson Davis Highway, Arlington, Va. 22202

Project Director: Edward Peze
Amount: (Modification) \$2,098,816

This award supports continuing research and development of the concept of Crime Prevention through Environmental Design. Demonstration designs for residential and commercial areas and schools will be developed and implemented in three specific sites and results evaluated.

LEAA-J-IAA-024-6

Title: Handgun Control and Victim Compensation (from 6/1/76 - 10/31/77) Interagency Agreement with the Office of Improvements in the Administration of Justice, Department of Justice, Washington, D.C.

Project Director: Edward D. Jones
Amount: \$76,500

The objective of this project is to complete two major studies which support the Justice Department's long-range criminal justice policy initiatives: *Handgun Control Strategies* is

estimating the demand for firearms for self-protection and criminal uses; analyzing the determinants of the illegal supply of handguns; and assessing the impact of alternative control strategies on firearm demand and illegal supply, and on the rates of homicide and robbery in the U.S. urban environment. *Victim Compensation* is analyzing the economic losses incurred by victims of assaultive crimes and assessing the impact of compensation — both public and private — on victim behavior.

Police. Public demands have both shaped and stretched the role of the police in recent years. Today, a police officer is not merely an enforcer of the law, but a resource to be called upon in almost any emergency.

Faced with rising expectations, but declining budgets, the police community needs research results and alternative approaches that can help to achieve economies without impairing effectiveness. The Institute's police research has the twin objectives of building a body of sound knowledge and providing proven tools to enhance day-to-day performance. Among recent contributions toward these goals are projects that are testing the effectiveness of various patrol strategies, analyzing the impact of response time, and devising indicators to help the police evaluate and improve their performance.

76-NI-99-0011

Title: Development of Methods and Programs to Promote Physical Fitness in Police Officers (from 10/21/75 — 1/20/77)
Grantee: International Association of Chiefs of Police, Eleven Firstfield Rd., Gaithersburg, Md. 20760
Project Director: Ronald Bostick

Amount: \$619,404

This grant developed and evaluated programs and methods that can be used to ensure a high level of physical fitness among police personnel.

76-NI-99-0012

Title: A Man-Computer System for Solution of the Mug File Problem (from 8/15/75 — 11/14/76)
Grantee: University of Houston, Houston, Tex. 77004
Project Director: Ben T. Rhodes, Jr.

Amount: \$226,403

This Phase II project is designing a computer system suitable for installation and operation in a police department that can select from a large library of mug shots those photographs most closely resembling a suspect's description.

73-NI-99-0047-S-1

Title: Response Time Analysis Study (from 7/1/73 — 6/30/76)

Grantee: Kansas City Police Department, 1125 Locust St., Kansas City, Mo.

Project Director: Major Lester N. Harris, Kansas City Police Department, 306 E. 12th St., Room 1030, Kansas City, Mo. 64106

Amount: \$152,122

This supplemental award to the Kansas City Response Time Analysis Project (73-NI-99-0047) supports research and analysis of the operational problems related to police response time.

76-NI-99-0087

Title: Policing Corruption in Local Government Regulatory Agencies (from 4/14/76 — 12/13/77)

Grantee: Stanford Research Institute, 333 Ravenswood Ave., Menlo Park, Calif. 94025

Project Director: Theodore R. Lyman

Amount: \$265,300

This project is studying detection, prevention, and enforcement measures to combat corruption in regulatory agencies. Emphasis is on identifying and describing typical patterns of corruption in the *licensing* and *inspection* functions of regulatory agencies.

76-NI-99-0097

Title: Police Strikes Monograph (from 10/16/76 — 9/15/77)

Grantee: International Association of Chiefs of Police, Eleven Firstfield Rd., Gaithersburg, Md. 20760

Project Director: Glen R. Murphy, Director, Technical and Services Division, IACP

Amount: \$160,778

This project will provide law enforcement administrators with resource material and information to help them understand and analyze the issues and events that could develop into a police labor strike.

76-NI-99-0104

Title: Implementation and Evaluation of Prototype Rules and Procedures for Police Discipline (from 7/1/76 — 6/30/78)

Grantee: International Association of Chiefs of Police, Eleven Firstfield Rd., Gaithersburg, Md. 20760

Project Director: Joyce Blalock, Assistant Director, Legal Research Section, IACP

Amount: \$390,375

The primary objective of this effort is to field test in an operational situation, the prototype rules of conduct and disciplinary procedures developed under Grant #74-NI-99-0019, Model Rules of Conduct for Internal Disciplinary Action.

76-NI-99-0109

Title: The Police and Illicit Substance Control (from 6/11/76 — 12/10/77)

Grantee: Center for the Study of Social Behavior, Research Triangle Institute, P.O. Box 12194, Research Triangle Park, Durham, N.C. 27709
Project Director: Jay R. Williams
Amount: \$253,636
 This study is identifying various goals and strategies in narcotics law enforcement at the local level and assessing their effectiveness.

76-NI-99-0111
Title: NEP Phase I: Policing Urban Mass Transit Systems (from 6/24/76 - 2/23/77)
Grantee: The MITRE Corporation, 1820 Dooley Madison Blvd., McLean, Va. 22101
Project Director: Warren S. L. Moy, Criminal Justice System Research Department, The MITRE Corporation
Amount: \$98,754
 This assessment estimated the accuracy and reliability of available data in the policing of urban mass transit systems, the factors that seem most likely to influence the success or failure of specified projects, and the costs of different policing strategies.

76-NI-99-0112
Title: Police Referral Systems in Metropolitan Areas (from 10/1/76 - 9/30/77)
Grantee: Indiana University Foundation, Post Office Box F, Bloomington, Ind. 47401
Project Director: Elinor Ostrom, Director, Workshops in Political Theory and Policy Analysis, Morgan Hall 12, Indiana University, Bloomington, Ind. 47401
Amount: \$130,218
 Wide variations exist in the types of organizational arrangements and departmental policies for handling the high volume of social service cases that come to the attention of police. This grant lays the groundwork for assessing the effects of different types of police referral systems and police involvement in delivery of social services.

76-NI-99-0119
Title: National Project to Develop Police Program Performance Measures (from 11/1/76 - 1/31/78)
Grantee: American Justice Institute, 1007 Seventh St., Sacramento, Calif. 95814
Project Director: Jerome A. Needle, Director, American Justice Institute
Amount: \$425,631
 Responding to the recommendations of the National Commission on Criminal Justice Standards and Goals, earlier research (75-NI-99-0009) developed a system of police performance measures that attempts to solve some of the problems associated with traditional measures of police work, such as reported crime figures. In this second phase, the project will refine, test and evaluate the system in four cities.

76-NI-99-0121
Title: Development of Guidelines for Police Enforcement of Laws Relating to Prostitution (from 10/1/76 - 4/30/78)
Grantee: Law and Justice Study Center, Human Affairs Research Center, Bastille Memorial Institute, 4000 N.E. 41st St., Seattle, Wash. 98105
Project Director: Duncan Chappell
Amount: \$229,289
 This study is designed to provide law enforcement administrators and practitioners with a base of knowledge on which to develop prostitution prevention and control strategies appropriate to their particular agency's needs and objectives.

76-NI-99-0125
Title: Social Networks and Social Organization of a Police Precinct (from 8/25/76 - 2/24/78)
Grantee: Institute for Social Analysis, 24 Clover Rd., Newfoundland, N.J. 07435
Project Director: Francis A.J. Ianni, Director, Institute for Social Analysis
Amount: \$58,135
 This research is analyzing the police precinct as a social system that operates according to a "code of rules" to determine how the precinct affects the overall effectiveness and efficiency of the department.

76-NI-99-0129
Title: Boston Police Department Project on Criminal Investigative Procedures (from 10/1/76 - 6/30/78)
Grantee: Trustees of Boston University, Boston University Center for Criminal Justice, 209 Bay State Rd., Boston, Mass. 02215
Project Director: Sheldon Krantz
Amount: \$266,206
 This grant carries the previous work on police administrative policy-making into new priority areas. Policymaking on criminal investigative procedures are being expanded beyond the detective function, for example, and will directly confront sensitive issues surrounding selective enforcement. This project builds on previous work by the grantee and by the Arizona State University Model Rules Project and the ABA Standards Relating to the Urban Police Function.

76-NI-99-0137
Title: Police and the Elderly: The Development of Operational Guidelines to Improve Police Effectiveness (from 11/15/76 - 5/14/78)
Grantee: Programs Division, University City Science Center, 3624 Science Center, Philadelphia, Pa. 19104
Project Director: Theodore H. Schell, University City Science Center, 1717 Massachusetts Ave. N.W., Washington, D.C. 20036
Amount: \$226,669
 This study is based upon information on police-elderly interactions in two cities supplemented by a national review and

assessment of ongoing police and community programs designed to improve the quality of these interactions.

76-NI-99-0140

Title: Civil Service Systems: Their Impact on Police Administration (from 9/30/76 - 7/31/78)
Grantee: Public Administration Service, 1313 E. Sixteenth St., Chicago, Ill. 60637

Project Director: Joseph J. Molkup
Amount: \$230,049

This study is assessing the impact of the civil service system on police personnel administration and to prescribe workable modifications where necessary.

Courts. The Institute continues to explore ways to reduce court delay and to improve the fairness and efficiency of the judicial process. New initiatives are directed toward the development of performance measures for the courts, prosecution, and defense, with the goal of making these functions more easily accountable to the public. Studies of jury management and witness cooperation have produced new insights into the vital task of making citizen participation in the administration of justice more satisfying. Finally, the courts research program is working to promote consistency and fairness in two vital areas of the judicial process: plea bargaining and sentencing; and to develop alternatives to adjudication that will ease court congestion and promote community participation.

76-NI-99-0014

Title: Effects of Omnibus Hearing on Measures of Efficiency/Justice (from 8/15/75 - 12/14/76)

Grantee: Section of Criminal Justice, American Bar Association, 1705 DeSales St. NW, Washington, D.C. 20036

Project Director: Daniel Gibbens
Amount: \$188,531

This project systematically tested the impact of the omnibus hearing on the quality of justice and on the economical use of resources in state trial courts.

76-NI-99-0085

Title: Commentary on the Implementation of the Model Penal Code from 1962 - 1976 (from 4/26/76 - 4/25/78)
Grantee: The American Law Institute, 4025 Chestnut St., Philadelphia, Pa. 19104

Project Director: Paul A. Wolfkin

Amount: \$197,953

The purpose of this project is to produce a commentary on the response of the states to the Model Penal Code of 1962. This commentary will incorporate an analysis of the legislative activity and rationale for the major redefinition of the criminal codes that has taken place in over half the states in the past decade. The study will enhance the use of the Code and will lay the groundwork for more thorough evaluations of codes already adopted by the states.

76-NI-99-0088

Title: Pretrial Settlement in Criminal Cases (from 5/24/76 - 11/23/77)

Grantee: Center for Studies in Criminal Justice, The University of Chicago, 1111 E. 60th St., Chicago, Ill. 60637

Project Director: Franklin E. Zimring
Amount: \$315,754

This project is testing the feasibility and effectiveness of a pretrial settlement process that allows plea and charge negotiations to take place within a formal conference presided over by a judge. Participating in the conference would be the prosecutor, defense counsel, defendant, and, if he or she wishes, the victim or complaining witness. The underlying principle of the experiment is the belief that everyone directly interested in a case, not just the lawyers, are entitled to be present during, and contribute to, the final disposition.

76-NI-99-0102

Title: Sentencing Guidelines: Structuring Judicial Discretion (from 7/1/76 - 9/6/77)

Grantee: Criminal Justice Research Center, One Alton Rd., Albany, N.Y. 12203

Project Director: Jack M. Kress
Amount: \$401,168

The first phase of this project successfully demonstrated the feasibility of developing sentencing guidelines to enable judges within a jurisdiction to make their sentencing decisions more consistent. This study (Phase II) will fully implement the guidelines in one participating court selected from the Phase I study and will develop sentencing models in three additional urban jurisdictions, using the same techniques developed in Phase I.

76-NI-99-0114

Title: Misdemeanor Court Management (from 8/76 - 4/18/78)

Grantees: The American Judicature Society, 200 W. Monroe St., Suite 1606, Chicago, Ill. 60606, and Institute for Court Management, 1405 Curtis St., Suite 1800, Denver, Colo. 80202

Project Directors: Allan Aslman, Director of Research, The American Judicature Society, and Harvey Solomon, Executive Director, Institute for Court Management
Amount: \$303,086

This project is assessing existing innovative management programs in misdemeanor courts and will develop, field test, and evaluate management techniques and innovations specifically aimed at remedying management problems commonly found in the lower courts. The new management techniques will be field tested in two court systems, an overburdened metropolitan court and a rural lower court.

76-NI-99-0118

Title: Continuation of PROMIS Research (from 7/23/76 - 7/22/77)

Grantee: Institute for Law and Social Research, 1125 15th St. NW, Suite 625, Washington, D.C. 20005

Project Director: Sidney L. Brounstein

Amount: \$435,208

This project continues research on data derived from the Prosecutor's Management Information System (PROMIS) in the District of Columbia. The objective is to derive and test hypotheses about the criminal justice system as the PROMIS data permits.

Corrections. Few areas of the criminal justice system have received as much attention in recent years as corrections. Many aspects—from the possible alternatives to jail incarceration to the problem of reducing recidivism—are the subject of continuing public debate.

In its corrections research, the Institute is studying some of the major issues involved in the current restructuring of correctional policies and practices. Among the critical issues being analyzed are the impact of court rulings and changing state laws, the severe overcrowding of institutions, and the questions that have been raised about the efficacy of rehabilitative programs. The following projects seek to further our understanding of these issues and their implications.

76-NI-99-0015

Title: NEP-Phase I: Resident Inmate Aftercare/Halfway House-Adults (from 8/25/75 - 4/15/76)

Grantee: Ohio State University Research Foundation, 1314 Kinnear Rd., Columbus, Ohio 43212

Project Director: Richard P. Selzer

Amount: \$155,917

This study determined what was known about the effectiveness of halfway houses. Building upon a literature search and survey of expert opinion, the researchers surveyed existing programs. Findings were validated through site visits and

follow-up interviews. An evaluation design for filling gaps in present knowledge was produced.

76-NI-99-0022

Title: Uniform Corrections Code (9/1/75 - 8/31/77)

Grantee: National Conference of Commissioners on Uniform State Laws, 645 N. Michigan Ave., Chicago, Ill. 60611

Project Director: William Pierce

Amount: \$204,900

This project focuses on the apparent disparity in correctional statutes across states. Reformers have come to realize that laws governing corrections must be overhauled before significant program changes can be made. The goal of the study is to develop uniform correctional legislation acceptable to the courts. A Uniform Corrections Code will be drafted to provide a statutory framework for state legislatures to consider and to guide corrections procedures from sentencing to final release.

76-NI-99-0023

Title: A Survey of Criminal Justice Evaluation Studies (from 9/2/75 - 6/1/76)

Grantee: Hudson Institute, Inc., Quaker Ridge Rd., Croton-on-Hudson, N.Y. 10502

Project Director: Dr. Robert Martinson

Amount: \$298,000

In the past decade, much attention has been directed toward the evaluation of efforts to reduce crime. However, there has been very little systematic empirical knowledge about the success or failure of rehabilitating offenders with various treatment strategies in various institutional and non-institutional settings. This project conducted a comprehensive and systematic search, compilation, review, and analysis of all relevant research dealing with the impact of programmatic intervention on offenders, producing information and conclusions concerning what works for whom and under what conditions.

76-NI-99-0037

Title: NEP Phase I: Furloughs for Prisoners (from 1/11/75 to 5/10/76)

Grantee: School of Social Work, University of Alabama, Tuscaloosa, Ala.

Project Director: Dr. Robert Sigler

Amount: \$96,503

This was a state-of-the-art study of one of the oldest and most durable penal practices, furloughs for prisoners. The study was designed to determine what is presently known about the effectiveness and value of inmate furlough programs; how much more should and can be learned about these programs; and, if further evaluation seems warranted, how this evaluation should be conducted.

76-NI-99-0038

Title: Parole Alternatives (from 1/21/76 - 3/20/77)

Grantee: Center for Policy Research, 475 Riverside Drive, New York, N.Y. 10027
 Project Director: Andrew Von Hirsch
 Amount: \$148,610

Parole, once seen as a major reform, is increasingly being questioned. It is accused of simultaneously failing in its goals of protecting the public and helping the offender. Because parole is such an integral part of the criminal justice system, any modification requires a careful consideration of practical implications and potential unintended consequences. The purpose of this project was to analyze what changes in the sentencing and correctional systems would be necessary if traditional parole practices were eliminated or replaced by alternative strategies.

76-NI-99-0083

Title: NEP Phase I: A Study of Employment Services for Releasees in the Community (from 3/25/76 - 1/24/77)
 Grantee: The Lazar Institute, 1700 Pennsylvania Ave. NW, Washington, D.C. 20006
 Project Director: Mary A. Toborg
 Amount: \$148,559

This state-of-the-art study assessed one of the most widely-offered corrections services for inmates released from a corrections institution: employment services.

76-NI-99-0126

Title: NEP - Phase I: Institutional Education Programs for Inmates (from 9/28/76 - 6/27/77)
 Grantee: Social Restoration Program, School of Education, Lehigh University, Bethlehem, Pa. 18015
 Project Director: Dr. Raymond Bell
 Amount: \$107,179

This study is designed to determine what is presently known about the effectiveness and value of educational programs for inmates; how much more can and should be learned about these programs; and, if further evaluation seems warranted, how this evaluation should be conducted.

76-NI-99-0127

Title: National Evaluation of Restitution Programs (from 10/1/76 - 9/30/78)
 Grantee: Criminal Justice Research Center, Inc., One Alton Rd., Albany, N.Y. 12203
 Project Director: Dr. Marguerite Warren
 Amount: \$367,131

This project is assessing the conditions under which restitution may be an effective tool in dealing with criminal offenders at various stages of the criminal justice system. The experimental restitution programs are being funded through the Office of Regional Operations in jurisdictions across the country. Offenders will be randomly assigned to experimental and control groups at each site, so the programs' effects can be assessed with a minimum of extraneous biasing factors.

76-NI-99-0142

Title: Determining the Impact of Fundamental Changes in the Law and Implications for the Future: The Evaluation of the Maine Experience (from 10/11/76 - 7/10/78)
 Grantee: College of Human Development, The Pennsylvania State University, 207 Old Main Building, University Park, Pa. 16802

Project Director: Frederick A. Hussey/John H. Kramer
 Amount: \$236,083

This project will assess the impact of implementing a "flat" sentencing system in Maine, the first state to adopt such a system. Researchers will examine the new Code's impact on: changes in sentencing practices; possible shifts in institutional populations and staffing patterns; resentencing policies and procedures; the use of split-sentencing and executive clemency; and the use of restitution and community-based corrections as alternative means of handling criminal offenders in lieu of incarceration. Data on offenders will be collected before and after the Code's implementation. To be obtained from court records, institutional files and interviews with key criminal justice practitioners, the data will include such factors as sentence length; type of sentence for each offense; the number of applications for commutations made and granted; use of work release; institutional programs, staff, and population shifts; and restitution.

Special Programs. The Institute also sponsors three major programs that are inter-disciplinary:

- The Visiting Fellowship Program
- The National Evaluation Program
- The Research Agreements Program, a pilot effort funded in FY 1975, involving selected universities and research organizations in long-term research on such subjects as the habitual offender.

Visiting Fellowships. The Visiting Fellowship Program brings outstanding researchers and practitioners to Washington, D.C., to use the Institute's facilities and to share experiences, ideas, and information with the Institute's professional staff. The emphasis is on creative, independent research which can effectively be pursued in the nation's capital.

76-NI-99-0128

Title: The American Prosecutor - A Search for Identity (from 9/4/76 - 9/3/77)
 Grantee: Joan Jacoby, 1505 Grace Church Rd., Silver Spring, Md. 20910

Amount: \$54,779

The purpose of this visiting Fellowship is to examine the unique institution of the American local prosecutor and document: (1) the historical development of how the office of the prosecutor originated in the United States and developed to its position today; (2) the present diversity of the prosecutor's role and responses to these mixed environments; (3) the impact of the prosecutor's policy on the criminal justice system and the community; and (4) the emerging roles of the prosecutor in terms of the changing political, social, and economic environment and the public policy issues they raise.

76-NI-99-0032

Title: Crime Victimization, Citizen Reporting, and Official Crime Statistics - Visiting Fellow (from 10/1/75 - 8/31/76)
Grantee: Wesley Skogan, Department of Political Science, Northwestern University, 619 Clark St., Evanston, Ill. 60201
Amount: \$31,376

The purpose of this Visiting Fellowship project, a continuation of 74-NI-99-0028, was to answer three fundamental questions about crime in the United States, using victimization data: (1) who is a victim of crime, and why? (2) what crimes are reported to the police, and why? (3) which incidents ultimately appear in official crime statistics, and why do others seem to disappear?

76-NI-99-0077

Title: Historical Trends of School Crime and Violence from 1950 to 1975 with Special Emphasis on Current Crime Specific Security Models (from 2/9/76 - 2/8/77)

Grantee: Robert J. Rubel, 1139 Oakland Ave., Piedmont, Calif. 94611

Amount: \$42,065

This Visiting Fellowship grant supported research into crime and violence in the nation's public secondary schools, and in-depth case studies of seven school security programs.

76-NI-99-0098

Title: A Socio-Legal Study of the Private Practice of Criminal Law (from 5/12/76 - 5/11/77)

Grantee: Paul B. Wice, Political Science Department, Washington and Jefferson College, Washington, Pa. 15301
Amount: \$19,567

The purpose of this Visiting Fellowship is to assess the operation and impact of the criminal lawyer on the administration of America's urban criminal justice system. The project focuses on two groups: (1) lawyers working in public defender programs; and (2) lawyers working as retained counsel in criminal cases.

76-NI-99-0107

Title: Sourcebooks in Forensic Serology (from 9/1/76 - 11/30/77)

Grantee: Dr. Robert Gaenslen, John Jay College of Criminal Justice, City University of New York, 444 West 56th St., New York, N.Y. 10019

Amount: \$45,055

The purpose of this Visiting Fellowship is to produce several sourcebooks on forensic serology. The topics to be included in these sourcebooks are: red cell and serum groups; electrophoresis, red cell isoenzymes, serum proteins, and hemoglobin; methods on forensic serology; and serological techniques.

76-NI-99-0108

Title: Political Terrorism and Law Enforcement Strategies (from 9/1/76 - 8/31/77)

Grantee: Abraham H. Müller, Department of Political Science, University of Cincinnati, Cincinnati, Ohio 45221

Amount: \$46,144

The purpose of this Visiting Fellowship is to analyze the patterns of operation of terrorist groups and estimate the outcomes of the strategies and tactics used by social control agents when dealing with these groups. The grantee will address the following issues: (1) What is the value of negotiation in terrorist/hostage situations? (2) What are the costs of assenting to the demands of terrorists? (3) What is the role of the media in terrorist activities? (4) Is there a contagion effect? (5) Who should negotiate for society in terrorist/hostage situations, and what types of training should these individuals receive? (6) Are there any psychological threads in the personality make-up of individual terrorists?

National Evaluation Program. Through its National Evaluation Program, the Institute provides practical information on the costs and benefits of criminal justice practices, from halfway houses to special patrol tactics. This information is useful to policymakers and practitioners searching for innovative programs or attempting to improve existing practices. (Note: Most NEP studies are monitored by the appropriate Institute research division—police, courts, corrections, etc.—and the FY 1976 NEP awards are listed under those headings. Some FY 1976 NEPs were monitored by the Special Programs Division and they are listed below.)

76-NI-99-0018

Title: NEP Phase I: Court Information Systems (from 8/25/75 - 3/24/76)

Grantee: Advanced Program Development, Justice Systems, The MITRE Corporation, P.O. Box 208, Bedford Mass. 01730

Project Director: Burton Kreindel

Amount: \$109,525

This NEP project identified past and current court information programs, assessed the evaluation of such systems that has been done, and reviewed the status of court information systems in their various forms.

76-NI-99-0045

Title: NEP Phase I: Intensive Special Probation (from 1/10/76 - 8/9/76)

Grantee: School of Industrial and Systems Engineering, Georgia Institute of Technology, 225 North Avenue, Atlanta, Ga. 30332

Project Director: Dr. Jerry Banks

Amount: \$95,530

This study assessed the current status of special intensive probation projects.

76-NI-99-0090

Title: Phase I Evaluation of Street Lighting Projects (from 4/23/76 - 1/22/77)

Grantee: Public Systems Evaluation, Inc., 675 Massachusetts Ave., Cambridge, Mass. 02139

Project Director: James M. Tien, Ph.D.

Amount: \$129,624

This project assessed the state of knowledge of street lighting projects to determine the effectiveness of various projects, the accuracy and reliability of available data in the street lighting area, the factors that seem most likely to influence a project's success or failure, and the costs of implementing and maintaining alternative types of street lighting systems.

76-NI-99-0110

Title: National Evaluation Program: Development and Assistance (from 6/17/76 - 5/16/77)

Grantee: The Urban Institute, 2100 M St. NW, Washington, D.C. 20037

Project Director: Joe N. Nay

Amount: \$214,011

This technical advisory grant provides for the continuation of support in program design, development, implementation, and evaluation of the National Evaluation Program (NEP). The major written product of this effort will be a case study evaluation of the initial FY 1975 Phase I NEP program. This case study will provide an assessment of the feasibility of the NEP approach, a statement of programmatic problems experienced, a review of the products obtained, and will make recommendations for improvement of the NEP program.

Advanced Technology. Technology contributes to the goal of making the criminal justice system more effective and responsive.

Through its program in this area, the Institute helps agencies acquire the most responsive technology, and to apply equipment and scientific techniques to solve problems.

The process involves three activities. First, needs are established in coordination with criminal justice agencies. Evaluation of available equipment, systems, and techniques follows to determine their responsiveness to needs. Finally, if available systems are inadequate or unadaptable new equipment or techniques are developed.

76-NI-99-0033

Title: National Law Enforcement Equipment Information Center (from 9/22/75 - 9/21/76)

Grantee: International Association of Chief of Police, 11 Firstfield Rd., Gaithersburg, Md. 20760

Project Director: Frank Roberson

Amount: \$383,740

This project established an equipment and technology information center for use by state and local law enforcement agencies.

76-NI-99-0091

Title: Laboratory Proficiency Testing Research Project (from 4/26/76 - 4/25/77)

Grantee: The Forensic Sciences Foundation, Inc., 11400 Rockville Pike, Suite 515, Rockville, Md. 20852

Project Director: Kenneth S. Field

Amount: \$126,609

This project, a continuation of grant No. 74-NI-99-0048, devised a nationwide criminalistics laboratory proficiency testing program, and assessed the state of the art of evidence analysis.

76-NI-99-0099

Title: Individualization of Bloodstains (from 5/20/76 - 5/19/77)

Grantee: Department of Chemistry, University of Pittsburgh, 3017 Cathedral of Learning, Pittsburgh, Pa. 15260

Project Director: Dr. Robert C. Shaler

Amount: \$125,000

This project, a continuation of grant No. 75-NI-99-0011, is studying ways to improve the methodologies used in the individualization of bloodstains.

76-NI-99-0101

Title: Forensic Science Certification Program (from 5/24/76 - 5/23/77)

Grantee: The Forensic Sciences Foundation, Inc., 11400 Rockville Pike, Rockville, Md. 20852

Project Director: Kenneth S. Field

Amount: \$140,434

This project is a nationwide program to facilitate the deliberation, research structuring, and field testing efforts of eight separate forensic science certification and accreditation planning committees.

76-NI-99-0116

Title: Police Patrol Car Systems Improvement Program (from 7/9/76 - 3/8/78)

Grantee: City of New Orleans, 1300 Perdido St., New Orleans, La. 70112

Project Director: Sgt. Claude Schlesinger, New Orleans Department of Police, P.O. Box 51480, New Orleans, La. 70151
Amount: \$77,514

76-NI-99-0117

Title: Police Patrol Car Systems Improvement Program (from 7/9/76 - 1/8/78)

Grantee: City of Dallas, 2014 Main St., Dallas, Tex. 75201
Project Director: Dean H. Vanderbilt, Office of Management Services, City Hall, Dallas, Tex. 75201

Amount: \$70,212

The objective of these grants is to apply currently available technology to extending the capabilities and productivity of the patrol officer by use of advanced communications techniques and improved vehicle economy, safety, and utility.

J-LEAA-008-76

Title: Contract to Evaluate the Utility of Dial-up Visual Communications in the Criminal Justice System (from 9/2/75 - 6/30/76)

Contractor: The MITRE Corporation, Westgate Research Park, McLean, Va. 22101

Project Director: Warren Elliot

Amount: \$267,624

This program involves the design, implementation, and evaluation of a visual communications system interconnecting the principal criminal justice offices in the Phoenix, Arizona, area.

J-LEAA-014-76

Title: Developing Standards for State Personal Identity Systems (from 1/15/76 - 1/15/77)

Contractor: The MITRE Corporation, Bedford, Mass. 01730
Project Director: Thomas Kabaservice

Amount: \$55,360

The purpose of this contract was to develop standards for upgrading state personal identity systems. The contractor defined ways in which vehicle operator's permits and birth certificates are used as personal identity documents in the 50 states, and formulated desired characteristics of state identity systems that would enhance legitimate use of the systems and minimize illegitimate use.

LEAA-J-4A-034-6

Title: Anti-Terrorism Research and Equipment Development

Contractor: U.S. Arms Control and Disarmament Agency, Room 5725, 320 - 21st St., N.W., Washington, D.C.

Project Director: Dr. Robert Kupperman

Amount: \$610,000

The purpose of this project is to: (1) develop and undertake analytical efforts to assess terrorist threat capabilities and provide a basis for decision-makers at various levels of government to cope with expanded terrorist threats; and (2) develop limited advanced prototype hardware intended to detect, assess, classify, and counteract a wide range of advanced weaponry which may be utilized by terrorist groups.

Evaluation

In addition to providing information on key topics on a quick-response basis through the National Evaluation Program, the Institute also sponsors full-scale evaluations of major national-scale LEAA programs and state and local innovations with nationwide implications. The results of these and other criminal justice evaluations are shared with state and local officials through publication and dissemination of selected reports and through the development of an archive repository of a wide range of evaluation documents maintained by the National Criminal Justice Reference Service. Finally, the Institute supports a research program to develop evaluation techniques that are more reliable, sensitive, and economical in assessing criminal justice programs.

The goal of these efforts is to develop sound information on the costs, benefits, and limitations of various approaches—information that can guide officials in improving program performance and allocating scarce resources where they are likely to do the most good.

76-NI-10-0001

Title: Evaluation of the Elimination of Plea Bargaining in Alaska (from 3/1/76 - 3/28/78)

Grantee: Alaska Criminal Justice Planning Agency, Pouch AJ, Juneau, Alaska 99801

Project Director: Michael L. Rubinstein, Alaska Judicial Council, 303 K St., Anchorage, Alaska 99501

Amount: \$300,050

This project will determine the extent to which the no-plea-bargaining policy is, in fact, being implemented, the problems of implementation, and the impact of the policy on the crim-

inal justice system in Alaska, in terms of such issues as costs and time involved in processing cases, cases screened out by the prosecutor, guilty pleas by defendants, convictions, severity of sentences, etc.

76-NI-99-0024

Title: Model Evaluation Program (from 9/1/75 - 8/31/77)
Grantee: Office of Community Development, State of Washington, 107 Insurance Building, Olympia, Wash. 98504
Project Director: Jack Darby
Amount: \$172,866
 With this grant, the Washington Law and Justice Planning Office assessed its evaluation needs and is developing a state-wide criminal justice evaluation training and support program.

76-NI-99-0030

Title: Proposal to Evaluate the Neighborhood Team Policing Demonstration Program (from 9/20/75 - 9/19/77)
Grantee: The Urban Institute, 2100 M St. NW, Washington, D.C. 20037
Project Director: Peter B. Bloch
Amount: \$392,443
 This project is evaluating the Institute-sponsored replication of the full-service, neighborhood team policing technique in six cities to assess its effectiveness and efficiency.

76-NI-99-0039

Title: Continuation of the Evaluation of Community Treatment for Adult Offenders (from 12/15/75 - 12/14/76)
Grantee: Graduate Studies Research, The Florida State University, Tallahassee, Fla. 32306
Project Director: Dr. Charles Wellford
Amount: \$163,793
 The purpose of this project was to extend and complete the evaluation of the Des Moines Community-Based Corrections program replication begun under Grant No. 74-NI-99-0051. The evaluation assessed the effects of each of the components of the replication program, as well as the overall impact of the program on each local criminal justice system.

76-NI-99-0040

Title: Evaluation of the Court Employment Project: New York City (from 12/29/75 - 9/30/77)
Grantee: Vera Institute of Justice, 30 East 39th St., New York, N.Y. 10016
Project Director: Sally Baker
Amount: \$260,122
 This grant supports an experimental design to determine whether the Court Employment Program in New York City is achieving its stated objectives of (1) reducing recidivism and (2) enhancing educational and employment opportunities for participants.

76-NI-99-0043

Title: Computers and the Police: An Evaluation of the Use, Implementation, and Impact of Information Technology (from 12/15/75 - 12/14/76)
Grantee: Department of Urban Studies and Planning, Massachusetts Institute of Technology, Cambridge, Mass 02139
Project Director: Kent W. Colton
Amount: \$38,755
 The purpose of this project was to describe the present uses, problems, and impact of automated information systems and computer technology on police departments within the United States.

76-NI-99-0044

Title: Bibliography and Feasibility and Design Project on Deterrence (from 1/15/76 - 5/31/77)
Grantee: Hudson Institute, Inc., Quaker Ridge Rd., Croton-on-Hudson, Westchester, N.Y. 10520
Project Director: Ernest van den Haag
Amount: \$43,625
 The purpose of this study was to prepare an annotated bibliography of the literature on general deterrence. The primary focus was on the interrelations among factors related to punishment and threats of punishment and their deterrence effectiveness.

76-NI-99-0075

Title: Governors' Study of Marijuana Penalties and Policies (from 4/14/76 - 10/13/76)
Grantee: National Governors' Conference, 1150 17th St. NW, Washington, D.C. 20036
Project Director: Thad L. Beyle
Amount: \$84,141
 This grant provide funds for a study of existing marijuana penalties and policies, and proposed changes. The final report, *Marijuana, A Study of State Policies and Penalties*, gives decisionmakers the social arguments for and against changes in marijuana regulations; the experiences of states that have decriminalized marijuana consumption; and an analysis of legislative and policy options available to state executives.

76-NI-99-0076

Title: Reducing the Crime Rate through Incapacitation and Deterrence (from 4/19/76 - 4/18/77)
Grantee: The Urban Institute, 2100 M St. NW, Washington, D.C. 20037
Project Director: Barbara L. Boland
Amount: \$120,801
 This project continued earlier research on deterrence by examining the comparative effects of increased police expenditures and specific policing methods. The project examined the effectiveness of incapacitation in reducing crime, attempting to differentiate between deterrence and incapacitation effects.

76-NI-99-0078

Title: National Level Evaluation of the Improved Lower Court Case Handling Demonstration Program (from 2/27/76 - 8/26/77)

Grantee: The MITRE Corporation, Westgate Research Park, McLean, Va. 22101

Project Director: Eleanor Chelmsky

Amount: \$278,899

This project is examining the Institute-sponsored Improved Lower Court Case Handling program from a variety of perspectives, across program components and across program sites.

76-NI-99-0084

Title: Portland Reverse Records Check (from 4/9/76 - 4/8/77)

Grantee: Oregon Research Institute, P.O. Box 3196, Eugene, Ore. 97403

Project Director: Dr. Anne L. Schneider

Amount: \$95,823

This study involved searching the official files of crimes reported to police in Portland, Oregon, to locate those crimes reported in the 1974 Portland victimization survey, and to compare the classification of the incident by the police with the classification used in the survey data. An analysis was undertaken of the differences between the survey and police classifications, as well as of the factors that contribute to discrepancies in classification. The research also analyzed differences and similarities between victimization crime data and official crime data as reported by police departments.

76-NI-99-0092

Title: National Level Evaluation of the Career Criminal Program (from 4/21/76 - 4/20/78)

Grantee: The MITRE Corporation, Westgate Research Park, McLean, Va. 22101

Project Director: Ms. Eleanor Chelmsky

Amount: \$384,480

This evaluation is directed at establishing whether the selective prosecution of habitual criminals is an effective means of reducing crime. Four sites that have implemented career criminal programs will be studied to learn how the program affected their ongoing prosecutorial procedures, and how successful each site was in prosecuting and incapacitating career offenders. The impact of the program on local crime will be assessed by using two innovative statistical techniques, that will distinguish actual from normal variations in local crime rates, and the effects of incapacitating individual offenders from the effects of deterrence.

76-NI-99-0094

Title: New Hampshire Model Evaluation Program (from 5/14/76 - 5/13/78)

Grantee: Governor's Commission on Crime and Delinquency, G.A.A. Plaza Building #3, 169 Manchester St., Concord, N.H. 03301

Amount: \$123,086

This grant is providing assistance to develop 10 to 12 standardized evaluation modules that can be utilized by the New Hampshire SPA to assess 400 individual projects. This will permit the New Hampshire SPA to produce project-level and program-level evaluations.

76-NI-99-0095

Title: Phase II Evaluation of an Implemented AVM System (from 5/13/76 - 8/13/77)

Grantee: Public Systems Evaluation, Inc., 675 Massachusetts Ave., Cambridge, Mass. 02139

Project Director: Dr. Richard C. Larson

Amount: \$150,000

This evaluation is a continuation of Grant No. 75-NI-99-0014, which attempted to assess the effectiveness of computer technology in tracking the location of police vehicles. While that evaluation generated useful information about the capabilities and limitations of the implemented system, it was not able to establish conclusive findings about its effectiveness, due chiefly to recurring equipment deficiencies which have since been corrected. This evaluation will establish more conclusive findings of the effectiveness of the improved equipment, which has now been implemented city-wide.

76-NI-99-0100

Title: Evaluation of Massachusetts Gun Law (from 6/1/76 - 5/31/78)

Grantee: Trustees of Boston University, Boston University Center for Criminal Justice, 209 Bay State Rd., Boston, Mass. 02215

Project Director: Professor Sheldon Krantz

Amount: \$298,000

In 1975, the State of Massachusetts enacted new provisions for the handling of gun offenses that prohibited charge reductions by prosecutors and made mandatory sentences of at least one year for those convicted of illegally carrying a firearm. These restrictions on the usual discretion of prosecutors and judges were expected to toughen criminal justice sanctions and, thereby, lower gun-related crime. This research is studying that chain of assumptions.

76-NI-99-0113-S-1

Title: Regulatory Policies and Crime (from 6/26/76 - 8/31/78)

Grantee: Stanford Law School, Crown Quadrangle, Stanford University, Stanford, Calif. 94305

Project Director: Professor John Kaplan

Amount: \$55,232

This research is preparing a series of monographs analyzing how governmental policies regulating the availability of heroin, alcohol, and handguns influence the levels and patterns of crime. The effects of present and prior regulatory approaches in these areas will be evaluated and the mechanisms by which each of the controlled materials affect criminality will be explored. The purpose is to collect and organize current know-

ledge about the effects of Federal, state, and local approaches to controlling the availability of these materials, and to identify and assess the probable social costs and benefits of a wide range of possible governmental interventions aimed at impacting crime.

76-NI-99-0115

Title: Continuation of New York Drug Law Evaluation Project (from 7/15/76 - 9/30/77)
Grantee: Association of the Bar of the City of New York Fund, Inc., 42 West 44th St., New York, N.Y. 10036
Project Director: Anthony F. Japha, New York Drug Law Evaluation Project, 36 West 44th St., New York, N.Y. 10036
Amount: \$457,575

This project is testing the arguments and questions raised by proponents and opponents of New York's strict new drug laws. It is measuring, both quantitatively and qualitatively, the impact of the new laws on the criminal justice system, on drug users, and on drug abuse patterns. It is also attempting to weigh the costs to society of implementing the laws against the benefits derived from them.

J-LEAA-006-76

Title: Contract for the Assessment of the NILECJ Research Program and Development of a Research Agenda on Deterrence Measurement (from 7/28/75 - 12/31/76)
Grantee: National Academy of Sciences, 2101 Constitution Ave., Washington, D.C. 20419
Project Director: Susan White
Amount: \$267,200

The Academy's Assembly of Behavioral and Social Sciences undertook two specific tasks: (1) an assessment of the overall program of research and development sponsored by NILECJ since 1968; and (2) the formulation of a long-term agenda for research on the effectiveness of deterrence policies. The first task was done by a multidisciplinary committee of specialists in sociology, psychology, political science, economics, statistics, criminology, and engineering. A special panel was established, under the supervision of this Committee, to carry out the second task, including a review of the technical literature on deterrence.

76-NI-99-0136

Title: National Evaluation of Jury Utilization and Management Demonstration Program (from 11/1/76 - 10/31/78)
Grantee: Institute for Business, Law, and Social Research, Creighton University, 2500 California St., Omaha, Nebr. 68178
Project Director: Ingo Kellitz, Director of Social Science Programs, Creighton University Institute for Business, Law, and Social Research
Amount: \$86,886

This study is based on the extensive research in the area already conducted by Bird Engineering Company. By compiling data for a number of demonstration and comparison courts across time, this project will provide information on the relative bene-

fits to be gained from reform of the jury systems.

J-LEAA-025-76

Title: Support Services for the National Conference on Criminal Justice Evaluation
Contractor: Koba Associates, Inc., 2001 S St., NW, Washington D.C.

Project Director: Georgette Semick
Amount: \$78,500

This contract provided administrative and logistical support for the NILECJ-sponsored National Conference on Criminal Justice Evaluation held on February 22-24, 1977, in Washington D.C. More than 200 speakers and 1,100 attendees participated in the conference, which presented evaluation methods and results for a wide range of programs.

LEAA-J-IAA-027-6

Title: Instrumentation and Follow-up of TASC Clients (9/15/76 - 3/31/78)
Contractor: Office of Program Development and Analysis, National Institute on Drug Abuse, 11400 Rockville, Md. 20852
Project Director: Harold M. Ginzburg
Amount: \$210,000

This interagency agreement provides funds for developing research instruments for collecting data on criminal justice clients while in drug treatment programs, and in treatment follow-up. Emphasis will be placed on TASC clients, but other criminal justice clients will be included, and both will be compared with non-criminal justice clients as well as with each other.

J-LEAA-006-76

Title: Contract Analyses and Report of LEAA Assessment (from 8/28/75 - 2/28/76)
Contractor: Executive Management Service, Inc., Suite 404, 2201 Wilson Blvd., Arlington, Va. 22201
Project Director: Mark Alger
Amount: \$21,310

The object of this contract was to conduct a thorough review of past evaluations of LEAA programs to identify in a systematic way both strong and weak points of programs undertaken, significant projects funded, and administrative problems identified. Drawing on this review, the contractor identified significant accomplishments and deficiencies of LEAA-funded programs and projects, and prepared a list of each.

Purchase Order 6-0282-J-LEAA

Title: To Produce a Research Report on the "Implications of Revenue Sharing for the Law Enforcement Assistance Administration"

Contractor: Brookings Institution, Washington, D.C.
Project Director: Richard P. Nathan
Amount: \$8,311

The purpose of this contract was to determine whether general

revenue sharing funds have really been used for law enforcement to the extent indicated by official Treasury Department statistics. The study utilizes data developed by the Brookings Institution in its ongoing monitoring research on the general revenue sharing program and "Actual-Use" reports on revenue sharing submitted to the U.S. Office of Revenue Sharing by the recipient jurisdictions of these funds. Data for 1973 and 1974 for approximately 50 local governments were used in the sample.

The results of this analysis showed that officially reported expenditures of shared revenue on law enforcement compiled by the Treasury Department's Office of Revenue Sharing were six times greater than the new spending for this purpose out of revenue sharing identified in the Brookings field research for 1973, and four times greater in 1974. Differences are greatest for larger units, those under the greatest fiscal pressure, those located in the Northeast, and for municipal governments generally.

Technology Transfer

Research findings are translated into action--and successful programs are transferred from one part of the country to another--through several approaches:

Model programs are derived from Exemplary Projects (outstanding local projects suitable for adaption to other locations) and Prescriptive Packages (compilations of the most successful approaches being used to solve a criminal justice problem). Monographs document good projects or highlight issues raised by studies of several similar programs.

Training workshops are designed to acquaint key decision-makers with advanced techniques, usually based on research findings or a model program.

Field tests are funded to give greater visibility to a few especially promising techniques, and to test their effectiveness in another setting.

The National Criminal Justice Reference Service provides a full range of clearinghouse services for researchers and practitioners.

76-NI-99-0021

Title: Victim/Witness Assistance Programs: A Prescriptive Package (from 8/15/75 - 8/14/76)
Grantee: Blackstone Institute, 2309 Calvert St. NW,

Washington, D.C. 20008

Project Director: Richardson White, Jr.
Amount: \$59,967

This project addressed all points of contact between the victim and witness and the criminal system. Potential services and approaches to the delivery of services are addressed in the manual and merits and problems of each approach are discussed. Victim compensation is also reviewed.

76-NI-99-0041

Title: Presentence Report Handbook and Special Programs in Probation and Parole (from 12/22/75 - 1/1/77)
Grantee: University Justice Associates, Inc., 3601 S. Flower St., Los Angeles, Calif. 90007
Project Director: Robert M. Carter
Amount: \$99,679

This grant developed two Prescriptive Packages that synthesized research and evaluation and the most successful current practices in developing presentence reports and operating special probation and parole programs. The report includes model guidelines and recommendations to help probation and parole officials better respond to the needs of the court in providing appropriate sentencing information and a wider range of sentencing options.

76-NI-99-0042

Title: (1) Policing by Objectives and (2) Police Records Systems Prescriptive Package Series (from 12/15/75 - 5/1/77)
Grantee: Social Development Corporation, 4905 Delray Ave., Bethesda, Md. 20814
Project Director: Ralph Showalter
Amount: \$119,888

The principal focus of the "Policing by Objectives" Prescriptive Package is the application of MBO and similar planning techniques to police management. The "Police Records Systems" Prescriptive Package concentrates on the information needs of medium and small police departments without the financial resources of large departments with fully developed automated systems.

76-NI-99-0055

Title: Police Patrol Strategies (from 2/1/76 - 2/1/77)
Grantee: University City Science Center, 1717 Massachusetts Ave NW, Suite 604, Washington, D.C. 20036
Project Director: Theodore Schell
Amount: \$92,963

The purpose of this grant was to develop two Prescriptive Packages on police patrol strategies, one of which addresses general preventive patrol and the other specialized patrol. Together, they will give police administrators with guidelines for planning, implementing, and evaluating specific patrol practices determined to be most effective by the National Evaluation Program.

76-NI-99-0093

Title: The Consolidation of Small Law Enforcement Agencies (from 5/10/76 - 3/9/77)

Grantee: International Training, Research, and Evaluation Council, 210 E. Broad St., Falls Church, Va. 22046

Project Director: Terry Koepsell

Amount: \$61,944

A Prescriptive Package is being developed to explore questions about the nature and value of small police agency consolidation; to articulate the conditions under which small agency consolidation should be considered and how it should be planned, implemented, and evaluated; and to identify the issues that must be resolved prior to and during the implementation of such a merger.

76-NI-99-0105

Title: Anglo-American Action Research Program (from 5/24/76 - 5/23/77)

Grantee: Vera Institute of Justice, 30 East 39th St., New York, N.Y. 10016

Project Director: Michael Smith, c/o Inner London Probation and Aftercare Service, 73 Grant Peter St., London, SW1P 2BN

Amount: \$50,000

This grant helps maintain the Vera Institute office in London, England, for the purpose of examining English criminal justice practices, identifying innovative operational programs, summarizing these programs for U.S. dissemination, and recommending U.S. experimentation with selected British models.

76-NI-99-0123

Title: Prescriptive Package: Police Diversion of Juveniles (from 8/16/76 - 5/15/77)

Grantee: National Center for Juvenile Justice, 3900 Forbes Ave., Pittsburgh, Pa. 15260

Project Director: Hunter Hurst

Amount: \$59,572

The purpose of this study is to develop a Prescriptive Package that will provide practical guidelines for planning, operating, and evaluating formalized diversion programs within police juvenile units. The manual will focus on developing effective diversion standards and service models for juvenile officers, and for providing due process protection for youth.

76-NI-99-0124

Title: A Prescriptive Package on Unification of State Courts (from 9/1/76 - 9/30/77)

Grantee: American Judicature Society, 200 W. Monroe, Suite 1606, Chicago, Ill. 60606

Project Director: Allan Ashman

Amount: \$70,841

This Prescriptive Package is designed to guide states considering the unification of their court system. The project will generate a number of conceptual models for both

centralized administration and structural consolidation of courts.

76-NI-99-0130

Title: Security Techniques for Small Businesses (from 9/30/76 - 7/31/77)

Grantee: Criminal Justice System Research Department, METREK Division, The METRE Corporation, 1820 Dolley Madison Boulevard, McLean, Va. 22101

Project Director: Eleanor Chelinsky

Amount: \$59,932

Although small businesses suffer the greatest amount of losses through burglary, robbery, shoplifting, and employee theft, little has been done to aid them in carrying out simple, cost-effective analyses of the various protective measures available. The principal focus of this grant is to produce a comprehensive, non-technical, report that gives small businesses this kind of practical information. It will provide specific guidelines for assessing and selecting appropriate security techniques and for implementing a security program based on the particular needs of the individual business.

76-NI-99-0139

Title: Prescriptive Package: School Vandalism (from 10/12/76 - 8/11/77)

Grantee: The Council of the Great City Schools, 1707 H St. NW, Washington, D.C. 20006

Project Director: Milton Bins

Amount: \$58,408

This study is developing a practical handbook for school administrators, teachers, police, and community organizations who are attempting to reduce the amount of vandalism, theft, and destruction within the public schools. It will provide guidelines and working models covering the broad spectrum of anti-vandalism approaches, ranging from building security and target hardening through architectural design to institutional changes, and human and community relations.

J-LEAA-022-76

Title: Advanced CJ Training Seminars and Demonstration Seminars (from 5/27/76 - 5/31/78)

Contractor: University Research Corporation, 5530 Wisconsin Ave. NW, Washington, D.C. 20015

Project Director: Sheldon Steinberg

Amount: \$1,500,000

This contract supports the Advanced Criminal Justice Training Workshop Program and related technology transfer activities. The workshops, seminars, and conferences, presented in all 10 LEAA regions, are designed and conducted by the contractor. The workshops include techniques for improving criminal investigation procedures, decreasing the outbreak of disturbances in prisons through the use of arbitration methods, and reducing the amount of time jurors must spend waiting in court.

J-LEAA-030-76

Title: Exemplary Projects Program (from 10/1/76 - 3/31/79)
Contractor: Abt Associates, Inc., 55 Wheeler St., Cambridge, Mass.

Project Director: Joan Mullen
Amount: \$595,451

This project continues contractor support in two phases of the Exemplary Projects program: (1) The screening of written materials describing criminal justice projects proposed for exemplary status and short, on-site validation of those projects that appear to be successfully reducing crime or producing a measurable improvement in the operations and quality of criminal justice; and (2) Comprehensively documenting such projects so that other communities may understand and emulate the successful project experience.

76-TA-99-1000

Title: On-Site Technology Transfer in Advanced Criminal Justice Programs (from 2/19/76 - 11/18/77)

Grantee: Public Technology, Inc., 1140 Connecticut Ave. NW, Washington, D.C. 20036

Project Director: Joseph Carlson
Amount: \$209,496

To extend the benefits of NILECJ-sponsored seminars and workshops in advanced criminal justice practices, agencies that have had particular success or extensive experience in a given area are identified and asked to act as hosts to qualified, senior personnel. These practitioners visit the host-site to observe the program in action, and to understand the practices and constraints and other factors involved in implementing the particular criminal justice program.

J-LEAA-010-75

Title: National Criminal Justice Reference Service (from 9/11/74 to 9/11/77)

Contractor: General Electric Company, 1400 Wilson Boulevard, Arlington, Va. 22209

Project Director: Joseph G. Cady, General Electric
Amount: \$2,200,000 (FY 1976 increment)

An international information service, the National Criminal Justice Reference Service provides information to the nation's criminal justice community and government officials at the Federal, state, and local level, as well as to universities, professional associations, commercial and planning organizations, the general public, and criminal justice professionals abroad. It acquires, indexes, abstracts, stores, retrieves and distributes reports and information on all aspects of law enforcement and criminal justice. NCJRS also offers users a range of reference and referral services.

J-LEAA-015-76

Title: International Clearinghouse on Crime, Deviance and Social Control (from 5/19/76 to 5/19/77)

Grantee: United Nations Social Defence Research Institute (UNSDRI) Via Giulia 52 Rome, Italy

Project Director: Peider Konz

Amount: \$175,000

The 1973 Crime Control Act directed the Institute to serve as an international clearinghouse. This grant was designed to support this increased responsibility. Grant support was provided to UNSDRI to expand the NCJRS data base with material produced from foreign research and planning; develop exchange arrangements for two-way dissemination; produce translations and bibliographies of significant foreign language research publications; and create an awareness of the need for communication of technical information among countries faced with similar problems.

Exemplary Projects Selected in 1976

Major Offense Bureau
 Bronx County, New York

Rape/Sexual Assault Care Center
 Des Moines, Iowa

Creighton Legal Information Center
 Omaha, Nebraska

Prescriptive Packages Published in 1976

Rape and Its Victims
 Police Robbery Control Manual
 Police Burglary Control Programs
 Managing Criminal Investigations
 Offender and Ex-Offender Job Training and Placement

MBO: A Corrections Perspective
 Grievance Mechanisms in Correctional Institutions
 Health Care in Correctional Institutions
 Multi-Agency Narcotics Units
 Paralegals: A Resource for Public Defenders and Correctional Services
 Child Abuse Intervention
 The Prosecutor's Charging Decision

76-NI-99-0026

Title: Assistance to Task Force on Criminal Justice Research and Development (from 10/1/75 - 8/31/76)

Grantee: The Rand Corporation, 1700 Main St., Santa

Monica, Calif. 90406

Project Director: Dr. Peter Greenwood, Program Manager, Criminal Justice Program, The Rand Corporation

Amount: \$300,000

The grantee provided administrative and staff support for the Research and Development Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. The staff conducted research, reviewed reports and data bases, arranged meetings of the Task Force, secured specialized consultants possessing knowledge and familiarity with the problems and issues of research and development, and provided information to Task Force members for their deliberations in reviewing and approving specific research and standards and goals for state and local governments and members of the general research community.

76-NI-99-0096

Title: A Research Symposium on Crime Reduction in Urban Low-Income Areas (from 5/17/76 - 11/16/76)

Grantee: Joint Center for Political Studies/Howard University, 1426 H St. NW, Suite 926, Washington, D.C. 20005

Project Director: Dr. Herrington J. Bryce, Director, Public Policy Fellows Program, Joint Center for Political Studies

Amount: \$24,428

The objective of this project was to bring together a group of high ranking black police officials for the purpose of exploring, from their unique perspective, mechanisms for dealing with the problem of crime in urban and low-income areas, specifically the minority community.

J-LEAA-012-76

Title: Support Services for the Advisory Committee of NILECJ (from 9/29/75 - 3/26/76)

Grantee: DAMANS and Associates, 14929 Wellwood Rd., Silver Spring, Md. 20904

Project Director: Henry C. Cassnave, Jr.

Amount: \$43,921

The objective of this procurement was to provide administrative support for the work of the Advisory Committee of the National Institute. The contractor made travel and accommodations arrangements, produced and disseminated materials to support the agenda items, arranged for transcription of all meetings, maintained meeting records, prepared summary reports of meetings from the transcripts, and prepared special reports as requested by the Project Monitor.

Manpower Programs

J-LEAA-035-74

Title: A Nationwide Survey of Law Enforcement and Criminal Justice Personnel Needs and Resources

Contractor: The Research Center, National Planning Associa-

tion, 1666 Connecticut Ave. NW, Washington, D.C. 20009

Project Director: Dr. Harold Wool

Amount: \$1,624,693

The purpose of this contract is to continue the survey of existing and future personnel needs in law enforcement and criminal justice and the adequacy of Federal, State, and local programs to meet these needs.

LEAA-IAA-02-6

Title: Occupational Coding for Census EC Survey Interagency Agreement with the Bureau of the Census, Department of Commerce, Washington, D.C. 20233

Project Director: Robert Mangold

Amount: \$20,000

The object of this interagency agreement is to provide supportive data for the Joint Bureau of the Census/National Criminal Justice Information and Statistics Service (NCJISS) Survey of criminal justice employees.

Appendix C

Publications of the National Institute

Currently Available Documents
(See footnotes below for ordering information)

Grant/Contract Number	Title	NTIS/GPO Stock Number
J-LEAA-014-74	Administrative Adjudication Bureau of the New York State Department of Motor Vehicles*	†
J-LEAA-014-74	Adolescent Diversion Project*	†
NI-70-074	Analysis of Pretrial Delay in Felony Cases—A Summary Report	NTIS PB 212 039 GPO 2700-0152
NI-71-143-PO	Anatomy of a SCAM—A Case Study of a Planned Bankruptcy by Organized Crime	GPO 2700-00230
NI-71-126	Arson, Vandalism, and Violence—Law Enforcement Problems Affecting Fire Departments	NTIS PB 242-070/AS GPO 2700-00251
NI-69-095	Assaultive Youth—An Exploratory Study of the Assaultive Experience and Assaultive Potential of California Youth Authority Wards	NTIS PB 214 785
NI-71-157	Ball and Its Reform—A National Survey—A Summary	GPO 2700-00234
72-NI-99-0001	Ballistic Resistance of Police Body Armor—Law Enforcement Standards Program	NTIS PB 211 697 GPO 2700-00155
73-NI-99-0001	Batteries Used with Law Enforcement Communications Equipment—Chargers and Charging Techniques—Law Enforcement Standards Program	GPO 2700-00216
72-NI-99-0001	Batteries Used with Law Enforcement Communications Equipment—Comparison and Performance Characteristics—Law Enforcement Standards Program	NTIS PB 212 010 GPO 2700-0156
J-LEAA-014-74	Bronx County (NY)—District Attorney's Office—Major Offense Bureau*	†
NI-70-053	Cases and Materials on Prison Inmate Legal Assistance	GPO 2700-00222
J-LEAA-014-74	Central Police Dispatch—Division of Central Operations for Police Services (COPS)—Muskegon, Mich.*	†
J-LEAA-021-72	Change Process in Criminal Justice	NTIS PB 226 304/AS GPO 2700-00191

* An Exemplary Project

** A Prescriptive Package

† Single copies of these documents are available without charge through the National Criminal Justice Reference Service, P.O. Box 24036, S.W. Post Office, Washington, D.C. 20024

Documents accompanied by an NTIS stock number must be ordered directly from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161.

Documents accompanied by a GPO stock number must be ordered directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Grant/Contract Number	Title	NTIS/GPO Stock Number
75-NI-99-0082	Child Abuse Intervention**	†
J-LEAA-014-74	Citizen Dispute Settlement—The Night Prosecutor Program of Columbus, Ohio—A Replication Manual*	NTIS PB 241 571/AS† GPO 2700-00267
3-2148-J-LEAA	Community Corrections in Des Moines—A Coordinated Approach to the Handling of Adult Offenders—Handbook*	NTIS PB 228 663/AS- GPO 2700-00219
J-LEAA-014-74	Community Response to Rape*	†
J-LEAA-013-74	Community-Based Corrections in Des Moines*	†
NI-69-019	Compilation and Use of Criminal Court Data in Relation to Pre-Trial Release of Defendants—Pilot Study Report	NTIS PB 195 794
J-LEAA-014-74	Controlled Confrontation—The Ward Grievance Procedure of the California Youth Authority*	†
74-NI-99-0042	Cost Analysis of Correctional Standards —Institutional-Based Programs and Parole, Vols. 1 and 2 —Halfway Houses—Vols. 1 and 2 —Pretrial Diversion—Vol. 1 —Pretrial Diversion—Vol. 2	† † GPO 027-000-00400-8 GPO 027-000-00401-6†
J-LEAA-014-74	Court Planning and Research—The Los Angeles Experience	†
75-NI-99-0121	Crime Prevention Security Surveys—National Evaluation Program—Phase I Summary Report	†
NI-71-093	Criminal Appeals—English Practices and American Reforms—A Summary	GPO 2700-00202
NI-70-065-PG-04	Criminal Justice—The Consumer's Perspective	NTIS PB 214 693
75-NI-99-0012	Criminal Justice Models—An Overview	†
76-NI-99-0026	Criminal Justice Research and Development—Report of the Task Force on Criminal Justice Research and Development	GPO 052-003-00221-3†
NI-70-057	Current Regulation of Private Police—Regulatory Agency Experience and Views, Vol. 3	NTIS PB 212 004 GPO 2700-0139
J-LEAA-014-74	Dallas Police Legal Liaison Division*	†
NI-70-027	Delinquency and City Life	NTIS PB 222 289
74-NI-99-0010-S-1	Design Guidelines for Creating Defensible Space	GPO 027-000-00395-8
NI-70-038	Determinants of Police Behavior—A Summary	GPO 2700-00215
J-LEAA-021-72	Deterrence of Crime In and Around Residences	NTIS PB 224 528/AS GPO 2700-00196
J-LEAA-014-74	Dilemma of Diversion—Resource Materials on Adult Pre-Trial Intervention Programs—Monograph	†
NI-71-076	Ethnic Succession in Organized Crime—A Summary Report	GPO 2700-00242†

Grant/Contract Number	Title	NTIS/GPO Stock Number
76-TA-1001-G	Evaluative Research in Corrections--A Practical Guide	NTIS PB 242 007/AS† GPO 2700-00270
NI-70-068	Family Crisis Intervention--From Concept to Implementation	NTIS PB 238 540/AS
75-NI-99-0021	Felony Investigation Decision Model--An Analysis of Investigative Elements of Information	†
75-NI-99-0015	Forcible Rape--A National Survey of the Response by Police	†
75-NI-99-0015	Forcible Rape--A National Survey of the Response by Prosecutors	†
72-NI-99-0031	Gimelli System of Multi-Track Voice Writing--An Evaluation of a New Court Reporting Technique--A Summary Report	GPO 027-000-00299-4†
74-TA-99-1005	Grievance Mechanisms in Correctional Institutions	GPO 027-000-00351-1†
73-NI-99-0012	Guide to Juror Usage	GPO 4000-00238†
J-LEAA-006-75	Guide to Jury System Management	†
J-LEAA-004-71	Guidelines and Standards for Halfway Houses and Community Treatment Centers	NTIS PB 228 605/AS GPO 2700-00187
J-LEAA-003-71	Guidelines and Standards for the Use of Volunteers in Correctional Programs	NTIS PB 213 029
76-NI-99-0015	Halfway Houses--National Evaluation Program--Phase I Summary Report	GPO 027-000-00468-7†
74-TA-99-1012	Health Care in Correctional Institutions	†
73-NI-99-0001	Hearing Protectors for Use on Firing Ranges--Law Enforcement Standards Program	NTIS PB 228 670/AS GPO 2700-00182
72-NI-99-0008	Heroin Use and Crime in a Methadone Maintenance Program--An Interim Report	NTIS PB 219 650
NI-70-044	Impact of Police Unions--A Summary Report	NTIS PB 243 102/AS†
73-NI-99-0013	Improving Witness Cooperation--Summary Report of the DC (District of Columbia) Witness Cooperation Study	GPO 027-000-00411-3†
NI-70-009	Installation, Test and Evaluation of a Large Scale Burglar Alarm System for a Municipal Police Department, Interim Report	NTIS PB 211 733
73-TA-99-1007	Intensive Evaluation for Criminal Justice Planning Agencies	†
NI-70-017	Introducing a Law Enforcement Curriculum at a State University	NTIS PB 215 610 GPO 2700-0065
NI-71-129	Investigation of Digital Mobile Radio Communications	NTIS PB 231 329/AS† GPO 2700-00233
74-TA-99-1002	Job Placement and Training for Offenders and Ex-Offenders	GPO 027-000-00305-2
NI-70-057	Law and Private Police, Vol. 4	NTIS PB 212 085
NI-70-053	Law of Detainers	GPO 2700-00223†

Grant/Contract Number	Title	NTIS/GPO Stock Number
LEAA-J-IAA-055-4	Lightweight Body Armor for Law Enforcement Officers	†
LEAA-J-IAA-021-3	Magnetic Switches for Burglar Alarm Systems—Law Enforcement Standards Program	NTIS PB 231 323/AS† GPO 2700-00238
72-TA-99-0017	Methadone Treatment Manual**	NTIS PB 226 196/AS†
73-TA-99-1007	Monitoring for Criminal Justice Planning Agencies	†
74-TA-99-1001	Multi-Agency Narcotics Unit**	†
	National Institute of Law Enforcement and Criminal Justice—Annual Report, FY 1975	GPO 027-000-00383-4
	National Institute of Law Enforcement and Criminal Justice—Program Plan for 1975	†
	National Institute of Law Enforcement and Criminal Justice—Program Plan, FY 1976	†
	National Institute of Law Enforcement and Criminal Justice—The Technology Transfer Program	†
72-TA-99-0023	Neighborhood Team Policing	NTIS PB 239 135/AS† GPO 2700-00240
75-NI-99-0065	Neighborhood Team Policing in the United States—Assessment Summary	†
J-LEAA-021-72	New Approaches to Diversion and Treatment of Juvenile Offenders	NTIS PB 224 487/AS GPO 2700-00190
NI-71-153	New Effectiveness Measures for Organized Crime Control Efforts—A Handbook of Analytical Procedures for Use in Organized Crime Control Programs	NTIS PB 238 661/AS
J-LEAA-014-74	Only Ex-Offenders Need Apply*	†
75-NI-99-0046	Operation Identification Projects—Assessment of Effectiveness—National Evaluation Program—Phase I Summary Report	†
74-NI-99-0061	Paralegals—A Resource for Public Defenders and Correctional Services**	†
NI-70-064	Patterns of Burglary	NTIS PB 211 226
NI-69-082	Penetration of Legitimate Business by Organized Crime, An Analysis	NTIS PB 222 564
J-LEAA-1007-75	Performance Measurement and the Criminal Justice System—Four Conceptual Approaches	†
NI-70-052	Perspectives on Prison Legal Services—Needs, Impact, and the Potential for Law School Involvement	NTIS PB 208 055
J-LEAA-014-74	Philadelphia Neighborhood Youth Resources Center*	GPO 027-000-00298-6†
NI 032	Physical Evidence Utilization in the Administration of Criminal Justice	NTIS PB 208 213
NI-71-036	Police Background Characteristics and Performance—Summary Report	NTIS PB 212 813
73-TA-99-1007	Police Burglary Prevention Programs	†

Grant/Contract Number	Title	NTIS/GPO Stock Number
72-TA-99-1000	Police Crime Analysis Unit Handbook**	NTIS PB 238 787/AS GPO 2700-00232
73-NI-99-1004	Police Educational Characteristics and Curricula	†
J-LEAA-014-74	Police Patrol Car--State of the Art--Law Enforcement Standards Program	GPO 027-000-00345-1†
73-NI-99-0018	Police Selection and Career Assessment	†
NI-70-091	Police Telecommunication Systems	GPO 2700-0075
75-NI-99-0079	Pre-Trial Screening In Perspective	†
J-LEAA-025-73	Preliminary Study of the Effectiveness of Auto Anti-Theft Devices	GPO 027-000-00365-6
NI-71-097	Prevention and Control of Collective Violence	
	Vol. 1--Guidelines for the Chief of Police	NTIS PB 224 621/AS
	Vol. 2--Guidelines for Community Relations Personnel	NTIS PB 224 622/AS
	Vol. 3--Guidelines for Intelligence Personnel	NTIS PB 224 623/AS
	Vol. 4--Guidelines for the Patrol Commander	NTIS PB 224 624/AS
	Vol. 5--Guidelines for Patrol Personnel	NTIS PB 224 625/AS
NI-70-057	Private Police in the United States, Findings and Recommendations, Vol. 1	NTIS PB 214 682
NI-70-057	Private Police Industry--Its Nature and Extent--Vol. 2	NTIS PB 212 086 GPO 2700-0138
J-LEAA-034-75	PROMIS (Prosecutor's Management Information System) for the Non-automated or Semiautomated Office	GPO 027-000-00423-7†
NI-71-109	Prosecution in the Juvenile Courts--Guidelines for the Future	NTIS PB 241 828/AS† GPO 2700-00246
J-LEAA-014-74	Prosecution of Economic Crime--San Diego and Seattle Fraud Divisions*	GPO 027-000-00375-3†
75-NI-99-0079	Prosecutor's Charging Decision--A Policy Perspective	GPO 027-000-00442-3†
J-LEAA-013-74	Providence Educational Center*	NTIS PB 241 615/AS† GPO 027-000-00294-3
J-LEAA-014-74	Public Defender Service of the District of Columbia, Vol. 1--Policies and Procedures*	NTIS PB 240 283†
J-LEAA-014-74	Public Defender Service of the District of Columbia, Vol. 2--Training Materials*	NTIS PB 240 284†
NI-71-026	Residential Security	NTIS PB 232 086/AS†
NI-025	Role of Correctional Industries--A Summary Report	NTIS PB 206 877
NI-71-078	Semiautomatic Speaker Recognition System	NTIS PB 232 001/AS† GPO 2700-00231
NI-72-008	Some Aspects of the Epidemiology of Heroin Use in a Ghetto Community--A Preliminary Report	NTIS PB 214 530

Grant/Contract Number	Title	NTIS/GPO Stock Number
NI-70-040	Space Management and the Courts--Design Handbook	GPO 2700-00164
NI-70-040	Space Management and the Courts--A Summary	GPO 2700-00179
NI-70-057	Special-Purpose Public Police, Vol. 5	NTIS PB 212 086 GPO 2700-0141
75-NI-99-0067	Specialized Patrol Projects--National Evaluation Program Phase I--Summary Report	GPO 027-000-00469-5†
NI-71-042-1A	Study of Court Reporting Systems--Executive Summary	NTIS PB 214 284
J-IAA-021-3	Test Procedures for Night Vision Devices--Law Enforcement Standards Program	NTIS PB 255 902/AS† GPO 2700-00257
NI-71-108 PG	Time-Dependent Electron Paramagnetic Resonance Characteristics of Detonated Primer Residues	NTIS PB 213 611
NI-71-015	Trace Metal Detection Technique in Law Enforcement	NTIS PB 214 749
75-NI-99-0062	Treatment Alternatives to Street Crime (TASC) Projects--National Evaluation Program--Phase I--Summary Report	†
NI-71-080	Utilization of Experience in Parole Decision-Making--Summary Report	GPO 2700-00277†
72-NI-99-0033-G	Video Support in the Criminal Courts--Executive Summary	†
74-NI-99-0047	Violence by Youth Gangs and Youth Groups in Major American Cities--Summary Report	†
NI-70-004	Voice Identification Research	NTIS PB 242 053/AS
	Volunteer Probation Counselor Program*	GPO 027-022-00365-5
72-NI-990018	What Law Enforcement Can Gain from Computer Designed Work Schedules	GPO 2700-00279†

Appendix D

The National Institute Advisory Committee

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Appendix E

The

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* Temporary employees and student aides on 3-month to 1-year assignments.

APPENDIX D

D—Background Material.

D-1. Library of Congress Congressional Research Service Paper.

D-2. Memorandum by Irving Slott.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., October 15, 1975.

To:

From: Education and Public Welfare Division.

Subject: Federal Crime-Related Research Capabilities, with an Emphasis on LEAA's National Institute of Law Enforcement and Criminal Justice.

This is in response to your request for information on LEAA's National Institute of Law Enforcement and Criminal Justice and related Federal research agencies, as background for possible hearings on the organization of Federal anticrime research efforts.

This memo is divided into three major sections, as follows: I. Overview of Existing Federal Anticrime Research Agencies; II. LEAA's National Institute of Law Enforcement and Criminal Justice; and III. Possible Options for the Congress.

I. OVERVIEW OF EXISTING FEDERAL ANTICRIME RESEARCH AGENCIES

At the present time, the Federal research capability in the areas of law enforcement, crime, and delinquency includes three research institutes within the U.S. Department of Justice. These are the National Institute of Law Enforcement and Criminal Justice, and the National Institute for Juvenile Justice and Delinquency Prevention, both within the Law Enforcement Assistance Administration (LEAA); and the LEAA-funded National Institute of Corrections, within the Bureau of Prisons.

The U.S. Department of Health, Education, and Welfare houses "the first program with an exclusive focus on criminal justice,"¹ the National Institute of Mental Health's (NIMH) crime and delinquency research program. The recently authorized National Center for the Prevention and Control of Rape is also to be located within NIMH.

These Justice and HEW Department agency agencies are described briefly below, in the chronological order of their formation.

A. HEW, National Institute of Mental Health, Center for Studies of Crime and Delinquency. (Public Health Services Act of 1946, as amended, section 301(d); 42 U.S.C. 241, 242, 242a).

Under the general authority of the Public Health Services Act, NIMH conducts and sponsors a broad range of behavioral and social science research, including research relating to deviant behavior. Projects relating specifically to crime and delinquency have been funded by NIMH since the early 1950's. The Center for Studies of Crime and Delinquency was formed as an administrative unit with its own staff and funds in 1968, and remains in operation today under the authority of section 301 of the Public Health Services Act.

NIMH's Center for Studies of Crime and Delinquency provides grants to educational institutions, public and private nonprofit agencies and mental health facilities and hospitals to conduct research and demonstration projects relating to delinquent and criminal behavior. Fellowships and assistance for training programs are also available from the Center. Although the Center is authorized to conduct in-house research, it currently does not have the capability to do so.

According to a spokesman for the Center, it informally coordinates its research activities with those of LEAA's National Institute of Law Enforcement and Criminal Justice. The emphasis of the latter is on research aimed at improving the functioning of the criminal justice system. The Center focuses its efforts primarily on behavioral research related to the prevention and reduction of crime.

The Chief of NIMH's Center for Studies of Crime and Delinquency is Dr. Saleem A. Shah. The Center's approximate budget for fiscal year 1974 follows:

Research grants (50 grants)-----	\$3,460,000
Fellowship (17 fellowships)-----	130,000
Training grants-----	2,178,000

¹ Daniel L. Skoler, "New Directions in Federal Aid for Crime and Delinquency—An Analysis," *Journal of Urban Law*, Winter 1967, P. 262.

B. Justice, LEAA, National Institute of Law Enforcement and Criminal Justice (Omnibus Crime Control and Safe Streets Act of 1968, as amended, title I, Part D, secs. 402-403; 42 U.S.C. 3742-3743).

The National Institute of Law Enforcement and Criminal Justice (henceforth referred to as the Institute) was established as the research arm of LEAA by that agency's original enabling legislation, enacted on June 19, 1968 (P.L. 90-351; 82 Stat. 197). The legislation, as amended, provides that the Institute be established within the U.S. Department of Justice, under the general authority of LEAA, and that its chief administrator be a Director, appointed by the Administrator of LEAA. To date, the Institute has had five Directors and two acting directors; a list of their names and the dates they served follows:

Ralph Siu—October 1968 to February 1969.

Robert Emrich (acting)—February 1969 to May 1969

Henry Ruth—May 1969 to June 1970.

Irving Slott—June 1970 to September 1971.

Martin Danzinger—September 1971 to August 1973.

Harry Scarr (acting)—August 1973 to October 1973.

Gerald Caplan—October 1973 to present.

The enabling legislation, as amended, provides that the purpose of the Institute is to encourage research and development, disseminate the results of such efforts, and assist in the development and support of training programs. Specifically, the Institute is authorized to:

(1) make grants to or enter into contracts with public and private agencies, organizations, and educational institutions for research and development related to the purposes of this title;

(2) conduct in-house research and development, including studies of the effectiveness of programs and projects carried out under this title;

(3) carry out programs of behavioral research, with emphasis on the causes and prevention of crime, and correctional procedures;

(4) make recommendations for action to strengthen law enforcement by all levels of government and the private sector;

(5) provide research fellowships for implementing the purposes of this section and special workshops for the dissemination of information;

(6) at the request of a State or unit of local government, assist in conducting local and regional training programs for State and local law enforcement and criminal justice personnel. Such training activities are to supplement rather than supplant State and local training activities, and are not to duplicate F.B.I. training activities authorized under section 404;

(7) conduct a full-scale program for the collection and dissemination of relevant information;

(8) establish a research center, to carry out the Institute's programs.

In addition to the functions outlined above, the law requires that the Institute serve as a national and international clearinghouse for the exchange of information on the improvement of law enforcement and criminal justice. Where possible, the Institute is to evaluate programs and projects carried out by LEAA, in order to determine their impact and the extent to which they meet the purposes of LEAA, and to disseminate resulting information to State and local governments.

Before June 30, 1976, the Institute is required to survey existing and future needs and programs in the field of law enforcement and criminal justice, specifically including LEAA training and academic assistance programs. Finally, the Institute is required to publish an annual report. Institute grants for the authorized projects may be up to 100 percent of the total cost, with the proviso that, whenever feasible, the contribution of money, facilities, or services relevant to the project will be required by LEAA.

The budget of the Institute for fiscal years 1969-76 follows. The figures given are not limited to research funds alone. They reflect the amount of each year's LEAA appropriation earmarked for the Institute, and thus encompass all the Institute's activities, as outlined above.

Institute appropriations

Fiscal year:	
1969	----- \$3, 000, 000
1970	----- 7, 500, 000
1971	----- 7, 500, 000
1972	----- 21, 000, 000
1973	----- 31, 598, 000
1974	----- 40, 098, 000
1975	----- 42, 500, 000
1976 (estimated)	----- 32, 400, 000

This discussion of the Institute has consisted primarily of a summary of the Institute's mandate under the amended LEAA enabling legislation. A more detailed discussion of the legislative development and functioning of the Institute follows in Section II.

C. Justice, U.S. Bureau of Prisons, National Institute of Corrections (Juvenile Justice and Delinquency Prevention Act of 1974, title V, Part B, sec. 521; 18 U.S.C. secs. 4351-4353).

The National Institute of Corrections (NIC) was formally established within the U.S. Bureau of Prisons by legislation enacted on September 7, 1974. Prior to that date, LEAA had funded a program with similar functions within the Bureau of Prisons; this was the genesis of the statutory National Institute of Corrections, which to date is also an LEAA-funded operation. (We were advised that LEAA's Institute is not diminishing its corrections research activity with the creation of NIC.)

Under the law, the National Institute of Corrections is required to serve as an information and training center in the field of corrections for adults and juveniles. It has the authority to make grants and enter into contracts with Federal, State, and local governments; to collect, prepare, and disseminate information and data; to act as a consultant; to offer technical assistance; to provide training programs in various geographical locations for professionals and lay persons working in juvenile and adult correctional programs; to conduct research; and to evaluate innovative programs and their effectiveness.

NIC is specifically authorized to conduct and fund research relating to corrections, and to conduct evaluation programs to determine the effectiveness of new approaches aimed at improving the corrections system. Quoting from a NIC brochure:

"The Institute's research activities will study which correctional methods are effective with which categories of offenders at what cost and with what social consequences.

"Only a small portion of this research and evaluation will be conducted by the Institute. Most will be handled through states, localities and organizations under NIC sponsorship. As with other Institute functions, close coordination with state and local corrections and corrections-related organizations will be sought."

NIC is under the general supervision of an Advisory Board with a membership consisting of Federal officials involved in corrections; and appointees of the Attorney General, including practitioners in corrections and persons from the private sector who have a demonstrated interest in corrections. The daily operations of NIC are under the supervision of a Director appointed by the Attorney General. The Director of the National Institute of Corrections is Sherman Day.

D. Justice, LEAA, Office of Juvenile Justice and Delinquency Prevention, National Institute for Juvenile Justice and Delinquency Prevention (Juvenile Justice and Delinquency Prevention Act, title II, Part C, secs. 241-251; 42 U.S.C. 5651-5661).

The National Institute for Juvenile Justice and Delinquency Prevention was authorized under legislation enacted on September 7, 1974. Funds for its actual operation did not become available until June 12, 1975, with the enactment of the Second Supplemental Appropriations Act of 1975 (P.L. 94-32). Of the \$25 million in new and reversionary LEAA funds appropriated under that Act for title II programs of the Juvenile Justice and Delinquency Prevention Act, an estimated \$3.15 million were allocated for the National Institute for Juvenile Justice and Delinquency Prevention.

The juvenile justice institute is a research and information center within LEAA's Office of Juvenile Justice and Delinquency Prevention. It is also charged with providing training in the treatment and control of juvenile offenders, with evaluating research and demonstration projects relating to juvenile delinquency, and with assisting in the development of juvenile justice standards.

The juvenile justice institute is specifically authorized to conduct and coordinate research and evaluation regarding any aspect of juvenile delinquency; and to encourage demonstration projects aimed at the development of innovative techniques for the prevention of juvenile delinquency. There is a requirement in the Juvenile Justice Act (sec. 241(c)) that the activities of the juvenile justice institute be coordinated with those of LEAA's National Institute of Law Enforcement and Criminal Justice. We were advised by LEAA that its juvenile delinquency research effort is largely being transferred to the juvenile justice institute.

The National Institute for Juvenile Justice and Delinquency Prevention is under the supervision and direction of the Assistant LEAA Administrator in charge of LEAA's Office of Juvenile Justice and Delinquency Prevention. The institute is

headed by a Deputy Assistant Administrator of the Office, appointed by the LEAA Administrator. The institute's acting chief is John Greacen.

E. HEW, National Institute of Mental Health, National Center for the Prevention and Control of Rape (Public Health Service Act, as amended by P.L. 94-63, Special Health Revenue Sharing Act of 1975, title II, Part D).

Legislation enacted on July 29, 1975 included a provision authorizing the establishment within NIMH of a National Center for the Prevention and Control of Rape. The Center is required to conduct and sponsor research, disseminate information, establish an information clearinghouse, and publish training materials relevant to the prevention and control of rape and the treatment of rape victims. Eligible applicants for research and demonstration grants from the Center include community mental health centers and other public and private nonprofit entities. Appropriations of \$7 million and \$10 million were authorized for these purposes, for fiscal years 1976 and 1977 respectively.

The Federal agencies discussed above are exclusively concerned with one or more aspects of crime, and in each case the research function is a major part of their mission. They do not, of course, account for all anticrime research currently underway by or with the sponsorship of the Federal government. The Special Analysis of the U.S. 1976 budget entitled, "Federal Programs for the Reduction of Crime"² indicates estimated outlays for fiscal year 1976 of more than \$110 million for crime research and statistics. This total figure is broken down into approximately \$37.3 million for "statistics on crime, criminals, and criminal justice system," and \$72.8 million for "research on criminal behavior and sociology of crime." Both figures are close to the estimated outlays of fiscal year 1975 for these functions.

Major Federal agencies indicated as participating in the crime research and statistics functions, with approximate estimated 1976 outlays, follow: the Judiciary (\$3.7 million), Department of Defense—Civil (\$20 thousand), HEW (\$4.3 million), Justice (\$98.1 million), Transportation (\$3.2 million), and Treasury (\$840 thousand). Examples of specific research and statistics projects currently underway include those of the Drug Enforcement Administration (DEA), the Coast Guard, the U.S. Postal Service, and the Immigration and Naturalization Service. LEAA's total expenditures for fiscal 1976 for research and statistics are estimated at \$36.3 million and \$31.3 million, respectively.

Crime and delinquency research is also being supported by the National Science Foundation (NSF) under its general mission to support research and education in the sciences. NSF was established by the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1879). Research grants relating to criminal justice and law enforcement are being made by NSF under its Research Applied to National Needs (RANN) program, as well as under its Social Sciences Research Program.³

II. LEAA'S NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

A. *The legislative Development of the Institute: A Retrospective View*

(1) Background prior to 1968.

The President's Commission on Law Enforcement and Administration of Justice reported that, "as recently as 1965, the Justice Department was the only Cabinet department with no share of the roughly \$15 billion Federal research and development budget."⁴ This was at a time when, according to the National Science Foundation, the Federal government supported nearly two-thirds of all basic and applied research carried on in the United States.⁵

A survey conducted by the Institute for Defense Analyses of Federal research, development, test and evaluation (RDT&E) programs relating to crime and delinquency underway in early 1968 indicated a total Federal expenditure of approximately \$18.2 million.⁶ The principal sources of this funding were a Justice Department agency, the Office of Law Enforcement Assistance, which administered the Law Enforcement Assistance Act of 1965; and two agencies in the Department of Health, Education, and Welfare. These were NIMH's Center for the Study of Crime and Delinquency, which remains in operation today; and the Office of Juvenile Delinquency and Youth Development, which at that time administered the Juvenile Delinquency and Youth Offenses Control Act.

² U.S. Office of Management and Budget, "Special Analyses, Budget, of the United States Government, 1976", "Special Analysis N," pp. 222-232 (see especially pp. 224-226, p. 230).

³ See U.S. Department of Justice, "Attorney General's Report on Federal Law Enforcement and Criminal Justice Assistance Activities," 1975, pp. 199-202, for a review of NSF's recent activities in this area.

⁴ "The Challenge of Crime in a Free Society," February 1967, p. 245 (henceforth cited as Challenge).

⁵ Cited by Skoler, supra note 1, p. 274.

⁶ Institute for Defense Analyses, "A National Program of Research, Development, Test, and Evaluation on Law Enforcement and Criminal Justice," November 1968, p. 63.

In its landmark report published in early 1967, the "Challenge of Crime in a Free Society," the President's Commission singled out "the need to know" as the greatest of the "many needs of law enforcement and the administration of criminal justice." Quoting further: "[The] revolution of scientific discovery has largely bypassed the problems of crime and delinquency. * * * There is probably no subject of comparable concern to which the Nation is devoting so many resources and so much effort with so little knowledge of what it is doing. * * * There is virtually no subject connected with crime or criminal justice into which further research is unnecessary."⁷

While the Crime Commission was unequivocal in its support for greatly increased Federal assistance for research, its recommendations for the structuring of this research effort were complex and, perhaps because of their complexity, were not generally implemented by the LEAA enabling legislation.

First, the Commission recommended a major Federal anticrime assistance program, to be located within the U.S. Department of Justice. Regarding this program, they noted: "It is essential that the new Justice Department program embody a research component, if it is not simply to perpetuate present failures in many areas. This is particularly important at the outset when difficult decisions must be made about what meets the standards justifying Federal aid."⁸

Additionally, it was recommended that, "the Federal government should support a major science and technology research and development program relating to all areas of criminal justice."⁹ The Commission was somewhat enigmatic regarding the appropriate agency to administer this program; "The R.D.T.&E program would have to be developed in detail by the office administering it. The program would have to be housed in an agency that was sympathetic to research and development, and could attract the high-caliber scientific staff needed to manage the program."¹⁰

Additionally, the Commission recommended, "Substantial public and private funds should be provided for a number of criminal research institutes in various parts of the country." Quoting further:

"Some of the institutes might be expansions of existing research centers. They should be sufficiently well-financed so they can attract highly qualified persons from the social and natural sciences, the law, business administration and psychiatry, to work together and with criminal justice agencies. . . . While these institutes should not be controlled or dominated by the Federal government, they could play an important role in providing ideas and data to the Department of Justice in connection with State and local aid programs described in chapter 13, and in evaluating innovative proposals suggested for Federal support.

"Most of these institutes should be at universities since it seems likely, at least in the foreseeable future, that the leading scholars in this field would prefer to work in a university setting. . . . A university-based institute would be in a favorable position to train the research personnel that criminal justice agencies need so badly."¹¹

The concept and functions of these Federally-assisted private institutes were expanded on elsewhere in the report, for example with regards to establishing a science and technology program in a research institute: "Probably the most important single mechanism for bringing the resources of science and technology to bear on the problems of crime would be the establishment of a major prestigious science and technology research program within one of the research institutes. . . . The institute and the program must be significant enough to attract the best scientists available, and to this end, the director of this institute must himself have a background in science and technology or have the respect of scientists. Because it would be difficult to attract such a staff into the Federal government, the institute should be established by a university, a group of universities, or an independent nonprofit organization, and should be within a major metropolitan area."¹²

⁷ Challenge, p. 273.

⁸ Ibid., p. 277.

⁹ Ibid., p. 269.

¹⁰ Ibid., p. 270.

¹¹ Ibid., p. 276.

¹² Ibid., p. 271.

The Commission's general position regarding the Federal role in research, particularly with regard to the Justice Department program and the private institutes, is summarized in part as follows in the Commission's summary of its recommended program of Federal support: "The need for research of all kinds has been discussed. . . . There should be Federal support for specific research projects by individual scholars, and by universities or research organizations. In many instances such projects should be carried out in conjunction with large police departments, correctional institutions, or other operating agencies. In addition to such project grants, the Commission believes the Federal government should provide support for a number of institutes specifically dedicated to research into crime and criminal justice. Such institutes would bring together top scholars from the social and natural sciences, law, social work, business administration and psychiatry, and would be able to deal with the criminal justice system, from prevention to corrections, as a whole. Presumably most of these research institutes would be located at universities, although, as noted in chapter 12, one or more might be independent.

"These institutes would serve as the foundation for the other parts of the Federal program described here, both in the substance of the research they undertook and in the availability of their staff members as top-level consultants."¹³

Finally, the Commission recommended the eventual formation of a National Foundation for Criminal Research, an independent Federal agency financed, "like the National Science Foundation," by annual appropriations from Congress. Quoting from the report: "The Commission believes it essential that some national body act as a focus for research efforts in the field of crime and its control, stimulating vitally needed projects, providing more effective communication between those doing research, and disseminating what is learned. . . . In view of the enormous increase in research activity and the variety of research organizations envisaged in this report, it seems desirable that there be a Federal agency with overall responsibility for research. . . . Its independent status would insure its freedom from the pressures and immediate needs of any Federal agency responsible for criminal administration. Such independence would also make it more attractive to leading scholars in the field, on whom its success would depend."¹⁴

Because of the "serious risk of confusion and competition for already scarce research personnel," the Commission suggested that "it might be desirable to defer the establishment of such a foundation until the proposed new Justice Department agency is established." It was suggested further that if that course were followed, the development of detailed plans for the establishment of such an independent foundation should be one of the Justice Department Agency's "early responsibilities."¹⁵

A number of bills were introduced in 1967, during the first session of the 90th Congress, to establish a national institute to administer crime-related research education, and Federal research and demonstration grant programs. A bill to establish a National Institute for Criminal Justice within the U.S. Department of Justice was introduced on the Senate side by Senator Edward Kennedy (S. 992), and on the House side by Congressman James Scheuer (H.R. 5652; see also H.R. 3998). Approximately 20 similar bills were introduced on the House side during 1967. Bills were also introduced on the House side to establish a National Science and Technology Center for Crime Prevention and Control as an independent agency within the Executive Branch of the Federal Government (e.g., H.R. 10113, Congressman J. Edward Roush *et al.*).

(2) The Omnibus Crime Control and Safe Streets Act of 1968, title I, Law Enforcement Assistance (P.L. 90-351, Act of June 19, 1968; 82 Stat. 197; 42 U.S.C. 3701 *et seq.*)

The work of the President's Commission on Law Enforcement and Administration of Justice, in conjunction with experience gained in administering the relatively low-budget Law Enforcement Assistance Act of 1965, formed the basis for the Safe Streets legislation introduced in 1967 at the request of the Johnson Administration (H.R. 5037/S. 917). This legislation was enacted with major amendments as title I of the Omnibus Crime Control and Safe Streets Act of 1968. Among other things, it established the National Institute within the U.S. Department of Justice under the general authority of LEAA.

As originally introduced, the Administration's Safe Streets bill did not provide for a National Institute. It contained instead general authority for Federal support

¹³ *Ibid.*, pp. 287-288.

¹⁴ *Ibid.*, p. 277.

¹⁵ *Ibid.*

of crime-related research and development and demonstration projects, similar to that contained in the 1965 Act, but on a larger scale; and authorized the Attorney General himself to conduct research and evaluation studies related to the Act. In addition, it authorized the Attorney General to make grants to institutions of higher education and other public and private nonprofit organizations "to establish national or regional institutes for research and education pertaining to the purposes of this Act."

Senator Edward Kennedy, who had introduced legislation (S. 992, S. 993, 90th Congress) establishing a National Institute of Criminal Justice and regional criminal justice academies, questioned Attorney General Ramsey Clark about this latter approach during Senate hearings on the administration bill:

Senator KENNEDY. Now, the President's Crime Commission recommended the establishment of a national research institute and the development of regional research institutes at universities. This has been an area in which I have had some interest. I wonder if you could evaluate these recommendations which were made by the President's Crime Commission and which the President discussed briefly in his message to Congress.

Attorney General CLARK. There has been recurrent interest both in the national institute and regional and research centers for a period of time. I think, and I should say that title III, and also section 405, I believe, of the act would authorize the Justice Department itself to involve the Government in direct research programs so that you have the legal basis and the capability there for Federal research itself. But I think on the basis of our present learning that flexibility will offer the most rewards. We need to know that we are reaching the people who have been in the field.¹⁶

In response to a letter from the Senate Judiciary Committee Chairman requesting the Department of Justice's view on Senator Kennedy's bill to establish a National Institute within the Justice Department, the Attorney General replied that while the Department supported the purposes of S. 992, it felt that the Administration bill, S. 917, "is a far better vehicle through which to support them." Quoting from the letter:

"In particular, Title III of the proposed Safe Streets and Crime Control Act of 1967, deals with research, demonstration, and special project efforts. The unit administering the Title III program, which authorizes the establishment of national or regional institutes for research and education, might well take on the character of a national institute or national foundation, but it would, under the administrative scheme of S. 917, have the advantage of common over-all direction and integrated planning with the broad planning and formula grant assistance available under Titles I and II of S. 917. Like S. 992, the Safe Streets and Crime Control Act contemplates a Director appointed by the President at an Assistant Attorney General compensation level."¹⁷

The House substantially altered the Safe Streets proposal during the floor debate, most significantly by the adoption of an amendment converting the proposed categorical grant program under the direction of the Attorney General into a State block grant program. The House also adopted the amendment offered by Congressman Robert McClory, establishing a National Institute of Law Enforcement and Criminal Justice within the Department of Justice. The Institute was to be headed by a Director appointed by the President with the advice and consent of the Senate, and under the general authority of the Attorney General. It was given responsibility for both research and training programs.

The McClory amendment was agreed to by a teller vote of 101 ayes to 85 noes. As reported, the House bill had incorporated a provision authorizing the Attorney General to make grants for the establishment of "national or regional institutes for research, education, and training." This provision, as opposed to the McClory amendment, was backed by the floor leader, Judiciary Committee Chairman Emanuel Celler, and was generally defended as being more consonant with the recommendations of the President's Crime Committee. Those opposed to the Institute argued also that it was premature, that it had not been adequately considered in hearings, and that it was duplicative of F.B.I. efforts.

General speaking, proponents of the Institute concept argued that it would give direction to the Federal research effort, and simultaneously signal the importance placed by Congress on criminal justice research—a need which had been fully documented by the President's Commission. For example, Congressman

¹⁶ "Controlling Crime through More Effective Law Enforcement," Hearings before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, 90th Cong., 1st Sess., 1967, p. 381.

¹⁷ *Ibid.*, p. 104.

William Roth stated: " * * * the proposal to establish a National Institute of Law Enforcement and Criminal Justice to administer the myriad research and demonstration projects to be initiated under title III and give them guidance and direction, is worthy of particular note. The precedents for such an institute are ample, and have operated with success in the past: witness, for instance, the National Institutes of Health and the National Academy of Sciences."¹⁸

It was also argued by Congressman Richard Schweiker that the Institute complemented "the State-by-State planning approach. For the Institute would provide for all the States, those central functions that can best be planned from Washington," including "a central research organization."¹⁹ In a related point, Congressman McClory said, "We are seeking, by this amendment, to vest authority in the institute instead of leaving it to the whim and the sole arbitrary discretion of the Attorney General."²⁰

The House passed H.R. 5037, as amended, on August 8, 1967, with the amended title, the "Law Enforcement and Criminal Justice Act of 1967." In a Congressional message on February 7, 1968, President Johnson proposed that his Safe Streets bill as originally recommended be amended to, among other things, "Create a National Institute of Law Enforcement and Criminal Justice to develop a major Federal research program for the application of the most advanced science and technology to law enforcement."²¹

The Statutory language in the 1968 Act establishing the Institute comes not from the House-passed amendment, but from the version of the Safe Streets legislation reported by the Senate Judiciary Committee on April 29, 1968. This language was agreed to by the Senate, and subsequently by the House, without further amendment. It differed from the House provision in, among other things, establishing the Institute within the Department of Justice under the general authority of LEAA, rather than the Attorney General; and in separating out the training function. Quoting from the Senate report: "The Institute, which is authorized to establish a central research facility to create and develop comprehensive programs to carry out the programs described in this section, would be modeled along the lines of the National Institutes of Health and the National Academy of Sciences."²²

(3) Omnibus Crime Control Act of 1970, title I, the Omnibus Crime Control and Safe Streets Act Amendments (P.L. 91-644, Act of January 2, 1971; 84 Stat. 1880)

The National Institute of Law Enforcement and Criminal Justice was not an important issue during the 1970 debate preceding the enactment in early 1971 of legislation reauthorizing the LEAA program through fiscal year 1973. The provisions of the 1968 Act pertaining to the Institute were not amended by this legislation. However, both the Institute's funding levels, which has been cut by Congress, and the adequacy of its performance were discussed during 1970 hearings on LEAA. For example, the following exchange took place between Senator Edward Kennedy and Attorney General John Mitchell:

Senator KENNEDY. Could I move to the area of the National Institute of Law Enforcement and Criminal Justice, Mr. Attorney General? As I understand, you give this National Institute a sense of priority, and yet we have seen the requests actually made by the administration, some \$19 million, reduced, as I understand, to \$7.5 million allowed to be spent for the Institute because of the restrictions placed upon the additional funding for the Institute by a subcommittee of the House of Representatives.

When the legislation was initially passed in 1968, it was felt that the National Institute ought to have approximately 10 percent of the funding, and now it is down to about 1 percent. I was wondering if you could tell us how significant and important this Institute is in terms of what needs to be done in the fight against crime.

Attorney General MITCHELL. Senator, it is very important. As I have said back a while ago, our criminal justice system is related to the 18th and 19th century, and we must find ways of not doing more of the same, but of doing things better and differently.

¹⁸ LEAA, Index to the Legislative History of the Omnibus Crime Control and Safe Streets Act of 1968, p. 132.

¹⁹ *Ibid.*, p. 91.

²⁰ *Ibid.*, p. 131.

²¹ "To Insure the Public Safety." The President's Message to the Congress on Crime and Law Enforcement, February 7, 1968, Weekly Compilation of Presidential Documents, vol. 4, Feb. 12, 1968, p. 238.

²² Senate Report No. 1097, 90th Cong., 2d Sess., p. 36.

The Institute is an area in which we can make these advancements, as well as in the grants that we provide to the States and their localities, which also do research and development with the grants. I feel that the Institute can help this program and provide the technical leadership that is needed from the Federal Government in order to bring the States and the localities along.

We did request those additional funds, but I must admit that the activities of the Institute to date, while they have made reasonable progress, have not been outstanding, and I think that we have to develop it further, to bring to bear, hopefully, new abilities and techniques if we can find them and to upgrade it as fast and as quickly as possible.²³

(4) Crime Control Act of 1973 (P.L. 93-83, Act of August 6, 1973; 87 Stat. 197) The Nixon Administration legislation (S. 1234/H.R. 5613, 93d Cong.) extending the authorization of LEAA beyond its expiration date of June 30, 1973 would have converted the LEAA program into a special revenue sharing program. Led by the House side, the Congress rejected this approach and chose to strengthen, rather than reduce, the existing Federal controls on LEAA, particularly as they pertained to accountability to the Congress, and program evaluation.

Similarly, the Administration bill would have curtailed the Institute's functions, authorizing it only "to encourage research and development to prevent and reduce crime and delinquency." The legislation as enacted expanded its functions, particularly with regard to program evaluation. Quoting from the House report: "The National Institute of Law Enforcement and Criminal Justice is strengthened, and given a major new role in evaluating projects, developing training programs, and acting as a clearinghouse to stimulate research and reform. In performing its evaluation function, the Institute will find it necessary to evaluate programs or projects on the basis of standards. The committee believes that it will be useful in appropriate cases for the Institute to refer to recommendations of the National Advisory Commission on Criminal Justice Standards and Goals. The State plans themselves must assure that programs and projects funds under the Act maintain the data and information necessary to allow the Institute to perform meaningful evaluation."²⁴

More specifically, the 1973 legislation amended the basic Institute statute for the first time since its enactment by, among other things, requiring that the chief executive officer of the Institute be a Director appointed by the LEAA Administrator; amending its statement of purpose to include information dissemination, and assistance in the development and support of training programs; and adding new language pertaining to these functions. The 1973 Act also expanded the Institute's functions to include, "where possible," the evaluation of LEAA-sponsored programs and projects; serving as a national and international clearinghouse; surveying personnel needs in the field of law enforcement and criminal justice; and the submission of annual reports.

There was some commentary on the concept of the Institute and on its progress since 1968 during the course of the floor debates on the 1973 legislation. Congressman Robert McClory, the sponsor of the 1967 House amendment establishing an Institute, summarized what he saw to be the basic purpose of the Institute, as follows:

"The overall concept of the National Institute is that it should be a professional high-level agency or institute for the purpose of giving guidance and direction in the overall attack on crime, without, however, endeavoring to provide any kind of Federal police force or domination or control of the broad law enforcement and criminal justice functions which belong to the State and to the local units of governments."²⁵

Senator Javits commented as follows on the Institute in his floor statement introducing the amendment requiring an Institute survey of law enforcement and criminal justice manpower needs: "In looking back over the first 5 years of the LEAA program, I would mark as one of the great disappointments of the program the fact that the Institute for Law Enforcement and Criminal Justice has not achieved its original potential. Strong Federal leadership must come from the institute if we are to have genuine reform of our criminal justice system."²⁶

²³ *Federal Assistance to Law Enforcement*, Hearings before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, 91st Congress, 2d Session, 1970, p. 557.

²⁴ House Report No. 93-249, 93d Congress, 1st Session, pp. 18-19.

²⁵ LEAA, Indexed Legislative History of the "Crime Control Act of 1973," p. 87.

²⁶ *Ibid.*, p. 228.

(5) S. 2212, 94th Congress, introduced July 29, 1975 by Senator Roman Hruska for himself and Senator John McClellan, at the request of the Ford Administration.²⁷

The Administration-sponsored "Crime Control Act of 1976" would, among other things, amend the provisions of the LEAA enabling legislation pertaining to the National Institute to: (1) change its name to the National Institute of Law and Justice, and authorize it to fund projects pertaining to the civil as well as the criminal justice system; (2) provide that the Attorney General, rather than the LEAA Administrator, would appoint the Director of the Institute; and (3) authorize the Institute, in addition to its existing duties, to conduct activities relating to Federal law enforcement and criminal justice activities at the Attorney General's direction.

B. Selected Non-Congressional Commentary on the Institute

(1) Institute for Defense Analyses (IDA), "A National Program of Research, Development, Test, and Evaluation in Law Enforcement and Criminal Justice," November 1968.

This report was prepared by IDA under contract to the U.S. Justice Department "to structure a research, development, and test and evaluation (RDT&E) program to be undertaken by the [LEAA] Institute upon its creation." The report outlines in some detail a proposed research program comprising three principal parts: (1) an internal program conducted by the Institute Staff; (2) an external grant and contract program; and (3) an institutional grant program designed to establish new institutions.

IDA's comments on the issue of "whether the Institute's internal research and external grant and contract programs . . . should be integrated or separated activities" are of particular interest and are quoted in part below:

"The integration of activities means that the same staff members will be involved in both the progress of in-house investigations and the review of grant and contract proposals. This, it can be argued, will ensure that the individuals most familiar with research needs and problems will be making the management decisions in the Institute and insuring that internal work is coordinated with external support. Furthermore, since the quality of the staff is central to the success of the Institute, a vital internal research program may be a valuable device for attracting such a staff to manage the external program part time. If the two functions were organizationally separate, then there may even be some question as to the desirability of having an internal research component, given the problems in attracting a quality technical staff into the government, especially in the face of the competition generated by the Institute's external program.

"However, experience in other government laboratories (e.g., NIH) has shown that it is usually more effective to separate internal research from external program management. Conflict of interest often develops, for instance, when the same individual competes in research with the colleagues whose research he funds and evaluates. When time must be split between research and management, the time pressures usually require that management take priority, and so the research program usually suffers thereby. Some organizations (e.g., the National Science Foundation) address this problem by bringing in people who are normally engaged in research for a short tour (say, two years) of program management." (pp. 78-79)

Regarding the critical issue of Institute staffing, IDA observed: "If the right people—truly the best in their fields—can be attracted, then the impact on the criminal justice system can be profound. If the Institute is not staffed by these top people, then it will surely become just another Federal bureaucracy, distributing its funds in an unimaginative and ineffectual manner." (p. 79)

(2) *The Block Grant Programs of the Law Enforcement Assistance Administration* (Part 2), Hearings before the House Government Operations Subcommittee on Legal and Monetary Affairs, 92d Congress, 1st Session, October 1971.

While the Institute program was not addressed directly by these hearings, it was referred to in passing by Charles Rogovin, a former LEAA Administrator, and by Henry Ruth, a former Director of the Institute. Mr. Rogovin, then the President of the privately-funded Police Foundation, stated:

"The Institute was created to do highly directed, practical research on important issues in the criminal justice system. It was designed to provide policy leadership and innovation to other parts of the program. It does none of this. By this time, the Institute should have developed evaluation methods to be used by State

²⁷ Congressional Record, July 29, 1975: S14087-S14090.

planning agencies, and by LEAA itself. It has not, and so there is no evaluation of anybody's efforts—at the State, local, or Federal levels.

"The Institute should have been measuring progress in achieving the goals of LEAA, and helping to set new ones. It should have been gathering more and current data on criminal justice in the Nation. Doesn't it seem significant to you that nearly every time you hear a statistic quoted about criminal justice in the Nation, it is a statistic from the midsixties? That is because all of us continue to rely on the information developed by the Crime Commission. Virtually all of our knowledge about our own field is 4 years out of date." (p. 466)

Mr. Ruth testified before the Subcommittee in his capacity as director of the New York City Criminal Justice Coordinating Council. In response to a question about the role of the Institute, Mr. Ruth stated, "In research it has to be privately based although publicly funded." He elaborated on this point as follows: "I do not think there is the kind of free thinking and flow of ideas in Government-confined research. I cannot think of any really successful breakthrough research project that occurred on a public basis without going out to the private arena or creating private laboratories the way NASA did. The prior history of research demonstrates the need for a privately based concept. Otherwise, I am fearful that even \$21 million, which I believe the Institute received this year, cannot really produce any major breakthroughs which will carry thinking beyond where a lot of the people in the field already are, with some exceptions, unless they take their \$21 million and pick out three or four things that they really want to discover or find out about and put all that money into those three or four things * * * But it is hard to get people to agree on those kinds of research priorities." (p. 506)

(3) U.S. General Accounting Office, "Progress in Determining Approaches Which Work in the Criminal Justice System" (B-171019), October 21, 1974.

During 1974, GAO issued several reports addressed to what GAO sees as the need for LEAA to develop better means of evaluating the results of the programs it sponsors. The first of these reports, published in March, 1974, stated, "LEAA and the States have established no standards or criteria by which some indication of success or failure of similar projects can be determined."²⁸ The report indicated that, under the mandate of the 1973 amendments, the Institute was developing a separate evaluation unit.

The subsequent GAO report cited above addressed the past and future role of the Institute in program evaluation in more detail:

"Within LEAA, the National Institute, even though granted broad authority by the 1968 act to do evaluations, had accomplished very little in evaluating the outcome of projects funded under the block grant program through either in-house research or grants. Further, the National Institute had provided the States little specific guidance on how to do outcome evaluations or how to use them to improve their programs.

"The Crime Control Act of 1973—by assigning LEAA's National Institute and the States specific responsibilities for evaluation—should provide the impetus for increased evaluation. The act gives LEAA's National Institute both the responsibility and authority to direct and coordinate the Nation's efforts in determining what works in the criminal justice system. Research background information gathered, evaluation problems defined in previous Institute efforts, and the information dissemination system developed should provide a firm foundation to begin meeting these responsibilities. (p. 31)

Evaluation activities of the Institute are discussed in this report on pp. 19-25, in a chapter entitled, "Few Outcome Evaluations by LEAA's National Institute."

(4) Lawyers' Committee for Civil Rights Under Law, Law Disorder III, 1973.

Law and Disorder III is the third in a series of examinations of the LEAA programs under the general direction of Sarah Carey. Like its predecessors, it is generally critical of most aspects of LEAA.

The report contains a thorough and highly critical review of the Institute as of early 1972. "The Institute has not performed its intended mission. Not only has research output been limited, but few of its meager findings have been made available to the public or to criminal justice officials. It has operated in almost total isolation from the rest of LEAA programming, with no formal mechanisms for using its research product to provide guidance for the discretionary and block grant decision-making process. Neither local criminal justice agencies nor local government officials look to it for leadership." (p. 17).

²⁸ GAO, "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime," p. 1.

It is noted further that "the Institute did not lack models of comprehensive grant review and evaluation procedures"—specifically, the National Institutes of Health (NIH). Quoting from the report, "according to a former NIH official, even though the NIH procedures were reviewed in detail with LEAA staff members a decision apparently was made not to follow the NIH model." (p. 17)

The outlook for the Institute's future was seen as being potentially relatively brighter because of its increased funding, internal reorganization, and apparent strong leadership under Martin Danzinger, of whom it was said, "for the first time the man in charge of the Institute . . . has the confidence of the LEAA administrator." (p. 20) Quoting from the conclusions and recommendations:

"Whether the Institute will begin to play an effective role in shaping and providing background data for LEAA action programs is still not clear. That depends on its ability or willingness to address the basic functional problems of the criminal justice system, on its success in relating to other parts of the LEAA program and on the commitment of the top LEAA leadership to giving the Institute a central role.

"The National Institute has had little or no effect on the distribution of LEAA action grants. Much of its research has dealt with problems of peripheral significance to reform of the criminal justice system and what research it has completed has not been distributed or acted upon.

"The role of the Institute should be enlarged so that the Institute can lead the way toward refocusing the entire LEAA program on reform efforts rather than on equipment and personnel increases. Institute research should assess the basic functions of the criminal justice system and study the most effective ways for redesigning them." (p. 21)

The discussion of the Institute concludes with the observation that it is possible that an entirely new structure is needed, such as the National Institute of Justice, patterned after NIH, proposed by Chief Justice Warren E. Burger in a speech to the American Law Institute on May 16, 1972.²⁹ Quoting further, "Regardless of the final form selected, it is clear that a high-level research capability is needed and that its results must be closely related to federal funding in the anti-crime area." (p. 22)

(5) Justice Department internal task force review of LEAA, 1975.

According to the National Journal, an unpublished internal Justice Department task force report recommended that the national institute be "independent of the Department of Justice's policy interests in research and development and operate with autonomy similar to that of the National Science Foundation," and that its director be appointed for a six-year term.³⁰ The National Journal reported, apparently on the basis of the Administration bill (S. 2212), that "while President Ford rejected making the institute independent of the Justice Department, he favored designating the Attorney General, rather than the LEAA administrator, as the official authorized to appoint the director."³¹

C. Organization and Expenditures of the Institute (fiscal year 1974)

According to the *First Annual Report of the National Institute of Law Enforcement and Criminal Justice, Fiscal Year 1974*, the Institute had a total staff of 75, organized into four major offices: Office of the Director, Office of Research Programs, Office of Evaluation, and Office of Technology Transfer. An organization chart from the report is reproduced here as Figure 1.

The Institute's total budget for fiscal year 1974 was \$45 million, of which \$40.1 million was an appropriation, and the remainder came from LEAA training

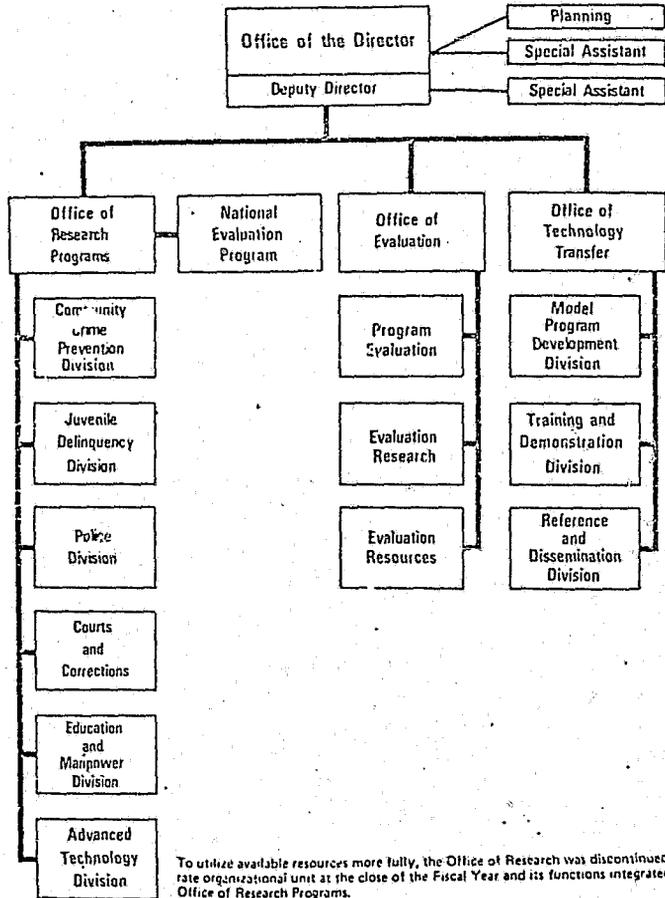
²⁹ Legislation to create a National Institute of Justice was introduced as S. 1422 during the 93rd Congress by Senator Hubert Humphrey for himself and 12 cosponsors; see Congressional Record, March 29, 1973, pp. 10207-10216.

³⁰ Richard E. Cohen, "Justice Report/Renewal of LEAA likely despite doubts on crime impact," National Journal, Sept. 20, 1975, p. 1334.

³¹ *Ibid.*

FIGURE 1

Appendix A Organization of the National Institute



Source: LEAA, "First Annual Report of the National Institute of Law Enforcement and Criminal Justice," fiscal year 1974, p. 49.

and technical assistance monies. The distribution of these funds by program area is shown in Table 1 below:

TABLE 1.—DISTRIBUTION OF NATIONAL INSTITUTE PROGRAM FUNDS FISCAL YEAR 1974¹

(Listed by program area)

Program area	Dollars	Percentage
Community crime prevention.....	\$3,483,160	10.7
Juvenile delinquency.....	1,707,768	5.2
Police.....	1,914,815	5.8
Courts.....	2,061,266	6.3
Corrections.....	2,547,019	7.2
Advanced technology.....	8,621,084	26.5
Education and manpower.....	1,274,550	3.9
Evaluation.....	4,414,005	13.6
Visiting fellows.....	262,850	.8
Technology transfer.....	26,355,884	19.5
Total.....	32,642,401	100.0

¹ Not including Pass Through Awards (\$7,100,000 to the Drug Enforcement Administration and \$1,225,500 to the LEAA pilot cities program) or purchase orders.

² This figure includes \$4,544,988 in training and technical assistance funds.

Source: LEAA, 1 annual report of the National Institute, fiscal year 1974, p. 50.

According to the opening statement by Institute Director Gerald Caplan in the 1975 program plan: "Particular emphasis in the current year is being given to programs to promote better treatment of the average citizen—the consumer of criminal justice services. Another priority is evaluation, designed to measure the effectiveness of a wide range of criminal justice programs."²²

III. OPTIONS FOR THE CONGRESS

Possible options for the Congress for reorganizing the Federal anticrime research effort are discussed briefly below.

(1) Do nothing.

In favor of this approach, it can be argued that the present Federal anticrime research structure represents the will of Congress, as embodied in recently enacted legislation dating principally from 1968 (as amended in 1973) to 1975. For example, had Congress wished to combine the research institutes relating to juvenile justice, corrections, and rape within LEAA's National Institute, presumably it would have done so in 1974 and 1975 when it enacted the legislation creating them.

On the other hand, it can be argued that the Congress's motives in creating the disparate research institutes and centers have been largely political, reflecting its desire to do something about such matters of public concern as prisons, rape, and juvenile delinquency, all areas where the Federal jurisdiction is essentially very limited. Congress could perhaps be convinced that its piecemeal approach has been ultimately self-defeating in terms of the effectiveness of the total Federal anticrime research effort if, in fact, this can be shown to be the case.

(2) Consolidate Justice Department and HEW Department research activities in single research agencies within the respective Departments.

The arguments for and against this approach include the reverse of the pro and con arguments for the "do nothing" approach (as do the arguments for all the remaining options). That is, had Congress wished to consolidate the various research centers and institutes on an intradepartmental basis, it had the opportunity to do so in the recently enacted legislation creating them. Conversely, an argument in favor of such an approach would appear to depend on a demonstration that consolidating the various intradepartmental agencies would produce a more effective research effort.

It can also be argued in opposition to this approach that it is a half-way measure that would ultimately accomplish little that could not be accomplished by improving internal departmental coordination. On the other hand, it can be argued that the various anticrime research institutes and centers are currently located in the appropriate departments, and that it is at this sub-department level that reorganization should take place.

A recent suggestion that LEAA be converted into a "think tank" represents one possible version of this approach, as it applies to the Justice Department.

²² LEAA, National Institute, "Program Plan for 1975," p. 1.

The suggestion was made by Sarah Carey, the project director for the Law and Disorder studies. Quoting from the National Journal:

"Carey said in an interview that LEAA should be primarily a research, think-tank operation. If the grant program is continued, she said, it should be on a revenue sharing basis without the LEAA bureaucracy and state plan review process.

"Richard Nathan of Brookings said he was "intrigued" by the idea of making LEAA primarily a research operation to concentrate on new techniques in crime reduction. Two persons who have worked closely with the program but who did not want to be identified agreed with Carey that LEAA should concentrate on research rather than grant making.³³

(3) Divide anticrime research activities among established Federal research agencies, such as the National Institute of Mental Health and the National Science Foundation.

In opposition to this approach, it can be argued that the major research efforts should be directly coordinated with the major Federal anticrime assistance effort, i.e., LEAA, so they may benefit from each other. In favor of it, it can be argued that the existing research agencies have done a creditable job of administering research programs over the years, whereas LEAA's Institute has yet to prove itself capable of doing so.

(4) Organize all crime-related research activities within an independent Federal agency in the executive branch.

The argument in opposition to option No. 3, relating to the desirability of coordinating Federal anticrime research and assistance efforts, applies equally as an argument against this option. It might also be noted that legislation embodying this approach introduced in 1967 received virtually no attention from the Congress.

The case for an independent Federal research agency was argued by the President's Commission for Law Enforcement and Administration of Justice in its 1967 report:

" . . . it seems desirable that there should be a Federal agency with overall responsibility for research. . . .

"While there are some obvious advantages to having this agency in the Department of Justice, the Commission believes that the long-range goal should be to establish an independent agency—a National Foundation for Criminal Research. Like the National Science Foundation, it should be financed by an annual appropriation from Congress. Its independent status would insure its freedom from the pressures and immediate needs of any Federal agency responsible for criminal administration. Such independence would also make it more attractive to leading scholars in the field, on whom its success would depend."³⁴

However, the President's Commission followed this recommendation with the following observation which, it can be argued, remains relevant today: "It is essential that the new Justice Department program embody a major research component, if it is not simply to perpetuate present failures in many areas. This is particularly important at the outset when difficult decisions must be made about what meets the standards justifying Federal aid."³⁵

JOYCE VIALET.

[Note to file]

APRIL 22, 1977

PROGRAM DEVELOPMENT AND EVALUATION STAFF, OFFICE OF REGIONAL OPERATIONS

April 21 discussion with House Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperative (DISPAC) staff.

As scheduled (see memo of April 20, 1977), I met with four staff members of the DISPAC Subcommittee to discuss NILECJ.

The Committee staff had not indicated specific areas of interest, but during the discussion asked questions regarding some and omitted other major areas, including evaluation, 402 training, clearinghouse activities, and international concerns. For the most part interest in program areas was non-specific. I emphasized at the outset that I was presenting a personal viewpoint. The following describes the questions and subjects discussed to the extent that I remember them.

³³ Op. cit., p. 1335.

³⁴ Ibid.

³⁵ Ibid.



CONTINUED

4 OF 5

Question. Could NILECJ operate more effectively independent of LEAA, and at least with the Director authorized to spend funds without having to obtain the approval of the Administrator?

Answer. I responded that it would be a grievous error to separate NILECJ from LEAA: that if this were done, (1) LEAA would lose important bases for developing innovative programs, (2) LEAA would possibly begin a duplicative RDT&E effort, (3) NILECJ priorities would not be influenced positively by the direct contacts that LEAA has with states and communities, and (4) NILECJ products would have difficulty progressing through the natural program development process to implementation. On the other hand if independent, NILECJ might reap the advantage of being allowed to do important long-term R&D without the pressure to satisfy immediate practice needs placed on them by LEAA.

Question. Haven't the short and indeterminate terms of NILECJ Directors been disruptive to its efforts?

Answer. I responded that this question is a result of the history of the Justice Department and LEAA of the last eight years, rather than of NILECJ. If there will be a stable leadership in LEAA, a similar stability could be expected in NILECJ. Even more disruptive was the fact that the last Administrator was the first one that was powerless on taking office to remove the NILECJ Director and substitute one of his own choice, a confrontation that exacerbated the normal problems.

Question. Has there been too much emphasis placed on hardware?

Answer. On the contrary, hardware has been deemphasized since mid-1971. Three points are important to remember in considering this issue:

1. Criminal justice agencies are labor intensive and most have had more difficulty acquiring local funding for so-called hardware systems than for personnel. Since block grant funds can be spent easily for hardware, that is often the use that is made of them. Expenditure of block grant funds is most difficult for LEAA to control, as contrasted to discretionary funds such as those of NILECJ. The result of criticism (correctly or incorrectly) of LEAA for spending money on hardware has been internal pressure and criticism of the NILECJ hardware RDT&E program.

2. There is a real need for hardware systems RDT&E. The program could be improved through more knowledge and understanding of such systems by LEAA management.

3. Despite management problems from above since 1971, this area has produced the most obvious and measurable achievements of NILECJ.

Question. Which program areas should receive more attention by NILECJ?

Answer. I suggested they review the annual plans of NILECJ beginning in fiscal year 1970. Crimes and criminal justice operations are accorded different priorities by every individual. Some of the priorities for R&D that were considered important in 1969 continue to be important today; these include stranger-to-stranger crime and burglary among the crimes, and court delay, patrol operations, rehabilitation and measures of criminal justice effectiveness among the criminal justice operational issues. Today, however, narcotics, civil disorders, and organized crime are of less concern, along with improved equipment, communications, offender identification, personnel development, and criminal law revision among the systems improvements. Some major share, 75-80 percent of the NILECJ resources, should be focused on about six high priority programs selected because of a combination of importance and ripeness for effective action; this approach would assure adequate resources and attention. However, the remaining resources should be divided among the other significant problems of crime and criminal justice for three reasons:

1. As described above, what is least important today will become more so tomorrow. LEAA should always be in a position of knowledge and development in any significant crime or criminal justice problem area.

2. All R&D requires a development process and should not be launched by a major effort started in one year with the hope of producing products in two to three years. R&D is a slow process, with many failures, and requires a longer commitment than the term of office of any individual Administrator or Director.

3. Program importance should not always be measured by the quantity of resources applied; important things can be achieved with few resources and conversely less significant achievements sometimes require great resources. The cost-benefit calculation is to compare the cost of the R&D with the benefit of the successful development, rather than the cost of the R&D for one program com-

petitively with the importance of R&D in another program. The best cost-benefit ratio should receive the investments.

Offhand, in addition to the stabilization of attention to hardware system RDT&E, I would reintroduce research in criminal codes and procedures; too often these are antiquated or have been developed in haste and have not benefited by evaluation.

Question. Is it correct to say as we have already been told that the level of management and researchers is low, that this may be the most important factor in success or failure, and that no capable researcher would come to NILECJ today? (This was asked in a series of questions.)

Answer. I cannot assess the current level of personnel. There are good people in NILECJ and there are many with whom I am unfamiliar. This is a terribly important factor. I have always believed that NILECJ management should have a mix of outstanding criminal justice leadership and competent research managers, with the Director as preeminent among the former and his deputy from the latter. Although it may be true that a criminologist of the stature of Marvin Wolfgang would not take any job with NILECJ, his position is secure and NILECJ is different from anything he has done, it is unquestionably possible to bring highly capable persons to NILECJ today and any time, provided that the office and division heads are respected and capable. Persons of this type have been available but not selected in the past; some of those who left NILECJ are of that type. One respected leader in a program area will attract capable educated younger persons to NILECJ just as university departments are revitalized by one capable head. Furthermore, it is critical that each program manager aspire to become the national authority in that program area. To achieve this they cannot be treated as fungible commodities.

The above are the important issues and questions that were discussed and summarizes my responses. At the end of the discussion, which lasted one and a half hours, they indicated (1) that they may wish me to return, and (2) that public hearings may be held in the week of May 23.

IRVING SLOTT, *Director.*

APPENDIX E

E-1. Letter from the National Academy of Sciences.

NATIONAL RESEARCH COUNCIL,
ASSEMBLY OF BEHAVIORAL AND SOCIAL SCIENCES,
Washington, D.C., September 2, 1977.

HON. JOHN CONYERS,
Chairman, Subcommittee on Crime, Committee on the Judiciary,
Washington, D.C.

DEAR MR. CONYERS: As you know, the Committee on Research on Law Enforcement and Criminal Justice of the National Academy of Sciences was invited to testify on June 23rd at joint hearings of the Subcommittee on Crime of the House Committee on the Judiciary and the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, of the House Committee on Science and Technology. The subject of the hearings was the federal role in crime research, and this Committee was invited to testify because it had recently completed an evaluation of the National Institute of Law Enforcement and Criminal Justice. As the discussion developed during our testimony we were asked if we could provide information about some NILECJ projects that the Committee judged to have been good. In response to that request, I have selected several NILECJ projects that Committee evaluators thought had been reasonably well done and that illustrate the kinds of efforts that the Committee believes are worth pursuing as part of a federally funded program of criminal justice R and D. These projects are listed and briefly described below.

Since our knowledge of these projects is limited to what was available in the Institute's files during our review process (January 1 to June 30, 1976), we can only provide limited information about them. I am sure that the Institute would be happy to answer any further questions you might have or provide you with more extensive information than we possess. We would also like to point out that the Committee reviewed NILECJ projects as one basis for evaluating NILECJ's research program and that this review was undertaken for the purpose of that

general evaluation and not for the purpose of assessing individual projects: that is, we did not assess individual projects with a view toward understanding their individual merits but only with a view toward understanding the more general research effort of the whole NILECJ. Therefore, our project review was not done at the level of detail that would be required in order to assess thoroughly all the individual projects in themselves. In short, the Committee wishes to make it clear that the intent of its project review was to generate information on an aggregate basis rather than a project by project basis. Nevertheless some projects caught the eye of one or more of our evaluators as appearing to have been worthwhile efforts. I will illustrate a few of these for you below.

Conference on prison homosexuality

N1-71-074.

Grantee: The Pennsylvania Prison Society.

Award: \$4,642.

Principal Investigator: G. R. Bacon.

This project illustrates how a small-scale effort can develop into a highly useful contribution to practitioners in the criminal justice field. The award financed a national conference on the problems of sexual adjustment in prisons and eventually a monograph entitled "Homosexuality in Prisons". The monograph has been disseminated through GPO (65¢), which has now sold over 10,000 copies. This extensive distribution is an impressive measure of the project's utility.

The feasibility of guidelines for sentencing

71-N1-99-054

Grantee: Criminal Justice Research Center, Inc.

Award: \$348,302 (multiyear).

Principal Investigator: Leslie T. Wilkins.

This project is a good illustration of the kind of contribution that sound research can make toward solving particular problems of the criminal justice system. One major problem has been disparities in sentencing practices that arise in part because there are few constraints on judicial discretion, and in part because there has never been a means of systematizing information about sentencing practices across judges and jurisdictions. The feasibility phase of this project developed such a means which was then used to delineate a set of standard criteria for determining appropriate sentences. The researchers worked closely with some judges who were testing the procedures as they were being developed. It is our understanding that the guidelines and accompanying adjustment procedures are now being tested in four pilot jurisdictions located in Chicago, Denver, Phoenix and Newark. We also understand that Department of Justice officials relied heavily upon the findings and recommendations from this project when formulating their own recommendations on reform of sentencing practices in the federal courts.

Development of an evaluation plan for the status offender program

75-N1-99-092.

Grantee: Social Science Research Institute.

Award: \$57,455.

Principal Investigator: Solomon Kobrin.

This project is important because it provides a design for evaluation that can be built into a program from its earliest planning stages. Not only was the literature review and other work well done, but we also understand that it provided the core design for a number of status offender programs that have since been funded out of LEAA's Office of Juvenile Justice and Delinquency Prevention.

National criminal justice reference service

J-LEAA-010-75.

Grantee: General Electric Co.

Award: \$3,481,000 (multiyear).

Principal Investigator: Joseph G. Cady.

This is a very large and complicated project which we bring to your attention because the service it provides to criminal justice practitioners, researchers, and teachers is an important contribution. The Reference Service sends out, free of charge to anyone on its mailing list, bi-monthly listings of reports, books, conferences, etc. in the field of criminal justice, including information on how to obtain the materials. We have no basis for making a judgment on the general level of performance of the contractor on this project, but in our discussions with SPA

staff in various states the Reference Service was invariably mentioned as one of LEAA's most useful contributions.

Community based responses to criminal justice needs—Research agreements program

75-N1-99-130

Grantee: Northwestern University.

Award: \$600,000 (multiyear).

Principal Investigator: Louis Masotti.

This project was also in its proposal stage when it was reviewed so we do not know how well it has proceeded. The proposal was interesting for two reasons: First, because of the significance of the problem addressed, but also because this is an attempt to mobilize researchers from a variety of disciplinary perspectives to focus on the same problem. If the group at Northwestern succeeds this will be an important step toward developing a sophisticated research community in the field of criminal justice. The several research designs contained in the proposal are focused on the relationship between public attitudes toward different levels and types of crime and the effectiveness of both public and private responses. For example, can neighborhoods develop informal group controls that will significantly decrease the incidence of property crime? And how can people be mobilized to involve themselves in such efforts? The scope of the proposal is broad, including data collection on public attitudes, on public responses to media coverage of crime and on community crime prevention techniques.

Studies of the habitual criminal offender—Research agreements program

75-N1-99-095

Grantee: The Rand Corporation.

Award: \$592,830. (multiyear).

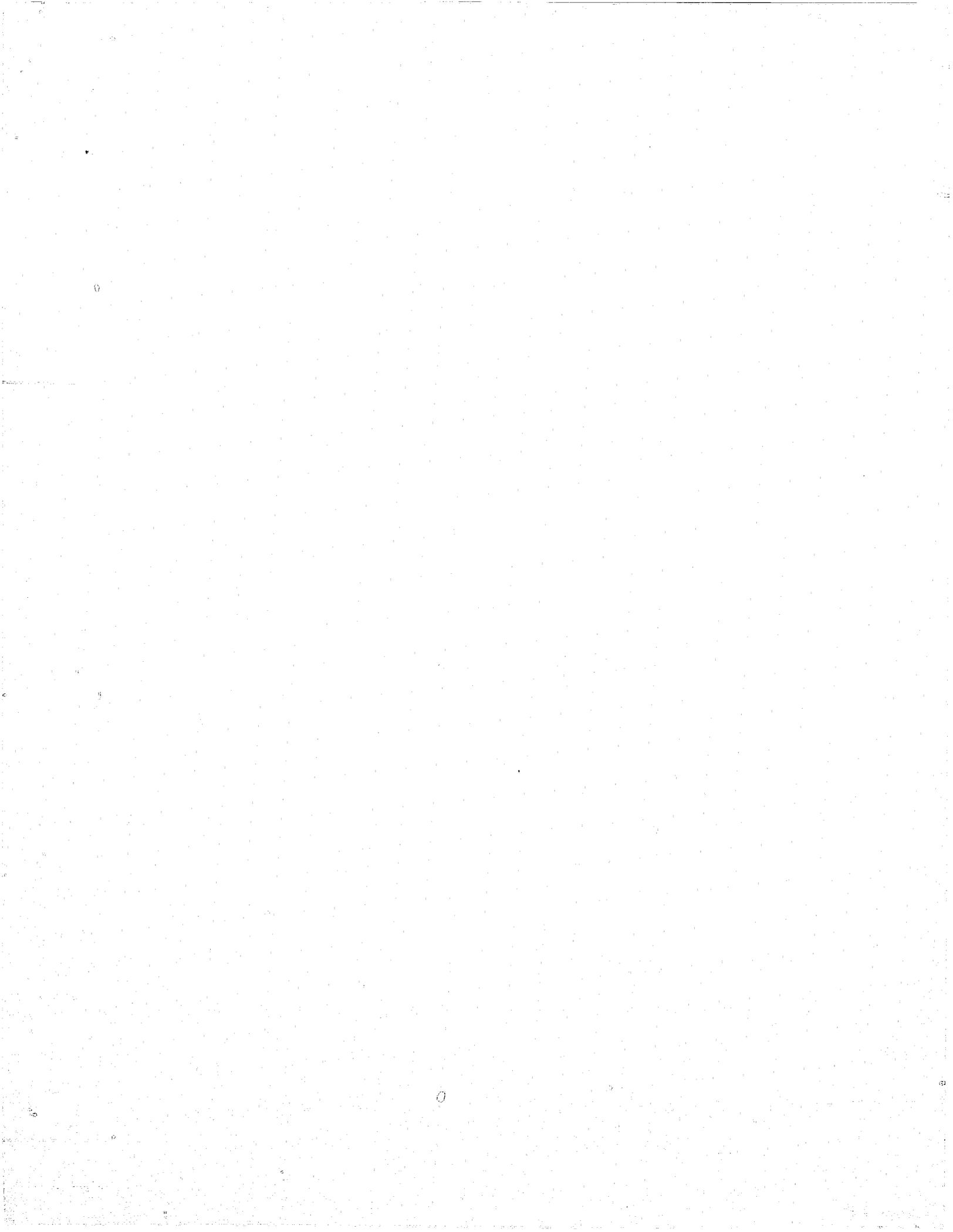
Principal Investigator: Peter W. Greenwood.

We reviewed this project in its proposal stage so we have no information about how well it has been implemented. The proposal, however, was very good. This is one of four projects in NILECJ's Research Agreements Program under which an institution is awarded funds to develop an interdisciplinary team approach to research on a particular problem—in this case, the habitual criminal offender. The Rand team is a good one and their proposal contained several sound research designs for data collection and analysis on different aspects of the problem. The initial task is to develop methodologies for collecting reliable data on the criminal careers of habitual offenders—who have, in most cases, eluded arrest for the great majority of their offenses. This is a very complex research problem that needs to be solved in order to provide a basis for more effective law enforcement policies.

We trust that these descriptions will be useful to you. The Institute will be able to provide further information.

Sincerely,

Susan O. White,
Study Director.



END