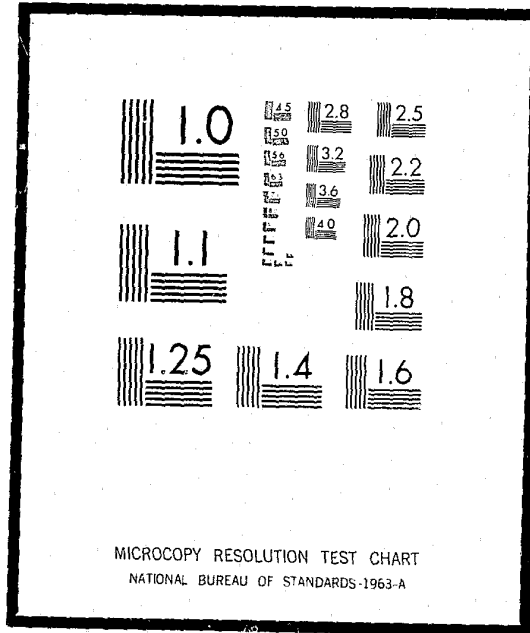


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POLICY DEVELOPMENT SEMINARS 1974 VOLUME I



LAW ENFORCEMENT
ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE

ON GUNS AND WEAPONS
OF VIOLENCE

ON ORGANIZED CRIME

ON CRIMINAL JUSTICE
STATISTICS

H9181

FOREWORD

The Office of the Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration has begun a series of seminars to develop an intensive exchange of ideas between authorities working in various criminal justice fields. The seminars are designed to help establish more effective policy positions. Thus far, five have been held and more may be held in the months ahead.

The first seminar was held in Phoenix, April 3 and 4, 1974, to discuss guns and weapons of violence. The participants included LEAA Administrator Richard W. Velde, who defined the purpose and format of the seminars, and Admiral Utley Peterson, Assistant Director for Technical and Scientific Services for the Department of the Treasury, who spoke on firearms tracing and explosives tagging. Other speakers included Al Paez, of the Bureau of Census Statistical Analysis Division, who analyzed the measurement of actual crime versus reported crime. In addition, there were question-and-answer sessions and several workshops.

The second seminar was held in Rochester, Michigan, on April 10 and 11. The subject was organized crime. Several authorities spoke about specific areas of organized crime and policy alternatives to combat it. The speakers included Henry Dogin, Deputy Assistant Attorney General of the Department of Justice Criminal Division, who gave an overview of the Federal perspective in fighting organized crime; Kurt Muellenberg, Deputy Chief of the Organized Crime and Racketeering Section of the Justice Department, who discussed

interagency cooperation in fighting organized crime; and Professor Robert Blakey, of Cornell University's Law School, who spoke of the past and future of Federal legislation to combat organized crime.

The third seminar was in Annapolis, Maryland, on April 18 and 19 and was devoted to the policy development of criminal justice statistics. Participants included George Hall, former Director of the National Criminal Justice Information and Statistics Service of LEAA, who gave an overview of the subject; Charles McCarthy, Manager of the Little Rock, Arkansas, Statistical Analysis Center, who discussed offender based transaction statistics; and LEAA Survey Statistician Paul White, who explained LEAA's general criminal statistics program. Dr. Albert Reiss, Chairman of Yale University's Department of Sociology, was among the workshop leaders.

The fourth seminar was held at Oakland University in Rochester, Michigan, on June 12 and 13. The subject was national policy development on the role of the police executive. The participants included the Los Angeles Police Chief, Edward Davis; and the Deputy Los Angeles Chief, Vernon Hoy; John Lucey, an LEAA police specialist; and Lloyd Bastian, who was then the Acting Director of LEAA's Systems Development Division. Davis and Hoy discussed crucial organizational problems facing police executives, and Mr. Lucey talked on the subject of the police chief and corruption. Four workshops were also held.

The fifth seminar was also held at Oakland University on August 1 and 2 on the subject of corrections. The participants included Patrick Rygh, of the Jet Propulsion Laboratory's Civil Systems Program Office, who discussed the potential uses of an applications technology satellite for NALECOM; Major C. J. Beddome, Executive Director of the Arizona Highway Patrol, who spoke on the uses in his state of the National Law Enforcement Telecommunications System; and Dr. Charles M. Friel, Director of Research of the Institute of Contemporary Corrections and Behavioral Sciences at Sam Houston University, who commented on the law enforcement uses of the Offender Bases Statistical Systems.

The speakers thus far mentioned are only a representative sample. Others not mentioned made equally valuable contributions.

**POLICY
DEVELOPMENT
SEMINAR
ON
GUNS AND
WEAPONS
OF
VIOLENCE**

**APRIL 3-4, 1974
PHOENIX, ARIZ.**



**LAW ENFORCEMENT
ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE**

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FIRST PLENARY SESSION

MR. VELDE: Before we begin the substance of the program, I want to introduce to you our court reporter, Mr. Crais. LEAA has been sponsoring a number of efforts to improve our courts system, and what you see demonstrated today is one of those efforts.

This is a new method for court reporting in which a two-channel recording is being made of the proceeding. On the second channel is a direct verbatim account or conventional tape recording of what is being said. On the first channel the court reporter is actually dictating what is being said. In the process he is editing, punctuating, and eliminating all the redundancies.

An experienced typist can then type up a transcript right from this channel. Should there be questions of authenticity, the channel of direct recording can be consulted.

Unlike the conventional stenotype method, he will be with us the entire day. One reporter therefore can cover the entire day's proceedings. Moreover with this system there is an indexing and annotating capability which makes it possible to prepare extracts - rather than a complete transcript - or any variation in between.

We think this represents a rather significant breakthrough in the state of the art of court reporting.

Incidentally, someone with good English language skills can learn this method in about four to six weeks of concentrated training and pass the highest court reporting standards. In contrast, in a two-year stenotyping course generally only about one out of 100 successfully meet the standards.

I would now like to have everyone go around the room and introduce themselves. As we go, I might add a few editorial comments to indicate why it was important to LEAA that each of you be here with us.

MR. MOONEY: I am Bill Mooney. I am a law enforcement specialist with LEAA.

MR. VELDE: Before that he spent about ten or eleven years as the chief legislative draftsman on the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee and was the real brains behind Senator Dodd's efforts at controlling guns.

MR. PARKER: I am Michael Parker. I am an attorney in Washington, D.C.

MR. VELDE: Mike is very modest. He is one of the true experts in gun control. He was Chairman of Citizens Against Tydings in his 1970 campaign. He was a member of the Fifth Street Bar in Washington, D.C., which is a bar devoted to criminal defense work. He has extensive experience in that regard.

Mike also is a gun collector and gun expert. He has a number of duly registered National Act weapons which he enjoys shooting. He is

one of the few "gun nuts" who really knows the details of gun legislation.

MR. NELSON: I am Tom Nelson. I am President of Replica Models.

MR. VELDE: Tom is one of the world's ranking authorities on automatic weapons, having published several standard texts. He was very active in the international aspects of the firearms business. He is almost retired from that business and is now in the export-import business. He is the largest importer of replica firearms and all sorts of other things outside of the firearms business.

Tom is also quite a collector in his own right - at least he was. He is truly an expert in the field of firearms.

MR. SLOTT: I am Irv Slott. I am in the Office of National Priority Programs of LEAA.

MR. VELDE: Irv has done a number of think pieces on the subject of guns for the Office of Criminal Justice in the Department of Justice and is quite familiar with the LEAA program and its potential - or lack of it - for doing something about guns.

MR. COLLINS: I am Jack Collins, Assistant Chief of Police of the Los Angeles Police Department.

MR. VELDE: Jack was hand-picked by Ed Davis to represent his point of view on this matter. Ed Davis is Chairman of the Police Task Force of our standards and goals effort. He was one of the minority of the Commission who did not favor state legislation to eliminate private control of hand guns. I am not sure, Jack, what your

philosophical view is on that matter, but Ed assures me that you are thoroughly familiar with the problems that guns or gun control legislation cause the police community.

MR. PAEZ: I am Al Paez of the Crime Statistics Analysis Staff of the Bureau of the Census in Washington, D.C.

MR. VELDE: Al is going to talk to us later about a rather ambitious project that LEAA has sponsored for the past three years. This is an attempt to measure by survey techniques the amount of crime actually occurring as contrasted to the crime reported to the police.

This is an extensive effort. It has presently cost LEAA about \$10 million a year. There is a full-time staff of 350 census takers around the country who interview 10,000 households and 2,000 businesses every month to measure not only actual crime but to get the public attitudes about criminal justice and such subjects as gun control and self-defense. I think you will find his remarks quite interesting.

MR. BEDDOME: I am Larry Beddome. I was recently with the Arizona Department of Public Safety. I am now Executive Director of the National Law Enforcement Telecommunications System.

MR. VELDE: Larry is one of the pros in the law enforcement business at the state level. He was literally one of the pioneers in automation of police information systems. Today he is responsible for the National Police Dedicated Telecommunications System, which has

a high-speed, automated telecommunication link to every state. They are currently able to handle over high-speed lines about 15,000 messages an hour. They can, for example, check the drivers license file in Kansas from an inquiry in Los Angeles and get an answer back in ten to fifteen seconds. We will be hearing from Larry a little later on.

MR. BURDEN: I am Ordway Burden, a private citizen from New York City.

MR. VELDE: Ordway has been very active in a group called The Committee of One Hundred, which is a group of public service-minded individuals who have done a lot to support the needs of criminal justice - particularly the police community - with community relations projects.

He also has an interest in the subject of gun control and is representing the view of the ordinary citizen in this gathering today.

MR. NELSON: My name is Gary Nelson. I am an ex-leading candidate for governor - "ex" primarily because of my stand on the National Commission of Criminal Standards and Goals on the subject of guns. I am currently Attorney General of the State of Arizona.

MR. VELDE: Gary Nelson was one of the most active members of the National Advisory Commission on Standards and Goals. He took a forceful stand on the subject of gun control. As he indicated, he has been in some political hot water. Since its inception five-and-a-half years ago, Gary has been the Chairman of the LEAA State Super-

visory Planning Board in Arizona. He has been quite active in his efforts to modernize and reform criminal justice in the State of Arizona. He has been a very strong supporter of our program. He is a sometime critic of it but one that is extremely knowledgeable in the field.

MR. HOLMES: I am John Holmes, Chief of the Special Crime Bureau in the District Attorney's Office in Houston.

MR. VELDE: Your boss, Carol Vance, who is the immediate past President of the National District Attorney's Association and who is an outstanding prosecutor at a local level, recommended you to be here with us.

MR. BASIL: I am Jack Basil. I am with the Legislative Information Service of the National Rifle Association of America.

MR. VELDE: Jack has done more than anyone else I know to muddy up the water on the subject of gun control over the last ten years. Jack is one man in the country who is on top of the subject of gun control legislation at the Federal, state, and local level. He is the one who turns on all the knobs, dials, and buttons so that letters start to flow to all the legislators. He is truly an expert on the subject, supervises the publication of all the legislative analyses, and digests the various gun control bills and laws. He has been one of the leaders in this field for a long period of time.

MR. PERIAN: My name is Carl Perian. I have worked on Capitol Hill for the last twenty years. For seventeen years I worked in the

Senate under Senators Kefauver and Dodd on gun legislation. I now work for Congressman John Murphy, who was more or less our man in the House and who entered and introduced the 1968 Gun Control Act in the House.

MR. VELDE: Carl has done a great deal of research and study in this field. He was responsible for the various early hearings that brought to public attention the problems of the criminal misuse of guns. I think he has done more than anybody else I know to achieve the Federal legislation which is in the books.

MR. EGGLETON: I am Jesse Eggleton from the Wayne County Prosecutor's Office.

MR. VELDE: Jesse's boss, Mr. Kaylon, has been one of the chief proponents of strict gun control legislation. He has engaged in a number of studies on interstate transportation of guns for criminal purposes. He has testified in the Congress, and he has probably prosecuted as many gun crimes as anybody else I can think of.

MR. JEFFERSON: My name is Burtell Jefferson. I am the Deputy Chief in charge of the Criminal Investigation Division of the Metropolitan Police Department in Washington, D.C.

MR. VELDE: Your chief, Jerry Wilson, also has been in the forefront of gun control. Sometimes he is for it, and sometimes he is against it, at least, I have accused him of that from time to time.

Washington, D.C. does have a very strong gun control law which has been enforced - I am not sure how consistently - from time to

time. It certainly has had the privilege of much experience with the problem.

ADMIRAL PETERSON: I am Atley Peterson. I am the Assistant Director for Technical and Scientific Services of the new Bureau of Alcohol, Tobacco, and Firearms.

MR. VELDE: Atley is an extremely persuasive man. He has talked LEAA out of about \$600,000 to support a project - about which you will be hearing a little later on - in the area of explosives tagging. He also will discuss with us the subject of gun tracing. Atley was in the office of the Secretary of Treasury before going with the BATF and prior to that, was a naval officer.

MR. KROGMAN: I am John Krogman, Regional Director for BATF in San Francisco.

MR. VELDE: John has the distinction of having more guns under his jurisdiction than anybody else in the United States.

MR. MUCHOW: My name is Dave Muchow. I am with the Criminal Division of the Department of Justice.

MR. VELDE: Dave is responsible for prosecution of Federal gun crimes. He is not responsible for the investigation done by the Treasury Department. Once cases have been made, they are turned over to the U.S. Attorney's Office or, if they are really big ones, they are turned over to the Criminal Division in the Justice Department for actual prosecution in the case. Dave handles those assignments for the Criminal Division.

MR. MARVIN: I am Doug Marvin, minority counsel to the Subcommittee of Criminal Laws and Procedures of the United States Senate.

MR. VELDE: Doug is Senator Hruska's man on crime control matters. You know that Senator Hruska has had a long-standing interest in this field - against some legislation and for others. He is generally regarded as a mouthpiece or a spokesman for sportsmen and gun interests.

Next, we have our representative from the fourth estate. On this whole subject, Neal Knox is the most responsible newspaperman I know. He now represents a number of publications. I could not say that Neal has written most of the pieces that have been written for and against the subject, but he certainly has written the most accurate, the most candid, the most complete, and the most concise pieces.

MR. KNOX: I am editor of Handloader and Rifle magazines in Prescott, Arizona.

MR. CHATTELIER: I am John Chatelier. I am the Director of Public Relations of the National Shooting Sports Foundation.

MR. VELDE: The National Shooting Sports Foundation represents manufacturers in this country, mostly in the Northeast. Just about anybody who makes guns belongs to NSSF. I believe your interests are somewhat broader than just the interests of the manufacturers.

The Foundation has a long-standing interest in conservation

matters. In general it represents the views of the hunters and the sportsmen. It is involved in a number of public service activities. I think your financing generally comes from industry, but gun control legislation is just one of the many subjects of interest to you.

MR. HAWKINS: Bud Hawkins is my name. I work at the Department of Justice of the State of California in Sacramento.

MR. VELDE: I could spend the rest of the day telling you of all his accomplishments. He is the Chairman of Project SEARCH, which is a consortium of governors' designated representatives of all fifty states. For the most part, they are police representatives who are interested in the automation of police information systems.

Project SEARCH is a group funded by LEAA. It has been in the business for about five years now. It has engaged in a variety of projects - the automation of the criminal history record, the high speed scanning of fingerprints, and satellite communications for criminal justice. Bud is also the Chairman of the NCIC Advisory Group - the National Crime Information Center - which is the FBI's automated information system for police. They currently have about 6,000 terminals on line in every state and local jurisdiction in the country.

Bud also has the distinction of operating the largest automated gun registration file in the whole world - the California State file - which has several million guns in its registry.

MR. SHUBIN: I am Les Shubin and I am with the National Institute. I am in charge of standards.

MR. VELDE: Les is also our in-house "gun nut." He is an expert on all types of guns. He has been very helpful to us in presenting and analyzing standards and other efforts in this field.

Next, we have Dick Anderson, Chief of Police of Omaha, Nebraska. He was a member of the National Advisory Commission on Criminal Justice Standards and Goals. He has been Chief of Police in Omaha for seven years. He comes from a state which is quite interested in the subject of gun control legislation, but he is responsible for the handgun registration and licensing system in Omaha. I am not sure how well that works, but he has about 100,000 guns under his control in the City of Omaha.

Next is Geoffrey Shepard from the White House. He is an Assistant Director of the Domestic Council. He has followed crime control legislation for the White House in the years that he has been on the staff.

Jeff has been responsible for overseeing the Justice Department, Treasury, and other law enforcement agencies for the White House. He has had prior experience with Treasury. Prior to that he practiced law. He is one of the experts in the field of crime control. One of the many things with which he concerned himself for the White House is the subject of guns.

We have two more individuals who have not yet arrived. Al Brown

is the State Planning Agency Director in Arizona. He handles the LEAA money in the State. He is also responsible for building the system to reform criminal justice in the State. Prior to that, he was Police Commissioner in Philadelphia for many years.

Later on this morning, General Max Rich, the Executive Director of the National Rifle Association, will be joining us.

I think you will agree with me that we now have collected in this room - probably for the first time - a group of individuals who are as knowledgeable in the field of gun control as any that could be assembled in one place at one time, not only from the standpoint of legislation, but from the standpoint of law enforcement at the Federal, state, and local level.

You have been gathered here today for several purposes. LEAA, of course, is in the business of assisting state and local criminal justice agencies to improve their efforts to combat crime. Since our agency's inception, we have been concerned about the increasing rise in crime and the overall crime problem. We are especially concerned with the problems of crimes of violence. I don't know whether you have seen in the press - in the last week or so - the preliminary reports of the FBI for the preceding year. It showed there was about a one percent increase per quarter for the first three quarters. For the last quarter there was a sixteen percent increase which culminated in a five percent increase for the total year. Unfortunately, too much of this increase was crimes of violence.

So, there is a problem. It is something that we are concerned with and something on which we are hunting for your ideas and your suggestions as to what can be done to deal with the problem.

One ground rule that we want to lay down very early in the game is that we will not consider the subject of Federal gun registration itself nor whether additional Federal gun legislation might be needed. LEAA is not in that business at all. We are in business to assist state and local governments. We have here many individuals who know as much about Federal gun control legislation as is to be known. Nevertheless, we are interested in focusing our attention today on the subject of working within the existing statutory framework and working with existing criminal justice resources at the Federal, state, and local level to see what can be done.

We will be dividing our efforts into two areas. First, plenary sessions will consume most of the morning today and part of the afternoon in which we will introduce some topics for Federal initiative which are under consideration in varying degrees at Treasury and at LEAA. We will also discuss some ideas of initiatives which can be taken at the state and local level. There will be three or four specific proposals that will be offered and discussed.

You can see from the background materials that you have received that we have some of these ideas fairly well structured. We anticipate that some of our time will be spent discussing these ideas and criticizing them.

We want your suggestions, your ideas, your criticism; but, more importantly, we want your ideas and your experience as to what can be done to deal with the problem of crimes of violence and gun crimes - if, indeed, there is a problem to be dealt with. Everyone talks and assumes there is a problem, but I think we have here chiefs of police, prosecutors, and other enforcement officials - Federal, state, and local - who deal with the problem not only of gun crimes, but of crimes of violence on a day-to-day basis. We want to get your ideas and suggestions as to what is involved.

After the formal presentations this morning we will break for the last hour or so and begin our small group discussions. You will see that we have the groups divided into three groups with a chairman, and an LEAA representative in each group who will serve as note-taker and summarizer of what is said. We will not keep a verbatim transcript of the small group discussions - only the plenary sessions.

Incidentally, there has been no decision made yet as to whether or not this transcript will be published in any form by LEAA. We will reserve that judgment pending how the sessions go and whether or not we think it would be of general use to the criminal justice community.

We want to encourage frank and full discussions of these matters, especially in the small groups. We are not out to build a case for or against gun control. Many of us here have engaged in and written the rhetoric of the great gun control debate over the past many years. We know the arguments - real and phony - more than anybody else on all

sides of the issue and probably have arguments that were never thought of.

However, we are not interested in oratory polemics or rhetoric. We want to get down to business and discuss the matter frankly, candidly, and come up with some constructive ideas as to how to deal with this problem.

I would like to turn the chair over to Atley Peterson.

ADMIRAL PETERSON: The first thing I would like to explain is that the reference to the Bureau of Alcohol, Tobacco, and Firearms being in Internal Revenue Service is incorrect. We were made independent about eighteen months ago, in July 1 of 1972.

The history of firearms tracing goes back much farther than that. What I would like to describe to you today is the technique which we are now using. It apparently is quite effective. It is being done within the limits of the existing legislation that we have. This is one thing for which we are grateful. We found a technique which seems to work. What we did in October of 1972 was to consolidate all firearms tracing for the Bureau of Alcohol, Tobacco, and Firearms at one point at the National Headquarters.

I would like to stress our objective. It is to serve all law enforcement agencies in the United States as well as our friendly foreign countries. We cannot do it all, obviously, but we are doing a fair amount of the workload and it is reasonably successful.

In October 1972, we tackled this problem. We thought we were

just going to handle our own little traces, but in the one year, between October 1972 and last October of 1973, the growth in the request went something like this. For the Federal agencies - BATF, Customs, FBI, Secret Service - the growth was slightly under two hundred percent. In other words, it almost doubled in just one year. Amazingly enough, the growth from the state and local organizations grew six hundred percent.

We were ill-prepared for this. We were a new bureau and we had no money and no resources. Suddenly here we were with a workload that we could not turn off.

We have thus far not turned any requests down. We may have fumbled on some that were low priority, but we have made it a policy to say yes to everyone. We have brought in special agents on detail when we simply could not hire enough tracers.

The procedure I am going to describe to you is rather an old-fashioned manual system. Thus far, the best brains in Operations Research have not found a way to computerize it. I will explain why. We are asking for all the help we can get in order to improve our technique.

What happens is that we get a request for a trace. We call up the manufacturer or the importer, and we trace when he sent it, that is, when he sent it to a distributor, a wholesaler or a retailer. Then we turn it over to a special agent to investigate.

The reason we normally do not go to the retailer is quite simple.

If it is a criminal case, obviously there is a possibility that the retailer may be involved. We would like to put an agent on the scene so that the full development of the situation can be made. In case of murder or in an assassination attempt we go right straight through and ignore the consequences. We do make a judgment at that time.

The effectiveness is probably best illustrated by a couple of instances. I know some of you have heard these before, but probably the best one was the instance where the young man sat on top of the Howard Johnson Hotel in New Orleans and killed fourteen people. He was in turn killed, but the problem was that the police felt that there must have been a conspiracy - some sort of a movement - so they wanted to know who it was in order that they could track his associates.

When they finally got him, he had no identification on him. His fingerprints existed only in the Navy. Some of you have been in the military service and may know how hard it is to find fingerprints in the Navy or the Army. At any rate, it would have taken months to identify him.

We identified this man by tracing the fact that he purchased the firearm in Emporia, Kansas. We did the whole thing in twenty-seven minutes. That is a very rapid identification. We identified the man who attempted to assassinate Governor Wallace in ten minutes.

We now have arrangements with all of the manufacturers, importers, and forty foreign manufacturers in Europe, a number in South America, a number in Asia. We have telex contacts with European countries. A lot of our guns come from there.

Everything that people do for us - and I would like to stress this - is voluntary. We have arrangements, for example, in which officials of the firearms manufacturers in Europe are willing to be called at home in the middle of the night on serious crimes and get out of bed and do a search for us.

The other day we had a situation where there was a bank robbery on a Saturday morning in Richmond, Virginia. The robber actually killed the guard and dropped his gun in fleeing. This happened about 9:00 o'clock in the morning. We were called to do this trace. Normally we are not open on Saturday because the retailers do not like to be bothered on Saturdays. That is a big day. So, unless it is a major crime, they will not make that trace on a Saturday.

One of our chaps downtown initiated the trace. It went out to California about 10:00 o'clock. It was 7:00 o'clock in California. We got the dealer out of bed and he agreed to dash down to his office, pull out the trace, and help us. By 11:00 o'clock we apprehended the murderer in Richmond.

This is the kind of thing that is of extremely great help to law enforcement. We did approximately 25,000 tracers in the fifteen-month period that ended in January. Of those 25,000 we consider that

we were successful on about sixty percent. We think we identify the violator in about ninety percent of that sixty percent, so we are batting a little more than fifty percent.

At any rate, for the forty percent that we do not trace there are rather severe reasons for it. For the first part, we cannot trace the communist weapons. We do not have the relationship with them that we would like to have in the future. We cannot trace military surplus weapons. The handgun that is picked up by a GI overseas and brought back is hard to trace. There is no record kept by the military. Right now they are just beginning to keep records, but there are so many millions of surplus weapons around the world that it is an impossibility for us to track it.

There is one other area in which we have difficulty. This is the area of the out-of-business dealer record. These are the records of the firearms dealers who decide to quit, or change their name for publicity's sake, or something like that. The law states that the dealer going out of business must deliver his records to BATF in the regional headquarters or at some designated point. Thereafter we maintain those records.

To give you an idea of the complexity of this, these records go back many years. Some are in bound ledgers illegibly written, some are on scraps of paper, some are in little notebooks and every kind of piece of paper that you can imagine because there is no format that is imposed upon the firearms dealer. So, we get these little pieces of paper, put them in cardboard boxes, and try to catalog them

by the name of the dealer and the area where he conducts business. When we get a tracer to that dealer, we manually have to go through these boxes. We estimate that there are thirty million of these records sitting in storage warehouses around the United States. This causes a little bit of that forty percent of failure.

We have faced the problem that the growth of our workload has been far more rapid than the cycling of our budget. I was amazed that Mr. Brown is struggling with his budget because we are doing the same thing. A year ago, we anticipated that we would need two more tracers for fiscal 1975, which has not even started, bringing our grand total up to fourteen. Well, with the growth and request of 600 percent that does not hold at all. We never had any idea that this would occur.

We find that an individual tracer working on the telephone with all the conveniences that we can provide him or her can do about two hundred tracers a month. We are now up around 4,000 tracer requests a month, and we anticipate that this will continue to grow until there is a leveling off.

The sixty-four dollar question is when this leveling off will occur. The reason that is a difficult question is that we are now servicing approximately 2,000 state and local agencies. We feel that, eventually, we will be servicing approximately 14,000 police agencies. These are agencies of cities of over 5,000 people. We arrived at this 14,000 figure independently of LEAA analysts. They

come up with about the same figure. If this is correct, we are expanding at a rate of about six hundred percent a year, which is a normal kind of growth for an information system that works. It shoots up very suddenly and then flattens out.

When do we hit this 14,000 limit per month? If we go from sixfold in the first year, we may anticipate we will grow sixfold in the next year, and so in one more year we are up to 12,000 agencies. Therefore, in about another couple of months we will have hit the full 14,000.

This means that by the very early part of calendar 1975 we expect to hit a plateau far more than we can possibly handle right now and far more rapidly than we can budget for. Our budget cycle takes us about eighteen months, and you can see that the growth of this workload has been extremely dramatic - far more than any of us would have ever guessed.

One of my purposes in being here is to explain to you what we do but, more importantly, to seek help. We are the only agency that has the statutory authority to deal with the firearms manufacturers.

I might point out one more thing. We have made it a rule for one of our young women or men tracers to be a key point of contact with each one of the manufacturers, major importers, or major wholesalers. This establishes a personal rapport. We will call Colt or Smith & Wesson twice a day - once in the afternoon and once in the

morning. We will have twenty or thirty searches made each time. These are more routine. On a crash basis we will call immediately, and there is an immediate exchange between two people who know each other even though they may never have seen each other.

Once in a while, an organization with initiative will call Colt saying they have a special trace. The Colt people got very irritated with this. They get irritated, anyway, because of the workload we are pouring on them. They feel that they are paying for a function that the United States Government ought to pay for. So, we get resentment and reluctance. Sometimes we have actually gotten slowdowns with some of the organizations. Then we have to make a personal call, tell them how patriotic they ought to be and all this good stuff. They usually will come back and work with us for a while. It depends on their economic strains. You know, some of these organizations cannot afford to devote a girl full time to make searches on our behalf; therefore, they resent the fact that we are charging them.

The point I want to bring up here is that some of the police departments feel that they should do their own. We request and suggest that it would be far better if you run your traces through us because, if every state were to call Colt, you can imagine what confusion and resentment they would have. They just would bog down completely. We suggest that you bear with us because this system is working and it is effective. We even have had cases where some of the local police agents represented themselves as BATF agents so that they could get a

call through. This is something we do not like. It is illegal. We know that they are just being ingenious and inventive and that they are trying to do a good job, but it is not a good way to do it. It disturbs the whole system.

Let me take a couple of minutes to tell you what we think can be done, in particular, by LEAA and by you. The first thing does not apply to you but does apply to Treasury. We need more resources. We need more resources within BATF to do this job. We are being supported by our superiors in the Office of the Secretary of the Department of Treasury, and we need more people in advance of the budget approval. The rapidity of the growth is very demanding. We are keeping up, but it is a very, very tough situation.

The second thing that we need is some method of payment to the manufacturers, the major wholesalers, and the importers for the service they give us. We have suggested to LEAA that this is a proper expense of the Federal Government. It has never been budgeted, of course, but we are putting it in the budget for fiscal 1976. We need it right now because, more and more frequently, these individuals suddenly rebel and say, "The heck with it."

They bog down and cause a terrible slowdown, and then we are unable to move the tracers as rapidly as we should. So, we should put people there. We anticipate that would take about twenty-five man years. There would not be too many major agencies which would require this. Most of the small agencies are not disturbed enough

to do it out of patriotic assistance. The bigger ones definitely have great expenses; we know it, and they know it. We are holding on just by a slender thread.

The third thing we need is some brilliant stroke of genius to tell us how to do this better. We have operations and research people coming in to look at our problem. They say, "My Goodness, all you have to do is computerize." Well, that means a sort of registration, so we do not think that would work very well. The other aspect is that they come in and say, "We will computerize all new guns and ask the manufacturer to do it." Let me give you some idea of the magnitude of this problem.

It is estimated that there are between 170,000,000 and 210,000,000 firearms in the economy of the United States today. New weapons are coming in at the rate of about 6,000,000, both manufactured and imported.

Now we are going to get an immediate record of that 6,000,000, so we put it on the computer. That is great. In thirty years we will have fifty percent of all the guns on the computer. I don't think law enforcement want to wait thirty years. Six times thirty is 180,000,000, and there are 180,000,000 already in the economy of the United States. So, that sort of baffles us.

This is not to reject that point of view, however, because if we are going to do something worthwhile for the chaps who are going to follow us in this room in ten or fifteen years, maybe we ought to

start that - and that is within our legal authority. It can begin to pay off when that 6,000,000 gets up to maybe 15,000,000. At any rate, operations research to analyze what we are doing is what we need. Now if only the good people of the C & P Telephone Company in Washington, D.C. would modernize the switching system in the OIRS (Office of The Internal Revenue Service) building so our long distance calls will go out a few seconds faster.

Talking about simple things, we are starting with everything we can think of to make it move faster. We normally go through the FTS system. We are the only agency in the government that goes direct to the long distance FTS operators. That does not mean that we get to a termination, because FTS does not go every place. So we are a little bogged down there, but we have made every move we can to make this operation better. We think this is valuable and functional in support of law enforcement.

The fourth thing we have is our Project Identification - Project I - I think some of you are aware of this. We have done the special searches for guns which have been collected in past crimes in New York, Atlanta, Detroit, and New Orleans. We are starting in the Western part of the country - Oakland, Dallas, Denver, and Kansas City.

The point here is that we get a crime profile by making this kind of analysis. We have just begun to touch this particular function, that is, the crime profile associated with crimes of violence utilizing mostly handguns. You may have read in the paper that most of the

guns in New York City come from one state, South Carolina. They come from Southern states.

This was something that gave us a methodology by which we could deploy our law enforcement efforts. The legislature of South Carolina has called our people in to assist them in tightening their laws. We have brought education to bear on the people in that area in a dramatic way. It probably could not have been done otherwise.

We noticed that once we do a Project I study for a city or an area, their request for traces come in much more rapidly. They do not go back to the normal. In other words, they reach a plateau when they realize the value of the service that we can give. So, they extend many more traces to us.

We are moving with mixed emotions on Project I in the Western part of the United States. We want to do it. But, if we do it too fast, we are going to be overloaded and will not succeed. It is a tough balance to play, but in this kind of a technique we are developing the analysis of crime that can be very helpful to a state and local law enforcement agency. We will give them ideas about what they are up against. Crime analysis, therefore, is the fourth element we need right away.

I am giving you these in an order of priority. The fifth item we need is an immediate automation of the out-of-business dealer records. There are thirty million records. I might point out also that approximately thirty percent of all firearms dealers - about one

hundred forty-eight thousand in the United States, we think - change their dealership in some way or another. That is a thirty percent change annually. This change does not necessarily mean that they go out of business - they may change their name or address. There is a constant turnover. So the dead records are coming at a fairly high rate. If we can automate those, we could do at least some of the forty percent of the traces that we cannot now do. The sixty percent success should increase quite a bit and it is perfectly within our legal authority to do. The cost of this would be great, but at least it is a one-time cost.

The final item I think we need to take a look at is the cost-benefit analysis. How much agent time is taken in identifying the criminal after a crime? I ask many people this, but I do not have any consensus yet. It could take months, it could be never, or it could take a matter of a few hours. In every instance that we can identify a criminal, if it is a major crime, we can do it within a few hours. If it is not a major crime we can do it in twenty-four hours.

What have we saved in agents' time? We think we have saved about twenty-four million dollars across the United States in our first year of operation. We would like this to be very carefully studied because if it is of anywhere near this value, then I think everybody will climb on the bandwagon and make it more effective than it is. We think that this may be one of the most important

values. In other words, where possible, the identification of the criminal is obviously much faster than fingerprinting.

The second thing is to develop the crime profile of a given area and the third is to free the investigator so that he can go on to other things just as much as he possibly can.

MR. PERIAN: I wondered if you had any priority on this request when it comes in?

ADMIRAL PETERSON: Yes, we do. We set up a priority based on the intensity of the crime. Murder and assassination come first, then serious felonies, and then the third category is the searches that we make simply to develop a pattern or an analysis. These can be put in a slower pattern of work.

In Project I in New York they had something like eighteen thousand guns apprehended in a period of about a year. They reduced it down to about three thousand and asked us to do the traces on these. This became a basis for their study. However, that was a third priority.

MR. PERIAN: Is there any category at the bottom that you eliminate, or do you try to handle all the requests at this point?

ADMIRAL PETERSON: This is one thing we do not know. We think that Operations Research could probably do frequency counts on types of guns. For example, we know that more Saturday Night Specials are used in crimes of violence than any other type of gun. We call it the Class C gun because we are not sure what a Saturday Night Special

is. However, with frequency counting - possibly by geographic area, possibly by dealer - we might be able to cut that workload down. But we do not know yet. We have not had the luxury of doing that kind of a study.

MR. NELSON: There are two questions I have about computerization. You made the point about the six million new guns - manufactured and reported - and the out-of-business dealers' records. Other than the fact that you do not have any money, is there any other direct or indirect kind of opposition to computerization? You said you have legal authority, but is there a kind of opposition that would prevent you from getting the money?

ADMIRAL PETERSON: No, to our knowledge there is not. Now there may be the opponents of anything smacking of registration who might raise the issue with them, but thus far we have not had any opposition.

MR. VELDE: Admiral, are these the Form 4473's? Are these actually the property of the dealers?

ADMIRAL PETERSON: We would make a special form for the manufacturer to slip in with each firearm. That would go out to the dealer and the dealer's obligation would be - when he sold it - to return that form to us so that, instead of starting with the manufacturer, we would start with the dealer who had the particular firearms.

MR. VELDE: And you feel you have real authority at the current time under the 1968 Act to do that?

ADMIRAL PETERSON: Yes.

MR. NELSON: You would actually record the first retail sale from the dealer to whomever he sold it?

ADMIRAL PETERSON: Yes, all we would know is that he had it for sale.

MR. NELSON: You would not know to whom he sold it?

ADMIRAL PETERSON: No. He might not have sold it at all. In short, at the time of sale, the buyer fills out a Form 4473. That is what Pete was just saying the dealer must retain. When a crime is committed, this becomes our link for our investigator to carry the investigation from that point.

MR. NELSON: Form 4473 is the retailer's sale record of whoever buys the gun?

ADMIRAL PETERSON: Yes. I might point out also that with the Form 4473 the dealer is prohibited from selling firearms to certain classes of people - felons, mentally defectives, and drug addicts. The individual must state in writing that he has not been convicted of a felony. This aids us again. It is a bit of evidence that we could use in handwriting examination.

MR. KROGMAN: I would like to get this clear what the 4473 is all about. Under the new computerization plan the only records that would go into the computer would be the records that the manufacturer would put in showing to whom he disposed the firearm?

ADMIRAL PETERSON: That is correct.

MR. KROGMAN: If somebody buys the firearm and fills out Form 4473, it would not go into the computer?

ADMIRAL PETERSON: That is right. In other words, we would pick up the trace in the same way we do now, and the 4473 would become our link to the criminal. We pick it up the same way. Starting with the manufacturer, all you do is save every trace. We would simply go to the computer and out would come the source - the gunshop.

MR. PARKER: Pete mentioned to me that you had this sixty percent rate of successful traces which seems to me to be phenomenally high. What do you consider to be a successful trace?

ADMIRAL PETERSON: A trace is successful when we can identify the fact that the gun was purchased and thus have some link to the purchaser. Obviously, if he is a criminal, he is going to try to avoid writing his name down, but there still are links. The dealer might remember him, or he might have had a stolen driver's license. This is an immediate link to start the investigation. Moreover, it jumps over a few preliminary steps.

MR. PARKER: You are speaking of the first purchaser at the retail level, is that correct?

ADMIRAL PETERSON: That is correct.

MR. PARKER: And from those, you have a ninety percent identification of violators?

ADMIRAL PETERSON: That is correct.

MR. PARKER: It would seem, then, that you have a very high proportion of situations in which the first purchaser is in fact the perpetrator of the crime, is that correct?

ADMIRAL PETERSON: It seems that way. In a Project I trace we found a few dealers who were doing this on a mass basis. This fellow Thrift of Greenville, South Carolina, had something like three hundred. But we don't find that too much. They might buy one or two. The New Yorker or the man from Detroit goes down to, say, South Carolina. His brother lives there as a resident. He may use his name, buy a gun and figure, "Well, Joe back home wanted a gun, too." He goes back and finds out that Joe really did not want a gun and could not afford it, so he offers it for sale to somebody.

This really becomes an illegal market. I am not sure it is illegal, but it certainly is a black market and it is leading to criminal acquisition of guns. I would suspect - and maybe somebody can correct me on this - that more guns are handled in small quantities than in large quantities in this sort of black market channel.

MR. MOONEY: With regard to the possible computerization of the new firearms would it be more efficient to include the information on the 4473?

ADMIRAL PETERSON: It would certainly be more efficient,

because that is your link to the buyer. This now becomes a politically sensitive problem. Whether or not that would be acceptable is something that I do not want to guess about. This is why we have not gone that far. It smacks of registration. I think this is the thing that is not in the legislation right now.

MR. KNOX: What percentage of the trace requests are intended to identify the perpetrator of a crime as opposed to tying in a suspect with a gun purchase? You mentioned the case of the bank guard that was shot. In that case this was to identify the perpetrator, is that correct? What percentage of these traces fall into that category?

ADMIRAL PETERSON: Neal, I am sorry. I do not think we have ever made that calculation, but I can just give you an idea about it. Our Project I cases are basically for analytical purposes. All other traces would be in reference to a crime although that is not always true. In some cases we may not know. Sometimes it may be an old crime that has been hanging around for a long time, and they are trying to clear up a point. We really do not know. It may say murder, but the suspect may have died. Honestly, I just cannot answer your question.

MR. KNOX: There have been some studies conducted concerning the efficacy of registration programs asking various departments how many cases have been solved as a result of a registration program. This is in areas where they have them, of course. A very

small percentage report registration laws having any effect upon the solution of crimes. Often registration records are only supplementary evidence. You mentioned that this trace program has saved approximately twenty-four million dollars in time saved in investigation. That might be true if all the cases indeed did reduce the investigator's time and if the identification of the suspect was achieved through the trace. I think that one of the principal things that needs to be done in the studying of any such program is how many crimes are solved and suspects identified by the program.

ADMIRAL PETERSON: Yes. This is one of the requests that we made for the cost-benefit analysis. We do not know all of the things that may impact. Maybe we were deluding ourselves. Maybe it is not worth it, but we think it is and we think we do save time. But we don't think that we necessarily solve the crime. We simply put the investigator onto the suspect faster. We save two days or two weeks for him. That is what we are doing.

MR. KNOX: According to the information you have are most of the guns that you are tracing guns that have been left at the scene of the crime or simply guns that are picked up during routine searches?

ADMIRAL PETERSON: I would guess that they are picked up when the suspect gets picked up.

MR. KROGMAN: I think it is a combination of many different situations. Certainly it is not only state and local. It is also

our own involvement. It seems to me that it is quite clear that without this capability some of these cases that you mentioned before - the sniper at Howard Johnson, the Bremer matter, the judge in Marine County - are very dramatic examples of many others which would not have been possible if we did not have access to those records.

MR. KNOX: I am not quarreling with the point of having access to the records because the access to the records is available. My question is - Should a massive expansion of the program be implemented in order to do that? This is the thing - what will be the accomplishment in the Howard Johnson's case? We do have evidence that a trace certainly can work, but we have had other cases going further back before we implemented this program - such as the assassination of President Kennedy. It took, I think, about a couple of hours until traces of the guns were made without any program of the scope that you are discussing right now.

ADMIRAL PETERSON: I do not know who did that trace, but we have always done traces.

MR. KNOX: Sure. But, as you mentioned, by doing publicized tracing programs you are encouraging requests for tracers. I am wondering what category these traces fall in. I think a study should be made - not necessarily of how to conduct a trace program expansion, but whether to conduct it. I think rather than a budget of \$263,000 in order to send teams out to see how to implement an expanded trace program, your Washington staff should send out a

survey form to the agencies that have asked you for searches. It should show maybe twenty categories of firearms seizures and ask: What category does this fall into? Did this result in the solution of the crime? Was this material to the conviction of the suspect?

ADMIRAL PETERSON: This is unfortunately my lowest priority, but I agree with you. This is a cost-benefit analysis, and I do not mean to prejudge the format that it should take or how it should be done. Also, we want to know if it is worth it.

MR. COLLINS: I think this is a little hard to determine. I do not think that any law enforcement agency would deny the value of knowing the dealer who originally sold the gun. I think that is what we are finding out from you. We find that the primary source of guns used in crimes in the State of California - at least in the City of Los Angeles - is stolen guns. My statistics indicate that currently there are somewhere around sixty thousand guns of all sorts stolen in the State of California yearly. This includes rifles. In the City of Los Angeles between March 1973 and March 1974 we had 5,292 handguns alone stolen. So, we find that the primary source of these guns is stolen guns.

You eventually hit the point where you are stopped dead. You can find a dealer and to whom he sold it; but then the guy does not know who has stolen it from him, and this sometimes goes three people down the line.

ADMIRAL PETERSON: This is interesting, Chief, because Project I

in New York came up with about twenty percent stolen guns. In four cities in the East it was overall only about ten percent.

MR. COLLINS: New York has a bigger stolen gun problem than we have.

ADMIRAL PETERSON: Well, we could trace to a purchaser, and that person, when you pick him up, will lead you to the next person. Consequently, we have this illegal underground business where the gun is really not stolen.

MR. COLLINS: You mean by that he knew who burglarized his house?

ADMIRAL PETERSON: I mean that in the New York case, it was actually a sale after a sale. It became an illegal sale at one point, but this is the black market selling. They buy a Saturday Night Special for twenty bucks in South Carolina and sell it in New York for eighty dollars. You can track person to person even though you do not have any record of it.

MR. COLLINS: What they are saying, then, is that the number of crimes committed with stolen guns is not as major a problem as ours because these are sold guns. These are guns whose sale has been registered. We think that this is not true.

ADMIRAL PETERSON: They are registered in someone's mind, not on paper.

MR. COLLINS: We are saying that they are unregistered guns - not sold guns - and that those are stolen guns.

ADMIRAL PETERSON: Well, maybe this is a matter of definition.

MR. VELDE: Neal mentioned the Project SEARCH staff proposal which was circulated to some of you and which represents a little different perspective on the same problem that Admiral Peterson has just presented. Bud, I wonder if you would mind commenting briefly on what SEARCH has done at our invitation to look at this question from many of the same points of reference that Treasury has - but also from a state and local perspective.

Incidentally, I should note for the record that Project SEARCH has not taken any formal action on this proposal yet. It is one that the staff has generated and which is under consideration by the project group now.

MR. HAWKINS: Project SEARCH was presented by LEAA with the idea of keeping in mind that we have representatives in fifty states representing a cross section of interest, expertise, background, and knowledge in the criminal justice field. It was felt that perhaps SEARCH could offer to assist the Federal Government in some way in the gun-tracing problem.

I might say SEARCH itself was a little concerned about the project, or even considering such a project. We asked the staff several times to present materials on it and we debated it, we considered it, massaged it, and in some peoples' minds we may have tried to get rid of it, but we did keep addressing ourselves to it

and we did have Admiral Peterson and his people give a presentation to Project SEARCH's Executive Committee.

We asked our staff to give us a proposed project statement, and this solely with the idea of having SEARCH, the Federal Government, LEAA, and anyone else who is interested in finding out whether this would offer an opportunity - and I repeat what Pete has said that SEARCH has taken no formal action. We are not moving in the way of asking a grant application or any effort of this kind.

The paper, as you can read, and which we can get deeper into in the workshops, shows that we will undertake a study with BATF and everyone else concerned to try to see what are the needs and the objectives of gun tracing.

I emphasize here again SEARCH's concern - and many of the members expressed this - was not to, first of all, say, "Okay, we start with gun registration and every gun has to be registered."

It was, I think, within the existing Federal and state laws as they are. How can they be made better? Can they be made better in the service to law enforcement? That is our concern.

We are not looking toward a nationwide or a state-by-state imposition of new legislation. We are trying to work within a proposal of what is needed. Obviously, when you look at needs and objectives I cannot help but think that somebody is going to say, "Well, it would be simpler to get gun registration on every gun and follow them all around."

As I was saying last night, I think in California we did have a State Senator who introduced a bill requiring total registration, just as for a motor vehicle, the day you bought it, or did something with it. This would be for all guns, handguns and long guns. That was his last term. Also, he had some novel ideas of how we were going to keep track of all those guns. He wanted to put on some staff to keep track of all this in Watts. We did not think that was the best place for it at that time.

What SEARCH has proposed - and it is an exploratory proposal - I would like you to consider it that way and try to identify alternatives and methods that would enhance the gun-tracing capability.

The staff and I, that is Paul Wormly and I, have discussed this rather hurriedly.

It is easy to say that you relate arms to criminals and thereby enhance the identification and the ownership of weapons. I find myself wrestling a little bit with the question of how do we go about doing this sort of thing.

I think, as Chief Collins has said and other law enforcement people would also say, people who are in the business and know more about guns than I do, they will say that what Jack has said here is absolutely so; that is, that every type of record there is to date acts as an investigative aid in trying to solve the crime if you know what firearm is used.

Now, this does not mean that the purchaser is the one who

committed the crime because so many things can happen - it is stolen, it is lost, it is sold. Many things like this do have an influence, but it gives you a starting point.

I think, expressing my understanding of this in law enforcement, we get about 15,000-plus inquiries a month to our automated gun file, and a lot of these are inquiries which result in a hit, as we call it - a hit means truly that there is a pawn record, that there is a stolen record, or that there is a lost record on the gun. They are not always stolen. But we did have some kind of record. I am talking now about handguns, because we register only handguns. There is also the dealer's record-of-sale law in the state. It gives criminal justice agencies this opportunity to do that.

I think the SEARCH bill that we are looking at would be the better approach to trace guns - better for the manufacturer, better for the wholesaler, better for the dealer, better for law enforcement.

MR. VELDE: Perhaps you would like to comment on the Treasury tracing system as it now is structured. It involves direct telephone communications links from the inquiring agency to the tracing center in Washington. In case of overseas requests for records, there is a teletype system. I wonder if you would briefly describe NLETS in your recent hookup with the Treasury TECS system?

MR. BEDDOME: The NLETS, as we shortened the title down because we cannot always say it without stumbling on it even when you are familiar with it, is a national hookup of a combination of high-speed

and low-speed teletype lines to, generally, the state capitols or the state police agency or the Department of Justice in those states where the attorney general is the boss of the state criminal justice communications system. There are somewhere in the neighborhood of 5,000 law enforcement agencies in the United States that have some direct access to NLETS.

This is a system whereby the police chief in Phoenix, Arizona, for example, wishing to send a message analogous to Western Union, if you will, has the liberty to use more than fifty words or whatever before he goes over his allotted cost. In fact, one message is allowed up to one thousand characters before it has to be put into page form and sent as a second page and third page.

The police chief in Phoenix, for example, back to where I started, can use the agency identification number, the ORI as it is called in the parlance of the trade, of any other law enforcement agency in the United States and, in effect, address a message to that other law enforcement agency, put it on his teletype and his communication center through the link to the State Communication Center, to the switching center here in Phoenix, and to that other agency anywhere in the United States. This can take place in a matter of seconds.

The Treasury Department has just recently been authorized, both by themselves and by our Board of Directors, to connect the Treasury's internal message system, the TECS system is what it is called for

short, where they have two types of terminals actually. There is a kind of a general purpose terminal. The other is a kind of a special purpose terminal which goes to their data banks. They, for example, could make an inquiry on a person or a vehicle, and, if they can get a hit, they will go back through NCIC and access NCIC to find out who holds the full record, the details to the full record.

With that capability, along with being allowed to come directly on the NLETS, this will give every one of the Treasury terminals direct access to every one of the law enforcement agencies in the United States which have access to NLETS and vice versa. That is a system which will soon become a reality.

The upgraded NLET system is undergoing acceptance tests and reliability tests with the manufacturer who installed the new computer just recently. I would not allow anybody else to come on the system until the reliability tests are out of the way, which will not take much longer now. They started on the seventeenth of March.

So we anticipate that, by the middle of April or the first of May at the latest, this increased capability to the Treasury Department will be available.

Again, stepping back a moment to Pete's comments about telephone, the agency that might come across a crime scene weapon, or might want to trace a weapon for other legitimate reasons, would now be in a position to directly address - provided that was something that was internally agreed upon at Treasury - your office, Admiral, and bury it with six hundred percent more requests.

MR. VELDE: That is exactly the point that I had in mind. Once this telecommunication system gets going, once this capability is hooked up to your tracing center, every law enforcement agency in the country will be able to address an inquiry to you directly as soon as they know about it.

MR. BEDDOME: That is true. I do not think that it is something that somebody will use just because of the novelty of it. I believe that the need is there right now. It is a definite need. Those information systems are successful because the people are dying for a new tool with which they can work better, with which they can work smarter instead of harder. Provide it to them and they begin to use it. It is not long until you are in a position of burying somebody else who is barely making it.

ADMIRAL PETERSON: I would like to comment on this acquisition of the NLET system by our TECS system. It is a very good marriage. I would like to suggest, however, that if you so operate it, if you could operate it through a BATF agency just to be sure that the format is good until we get to know it, I think this would help. In other words, sometimes we have to send the request back because the data may be in error or is inadequate when filling out the application to the trace. It would be wiser to go through the local agency if you can, but I will not say for sure. We will tackle anything we can get.

MR. BEDDOME: I don't think we are going to announce this to the world. We want to let your Treasury people and the technical types in

NLETS make sure that the link between the two systems is sound. Then, when we start to announce to the world that this is the way to go, by that time procedures will be instituted. I definitely will take into consideration your suggestion of having the local BATF man work with the local agency.

ADMIRAL PETERSON: This is available right now.

MR. VELDE: There is a suggestion here that perhaps there ought to be a get-together between the NLETS and BATF to work out some operating procedures so that it can be cranked into the NLETS operating manual for the police agency inquiries and for the Treasury procedures, too.

ADMIRAL PETERSON: I think they are working on that now.

MR. HAWKINS: I heard Admiral Peterson state the problem of the out-of-business dealers, their records, and the automation he would recommend as one of the answers to addressing it. I can see the value of that. Not that I am misunderstanding this problem of automating records. We have been through this. You just don't take a bunch of records and throw them in a black box in the corner and everything comes out nice.

I assume that I am treading on some serious grounds with my colleague here on the right, Mr. Chattelier, but it appears that the dealers and the manufacturers are being imposed upon at a considerable cost, at least twenty-five man-years; is that correct?

ADMIRAL PETERSON: That is right.

MR. HAWKINS: If in those cases the manufacturer had sold a dealer a gun through a wholesaler or a dealer, what if that record were automated by BATF. I do not refer to what their plant production was, things of this type, only the guns sold. I know the law does not provide permission for this at this time, but I assume that, in all fairness to the manufacturer, he is concerned about production records, other companies knowing, and the practical aspects of the business.

Does it impose more of a registration flavor if BATF, after the gun has been sold by the manufacturer, automated it and put people in the manufacturer's shop to do it? I am just asking the question. Maybe I am very stupid.

ADMIRAL PETERSON: No, it is a good question. The factor that has to be weighed against the number of guns already in existence - I take the figure of about a hundred and eighty million - and the number of guns that come into the economy of the United States each year is about six million. If we are adding six million records to this base of a hundred and eighty million, it would take us thirty years to get fifty percent of the records.

I did suggest that, for people who will follow us in the years to come, this probably should be done, but it will not help immediately. It is just too small a figure.

There are some people who intuitively feel that the gun that is used in crime is a recently-purchased gun, whether it was purchased

or stolen or whatever. That is a guess on our part. So, from a frequency point of view, in two or three years, if we have eighteen million of those records, most of the guns used in crime could conceivably come from that small portion even though there are a hundred and eighty million already in existence.

We are beginning to think that even though we cannot identify an immediate support to our program of any magnitude at all, we should do it and we should do it for the people who follow us, but it takes a long time to come to that.

MR. VELDE: Excuse me; I want to acknowledge the presence now of Max Rich who is just joining us. We are pleased to have you, General.

GENERAL RICH: Thank you.

MR. HAWKINS: Let me get back to the Admiral's statement. I understand what you are saying. The point I was bringing up, though, was this: are the manufacturers agreeable, Admiral, to your converting and automating the six million new records? This is the first question I have.

ADMIRAL PETERSON: I am afraid I cannot answer that honestly. We have not surveyed them with that question. My feeling is that they would participate provided certain trade secrets - production, etcetera - were guarded.

MR. HAWKINS: Well, I think this would be essential. I recognize that need. If you give them support, and the manufacturers are in

agreement that it is not a violation of the law or in violation of their good business practice secrets and things of this type, instead of converting six million maybe you should be converting ten million, twelve million, something like this. Now that is easy to say, I know. But, all I am saying is: is that a better solution than putting people in their shop? I do not know.

ADMIRAL PETERSON: It would not eliminate the need for having people in the shop because we still have to trace a hundred eighty million of older records.

MR. SLOTT: I have two questions. One is on numbers. You mentioned a plateau of 14,000 a month. Is this the ultimate plateau?

ADMIRAL PETERSON: What little we know about the rate of growth and the number of state and local law enforcement agencies that have made requests - something over 2,000 now - that is our best guess. That is all I can say.

MR. SLOTT: But is that based on how many guns they are receiving monthly? I heard a statement from Mr. Hawkins here that they are processing about 15,000 queries a month. This is obviously a different process from yours.

MR. HAWKINS: Well, we have a gun file of 2,800,000-plus. The last quarter of 1973 saw some 54,800 queries. That is 18,000 a month. These are inquiries. During that same time we had 115,000 entries, which is pretty close to 65,000 a month.

MR. SLOTT: That is why the question occurs to me as to whether

the 14,000 is a reasonable plateau. Maybe it is for the present conditions.

ADMIRAL PETERSON: Maybe we can take a look at it in another way. I think I am talking about 168,000 a year.

MR. SLOTT: Right.

ADMIRAL PETERSON: And, if I am not mistaken, over 500,000 firearms are used in crimes in the United States each year. So, I cannot tell you if this is correct or not. It is just our guess based on some fairly sensible mathematical projections, but, if they wanted us to trace all of the 500,000, I think it could well grow over that. However, I believe that some of the states, such as California and New Jersey, having their own registration, would eliminate some of that, but not all of it.

MR. SLOTT: My second question relates to the fact that most guns, according to the statement that you made just a moment ago, involved in crime have been recently purchased.

ADMIRAL PETERSON: I said that was our intuitive guess.

MR. SLOTT: I see.

ADMIRAL PETERSON: For example, Saturday Night Specials have been around for only a short period of time in this quantity.

MR. SLOTT: It depends on how you define Saturday Night Special.

MR. BASIL: This is just an aside on the Admiral's comment of the period of time. I know that the term "Saturday Night Special" seems to be a favorite designation by many persons, but if we are

going to use it today we should define what the term means either in your own ambiance, Admiral, or in the general framework of the discussion here. And you should also indicate, Admiral, how the term or the definition was arrived at by BATF.

ADMIRAL PETERSON: Well, if I may, I think I have a little booklet that would be reasonably accurate. We categorized guns in Class A, B, and C. Class C: we just say any inexpensive handgun of low quality which is primarily for non-sporting purposes. That would refer to Saturday Night Specials for both domestic and foreign manufacturers with a retail price of less than fifty dollars.

MR. VELDE: What price?

ADMIRAL PETERSON: Fifty dollars. Some have thirty-two caliber or less and can be concealed in the hand. But there is no precise definition. It is just a low quality gun that is not designed for sport purposes.

MR. BASIL: I understand, also with respect to that BATF definition, that it was arrived at largely through mathematical average means. They found out that so many firearms were involved in that particular study, then they made an addition and a division of some sort, and the average came out so and so, so the definition was based on that more or less. Is that correct, Admiral?

ADMIRAL PETERSON: I cannot answer that. You know something about how it was done more than I do.

MR. BASIL: John Krogman, is that correct?

MR. KROGMAN: I don't know how it was arrived at except that the common sense approach is that it is not a sporting-type weapon. It is a cheaply made handgun.

MR. BASIL: My only purpose is that if we are going to use the term we should all know what it means. That is it.

MR. MUCHOW: I would like to ask the Admiral - do you think that, as of right now, you have the legislative authority to ask the manufacturers to computerize; and also, number two, do you feel that you, as of now, have a legislative authority to have all the dealers' 4473's computerized if you should decide that that was an appropriate step to take? As of right now, Title I of the Gun Control Act of 1968 says you have authority to inspect the records, and so forth.

Do you think there is a legislative difference or do you think there is a legal difference as far as computerized records and your having authority to inspect what the dealers already have?

ADMIRAL PETERSON: First of all, I am not a lawyer, so I will have to give you my personal opinion. It would seem to me that, within our regular authority, we could perhaps identify the method of keeping records - which we do, for example, with the Alcohol Institute. Whether or not the law should be tested on that point, I do not know, but it seems to me it would be a matter of regulations, a manner of keeping records so we could regulate that.

Now, when you come to the 4473, I think you have an entirely different problem, and that smacks of registration. Remember I said

that the 4473 was a regular record kept by the dealer as to the identification of the buyer. If we were to regulate that it should be put into a computer base, I am afraid that there would be too many people opposed to registration for it to be accepted.

MR. MUCHOW: Do you think there is a legal objection to that aside from a policy problem? Do you think you have authority to do it now?

ADMIRAL PETERSON: Again, I cannot speak in any way officially for BATF on that because I am not the lawyer, but my guess is that we probably could.

MR. KNOX: There is some legislative history opposing it.

MR. VELDE: There is one area of the record-keeping of the 1968 Gun Control Act, as I recall it, in the case of intrastate mail-order sales. A copy of the 4473 must go to the purchaser's chief of police. Then the chief of police determines whether or not the applicant is qualified and lets the dealer know. That copy is in the possession of the chief of police and it is the property of the chief of police. He can do with it what he wants. Presumably, that could be put in some kind of local or state file if necessary.

MR. PARKER: That was Senator Hruska's point.

MR. VELDE: Yes, that is true. There is also the case in Title II, National Act weapons. There has been a national registry for a long time there. I think the 4473's are the property of the dealers and the equivalent manufacturers' records are the

manufacturers' property. Now they must make them available to Federal - and I am not sure but I think to state - law enforcement officials for inspection during business hours. I do not think it would be up to the dealer or to the manufacturer to determine whether he wants to keep those on a manual basis or on an automated basis.

I think since there does seem to be some concern expressed on the part of at least some of the larger manufacturers about this workload of doing all this tracing, perhaps a cooperative program could be devised whereby, with some kind of financial assistance, these records could be automated and yet retained by the manufacturer or dealer. Then inquiries made in the same way that the manual inquiries are made now - but just in an automated fashion - would be certainly possible with the existing law.

I do not know about making copies of the original entries available to Treasury or some other state or local law enforcement agency for automation of a record outside of the physical premises of the dealers or the manufacturers. I would say Treasury's legal staff would have to look at that pretty closely. Based on my superficial recollection of what the 1968 Act provided, I think the records are the property of the dealers and the manufacturers except those who go out of business and the affidavits relating to the mail-order sales.

MR. NELSON: Obviously my political demise points up my political naivete.

What is the difference? I have a record down here in my Handy-Dandy Gunshop on Central Avenue in Phoenix. It is absolutely available, if I understand the law correctly, to the law enforcement agencies under appropriate days and hours requirements. They must be kept accurately theoretically under penalty of the law which is available.

Except that it takes more time and hours, manpower and telephone, plus money - all asininely wasted in my opinion - what is the difference of that and sending a copy to some centralized computer so that you have a permanent absolute record of that, which is more easily available other than throwing aside this conspiratorial big brother baloney that one would hope is not present? What is the practical difference? What makes the next step "registration" when the fact is that the records are available now? It just takes longer and they are not centrally available.

MR. VELDE: Well, for one thing, the automation process is an expensive one.

MR. NELSON: Yes, but legally and practically what is the difference?

MR. VELDE: It is necessary to have universal transactions automated. Let us say it is impossible to get fifty million, a hundred million, or a hundred fifty million entries into the system where you have at the outside possibly two hundred thousand inquiries a year, assuming one inquiry per one gun crime. Just from

cost-benefit point of view, can you justify the expense of a tremendous automation effort for a rather limited number of inquiries?

We are looking at it strictly from a manual perspective and Treasury's tracing group, which numbers some eighteen people. Compare the expense of that to having hundreds of file clerks on a full-time basis converting six million records a year to a data base and you might get a relative handful of inquiries against that total universe. That is, of course, with political questions aside.

MR. NELSON: I would say you did not answer my question, Mr. Witness. What is the difference?

Is there any difference between the problems of registration and non-registration in this bag, other than the fact that they are more likely to become lost, because even if they were in somebody's office, they have to be kept. What is the difference philosophically from having them there, where they are not quite as readily available, as to having them somewhere else, assuming now there is no practical problem? What is the difference?

MR. VELDE: I don't want to get into long discussions myself, but records in the hands of, let us say, dozens of manufacturers and 150,000 dealers is one thing. Having them accumulated into one central data base, or in a small group of central data bases, I think does smack of, at least politically, the big brother issues, and so on, especially if there are that many guns in private possession. Then that is pretty much a data base on at least one out

of every two individuals in the country. That is a large file.

CHIEF EGGLETON: In the early part of the discussion I think we talked about many of these records that were held by the state police. We also said that any inquiring agency might go down directly to any other agency in the United States without going to BATF.

Consequently, if these records were held locally by these state police, and someone in Phoenix wanted to know about the possibility of a weapon being held by somebody in Ohio and they contacted that agency, that would more or less break it down locally instead of going through this central agency with all of this computerized stuff. It would seem to diversify this so that there is no surcharge on any agency.

Isn't that pretty much the way it is now? That is, if a weapon were found here, or a weapon were involved in a crime here, and there was some connection with Ohio or Michigan, the inquiring agency here would contact the state police there, or whatever agency collects the records there, rather than going through the central bureau in Washington. Wouldn't that be much easier and more simplified?

MR. VELDE: That assumes that the inquiring agency would have access to the chain of commerce of that gun. In most cases that probably is not the case. Maybe it will be able to identify the manufacturer, but unless the agency makes a direct inquiry to

the manufacturer it will not know what that manufacturer did with that gun. If the state agency in Connecticut or in Massachusetts would build a state file that would establish a chain of commerce there, that is possible, too.

MR. MUJCHOW: One of the problems, from the standpoint of prosecution of some of the firearms cases, is that we have often found a gun that is left at the scene of the crime which would be a military surplus weapon.

For years and years, the Department of Defense did not keep any sort of serial number list as to where all the guns were and how they were ultimately handed out all the way down to the unit level of the troops.

Over the past few years, however, they have been developing something called the life cycle management program. From the standpoint of computerizing the manufacturer's records, and so forth, they feel over at the Department of Defense that has been extremely successful.

As of right now, they have on their computer file something like four to five million guns showing their location all the way from the time the manufacturer manufactured them through the delivery point and through the cargo service whatever it might be, all the way to the depot, all the way to the unit, all the way to the individual soldier who has the gun assigned to him - and after he is through with it all the way through the point at which the

gun becomes scrap and is eventually melted down by scrap process.

They have found (the Department of Defense) that it is extremely easy now to trace things like stolen weapons, where they are at the scene of the crime. I think from the mechanical standpoint of computerizing things there is a possibility that, given that model which the Department of Defense has, it might be done as far as the practical aspects go. As far as the political, I do not know.

MR. VELDE: I think we had better move on to other topics that are on the agenda. Your chair is somewhat revising our temporary schedule as we go along. I did not want to break up this discussion because I think we have developed somewhat of a concept here at the plenary session.

I would like now to turn to another topic to get you thinking of some other subjects as well. I think we will waive our small group sessions for this morning and discuss a couple of other matters in the plenary session. That should give us time to devote the entire afternoon to the small group sessions.

We do have another presentation from Treasury on explosive tagging, but Admiral Peterson has already been on the firing line quite a bit this morning, so I think I will now call our representative from the Census Department, Mr. Paez, to talk about the National Crime Panel and the work being done to measure actual crime occurring as opposed to that reported to the police, and then

to discuss its implications in the gun control setting and the problem of gun crime.

MR. PAEZ: I will be brief. I will talk maybe six or seven minutes. I will entertain questions at the close of the presentation.

Mr. Velde has already given you a general idea as to the scope and magnitude of the National Crime Panel. With his permission, I will focus on the details that will emanate from the panel.

The National Crime Panel or NCP is a new instrument for measuring the levels of crime nationwide and in selected large cities across the country. Conducted for LEAA by the Bureau of the Census of the NCP, a series of large-scale surveys that rely on scientific sampling techniques gauges the extent to which persons aged twelve and over, households and commercial establishments are being victimized by certain types of crimes.

The victims themselves, rather than the law enforcement authorities, furnish the information utilizing generated estimates at the city and national levels. Information gathered during interviews permits the categorization of victims according to certain basic characteristics: age, sex, race, marital status, income, etcetera. Victimized households and commercial establishments also are organized under sets of readily identifiable criteria: the number of persons in households and the volume of business are two examples of these criteria.

Thus, besides providing estimates of the incidence of certain crimes, the NCP will be furnishing rates for victimization of the population at large and for its household groupings and its places of business.

In addition to providing these measures of crime, the surveys are exploring such facets of victimization as the relationship between victim and offender, the time and place of occurrence of criminal acts, the extent of injury or loss suffered, whether or not criminal events have been reported to the police, and the utilization of weapons, including firearms, in the commission of certain crimes.

Because the NCP is measuring victimizations not reported to the police, in addition to those that are coming to official attention, it is expected to produce rates of crime higher than those heretofore documented for comparable offenses. When I say documented, of course, I am alluding to crimes which state and local police departments report to the FBI and, in turn, are published in the Uniform Crime Report.

Although survey responses are being asked about a variety of victimization experiences, only certain ones are amenable to measurements and, therefore, fall into the scope of NCP.

For individuals, such experiences are rape, robbery, assault, and personal larceny. For households, these include burglary, larceny, and auto theft. For commercial establishments,

they are burglary and robbery. For obvious reasons, the matter of weapons used is explored only in victimizations involving personal confrontation between victim and offender. These crimes are rape, assault, and robbery.

Two of the more interesting aspects of the surveys, as Mr. Velde has mentioned, relate to the victims' reaction toward crime. For victimization involving face-to-face confrontation between victim and offender, the survey shall investigate the victim's response, including the possible use of a weapon in self-defense at the time of the attack. Similarly, data will be obtained as to the employment of security measures or devices again including firearms by commercial establishments.

For all types of victimizations, that is those entailing contact between victim and offender as well as those devoid of contact, the NCP expects to develop new insights into the reasons victims fail to report crimes, including a substantial proportion of violent ones, to the law enforcement authorities.

Some of the early findings along these lines suggest that many people take a cavalier attitude towards crime as indicated by the response that is quite common, "I did not think it important enough to report."

And yet, on the other hand, another frequently cited reason "Nothing could be done." suggests the existence of a certain cynicism concerning the capabilities of the criminal justice system.

MR. COLLINS: Your statement indicated cynicism of the criminal justice system. You say, "Nothing can be done." We talked to people who lose a set of hubcaps, which are not marked in any way, and they say, "Nothing can be done, anyway." That does not mean they have anything against the police department or the courts or anybody else. There is no cynicism involved.

MR. PAEZ: It suggested cynicism. I grant you in cases involving hubcaps --

MR. COLLINS: I suggest that that is a poor choice of words. I am offended by them, quite frankly.

MR. NELSON: Let me give you the other side of the coin. It is plenty accurate from my point of view and from where I sit and from the people I talk to - "Nobody is going to give a goddamn and do anything or put them away. And more than likely, in addition to that, I will be involved in a big hassle with the witness testifying."

You just weigh the economic thesis, and there is plenty of cynicism. That is just the other side of the coin. There are plenty of reasons for not supporting, but I would say your choice of words is as reasonable --

MR. PAEZ: I think an explanation is due to the first gentleman. There are other reasons cited in the survey which respondents may select. There are eight or nine reasons all told. This is only one. There are others and you have to view them cumulatively and the percentage of distribution of reasons in order --

MR. COLLINS: That would sound much more reasonable.

MR. PAEZ: Yes. The two reasons I have cited are the two more prevalent ones.

MR. HOLMES: From the prosecutor's standpoint, a lot of cynicism is justified. I think it is primarily the fault of some of our procedural safeguards going too far overboard. In Texas, we have situations where in most cases witnesses are required to come to some type of hearing or proceeding at least twice - and many, many more times is frequently the case. I have heard complainant after complainant fuss about the fact that: "Why should I report this? The guy gets probation and I will lose four or five days of my time. It is not worth it to me." I say that in a lot of cases there are justifications for cynicism.

CHIEF ANDERSON: I would like to ask you to clarify some of the definitions that you are using there. You use the standard terms "assault, burglary, larceny." Everybody who works in the business knows that nobody knows what they really mean.

Do you use your own set of definitions or did you use these UCR definitions? Did you use the state definitions or the local definitions? I noticed in the commercial area you said "burglary and robbery," and I noticed you omitted "larceny" in the burglary area.

MR. PAEZ: To answer the first part of your question, these definitions and these words that I have used are tailored to the survey and will be defined in publications emanating from LEAA. They

are unique to the survey and they are not generic. I know there are problems in defining larceny, and so forth.

CHIEF ANDERSON: In the publicity they have been compared against the UCR reports. I am just saying that, if the definitions are different, I think it is a very unfair publicity comparison.

MR. PAEZ: In the other part of your second comment you deal only with certain contexts of the measurable crimes. Commercial larceny is not measurable because we cannot elicit information concerning shoplifting and theft by employees. It is very difficult to come by.

CHIEF ANDERSON: We are getting now at the cynicism. I do agree with Chief Collins. In the insurance business I think they use the term "unexplained shrinkage" or "unexplained disappearance." The average person will say, "Well, they must have stolen it because I cannot find it."

It is called a theft, and that is where we get into this cynicism, because people are looking for outs and may simply say it is stolen when, as a matter of fact, it is not. It is gone, of course. Everybody who leaves this meeting will lose something before we leave Phoenix, but that does not mean it is stolen.

MR. HAWKINS: Are you telling us something, Chief?

CHIEF ANDERSON: Well, you can see what I am saying. It is a matter of definition. When you go into assault and the use of weapons and firearms in crime, then the definition starts to become fairly critical.

MR. PAEZ: Our definitions will be quite explicit and tailored to the survey. They will not be the same ones used here in Phoenix, in Detroit, or anywhere else.

MR. KNOX: I am curious about one thing. The holding of a weapon for self-defense is one of the matters on your survey. From my experience, in surveying our readers when we ask, "How many guns and what type do you own?" and we say, "Do not sign the survey," I still get flak letters from people telling us it is none of our business. So I think that you are going to find a reticence in telling you whether or not they owned a gun, what type or for what purpose.

There was a Harris poll conducted in 1968 that purported to state what percentage of households had guns. I think there was a considerable fudge factor, particularly in the Western States where I think gun ownership is considerably higher than the percentage shown by the poll.

MR. PAEZ: Yes, sir, you are quite right and we were aware of this. We have been aware of this for three years. For that reason we do not ask the victim to stipulate what type of weapon he used in self-defense. It is just weapons, period. We do not distinguish between firearms, lead pipes or baseball bats. We were aware of that.

In the commercial survey, however, we found that many retailers do keep guns under the counter, and often these are registered weapons. They are perfectly entitled to have them and are willing to furnish

this information. But you are quite right about the household aspect of it.

MR. VELDE: You might comment, though, about the overall response to the survey and the return you get on this one in contrast to other national surveys.

MR. PAEZ: In terms of reliability?

MR. VELDE: Aren't you getting about ninety-six percent return?

MR. PAEZ: For the city samples we have selected a population of 10,000 households, in terms of population, age twelve and over. We are concerned only with people age twelve and over. It comes out to about 22,000 individuals.

Mr. Velde says that the cooperation has been very good and, in fact, superior to some of the ongoing surveys at both Census and the Bureau of Economic Analysis. The household income surveys cooperation has been over ninety-five percent. We allow for washout, and we are getting 10,000 cooperating households.

MR. BEDDOME: Al, we are talking about the victimization survey which implies, in fact, that the police probably do not know about some good percent of the crime that they might reveal in this survey form they fill out. How did you arrive at this number of households out of a city, let us say, the size of Phoenix, which will hold 600,000 or better? How did you arrive at this number? Which 10,000 residences did you survey here and how were they given the forms? Was it kind of a mail-out and you hoped that you were going to get a

certain response back, or what? Can you give us a little background there?

MR. PAEZ: Yes, sir. This is a household interview, not a mail-out. It is usually conducted by women, several hundreds of them, in what we call "primary sampling," 350 primary sampling units throughout the nation covering both urban and rural localities.

As to how it is selected, the selection of households is governed, first of all, by the last 1970 census and ongoing household surveys conducted for other purposes by the Bureau of the Census. We aim at getting a cross section, a representative sample in terms of age, sex, race, incomes, type of dwelling lived in, a representative sampling of the national population at large. Does that answer your question?

MR. VELDE: I think the sample used here is roughly ten times as large as that used for your public opinion polls, such as Harris and all the others.

MR. PAEZ: Their samples range from 1,000 to 1,400, generally, so this is 22,000 people. The size also is determined, obviously, by money, governed by the availability of funds. The larger the sample, the more accurate the data. This is what we aimed for throughout the line of funds versus optimum size.

MR. BEDDOME: I am concerned with the kinds of households you wind up with. Do you use a census tract or do you just randomly select census tracts? If you do that, do you have any kind of

experience with certain kinds of economic neighborhoods, or whatever, that fail to report crime to the police?

MR. PAEZ: No, it is not a random sample. As I said, we do strive to get a cross section of the population, having studied the census result and the ongoing household population census throughout the nation.

MR. BASIL: In other words, what you are saying is that not only the size is representative but also the distribution of the sample is scientifically based; is that it?

MR. PAEZ: Exactly.

MR. BASIL: It is not at random. It is based on certain known psychological and scientific factors, right?

MR. PAEZ: Exactly; right.

MR. VELDE: You might comment as to why murder is not included in the survey.

MR. PAEZ: Murder was excluded because the Bureau has yet to develop a way to interview victims.

MR. VELDE: That is only one reason. It is statistically insignificant.

MR. PAEZ: Murder, arson, and certain other crimes are statistically insignificant.

MR. PARKER: Al, as to the question dealing with the keeping of weapons by possible victims, what is the purpose of collecting that kind of information?

MR. PAEZ: We do not ask whether the household possesses the weapon. We ask, "During the incident, what was your reaction to the attempted robbery?"

And the respondent may answer, "I pulled out a baseball bat and hit him on the head."

That checks up on weapons. Or he might say, "I ran to the closet and pulled out a gun and shot at him."

MR. PARKER: Do you ask any specific question about whether he keeps a weapon?

MR. PAEZ: No. Only in the case of commercial establishments, and then only if they are cooperative. Each subject, whether a person representing his household or a person representing a commercial establishment, is screened to elicit information as to his receptivity and willingness to participate in the survey. If they are not going to play ball, then we go to an alternate source subject.

MR. PARKER: Let me pursue that one step further. What do you do when you accumulate the total of people who used a weapon? What do you do with that?

MR. PAEZ: We simply have been gathering data. That is going into a computer bank. Tabulations are printed on that. We have not gotten fully immersed into the analytical aspect of that.

MR. PARKER: I just wanted to know why that kind of information is being kept. Somebody, obviously, decided that that was an important factor for some reason. What I want to get at was the reason.

MR. PAEZ: I do not know. That preceded me and I am afraid I do not know.

MR. NELSON: From what I understand, there is no way of breaking out gun statistics since you used the term "weapon".

MR. PAEZ: Only in the case of defensive measures taken by the victim.

MR. NELSON: But as far as what the perpetrator used, the questions are more specific as to what they used: a pistol, a knife or --

MR. PAEZ: Guns, knives, blunt weapons, other weapons.

MR. VELDE: Gary, I think that point should be clarified. That is one of the principal things we want to bring to this group.

He is describing a questionnaire as now structured. Each month the survey is going into 10,000 households and 2,000 businesses. There is a possibility of conducting special surveys on an ad hoc basis or on a continuing basis which might give us some answers to some of the questions in the great gun control debate; for example, about private ownership, use of guns, or any other kind of information that would be relevant for our law enforcement and our criminal justice purposes.

We have this tool. It is just now really becoming operational. It has the potential for looking at a lot of things. Another thing we are interested in is the relationship of the individual who is a victim of a crime to an insurance company. Did he report it? If so,

was this because the insurance company said they would not consider a claim unless he had reported it? What kind of satisfaction did he get from the insurance company?

All those kinds of issues have, we think, a very significant bearing on crime recording, but we do not know. This is a tool which can be used to explore some of these kinds of questions. What kinds of home-protection measures work? What kinds don't? Is an alarm system good? Is it bad? People have them, people spend a lot of money on them, but are they worth it? Nobody really knows until you have a chance to come back after the fact in the households that have been victimized, and then get into the details as to the events of the criminal entry, what happened, and so forth.

MR. MUCHOW: Would you expect, Mr. Paez, that at some point the survey would expand over into the area of describing the weapon - long gun, short gun, or whatever?

MR. PAEZ: That has not been suggested yet. As Mr. Velde indicates, the program is flexible. It takes time to crank new elements into not only the questionnaire device but into the program as a whole. It is pretty well locked into it as we have it now, but it is amenable to long-term revision. I suppose it would be feasible, but it has not been suggested yet.

MR. MUCHOW: What procedures do you have when an individual does not want to talk or refuses to respond to your questions? Do you absolutely terminate the interview at that point, do you go to the next question, or what do you do?

MR. PAEZ: No. There is a category of responses not available, for which at some point the individuals may not wish to respond, so there is a certain tailing off of data. We allow for that. If a victim is totally intransigent and does not want to cooperate from the beginning we scratch his name out and we go to another one.

MR. VELDE: On that point, there is a very interesting methodology that has been developed over this period of time to deal with these kinds of problems. The first pilot surveys, I believe, were conducted in San Jose and Dayton three years ago, and the surveyors took crimes that had been reported to the police previously. The identity of the individual was known.

Then they went back in varying periods of time after the criminal event, first to test recall, and then they knew in advance what kind of criminal event had transpired, at least how the police classified it. Then they compared this with the individual's ability to recall and the individual's description of the event and how that classified in the police terminology.

Rape was a very interesting event in this regard. They found out very early that if they asked an individual, "Were you raped?", chances were they would not get a positive response even though there had been a report of the crime. But when asked, "Were you attacked?" - other words which did not have the same connotation - you came out with the same conclusions. This methodology was developed, then, based on these kinds of experiences.

MR. PAEZ: That is right. Colored words are not used. We avoid the use of terms such as "rape" because they intimidate the victim and, thereby, hinder the accuracy of responsiveness. In fact, the interviewers are discouraged from using words that have criminal connotations. We use very simple language, colloquial language: "Were you hit? What were you hit with?" It is an almost elementary school thing.

And these questionnaires come back to go to Jeffersonville, Indiana, where they are coded. It is in the coding process that the patterns of the crimes are labeled. If the guy was hit by the baseball bat, then that is an assault with a weapon, and so on. We have all the characteristics surrounding not only the individual but the incident. We know his race, his age, his education, what kind of house he lives in, and how many people were in on the attack, how many victimized him.

MR. HAWKINS: Whose offense code do you use to define all this? I am just thinking that what is burglary in one state is not necessarily burglary in another.

MR. PAEZ: We use our own definitions.

MR. HAWKINS: I missed the first part. Did you bring any data on the number of crimes that have not been reported?

MR. PAEZ: No, sir, I did not bring any results.

MR. VELDE: There have been results released in the first series, a preliminary study of each city of our Impact Cities group. Those

have been released. We are about to release a series on five major cities. The National Survey will be available later this summer, the first tabulation for calendar 1973 on a national basis.

MR. HAWKINS: The President's Commission said ten percent were unreported.

MR. PAEZ: One-half.

MR. HAWKINS: Does this substantiate this in any way? Can you say that?

MR. VELDE: Yes. The average of the eight Impact Cities reveals about twice as much crime actually occurring as to what is actually reported to the police. This is in all survey categories.

MR. PAEZ: We have equated comparable categories only, not to preempt Mr. Santarelli and Mr. Velde, plus the five larger cities - New York, Chicago, Los Angeles, Detroit, and Philadelphia. These will also show a pattern of two to one in unreported major crime.

MR. VELDE: With a couple of very dramatic exceptions, not including Los Angeles, I might add. There are very dramatic exceptions, unbelievable exceptions.

MR. PERIAN: Did you say you were or were not considering questioning the victim as to whether or not he had a firearm?

MR. PAEZ: No, sir, we are not considering it. It has not been suggested by anyone.

MR. VELDE: It would be possible to do it, however, and I

think we would like to get comments from this group in this regard. As you know, the average victim is not able really to identify the weapon used against him or her very accurately. We might be able to determine whether it is a handgun, a long gun, or a baseball bat.

MR. PERIAN: Through ten years of hearings, in my experience, it was one of the major issues, you know. On each side all we had was anecdote letters. They said, "Well, we have somebody that had a weapon and it saved him." Or the police would say, "The guy usually gets himself bumped off." Nobody really knows, and I agree with Mr. Paez that it is difficult to get that information, but some information would be better than no information at all. If we have to resort to anecdote level, a question of this type would go in the right direction.

MR. BASIL: The figures may be difficult to get, but you would never know it from the testimony given by certain private and public individuals when they start throwing figures around. It is absolutely aggravating. You ask for the source of their figures, and they tell you, "Private studies," "special research," and so forth and so on.

Finally one prominent head of a police organization was pinned down, as reported, and he said that was his own private notion, private idea.

MR. VELDE: I think that is true on all sides of the great gun debate. I know I have perpetrated enough of those myself.

QUESTIONER: Pete, I wonder if we might assign for the group

workshops so that there would be some discussions in this area. I suppose everybody is a little bit skeptical about statistics. Anyway, I think your modern techniques might give us an opportunity to get some idea as to: Was there a gun or was there a weapon available? If so, what kind? Would you have had an opportunity to use it? Did you use it because you were afraid? Did you get it because you were afraid? I refer to those kinds of situations.

MR. VELDE: Gary, that is exactly the point of the introduction of this subject here. We do want a small group to consider the potential capability of this survey and give us suggestions as to its relevance in the gun control setting, if at all.

We also have other statistical capabilities at LEAA, or supported by LEAA, which could result in the example of a development of a national statistical series on crimes of violence and statistical studies of the requests for gun-tracing, and so on.

We have a task force group of about sixty people over at Census who do general analytical work for us on such subjects as employment expenditures in criminal justice, the number of criminal justice agencies in this country, and so on. We have not singled out this area for special study.

We would appreciate your comments and your needs for statistics, not only criminal use of guns in crimes of violence but other aspects of gun ownership or weapons ownership, too, if it is necessary.

MR. KNOX: You cannot really prove how many crimes were prevented

by personal possession of firearms on the basis of interviews saying, "Did they stop this particular crime?" because of the factor of: "Did the criminal hit this area?" It should be done on a higher level comparing the type of crime in general in a region to the number of guns in that region.

Orlando was the only major city to decrease its crime rate in 1967 - after there had been a well-publicized police-sponsored women's firearm training program. The incidence of rapes - which had inspired the program - declined from 33 in the nine months prior to the initiation of the program to three in the same nine-month program the following year. Similarly, in Highland Park, Michigan, the police chief instituted a firearms training program for retail merchants after a rash of armed robberies of retail stores. Though Highland Park was averaging three armed robberies of stores every two days immediately before the gun-training program was announced, from the day it was announced there was not one store robbery for 120 days. Neither in Orlando nor in Highland Park was a gun known to have been used to prevent a robbery or a rape. Newspaper publicity had informed the criminals that crime was dangerous in those cities, so they didn't attack, and no gun was needed for defense. So you cannot really nail down the value of guns for self-defense by asking a victim, "Were you able to get a gun and defend yourself with it?"

MR. VELDE: Neal, it would be possible to do a special

victimization survey in a city that has a program like that as opposed to a comparable city in size and population makeup that did not have a program over a period of time to see what the differences in report of actual crime were. That is possible.

MR. KNOX: I think that would need to be done, perhaps in conjunction with an individual case basis. But the individual case simply could not prove what overall effect widespread general gun ownership actually had.

The general statistic used in calculating how much more deadly firearms are than knives is the number of assaults that are fatal with a knife against how many are fatal with a gun. This fails to take into account the intent of the person.

Back when I was a police reporter we would talk to somebody who had been picked up on an assault charge. He would say, "I was not trying to kill him; I was just going to cut on him a little bit."

This cannot be reflected in the statistics because the intent does not show, but it is a real factor.

MR. MUCHOW: One of the statistical problems that we have had is the airport passengers screened to find the types of weapons that have been used and also the areas of the country which would have a more serious problem than others.

Four or five months ago the criminal division asked the Federal Aviation Agency to run a survey and to add on to the questionnaire that they have to report all of the weapons seized. They asked to

add on the size and various shapes of weapons. Basically, did they have a knife? From the standpoint of attempted hijack, did they have a gun? Did they have a long gun or a short gun, and so forth?

Over in that area, you can avoid the intent problem that you have raised to help to at least get some sort of handle as to what are the target weapons that have been used in major crimes of violence, such as hijacking. We had also asked the FBI some time ago to run a survey as a part of the Uniform Crime Report's Program, along with the cooperation of the International Association of Chiefs of Police, to survey all of the cities of over 500,000 as to guns seized after major sorts of crimes. These included murder, rape, etcetera. There were five major crimes involved. We expect to have the reports of that within five or six months. I think that will help to pin down the kinds of weapons that are used as far as crimes of violence go, but it will still leave open a number of the intent problems that you raised.

MR. VELDE: I think we are about finished and it is time to break up into your small group assignments.

Two subjects have been tossed out here. Feel free in your discussions this afternoon to kick any other subjects around or to go into any subject that you wish.

SECOND PLENARY SESSION

MR. VELDE: The program that Atley Peterson is going to cover for you now has been supported by LEAA to the tune of about one-half million dollars. We have a pending request to support it for the coming fiscal year at a higher rate than that. It is something that is, first of all, exciting and, secondly, largely unknown as to its potential in the enforcement business and its potential impact on the gun-owning community.

ADMIRAL PETERSON: Gentlemen, it is a challenge to be back up here again and then later to hear criticisms of my ideas; but that is healthy, too, because they become strengthened that way.

The explosives tagging is a concept that is not new - that is the first thing. In the Bureau of Alcohol, Tobacco, and Firearms we do administer the explosives laws, or some of them, other than the employee's safety type of law and the type of explosive regulations concerned with mines, which the Bureau of Mines takes care of.

One of the problems that we are facing today is how to trace an explosive. We are following a procedure, as we did in the firearms, to trace explosives; and we are doing it. Unfortunately, the situation is that we have to get the package or the date-shift code from the wrapping or some element of the explosive. Then we try to re-make it in order to identify the source, and then we try to link a violator to this particular explosive.

I might point out that this is definitely an effort, again, to identify a violator.

The tagging of explosives program is an idea that was brought together about a year and one-half ago by a group of people from industry and government on a very ad hoc or informal basis. BATF, recognizing the value of this program, took the lead in it, and there are now some eighteen government agencies working with us on it, as well as some sixteen private or non-governmental agencies, such as The Institute of Makers of Explosives (IME) and some of the other organizations, plus the individual explosives manufacturers.

The goal is to put into the explosive a chemical of some nature which will do certain things. The objectives of these efforts will be to detect an explosive, to identify an explosive by means of tagging, and hopefully, some time in the future, to detect without tagging; and possibly in the dim future to identify without tagging.

Going back in history, about twelve years ago the alcohol industry asked what was then ATU the permission of marking distilled beverage alcohols so that they could identify their own brand and bottle. We went along with this. At that time these markers would identify the actual Seagram's V0 as against Three Feathers or Schenley to prevent illegal refilling.

In that space of time we have become a little bit better in our analytical techniques in our laboratory. We are now able to identify the alcohol very precisely, even to the period of time,

let's say, that VO is made, so we dropped a requirement for the markers. In short, the instrumentation available for laboratories became so much more sensitive in that period of time that we did not need to use the marker. Hopefully, our technology will continue to advance, and we will do this with explosives.

In explosives we have a separate and different problem. We want to do this analysis after the explosive has been detonated. That means whatever mark is used cannot be destroyed by the explosion. Consequently, we have to do a great deal of testing.

We have created an advisory committee which will advise the Director of BATF, Mr. Rex Davis, on which way to go. This advisory committee is composed of representatives of the public, the Federal Government agencies, state government agencies. It is now up to twelve persons. One college president has been asked to serve on this advisory committee. We want a good cross section. We will have to consider the environmental impact. We have asked a representative from the Environmental Protection Agency to serve on this committee as well.

Under this committee there is a technical subcommittee. This is a group of scientists we have asked to serve as advisors from a technical point of view.

When we started this, we came smack up against the law passed which controlled the formation of committees. We found that we had been operating for several months quite illegally, so we did go

through the legal process to request of Congress our supervisory committee's permission to have these committees advisory to the director of BATF.

In December we began to become legal. We are now perfectly legal and trying to adhere to the laws that govern intergovernmental or interagency committees in Washington.

The technical subcommittee has the job of determining in eighteen months one single system that can be used. This is going to cause some consternation because there are some pretty heavy candidates: Westinghouse, GE, 3-M, as well as the Ames Research Laboratory at the University of Iowa.

They have developed techniques which have been proven feasible in the laboratory to do this sort of thing. When we do finally make that selection, of course, there will be quite a bit of fireworks, in our opinion. We have outlined it to all of the candidates as clearly as we can right now in order to forestall any strong political maneuvering at the end.

The reason we have to select one technique for all the manufacturers is quite simply that, in order to do this, we will have to have a system of instrumentation which will be available for all of the police laboratories around the country. That system should be only one system because, if we have multiple systems, you can imagine that it would be a very difficult effort to handle.

We are being supported in this effort now - not financially yet,

but at least by commitment and encouragement - by eight foreign countries. It is a program which will help us a great deal in the prevention of terrorism, aircraft hijacking. It is very important to be able to detect explosives if a terrorist is going to use one, or if a person surreptitiously plants it aboard an aircraft long before it is brought onto the passenger line.

The technique of detecting alone will probably be dependent on something like a gas, such as sulfur-hexafluoride, which is one of the candidate systems developed by the Brookhaven Laboratory of AEC. This gas has a very long life. It is quite easy to detect, and it should work out well.

There are other techniques using radio-active materials, but we have pretty well decided against them because of the possible impact on people.

In the identification by tagging, I would like to give you a quick idea of how this can be done inasmuch as when we pick up the evidence at an explosive site we never get the same quantities. In other words, it may be dispersed if it were out at some distance from the center of the explosive; or it may be somewhat more concentrated if we are lucky enough to get it toward the center. So, we must develop a technique to give us a numeric coding by the relative quantities of the chemicals that we put into the explosive.

This will be the technique that we will use. We will develop a numeric coding by relative quantities of these materials that will

survive the blast, and when we collect it we will essentially get a serial number.

We won't be as effective as a firearm serial number, of course, but in the date-shift coding systems, which the manufacturers use, there are many people who will buy a given batch. They may make a thousand pounds at a given time and distribute it to three or four different dealers. So, what we will do is to zero in on any kind of a trace on three dealers instead of one retail dealer, as we now do when we are doing a successful firearm search. But at least, again, the goal is to eliminate a lot of agents' time and to make a connection between the crime and either somebody who bought this material or somebody who stole it from some other source.

In the detection without tagging this will be more difficult. We are looking for common elements in the explosive, such as the vapors that are given off by dynamite. I am sure that you are all aware that there are two or three items on the market that allege that they can detect dynamite types of explosives. Their reliability is still open to question. However, we do intend to pursue that avenue as well.

The time schedule is something like this. The research is going on right now. The feasibility demonstrations are going on. The technical subcommittee will meet again in Livermore, California in May. There are two or three additional candidates that have emerged from among people who want to sell their ideas. The technical subcommittee will hear those.

It is hoped that by December of 1975 we will determine the one most feasible system, both for the detection and for the identification. It may be the same system. It may not be. We don't know yet.

At that time we will have to hand the selected system over to the makers of explosives to make sure that they can actually manufacture their explosives within the limits of hazards to their employees. The reason for this is quite simply that anything that you add to an explosive changes the sensitivity of the explosive. Sometimes it makes it far more sensitive to light or to heat or to shock, and sometimes it doesn't. So, the explosive manufacturers will have to come in at that time and do their own safety checks for a period of four, five, or six months. Then, if at that time they accept the selected system, then they will all begin to use it and put it into manufacture.

Some of the complications are simply this. Quite obviously, we are not going to cover the homemade explosive. However, we believe that probably we will cover as much as 90% of the explosives used in crime. There will be certain foreign explosives, which won't be covered, but in the long run we would hope to achieve maybe 90% cooperation from the foreign countries.

They are very anxious to have this technique available, too.

There has been some recommendation that we consider the detection of firearms. This is in the counter-terrorism movement, particularly in the protection of aircraft in hijacking. It is

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possible, of course, to add a material in the manufacture of firearms which, in fact, will make it a tag agent. There is probably a better way, however; that is, we could tag the powder in the ammunition itself. Therefore, we have not really addressed the tagging of firearms, but rather we are seeking to tag the material that is the propellant in the shell or the explosive used in an explosion.

We feel that, in time, we will identify these techniques. We feel that we are going to have trouble with the people who weren't selected, but it seems to be moving along in a very steady manner right now. We are on schedule. We do need funding, of course, like everybody else; but it is something that is going to be of a fairly high payoff.

I would like to point out that there are three manufacturers of primers in the United States. They make practically all the primers that are used, unless somebody generates a homemade primer which is usually much too dangerous for him. So by simply tagging the primer itself we may be able to cover a great deal more than if we were to try to do just the explosives. So, there is a lot of promise in this approach of tackling the primer; probably more than the explosive itself. We don't know the answer to that question yet, but we will certainly find this out in the next six months or so.

Once in the period of about fiscal 1976, we should be ready for manufacture. Inasmuch as the shelf-life of explosives is not too

great - maybe about three years - we should be able to influence an impact on the entire explosives industry in a period of about five years.

I think that is all that I need to say at this time. I will be glad to answer questions.

MR. VELDE: Are there any questions?

MR. KNOX: You said that this would cover 90% of those used in crime. What percentage of terrorist bombs use ammonium-nitrate fertilizer?

ADMIRAL PETERSON: Well, first off, I can't answer your question. But it would occur to me that a binary explosive would be one that would be so hard to handle in a terrorist situation - where you have to have two materials and you put them together when you want to use them.

MR. KNOX: You can put them together in advance.

ADMIRAL PETERSON: John, do you have a comment on that?

MR. KROGMAN: Just a comment here. You are talking about the ammonium-nitrate fertilizer? The largest illegal explosion in the world was up in Madison.

MR. KNOX: Yes, the University of Wisconsin.

MR. BASIL: The mathematics laboratory.

MR. KNOX: This was two weeks after I predicted this type of homemade explosives use at the House hearings.

Considering the expenditure of effort, I come back to the

cost-effective point. I remember in Illinois they put a serial number on every stick of dynamite. It cost them a dollar a case increase. In recent years 70% of the users of dynamite have gone to the ammonium-nitrate based explosive, where - unless I am sadly misled - a large percentage of the volume users do not use the commercial prilled AN. They use plain fertilizer, store it, mix it on the property, and go with it that way. I am wondering here if this would really be an effective tool. This is outside my area, but I am curious.

ADMIRAL PETERSON: It will be effective where we can actually get the manufacturer of the explosive. As you know, in the binary explosives there is a debate raging right now as to whether they should be considered explosives or not. It is much like gun registration. I don't know how you are ever going to do it until somebody puts it together. But it is possible. We may find a way to tag that: put certain things in one which change when they are added to the other.

MR. KROGMAN: Very little is actually used in illegal explosives.

MR. KNOX: I was just curious if it was.

ADMIRAL PETERSON: There are some 3,000,000 pounds of dynamite used each year. That represents probably the biggest chunk of explosives used.

MR. KNOX: Yes, but dynamite sales are down by 70%. Four plants were closed between 1967 and 1970.

ADMIRAL PETERSON: Well, that is also because they are going to different types of explosives.

MR. KNOX: Ammonium-nitrate?

ADMIRAL PETERSON: No. Tovex is one of their newer ones. This one they are still testing for sensitivity. It is also the one that duPont is supposed to replace dynamite with.

MR. KNOX: The second thing that you said was that a method would be used to tag the powder. Would you also attempt to tag the powder in handloaded ammunition considering the minute fraction of one-tenth of one percent of crime involving handloads? Would the sensor detect vapor from a normally sealed cartridge?

ADMIRAL PETERSON: One technique is sulfur-hexafluoride and is by vapor. There are at least two other techniques. One is where the material you use is excited either by electro-magnetic energy or by sonic energy. We have even thought of X-ray fluorescence, but, again, that is not quite as highly accepted because X-rays damage certain things and are injurious to people. So, the technique that we may use may be some sort of an energy excitation, or it may be a natural giving-off of head-space vapors. We don't know which is best yet. We are testing them all.

MR. HOLMES: We have had several severe explosions in Houston with homemade bombs. Of course, this will not cover them; or will it? The tagging would not cover the homemade bombs, would it?

ADMIRAL PETERSON: No. But if they use a commercially available primer, which in most cases they do because they don't like to make their own primer, then we do cover them.

MR. HOLMES: This was a sugar or acid with a very thin sheet of rubber. You turn it upside down and it eats through the rubber and combines that way.

ADMIRAL PETERSON: No, this would not cover that kind of a bomb.

MR. HOLMES: It makes a rather large hole in the ground.

ADMIRAL PETERSON: Well, homemade bombs can be made in so many different ways. You can start with almost anything, so I don't know how we would tag them all.

MR. KROGMAN: If they use black powder, would that be covered?

ADMIRAL PETERSON: Yes, black powder would be covered.

MR. KNOX: Unless they made it.

MR. PERIAN: Is one of your major concerns the hijacking problem?

ADMIRAL PETERSON: I guess, speaking for the entire community, that is probably the one that has created most emphasis. From our point of view it is the apprehension of a violator. In short, we think that this technique will lead us to criminals in much the same way that firearms tracing does.

The State Department and DOT are very interested in the anti-skyjacking elements and in the counter-terrorists such as the assassination attempts on public figures, visiting heads of state, and so on. This is a very touchy thing for the State Department and also the Secret Service. So I would say that in the entire community that is overall the most significant item.

MR. SLOTT: How reliable is the stealing of explosives reported? How complete are the records?

ADMIRAL PETERSON: Our reports are pretty good, but certainly they are not complete. There is no really centralized reporting system for stolen explosives. Maybe some of you other people in the law enforcement area can tell me more about that, but our reports show the actual use of explosives rather than the theft. Theft by itself would probably be reported to local police, but whether it goes further I don't know.

MR. KROGMAN: Well, it is reported to us and the local police; that is, it is reported to both. If they are a licensee, they are required to use this within twenty-four hours after discovery. They have been reporting such thefts.

MR. COLLINS: The big problem is discovery. In many of these situations, like putting roads through a mountain, the security is sometimes so bad that they won't detect it for some time. That is a pretty serious thing, yet this is the way it runs.

MR. BASIL: Admiral, would you care to mention about the relationship or the contribution between the BATF and the new National Bomb Center (IACP) or whatever they call it. It was set up a little while ago to compile statistics on explosives used in crime and in other unlawful situations.

ADMIRAL PETERSON: Well, I don't think I am terribly qualified to comment on it. We do keep a bomb statistical data-base - as

accurate as we can - on reports from our own agents, but there are some reports that we don't get; and, of course, if I am not mistaken, the National Bomb data-base gets their reports to a great degree from local sources other than from a qualified inspector. I assume that they have problems of accuracy, as we do. Ours is probably a little more accurate but not quite so complete. That is about as far as I can comment.

John, do you have any information on that?

MR. KROGMAN: The Bomb Data Center essentially has two functions: to keep the statistics and to be a technical advisor. Our function is primarily regulatory and investigative. They will keep the statistics of all the bombings that go on, primarily through input from local police departments and the clipping of news services, whereas our statistics are from investigations that we participate in.

MR. BASIL: Is that center set up by The International Association of Chiefs of Police? Do they derive a good bit of their statistics from local and state police reports?

MR. KROGMAN: Yes, I think so.

MR. BASIL: So, it would be a valuable source of information. It would be an ancillary source, you know.

MR. VELDE: Jack, that project was originally an IACP project, but it has been transferred over to the FBI. The Bureau now runs that and has for about a year or a year and one-half. LEAA funds that, incidentally.

MR. BASIL: Oh, that is no longer in IACP?

MR. VELDE: No. It has been transferred.

ADMIRAL PETERSON: Anything else?

MR. PERIAN: The group that Jack is talking about has done a study which indicates that, of all the bombings studied over a certain period of time, five percent were committed by terrorists, thirteen percent were criminal acts, fifty-three percent were the revenge-type situation, like the other night when a guy put a gallon of gasoline in a bar because he got kicked out. Twenty-nine percent were the children or thrill type. What you are talking about now is developing a system for probably the eighteen percent: the terrorists and the criminal acts.

ADMIRAL PETERSON: Yes. However, we do get into a great deal of the revenge as well. More and more we are finding bombings in union battles, which I would consider a criminal act, but they might come under your revenge group.

MR. PERIAN: But isn't it true that usually the terrorist and the criminal use military-type materials which would be detected by your system under the normal conditions that the Arabs - and what have you - attack aircraft using military or commercially produced type explosives.

ADMIRAL PETERSON: They will be tough adversaries because they have very good skill, and they will manufacture their own and won't use our tags - I am sure of that - at least for a long time.

On the other hand, sooner or later we ought to be able to at least detect without tags. We have to move on it. We are not going to cover a very high percentage of bombings at the outset, but as time goes on - as I mentioned in the history of liquor tagging - I think it will improve.

MR. PERIAN: Don't misunderstand. I agree with you. If you can stop one 707 from getting blown up, you get your money back.

MR. BURDEN: Can you tell me how many personnel are working on this?

ADMIRAL PETERSON: I have one. We have two explosives technicians in the national headquarters. One is working on this program. He will be allocated one additional explosives technician and a secretary and an explosive chemist. I must say that we do have people in our laboratories who are participating in the technical side of this. Mr. Hoffman is the Chairman of the Technical Subcommittee, and he is chief of our forensic laboratory.

We do have participation by other people but only one person working on it - and he doesn't work 100% of his time on this program. The level of effort is nothing like an R & D program that maybe you have seen in other places.

MR. KROGMAN: The field agents are also working on the program. When you talk about bombing investigations you are talking about a considerable amount of time. What Peterson is referring to is the technical side. We do have a higher percentage of involvement in field investigations of bombings.

MR. VELDE: There are a considerable number of scientists either under contract or grant who are supporting this effort. Aerospace, which is under contract with us, has a task force involved. I am not sure how many are directly involved. There are possibly three or four. Then there are about five or six contracts in Brookhaven and some of these others. There are scientific people involved in all of those projects.

ADMIRAL PETERSON: Then contracts are being given to Westinghouse and General Electric; 3-M is doing its own funding from its own R & D money. But it is a widespread effort. I was, however, addressing myself to the number of people in our own BATF Headquarters. I thought that was what your question was directed toward.

MR. BURDEN: Yes.

ADMIRAL PETERSON: Well, it is widespread.

Thank you very much.

MR. VELDE: All right; any other comments on this?

If not, then we have one other idea that we would like to toss out on the table for your consideration this afternoon. This is a concept that I think can safely be described as being in the early embryonic stage. It is based on considerable experience that LEAA has had in supporting local and state law enforcement efforts in the narcotics area and in certain other kinds of activity, such as organized crime.

There is a lot of talk - some of it informed, some of it loose - to the effect that what we need is not new legislation but better enforcement of existing laws. It has been possible to achieve dramatic increases in enforcement of narcotics laws and organized crime laws by the establishment of special investigative and prosecutorial forces.

In the case of New York City this has shown itself in the setting up of defenders' offices and special courts. Let me give you an example. In 1970 there were 5,000 felony arrests in New York City for major traffickers - pushers of narcotics. There were less than 100 convictions. A seven and one-half million dollar grant to the city established in effect a special narcotics criminal justice system, including investigators, prosecutors, defenders, and judges. Now the conviction rate is very substantially up. I don't know what the numbers are, but it is well over that 100 figure.

In connection with the Drug Enforcement Administration and its predecessor agency, BNDD, LEAA has established special enforcement efforts in about forty major cities in the drug area. These are fairly large grants. Most of them are from several hundred thousand to a million dollars. We call them "MEG" groups: Metropolitan Enforcement Groups. They have achieved considerable success.

The combined strike forces in the organized area, consisting of Federal, state, and local enforcement personnel, are currently active in about twenty-five areas. They have in many cases achieved

very significant results. Well, let me get back to the point.

Is it possible or desirable to enforce existing laws with respect to gun violations - or weapons used in the commission of crime - so that these kinds of criminal acts can be brought under control?

I would like now to call on Irv Slott, of the LEAA staff, who has developed a preliminary paper for your consideration. We do have a few extra copies for those of you who didn't get it through the mails. We will pass them out to you.

MR. SLOTT: That was an excellent introduction by Mr. Velde. It covers the point very well and will save us some time. The paper makes the point that we need a special effort toward combination of the various enforcement parties in order to attack the problem of gun crime.

In too many cities - as you are all pretty well aware - original arrests and charges on weapons offenses become, as they go through the adjudicative system, watered down and end up with very, very few convictions. I have put on the board here, as an illustration, some figures for the City of Philadelphia. I have similar figures for New York and Chicago, and I have seen them for other cities, so Philadelphia is not singled out for any particular reason. It just happened to be here.

This is for the year 1971. (See Appendix A, p. 162, for chart.) Of the 1,300 cases in court in weapons offences, 63% ended in acquittal and 37% in guilty. Of the 63%, 40% were dismissed as

no trial. These are cases already there. This is a court's report. So, you can probably assume that there were more than these that never even got to that stage in which an arrest was made and a decision was made not to enter the charges in the first place.

Of the 37%, 11% were for lesser offenses, that is, less than weapons offenses - which they were originally charged with.

Here are the sentences breakdowns. Finally 5% of the 1,300, or 67 cases of the 484 guilty cases, go to prison for any length of time. Of these most went to a county prison and were at the misdemeanor level. In other words, 50 of the 67 cases went to the county prison. Only 17 went to state prison.

MR. MUCHOW: Would the figures you have there show a case like a man holding up a bank where you also had a weapons charge? Some weapons charge might have been plea-bargained down so that the bank robbery charge would stick.

MR. SLOTT: I don't know the answer. I am sorry. That is one of the problems of using records of this sort. This is a particular problem in Federal records because the Administrative Office of U. S. Courts considers only what they call the most important charges.

Then, in the disposition of the case, they consider only the most important charge that the person is convicted of. In the case of a conviction, where there has been a more important charge, the

more important charge is dropped from the statistic and they use only the more important charge that sticks in the conviction.

MR. MUCHOW: Maybe the more weapons offenses that you have dismissed the more successful the prosecution is. If you don't have to go to trial, then maybe the guy pleads to something else. They still get a substantial sentence, but you still have the weapons charge.

MR. SLOTT: It could happen but most of the jurisdictions that I have talked to claim that this isn't the case. The case is that very often the weapons offense is pleaded away because this is the desire of the defense counsel. This is very important, particularly in the case of laws for second offenses which become felonies where you don't want a weapons offense on the record. Some of the police people here can certainly help us on that.

MR. PARKER: Specifically, what weapons offenses are included?

MR. SLOTT: Any of them: carrying a concealed weapon, brandishing it or firing it.

MR. PARKER: Robbery, for example?

MR. SLOTT: Robbery may have been related to the offense itself, but the robbery is one count and the weapons offense would be another.

MR. PARKER: Well, many jurisdictions have a separate offense for armed robbery with a gun. Would that be included in that up there?

MR. SLOTT: I am not sure. I am sorry.

MR. HAWKINS: I think in California the armed robbery would be the more serious.

MR. SLOTT: There is no question about it. It would be in any other jurisdiction.

MR. HAWKINS: There are those who want to cure the ultimate evil, that is, instead of being given probation it would be mandatory that if firearms are used in any crime there be a prison sentence.

MR. PARKER: Are you talking essentially about malum prohibitum offenses on the board there?

MR. SLOTT: These are all of the offenses in the Philadelphia court that are characterized as weapons offenses. They are supposed to be offenses mixed with other crimes that are committed.

MR. PARKER: Is it a crime in Philadelphia, for example, to have a weapon unconcealed?

MR. SLOTT: I don't know exactly, but let me say this in explanation. I don't believe there are many cases in Philadelphia which are made only on the basis of someone having a concealed weapon and not in any other way having committed a crime. They didn't get him simply because he had a pistol in his pocket.

MR. VELDE: Although I think Philadelphia does have one of the strongest local ordinances in terms of purchase and licensing, and so on.

MR. PARKER: Well, would that cover illegal purchase or a

purchase restriction of some kind? Is that what we are talking about up there?

MR. SLOTT: Illegal purchase would be small.

MR. HAWKINS: I don't think it could apply to a local ordinance if you send them to state prison.

MR. PARKER: What kind of offenses are we talking about?

MR. SLOTT: We are talking about all offenses that are considered weapons offenses in the Philadelphia courts.

MR. PARKER: What are they?

MR. SLOTT: All offenses that are considered that way in Philadelphia.

MR. MOONEY: Some of these offenses may be relatively meaningless. If you prosecute an armed robbery offense, it wouldn't show up in the weapons category. The offenses listed here may be only weapons offenses and related to no other type of crime.

MR. PARKER: Are we talking about discharging a gun within 500 feet of a dwelling, which is an offense? Are we talking about this or something else?

CHIEF ANDERSON: Using a firearm in the commission of a felony is a separate charge.

MR. SLOTT: I had hoped that Al Brown would be here. He is the Police Commissioner in Philadelphia.

MR. HOLMES: I can give you the specific figures in Houston, Texas. In 1973 we had 1,563 pistol cases filed, 1,430 convictions, and 17 probations.

This is reflective of the district attorney's, who has been there for nine years now, attitude on pistols. He will not tolerate probation on a pistol case. The only way a guy can get that is through a jury. He will not plea bargain that. Since a guy can get up to a year in jail for mere possession, that is the result.

We also differentiate between a pistol case and a robbery. Our pistol cases are really not criminal cases. They are people who were packing pistols. Our robbers are one of our highest categories, and we give more attention to them than any other type of crime. But, oddly enough, we have a different result. We had 1,209 armed robberies in 1973 and 101 probations. I think, then, that it is fair to say that juries are more apt to give probation regarding armed robbery than they are with a man walking down the street with a pistol. You can draw whatever inferences you want from those statistics. Those are pistol cases. They are not conglomerated into all types of weapons offenses. They are strictly pistol convictions.

MR. HAWKINS: Of course, the inference is that I am not going to Houston with a pistol.

MR. PARKER: What is the law there?

MR. HOLMES: Anyone who carries a pistol on or about his person is subject to about a year in jail.

MR. PARKER: Is that concealed or openly carried?

MR. HOLMES: Any way: strapped on you, on top of your head, stuck in your belt.

MR. VELDE: How long has this - I would call "strict enforcement policy" - been in effect?

MR. HOLMES: I know of nine years. Prior to that, I don't know. We are the murder capital of the U.S.A. We had twice as many killings in Houston in 1973 as England had in the same period of time. Of course, we are one-seventh of their population.

MR. VELDE: Does that suggest that strict enforcement of handgun laws results in more homicides?

MR. HOLMES: It depends upon what kind of conclusion you finally draw. I think by and large the fact that a guy carries a pistol doesn't necessarily make him a criminal. It makes him more susceptible to crimes of passion: the beer hall shooting and that type of thing. But the premeditated type of killing is not affected. I don't think that the fact that a man habitually carries a weapon makes him a criminal as we ordinarily regard that label.

MR. VELDE: How do you get the cooperation of the courts in this regard?

MR. HOLMES: It is very simple. We tell the judge that we are not recommending probation, and if he continues to give probation in these cases we will not waive a jury and he will be trying pistol cases for the rest of his career on the bench. Judges seem to understand that.

MR. VELDE: Has this resulted in a significant increase in the workload of your staff? How do you handle all of these cases?

MR. HOLMES: It results in a significant decrease in having to try pistol cases. People simply realize what the alternative is: either you plead guilty and get some time in jail or else you go to a jury and probably get much more time in jail. Usually the only question, of course, is the legality of the search. That is usually litigated without the jury at pretrial.

MR. HAWKINS: Do you have knowledge of where most of these people get their guns? Are they legitimately bought?

MR. HOLMES: Mere possession is enough, even if it is legally purchased.

MR. MUCHOW: What kind of state law do you have?

MR. HOLMES: That is what I am talking about. It is unlawful anywhere in Texas to carry a firearm.

QUESTIONER: What is the trend in pistol cases?

MR. HOLMES: I think it is on the increase, but I don't think that necessarily means that more people are carrying firearms. We are getting more enforcement. For example, we are for the first time putting more people on the street as police officers than we have before. In the last census we had a little less than one and one-half million people served by 1,900 police officers. That is not hardly enough to do the job.

CHIEF EGGLETON: What is the average length of the sentence?

MR. HOLMES: We recommend not less than thirty days in a pistol case.

CHIEF EGGLETON: What is your percentage of recidivism of those convicted?

MR. HOLMES: I would say very slim. They, of course, understand that there are ways to get around the law. If they want to carry a handgun, they simply leave the pistol at home and carry a shotgun since it is not unlawful to carry that.

MR. BASIL: As you know, Texas revised its criminal code last year, and in the process the weapons section was revised. So, while the general requirement on carrying still applies, there are exceptions to it.

MR. HOLMES: The same exceptions exist --

MR. BASIL: If you are going to and from a range hunting, you are all right; so there are certain defenses that are incorporated into the revised code.

MR. HOLMES: That was no change. It has always been that way.

MR. BASIL: Under the old code? I don't recall their being in there.

MR. HOLMES: Well, I beg to differ with you. It is not statutory now. The only defense that will give us trouble - and it will give us a hell of a problem - is that anytime a person is engaged in a lawful hunting or sporting activity it is a defense to possess a handgun.

If you are sitting around the local pool hall playing poker, are you engaged in a lawful sporting activity? We would have to revise

our gambling statutes in order to make it a lawful activity. It isn't now. We will have some real problems with the administration. Therefore, these figures will probably be radically changed with our new code, mainly because of those two exceptions.

MR. SLOTT: Pete has mentioned the models of cooperative organization between prosecution and investigation agencies. I would like to mention a little more about the last one: the Federal and State Law Enforcement Committees. This is a program that was set up by the Department of Justice about a year ago. Attorney General Saxbe has been very enthusiastic in his support of this, and the program is growing. There are approximately thirty-nine states that have committees in some stage of organization. Texas, by the way - again, by that same district attorney who is doing such a good job in Houston - has the most active committee of this sort. They meet monthly. They are developing good procedures for working out concurrent jurisdictional problems. They understand who is going to handle what and how they will work together, rather than leaving it to some haphazard approach.

I have not noted any cases or reports where they have attacked concurrently any gun crimes, but certainly these exist - and we have talked about them - and it is probable that sooner or later they will be doing that, too.

I have listed a number of programs. I believe they are all good. Many of us believe that they are good. These are listed as a

result of some skull sessions, and I think they deserve consideration. Certainly there will be more thought of and recommended by your group sessions and our plenary sessions.

Under the enforcement program the first one is vigorous prosecution and resistance to dismissal of gun charges. (See item 1 on page 166 of the hand-out.)

The second is to sensitize criminal justice personnel to the seriousness of criminal gun use. (See item 2 on page 166.)

Continuing on to some of the things we have mentioned, I will not mention them all, let me point out item 4, for example (see page 167), which could be an important one, and that is police and court procedures should be tightened so that there is strict accountability for all seized and turned-in firearms.

I could not cite particular instances but I have done enough studies of cities and their procedures and heard people of different cities mention that this simply has not happened in many cities. Firearms disappear for all sorts of reasons. This is something we do not want to happen. They should be accounted for all the way through to disposition.

MR. VELDE: On that point, Bud, I understand California has interesting statistics.

MR. HAWKINS: Yes. We have a judge under the grill right now who has a closet full of guns. The grand jury is trying to peek

in the closet all the time. These are guns which were used in cases. He has been holding them for everybody, so he says.

I think that in the statistics I had as of March 2 we had 25,000 guns destroyed, and these were destroyed under court order with proper certification of people who were destroying them. I think this was not in a ten-year period.

MR. COLLINS: How long a period of time? We have destroyed more than that in a ten-year period. We destroy five or six thousand a year in Los Angeles.

MR. VELDE: How many are still in the system? How many are still under adjudicatory process?

MR. HAWKINS: Those detained now for official use reach a number of 3,000, under observation are 3,000 and for evidence there are 96,000 weapons.

MR. VELDE: 96,000?

MR. HOLMES: I bet you cannot count 96,000 weapons in evidence in courtrooms.

MR. VELDE: A few of them may be in the judge's locker.

MR. HAWKINS: Well, this one judge says that he is the only one who can count them.

MR. SLOTT: I have an example of that in a study that I was doing where I captured the input logs of the police departments - with their permission - and I went through them, looking at the types of guns that were brought by them, found a number of Lugers,

Colts, reputable names, and then I also had occasion - and I was not thinking of this at all - to look at the disposition records, the records of those guns that were delivered to the smelter, and there were no Lugers and very few Colts. Something had to happen. I did not go any further, but that is what the point is.

Going further down, there is a recommendation of police departments to report routinely all guns picked up to NCIC (see page 167, item 7) and we have already discussed reporting of this sort to BATF. What would happen as a result of that I really do not know. I am convinced that there are many departments, because of thumb studies I have made, who ignore that. They do pick up guns, but they do not bother to question: "Is this gun possibly a stolen gun on the stolen gun list and is there a value in doing this?" and there probably would be.

Further down, and I am skipping over because we do not have that much time - and each of you must have this - there is a mention of auditing sales records of dealers in order to keep them straight (see page 167, item 4). I think we have talked about this somewhat before in this session, sampling and letting the dealers know that somebody is watching and checking on them.

MR. COLLINS: Don't skip item 1. Did you really mean what you say there?

MR. SLOTT: Turning in unwanted guns?

MR. COLLINS: What do you mean by "unwanted guns"?

MR. SLOTT: I mean if a person does not want a gun, which is very common in some departments - I am sure it is in yours - for a widow to come in and say, "My husband died. I have his whole collection of guns. I have no need of these. I do not want them. Here they are."

MR. COLLINS: If you have a police department saying to its community, "If you have any guns you do not want, just turn them in to us", people are going to find a lot of guns that they "don't want". If you have that kind of a case, where a person initiates it on its own, our department is not going to tell him to turn it in, I will tell you that. If he wants to bring it in, he can turn it in to us, and we will book it; and if after a reasonable amount of time nothing happens, it is destroyed. But to ask people to turn in their guns, I don't think you should do that. I am violently opposed to that.

CHIEF EGGLETON: We have had good success with that.

MR. SLOTT: My reading seems to indicate that, for a short while, quite a number of guns are turned in, and then it is forgotten because advertisement has that kind of effect.

MR. COLLINS: I see what you mean by unwanted. I did not mean to interrupt.

CHIEF EGGLETON: We have good success with that. We set a date and we said that all guns turned in by that date would be accepted without questions regardless of where they came from. We had a tremendous amount of them turned in.

Of course, your suggestion should follow that, after the guns are turned in, they should be accounted for. I am not sure all of them are accounted for, but we had a tremendous response.

MR. BASIL: But there is a difference between a general amnesty period, which takes into account persons who have illegal firearms who can turn them in during a particular period without any danger of prosecution, and the general turn-in campaign for people who do not want firearms. There ought to be a difference between the two operations.

MR. COLLINS: I don't really know how good that is. They have these programs in which they try to get you involved and where they will test your dope for you. "Parents, if you find that there is anything questionable in your children's drawers and you want to test it, you send it in to this outfit and we will send it back to you and tell you what it is. No questions asked." It turned out that all the dope they used was sent in to see how pure it was. This is a bunch of nonsense. A person who has an illegal gun should go to jail. A person who has illegal dope should go to jail.

Sorry about that, Bud; I get a little excited.

MR. SLOTT: Security consciousness by gun owners and dealers seems to be a problem from some of the discussions I have heard. There are cases where they are not caring for the weapons that they have, they are not concerned about how they lock them up or whether they keep them in a safe place.

CHIEF ANDERSON: I think personally that gun dealers and gun owners are fairly security conscious. The main fault lies with the military who have a tendency to leave thousands of guns lying around in warehouses without guards or even without locks on the doors. I would recommend that if you are going to talk about security, you should include them. The government itself is one of the main violators.

MR. SLOTT: That is a very good point.

MR. COLLINS: Any army is a pigeon.

MR. HAWKINS: Some gun dealers care more for their guns than they do for their wives.

MR. MUCHOW: Approximately two years ago we noticed that there seemed to be a rising number of thefts from National Guard Armories. It was, of course, during the period of radical agitation, and so forth. There were a lot of stolen weapons which were extremely destructive ones and which seemed to be used in various demonstrations during the peak of the Vietnam War agitation.

We had a couple of skull sessions with the Department of Defense. The outcome of that was ultimately to ask the Department to add alarm systems onto all National Guard Armories, to see that all the windows had bars, all the doors had adequate locks.

We also asked the United States Marshal Service to serve as a sort of liaison with all of the National Guard Units to swing by the Armories as they were going to or from work to make sure

everything was quiet and secure and, also, to work with storage facilities locally to make sure that they were contained.

From the standpoint of National Guard thefts, whereas they were an extremely serious problem a few years ago, we have had over the past year, I think, three, which is very low. All three of those are far along the way to being solved. So, I think there is a different climate now as far as that is concerned.

MR. SLOTT: I am skipping over item 2.

MR. HAWKINS: Item 3: We have had experience with these identification programs. Down at the station the transcriber who puts the social security number all over the weapon hears about the resale value if it is a collector's weapon and all that. The owners I talked to became violent at the thought of scratching up their weapons with a bunch of numbers (see item 3, page 167).

MR. SLOTT: If there are no questions about those further points, let me jump on to item 7 on page 167.

MR. KNOX: How about 6? (See item 6, page 167.)

MR. SLOTT: Make thorough investigations of requests for permits to carry firearms?

MR. KNOX: Is there a problem of misuse in that area?

MR. SLOTT: The question was simply raised that the care taken is different in different cities. In some cities the check is very simple and not thorough, while in other cities it is quite thorough. It all depends on how many people and what procedures there are.

MR. KNOX: Even when there is another thorough check, are there cases of criminal activities with people licensed to carry guns?

MR. SLOTT: I do not know. I am sure there are, but I do not know how many.

MR. KNOX: I think you would find that it would be extremely rare. I cannot imagine that kind of recommendation particularly when the Senate of the State of New Jersey about two weeks ago had to pass a bill over violent opposition. The law required that the police chiefs make an application form available, just an application to get the license. So, where they are not even giving the applications out, I don't think we should encourage them to go any further.

MR. SLOTT: That may be true in New Jersey.

MR. BASIL: There are lots of other jurisdictions where this is true.

MR. KNOX: In San Francisco over a period of years they quit issuing any new licenses. In Chicago there have been eleven in a period of three years. I don't think they need any encouragement there. The problem is that where they have any authority to deny a license that has been too often abused.

MR. VELDE: Do you mean firearms or handguns?

MR. SLOTT: I meant handguns at the beginning.

MR. PARKER: In my mind, before we take that recommendation very seriously, there should be some showing that, in fact, the

license holder constitutes a problem of some magnitude. I do not think any showing has been made of that. I think that is what Mr. Knox is referring to. I don't know that there has ever been any great fuss over license holders getting involved in serious crimes.

MR. SLOTT: I am not questioning that. I am not advocating that.

MR. PARKER: I think that showing is a prerequisite to making that kind of a recommendation; that is my point.

MR. SLOTT: The recommendation is made for those cities and states that have such a requirement. It is simply a matter of using their own laws.

MR. PARKER: If these people are not causing a crime problem, I do not think there is anything to be gained by making it tougher for them to get a license.

CHIEF ANDERSON: Why don't you change it to continue the present system?

MR. SLOTT: I don't think that is the answer. The answer could be to find out whether they are doing the job, and if it is of no value, then you cut it out entirely and question the entire thing.

MR. VELDE: We encourage your comments in the small group discussions. We would like to have reports from the chairmen on this.

MR. BASIL: One more comment on item 6: we really cannot discuss it much more until we know the scope and the nature of the tightening of the requirements. That is a pretty general statement to make.

MR. SLOTT: That is all that was made, a general statement.

Item 7 (see page 167) relates to a previous point made on accountability: destroy all guns acquired by police that are not needed for pending cases. In too many states and cities these guns are sold.

MR. COLLINS: If the guy is found not guilty, what are you going to do: destroy the property that belongs to him? I know they do that, whoever they are, but we give them back to them. I think you are obligated to give them back their property. Destroy a person's property? I don't see that.

MR. SLOTT: Jack, you are right. But suppose your case is made, and they are convicted. What do you do with the gun?

MR. COLLINS: I don't know. Then it goes into evidence in the court.

MR. SLOTT: In many states it is so.

MR. COLLINS: Then it goes into Bud Hawkins' judge's locker.

MR. SLOTT: The point I am making is that in many states by law, by practice, it is sold by the state for the state's treasury, by the state or by the city, whatever the case.

MR. PARKER: And they generate revenue for them.

MR. SLOTT: It is a pretty old clunker there that is sold.

MR. VELDE: It sounds like protectionism on the part of the manufacturer.

MR. COLLINS: I think there is a way in California of a

department retaining for its own use certain guns that fit into their arsenal. But to destroy somebody's personal property, it is hard for me to believe that.

MR. BASIL: I agree with Chief Collins that this item 7 - as worded - is objectionable for the simple reason that it says to destroy all guns, whether they are lawful or otherwise, if they are not needed for pending cases. That is not acceptable.

MR. SLOTT: I did not mean it that way.

MR. BASIL: Well, that is what it says here. In other words, you do not mean it as it is written?

MR. SLOTT: We don't mean that if you pick up a gun from someone who lawfully owns it, you had no right to take it because no case is being made of a weapons offense and then you destroy it. That is the meaning that you are taking out of it, and I understand it.

I am saying that after the case is completed, there is a conviction and you now have a gun, then it should be destroyed rather than sold. In too many cases it is sold. If you disagree with this, that is fine.

MR. BASIL: I disagree with the proposition which states - if you are stating it - that you should destroy all guns acquired by the police irrespective of the legal character of firearms that are no longer needed for pending cases. If you are saying that I do object to it.

MR. SLOTT: I think it should be modified in the way you state it; you are right.

MR. BASIL: Okay.

MR. PARKER: I have several suggestions just based on several different fact situations in which I think it would be improper to destroy a gun of that kind. First is one Chief Collins raised: a man has a gun seized; if the government does not make the case, and the man is acquitted at the trial, he ought to get his gun back.

I can tell you from sore experience in D.C. what is a matter of prosecutorial policy: they make the person who has just been acquitted go to the expense of hiring a lawyer to file motions to get back property which is lawfully his. I do not think that is right. More often than not, he spends more money than the gun is worth.

They know that, and that is the reason they have that policy, because they think that the person will forfeit the gun rather than go get his own property. That is one situation.

The second one is: the gun is picked up from a criminal, it is run through your Washington computer and turns out to be stolen. The rightful owner was located; he is not at fault and he should not have to move heaven and earth in order to get his gun back.

I think a modicum of effort ought to be expended to locate the person and return his gun, if possible. I have had those kinds of cases, too, and you have to move heaven and earth in D.C. to get a gun back for a fellow.

The third situation is: supposing the gun is sold. Presumably, if the police department is conducting the sale, they are at least as responsible as gun dealers, I should hope, and they are going to make a legal sale. It does produce some revenue for the police department. It might lighten the load on LEAA just a little bit in the way of assistance funds. I do not see anything wrong with that. If it is a valuable gun, if it is a collector's item, I see no reason it should be destroyed. Let somebody pay the price, support his local police in the process, and buy himself a gun. I do not see anything wrong with that.

CHIEF JEFFERSON: I just beg to differ with the gentleman in one aspect of what he was saying in Washington in the case where a man has been found innocent. If he cannot prove lawful ownership of that gun, then it becomes his burden to hire a lawyer to prove his lawful ownership.

MR. PARKER: If he had the gun at the time and he is acquitted, that to me is prima facie evidence that he owns the gun: he owns it as against anybody else.

CHIEF JEFFERSON: But if he cannot show lawful ownership and whether it is lawfully registered in D.C., according to what the gun law states, that is the reason he does not get the gun back, because it is not lawfully registered to him in his name.

MR. PARKER: In some cases it may not need to be. He may be a resident of Maryland or of Virginia.

CHIEF JEFFERSON: You know in the District of Columbia, if he possesses a gun he is entitled to possess, then it must not be a case where he is "finding that gun on the street".

MR. PARKER: I am not saying he is carrying it on the street.

CHIEF JEFFERSON: There must be some reason he was locked up for the gun.

MR. PARKER: Not necessarily. He is not required to register in D.C. until after forty-eight hours, anyway. I have seen personally several situations similar to the one I have described to you.

Very clearly it is a prosecutorial policy not to return these guns and to force the man to go get an attorney, to file motions, and go through a lot of trouble to try to get his gun back. I do not think that is right.

MR. MUCHOW: Would he be able to steal the gun and say it is his, and have absolutely no overt showing with the D.C. police department and he would be entitled to keep a stolen weapon?

MR. KNOX: It certainly should be run through the NCIC.

MR. PARKER: Obviously if it is stolen, and you can show it is stolen, he will not get it back, but unless you can show that he is not entitled to have it, he is entitled to the benefit of the doubt.

MR. MUCHOW: Do you have to be able to trace it back to the owner before you would say that he ought to have it against the whole world?

MR. PARKER: I would say if a person is charged with a gun offense and the gun is taken away from him, and he is later acquitted, and the government can show no evidence that the gun is not his, I think the presumption ought to rest with him, that it is his.

MR. KNOX: It might be a traffic offense.

MR. PARKER: It could be anything. If you can show it is a stolen gun or some other collateral offense, for example in a situation where he would be required to register the gun and he had not, then it is a different story.

CHIEF EGGLETON: What is wrong with holding the gun and let the person who claims the gun come down and register it and, if he does not register it, then keep it?

MR. HOLMES: That is the statutory scheme in Texas.

CHIEF EGGLETON: That is the way we do it.

MR. PARKER: That would depend entirely upon your requirements of local law. This varies from one area to another.

CHIEF JEFFERSON: It has been my experience in many cases where a man is acquitted of a gun offense and he shows lawful ownership of it, all he has to do is get a release from the D.A.'s office, and they will give the gun back to him.

MR. PARKER: Maybe times have changed. It has been a few years since I was in there. I had a very difficult time getting a gun back that was stolen in the mail en route to its rightful owner and which later was recovered in a D.C. robbery case.

But we are taking up time.

MR. HOLMES: What about the case when you walk into a place and fifteen guns hit the floor and nobody claims any of them?

MR. SLOTT: Let me finish these three. Maybe you can carry this discussion on into the groups.

There are three others that I listed under the collateral programs.

The first one was mentioned earlier. This is to do a study of the usefulness of individuals keeping a personal gun for defense at home, business or self. Someone had mentioned that earlier. Let us find out whether it matters. If it does, fine; we will know it. If it does not, the police will get some more information about this.

MR. KNOX: That would largely be taken care of through the Census study as you worded this and as far as it goes. But I would like to amend that to say that it should be included as a study of crime rate versus percentage of gun ownership because you are trying to prove a negative otherwise.

MR. SLOTT: Yes, you made that statement before and it is a very good point.

MR. KNOX: Yes. I just wanted to get it in at this spot.

MR. VELDE: Also, I don't think it necessarily follows that this study would not be material to gun control legislation issues. It could well be at some time.

MR. SLOTT: But conducting the study does not involve taking a position on gun control; that is the point.

MR. VELDE: No. It could be used for this purpose, but I would think that a great deal of caution ought to be exercised in structuring the surveys in as neutral a fashion as possible, so that it does not come out for or against gun control legislation but rather attempts to describe the situation as impartially and factually as possible.

MR. KNOX: What about putting in that this ought to be done by an independent agency such as Arthur Little or whomever, but done by an independent research agency.

MR. VELDE: Well, there aren't any. None of them are independent.

MR. SLOTT: Human beings cannot be independent. However, if you structure it, if you say: Here are the effects that you are going to study, here is the type of work we are looking for, you can hold researches within relatively narrow bounds, even though you cannot avoid bias on one side or another.

MR. PARKER: Unless we take the kind of existentialist view that no information may be useful information - or knowing that you cannot get any useful information may be useful. I think I quarrel with the last clause: "It would certainly provide useful information." I am not sure that that is true.

This kind of research may or may not be fruitful. I am not convinced that you can statistically quantify the usefulness of keeping a personal gun for self defense.

MR. SLOTT: Would you say a successful study would provide useful information?

MR. PARKER: I am saying there may be a great many imponderables - a great many subjective factors that cannot be measured by statistics. It is entirely possible that a study of this subject might come up with the conclusion that we just cannot reach any conclusion; it might be useful, too. But I am not sure this will provide any useful information.

MR. SLOTT: The implication is that it would be a successfully carried-out study. In other words, it would be well structured. It would find out whatever it is supposed to find out.

MR. PARKER: I am not sure that it is possible to structure a useful study in this area.

MR. HAWKINS: What Mike is saying - and we discussed this in the small group - is that the possibility exists that, no matter how successful you think the study is, somebody is going to say it is not worth a thing.

MR. SLOTT: You can be sure of that.

MR. HAWKINS: He is not saying entirely that, but he is getting behind intent, state of mind, and conditions.

MR. PARKER: Maybe I can straighten this out with a very fast example. My wife - who is sitting in this chair over here - if asked how useful a handgun is in the home, would say that it is very, very useful. She has never had to use one, nor has she ever been a victim,

nor has she ever fired a shot in anger. I don't think she has even pointed a gun at anybody. However, she has the perfectly subjective judgment that it makes her feel secure. To her the handgun is very, very useful.

I do not know how she would show up statistically. I do not think there is any way to measure the peace of mind that it gives her to have a gun in the home when I am not there. For that reason, I think you are trying to measure something that is inherently immeasurable.

MR. MOONEY: The survey might then be limited to those who have been victims of a crime, which would narrow your base.

MR. HAWKINS: That is what we were talking about in the small groups.

MR. KNOX: In the case of an actual crime too often the person cannot or does not have an opportunity to use the handgun. Gary mentioned that earlier in reference to a friend of his who said, "They will never get me." But he did say that when you are looking at the end of that thing, you are going to say, "Yes, sir" or "No, sir."

My wife, like Mike's wife, has a gun for protection. I know of three cases where thugs tried to pull her off the road. In all three cases, they would have been very disappointed if they had succeeded because she was carrying a 357 Magnum. How can you measure the values of the greater security she feels - or I feel - knowing she can defend herself. Perhaps you cannot judge it

statistically. The only thing you can judge with this proposed survey is facts, not emotions.

If you go beyond the immediate victim and if you compare the crime rates of areas where there are a lot of guns to areas where there are not a lot of guns, you can determine the effects of gun ownership. The question is - Is the criminal more concerned about making a hit where he figures there will be guns on the premises or where he figures that there will not be any? No statistical study can measure the sense of security that gun ownership can provide.

MR. SLOTT: Which individuals are we speaking of? Are we speaking about individuals who know how to use a gun or are we speaking about individuals who have had one in the closet for so many years that they are not sure where it is nor what condition it is in?

MR. PARKER: You have trouble collecting that statistic.

MR. SLOTT: Unless we go to actual cases and ask whether it is useful or not, I don't think we would have anything at all.

MR. KNOX: I think that should be in it, but I think it could be mightily misleading.

MR. SLOTT: It could be.

MR. PARKER: It distorts the sample if you take just the victims.

MR. VELDE: Now you understand why Al mentioned this morning that the survey is addressed only to weapons and not to people.

MR. SLOTT: Let me go on and get the last two points.

Item 2 here under Collateral Programs is the establishment of a training program for technical personnel who work in crime labs on firearms identification and ballistics analysis. It states that currently there is no adequate training program. I should have amended that to say that outside the FBI there is no adequate training program because they have very capable people in their crime labs.

It might be that selected departments - and I am looking at the Chief from the Los Angeles Department, which has one of the finest labs - are exceptions but I think, generally over the country, the situation is as I have stated.

I have talked to people in crime labs and asked them, "Where did you work, where were you trained, where did you get that experience?" Very often the replies have been, "I went up for six weeks to a factory and stood around and learned what makes up guns." They really did not learn specifically their trade as such. If they were fortunate enough to work under someone who has learned it over the years and if they are good apprentices, they can pick it up and quickly become efficient. However, there is no purposeful training program that is good, and I think it would be very useful.

MR. MUCHOW: Do you have any facts or figures as to how many policemen actually have gone to the FBI Academy or to any sort of firearms ballistic school?

MR. SLOTT: No, I have not. I am not sure the Academy has any program of this sort.

MR. VELDE: There was a conference held last December at the FBI Academy in Quantico in which the directors of the forty-five state and local crime labs worthy of that name were brought together with representatives of various Federal crime labs - of which there are five significant ones. Atley, I don't know if you were required to go?

ADMIRAL PETERSON: No. However, I do have a couple of comments.

Let me comment with regard to identification and ballistics analysis which are quite distinct from one another. Ballistics analysis is excellently done at the McCrone Laboratory in Chicago. We urge people to go there because the chap who is director there has developed expertise in ballistics. He actually has a school in England, as well, and trains police experts there.

Identification is another problem entirely. This takes years and years and years of exposure. There are so many models of weapons around that identification is a very, very tough job. If you are looking for experts, my recommendation is to go to the military and find a person who has worked in this for a long period of time. Military weapons are not what you are really looking for, but his interest will spread outward and this is the kind of man you want for identification. In short, analysis and identification are quite distinct.

MR. SLOTT: Maybe this is all the more reason to have a course in order to start some training program?

ADMIRAL PETERSON: Yes. I think it would be an excellent idea.

MR. SLOTT: The final point concerns research and development to improve procedures and technology for identifying guns with open cases in which there are bullets.

MR. VELDE: It should be noted for the record that by and large the ballistics is not particularly effective as a means for matching up the spent bullet with a particular firearm. We think we ought to receive the benefit of those who have been in the business, and get their opinion as to its value in terms of crime solution before we embark on any such program.

In other words, there is the Sherlock Holmes aura of effectiveness for such things as latent fingerprints and ballistics, but when you come down to it, their application in the criminal investigatory process is generally pretty limited.

MR. HOLMES: I have a couple of guys in the state penitentiary that would not agree with you.

MR. VELDE: There are exceptions, that is right.

MR. HOLMES: The jury eats it up.

MR. SLOTT: I want to mention that New York City has an active project to develop approaches for identifying guns picked up much later with their open or unsolved cases. What success they are going to have, I would not predict, but it is a serious study and - if they are successful - I think it would be very useful.

I forget how many open cases there are. There are about three thousand, I think, in New York.

MR. MUCHOW: Is the idea to hold on to the bullets and then see if you can match them up with guns?

MR. SLOTT: That is correct. That is done by most departments, but many departments do not take good care of them. Moreover, by the time they get the guns there, there are so many that it is very, very difficult to identify one with the other.

Finally, I come to the markings. This is most important. With the present knowledge and the present state of the art the markings are so changed over time with the use of the gun that it is difficult - if not impossible - to identify.

The concept of this particular research which is going on will possibly be close enough to zero in on a number of cases and, if there is other information, you might be able to link up people, areas, and circumstances. You might be able to narrow down the number of unsolved cases in which this gun might have been used with a match-up.

MR. KROGMAN: I just want to get this concept straight. Are you proposing that a BATF agent or an FBI agent or a local police officer apprise passports in selected cities?

MR. SLOTT: Yes. The proposal is to use that type of approach whether it is a BATF or FBI agent or a Task Force strike group. Some form of cooperation is needed.

ADMIRAL PETERSON: May I ask a question of Irv on page 167? This is about item 5 - infractions of regulations by gun dealers should be investigated and prosecuted. Violators licenses should be suspended or removed. Do any of the states use this at this time? Do you know about this?

We do not have statutory authority to suspend for a period of time in the case of firearms as we do in alcohol problems. We can suspend a distiller for sixty days - even two days sometimes kills a distiller. So, it is very tough. We can remove or deny, but I wonder if any state can suspend under their licenses practices.

MR. BASIL: There are jurisdictions which have statutory authority calling for the suspension or revocation of licenses depending on the circumstances.

MR. HAWKINS: I think we do in California. We have more recently gotten into tear gas problems - more than we have ever handled. Dealers have been selling tear gas devices without licenses. We conducted an investigation, presumably through the district attorney. There are not a lot of them.

ADMIRAL PETERSON: You use the district attorney for that?

MR. HAWKINS: Yes, if it is a state violation.

MR. MUCHOW: Lots of times the suspension, too, would be helpful. If the only alternative would be to remove somebody's license, it would be harder to prosecute sometimes and, if it were through an administrative process BATF could only suspend a license - let

us say - for sixty or ninety days because of minor violations. I think we could use a little bit of flexibility at the Federal level.

MR. VELDE: Now we are getting in the area of additional Federal legislation. We do not want to get into that at this time.

MR. KNOX: Under the present law, because of some non-thinking draftmanship, any jot or tittle-type error by a dealer is a felony. There is no provision for suspension or even for a misdemeanor. This is pointed out in a recent study of recodification of the United States Criminal Code. Right now, it is a bad business, and there should be a way to rap a dealer's hands without throwing the book at him, or throwing him under the jail.

MR. VELDE: I was very interested in the statistic that Admiral Peterson gave us this morning. The number of Federal gun dealers was about 148,000, isn't that correct?

ADMIRAL PETERSON: Yes.

MR. VELDE: I recall that during the consideration of the Gun Control Act of 1968 there were, at that time, about 100,000 gun dealers. The Federal fee was increased from \$1.00 to \$10.00, and background investigation was authorized. I think it was a general expectation at that time that the number of Federally-licensed dealers would go down rather dramatically.

MR. PERIAN: It went down to 60,000 in the year subsequent - 1968.

MR. VELDE: It went down to 60,000 and then it went back up.

MR. PARKER: Of course, that includes collectors, as well.

MR. VELDE: Does that include collectors as well as dealers, Admiral Peterson - I mean in that 148,000? Of course, collectors is not a category.

ADMIRAL PETERSON: Our records do not show that it ever went down. They could be in error. I would tie it back into the Publication 603 under the Gun Control Act that we put out to each of the licensed dealers. We should publish that book. We have kept fairly accurate records. We know that they are in error in certain respects because of the time lag of people going out of business, but last June we made a direct check with our regions to verify that figure. It has gently increased all during the five-year period - not rapidly but gradually.

MR. VELDE: There is a one-third turnover annually?

ADMIRAL PETERSON: Yes, thirty percent. So this would have been in August of 1969. They may not have caught up to date, but, at that time, the situation was as I mentioned before.

REPORTS OF WORKSHOPS

MR. KROGMAN: Yesterday, we began a discussion by going over the Bask Case which was rendered by the U.S. Supreme Court and which, in effect, states that we have to establish some type of interstate commerce involvement in order to effect a prosecution under Title Seven.

According to Mr. Muchow, of the Department of Justice, there is legislation pending on the Hill to correct this. In effect, the mere possession by a prohibitive person will be sufficient to bring him into a Federal court.

There was some discussion of 22-caliber ammunition. We recognized that this was a problem area. It was brought to our attention that there is little or no enforcement in this area. Several examples were cited concerning Washington D.C. residents who could not buy in the District and who purchased 22-caliber ammunition in Maryland. It was stated that thirty percent of the violators checked had arrest records. That was checked by a Senate staff.

The Department of Justice's prosecution priorities on firearms violations are - number one, organized crime; number two, serious and willful dealer infractions; and number three, the individual cases.

This is pretty well tied into the overall thrust of BATF and our case direction which essentially is attempting to perfect

criminal cases - whether it be in state or Federal court - against willful criminals. This is borne out by the fact that in fiscal year 1973 BATF recommended for prosecution and arrested over 2,300 defendants.

We also discussed the instruction program by BATF of dealers - the legal regulations and record-keeping requirements. We felt that the compliance generally by dealers is fairly good throughout the country. There are some exceptions to this. However, when an exception is brought to our attention, either through a citizen complaint or through our inspection, we do take action.

There was quite a bit of controversial discussion concerning the National Data System of gun and ammunition purchase or registration information.

There was also a disagreement on whether it should be a requested formal record-keeping system - as opposed to the system now in effect - which permits the dealers and the manufacturers to keep their own kinds of records, providing they meet the information required under the regulations.

We discussed the Firearms Carrier - Theft Program which was instituted by BATF. While recognizing that there is a very high rate of theft, we made several cases and have already recovered several hundred firearms for the carriers. We do take action on these as soon as the information is referred to BATF. We conduct an investigation. We recognize some problems of carriers failing

to report because they are being reimbursed by insurance companies. However, we are getting some information. We estimated that there are well over a thousand guns stolen in interstate commerce every month.

Today, we directed our attention primarily to the Handgun Enforcement Program which is the handout discussed yesterday. Generally, we have some real problems with this. First of all, we felt that more research is necessary in all the areas mentioned. Secondly, we felt the entire paper should be rewritten to spell out the results of the research. Moreover, additional details should be added to each point, and there should be some clarification concerning what level of government is involved in these particular areas and what appropriate action should be taken in these respective areas.

We had some concern about the overall MEG approach. First of all, is this really needed?

There was some discussion about the fact that the proposal does not envision a Federally organized national structure, such as bail. I think more details have to be worked out on this to determine if there is a need and if this is not being done in connection with the normal responsibilities of the Federal and state agencies involved.

We discussed the degree of cooperation that is now being carried out between BATF and state and local authorities.

With reference to the program list on page 166 (see Appendix B), the first item on the Enforcement Program we decided should apply only to criminal misuse of guns. We agreed generally with the provisions under 2, 3, and 4.

Under the first item 5, on page 167, we felt - in contrast to the wording as it now stands - that willful violations by gun dealers should be prosecuted or appropriate administrative action taken.

The first item six - "Illicit gun dealers should be investigated and prosecuted" - should have the caveat, "where appropriate and at appropriate levels of government." For the record, I would like to say that BATF does that right now.

Our wording for item 7, on page 167, was that police departments should enter all firearms into the FBI's Recovered Gun File. We feel this is very important in the effort to trace firearms that have been recovered.

MR. VELDE: What do you mean by firearms? Do you mean all stolen firearms?

MR. KROGMAN: No, not necessarily stolen but recovered guns.

MR. BASIL: I think the group has more or less decided on the statement that police departments should be required to report to the NCIC and the BATF all guns that are picked up, isn't that right?

MR. KROGMAN: Yes, that's right. In addition, there was another point. Provided we get the information at the field level, we may be able to work together with the police departments and

conduct either a state or a Federal investigation. That is under item 7.

Under item 1 in the middle of page 167, more explicit wording is needed. This presents some real problems. There was quite a bit of controversy concerning this proposal. We need a lot more detail before we can make any kind of recommendation on that. In item 2 we are in general agreement with the concept that we should have publicity or public awareness of firearms security by gun owners and dealers.

We have no objections to item 3 on page 167. I move now to item 4. This is the responsibility of different levels of government. It varies throughout the United States. Conceptually it is a good idea to check dealers' records to insure that prohibitive persons, ex-felons, and the like are not purchasing firearms. We do agree in concept here. But again, it needs more research before we would accept per se that we are going to a general type of audit of all dealers. This has been done at different levels on a selective basis.

MR. VELDE: Would the dealer have access to criminal history records directly or indirectly for that purpose? Did you discuss that point?

MR. KROGMAN: No, we did not.

You would have to review the Form 4473 - the Federal form - and if the purchaser indicated on the form that he was in a prohibitive

category, you could not sell him a firearm or you would be in violation of the law.

MR. PARKER: What was your group's problem with that?

MR. KROGMAN: Conceptually it has been done - all the sales records of dealers for ineligible purchase of sales. That is the real problem. In some areas it is actually being done.

MR. PARKER: I just got the impression there was some disagreement.

MR. KROGMAN: We do agree with the principle.

MR. PARKER: Okay.

MR. KROGMAN: There are tactical problems.

MR. KNOX: Could you discuss the point that, once you find the violation, there is the problem of getting the U.S. Attorney to take the case?

MR. KROGMAN: We did not discuss that, but that certainly is a consideration.

MR. KNOX: They are not doing this in too many cases.

MR. PERIAN: Under item 2 we discussed that, I think. We discussed that we should work on the adjudication process in terms of motivation to get the attorneys and judges more concerned about this type of thing.

ADMIRAL PETERSON: Aren't you up against a resource problem when you audit sales records? There are not enough people to do this.

MR. KROGMAN: Yes. I think it is a tactical problem.

ADMIRAL PETERSON: All the law enforcement agencies put together cannot do this.

MR. VELDE: It is possible to run criminal history record checks, if they have the authority to do so.

ADMIRAL PETERSON: On each purchaser?

MR. VELDE: Sure. You know, there is a system called CCH (Computerized Criminal History) with about eight states on line now.

ADMIRAL PETERSON: Yes. The dealer is not a criminal.

MR. VELDE: I know. There has to be legal authority. The dealer could make an inquiry of a police agency which they could then check and get a representation back from the chief of police, or whomever, saying that there is no evidence in the check of records.

ADMIRAL PETERSON: In certain localities doesn't the chief of police have to approve a purchase?

MR. VELDE: In the intrastate mail-order in the affidavit procedure the chief of police has knowledge of it and can check it, if he wants to. There is no requirement that he has to. I think in several states there must be a criminal history check. In fact, in one state - Massachusetts - there has to be a criminal history record check before the license is issued. The state is no longer making criminal histories available to prospective employers, so the employers are now requiring prospective employees to have a gun permit and, by so doing, they are getting around the lack of access to the criminal histories.

MR. MOONEY: In our group, we thought this might be an area in which the Strike Force "MEG-group" concept might be utilized. In selected areas, defined as high-crime areas, this might be an appropriate place for such a group to begin area activities out of which prosecutions might well result.

MR. KNOX: Pete, maybe I misunderstood you, but you were not talking about the dealer having to check with CCH before he could sell that gun, were you? We are simply talking about an audit by a law enforcement group of the dealer's records.

MR. VELDE: It could be either way.

MR. KNOX: I think you would be imposing a heck of a burden upon the dealer if you consider that. In the legislative history of the Act it was finally decided the dealer has no way to check financially or otherwise. The Act says the secretary or his delegate - which would be local police - may inspect those records. You might use a MEG approach in checking dealer records if you feel the records need to be checked, but I would hate to see the dealer burdened with the responsibility of verifying a lack of criminal record.

MR. VELDE: Well, tentatively it will be feasible to run on-line real-time checks. The question is whether other than law enforcement officials should have access to those kinds of data bases for that purpose.

The issue is whether it should be direct or indirect. Maybe the dealer could check with the police department, and then the police department, as I indicated, could come back.

MR. KNOX: You are talking about Federal legislation now, I think.

MR. VELDE: Federal or state.

MR. COLLINS: In California we have been doing it for a long time. The dealer gives the application to the police. The police makes a check with the CCH, and they tell the dealer whether he can sell a gun to this person or not.

MR. KNOX: But again, we are talking about two different areas.

MR. VELDE: I think thirteen or fourteen states now have a system similar to California, but there is no authority as far as Federal checks are concerned.

MR. SLOTT: Is it correct that in California the dealer has to give something showing that the intended purchaser actually wants to buy the gun so that all the dealer is doing is transmitting to the police the request to buy the gun from the purchaser rather than the dealer initiating that request to the police on his own?

MR. COLLINS: The purchaser fills out the form requesting the permission to buy this gun and the dealer cannot make the delivery until he has been given clearance.

MR. VELDE: Excuse us. We should move on.

MR. KROGMAN: I just have a few more.

We feel that the second item 6 on page 167 needs more explicit wording. Just how to tighten requirements should be spelled out.

We agreed to scratch item 7 in toto. We disagree with it entirely.

As for items 1, 2, and 3 on page 168, conceptually we agree with each one. Again, we feel that it should be studied more and rewritten. Particularly, in item 3, we struck the words "open cases" and inserted "unresolved crimes".

MR. VELDE: On the issue of national registration, you said there was a great deal of controversy.

CHIEF JEFFERSON: I think this is an area that was referred to where BATF would prosecute investigated cargo thefts.

MR. VELDE: I know that point. It is the point before that. John said there was a considerable amount of controversy and discussions on this point, and I took down "national registration". That may not be exactly right.

MR. SLOTT: I don't think we discussed national registration in any way.

MR. BEDDOME: I think he was talking about our discussion as to whether or not there ought to be a Federal data bank. This rang my gong because I was not interested in any Federal data banks.

MR. KROGMAN: Also, we discussed whether or not there would be a required formal record which would be submitted by the government to the dealer to fill out. This would be in contrast to his own kind of records which now provides for a lot of flexibility.

MR. SLOTT: This recalled the statement I think of Admiral Peterson that some of the records of the dealers were on slips of paper and the suggestion was made that, perhaps, there should be

precise forms on which the dealers would have to maintain their records.

MR. VELDE: Okay. For the record, Irv, could you define that point?

MR. SLOTT: There is one other point. I think it might be useful for the Statistics Seminar in Annapolis. It is the ability of the director of the BATF to grant permits to purchase guns to people who otherwise would be prevented.

MR. KROGMAN: That is relief of disability.

MR. SLOTT: Relief of disability - that was the point.

MR. VELDE: All right. Thank you.

MR. NELSON: We discussed all the various points involved concerning the tracing, the data banks, and the study proposed through Project SEARCH. We more or less came up with a consensus concerning the points and priorities but not necessarily all in the same order.

Neal, why don't you just read your outline, and then I will fill in from my notes concerning specific points.

MR. KNOX: The first major point is concerned with the tracing proposals of Admiral Peterson, that an independent research agency should study the cost-benefits of the BATF tracing program.

This study should determine the type of case for which fire-arms traces are being made.

It should also determine what percentage of traces to point of sale:

- a) lead to the apprehension of an unknown suspect.
- b) are major evidence in the prosecution of crimes of violence.
- c) are supplementary evidence in prosecution of crimes of violence.
- d) are major evidence in prosecution of violation of Federal, state or local firearms possession carrying or transfer laws.
- e) result in conviction of crimes of violence and firearms law violations.

In addition the study should determine:

- a) the cost per trace to government agencies, manufacturers, and importers under the present methods.
- b) what percentage of the guns successfully traced were originally sold by dealers to perpetrators of the crimes of violence.
- c) what percentage were sold by a dealer within a year, one to five years, six to ten years, or more than eleven years.
- d) whether there is a relationship between the recency of sale and the type of crime for which the trace is made.

The second major point is - on the basis of such a study a determination should be made as to whether to:

- a) expand the program by studying methods of automating out-of-business dealers' records, manufacturers' records, and dealers' records.
- b) reduce the trace program by limiting traces to certain types of crimes shown to be prosecutable as a direct result of the trace.

MR. NELSON: Thank you. The only thing I would like to add is that it was the consensus of our group that the area of pattern development - for example, from the BATF study in New York - was certainly also a valid consideration even though it might not have led to "X" number of arrests. It was valid in showing sources for organized crime families. It showed that most of the guns in New York come from several different places.

Those kinds of studies were certainly also valid in that they show the benefit over and above the individual trace for the individual criminal situation.

ADMIRAL PETERSON: Mr. Knox' analysis covers basically all of the points and all of the proposals we have proposed in somewhat different order. So, we do not take issue. We think he has done an excellent job of recapping to accomplish the purposes of the proposals.

MR. MUCHOW: When you discussed the value of the overall tracing program, did you consider the possibility that might help, not only to solve the crime at hand where you actually have the

gun found, but also to lead to the solution of other crimes? You might find, for instance, the gun turned out to be stolen, and there was the same sort of stolen gun used in a burglary a few years ago or there was a dealer some time ago who reported the gun had been stolen.

MR. KNOX: That would be through an NCIC check rather than a trace.

MR. MUCHOW: If you have the gun in the first place, through the trace you would be able to go back to the manufacturer and, through the process, wouldn't you be able to tell whether or not the gun had been stolen as well?

MR. KNOX: Not necessarily, because the NCIC check would show whether it had been stolen subsequent to a dealer's sale. The trace would not show stolen records.

MR. NELSON: We discussed it a little, but I think we discussed it around what Neal is saying. It would be one of those things that happens more or less not because of the system, but that happens in other cases where you find in the investigation of one case that suddenly you discover some bit and piece of evidence that leads you to something else. From a value standpoint this would not necessarily be a routine kind of thing. I think that would be the consensus of what we thought.

We talked a little bit about the explosive tagging. I think, if there was a consensus, it would be that identification of explosives - or detection would be a better word - might be more

fruitful and profitable from the enforcement standpoint than a tracing after the fact. This is simply because of the probable chain of evidence. Also, the advent of all kinds of non-commercial explosives and devices makes the problem difficult.

I don't think there was any strong sentiment for stopping the continued scientific endeavor to see how it can be done, how cheaply it can be done, or what kind of cooperation can be had by the commercial manufacturers. However, I don't think there was enthusiastic support for it based on its potential for success.

Let us go into the enforcement. We did not discuss Mr. Slott's paper in detail, but we did discuss all of its aspects. We had some considerable discussion concerning the confiscation of weapons, but we were not of the opinion that we ought to strike that from this proposal. We did not arrive at a consensus, yet we did discuss the very different ways that it is being handled today.

Texas has a statute that provides for the destruction of weapons seized in conjunction with arrests and other kinds of weapons that come in the hands of the police. The statute does not provide for automatic destruction. It has to be handled by a court. There has to be a certain kind of notice regarding why the weapon should or should not be destroyed.

It seems to us there are probably several categories. After use in a crime, were the users unknown? When the owner is unknown the weapon comes into the possession of the police department. Then

there are the cases where the gun came into the possession of the police department and the owner is known.

There was not full agreement in our group concerning the confiscation of weapons, but I believe there was a consensus that there are certain cases where the weapons ought not to be returned into the traffic - whether by auction or other method. The return to traffic of Class C weapons is foolish. Incidentally, there was considerable discussion concerning what is a Class C Saturday Night Special and how best to stop the proliferation of weapons.

We did agree that there should be a uniform enforcement of the violation of gun statutes, particularly statutes pertaining to the use of the gun in conjunction with the commission of some crime. The statute should be uniformly applicable yet flexible enough to include such things as the use of prison time, jail time, or work-release programs.

We felt that there ought to be some sort of certain punishment involving incarceration or, if incarceration is a little too strong, custodial kind of care by the correctional authorities on all convictions involving the illegal use of weapons.

We got off on somewhat of a tangent - but I think it is very apropos - concerning the cooperation, training, education, sensitivity - whatever you want to call it - of the judicial branch. Something needs to be done to make them aware of their role in this

crime prevention and crime control area so that, instead of resistance, we might receive a little more cooperation.

We talked about the confiscation of some of the Saturday Night Specials. We talked about the Dingle Bill, which was new to me. It is a bill which indicates a certain kind of tests. Inasmuch as I do not know anything about weapons, I have no concept of what kinds of tests these might be, but apparently they deal with the pressure, melting point, and muzzle velocity, which - if strictly enforced - would eliminate the manufacture and sale of a vast number of the Class C weapons. I did not sense any objection to the elimination of these weapons because everybody agreed that they would not be useful for sport or hunting and were too dangerous for any legitimate purpose. Our group agreed that they were, generally speaking, used only in illegal activity.

In addition, it was agreed these kinds of weapons are most easily attainable by the depressed social and economic groups that tended to use them in crimes against others and themselves - fathers, husbands, wives, and children. There would be little loss and much to be gained by the elimination of these weapons. There was a philosophical disagreement but some concern as to how it might be done.

We did come to the conclusion that, if there was some way to inhibit - if not prohibit - the traffic in Class C type of weapons without endangering the right to have the weapons for self-defense, then it ought to be done.

MR. KNOX: For the record I have numerous objections to various items in the suggested Handgun Law Enforcement study paper. It was recommended that if the local news media publicized court data in that area, then these accounts would get more serious attention.

As a newspaper reporter I have tried to get data concerning prosecution and convictions rates and have found it nigh on to impossible. I think perhaps LEAA could require information concerning conviction rates and degrees of punishment with follow-up of actual time served as a part of a measurement of the effectiveness of the total crime program. If this were done, this information could be sent back to the local media which would utilize it, but the reporter cannot do it without assistance.

MR. NELSON: We have had in Phoenix, for example, court watchers specifically aimed at trying to watch what judges do. These watchers have had a modicum of success. I think probably the consensus of our group would be towards the cooperative effort to insure that the judges know why they should not be doing these things and that they are going to be watched and publicized.

MR. VELDE: Neal, on the point you raised, I would like to say that LEAA is supporting nationwide development of an OBTS system of computer-based transactions statistics which tracks the individual from initial contact with the criminal justice system to the final release.

In about six states they do have operational systems and in

about twenty-five other states they are under one phase of development or the other. Irv Slott cited some Philadelphia court statistics. California is a state that does have an operational state system. It is possible to get this data. I think Arizona is pretty far down the line. We will have the judicial dispositions, the police, the prosecutors, and corrections. Therefore, it is possible.

Since it is not directly traceable to any individual, it is information that will essentially be in the public domain. We are moving along those lines. So, you can pick up any set of priorities and take a look at them to see what the police or the courts or the corrections are doing with any kind of case.

MR. KNOX: Take, for example, the Philadelphia statistics: We have the big problem of really knowing what they are because the definitions are not generally accurate.

MR. VELDE: There are uniform standards that have been developed for this system.

MR. HOLMES: The key here for the Ayres County system is that the offense code is a key to our penal code and is also the key to the NCIC offense description so that everybody who goes to this code will find our statistics meaningful.

MR. VELDE: Texas is pretty far along.

MR. HOLMES: We have five of our largest metropolitan areas presently in the system.

MR. BURDEN: These systems do not reflect plea-bargaining, do they?

MR. VELDE: It does give dispositions, whatever it is.

MR. PARKER: It does get very complicated.

Being the surrogate chairman, I did not take copious notes and I will proceed very quickly and try to do justice to our disagreements. If any of our panel members finds that I am not expressing his views as he might like, please feel free to interrupt me.

Let me work backwards. Basically on the tracing project, Neal's dissertation set forth a lot of details. I think fundamentally we had very much the same kind of reactions. Some of us were uncomfortable with the statistics offered to us yesterday.

Generally, we agreed that more information was necessary to establish the cost-effectiveness of this kind of thing. Particularly - and I am speaking personally here - one thing that troubled me a little bit was the ninety percent of identification of perpetrators. More information, I think, would have been helpful here. In many of these cases, it seems to me, when the firearms were picked up, you probably already knew who the perpetrator was because he had the gun in his possession.

What Neal talked about might be good here - some different types of priorities. What purposes and what kinds of answers are you looking for in a trace program? This gives you some ideas of where you ought to spend your money.

Secondly, we kicked around the census questionnaire a little

bit. Basically nobody had any problems with the census questionnaire as far as it was described in the presentation.

One point that we talked about this morning was the concept of the "MEG-group". I think we reached the consensus that one of the best places for a "MEG-group" to start - if it were going to do anything - was auditing records of dealers for ineligible purchases and sales. This is on page 167. I think I am expressing the view of the group that - even if spot checks are made in a particular area - after a while the word gets out on the street and ineligible buyers, who are not signing their names with relative impunity from the Federal law, are going to think twice. You may catch some violators, and you may deter a great many others. This is one area that is already well within the statutory authority of BATF. There is a manpower problem; we appreciate that. But this is a good place to start.

Getting back to the "MEG-group," there seemed to be a feeling in the group - I am not sure it was unanimous - that there were two problems there. The first was that these groups ought to have a designated life-span, that is, if they live on indefinitely, they tend to get too institutionalized or absorbed in the opposition. Sometimes that might happen. This leads me to the second point.

There is a problem when you have several people in the same area trying to do the same job. Some organizational safeguard ought to be cranked into this system as it gets underway in order to keep these people from stepping on each other's toes all the time.

Concerning the question of explosive tagging we thought - I think unanimously - the first priority ought to go to the sensing or the detecting aspect of explosives. We felt it was far more important to prevent an explosion in the first place than afterwards to try to figure out where the dynamite came from.

There was a great deal of doubt expressed as to the utility of trying to trace explosives after a crime had been perpetrated. From a standpoint of enhancing public confidence and demonstrating that the government was doing a good job, both of these approaches were worthwhile. Probably far more could be gained in law enforcement terms from checking for an explosive in a suitcase at the airport before it has a chance to go off.

Then we went on to the study paper. It has already been treated in some detail. I don't want to go into it too much. Generally we had two reactions to the enforcement paper. If I don't represent anybody's views, kindly correct me.

Basically, two reactions were expressed. The first one was that many recommendations were too obvious to disagree with. Many of the ones we agreed with were suggestions for doing good things which already had been done - but doing them better. Very few people would quarrel with the kind of suggestion that encourages increased awareness of the importance of prosecuting violent crime committed with a gun, increased security awareness, increased sensitivity, and tagging of

cases as they go into the judicial process. There is no real quarrel with any of these things.

On the other hand, with some of the other types of suggestions - while we were not unanimously opposed - there was a great deal of unhappiness expressed.

One of these we have kicked around this morning. It deals with the proposed research study on the usefulness of individuals keeping a personal gun for defense at home, business, or self. Some members of our group thought this was a good idea. They felt it would provide more information than we presently have. Any information you receive is more than you had yesterday. It is bound to be useful somewhere.

Others expressed the view that it was not possible to develop any useful statistics along these lines. They felt that there were too many imponderables, too many human factors, and too much subjective feeling of security to be able to properly gauge the usefulness of firearms in any statistical manner.

One point was made, for example, that insofar as the census aspect of it goes, it tends to cant the sample somewhat so that it questions only the victims as to whether they think a weapon would have been useful in their case. The point was made that it was equally valid to question people who have not been victimized, although they are far more likely to have an optimistic view of their security.

I will add one other thing which Gary Nelson mentioned. We did not get involved in any discussion of Saturday Night Specials. I just

want to put that on the record so that it will be clear. We did not consider that.

MR. KROGMAN: In connection with the recommendation of the "MEG" approach in the audit of sales and dealers I do not want you to go away with the notion that this is not being done now. I hope that this was not part of the recommendation because it is being done.

MR. PARKER: We appreciate that. It is a good thing that it is being done; it could be done more and might be fruitful.

Just parenthetically, I made the comment earlier that I thought if you did that, two things were going to happen. You are going to pick up a lot of people who previously committed a felony by falsely filling out a Form 4471, who had done so thinking that nobody ever was going to bother to check the thing, who had been foolish enough to sign their own name on it, or who used some false ID which was presented to the dealer. You might pick up these people. And, second, you might detect dealers who were not insisting on appropriate identification. If you started finding certain dealers having an inordinately high number of phony ID's, then that tells you something there, too.

Of all the suggestions in the study paper - and I think we were unanimous on this - that one we all pretty much agreed was the most useful.

CHIEF EGGLETON: You might mention a little bit about the census taken on the possession of firearms.

MR. PARKER: We did feel that the usefulness of asking people whether they possessed firearms was questionable. Chief Eggleton made the point very well that it is awfully difficult to get people to give you valid responses, and sometimes more valid information might be obtained anonymously for a variety of reasons. People do not want to tell you whether they have a gun or - if they do - what kind. Sometimes the reason is ignorance - they are not really sure whether the gun they have is legal or illegal. For security reasons and for all sorts of personal reasons they will not tell you the same thing twice.

Yesterday Neal made the comment about the Gallup poll. I happened to have kept track of that some years ago. They did it post-1963 and pre-1968. They discovered that fewer people would admit they had a gun after 1968 than before. This tells you something about the validity of that kind of a poll.

ADMIRAL PETERSON: I would like the record to show that we in BATF also question our figures. We do not have the resources to crystallize them. For this reason we have submitted this proposal.

MR. PARKER: Yes. I was only making the point that we seem to feel that not enough information had been presented to us here, at this meeting, for us to make any kind of conclusion as to the cost-effectiveness of it.

MR. PERIAN: It should also be pointed out that the questions

you raised about the problems of questionnaires, polls, and surveys have faced the professionals in this area for years.

If you develop the correct interview approach and the correct questionnaire, these problems can be overcome. I know generally people have a low regard for Gallup, Harris, and the others, but they are fairly accurate if they are done by some professional people who know what they are doing, who understand the problems, and who are listening to private information on your sex life or any kind of area. If these things are properly constructed, you can come up with some fairly valid data.

MR. PARKER: Our group had no great disagreement with Al's layout. I think where we parted company was in doubting whether the survey should be expanded to obtain statistics on the usefulness of keeping firearms in the home for protection. This is a fairly subjective kind of judgment - trying to probe into feelings of security - which really gets into a kind of never-never land. Some members of our group parted company with the project at that point.

MR. VELDE: Thank you very much. I hate to cut this off. This has been a very frustrating conference in that we had so little time to really develop a lot of excellent points to the condition where we could really say something affirmative about them.

I want to thank all of you for participating in this effort. As I indicated earlier, it is a first. I think it is the first time a group such as this has ever sat down across the table and attempted

to identify and develop a lot of issues involving this very controversial subject.

This will be very helpful to LEAA in the development of our strategies and the spending of our money in this area - if we decide to spend it or if the states decide to spend it for us.

We will make available to each of you a copy of the transcript of the proceedings. There has been no decision made at this point whether or not they will be published in quantity. If any of you want the opportunity to edit or revise any of the remarks that you have made in plenary session or if you would like to footnote any of the workshop summaries, you will have that privilege.

APPENDIX A

CHART FOR PRESENTATION BY MR. SLOTT

Philadelphia Weapons Offenses Dispositions
(Information from computerized court reports.)

	1970	1971	
	Criminal Court	Criminal Court	Municipal Court
Total Weapons Offenses*	1045	778	1919
Held for Grand Jury	-	-	619 1300
Total Defendants Acquitted	525	352	816
Dismissed w/o Trial	198	135	513
By Waiver of Trial	325	214	297
By Trial	2	3	6
Guilty:	520	426	484
Total Guilty of Lesser Offenses	44	35	146
Total Guilty as Charged	476	391	338
Guilty Plea	180	182	61
Waived Trial	338	242	415
Jury Trial	2	2	-
Sentences:			
State Prison (2 yrs max.)	1	11	17
County Prison (less than 2 yrs)	98	64	50
Probation	277	263	242
Suspended Sentence	81	53	39
Fines	63	35	136

* Most are for carrying dangerous weapons and most of these are handguns.

APPENDIX B

HANDGUN LAW ENFORCEMENT PROGRAM

This paper has been drafted for the specific purposes of the April, 1974, LEAA Policy Development Seminar on Guns and Weapons of Violence. It is expected that the criticisms and recommendations developed by this seminar will modify the paper considerably.

"Just because I left one line out of the arrest report,' the police officer complained, 'we could only get him on a misdemeanor instead of a felony charge.' That important line referred to the fact that the man arrested for disturbing the peace also had a stolen gun in his possession."

From the "Sunnyvale (Calif.) Scribe."

In too many cities, even if the officer had properly filled out his form, the charge would not have reached court; or if it did reach the court, it would have been dismissed. Representative data will be available at the seminar for cities to back up this point.

Since this proposal is directed to knowledgeable law enforcement professionals and other serious students of the problem, it is assumed that further evidence is unnecessary to convince us that special efforts should be made to reduce gun-related crimes.

Efforts of the following agencies should be coordinated to attack gun crimes:

STATE AND LOCAL

1. Police and Sheriff

These agencies are initially in contact with, and primarily concerned with the reduction of, this type of crime.

2. State Police and State Bureaus of Investigation

In those states that have strong law enforcement organizations, such as Pennsylvania and Massachusetts, the state police can play a major role in a statewide action program. In states with bureaus of investigation, such as Florida and Georgia, similar action may be taken to curb offenses against state laws. In a number of states guns are registered and their purchase and use is otherwise regulated.

3. District Attorneys

The district attorneys are probably the most important participants in any special law enforcement effort. They determine the counts that the accused will be charged with and how vigorously the prosecution will be pressed.

4. State Attorneys General

Where they have prosecutorial functions in this area, they can serve in the same manner as the district attorney.

FEDERAL

1. Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms

This is the agency primarily charged with enforcing and

administering Federal firearms laws as well as cooperating with state and local law enforcement agencies.

2. FBI

This agency is important to enforcement of gun laws through several functions: investigations of Federal crimes in which guns are used or found; maintenance of the stolen gun file, which is queried by state and local law enforcement agencies; firearms identification and ballistics analyses by the Bureau laboratory for Federal, state and local law enforcement; maintenance of a national criminal history file which shows weapons and other offenses for each offender.

3. U.S. Attorneys

They are charged with the prosecution of all violations of Federal weapons offenses.

4. LEAA

Although not an operational law enforcement agency, LEAA's technical assistance and use of funds can be effective to initiate and demonstrate new approaches to the enforcement of gun laws.

The following program concept embraces an enforcement program, a reduction of the number of illicit and unnecessary guns, and collateral programs. Regardless of the utility of all or any of these, organized and coordinated law enforcement by the above agencies is essential to an effective program. The organization may be a local

or metropolitan task force effort, a statewide effort which would include local components, or a Federal-state law enforcement effort.

Models for all three of these exist in the special efforts to curb organized crime, illicit drugs, and cargo crime. The most recent and prospectively the most important are the newly developing Federal-State Law Enforcement Committees. At the end of 1972, the Attorney General of the United States requested all U.S. Attorneys to initiate the establishment in their states and districts of committees of cooperation between Federal, state and local prosecutors and investigative agencies. A number of these, such as Texas, Montana, and Minnesota, have made great progress and meet regularly to develop interactive procedures, policies, and special enforcement programs. I am not aware that any have specifically attacked gun crimes as yet. Attorney General Saxbe considers the program important, and it is being pushed vigorously. We can expect to see committees established in almost every state soon.

The following list of programs can be engaged in by multi-agency task forces and committees:

Enforcement Program

1. Vigorous prosecution and resistance to dismissal of gun charges in all cases. This is easier said than done, but if the local media publicized court data in their area, these counts would get more serious attention.
2. Sensitize all criminal justice personnel to seriousness of

criminal gun use. This should carry through the system from police to prosecution, judges, probation, etc.

3. Police could track major weapons violators through the adjudication system, emphasizing their concern to prosecutors and public.
4. Police and court procedures should be tightened so that there is strict accountability for all seized and turned-in firearms.
5. Infractions of regulations by gun dealers should be investigated and prosecuted. Violators licenses should be suspended or removed.
6. Illicit gun dealers should be investigated and prosecuted.
7. Police departments should report routinely all guns picked up to NCIC and BATF. Stolen guns should be investigated.

Reduction of the Number of Illicit and Unnecessary Guns

1. Initiate a public program of turning in all unwanted guns.
2. Promote security consciousness by gun owners and dealers.
3. Add guns to the identification programs being used for appliances.
4. Audit sales records of dealers for ineligible purchases and sales. A sampling two years ago of local sales by the staff of a New York Congressman disclosed - after a criminal history check - a high percentage of purchases by ex-offenders.
5. Initiate a program to encourage gun owning citizens to report each theft and loss of guns.
6. Tighten requirements and make thorough investigations of requests for permits to carry firearms.
7. Destroy all guns acquired by police that are not needed for pending cases.

Collateral Programs

1. Research study of the usefulness of individuals keeping a personal gun for defense at home, business, or self. Possibly data can be turned up that will shed light on this issue. It does not involve taking a position on gun control, but would certainly provide useful information.
2. Establish a training program(s) for firearms identification and ballistics analysis technical personnel who work in crime labs. Currently, there is no adequate training program.
3. Research and development to improve procedures and technology for identifying guns with open cases in which there are bullets.

APPENDIX C - PARTICIPANTS

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APPENDIX D - WORKSHOP MEMBERS

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 Perian
 Chatterier
 Slott
 Jefferson
 Beddome
 Muchow
 Basil
 Paez

WORKSHOP B

Nelson, Chairman
 Peterson
 Collins
 Holmes
 Anderson
 Burden
 Knox
 Shubin

WORKSHOP C

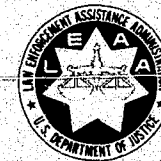
Hawkins, Chairman
 Eggleton
 Mooney
 Parker
 Marvin
 Brown
 Rich
 Nelson, T.

FLOATERS

Velde
 Shepard

POLICY DEVELOPMENT SEMINAR ON ORGANIZED CRIME

**APRIL 10-11, 1974
 ROCHESTER, MICH.**



**LAW ENFORCEMENT
 ASSISTANCE ADMINISTRATION
 U.S. DEPARTMENT OF JUSTICE**

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FIRST PLENARY SESSION

MR. VELDE: Before proceeding with the business at hand, let me point out that we have with us today Mr. Tom Crais. The equipment Tom is using is a twin track tape recorder. The second track records directly a verbatim transcript of what is being said. The first track records what Mr. Crais is dictating. He is actually repeating into the recorder what is being said, but at the same time punctuating and editing as he goes along.

In this way an ordinary typist can work right from that first track, on which he is dictating, and check any questions with the actual verbatim track recorded on the second channel if there are any questions that come up.

As you can see and will see during the proceedings, he will be able to record the entire proceedings himself as opposed to the normal method of court reporting where, if you want daily transcripts, you have to have a whole army of court reporters coming in taking short shifts. He will cover the entire proceedings.

He has the capability of not only recreating the entire transcript but any abstracts of it or summaries of it. We think this represents a rather significant breakthrough in this business.

This method is learned in about two months as opposed to the normal stenotype course which takes at least two years. Generally only one out of ten can pass the New York State court reporter exam after going through two years' experience. We therefore

think this is something which is quite exciting.

Now let us get on with the business at hand. This is one of a series of policy development seminars sponsored by LEAA. Actually it is the second in the current series. Last week our meeting in Phoenix was on gun control. Next week we will have one on criminal justice statistics. There will be others on topics of interest to LEAA. We hope these will also be topics of interest to you and to the criminal justice community in general.

As I indicated, there will be recording of the plenary sessions. We have not yet decided what we would do with these recordings, that is, whether or not they will be reproduced in their entirety or in abstracts for general distribution. I think a lot depends on the kind of information that is discussed here and whether or not we feel it should be disseminated in general. It probably will be disseminated, but I will just tell you right now that the form it will take has not yet been decided.

As to anything of a confidential or sensitive nature that you want to discuss, I would suggest that you hold that for the small group sessions. Then, if you think it could be of general interest, we may want to talk about it in the plenary session.

We have a rather structured agenda which I suggest will not be adhered to too rigidly. This will be a semi-structured group.

There are several purposes, as far as LEAA's point of view is concerned, for this meeting. Most of them will be served by

discussing topics that you see on the agenda. Perhaps the most important purpose of this gathering is to get your advice and counsel as to where we are in this business of organized crime and where we ought to be going. Much of the proceedings here, therefore, will be very flexible according to your interests, your comments and your desires.

The plenary sessions will be conducted in that way. We anticipate that the small group sessions will be even more that way. We want to encourage a complete and full discussion of the issues involved in this business.

From LEAA's point of view, we want your advice, counsel, criticism and comments on several programs that we have either in being now or in the offing.

In June we will be sponsoring a conference of organized crime prevention councils with representatives of the seventeen states which currently have those councils.

We want your comments and suggestions as to the structuring of the agendas for this meeting, the purposes you think it can serve from your point of view and any critical comments you may have.

As you know, LEAA over the past two years has been supporting an effort to develop standards and goals for the criminal justice system. The National Advisory Commission on Standards and Goals has now published six volumes - an overall cover

report and task force reports on police, courts; corrections systems and community crime prevention.

There was an organized crime task force for this purpose. It was not activated to the point where a full task force report was completed. It is our intention to activate this task force. We would like your suggestions for an outline of the work of this task force.

Next, LEAA has supported a considerable number of intelligence efforts at the local, state and interstate level. You will be hearing briefly about some of those. Again, we would like your comments and criticisms of these efforts. We are particularly interested in your comments.

Those of you who have any familiarity with the EOC system and IOCI (Interstate Organized Crime Index) - we will be hearing a little later about that and it is something that we are quite excited about, interested in and are supporting - we want to know your views on how that system can be effective for you.

Finally, from LEAA's point of view you will see an outline shortly of a proposal to establish an academic center of organized crimes studies. We have a proposal by Professor Blakey, and we would like you to review this proposal and give us your suggestions on it.

That is the agenda as far as LEAA is concerned. For our purpose, we would like you to devote at least some of your time to a

review of these questions, and also to review these publications we have distributed. If you have suggestions for anything else LEAA should do along these lines, let us hear from you.

We will have some more or less formal presentations in the plenary sessions. We also asked each chairman of each sub-group to submit in plenary session sort of an oral summary of what was said in his workshop group for the purpose of the record and for the benefit of the rest of us who were not sitting in on that group.

Are there any questions or comments up to this point?

I might say that you are all here because we respect your expertise and your experience in this field and we are very happy that you are able to be with us.

For the opening remarks - at least as they are described on this agenda here - we have asked several of your group to share with us a progress report concerning where we have been since our gathering at Oyster Bay. I think you all received in the mail a copy of the partial proceedings of that conference which was held in 1965. Not that this is necessarily designed to be a sequel or a follow-up to that conference at all, because we have several other distinctive purposes in mind, but for our status reports we felt we would like to review the progress or lack of progress of criminal justice's efforts against organized crime in this country.

I would now like to start out by calling on Hank Dogin of the

Criminal Division and Mr. Rogers to give us the latest on Federal efforts in this area.

MR. DOGIN: I am very grateful to Pete and to LEAA for inviting me to participate in what I consider to be a very important policy seminar.

Pete did not tell you that I am probably the newest boy on the block in the Criminal Division of the Justice Department. I began working for Henry Peterson only about five months ago.

Mr. Peterson asked me to come from New York to work with him, with Bill Lynch, and with Kurt Muellenberg, who is over here on my left, to help manage the organized crime racketeering section.

I immediately thought to myself: "This is like bringing coals to Newcastle. What can you teach Henry Peterson, Bill Lynch, and people like Kurt Muellenberg about managing the most successful program in the United States in the field of organized crime?"

Basically, I guess I was hired to bring an outside look to the strike force program, to do sort of an evaluation of where we are, where we have been, and where we are going. Most of the strike forces have been in existence for four, five, or six years. Really, what I am doing in these field offices is examining the history of organized crime over the last five or six years at the Federal level.

My background? I have been through the whole spectrum of

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government. I worked with Frank Rogers as an Assistant District Attorney in New York County.

At the state level, I worked for a few years as a counsel to the Waterfront Commission, an administrative agency which oversaw the licensing procedures for longshoremen on the New York-New Jersey waterfront and an administrative enforcement agency which investigated the infiltration of organized crime into the waterfront business.

I am very grateful for LEAA. I worked for them for a few years. I found it was an extremely rewarding experience. I was a deputy regional administrator in Manhattan in the New York regional office. Most of my responsibility there was to assist in the design and implementation of organized crime programs for New York and New Jersey.

I have had four jobs in five years. In fact, my wife always says to me, "Either you are spectacularly successful or you cannot hold a job."

At present, part of my job is to determine how successful we as professional prosecutors have been at the Federal level to eliminate and control organized crime. When I knew that I was going to go to work for Henry Petersen, the first thing I did was to grab everything I could on the strike forces, to read everything I could find, and also to reread the report on organized crime of the President's Commission on Law Enforcement which came out in 1967.

I wanted to take a look at those recommendations in the report which the Committee felt were the most important in dealing with the cancer of organized crime. Looking at the recommendations, and the legislation which has been passed as well as at the strike force concept that has blossomed, I have to say that when you start to look over the past five years and do a history of the criminal justice system in this country you are going to realize the enormous gains made by all members of government working together to eliminate organized crime.

Many of the Commission's recommendations have been implemented and have been of enormous value to the Federal effort in the organized crime field. This effort started in 1968 with the Omnibus Crime Control and Safe Streets Act, which authorized wiretapping. Wiretapping is a fantastic tool for the Federal effort.

The passage of the Organized Crime Control Act of 1970 gave us statutory authority in the field of illegal syndicated gambling, gave us useful broadened authority to go into and investigate racketeer-infiltrated businesses. It gave us a special grand jury. It gave us the right to obtain depositions and to preserve testimony in cases involving organized criminal activities. It increased sentencing for dangerous special offenders, and it set out and created the witness protection program, a program which allows us to relocate witnesses who are going to testify against mob figures, to give them new identities and new locations to live.

All of these tools are fantastic tools, fantastic weapons which have been utilized to a great extent by our strike forces. In addition to assisting the state and local effort, and also to assist us in the strike force effort, the Omnibus Crime Control and Safe Streets Act of 1968 created LEAA. It provided the money and the technical assistance to the states to assist the investigative and the prosecutive efforts in the organized crime area.

I think probably more important than the legislation to me were the real beginnings of cooperation among the Federal agencies themselves and the joint cooperation between state and local agencies working together with Federal agencies.

I guess all of you know that the hallmark of the American system of criminal law enforcement had been jurisdictional fragmentation and, in dealing with organized crime, all of us knew that this was an inadequate system. It needed almost complete cooperation and almost complete coordination. At the Federal level, aiding and bringing about centralized direction and coordination of the Federal effort has been the strike force.

In my own opinion, I think it is probably one of the most important operations in the history of criminal justice in this country - the creation by Henry Peterson, and people like Bill Lynch, Kurt Muellenberg and others, of the strike force concept.

As most of you are aware, the strike forces were created to provide a mechanism for strong centralized direction to the Federal

investigative and prosecutive effort against organized crime. It was absolutely essential to create some sort of coordinating mechanism to bring all of the Federal investigative agencies together to meet this cancer which operated very easily across jurisdictional lines on a national basis. Unless all of the agencies pooled information and worked together on joint investigations, there really could be no attack on syndicated organized crime.

My feeling is - and I think history bears this out - that the strike force field office provides the most effective vehicle for bringing all the Federal agencies together to work as a cohesive unit.

The strike force operation consists of attorneys working on a daily basis, interacting daily, and giving guidance, instruction, assistance, and stimulation to agents of the Federal investigative agencies at the early stage of the investigation; not when the case is made, not when the case is brought in by an agent to an attorney, but right at the very beginning, at the outset when information is received, where legal guidance and advice is most needed.

In other words, the agents and the attorneys are plugged into each other at the very earliest stage. The strike force consists of a number of attorneys who are highly trained and then deployed out in the field by the organized crime and racketeering section in Washington, D.C. The section directs,

coordinates and controls the operation. The agencies involved - and I cannot say enough about their efforts in various cities where strike forces operate - contribute enormously. These include the FBI and the IRS which give fantastic cooperation through their intelligence, DEA, the Secret Service, the Postal Service, ATF, Customs, the Department of Labor and, in some cities such as Los Angeles, New York and Boston, I believe the Securities and Exchange Commission, the Immigration and Naturalization Service, and in some cities representatives of state and local enforcement police and prosecutors' agencies work closely with the strike forces.

The strike forces, as I said, communicate through and are coordinated by the organized crime and racketeering section. Again, the success of this operation depends on these key crucial facts: the strike force operating as an institutionalized structure with agents working together with attorneys to develop cases; and, secondly, the overall coordination of this multi-jurisdictional program by a group really talented in the field of organized crime in Washington, the organized crime section.

In the past five months Henry has had me on the road. I have been able to visit all of the strike forces. I have visited with some of you. As you know, probably the first strike force was instituted by Peterson in Buffalo and is known as the Buffalo Project. I think Bill Kolar here worked on that experimental program.

Attorneys from the organized crime and racketeering section and supervisory agents from the various Federal agencies were put together in the City of Buffalo to work together investigating and prosecuting organized crime figures and organized crime activity in the area of Western New York. The first strike force consisted of the attorneys, IRS, BNTD, Customs, the Secret Service, the Department of Labor, and some members of the State Police in New York as well as, I believe, the RCMP. Although the FBI did not have an agent on the team, they worked fairly closely with it.

As a result of a successful operation there, they came up with thirty indictments of major figures. They institutionalized that field office in Buffalo, this strike force, and it became a springboard for the creation of sixteen other strike force offices.

I think what is very important to all of us, especially for those of us who have worked in state and local government, is an experiment that was tried in 1969 where Dan Holman worked together with Peterson, Bill Lynch and others in deciding to institute a joint strike force in Manhattan. They decided that the strike force works well with Federal agencies plugged in together with state and local agencies.

In Manhattan, of course, we had Hogan's office and a pretty good police department program in organized crime. We also had state police, a number of agencies with expertise, with dedication, and with good track records in the field. They set up

the New York joint Federal-state strike force in 1969, which is still in operation and still amazingly successful.

The strike force in Manhattan incorporated state and local personnel into the strike force program. Even though they had worked with strike forces, they had never been working directly day-to-day in interacting and communicating as well as they did under the joint strike force approach.

The supervisory council of the joint strike force consisted of strike force attorneys, Federal agencies, and agencies of state and local law enforcement units. The council oversaw the work of the strike force and defined those areas in which the strike force would concentrate its activities and its efforts. It made operational decisions.

Recently under the leadership of Kurt Muellenberg, who is a deputy and has overall authority over the New York joint strike force, Mike Shaw, the strike force chief, and Bill Aronwald, his deputy, the strike force has produced some spectacularly successful joint investigations which have had a major impact on organized crime in the Metropolitan New York area.

I have asked Kurt Muellenberg to talk about a very exciting and unique investigation which will bring all the units of government together: state, local and Federal. The investigation was called "Operation Fraulein", which reached into Europe. Kurt will explain that.

In addition to the strike force and the local operation, I have to give LEAA a phenomenal amount of credit because they assisted this joint strike force - Federal, state and local efforts - with substantial funding in a number of very important areas. I think part of this Operation Fraulein investigation was funded by LEAA.

We would like to receive some more LEAA funds. We would like to involve more locals in the program. I know that the Boston strike force is currently working closely with the state and local law enforcement agencies and is preparing application for LEAA funds. I understand that the Chicago strike force has some joint investigation working with the Illinois Bureau of Investigation, which we hope will be funded by LEAA.

The strike force concept and the initial seventeen field offices at the outset concentrated on and targeted the LCN figures in that area. In fact, that is why some of these various cities were selected, because these cities had the heaviest concentration of LCN activity.

As you recall, the President's Crime Commission reported that the core of organized crime consisted of twenty-four groups of families which were operating these criminal cartels in large cities across the nation. They identified the cities where the wealthiest and most influential core racket groups operated. Of course, we have New York City - and its metropolitan area which

includes New York, Brooklyn, Westchester and New Jersey - Illinois, Florida, Louisiana, Michigan, Nevada, New England controlled by a group in Rhode Island. These were the heaviest concentrations and this was essentially why various cities were selected for strike force activities.

In addition, LCN activities are heavy in Missouri, in the St. Louis and Kansas City area, in Pennsylvania, in Western Pennsylvania, in Pittsburgh and Philadelphia, and to some extent California.

I asked Bill Lynch to give me some sort of a status report on the major organized crime figures. I asked him what has been done, not only what has been done by the strike force with respect to the major bosses, but also by other units of government - local, state, other Federal agencies and the United States attorneys.

I think that when you look at what the strike force and the other units of state, local and Federal government have done, you have to be impressed with the anti-organized crime effort of the last five years.

Bill has indicated to me that, since January of 1969, there have been thirty-three top organized crime leaders under legal process, and these consisted of bosses, the acting bosses, the co-bosses and the former bosses of the syndicated organizations in their area.

Of these, we have nine presently in jail following conviction as a result of Federal action. We got Raymond Patriarca, who is

the Rhode Island-based New England family boss who was sentenced for a five-year term under a Federal violation conspiracy to commit murder in order to further gambling activities in Rhode Island.

After that, evidence and witnesses developed by the strike force were turned over to the Attorney General in Rhode Island, and Patriarca was convicted of murder. So, the head of the New England family is in jail for a long time as a result of initial strike force activity, and then secondarily, but very importantly, by the activity of the state officials in Rhode Island.

We have recently got the under-boss in the Gambino family in New York, Aniello Dellacroce, who was convicted by Bill Aronwald on an income tax evasion charge and was sentenced to five years.

We got Carmine Tramunti, who is boss in New York, who was convicted about three or four weeks ago after trial in the Southern District of New York by the United States Attorney's office on a heroin charge.

We got Frank J. Valenti, who is the boss of the Rochester family, who was convicted on Hobbs Act extortion following a trial in which evidence was developed by the FBI and the Buffalo strike force. He was sentenced to twenty years in jail.

We got the boss of the St. Louis family, Giardano, who was sentenced to four years as a result of the activity of the St. Louis strike force.

Salvatore Pieri, the Buffalo acting boss, was convicted in 1970 and sentenced for jury tampering.

We got Philip Charles Testa, who is an acting boss in the Bruno family in Philadelphia and who was sentenced in 1973 on a civil contempt charge.

Just recently, in January, there was the conviction of the acting boss of the Boston family, Gennaro Angiulo, who was convicted of assault. This conviction is now pending appeal.

These are just major figures who are incarcerated as a result of Federal activity.

We also have some major figures who are incarcerated, under process, or jailed as a result of state action. You have got Angelo Bruno, the Philadelphia boss who was jailed in 1970 in contempt of the New Jersey Crime Commission.

We also have Gerardo Catena. I worked on him at the Waterfront Commission for a couple of years. He has been jailed since 1970 in contempt of the New Jersey Crime Commission.

You have Joe Zicarelli, the rackets boss, who was jailed in 1970 by the New Jersey Crime Commission as a result of contempt.

You have Joseph James Spinozo, who is a Colorado boss, jailed as a result of a gambling conviction in Pueblo, Colorado.

I believe Hogan's office prosecuted Vincent Aloï, who is the temporary boss of the Columbo family. Columbo was incapacitated by an assassin's bullet. Vincent Aloï is doing seven years under a perjury charge.

We have some other major figures convicted who are out now.

You probably remember the DeCavalcante case. Sam DeCavalcante was convicted and sentenced to five years as a result of a Newark strike force investigation and prosecution for interstate gambling.

You have Nick Licata from Los Angeles, who served about a year in Federal detention as a result of an activity by the Los Angeles strike force.

Carlos Marcello, in New Orleans, was convicted of assaulting a Federal officer.

You have some other cases where bosses or under-bosses are under process - Russell Bufalino, for example, from Buffalo, who is on trial now on the Hobbs Act extortion case.

This is a fairly impressive track record of major figures that the strike force targeted and set their sights on.

While part of my job is looking back at the past, it is also to look at where we are going. I think that, although the last five years were enormously successful, we have to keep up what we are doing, and possibly even go into new areas.

I think the great challenge for all of us who are in the enforcement business in the field of organized crime is not only to continue investigating and prosecuting the illegal activities of these known LCN figures, but it is also to obtain meaningful intelligence on those who are taking their place when we put them away. That is not as easy as it sounds because, when you

go into many cities and a lot of our agencies, state, local and Federal, they just do not know what is happening.

I think the intelligence-gathering process on the LCN is something that we should hold as a high priority. Another area we have to address is a determination of the present patterns of organized crime activities.

In certain areas of our country it is no longer LCN; it is no longer Italian-oriented. We find that the people who are controlling the rackets and the syndicated activity are different ethnic groups.

There is a Black Mafia in Philadelphia, and the intelligence says that they are in control. In San Francisco, there are Chinese groups. We have to find out what other ethnic groups are involved. We have to know who they are so that we can target for them.

We have to examine strike forces and their relationships with the state and local officials and United States Attorneys. We have to know what area we want to get into. Do we want to stay in the investigation of LCN? Do we want to branch out into all syndicated interjurisdictional activity? I do not know. I think that is a major decision which has to be made by Henry Peterson, Bill Lynch and Kurt Muellenberg. I do know that the strike forces will encourage cooperation with the state and local authorities in a cooperative venture.

The 1970's should see us all continue our investigations in the field of labor racketeering, police corruption, and other criminal justice corruption, and continue to use all other investigative processes and measures to determine the extent of organized crime in legitimate business.

I believe that the historians of the period of 1967-1968 to 1973 will record these times as the beginning of successful cooperation among all law enforcement agencies.

I would like them to continue to work together to make the mid-1970's the period in which maximum cooperation is achieved and in which all forms of organized crime were eroded. Thank you.

MR. VELDE: Kurt, would you like to take over now?

MR. MUELLENBERG: I did not realize I was going to be one of the speakers.

I don't remember all the details of that particular operation and all the names of the defendants. Suffice it to say, it was two years ago that the New York strike force received information that certain mob-connected figures tried to unload as many as fourteen million dollars of stolen securities in European banks, the whole ploy being the deposit of securities in the banks to use them as collateral for loans prior to the time that the theft was discovered.

I think what made the investigation very exciting was not only the targets and the subject matter, but it was the first

time I can recall that a very close investigation took place that involved the FBI, the detective from Frank Hogan's office, and the active participation by the attorneys in the New York strike force. It involved six wiretaps - one in Las Vegas, one in Philadelphia, two in New York.

We also had the cooperation of the Munich Police Department and the Germans were able to obtain two wiretaps in Munich. It involved extensive travel by investigators from Hogan's office, not only all over this country but also to Europe.

A great part of the investigation was financed through LEAA money. We were able to pick up the travel expenses and some other expenses short of salaries for the project through LEAA funds. It was also the first time in my many years in the business that I had seen both an FBI agent and a detective from Frank Hogan's office get on the plane in New York and fly to Munich without tearing each other up.

This was new and exciting, and I assure you it took a lot of pushing and shoving to get this done. As many of you know, it is almost impossible to get an FBI agent to leave his own district in order to do an investigation anywhere else. To get him all the way over to Europe - and not only once but on three occasions - was, I thought, a great victory for the kinds of things we would like to see done.

Ultimately we indicted about twelve people in the conspiracy to deposit the stolen securities in the European banks. Four of

the people were foreign nationals - one Austrian, one German and two Italians.

By the way, this was not called Operation Fraulein because I gave it that name: that name had been picked earlier. In addition to that, the wiretaps gave us some interesting spin-off cases such as a conspiracy to transport narcotics into the country from South America and a conspiracy to supply weapons to several figures in Las Vegas.

The great result of it all was - I don't think Bill Aronwald liked it that well because when everything was said and done everybody came to court, they pled, and they received substantial sentences - the investigation took about one year and a half. I do not recall the total amount of LEAA funds spent but I think whatever was spent was certainly a worthwhile investment.

Again, it is very gratifying to those of us in the business to see that kind of investigation going on and to have it work as well as it did. Primarily the thing that we are all concerned about in a meeting of this type - the close cooperation between the agencies - was attained. It is a battle. For example, in Detroit they used to have a lot of meetings about that. It is a battle that was fought a lot and has not lessened any. There are still fights every time an investigation is started as to who is going to be on the team, who is going to cooperate, and whose full cooperation you are going to get.

I think this was a very exciting example that it can work and, hopefully, we will be able to do it again in the future.

We have some investigations underway now primarily in New York. As I see the overall scene - I supervise only the Metropolitan area in New York and Miami right now - I would like to see a lot more of that kind of close cooperation. It has been one of my disappointments that I don't think there is enough of it for reasons we can discuss later.

Overall, that is about all I can tell you about this particular investigation.

MR. VELDE: Thank you very much. We have heard essentially from the Federal perspective. Now as to what is happening and what may be happening, let us get a state perspective. It can be very safely said that Mr. Hogan's office in New York City has done as much as anybody else at the state and local level - and we might even include the Federal level in that - in the continuing efforts to do something about control of organized crime. We are very fortunate and pleased to have Frank Rogers with us to give us a status report.

MR. ROGERS: As far as the amount of LEAA funds spent on Operation Fraulein, you might check my expenditures and you will find out that I expended some money on that trip to South America, more on the narcotics, and then I spent some more in getting the detective out of jail. It never gets back to the front office.

I don't think they even knew at the time that we had some difficulties down there with the Colombian police. We did get the detective out of jail. He did not do anything wrong. He was just being detained for being noseey.

I am grateful that I am not the leader of speakers today because, normally, at these conferences it takes a while for everybody to wake up. I complained like hell because we were forced to take about an hour and a half bus ride last night. We were all complaining and, I think, enjoying the complaining in the car, but after we got what Dogin describes as the first sight of the house of King Arthur, or the regional office of LEAA, my complaints certainly ceased and I had a great time in the shower this morning. So, I was about forty-five minutes late for breakfast.

I was asked to speak today not only in my capacity as an Assistant Prosecutor in Hogan's office but as the special narcotics prosecutor for the City of New York on the advances in state legislation in New York since 1965 and as to some prosecutorial techniques developed in the fight against organized crime as well as the development of interagency efforts.

Basically, since 1965 we have had six or seven major pieces of legislation in New York to assist in the fight against organized crime.

The first was a clarification of the immunity section.

Prior to 1972 our immunity section was a bit confused. We were often reversed in the state because of our attempts to explain the immunity that a witness would be receiving when he was compelled to testify before the grand jury, that is to say the state investigatory grand jury. The assistant prosecutor would attempt to explain in rambling terms for at least fifteen minutes what immunity was. Invariably he would forget one small section or confuse the witness as to another.

After months of work, and after the man refused to answer questions, he would be found in contempt and we would only find the case reversed. So, we went back to the old law that existed prior to 1956 in New York State, which is that once a man walks into the grand jury, after having been served a subpoena to appear before the grand jury and answer questions, he has automatic full immunity, both transactional and use immunity, for the relevant answers he makes to pertinent questions. There is no necessity for explaining what his rights are or what the immunity section is in the state or anything similar to that. If you subpoena him and do not obtain a waiver of immunity before he starts to answer questions, he receives full immunity and he can never be prosecuted for that crime for relevant answers to the material questions asked.

There is a new bill in the New York State legislature at the present time to reduce back a bit the scope of that immunity to

be equal to the Federal "use immunity" only type of thing. We find this is somewhat necessary when we are talking about police corruption or criminal justice component corruptions where we have to ask the investigating agent the underlying facts of the case.

Let us say it is a narcotics "buy case" and the defendant claims, as is the new wrinkle in New York, "No, I did not sell him four ounces, I sold him eight ounces."

He does not jeopardize himself one iota more by admitting to the sale of eight ounces as opposed to four ounces - but you know what happens? All of a sudden, from a narcotics investigation we have a police corruption case on our hands - "What happened to the additional four ounces?"

If we ask the police officer in the case-in-chief how much heroin he purchased and he says "four ounces," have we given him immunity if, in fact, he obtained eight ounces? So, in that questionable area, we are asking the state legislature to reduce the scope of the immunity to use immunity as opposed to full use and transaction immunity.

The other wrinkle in New York, as far as narcotics is concerned, is that the defendant narcotics pusher states, "No, he did not pay \$15,000 for the half pound or pound of cocaine; he paid me ten." So, he admits the sale, but he deliberately lessens the amount he has received. Again, you have a corruption case going which takes precedence over the narcotics case.

The second major piece of legislation in New York since Oyster Bay was the wiretapping section. As you know, as a result of the case that also came out of Hogan's office, the Burger case, we lost wiretapping authority in New York for several years. We were in a complete state of limbo. We had no intelligence coming in at a very vital time in organized crime when it had been seriously pierced in 1963 and 1964.

We did succeed, with the help of Professor Blakey, Dick Uviller and others, in getting legislation passed in New York. It is presently put to what I think is good use.

I can only tell you that Professor Blakey now has a commission going - I believe it is entitled the National Commission on the Review of Wiretapping or something similar to that - and he and others will be around to see you and to see your law enforcement agencies, wanting to know exactly what is being done and how the wiretaps are being conducted. It is funny that, no matter where I speak about wiretapping, I cannot get anyone to agree that there is no difference between monitoring and recording, and that they are both interceptions. I am not even sure the Professor agrees with me.

PROFESSOR BLAKEY: I suspect they probably both are interceptions.

MR. ROGERS: My position is that they are both interceptions. If you are listening, whether you are recording or not, that is

an interception. If you are recording and you are not listening, that is an interception in my opinion. They are both subject not only to the New York State law but to the Federal legislation.

The big thing today is - listen only to that which you are authorized to listen to, a particular subject or subjects about particular subject matters. We lost the Burger case simply because we were over-recording. We were not monitoring the particular machines on a regular basis; we were not being discriminate as to the conversations we intercepted.

Back in 1963, when I was conducting an investigation into Michael Scandifieri and Carmen Lombardozi, among others, it was very easy to man seventeen wire plants with one officer. We simply put the seventeen machines on automatic. Every time the telephone left its cradle the automatic kicked in and recorded all the conversations. We had a detective practically on a motor bike going from one station to the other, taking off the used reel and putting in a new one.

I tell you that is still being done, closer to me than is comfortable. I cannot persuade the sixty-two prosecutors in the State of New York, I cannot persuade other prosecutors, that that is going to cause another Burger situation and effect a reduction in our wiretapping authority.

Someone has to be there. Someone has to discriminately listen to pertinent conversations and exclude non-pertinent conversations. It is all a question of good faith.

They say, "We do not have the manpower. You are being impractical. You are from New York City where you have 32,000 cops at your disposal."

I say, "Then get the bodies because you are otherwise going to foul up good legislation."

They say, "Well, we record everything. Then we listen to the tape recorder and we somehow take in to our intelligence only that which is pertinent."

So, if the subject's wife is on the telephone talking to her hairdresser about non-chauvinistic things, that is recorded by this automatic machine. But somehow that agent is going to take the stand during the wiretap period in court and say that, when he listened to it on the tape, he did not assimilate it into his own mind or bring it into himself; therefore, he did not violate the minimization section of the wiretap law. Do not ask me how he can do it.

I was horrified when I also found out from a young police officer to whom I was lecturing that there is nothing like getting to the operators on the street. When I asked him how he conducted a wiretap, he said that he always had problems trying to distinguish between the DA's tape and the work tape. That rang a bell and I said, "What do you mean by the DA's tape and a work tape?"

You see, we have from this one telephone two wires coming off it and two tape recorders. On the right tape recorder we record everything; on the left tape recorder we only record pertinent conversations. We give that to the DA."

The way I persuaded him not to do that in the future was to say that, under the New York State law, all original records must be maintained for ten years under all sorts of criminal penalties and fines. My position was that these would duplicate originals and had to be maintained for ten years. The second was not re-recorded. You can make re-recordings from your originals according to the New York State law and you may do what you want with these recordings. They need not be maintained.

However, we did finally persuade the officers that they themselves would be liable for violations of the New York State legislation. I can tell you that with Judge William Erickson, who is the chairman of this Commission, Professor Blakey, Florence Shientag, Alan Weston, Senator Hruska, Senator McClellan, and a few others, they are coming around and they want to know how we utilized the wiretap legislation that is available in twenty states in this Union. If they find a great many abuses, I am afraid that they are going to completely take the wiretapping legislation away from us or seriously reduce it again.

I think it goes without saying that wiretaps and bugs are among the most powerful weapons we have against organized crime.

My plea with you this morning, then, is to please get some advice on how a wiretap should be operated. All of us know pretty much what the probable cause is and how much we need to apply for a wiretap. I wonder how many of us here know how our agents are

operating the wiretap. That is where it comes down to the nitty-gritty.

If the Commission finds abuses, we are going to be in trouble. Believe me, I am the first one to say: "Mia culpa, mia culpa." I am not lecturing. I am just asking you to find out how your operators are actually manning the taps and whether they are in compliance with the minimization requirements of both Federal and state court decisions.

We recently went on in New York to get the crime of contempt upgraded to a felony. I think Hank Dogin alluded to the fact that he had spent several years of investigating an LCN figure - we are not allowed to use that term in New York; you get picketed every time you do. I spent a couple of years investigating Carmen Lombardozzi and got him thirty days, because at that time contempt was but a misdemeanor.

I was talking to someone from Dade County here last night and I asked him to look up my old friend Jimmy Eppolito, who is down in Florida. I have a 1963 indictment against him with nine counts of criminal contempt, all of which are misdemeanors and none of which are extraditable or subject to the laws of rendition. So, he sits down there thumbing his nose at me because at the time it was a misdemeanor. Today it is a felony punishable by zero to four years. That went in in September of 1972.

Loan-sharking changed in about 1969. Basically, in New York

ten years ago or nine years ago, if it was a loan of under \$800 to an individual, it was subject to the loan-sharking provisions. If there was anything else than that, it was not. So, the loan shark would insist that you borrow money in excess of \$800 or insist that you incorporate or do something to get around that individual element, so there were very few loan shark investigations.

Now any amount in excess of twenty-five percent per annum on any loan by anybody to anybody is criminal usury. We have succeeded in prosecuting some rather big people on that section, but not that section alone. As you know, most of the loan-sharking prosecutions are conducted with the crime of extortion or something similar to that. Very few loan-sharking cases come to the forefront, mainly because the borrower depends upon his loan shark and, in some cases, he actually likes his loan shark.

We have legislation in the State of New York for a statewide organized crime strike force - or some such name. It is a unit of the Attorney General of the State of New York concerned with organized crime. It was originally headed by Judge Fisher and his deputy, Bill Tandy, formerly from the Southern District of New York. It is now headed by a man by the name of Maxwell Spont, who was a law partner of Judge Fisher. It allows this unit of the Attorney General's office to roam the state and investigate organized crime.

However, the major problem with the unit, and probably the

major reason for its lack of greater success, is the reluctance of the district attorneys to relinquish jurisdiction. They, at this time, must give the deputy attorney general permission to empanel the grand jury in the state in order to investigate organized crime within the sixty-two counties of the State of New York.

Not so in the State of New Jersey. They are not restricted. The successor to Ivan Jahos can go to any county. That is primarily because, as the Major over here can tell you, in the State of New Jersey all the law enforcement officials - prosecutors and judges - are appointed by the governor. This is not so in the State of New York, where the sixty-two prosecutors are elected officials. They do not relinquish jurisdiction to the governor too easily.

We then had legislation upgrading gun violation where the possession of a machine gun or a defaced weapon has been upgraded from a D felony to a C felony.

One of the most exciting pieces of legislation since Oyster Bay is the legislation of June 1971 which directly affects my unit.

We have in New York probably one-third to one-half of the heroin addicts of the nation. During my eleven years with Frank Hogan, before going over to this new job, I listened to the rumors and I listened to the cliches that organized crime was not that deeply involved in the narcotics traffic. In fact, in March of 1973 a former senior associate of the FBI testified before a

United States Senate hearing that organized crime did not become involved in narcotics trafficking until 1971. That is simply not so.

LEAA appropriated \$12,500,000 for a two-year project to concentrate on narcotics problems in the City of New York. They funded twelve complete specialized courts, three prosecutors to a court, three legal officers to a court, all the court personnel and para-professional personnel that was needed. Each court was to have city-wide jurisdiction.

In New York City, I hope most of you probably know, we have five different district attorneys, five different political subdivisions, five counties, five boroughs: Kings, New York, the Bronx, Queens, and Staten Island.

Previous to this everything was done on a county-wide basis. If a man sold narcotics in the Bronx and subsequently sold narcotics in New York, he had to be prosecuted separately in each county, the matter had to be presented to a grand jury in each county separately, the trial was separate, and you could not talk about the other sale unless he was convicted of the other sale. It resulted in a bifurcated and actually corrupted picture of the man's operation being presented to the grand jury and the trial jury.

With this new legislation, twelve parts were set up, and a city-wide grand jury was set up, whereby we can present to a special narcotics grand jury all the sales, all the narcotics transactions of a

particular defendant within the City of New York. So, it does not matter where he sold as long as it was in the City of New York and it could all be presented.

You probably heard a great deal about the draconian sentences of the new drug law. Previous to September 1973 you had to sell in excess of a pound of heroin, cocaine or methadone to incur the most serious violation of fifteen years to life. Today all you need to sell is one ounce of heroin, cocaine or methadone, and there is a mandatory minimum sentence of fifteen years to life.

You should remember two things. One, a sale in New York State is defined as an offer to transfer or a transfer with or without compensation. So, it does not necessarily mean that money is involved. An accommodation sale - one college student to another; one kid to a second, with no money involved - is still a sale.

The second point is that you are responsible for actual weight of the bag, so that if it is in an envelope, paper container, a glass container or a cardboard container, you are responsible for the full weight regardless of the purity.

Take that little packet of sugar that you get in your coffee in the morning - that weighs approximately four and a half grams. If one microgram within that bag is heroin, you are responsible for the full weight of the bag. It does not take that many grams to equal an ounce.

If you sell more than an ounce, regardless of the purity, the

mandatory minimum sentence is fifteen years to life, which means that you must do fifteen years and one day before you are eligible for parole. Then the parole board can consider your petition. It may deny your petition and you will spend the rest of your actual life in jail. It may grant your petition and you spend the rest of your life on life parole.

One ounce may be a small amount, but the legislation is even more drastic affecting the junkie pusher, the low-level pusher.

What is defined as an A3 felony is the sale of any amount of heroin, cocaine and methadone - any amount - which means the traditional two and a half dollar bag that is sold on the street. If you are convicted of such a sale, the minimum sentence is one year to life in prison. The maximum is eight and a third years to life in prison.

We constantly run into cases not involving organized crime. For example, when a Columbia University student accommodated a second and passed an ounce of cocaine to that second, because of the drastic nature of the bill we could offer that student no less a plea than to the A3.

What I am saying is this: A1 is for selling an ounce and above, and that amounts to fifteen years through life. Then there are also an A2 and an A3. There are plea bargaining restrictions. The prosecutor cannot allow a man to plead lower than an A3, so he must go to jail, if convicted, for one year to life for the transfer of that one ounce of cocaine.

There are also sentencing restrictions on mandates in the new law where the judge has no discretion. The bill is really the reaction of a great many years of frustration in the city and in the state of trying to curb narcotics traffic. In 1966 they thought that treatment might be the answer, the full answer. I think I speak for all the prosecutors in the state when I say that treatment is still the primary answer and that we agree with the national budget when it spends two-thirds of the narcotic resources on treatment and one-third on law enforcement.

Governor Rockefeller decided that he would try a drastic deterrent effect. The problem really was that, as in New York County, which is supposed to be very hep, in Manhattan we could get a misdemeanor plea for less than a five-pound possession of marijuana. I will still give you a misdemeanor plea if you possess less than five pounds of marijuana. There is that much marijuana in Manhattan.

Let me tell you about two very sophisticated judges - people who had been around.

The first one sentenced a twenty-three-year-old boy for the sale of five pounds of marijuana to five years in prison. When I saw the sentence, I said: "It is rather drastic." But I was not particularly upset by that.

For the sale of two pounds of heroin the second judge sentenced to probation a twenty-three-year-old defendant, a female person who had a minor criminal background whereas the boy had

none. That is where the scales really tip. Something is really out of whack.

One man in Staten Island got five years for the sale of one roach, one marijuana cigarette, under the new law. If he had done that across the Verazzano Bridge in Brooklyn, or in Manhattan, he would have been put on probation without question unless there was something really aggravating in his background.

Why do I talk about narcotics in this organized crime lecture? It is because we have discovered something that we already knew, but we have discovered it more fully, and that is the financing and involvement by organized crime of the narcotics traffic in New York.

The Tramunti case, of which Mr. Dogin spoke to you a while ago, is a typical example. In New York we had three different operations going. For some strange reason the Tramunti case was called "Shamrock" - maybe that is better than "Fraulein". With the BNDD at the time and the Bureau of Customs we initiated an investigation in the Bronx that led into Manhattan and finally ended up at Tramunti's doorstep.

None of the wiretaps - and there were thirty-three - were Federal wiretaps. That, I believe, is because it is so difficult to get Federal wiretaps approved in Washington - at least I am told there is a great deal of red tape.

Also, there is some sort of a mystical prohibition about

state agents sitting on Federal wiretaps and, try as I may, I cannot see that prohibition in title III. Anyway, we do the paperwork, we get the wiretap warrant, and we are quite happy for the Federal assistance in manning the wiretap.

We also have surveillance via a video-TV camera. We made some 200 "forty minute tapes" of transactions that occurred on Pleasant Avenue in New York. They thought that Pleasant Avenue was well protected, but we actually had a full and clear shot of a young man about thirty-six years of age leaving a barber shop, hefting a glassine bag with white powder therein that must weigh approximately eighteen or twenty ounces. We did not stop the car because we did not want to stop or break that investigation at that point.

It is one of those that we are trying to clean up with to see whether we can show that it was, in fact, heroin or cocaine. The street was very well protected from the front and from the back. There was no way that law enforcement agents could get into the street without their warning system - a group of people standing here, bells, and all sorts of things - going off.

It is hard to realize that a major street in a major city like New York City feels so safe against law enforcement, but they did. But we were able to get a camera into a location that was close enough for a zoom lens so that we could observe what was going on. That camera was in existence for over fifteen months.

We were able to tap quite a few places.

That resulted in 155 non-ghetto types, major violators, being arrested in 1973 by city, state and Federal investigators. The Tramunti investigation of which Henry spoke about was fully state evidence. The two witnesses were turned in to our office. Two members, or low members at least, of organized crime agreed to cooperate and went out, monitored tape recordings, and made some buys. What we decided was that in New York - and I think maybe for the first time - there was some real cooperation in the field of inter-agency effort.

I am skipping now to my third subject. I have been asked many times to speak about inter-agency cooperation. Basically my position is - and I am surrounded by three FBI agents at home, one on each side and one in front; I don't think it is conspiracy by John Malone to keep an eye on me - cooperation with the FBI is on an individual ad hoc basis.

Henry tells me that in other than New York the Bureau is cooperating with organized crime investigations in a major way. I am pleased to hear that. They have it in New York. Whether or not they are now, I don't know, but I seriously doubt it.

I think the major failure - let me put it that way before I sound off with a lot of superlatives - about the joint state-Federal strike force in New York is the lack of participation by the FBI in New York. They have a wealth of information. We have

tripped over them every place we went and, in a lot of places we did not even know about, we were sure they were there. They have a fantastic intelligence system, a great informant system, and it is something that should be available to the strike force.

Once again, we are talking about the reluctance to relinquish jurisdiction. I am rather an expert in that field because, although appointed by the five elected District Attorneys of the City of New York, I have concurrent coexisting jurisdiction with them. I can investigate narcotics traffic any place in the city.

There is another special prosecutor in the city, another ex-Hoganite, Maurice Nadjari, who superseded them in the area of corruption in the criminal justice system.

I did not supersede the five District Attorneys. I am not appointed by the governor. I have co-equal jurisdiction with them except that my jurisdiction goes throughout the entire city and I am appointed by them.

Serving five masters at times becomes a bit difficult because three of the five can oust me, period. It does not take anything more than three of them saying: "He goes," and I am out. This question of reluctance to relinquish jurisdiction is the only drawback, as I see it, a major drawback, a major failure in the fight against organized crime.

I think if we could get above the jurisdictional disputes and get full cooperation from such agencies as the FBI and the

local police we could really do a job. I am not saying that a good job is not being done. There is a great job being done.

As I quipped in the beginning, Operation Fraulein was a fantastic investigation. It was during that investigation that organized crime figures even attempted to use sources within the Vatican itself to dispose of some of these \$14,000,000. There was more junk and cocaine coming from Colombia than you could possibly handle. There have been joint investigations involving the meat industry, highly successful; there were some others in the boxing industry, also highly successful, as well as in loan-sharking.

Ruby Stein was arrested for the fifth time in my thirteenth year, put away again with Nick Forlano.

That is no short measure and it is due to the work of two men there. Fortunately the head of the strike force is a former Southern District U.S. Attorney, so he has great relationships with the Southern District U.S. Attorney. The deputy commander is a former A.D.A. from Hogan's office, so he has great relationships with Hogan's office. The problem is that we have to find alumni of every office in the metropolitan area to somehow keep everybody happy. But it can work and it is working, at least in the only strike force with which I have direct relationship, the joint Federal-state strike force for the Southern District of New York.

In my statement at the beginning I said it could work several times more successfully if the Bureau threw its full weight behind it.

One of the principal reasons the strike force is so successful in my opinion - and I don't mean to sound completely parochial - is because of something which was initiated in 1935 by an assistant U.S. attorney who came over to the state side. His name was Thomas E. Dewey. He was succeeded by Frank Hogan. It is what we now call early legal intervention into a criminal case.

It seems to me with all the new legislation, all the new do's and don't's of the Warren Court, that the experienced field investigator could use a little bit of legal advice during the course of an investigation. It is my opinion that two heads are better than one regardless of whether the second head is a pinhead or an egghead. He can be of some help.

I think the success of the Dewey-Hogan office is primarily due to that - attorneys sitting down with investigators on a daily basis. That has been going on since 1935 in New York. Kicking around an investigation and making suggestions as to how it should go is going on in the strike force, and that is what did go on in ODALE (Off. of Drug Abuse Law Enf.)

If you recall, practically at the same time my project was funded by LEAA it also funded, or was primarily responsible for the funding, of the Office of Drug Abuse Law Enforcement. Ambrose

was a Bronx Irish Catholic (BIC) so we had to call it "ODALE". Ambrose eventually went on to bigger and better things. In this area we had lawyers working with agents.

Now we have the DEA. They are not quite ready to accept the help of attorneys. I will give you a case in point. The regional director in New York is a great friend of mine, John Fallon. Last Sunday night we were picking up a major violator. The U.S. Attorney and I sat down, we agreed it was the result of a joint investigation and that we would pick this major violator off the street, and, if he agreed to cooperate, we would do something that I call un-arresting the person, that is, put him back on the street.

Well, Fallon said, "Fine."

We left Mr. Curran's office and on the way out John said to me, "You know, anytime you want to come up Sunday night that is okay with me. We have the room in the back, my major office (if ever you get to see the DEA office in New York, it is something to be seen) - we can sit in there, have coffee, and my two agents will conduct the interrogation. We will let you know what happened."

I said, "Thank you, but no thank you. I am going to travel all the way here on Sunday night while two Federal agents debrief this individual. They will come in and tell me what allegedly went on in that room. Then I make the decision to

un-arrest and not execute this state warrant on that individual? That does not seem to me quite the way to do it. How do I answer the accusation six months later in court when he claims he was brutalized, not physically but verbally threatened by many things, and this judge says, 'You big so and so, you were sitting outside in a contiguous room, you heard nothing of his screaming and yelling? What were you doing, then?'"

It seems to me that we have a place in the interrogation just as we also have a place in the investigation. I am not saying that we take over the investigation or that we take over the interrogation or that we tell the police officers what to do. We don't tell the police officers what to do. We suggest, and, if we can get them to do it our way, so much the better. If we can agree on the way it is being done, so much the better.

In New York City one of the most exciting things that I believe is happening is that there is a unified narcotics intelligence system.

If this attorney general stays in office for any length of time, we might have a narcotics enforcement system. I don't plan on meeting this attorney general for at least several months, if ever, because they have what they call the "Rogers curse."

Ambrose took me down to meet Kleindienst the day that John Dean made his statement. Ambrose insisted that I go ahead and talk to Kleindienst that morning with Maloney from New York.

Dick, whom I have a great deal of admiration for, left within a short period of time.

The next Attorney General, whom I met in upper Massachusetts several years ago, Mr. Richardson, was invited to New York for Police Day, which was the first police parade in thirty-three years. That was Wednesday. You know what happened Saturday.

So, hopefully, Mr. Saxbe will be around long enough to completely understand a Lindsay proposal which I think is a fantastic one - no competing agencies in the field of narcotics enforcement in the City of New York.

We presently have 700 narcotics police officers of the New York City Police Department assigned to narcotics investigation. We probably have some 300 DEA agents and 100 New York State troopers. The proposal is for 1,052 men to be combined under a unified command. We even bowed to the Federal people by giving them the top post. This is to investigate narcotics problems in the City of New York - combine all intelligence, all resources, all equipment, all buying money, use of informants, etcetera. That is the plan.

Necessarily there will be a small segment that will not be combined with the major segment, and that has to do with the overseas aspect that the regional DEA office has to be concerned with. The overseas aspect is strictly Federal, as is the importation. Once it reaches the eastern shores then the combined jurisdiction

goes into effect. It can work. It actually has been working since February 2, 1970, when LEAA funded the joint narcotics task force of the City of New York on a nine-to-four-to-one ratio - nine city cops, four Federal agents, one state trooper. That task force has proven to me at least - and I am the biggest cynic on cooperation you ever saw - that it can and does work.

You don't have to go very far from this site to find the man who made it work. Ted Vernier, of the old BNDD-DEA, has just recently been assigned to Detroit from New York. He, a police inspector by the name of Bob Howe, and a state police captain by the name of John Colligan, put together a unit. It is probably the most effective unit in any organized crime or narcotics enforcement task in the city. They work together. They blend in. They forget the color of their badges, the color of their paychecks. They take orders from that man whether he is a Federal, local or whatever. They have their checks delivered there by the parent organization, distributed in one lot, and they investigate together. It is a highly successful unit.

I will tell you what happens. In New York, as you know, I just tried to describe briefly the drastic new state law: sale of any amount of heroin, one year to life; sale of an amount over an ounce, fifteen years to life.

The Federal people do not have mandatory minimum sentences. They tell me that about six or seven years ago the Bureau of

Prisons, unbeknown to the U.S. attorneys, got that thrown out, and when the U.S. attorneys found out about it they tried to get it back. They have been trying ever since.

There is, as you know, a proposed new Federal penal code before the Congress. That might go back to mandatory minimum sentences. However, at present the U.S. attorneys don't have it.

So, under the Federal law there is always a zero at the bottom of the sentence. If you catch a Frank Stassi, alias Boubou, or a John Barnaba, and the two of them turned up in the Tramunti case, how do you persuade them to turn? Do you prosecute them federally where they can receive a sentence of probation but may receive three to five years - or does the state cop who is sitting next to the Federal agent say, "Well, we will have to make a determination whether the U.S. attorney prosecutes you or that blankety-blank Rogers. If he does it, the mandatory minimum sentence is fifteen years to life." We bounce him from pillar to post and it works. There is no one who can complain.

In joint investigations the locals and Feds sit on the prosecutor's council, very informal, two or three prosecutors, and we decide which one is going to take the case.

If the violator does turn informant and does work out very well, the best I can do for him according to the New York State law is to give him life probation. That is the best I can do for him. That was a recent modification of the original lack in

Federal law. Prior to this, even informants went to jail for at least some period of time. But we did get a modification saying we can make application for life probation if the trial judge and his administrative judge agree that he rendered material assistance to the investigation.

In the Federal system, of course, he would be treated without this life probation threat placed upon him. Then, as Henry pointed out, he could be completely relocated and given a new identification, etcetera.

So, if we get the narcotics system in New York I think we will do some great things as far as organized crime is concerned.

You may think I am emphasizing narcotics too much. I don't believe that I am. Narcotics traffic is greatly controlled by organized crime in New York City. As I told you, the 155 that were taken out were all either directly or tangentially involved with organized crime.

As Henry pointed out, the blacks control most of the street distribution. We have a major Chinese problem for the first time. With the European network of distribution greatly interdicted and interrupted by the Federal effort in Turkey, France and Germany, there is a substantial heroin shortage in the City of New York at the present time. It is made up by cocaine and other drugs, barbiturates and amphetamines. The Chinese-Southeast Asian group has not been established to that degree of sophistication that they

take up the slack at the rate it is needed in New York. Most of this is being handled by alien Chinese sailors who are jumping ship in Port Newark, Port Elizabeth and the Port of New York, and carrying it aboard their person into the city. For the first time we have a tremendous need for Chinese-speaking agents and local police officers to infiltrate downtown Chinatown in New York City to discover what is going on.

Let me just throw some figures at you. In 1970 in New York City we made about 26,000 felony narcotics arrests. They, they thought, would put pressure on the low-level pushers to give up their connections, to give up their organized crime wholesalers. Sweeping arrests of these people were made. Because of community pressure, arrests were made by the carload. There were thousands of felony arrests. In that year of 1970 there were more than 26,000 misdemeanor arrests for narcotics violations.

At the end of 1971 when our office came into existence, we attempted to persuade the police department that it was not they who were setting the standards, but it was their fear of being criticized by Senate hearings, prosecutors, judges, etcetera. They went out and enforced the law en masse. We did persuade such enlightened police officers as Deputy Commissioner William McCarthy, the Chief of Police and other people in New York, that we would not criticize them if they selectively enforced the narcotics law, picked targets and went after them.

In 1971 the number of arrests went slightly down to 20,762.

In 1972 - the first year of our operation - it went down to 7,566.

The number of arrests was thus cut by two-thirds since 1970. You may say: "Well, the police are not doing its job." I think they are. There is no more pressure for making arrests or of that terrible thing called a quota. They are picking a target and going after it.

Of the 7,566 narcotics arrests made throughout the city - felony narcotics arrests - in 1973 only 1,596 were made by the special unit, the 700 men in the narcotics division. That is slightly more than 2.1 arrests per man per year. That does not sound like much. This is because a group of ten men could get together with a group of five Federal agents and go sit in a corner for the whole year to make sure that they got the right target.

What else did they get? With the help of LEAA funds - \$300,000 - and \$2.4 million of New York State tax revenues, they got buy and information money for the first time.

Over two and a half million dollars was spent in New York City in 1973 for buy and information purposes. The closest city to us, we are told, is Los Angeles with \$80,000. Eighty thousand dollars will buy you only two kilos of heroin in New York City.

In 1970, in Manhattan alone, we issued 1,500 search warrants.

In 1973 for the city we issued 123. Now, we did not have a lot of Collinsvilles where everybody broke down the wrong door without warrant. What simply happens is that we did not rely upon the search warrant as the sole investigative tool.

The old business of the narcotics agent getting information from a confidential informant that apartment "X" was dirty, who then sends out a couple of brother agents to make observations, who then says he saw drug abusers or drug sellers entering and exiting from this apartment, who then gets a search warrant, goes ahead and knocks out the place and, if they found drugs, good, they arrested everybody in the place and, if they didn't, on to the next apartment - this brought out 1,500 search warrants in Manhattan alone. How many major violators were taken out?

What we do now is to send an undercover agent in with \$1,500, with \$50, whatever the type of operation it is. He makes a buy and he works his way up. We have seen as much as \$60,000 go. When you are making a two-kilo buy of cocaine, we don't have to get our money back. We don't have to buy and bust. That is how Tramunti was caught - because we were able to go up a complete line, get through the ghetto types, get to the black wholesaler, get up into Barnaba and Stassi, where we were buying a kilo in a pot. That went on for eleven months.

The problem was the state of the law: how long could we keep that sale in our pocket and in a grand jury sealed indictment

before he could start claiming that there was such a difference in time that he was denied due process because he could not remember where he was eleven months ago, he could not muster the witnesses who knew where he was. But we did sit on indictments for over eleven months at the low level and we did go in and buy \$50,000 and \$60,000 worth. It is not only a very effective way of fighting organized crime, but it also does away with a lot of corruption.

How did a narcotics agent work before? He worked. If he wanted to stay in narcotics, he did just as I do. He seized an ounce, he skimmed off the top and rewarded his informant that way, or he kept his informant operating that way. What else did he have to do? He had no buy money; he had no resources at all; he had to keep the informant going. You can say it is illegal. I would not even think it was immoral if he had to keep going. If you want to be a purist about it, sure it was immoral, but how long was he going to maintain his informant?

Today there is no excuse for skimming to pay or reward the informant. There is no excuse for any hanky-panky with expense accounts or anything like that, the normal thing that gets an agent in trouble. There are plenty of resources. I am not saying that it is bubbling over, but there are resources available and that, I think, is the key to it all.

The \$12,500,000 that LEAA gave us set up specialized prosecutors for the first time as well as specialized courts to handle

the major violators in the narcotics field. The buy money and the equipment money is the only way, in my opinion, that you are going effectively to attack organized crime. And I really - without being maudlin - think that LEAA ought to be given a great deal of credit for having what I consider to be the foresight of funding many of these very effective programs. I believe that if they continue to do so, and if we can get some full cooperation from such agencies as the FBI as we are getting in the field of narcotics in New York City, at least, that we should be turning the corner shortly.

Thank you very much.

MR. MUELLENBERG: Frank, there are just two observations that I wanted to make in connection with the Tramunti case. You mentioned that all the wiretaps in New York City made this possible. It is true that there is a certain amount of red tape, if you want to call it that, and, since I am a small part of that red tape, I just wanted to comment on that.

I don't think we will ever see a time in the Department of Justice, as far as the approval of title III is concerned, that we can cut it down to such a short period of time as you were able to do in New York. This is for the simple reason that you have to go all the way up to the Attorney General to get his approval.

MR. ROGERS: Why is it that a fellow who is only a year out of Harvard is reviewing this in the first instance?

It would take us a week in New York now because it first has to be drafted, and then we have to go through the appeals bureau. We try to get the chief of the appeals bureau but sometimes we are obligated to go through junior associates. I don't know what the problem is federally.

MR. DOGIN: I can say that those are some of the things that I am looking at and we are going to try to improve them.

MR. ROGERS: The major problem is, as Professor Blakey will tell you, that seventy-five percent of the Federal wiretaps are in the field of gambling. I really think the reason for that - and I am serious - is not that the Federal agents are not working organized crime but that they were doing it through the state office. How do you feel about that?

MR. MUELLENBERG: That is certainly true in New York. I know that when I sit down and talk with them, they say, "Let us go to Hogan's office and get our wire over there." This is because you don't have to sit around for several days to get it through the department in Washington.

In most of the states it does not work that way because we do not have that many joint investigations going on.

As far as your feeling about cooperation with the FBI is concerned, I am an eternal optimist. Over the years I believe it is getting better. New York has been a breakthrough. It is unfortunate that a conference of this type does not have

representatives from the FBI here. I, for one, will not make myself a spokesman for the FBI.

MR. ROGERS: I hope that I did not malign them. What I am saying is that there is a warehouse of information within that Bureau so that if they threw their full weight into the task force it would be great. We do agree, don't we, that they have not thrown their full weight behind that joint task force in New York?

MR. MUELLENBERG: Yes, I would agree.

MR. ROGERS: I don't want to put you on, but if they did it would be fantastic, really unbelievable. IRS is really into the task force as far as I know. FCC, ATF, and other units of the Federal investigatory structure are, too.

MR. MUELLENBERG: I would agree with your comments about DEA. I really hope that John Bartel, who after all is one of our people, when he goes as Director of DEA, would see a change. But I have not seen it up to this point because most of our strike forces across the country have extremely bad cooperation with the DEA. We have never succeeded in getting into an investigation at the investigatory stage with some attorney advice. I, for one, feel very strongly that I would like to have access to a lot of those investigations that never really went anywhere and involved a lot of extensive surveillance.

A lot of that material would lend itself to grand jury investigations and we have not been able to make that breakthrough, certainly not in New York, and I don't think in Florida, either.

MR. ROGERS: I think that after a while the DEA will become a great unit. Actually it did what we hoped would be done in New York: to call the Federal narcotics investigative agencies, Customs, BNDD, and Immigration and combine them into a new administration under the Presidential reorganization plan number two.

I think that after the growing pains are over, when the old BNDD flag blends in with the Customs flag and the animosities that existed over the many years disappear, you will see a working unit that may accept us poor lawyers and may even accept some advice from us. It is not that they don't. I am just saying that they prefer to do it the way the Bureau traditionally did it. That was to complete the investigation and put a red ribbon on it - and they could do it. I am not saying that they could not. I am not saying we can do it any better. It just seems to me that there is some role for the prosecutor during the investigation.

MR. PLANTS: As one of those dumb cops who wears white socks and moves his lips when he reads, I have not found that most of the attorneys are willing to settle for an advice role. We have used an attorney in the MINT program. Vincent is aware of this. His complaint was that he did not have enough work to do, so he ought to control MINT. The MINT ought to be under the control of the attorney. At least, as a cop, that has been my experience with advice from attorneys; that is, they are not willing to stay in an advisory position.

MR. ROGERS: I think it can work out. But it is like anything else, it has to grow.

When Henry and I joined Hogan's office, there was a police inspector there by the name of Fred Haines. The first time he caught me giving an order, or anything that sounded like an order, to any of his men, you just did not get another man for a while.

If you could just somehow suggest to this fellow and make him feel that he was entitled to more than fifty-one percent of the vote on this issue, you could get it done and get all the help you wanted. It was a question of: "What do you think about this? Do you have enough for a search warrant here?" It really is fantastic when you see it work, when you see agents and lawyers working into the night to get wire orders because you have some information that there is going to be a particular conversation in a particular social club the next morning at eight o'clock.

I think the Major will tell you he has a blustery Colonel by the name of Dave Kelley. Dave's opinion of lawyers is just slightly higher than --

MAJOR BAUM: Since he has been sued, he likes them better.

MR. ROGERS: Does he really?

He took two Department of Justice employees and he thinks they work for him - and they may well do it. But there is at

least some place where fellows like those two employees do assist the State Police and the judge. They are doing an excellent job.

MAJOR BAUM: I can say this to back you up. I am one of the guys with the white socks, too, and I have never been exactly a lawyer advocate, so to speak, but I know that in some of the cases that we made, particularly in broad conspiratorial types of cases which I believe are the only effective type of a case against the syndicated criminal group, we could never have made them - because number one, we did not know how; secondly, we did not have the grand jury to put an arm on the people. I don't see any other way of effectively combatting conspiratorial type cases.

MR. PLANTS: I am not saying that there is not a general need for attorneys and investigators to work together on these types of crimes. I am just saying that there are horror stories on both sides of that particular thing.

CHIEF PIERSANTE: I have a suggestion for a policy change. I was happy to hear Mr. Rogers say he does not see anything in title III that prevents the operation of the wiretap by local police or state police or state enforcement agencies.

I think that one of the problems we have is that there are many things that can be best addressed at the state level and, in a state such as I work in, Michigan, where we do not have a state wiretap statute, there are many cases where we could put a

case together through the use of wiretapping, involving, say, a major corruption conspiracy. That should be prosecuted at the state level for the impact it will have on the law enforcement community and the criminal justice system within the state.

Now, if we could prevail on the Federal agencies through title III based on our affidavits and our sources of information, and then work the wiretap, we could get it done in states like Michigan which don't have wiretaps statutes.

I am involved in negotiations with your office, with Henry as a matter of fact, on this matter right now, and I would appreciate some feeling that you may have on the subject and even some help.

MR. ROGERS: Why is it necessary for a Federal agency to contact Washington when they want to use a wiretap or when they want to make a monitor telephone call with permission of one of the parties?

MR. DOGIN: I came down here to work with Kurt. My background is just the same as yours. I came to the Department of Justice and I asked the question. A D.A. can get probable cause in the morning, go see Scott in the afternoon, Mr. Hogan at four o'clock and have the wiretap in after the judge signs the order by six o'clock the same evening.

So, I said, "Why do we have to have this policy where it has to come all the way up through the strike force, to the section, and

then to me, then to Henry, who has to approve, and finally it goes on to the Attorney General and causes all this delay?"

These are the things we are wrestling with.

MR. VELDE: Okay. I am going to exercise the prerogative of the chair and keep this in plenary session for the balance of the morning. We really don't have time now to get into much meat in our small group discussions.

I would now like to call on Ray Henry to give us a brief run-down on IOCI. Ray is a member of the board of LEIU (Law Enforcement Intelligence Unit) and in the Southwest he is zone chairman. He is quite familiar with this project. LEAA invested some money in this as well as a lot of tender loving care. Ray, tell us where it is and where it should be going.

After Ray Henry, Professor Blakey will talk briefly about Federal legislation since 1965.

LIEUTENANT HENRY: Most of you probably are familiar with the LEIU organization. Some 200 investigative state and local agencies created a manual file over a period of years since its inception in 1956.

At the present time, this file consists of around 5,000 principals and perhaps 25,000 various criminal associates.

This file in the past was found to be rather inadequate as to means of updating and disseminating all of the materials by mail. There were tremendous mailing and printing costs. The manual system left much to be desired.

About two years ago, LEIU, with the financial assistance of LEAA, went into a phase of testing the feasibility of obtaining information via computer with remote terminals.

This system was intended to be merely a pointer system with public information only, with a great deal of emphasis being placed on the security and privacy aspect of this type of operation. We wanted to put something up and operating and check the feasibility of it.

Through the State Police in Michigan, the computer program was designated. We started out under Project SEARCH and later separated from SEARCH. An executive board was put together with the executive board of LEIU and a like number of terminal agencies, members of LEIU who were to receive an LEIU terminal.

There was not to be hard intelligence in the system. It was strictly a pointer system that would point to two of the agencies with the most current information on a particular subject and to encourage these 200-plus agencies to submit information on the organized crime people in their area.

The California Department of Justice in Sacramento was designated as the essential coordinating agency. They had acted in that stead for LEIU since its inception in 1956.

Eighteen terminals were put up, tested, and I believe started out with around 2,000 names in the data base.

At the present time there are some 3,500 principals in the

data base, plus their associates which run around five to seven criminal associates for each person. So, we have something like 20,000 organized crime people throughout these United States in the system.

By now they have expanded to twenty-nine terminals that are up and operating. The thirtieth is being installed this week.

We tested various types of equipment, CRT tubes with printers which were very satisfactory but also very expensive. We tried teletype machines which have not been satisfactory. We probably will be going back to the CRT tubes. They are much faster and access to data is easier.

We probably built a better security system than we needed in that we found that we were locking ourselves out. It was very difficult to get into the system. We had overkilled in the security field. We reached the point where we needed to stop and look at our efforts to see whether we had, in fact, proved the conceptualization and the feasibility of such a system.

Again with funds from LEAA, last fall we had an independent evaluation done of the system. Arthur Young & Company had the contract. They contacted law enforcement intelligence people throughout the United States, probably many of you. Their report is now in. They do agree with the executive board that the system is viable and worth expanding. They pointed out to us many things that we already knew, such as the problems of security,

access, and expansion of the data base. They also identified a very valuable feature that we must take advantage of that we really did not recognize as being of the value that it was, and that was administrative messages back and forth between the terminal agencies. The type of exchange of information that was taking place daily was something we had never seen before within LEIU.

I believe at the present time, with only thirty terminals up and operating, we are running somewhere around 5,000-plus transactions per month among those agencies, including the administrative messages as well as the queries to the data base.

It has been decided at the present time that we will apply to LEAA for the funding of a permanent operational system. We were very happy to hear Mr. Velde say he was excited about the program, as we are, too, and we are back asking for a few bucks.

Michigan State Police have quite a number of changes in their computer operation. The computer system, the central index, will be moved to the Department of Justice in Sacramento. The Organized Crime and Criminal Intelligence Bureau will run it. The Central Coordinating Agency will reside in the same place, giving us a little better control over the program.

The search perimeters will be greatly enlarged. At the present time, names, nicknames, and things of that type are about the only search perimeters that we have in our temporary system.

In the future we will have other vehicles, such as corporate holdings and geographic crime specialties, where you can ask more sophisticated questions as to a particular person with a particular crime specialty from various geographic locations. There will be limited on-line update and purging of information where a remote terminal can at least purge and update its own information.

We anticipate, if the permanent system is funded, that in the reasonably near future we will have 125 remote terminals up and operating.

Our data is not only available at the present time, as it will be in the future, to the terminal agencies. Through the various terminal agencies that are scattered geographically, this information service is also available to all other LEIU agencies. On a limited basis it will be available through the terminal agencies to non-LEIU members.

The control will go as follows: when an agency asks for information, we will run a particular check of the data base for them. If we make a hit, we will notify the agency which submitted that information. If they wish to release that information to the non-member who is inquiring, they may do so or they may refuse to do so.

I don't recall at the present time all of our agencies that are up and operating with a terminal. There are six in the State of California. We have my own office, and Long Beach P.D. - which

is not in Orange County as is stated on your roster. Orange County is the seat of the office of Don Carsoll, the National Chairman of LEIU, who should be talking to you this morning, but who could not make it. We also have Los Angeles P.D., Los Angeles Sheriff, Oakland P.D., San Mateo Sheriff's office, Orange County District Attorney, and the Central Coordinating Agency of the Department of Justice in Sacramento.

Recently Las Vegas has received a terminal. Riverside County Sheriff will be receiving one this week. Other terminals are Michigan State Police, Albuquerque, Phoenix, Denver, the Texas Department of Public Safety, and numerous other ones.

The selection of our first terminal sites was to try to keep a good geographic coverage throughout the United States. We feel that the program is probably unique in the field, the only program of this type on such a broad basis that exists. This has been recognized by various other people.

Very recently we had Law Enforcement officials from Europe who came over to look at our system. They have invited our National Chairman to present in the near future information regarding the system to their European counterparts.

MR. ROGERS: Has NICIS cut into that in New York State? Is there any reason why not?

We spent years giving this type of information to NICIS and Galatti when he was heading that New York State Identification

Intelligence Section. I don't want to sound like a complete cynic, but I don't know what happened to it.

MR. VELDE: I can comment on that. Dr. DiFranco was involved. In fact, the original demonstration effort was conceived in part on the New York State experience. I don't believe NICIS is a member of LEIU because it is not an operational agency. So far only LEIU members have direct access.

MR. ROGERS: Are there plans to utilize the data base that is in NICIS at the present time?

LIEUTENANT HENRY: We do have various members of LEIU who do have access. Those agencies under the LEIU concept should submit those people to the LEIU data base.

MR. KOHN: Why isn't it a member of LEIU?

LIEUTENANT HENRY: Primarily it started out with the Control Factor concept, and we did not know whether it would work. To get agencies to participate in this type of thing without extreme restrictions, at least to start out, we would not count on that type of participation.

MR. KOHN: What about that extension program you are talking about?

LIEUTENANT HENRY: We have not addressed any extension beyond LEIU. Various Federal agencies and others have talked to us about it. We are rather restrictive in LEIU as to membership. We are more anxious to cut down membership right now than we are to expand it.

MR. KOHN: Isn't it time to change that philosophy?

LIEUTENANT HENRY: I am not sure it is. We want an organization of participants, active participants. Those we are looking at now are those who are making use of the association but they are not participating. Federal agencies, of course, because of the various restrictions they have, are forbidden to participate. Certainly, if any Federal agency or other intelligence agency were willing to exchange information, we would welcome it.

MR. PLANTS: Has it been decided - I haven't looked at the new grant proposal - whether they are going to use INLETS lines as a communications network? Moving it to California would have a great deal of impact on the expense of communications if we did not use the INLETS line system.

LIEUTENANT HENRY: As you know, we certainly have looked at that problem.

MR. PLANTS: I did not know whether you had made a decision in the grant as to what you were going to propose.

LIEUTENANT HENRY: The grant proposal that is now pending is for independent lines. This is primarily because various states of INLETS are not available yet. Many of the things that we are talking about are still either being tested or being discussed. That could be a cheap way to go in the future.

MR. VELDE: INLETS is the National Law Enforcement Telecommunication System, which is a non-profit incorporated group of

participating state and local agencies. LEAA recently gave that group a million and a half dollars to upgrade its capability. That upgrading was completed, I believe, in February of this year.

They now have message-switching capabilities which interface about 5,000 state and local police agencies and, as of the middle of next month, the TECH system of Treasury will be interfaced with it. NYSIIS and the FBI system is also interfaced with it. High-speed lines are being hooked up now on an almost weekly or monthly basis.

I think by the end of this year there will be high-speed interface with at least one point in every state. INLETS currently has a capability of handling about 25,000 messages an hour, so this is a very sophisticated tool with high-speed capability.

MR. PLANTS: I was just curious as to how the IOCI board had structured it because it would make a great deal of difference in the amount of money you are asking for.

MR. MC CARTHY: Concerning the NYSIIS experience - and I am not a spokesman for Archibald Murray, who heads up and replaced Dr. Robert R. G. Galatti - it seems to me that we were contributors, also. One of the prime contributors was Hogan's office. It seems to me that there is a restriction against dissemination and that the soft copy material was supposed to be returned to the agency. This was a year ago. I was told by my Commissioner DiFranco to do so, which I did, and requested that that would be

returned. However, we had no playback since then, but it seems to me that there is some unresolved situation in the NYSIIS experience - which incidentally is no longer NYSIIS but NYSID - in criminal justice services.

LIEUTENANT HENRY: There is a state law in the State of Massachusetts that forbids their intelligence agencies to participate in the type of exchange of information that we have in IOC. It is the New York State law that is unclear. Some agencies in the state say they cannot participate and others think they can. They do not submit a great deal of information because of these restrictions.

INSPECTOR MC CARTHY: Did I hear you say, sir, you touched base with Dr. DiFranco?

MR. VELDE: Yes, he was involved in the original conceptualization of the project.

INSPECTOR MC CARTHY: With LEIU?

MR. VELDE: With project SEARCH and LEIU. In fact, it was the New York experience that is at the base of LEIU.

I am doing a survey of state and local intelligence files, or what was called intelligence files. It really was one of the bases for this whole effort.

There is a very significant problem, not only with this effort but with other intelligence efforts, and that is in the region now, of pending privacy and security legislation at the Federal level.

There are two principal bills pending - one by Senator Erwin, S. 2963, and another by Senator Hruska on behalf of the Justice Department, S. 2964, as well as companion bills in the House.

The Erwin bill, S. 2963, flatly prohibits automated intelligence systems. The Justice bill provides for the regulation of both manual and automated intelligence systems, nil non-law enforcement dissemination except for national defense and foreign policy and a need-to-know test for dissemination within criminal justice, but it does allow exchange of intelligence information. Intelligence information is defined to include criminal investigative reports, reports of informants.

The EOC project is limited as to the automated exchange of information to public records information, and it is excluded by definition from the Justice bill. The Erwin bill is silent on the point. It does not really say one way or the other.

If something like a Justice bill prevails, the EOC system - at least as far as Federal legislation - will authorize the automated exchange of intelligence reports and informants' reports as well as public record information.

The public record information includes simply newspaper clippings, congressional hearings, anything that any enterprising newspaper reporter could go into a public source - such as the New York Times clipping service and what-not - and obtain from the public domain.

Incidentally, the DiFranco study indicated that about eighty percent of the intelligence files which they surveyed contained information of this kind, so there is a substantial amount of information in that category. It is information that anybody, if they took the time and effort, could obtain.

MR. MUELLENBERG: From where I sit, and traveling around a little bit, I seem to see sort of a proliferation of intelligence-gathering units. I sometimes have the feeling that intelligence-gathering becomes an end in itself, like a CIA operation - I know this and you know that.

Are you satisfied that these systems are used sufficiently in the strategy-type planning and the manner in which they tackle organized crime? I always have a feeling that this is not utilized properly. Does there come a time when people sit down and say: "We have the New England intelligence system, we have the New York State system; let us get people from Hogan's office and other gentlemen and let us just look at what we have and how we can plan our future strategy," which I think is one of the purposes of this seminar.

I have been in the operational end for some years and I have never really seen that.

MR. ROGERS: In organized crime and narcotics, in New York City we have the uniform narcotics intelligence system. First we started out with CONIC - now it is called something else. The greatest

thing it does is that it stops a lot of jurisdictional dispute and duplicative effort.

There is a man who runs it by the name of Arthur Grubin, who I think is one of the best intelligence experts in the city and in the nation. He is now a Federal employee. With the input that he gets from the various agencies throughout the state, he recognized immediately that there were two people going down the same path and we might well be buying off Federal agents or city informants, buying off Federal agents or state agents, or New Jersey agents or what-not, because the metropolitan area of New York is so interrelated, so that the intelligence system is working to that point.

I agree with you that I found very little future planning involved.

MR. MUELLENBERG: We have a program now where we have a so-called racketeering profile. We have our own computer. We know that I don't really fully understand software and hardware, but it seems to me that somewhere on the line there has to come a time when we at least screen all these magic things and when the investigators and prosecutors should come together, sit down and discuss: "How do we use this? How could this become an effective tool?" I have not really seen that.

LIEUTENANT HENRY: I think the IOCI program is solving this problem among local agencies.

Now, with the participation of 200 various agencies, many of

which are very small agencies throughout the country, one-man or two-man intelligence units, I do not know whether they will ever reach that state of the art. The major members of LEIU such as LAPD, the Sheriffs, my own agency, work with the strike force through the participation of these major agencies. Information of this kind that does reside in those 200 various agencies is being made available for prosecution, for strategic planning and things of this type, far more than we have seen prior to the IOCI program.

We did not hit the ultimate but we are going in that direction.

MR. KOHN: Is that in answer to my question, because I think it is very relevant to this concept?

Until such time as all of the participating LEIU members in IOCI now or in the future overcome the political ego problems of integrating into the strike force types of operations in their own area, local, metropolitan, state, it seems to me that we are still missing a very fundamental utility of organized crime intelligence which has to do with the non-criminal aspects of utility, and that is the regulatory agencies.

I don't know why any such program as the one you are talking about, NIOCIS, has to be wedded to the past tradition of a two-way street.

There are regulatory agencies which do not particularly have

an ongoing value as an input source but nevertheless need continuous output help from such intelligence that ought to be tied in to such intelligence. I am thinking about Federal regulatory agencies, state alcohol beverage control boards, banking commissions, and security agencies, state and Federal. Why should they not be able to have immediate access as soon as information is available to help them make their decisions?

Back in Oyster Bay you talked about the misuse of intelligence in terms of organized crime prevention through regulatory agencies. We are still hung up on policies which block the prevention potentials from access to intelligence.

LIEUTENANT HENRY: I can only speak generally. I agree with you that we are hung up on a formal basis. We certainly are not hung up on an informal basis. An exchange is taking place daily.

I am not sure what the answer is as to formally changing the policy. I think, if I am reading the existing objections correctly, I can say that I don't foresee it in the near future.

MR. VELDE: This whole effort has been, I think, a very conservative one from the standpoint of potential uses of the system and the kinds of information that are made part of the system. There are several reasons for that conservatism, not the least of which is the uncertainty over the legislative base for it.

MR. KOHN: I am talking about public information.

MR. VELDE: In the current index that is correct, but it is

being treated as if it were the hardest of the hard type of informants' or field investigators' reports. For demonstration purposes, as Ray pointed out, privacy and security considerations were very significant in the design implementation of the demonstration effort. It is probably over-designed, and it probably over-reacted to all these things, just from the standpoint of anticipating the kind of criticism that might arise if the system on an automated basis does exchange intelligence information per se.

LIEUTENANT HENRY: The value is pointing those agencies who do have the need in the right direction.

MR. PLANTS: Except that we were in IOC and we now operate the index. When you talk about getting an exchange of organized crime information, LEIU was the only game in town. They had the best and widest base across the country of information that we could use, and the question has always come up of why it is always going to be limited to LEIU participants.

That question, I think, is still open for discussion somewhere down the line. I don't really know whether it is going to be continued in that way or not and whether it will be in the foreseeable future. I have some problems with LEIU in that it is principally California-oriented. They get their hackles all up when somebody outside California starts talking about LEIU, and all of a sudden they want everything back in California.

That provincialism of the very LEIU bothers me since I come from the Midwest. Obviously if it was centered in the Midwest I would probably think differently than I do right now, but that particular provincialism may very well bother the whole LEIU movement. I don't know whether you are really aware of that or not. You probably are more aware of it than I am.

LIEUTENANT HENRY: We are aware of it and we are going to take steps away from it.

As you know, LEIU was, in fact, started in California and was run by California. For a number of years there was some outside participation but it was very minor. It was strictly on the local level. It ultimately went to the point of state police agencies. District attorneys were excluded for many years. Now, of course, any district attorney, sheriff, municipality, state, what have you, are all in it.

There were these twenty-year-old restrictions holding it to California. I think we have addressed one of the major hangups in the last executive board meeting this past January. The National Chairmanship always had to be from the State of California. We changed our bylaws in January, and it is open to anyone any place in these United States.

MR. PLANTS: I guess that is the point I wanted to make. If LEIU is, in fact, going to become a viable national organization,

it has to drop that California provincialism and truly become a national organization.

LIEUTENANT HENRY: I think we have had some very good thinking from the executive board members for many years. There was some great change in LEIU in the last four years. We are addressing these programs now. I would not think that in this type of organization you could see the effect overnight. However, I think you will be seeing the effect as time goes by.

INSPECTOR MC CARTHY: In defense of the California influence over LEIU, I think that in a sense it is our own fault in talking about membership inasmuch as the dominant role has been in California - and I think initially this was rightly so.

It is also a fact that the services that were performed in California are still being performed. Nobody else wanted to take on that burden. It is a tremendous administrative and fiscal job. But insofar as the regional aspects are concerned, going back to Wayne Bishop and people like that, as far as the on-the-street cooperation and active pragmatic day-to-day cooperation goes, I don't think it could be better regardless of where it is.

LIEUTENANT HENRY: I want to agree with you. Whether it be the East Coast, the Midwest or the Southern States, any place that you call an LEIU member and make a request - if you do not get a satisfactory response, the executive board is notified and you will get quick response.

We have no problem with investigations, surveillances, or anything, but we certainly will point toward the East Coast and Southern States and point roughly toward some of the major cities which are represented here today as far as participating in submitting information.

My agency - a very small agency with twenty intelligence officers in a city of half a million - has submitted more subjects to LEIU than the City of Chicago. I think they have more organized crime people than I have. I certainly have submitted more than the City of New York.

MR. VELDE: Any other comments? Thank you very much, Ray.

Before we break and before we round out the picture of what is happening in the field of organized crime, the session would not be complete without hearing what is happening at the level of Federal legislation. There is one man above all others who has been in the thick of this effort since its inception.

Bob, why don't you briefly summarize for us what is happening?

Bob Blakey has now retreated to the ivory halls, but for several years he was the Chief Counsel of the McClellan Criminal Law Subcommittee, and before that he was with Henry Peterson in the President's Crime Commission - and I don't know what else.

If there is one man who has done more, I don't know who he is.

PROFESSOR BLAKEY: Pete asked me to say a few things about development of Federal legislation and, perhaps, comment as to future legislation.

As Pete said, I have been involved in one way or another stealing other people's ideas, certainly out of Hogan's office, about what an organized crime program from a legislative point of view would look like. Of course, this covers the two pieces of legislation in the 1968 wiretap statute and in the 1970 Organized Crime Control Act. The truth is that the 1968 wiretap statute should have been part of the 1970 Organized Crime Control Act. It just happened that legislatively there was an opportunity to put the wiretap statute through, in which Pete certainly played a major role, and Senator McClellan was never one for waiting on formal symmetry. He saw a time to do it and he did it. Fortunately, it made some impact.

The general conception behind all of that legislation - and it comes from Hogan's office and from Dewey's office - is that organized crime cases are tough to make without the use of peculiarly legal tools, such as a grand jury subpoena, a wiretap, or things of this sort. The system that was designed by common law to prosecute criminal cases - assuming a simple prosecutor and then not even assuming the existence of police at all - just was not adequate enough to do it.

What happened in the 1968 act is that all along the system at various junctures it was strengthened and redesigned. The grand jury was strengthened and made somewhat independent. It was lengthened in time. Immunity power was set up, a use immunity

power, so it would not be Feds knocking off the state cases unnecessarily. The clear contempt law was laid out. The perjury law was reexamined so you would no longer have the silly business of two witnesses to make a perjury case. Witness protection was formed.

Two ideas were contained in the 1970 act that really have not yet been fully implemented. I hope some day the department will move in this area. They are beginning to now.

One is using civil remedies to deal with organized crime problems. There is a natural reluctance on the part of prosecutors to do anything other than criminal cases. I am not convinced that that is always a good idea, particularly in the area of gambling enforcement. I am convinced that this business of a revolving door with no sentences, dealing with the general prohibition against gambling, simply will not work. It will not stop it. It has little more than a licensing effect.

Perhaps, if we could borrow something from Antitrust to deal with restraining orders, we could particularize people's associations following the criminal conviction, or even in lieu of the criminal conviction. It would make a difference.

I understand that the guys in the Chicago strike force are going to try this and see what happens.

MR. DOGIN: Yes, in civil suits.

PROFESSOR BLAKEY: The judge apparently is very understanding

of what is going on, the defense counsel are not. This may be part of the game. For years they have trained themselves to respond to criminal cases, and if you brought a civil case against them it may be that you have a new deck of cards, a new resolve.

The other thing is the notion of extended terms for organized crime offenders. The 1968 act has provision for that. I am sorry to say - and everybody has heard me say it repeatedly - that the Department has not been as fully active in bringing these cases as they might have been. Indeed, the states, as far as I know, have not adopted this kind of legislation. The notion behind it is that there should be two terms, a normal term for a normal offender and an extended term for an organized crime type offender. This is the frank recognition of incapacitation, not rehabilitation into terms. It may be the only realistic answer in this area.

New York did this in a way with the mandatory minimum in narcotics. The difficulty with the mandatory minimum, which Frank did not outline for you, is the resistance of judges in these kinds of cases and the resistance of juries to convict. You can have the unconscionable result of a young first offender who happened to, as a matter of accommodation, give two ounces to somebody and ends up a life parolee. There ought to be a more sensitive way of discriminating these cases.

The 1970 act says that there ought to be an extended term, and it also does something very unusual that prosecutors resist;

that is, affirmative prosecution participation in the sentencing role, and then appellate review of the sentence in favor of the prosecution. This was adopted in lieu of mandatory minimums. The notion is that you have a special hearing, the guy is entitled to it, the judge does not give it to him, so you appeal the sentence. I am pleased to say that in at least one instance that is public this has been brought in Oklahoma. There is another instance, but I don't know whether that is public yet.

If the principle is ever established and the prosecutors find out they can truly bust you on a wiretap for six months, maybe they ought to bust you for three more months and make a sentencing hearing, then instead of giving a one-year term giving a ten-year term is a sound way to proceed.

What I really want to say, though, is that there is one thing I find so hard to do, or to help other people do, in the 1968 act and in the 1970 act - to change the law. It is really only half the game. Indeed, maybe it is not even half. To be sure, you cannot do it without good legislation, but all the legislation in the world will not do it if it is not administered and implemented. The tendency that most Americans have about "There ought to be a law" is really a silly attitude. The real problems in the organized crime control area are not legislative. To be sure, there are some changes we could make.

On the Federal level, for example, we could strengthen the

law against fencing. But basically the problem is not legislative any more.

There are two things as I see it. One is organization. This is the kind of thing that Frank was talking about, the kind of thing that legislators cannot do. It is the kind of thing which, if politicians support, will cost them votes. Consequently, it is the kind of thing that will not be done, at least will not be done with the speed and the force with which it ought to be done.

If we can bring together state-wide units, city-wide units, if we get cooperation from people and do all the other very bright administrative things that need to be done, that is going to make a difference. So, I think it is really administration and not legislation.

The second thing is that there should be training. Build a category of people who know what the business is all about so that if Frank Rogers stops prosecuting cases in the city in the narcotics area there will be somebody to succeed him. It is a terrible thing that, when you talk about organized crime, eventually you come around to Frank Hogan. It is a terrible thing because you have only one Frank Hogan.

The effectiveness of the law enforcement response in Manhattan to organized crime ought not to depend on the existence of Frank Hogan and Al Scotti. It ought to be possible to have a successor to the two of them. In fact, we ought to have enough talents and

dedicated people around that it will not make any difference whether it is Robert Morgenthau or Dick Hew who becomes the District Attorney in Manhattan. It ought not make any difference. Both people ought to be willing and able to field an office.

It seems to me that this notion of training in the area is one of the unresolved problems. Pete and I have talked about this a little bit and I gave him a memo, a copy of which should be circulated around the table, which mentions some of the ways something might be done about this.

The great difficulty is that it is not simple lawyers' training; it is police training. Consequently, we have now two groups thinking about it. People in law schools don't think about police training. They think about the practice of law, about legal training. So, the kind of specialized work that organized crime enforcement involves from the legal point of view only apprentices learn training there.

You can join Hogan's office and you can get in a rapid spiral and, if you have been there four or five years, you know what it is all about - but you will know what it is all about because you will have worked side by side with some guy who tells you what it is all about. But there is no institutionalization of that body of knowledge, no attempt to pass it on. You can get it in the department by getting into the organized crime section.

Normally what happens is that you stay four or five years and

then you go off and do something else. The capital that the government has built up in your acquiring that kind of special training is then dissipated and they have to start all over again.

One of the things that is involved in this memo is the notion that there ought to be some place, and obviously it ought to be Cornell, where this kind of institutionalized training can be undertaken for both prosecutors and police - not in a one or two-day policy seminar such as this one, not on a one or two-day common leave training program such as the National Association of District Attorneys General have, though I am not knocking it.

I am saying that it seems to me that their ideas are good but have not been carried far enough. I am talking about a concentrated attempt to bring a select group of policemen and prosecutors into the organized crime area together for maybe three or four weeks, particularly young people just coming into the units.

Prosecutors and policemen bring them together, and then bring people like Frank Rogers or get Al Scotti out of retirement, get them out and let them talk with each other, let them work with actual filling out of affidavits and discussing recent cases. Do this not for two or three days but for two or three weeks, and then do it continuously year after year. Maybe you can begin to do something other than apprentice training in this area. Maybe we can institutionalize it.

That is an idea and one of the things that I hope you people

will think about in the next day or so you are here and, if you don't see me and talk to me while you are here, I would appreciate a telephone call or a letter if you think it makes sense and if you have any suggestions on how it might be implemented or changed or what ought to be put into it. It is clearly at a very formative stage. The law school has approved this as a general idea.

One of the things, it seems to me, that ought to be done is to ask the customers to begin with what they might want from this kind of thing. If it makes sense, and you people are in a sense a select group of customers, there ought to be a little market research before the product is designed instead of to design the product and then go out and look for a market. So, if you would call me, write to me, or talk to me while we are here with some ideas about it, I would really appreciate it.

MR. VELDE: Bob, I liked your exposition on the legislation, but the commercial was a little long. However, we do have this memo which Bob referred to and it will be distributed.

FIRST PLENARY SESSION (AFTERNOON MEETING)

MR. VELDE: We would now like to review briefly LEAA's proposal for organized crime.

Although there is some uncertainty when we predict how much money we are going to spend on any one thing - usually our data is incomplete, out of date and behind the times - I think this is one area where we have kept reasonable close track. I think we know most of what we are doing and what the states are doing with our money.

Right now I will call on Steve Cooley to hit the highlights of the paper that you have received.

MR. COOLEY: The Law Enforcement Assistance Administration (LEAA), established in June of 1968 by the Omnibus Crime Control and Safe Streets Act, is mandated by Congress to assist and encourage state and local governments to improve and strengthen law enforcement and criminal justice efforts against organized crime by 1) organizing special organized crime units, 2) recruiting and training special investigators and prosecutors for such units, 3) establishing and developing state organized crime prevention councils and 4) developing organized crime information systems. "Organized Crime", as defined in the Act, means the unlawful activities of the members of a highly organized disciplined association engaged in supplying illegal goods and services, including

but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering and other unlawful activities of members of such organization.

In Fiscal Year 1969 LEAA began funding grants and providing technical assistance to state and local governments for projects to combat organized crime. In the five-year period from Fiscal Year 1969 to and including Fiscal Year 1973, figures compiled to date show that LEAA has expended over \$41 million in funding organized crime law enforcement programs and projects. (Figures for Fiscal Year 1973 Block Grant expenditures are incomplete at this time.) Of this total amount, approximately \$28.1 million, or 69% was funded in the following twelve states recognized by the Department of Justice as having a high incidence of organized criminal activity.

California	\$ 5.5 Million
Michigan	4.5 Million
New York	3.0 Million
Florida	2.3 Million
Massachusetts	2.2 Million
Texas	2.1 Million
New Jersey	1.6 Million
Pennsylvania	1.6 Million
Illinois	1.5 Million
Louisiana	1.4 Million
Ohio	1.3 Million
Colorado	1.1 Million
Total	\$28.1 Million

The following schedule is a breakdown of the \$1 million for each fiscal year and for each LEAA funding source:

	<u>FY '69</u>	<u>FY '70</u>	<u>FY '71</u>
Block Grants	\$ 1,015,644	\$ 5,442,348	\$ 7,209,795
Discretionary Grants	271,543	3,961,441	3,808,538
Technical Assistance Grants	-0-	-0-	7,500
National Institute Research Grants	6,500	458,347	217,283
Specialized Training Grants	-0-	-0-	-0-
Systems Development Grants	-0-	-0-	342,224
	<u>\$ 1,293,687</u>	<u>\$ 9,862,136</u>	<u>\$11,585,340</u>
	<u>FY '72</u>	<u>FY '73</u>	<u>TOTAL</u>
Block Grants	\$ 5,955,658	\$ 650,390	\$20,273,835
Discretionary Grants	5,481,424	5,342,000	18,864,946
Technical Assistance Grants	250,000	85,750	343,250
National Institute Research Grants	55,082	-0-	737,212
Specialized Training Grants	71,329	280,000	351,329
Systems Development Grants	-0-	383,145	725,369
	<u>\$11,813,493</u>	<u>\$ 6,741,285</u>	<u>\$41,295,941</u>

The ultimate goal of LEAA's Organized Crime Programs is the identification, containment, reduction, elimination and prevention of organized crime in the United States. Toward achieving this, LEAA set forth a number of funding programs designed to assist state and local governments develop and implement the countermeasures needed to effectively combat organized crime. The following are

brief descriptions of the major program categories and significant programs funded within each category.

Organized crime ignores the jurisdictional lines of state, county and municipality; therefore, coordinated efforts on the part of independent law enforcement agencies and states with separate legal systems are essential. This program was designed to stimulate and encourage the formation of multi-state regional organized crime intelligence systems. A prime example of this type of project is the New England Organized Crime Intelligence System (NEOCIS). Funded in Fiscal Year 1970 as a three-year pilot project, NEOCIS was established to centralize the organized crime intelligence operations of the six New England States through the support of all the New England State Police Units and the offices of the five New England Attorneys General having general criminal jurisdiction.

The NEOCIS design had four test components; 1) a data collection network, 2) analysis and dissemination center, 3) strategy coordination, and 4) coordinated enforcement. LEAA recently completed an evaluation of the NEOCIS Project. The results of the evaluation are proving extremely helpful in the development of new multi-state organized crime projects now being considered by LEAA.

On a national scale, LEAA established as part of Project SEARCH, a project to define, develop, test, demonstrate and

evaluate a prototype organized crime computerized central index. The objectives of the project were to develop a computerized national register of persons known to be active in organized crime activities and to provide on-line access to the register by various user agencies. To implement the project, a task force was formed of SEARCH Project Group members and members of the Law Enforcement Intelligence Unit (LEIU). As a result of the work of the task force, an Interstate Organized Crime Index (IOCI) was developed, successfully tested and evaluated.

Basically, IOCI is a computer-based telecommunications system with a central index containing public record information on members of organized crime. The central index on organized criminal subjects contains identification data, basic criminal history data and information indicating specific agencies having more knowledge regarding the individual. Besides the question of computer technology, the areas of developing standard operating procedures for the system and developing procedures for the security and privacy of the information in the central index were specifically addressed in the project. Consideration is now being given to developing IOCI as an operational national system.

It is impossible to have an effective organized crime program without effective intelligence systems. In order to coordinate the intelligence-gathering functions of local agencies, LEAA has encouraged the organization and development of state-wide strategic

and tactical organized crime intelligence units. A number of these units have been funded by LEAA. The Michigan Intelligence Network Team (MINT) is an example of this type of program. MINT is a multi-agency unit formed to conduct strategic coordinated surveillance on individuals involved in organized crime in order to accumulate effective legal evidence for prosecution. Intelligence is collected and disseminated by twenty-one representatives of seven criminal justice agencies.

Another unit funded in this category is the Intelligence Agent Liaison Unit in California. The agents collect organized crime intelligence data from state and local agencies as well as outside sources, and forward the data to a central file in the California Department of Justice. The data is then disseminated by the California Department of Justice. Another group of agents is available to assist local law enforcement agencies in investigating organized crime cases.

One of the most successful of these units is the Statewide Intelligence Unit under the Florida Department of Law Enforcement. Through intelligence data brought together by this unit, important information was brought to light linking several business corporations with the Meyer Lansky organization. In a cooperative effort involving this unit, Federal authorities and Interpol, indictments were returned in late 1972 against major figures in the Lansky complex. Also, this project will allow the Strategic Investigations

Bureau of the Florida Department of Law Enforcement to engage in investigations of a long-term duration against syndicated criminal groups involved in complex conspiracies. The conspiracies often involve large-scale financial manipulations; criminal fraud; concurrent violations of state and Federal statutes; stock market; insurance, real estate and often corporate transactions; crossing of jurisdictional boundaries; corporate infiltration; and extortion. The primary thrust of this effort will be enforcement. Top priority will be given to the identification and apprehension of participants in these complex conspiracies. Through extensive and intensive investigation, the Strategic Investigations Bureau will prepare cases for prosecution and/or administrative sanctions. Another anticipated result is prevention, insofar as certain schemes will not be pursued if the conspirators are subject to complete and timely investigation and administrative scrutiny.

A unique project has been funded in the State of New Mexico. In the 1973 session of the New Mexico State Legislature a bill was passed creating the Governor's Organized Crime Prevention Commission. This Commission was given broad powers for use in combatting organized crime in the State of New Mexico. This project will establish an Intelligence Unit within the Commission with the following immediate goals: to determine the nature and extent of organized crime, identifying major targets for program and investigative planning; to evaluate the effectiveness of the law

enforcement response to organized crime; and to advise and recommend plans for the control of organized crime to the Governor and State Legislature.

The long-range goal of this unit is to develop an intelligence-gathering organization equipped to provide guidance to planning, operational, prosecutive, legislative and executive agencies.

To further assist state and local law enforcement agencies in establishing specialized organized crime intelligence units, LEAA developed and published a manual entitled "Basic Elements of Intelligence."

This manual details the theory, structure and procedure underlying an effective organized crime intelligence unit. It was prepared for use by law enforcement agencies endeavoring to move against organized crime. It is both an operational guide for commanders of intelligence units and an explanation of the role and importance of organized crime intelligence. It spells out the intelligence process, explaining the interconnection between the various elements, and presents a generalized structure in which the process can be performed effectively. Over 3,500 copies of the manual have been distributed to date to intelligence officers, police departments and other criminal justice agencies concerned with the problem of organized crime intelligence.

Generally, organized crime investigation and prosecution has been fragmented, resulting in too few convictions of higher ranking

members of organized crime. In an effort to remedy this, these units operate as small "strike forces" involving experienced prosecutors, vice control agents, general investigators, accountant investigators, tax specialists, labor racketeering specialists and possibly other disciplines. They are designed to investigate and prosecute organized crime cases throughout a state. The Organized Crime Prosecutor's Pool in the Michigan Attorney General's office is illustrative of this type of program. The staff handles organized crime cases and is available to assist local prosecutors throughout the state with advice during the course of an investigation, training, and actual prosecution. The unit ensures the maintenance of a continuity of effort against the hierarchy of organized crime in Michigan. It also encourages the exchange of information and regular training for police, prosecutors and the public.

Another excellent example of an active unit of this type is the Organized Crime Investigations and Prosecutions Unit of Rhode Island Attorney General's office. The emphasis of this unit is to coordinate all anti-organized crime activities in the state, paying particular attention to gambling, loan-sharking, and the invasion of legitimate business by organized crime. One of their major efforts has been against illegal gambling in Rhode Island. It resulted in what may have been the largest gambling raid in this country. Police arrested 130 people for conducting a state-wide gambling operation doing business amounting to over \$100 million a

year. The raid included the arrest of Francis Joseph Patriarca, believed to be one of the leaders of the organized crime syndicate in New England.

In Louisiana, the Attorney General has established a state-wide unit consisting of investigators, prosecutors and other investigative specialists for the purpose of coordinating state and local law enforcement and regulatory agencies in efforts to control organized crime. This unit will implement a "task force" approach against public corruption and gambling within the State of Louisiana. Organized crime targets will be selected based on their importance in the organized crime structure, their impact on society and the capabilities of the unit for effective action.

There is a need in many states and large cities to establish a separate unit with responsibility for, and full-time attention devoted to, the problem of official corruption. Thus this program was developed to encourage the establishment of units to investigate and combat corruption at state and local levels of government. Organized crime control units generally address this important need; however, units devoting efforts exclusively to this concern are often of great value.

Perhaps the most well-known of these projects was the KNAPP Commission, established to determine the nature and extent of police corruption in New York City. At the conclusion of its investigation, the Commission issued a report detailing the extent

of police corruption, thus generating a momentum for reform within the Department. A major priority recommendation contained in the report related to the need to establish an office wholly unconnected with the police department to receive and investigate reports of corruption. Other recommendations included strengthening the Department's own anti-corruption effort, eliminating situations which expose police to corruption, subjecting those who engage in corrupt activity to significant risks of detection, apprehension, conviction and penalties; and increasing incentives for meritorious police performance.

Another illustration of this program is the Statewide Corruption Control Unit in West Virginia. LEAA funding allowed the West Virginia Purchasing Practices and Procedures Commission, an ongoing legislative investigative body, to expand its authority to investigate corrupt practices in the state and develop a statewide intelligence-gathering capability. The Commission authored and obtained passage of new bribery and conspiracy laws. These statutes are believed to be the most extensive and progressive legislative action in this area in 25 years. The effort made by this Commission resulted in a 59% decrease in state expenditures in one year, for a savings of over \$100,000,000.

Organized crime runs deepest and presents its greatest law enforcement problems in large cities and metropolitan areas. The objective of this program is to emphasize and offer supplemental

support for projects directly addressing organized crime in the nation's large cities and metropolitan areas. Projects may be in the form of intelligence units, investigatory and prosecutorial units, or corruption control units. One such project is the Organized Crime Fighting Team in Miami, Florida. This is a unique effort by a municipal agency in that it encompasses several methods of organized crime control. The team is composed of an attorney retained to furnish legal advice and direction; an accountant for specialized financial investigative work; a data systems consultant for instituting an efficient information and data system; and two organized crime analysts to coordinate and evaluate organized crime intelligence information. Members of the Special Investigation Section of the Miami Police Department are also assigned to the Organized Crime Fighting Team.

A new and innovative feature of this project is an intelligence computer system called SOCIM (System for Organized Crime Intelligence in Miami). The principal feature of SOCIM is its capability to accept into the computer bits and pieces of information from various sources, organize these into a comprehensive whole, and print the aggregated intelligence in a format suitable for study by law enforcement investigators. Another unusual effort against organized crime in a metropolitan area is the Cigarette Tax Enforcement Unit in the New York City Police Department. It is a highly specialized unit of 22 men devoted exclusively

to eliminating organized criminal activities associated with cigarette bootlegging operations. The unit's activities extend across seven states on the East Coast and the evidence it gathers will be used to prosecute violators of the New York State and New York City Cigarette Tax laws. In the latter part of February, 1973, the Cigarette Tax Unit made its first major assault on one of the biggest cigarette smuggling rings in New York City. Six men were arrested and 20,000 cartons of untaxed cigarettes were seized. The individuals arrested are alleged to be part of a ring which took in profits of \$10 million last year and cheated the city and state out of \$18 million in tobacco taxes.

This program is designed to encourage formal training for state and local law enforcement personnel in areas specifically related to the control of organized crime. One of the most comprehensive training efforts funded by LEAA in this important area has involved a series of three 10-day Organized Crime Law Enforcement Training Conferences held in fiscal year 1972 and providing training for over 500 police, prosecutors, judges and criminal justice planners. The conferences helped law enforcement officials develop techniques for investigating and prosecuting organized crime cases; and encouraged the improvement of interagency and interjurisdictional coordination and cooperation.

A number of participating agencies indicated that they have either instituted new organized crime programs or changed an

existing program as a result of participation in the conferences.

One of the most effective organized crime law enforcement training programs funded by LEAA was initiated as the Dade County, Florida, Organized Crime Law Enforcement Training Course. The program includes seven weeks of intensive training into the nature and elements of organized crime; special laws and legal problems relating thereto; gambling and other vice activities; narcotics; infiltration of organized crime into business and labor; organized crime intelligence-gathering investigative techniques. Six classes involving a total of 150 police officers have graduated from this training course.

The California Department of Justice has also developed effective organized crime training programs. The Department provides an ongoing training program for intelligence collection, intelligence analysis, use of specified surveillance equipment, criminal intelligence photography, and a course for intelligence commanders. Also a chief executive criminal intelligence seminar is planned. These training courses are open to members of law enforcement agencies outside of the State of California. Over 120 officers have been trained in the analysis of intelligence data, and 300 police officers have been trained in the collection of criminal intelligence. These efforts have had an extremely beneficial impact. Intelligence information is being shared, and agencies are cooperating more effectively in a number of areas.

Most importantly, the state is taking active steps to develop a capability to fight organized crime at both state and local levels.

An interagency agreement between LEAA and the Alcohol Tobacco and Firearms Bureau of the Department of the Treasury provides training to a state and local law enforcement agencies in the following areas:

Raids, Searches and Seizures

Explosives and Firearms

Surveillance

Undercover Techniques

Interrogation

Development of Informers and Evaluation of
Information

ATF, which sends instructors to law enforcement agencies requesting this service, has been providing these LEAA-funded training programs for state and local law enforcement agencies on a regular basis since 1970. ATF has a high degree of expertise in this field and the program has been very well received by the state and local agencies. Since the beginning of the existing ATF training program in October, 1972, state and local participants in the programs have expended a total of 30,332 manhours in the training classes. The ATF training is an excellent example of Federal-state-local cooperation.

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In addition to the training materials developed by the various training programs, LEAA prepared and published a handbook entitled "Police Guide on Organized Crime." This is a handbook for police officers that describes their role in developing information on organized crime. It is intended to complement existing procedures and policies in local departments by providing officers with a broad awareness of the various manifestations of organized crime and how to deal with them. To date, over 300,000 copies have been distributed to law enforcement officers. The booklet has been used extensively in connection with in-service training programs and in criminal justice courses in colleges and universities.

Finally, the National College of District Attorneys and the National Association of Attorneys General have been awarded grants to establish organized crime training seminars specifically for prosecutors. Both programs are now in operation.

One of the reasons organized crime has flourished is that the public and law enforcement agencies in the area are often unaware of its existence. Organized Crime Prevention Councils are seen as a first step in recognizing the problem. They can also be a potent force in implementing an effective fight against it. The councils are designed to determine the nature and extent of the state's organized crime problems, and the resources available to combat it. In practice, their function can range from strictly advisory to that of major policy making.

To date, seventeen states have established such councils. In this regard, a manual to guide states ready to take this important step has been extensively distributed by LEAA. It is entitled, "The Role of State Organized Crime Prevention Councils."

This manual sets forth guidelines for the establishment of an organized crime prevention council. It presents the organization, composition and functions of an organized crime prevention council for those states planning to establish such a council. The manual has been widely disseminated to encourage the development of Organized Crime Prevention Councils in every state.

One of the most effective Organized Crime Prevention Councils funded by LEAA is the one formed in Georgia. It has been effective in coordinating the state's intelligence network. The Council has developed a comprehensive approach to determine the extent of the state's organized crime problems, and has taken a lead in formulating strategy to combat that problem. This project is an excellent example of the substantial role that an Organized Crime Prevention Council can play in developing and implementing organized crime control projects.

LEAA has recently awarded a grant to the Indiana Organized Crime Prevention Council to develop a National Conference of Organized Crime Prevention Councils. This Conference is designed to provide a professional forum for the following purposes:

1. To discuss and exchange views, ideas and experiences in the area of organized crime prevention.
2. To introduce new information, current guidance and practical technical and managerial applications. To distribute pertinent information developed by these state/Federal agencies represented at the Conference.
3. To encourage increased and improved regional cooperation and to explore methods for better coordination in the development of joint plans and programs and in the execution of joint operations.
4. To encourage increased and improved cooperation among the councils and Federal agencies and to seek methods for better coordination and cooperation in the execution of joint organized crime countermeasures.
5. To encourage increased and improved cooperation among all state law enforcement agencies and to explore means to enhance communication, joint planning and joint countermeasures among state agencies.
6. To clarify further those principal requirements and challenges facing State Organized Crime Prevention Councils with a view to improving overall performance, information and intelligence systems and methods of communication.

The Joint Federal, State and Local Strike Force concept was developed as a result of a fiscal year 1970 discretionary grant to the New York State Office of Crime Control Planning. This grant allowed the Federal Strike Force for the Southern District of New York and various New York City and state agencies to engage in joint investigations against organized crime. LEAA funds were used to compensate the non-Federal (state and city) participants in the project.

The objective of this program is to develop cooperation and coordination between Federal, state and local law enforcement units who share the common goal of eliminating organized crime as a national problem. Joint Federal and non-Federal investigations reduce the fragmented and duplicative efforts existing in many jurisdictions today and increase the level of operational security and data exchange between the various cooperating agencies. The close operational ties developed by such a project enhance the efficiency and expertise of state and local law enforcement officials through on-the-job training and association with their Federal counterparts. Specifically, this program develops a working relationship by use of the strike force concept between the Reorganized Crime and Racketeering Section, Criminal Division, U. S. Department of Justice, and other compatible Federal, state and local law enforcement agencies.

The second joint strike force project was established in Boston involving the Boston Strike Force, the Massachusetts

Department of Attorney General, the Massachusetts Department of Public Safety, the Boston Police Department and the District Attorney from all nine districts in Massachusetts. A third project is soon to be funded for the Eastern District of New York.

Cargo theft has become a serious problem in many jurisdictions having large seaports, airports and concentrated rail and truck service. The influence of organized crime in the theft of cargo and the disposition of the stolen goods has been extensive. To combat this growing national problem, LEAA has joined with the Department of Transportation to initiate special preventive measures in many of the hardest hit areas. Under consideration at this time is a project to establish a training and implementation program to reduce cargo theft and pilferage in 15 test cities. The project is based on the assumption that effective prevention and prosecution must be carried out at both local and Federal levels. The strategy includes steps to involve police administrators, line personnel, and local prosecutors. Administrators will be guided in the selection of line personnel to be assigned to the training school and prosecutors will be given in-service training regarding the specific problem of cargo theft and pilferage.

Follow-up service will be given to keep up local interest and to provide a communication link between the cities involved in the project.

The project will produce four technical assistance manuals for LEAA to publish and distribute nationwide: 1) Guide for Transportation Security Surveys, 2) Prosecution Manual for Transportation Crimes, 3) Transportation Crime Investigation Manual for Local Police Officers, 4) Proceedings of the Police Administrative Conference on Transportation Crime.

The project will be housed within the National Crime Prevention Institute, a division of the School of Police Administration, University of Louisville, Kentucky.

As a cooperative effort between LEAA and the Department of Transportation, a publication entitled "Cargo Theft and Organized Crime" was prepared. This is a desk book for management and law enforcement. It describes the role of organized crime in cargo theft and effective procedures that can be taken to insure cargo security. It describes the extent to which the theft of cargo and its subsequent disposition are related to organized crime, and indicates what management techniques and procedure-oriented steps business executives can take to prevent cargo theft. The desk book has been distributed nationally by both LEAA and the Department of Transportation.

LEAA will encourage and give priority to the development of projects having a multi-jurisdiction and multi-discipline approach. Past experience has shown that organized crime can be effectively controlled and eventually eliminated only through cooperation and coordinated law enforcement efforts.

This is best achieved by formal participation in joint projects using the "strike force" or "task force" approach. This formal coordination and cooperation avoids the duplication and fragmentation of investigators and prosecutors, and increases the level of information sharing between all participants. In addition, this method has the advantage of "pooling" expertise and resources to provide a capability often non-existent in any one jurisdiction or discipline.

LEAA will highlight the development of research and operational corruption control projects. The corruption of governmental officials and criminal justice personnel is an integrated part of the operation of organized crime. Without corruption, organized crime could not exist. State and local governments will be encouraged to examine their criminal justice systems to determine weaknesses and potential for corruption. Steps should be taken to establish procedures for dealing with corruption through investigation and prosecution. Also, additional measures should be undertaken to develop legal and administrative reforms to remedy the situation and prevent any recurrence.

Training of criminal justice personnel in organized crime law enforcement methods and techniques will continue to be employed by LEAA. Additional stress will be placed in the area of training intelligence analysts and in special prosecutor training. While specialized training in organized crime law enforcement

is of a high priority, general orientation training in organized crime is also necessary. Each state, regardless of the nature of its organized crime problem, should institute programs to provide this general training for criminal justice personnel. If the organized crime problem within a state is not a major one, then the goals would be to halt the possible intrusion of organized crime. Prevention, as well as control, requires that the organized crime problem be recognized and understood by those in law enforcement. If a state's problem is a significant one, this type of training is essential particularly for the development of a good intelligence capability by making all law enforcement personnel aware of the problem and how they can individually assist those specialized units charged with the responsibility for organized crime investigations and prosecutions.

The control of organized crime requires comprehensive planning, both long and short-term, to allow state and local governments to achieve the most effective use of all available resources and to eliminate duplication of effort and overlapping functions. Continuous monitoring and reassessment of the situation is essential and should be the permanent responsibility of organized crime control planners. While law enforcement agencies will serve as the primary sources of information and expertise, LEAA will encourage states, which have not done so, to establish Organized Crime Prevention Councils.

The Council, supported by a professional staff, would draw upon its own and other available expertise to undertake the responsibility for comprehensive organized crime planning in that state. LEAA plans additional support for State Organized Crime Prevention Councils by establishing a national organization for Organized Crime Prevention Councils which would perform the function of coordinating activities of all councils, and providing for the transfer of ideas, programs and technical assistance between the various Councils.

The establishment of a pool of highly qualified organized crime specialists to assist state and local governments in developing, implementing and evaluating their organized crime control programs will be initiated by LEAA. LEAA will establish criteria for the selection and recruitment of the experts and will develop a system for servicing requests for assistance. Special emphasis will be given to recruiting agents in the highly specialized fields such as planning, electronic surveillance, white-collar crimes, strike force operations, etc.

One of the reasons organized crime has flourished is that it is a problem that often goes unrecognized. Even where organized crime is acknowledged and actively combatted, it is often difficult to measure the results of such efforts because of the covert nature of the crimes involved.

LEAA's efforts have been aimed at both prevention and control

of organized crime, and it is the evaluation and the documentation of the results of these efforts that is of primary concern to LEAA. Only through the development of such evaluation measures can state and local law enforcement agencies verify the fact that the efforts they are expending are having an impact in reducing and eliminating organized crime in their jurisdictions and in the nation as well.

MR. MUELLENBERG: Let me make one observation. I had the pleasure of lecturing in Dade County Organized Crime Training School. I thought that the program was stretched quite fantastically.

The first day somebody spoke about organized crime in America for eight hours. I was on for four hours about organized crime in Florida. After two hours I felt like Fidel Castro. After three hours I bored myself.

That was really a stretched-out program. I talked to about thirty people. I was the first speaker in the morning and everybody had a tough time staying awake. I thought it was just a little too much.

MR. DUNMAN: It is good to say this has been changed around.

Now it is about five weeks. I have added about six categories to that program. It moves so fast now that the complaint is: "They are throwing too much at us."

So, I brought on the concept that the investigator in organized crime has to be a generalist. He has to know as much about

as many areas as we can build in. I have a couple of copies of this program I mentioned and I am anxious for you to look at it.

MR. MUELLENBERG: I was in Atlanta recently at the Organization of State Attorneys General investigating white-collar crime in a seminar.

Mike Armstrong came and talked about the Knapp Commission and a lot about Serpico. Then, at least the one day I was there, somebody else talked generally about police corruption and how many people were indicted, how many people were put in jail.

To those who are present to learn something, I think it would be of much greater value if the speakers address themselves to a specific investigation. We have had many of those in the organized crime section. Just what are the resources available? Tell us what agencies can give you what, how you go about it, what you do on the street, what you do in the grand jury. Otherwise it gets down to really telling war stories.

I have the feeling that you did not walk away from that seminar with any feeling that you knew better how to put together a fight against corruption.

MR. COOLEY: This is very true. In fact, I think a comment to be made - with the exception of the specific training in California and in Dade County - about the training that we put on is that it has been general. We have been at the mercy of those who have come to give us the information. Due to the

fact that they are people working full-time, we have not been able to get them to lay everything out so that we could really find out what they are going to say. In many cases we have given them outlines which they have not followed.

I think that what really - in answer to your comment - is necessary and suggested by others, and by Professor Blakey, is the type of institutionalized training where these people can be completely prepared and can actually give structured instructions instead of whatever comes from the tops of their heads.

MR. MUELLENBERG: I have not read this memo yet. But I certainly would think that that kind of a three or four-week training program would probably be a much more meaningful thing.

MR. COOLEY: Right. This is very necessary. It really has been a problem in our past conferences. It was not designed to be that exactly. The comments were right across the board in the same vein.

"We are interested; now we want instruction."

MR. VELDE: I have just a couple of points that I would like to consider.

Organized crime effort in LEAA has been roughly fifty million dollars, including a rough guess of what fiscal 1973 looks like. That sounds like a lot of money in one pot and, from a taxpayer's perspective, it is. From the standpoint of LEAA's total resources that is fifty million dollars out of three and

a half billion dollars through the end of this current fiscal year. It is a very significant program, but we have spent a lot of money on a lot of other things, too.

Also, the direction of the program has been focused from one point in Washington, from the Organized Crime Desk. There is some consideration being given in LEAA to perhaps decentralizing this effort and giving our regional offices more oversight over these various kinds of efforts.

I would like the chairman to generally focus on this in your small groups to comment on the accuracy of what we have done. Do we need to do more? Are we doing too much? Are we wasting money?

Just from an organizational point of view, any comments that you might make will be well received.

MR. DUNMAN: The only thing I wanted to say was that if you take invited lecturers - even if you bring them in from the outside - and have them outline in advance what they are going to say, most of the men who participated in the program we have now have outlines in advance which they review and go over. In several cases my coordinator and I have developed outlines and handouts which we give out several days before the lecturer appears. In fact, I make it mandatory reading and quiz them on it before the lecturer gets there.

MR. COOLEY: We did this with our three ten-day conferences. They were good. We had forty speakers per conference. So, if

you had five speakers who were not prepared, that could make an impact on the total program. The difficulty is that when you ask somebody who is a full-time prosecutor or a full-time intelligence man working oftentimes more hours than he should, and you ask him to prepare this kind of thing, half of the time you do not get the kind of cooperation that you feel, as the person putting the program together, you deserve. This is no reflection on the people who come to speak. It is just asking an awful lot.

MR. MUELLENBERG: Those resources get thin after a while.

MR. COOLEY: I think it just points out the need for the kind of training exercise where there is enough preparation ahead of time and continuous updating for training programs for organized crime in both prosecution and investigation areas.

MR. KOHN: Let me say that, considering what organized crime has cost this country, the fifty million dollars invested by LEAA since 1969 has gotten us from virtually nowhere to a real national program. In our state legislatures and in the governors' offices there was much reluctance to become concerned about it. They would not become concerned if there had not been this LEAA seduction of money and programs and they never would have acted.

So, as far as I am concerned, if anybody still has doubts about LEAA's investment and capability of creating a drive, then

I don't think that they understand what has been done.

Let me just add this. I am deeply concerned - and we have talked about this before - about this trend that still goes on of thinking in terms of the police and the prosecutors as the people who need training. What training there has been thus far is represented to a great extent around this table. It has been at the level of the police and the prosecutors.

Certainly we have a long way to go to increase competence. But the dead end right now is in the judicial and in the corrections field. It seems to me that any future planning at all has to bring in the guys who make the final decisions about what happens to the end results of police-prosecutorial effectiveness.

I might mention to you that, for a year now, I have been working on the Federal Judicial Center regarding the judicial training program. So far I have been able to break through in the probation seminars. As a matter of fact, next month I will be giving my third talk on "Organized Crimes Are Different" in the Seventh Circuit Conference in Milwaukee. But this will be only to the probation people. The judges are still being excluded, by deliberate decision, from any exposure to even generalization of training about organized crime.

Until the work of those who are involved, the police-prosecutor level, ends up with something better than suspended sentences, probation, one year for a guy who has been for a

length of time victimizing the populace, or even three years, then I am afraid we are going to be generating an awful lot of muscle at the level of police and prosecutor and a tiny little squeak from the standpoint of a preventive criminal justice process. I would like to mention to you that this can be done.

This past month, for the first time in our own Federal region, we were able to get a policy issued to all Federal probation and parole personnel that they may not in the future authorize travel to Las Vegas for organized crime convicts in the Federal system.

As of right now every other jurisdiction in this country finds probation people who are authorizing, on request, travel to Las Vegas by people under Federal probation parole. We are trying to get a national policy on this. But again I remind you of the futility of the imposition of a probation sentence against a major organized crime figure, or even a minor.

Who can supervise an organized crime figure under probation? It is impossible. Yet a lot of this is still going on. I think it is going on out of a pure lack of comprehension of what organized crime is in terms of sentences. I would love to see, even though at the beginning you would get very few joining up, a repetition of invitation of judicial and correctional personnel to every conference.

MR. COOLEY: We have had that, in fact, at this conference. It included correctional people.

INSPECTOR MC CARTHY: Thank you, Aaron, for giving me the opportunity.

Back in 1967, as Mr. Rogers is well aware, a mobster named Joseph Lanza did have a piece of the state government. It was my investigation. As a result, Mr. Lanza did more than his maximum upon return as a parole violator. In other words, my investigation did not lessen his time. In fact, Mr. Lanza did more time than that which was imposed by the late D.A., Frank Hogan's - may he rest in peace - prosecution had provided for. Mr. Lanza fell from grace and did more than his maximum. This was a bit unique.

To get to the present situation with the Federal authorities, I met with them eight or nine months ago in an advisory capacity and sent them material to start their effort in the Justice Department about probation.

In New York, Lanza did more for legislation than we could. In other words, he created the vehicle which we exploited and created and got funds for a Bureau of Special Services to revamp the entire system.

At any rate, the Federal probation people in New York were endeavoring at that time to get funds for an intelligence investigative unit for the probation department.

Now, Mr. Velde spoke to me during lunch in connection with the problem created by OC people in the correctional system. With the cooperation of Ken Conboy and people who are heading

this up in Mr. Rogers' office, the Chief of Rackets Bureau, strike forces, task forces, I know who is coming in to the system and I might say that I get more requests almost any time for leniency or to do something about expediting the guy's release because somebody is sitting in the drywell outside and nothing happens until he gets out. So, we deal first of all with the raw material, that is, with the records.

Programming them on the inside, particularly today, one asks how you label him internally as an OC figure. I know who he is and I know how to deal with him. The problem is how to safeguard the records.

If I say that Valente is an OC figure, I must be able to document this. This could deny him furlough and early release; he should never get farther south than Danamora. The record indicates that.

If I am stupid enough to put that in the record, I leave myself or any one of my esteemed colleagues open for the criminal bar in New York. The problem with the correction people is that we do know how to deal with these, we are pretty much on top of them, and we restrict their activities before they subvert the entire system. We are sensitive to that.

Incidentally, the intelligence assimilation and dissemination are extensive, which is also a problem. What I am concerned about, however, is how to deal with the record keeping and let the parole

commissioners know, let the people on what is known as the Temporary Release Committee know that Joe X from Brooklyn should not be considered for anything other than the harshest of treatment. By harsh I mean realistic.

PROFESSOR BLAKEY: The answer is to put in a Special Offender Center Division, as in the 1970 Act, that labels him as an organized crime offender.

INSPECTOR MC CARTHY: If the courts do it I have no problem. Up to this point this has not been done.

PROFESSOR BLAKEY: I am sure Herman won't agree to the special offender sentencing provision, but at least the problems he would have with your word-of-mouth problem - which is lack of due process - would be met by a constitutional special offender sentencing process.

INSPECTOR MC CARTHY: We have a couple of suits right now because of denial of rights since the guy was for organized crime.

MR. KOHN: Pete, may I say that there is one standard that we need to arrive at, a standard for defining an organized crime figure. I might mention in connection with this that we are tentatively asking Corrections merely to use the Federal under which the conviction occurs. There is a need for a standard for this definition to be used by the courts, Corrections, and all other areas of the criminal justice field.

The Justice Department has been under attack for using OC on some file.

MR. VELDE: I think we had better break now into our small group sessions.

SECOND PLENARY SESSION

LIEUTENANT HENRY: Our group addressed itself to the main problem of intelligence sharing.

The one basic concept that we immediately agreed upon was that organized crime intelligence sharing is a concept that must be supported and expanded.

Basically we felt that this concept can be implemented through regional organized crime intelligence systems and that we would support the creation of regional units.

We felt from the experience in the past that --

MR. VELDE: By "regions" you mean regions within the states, or multi-state?

LIEUTENANT HENRY: Regional units that could be totally within one state or could be multi-state.

We felt that there should be a definite policy guideline with certain limitations as regard the creation of these units. Policy guidelines should not reach down to the operational level. Whatever policy decision-making body controls the policy formation, it should not reach down to the operational level. The commander should have total control over his personnel selection, discipline, assignments, etcetera. There must be a solid fact-finding collection system.

We indicated that this should be based within the departments. We mean basically that this should not be regional intelligence

officers where various units submit officers to work out of the original unit. We felt the collection would be better if the officers remained with their own unit and collected data that would then be submitted to the region.

We felt that the regions' prime purpose in the heart of the system would be a well-trained analysis section to operate within the regions. At the time of the establishment of the OCIU it should be clear-cut and ironclad in agreement of the management and the administration of the unit.

We base many of these recommendations on past experiences of various units that have functioned - some well and some not so well in the past. One of the problems that this discussion isolated was, in regard to management, that we felt the responsibility for management must definitively be accompanied by the proper authority to carry out his assignments. This has not always been the case in the past.

We strongly recommended that the regional units, as basically any intelligence unit, should be totally divorced from enforcement responsibility.

We did feel, however, that the regional unit could be used effectively with the administration of funds as to purchase of evidence, paying of informants and things of this type.

As to the final use of the product of the regional units, a definite policy should be that all intelligence units through the

regional area should direct a very conscientious effort toward disseminating the fruits of their efforts to whatever prosecuting agency could make the best use of it, regardless of political status, local, Federal or whatever.

We feel, also, that the intelligence unit commander must be free to make dissemination policies for both tactical and strategic information and that this type of decision should not have to run through a policy-making board.

Policy-making boards should rather address themselves toward defining the areas of collection. They should constantly review the areas of collection. They should constantly review the areas for collection as updating, based on the changing conditions in the region.

We felt that in the establishment of the regional units it was very important that the vehicle for an honest feedback should be built into the system. That is the feedback as to the results that could be gained, if any, from the information that was disseminated. If the information was of worth it would certainly help evaluate the worth of the intelligence unit. Feedback of a negative nature would, if nothing else, serve to improve the quality of the intelligence-gathering process to redirect it into the proper area.

Finally, we recommend that various regional units that are created under this concept in some manner be tied together at a

coordinated level, at an upper level.

We did not explore further into what type of recommendation we would make except that particular point as to the coordination as, frankly, we ran out of time.

MR. VELDE: How would EOC fit into this regional structure? Would this be tied in just for policy or exchange of information?

LIEUTENANT HENRY: I think it would complement the system. As our collection effort would continue to lie at the local level rather than the creation of full manpower at the regional level, I think IOC would be there in one or more of the agencies involved in this collection area and it would complement their collection area.

MR. KOHN: I may have missed the significance of the things you said, but I have to feel that your recommendation include a policy for dissemination of information to any prosecutor, local, state or Federal. Is that where your recommendations limit the direction of dissemination?

I would like to go back again to the questions raised yesterday. How about the other regions of government, the administrative agencies, where there is clearly a defined intelligence which relates to the administrative responsibilities of some agency of government - local, state or Federal - which would affect their decision-making, particularly in reference to the license grant, contracts, and so on.

LIEUTENANT HENRY: We addressed the matter of dissemination of intelligence short of that which is ready for prosecutive agency. We did indicate that this was one of the major tasks of the regional unit. We did address it, however, almost totally from the point of view of the regional people taking it back to the units that comprise that region. We did not address, to my recollection, going beyond that point. Is that basically correct?

MR. FINNEGAN: Yes. But I do agree with Aaron. As a matter of fact, I agree with you a hundred percent and, as a further matter of fact, in the NIORKIS operation we then had just that. Some of our best results have occurred as a result of giving information to a state regulatory unit and, in some cases, to big city regulatory units. We have been able to hamper and impede organized crime by certainly other than prosecutive methods and based on the intelligence that we gave them. I think it should be included in this recommendation. It is an oversight.

It is one of the best ways to make intelligence effective. I agree with you a hundred percent.

MR. KOHN: Was there any talk at all of what we can anticipate as a new and pervasive problem in an increasing number of states, and that is the government administration of gambling and its high vulnerability to infiltration, corruption, and so on? Since it is a new area of development, is there any special attention to intelligence dissemination responsibility which bears upon anything which

will affect the integrity of or the infiltration of the administration of state or local operated gambling? It seems to me that this is going to be a highly vulnerable governmental situation.

LIEUTENANT HENRY: I think all the members of the panel would probably have some definite recommendations in that field. However, we did try to limit our policy of discussion totally to intelligence sharing. With the limited time, that is one of the things we would have liked to address, I am sure, but we did not reach that.

MR. VELDE: Did you distinguish between public record information in courts and informants and investigators field reports at that point?

LIEUTENANT HENRY: We did to some degree. Basically the finished product, that is the result of the analyst supportive material conclusions or what have you, was what we were talking about in the final dissemination. I think as to all the rest of the material, the informant reports, the bits and pieces, we indicated that they should not be leaving the regional coordination area other than that which would be necessary to feed back to the collectors to help redirect or assist them in additional collection efforts. We felt that only a finished analysis product should leave the regional office.

MR. VELDE: The provision of the Justice Department Privacy and Security Bill, S. 2964, does authorize the sharing of

intelligence and criminal offender processing information to administrative agencies that have a law enforcement function.

The example used in the legislative history of sectional analysis is that of the IRS at the Federal level which has both administrative and enforcement and intelligence functions as well.

MR. KOHN: They are not necessarily considered enforcement.

MR. VELDE: No. If the regulatory agency does have criminal statutes stating that it is responsible for provisions for criminal penalties, then it would be defined as a criminal justice agency with a criminal justice function of a non-criminal justice agency and, therefore, entitled to share on a need-to-know basis. There would have to be a determination of the need to know.

MR. TIMMENY: I think it is very important to know for all concerned, Pete, that the independent regulatory agencies do administer statutes with very significant criminal provisions.

The penalty, for example, with respect to violations of the Securities Act may run to five years and, as Professor Blakey knows - he has worked with us - fines of up to \$10,000 on some counts. I think we also have a quick strike capability when it comes to civil actions. That is a point that has been much ignored but will be dealt with by Henry in the District Court.

I believe we are in the posture of someone who has tremendous capability to assist in this fight but we don't have our own intelligence-gathering function. It is most important that we be

utilized to the full extent of our capability.

There is one thing that I don't quite understand with respect to the recommendations - the suggestion that the intelligence unit divorce from the enforcement unit. I wanted to ask Ray or someone else who was in the workshop what the rationale was for that recommendation.

I have seen in our day-to-day operation where we have enforcement capability and a very limited intelligence-gathering function that we are severely hamstrung by the absence of that intelligence-gathering function. I should think that that divorce, if you will, if accentuated in the future, agencies that are in our position would be far less effective.

MR. KOHN: He did not say divorced. He said they would not perform in an enforcement function.

MR. DUNMAN: The collectors will get the intelligence and then disseminate it to the enforcement function to carry it out, so that they are not married to a courtroom and do not have to put in the tremendous amount of time that is involved in carrying out a prosecution.

MR. KOHN: It only means that they will not make any arrests.

MR. DUNMAN: They will be pulled back from kicking the doors open and serving the warrants, handing the evidence, and then sitting in the courtroom for three or four weeks to prosecute a major case.

MR. MC CALMONT: Anytime that you have them doing both then both will be bungled. You have to have them doing one or the other and not have them being tied up in a long investigation. This is what would really happen if all of your intelligence gatherers are tied up on investigations, and you would lose the intelligence-gathering altogether.

MR. VELDE: Mr. Finnegan, maybe you might comment because I think that is the way the NEOCIS (New England Organized Crime Intelligence System) was set up.

MR. FINNEGAN: Yes. It was set up with the idea of keeping everything separate, but we did have, first of all, the collection function which was performed partly by civilians employed directly by NEOCIS and partly by police officers assigned to NEOCIS.

In the case of the state police officers who were assigned to NEOCIS, one of the things that happened was exactly what we recommended against. They were from time to time assigned to follow up on the intelligence that we had collected. The state police commander in that district would request that it would be assigned from NEOCIS back to them. Then they would get into the direct enforcement function.

Our feeling was that there were many state policemen back with the State Police Department who could have done that enforcement aspect just as well but that there were not many people who could have done the intelligence, and we did lose the intelligence

capability of those state police officers sometimes for weeks at a time.

So, we have here a very definite concrete example of the fact that you should keep the people in the intelligence function entirely separate from the investigative and enforcement function. We did try to do it that way but, even though we were set up not to do it, it did creep in. You have to have a constant safeguard against that. That is probably more true in a regularly organized law enforcement agency - there is always a strong tendency to really dilute the intelligence effort by giving the intelligence people some law enforcement responsibilities. It just does not work out.

MR. DUNMAN: Did you discuss at all any standards of documentation? What I mean is how you would evaluate the final product. I am just more curious about that than about anything else. It is a tough area to talk about. I just wondered if it came up in the discussions.

LIEUTENANT HENRY: I don't think we reached that at all.

MR. DUNMAN: Let me ask you something else. As far as intelligence sharing was there any discussion about liaison? I feel it is the most valuable potential source we have, that is, the uniformed divisions and the patrol divisions as well as ways to link up with them, get them to communicate with us and for us to let them know.

LIEUTENANT HENRY: We discussed that only indirectly. We put the collection effort back into each of the individual political units: the police, the sheriff, the attorney general's office, whatever office we are speaking of.

We did address at great length the training concepts and the upgrading of each of these individual units, and certainly the opening of all of the avenues for information in your own department as well as outside would be a definite part of the training of the individual units.

MR. DUNMAN: I wondered. I have several sections of 150 to 250 uniformed patrol police officers who come in on an organized crime police intelligence orientation seminar. I give them a little pre-course survey. As a result about 300 men have taken this so far. This has caused several changes in the Metropolitan Police Institute training programs, just because before that there was a complete lack of understanding about 1) what organized crime is and 2) what police intelligence is.

There is an amazing amount of ignorance among the uniformed men about what their concept of intelligence is. We found out that we have caused several major changes in the Metropolitan Police Institute in the basic law enforcement courses. They are trying to create more input about what intelligence is.

There should be a way of letting the patrolman know his information got there. Many patrolmen say: "I have told things but

I never hear anything back." If this were done it would lead to a lot more patrolmen talking to us from an intelligence point of view.

For instance, after the first patrolmen seminar, the Organized Crime Bureau received several major leads that developed as a result of attending that seminar. Several men turned up in the Organized Crime Bureau and told them new things.

There is a lot that can be done in our links with the patrol divisions. It is our greatest source of information.

LIEUTENANT HENRY: I would agree with that one hundred percent. In fact, I would expand it into one additional area that I think many organized crime intelligence units neglect. As you say, they have the responsibility for training the general department and they should address the problem of training their own men. I think they rather neglect training of their commanding officers, the chief and his staff. This is another area that I am sure every intelligence unit should address itself to. I know our own unit is deeply involved in the three-pronged effort of training.

MR. VELDE: Mr. Finnegan, since the experience in your district is really very relevant to one of the major recommendations of this task force, I wonder if you would give us just a brief summary of that experience and tell us what we might learn from them. There might be something there which would help us to attempt to establish regional organizations, such as have been recommended here, in other parts of the country.

I know that was a pet project of our first administrator of LEAA, Mr. Rogovin, who had organized crime background in Massachusetts as an Assistant Attorney General there working for Mr. Richardson. He also had been a staff director of the Organized Crime Task Force of the President's Crime Commission. So, this is one project that we looked on in the very early days of LEAA not only as solving some problems in New England but serving as a national model.

MR. FINNEGAN: First of all, a lot of these recommendations were drawn up and made yesterday after I did just what you have asked me to do now. I did give them a really frank and detailed summary of the problems that we did have. I can run over it again.

MR. VELDE: I think it would be important for the purpose of our record here to have that incorporated into it.

MR. FINNEGAN: Our experience shows that, first of all, once you establish a regional intelligence unit there should not be any headlong rush to get operational. By operational I mean getting the type of information that can be immediately used by investigative or regulatory agencies.

What happened there is that we did just that. During the first year, within probably three or four months, they were trying to feed our operational tactical intelligence without actually forming the systems that we needed. I feel, looking back, that

the first year should have been spent in first developing a good fact-finding collection system. We did not do that.

I arrived at NEOCIS after it had been in operation just about one year. At that time the analysis and dissemination process had not actually begun to function. It had functioned only in a couple of instances where some information was received which was obviously recognized by the director as being very important. Actually, in that case the analysis and dissemination function was in fact performed by the director, or one or two men, and not by the analysis and dissemination unit.

The collection unit, or the collection network as we like to call it, was really unsupervised. They had a few general guidelines, but most of the collectors were about twenty-seven and were made up of about sixteen civilians and ten or eleven state police officers at the various stages. They were doing their best. They were getting a lot of miscellaneous intelligence in, but it was not being processed. In fact, in some cases it was not even being indexed, and it certainly was not being given the analysis or dissemination treatment that was needed to produce an intelligence product.

The first thing we did was to organize an analysis and dissemination section. In so doing, we did begin to improve our collection network but we never did improve it and refine it down to the point where it should have been.

I think one of the things that we did wrong was that we called our intelligence collection people "intelligence officers", and they immediately began to function as intelligence officers who did not have any other responsibilities except to collect what information they could collect individually.

The intelligence collectors, for instance, and the chief intelligence officer and all of us did not set up a systematic intelligence collection network. We did not make an attempt to establish a contact in each one of the state agencies, both police and regulatory, and city regulatory and enforcement agencies, and arrange a system so that we would get intelligence almost on a mechanical or an automatic basis. The intelligence officers were collecting it themselves. Hundreds of manhours were wasted on that, and the information that we were getting was sporadic and many times not to a certain point.

So, after we established the analysis section we concentrated on it, and from there we improved our collection network by channeling and guiding the efforts of the collectors. We would send out, for example, memorandum guidelines on certain types of information that we were collecting and tell them, in some cases, that this was a blind alley and to forget it. We would get them to concentrate on another thing. In other words, we would give them a goal. We were in the process of improving our data collection system.

Ideally that should have been the first thing. We should have done that from the beginning so that intelligence would have been coming in to the analysis and dissemination center on a regular basis.

The second thing we did - I think that is probably one of the first things that we should have done, also - was to set up the analysis and dissemination center and really to try to train the analyst and indoctrinate him with what he is supposed to do.

When we came there - and when I speak of "we" I mean the present director and myself - we had one analyst whose work was really confined to indexing information. We immediately put in more than one, and we pointed out that one of the functions of the analysis and dissemination center was to find out what was important and not just to see that everything gets into the files. We pointed out that a lot of it was not worth getting into the files, and that the first thing they should do would be to cull it at that level and then get it into the files.

As the files built up we did train an analysis group of young, rather highly educated, people and we did indoctrinate them with the idea that they were really the nerve center of this intelligence system. We got a system down so that they were actually comparing every bit of intelligence that came in. They were comparing the new intelligence against the old intelligence that was already in the files and vice versa - they were taking the old intelligence out and comparing that.

Then we were able to point out to the analysts that the intelligence officers were really dependent upon the analysts for the quality of their network. Then we brought the analysts and the intelligence officers together. All of this took a lot of time but it did cut down on the amount of operational intelligence that we were sending out.

We tried to foster a close liaison between the analysts and the intelligence officers in the field so that they work as a team even though most of the time they are only connected by telephone.

That immediately began to pay off in dividends because - and I am thinking of Mr. Rogers - we did begin to get a lot less intelligence reports in but the reports that we were getting in were a lot more worthwhile. We were able to get away from these one or two or three-line reports that gave a little bit of information and then left all kinds of things unsaid. We were able to cut down the number of guidelines but then we had to go back to the intelligence collectors.

We did agree yesterday, I think, and we certainly found this out in NEOCIS, that if you do not have a good analytical section you do not have an intelligence system. You have a mass of information which rapidly ages and then suddenly is of no use to anybody. It just uses up manhours in useless filing.

The next thing we did - and this is also reflected in the recommendations that Lieutenant Henry put forth - we did find that

the director of NEOCIS and his staff had a tremendous amount of responsibility as to what should be done by NEOCIS and the quality of work that it should turn out. But they did not have anywhere near the authority to implement that responsibility.

For example, it was a small organization to begin with, and the project that had been originally drawn up - which I think was excellent and I still think so - is capable of being implemented completely, and it staffs the organization very well as to positions and types of positions, but unless the director is able to put the people in those positions that he knows can do the job then the job shall not be done.

In NEOCIS the director and his staff simply did not have that authority. He had some very important key people on his staff who were not able to do the job. He was not able to remove them because he did not have that responsibility. That responsibility was reserved to the joint steering committee.

For people who do not know what that is, NEOCIS operated under a steering committee composed of the heads of the state police agencies of the six states and the attorneys general. This joint steering committee did reserve that authority to themselves as to the selection and removal of the staff.

I believe, and I think probably a good many of the joint steering committee agree with me because I have not made a secret of my beliefs, that certainly the joint committee should have the

authority of telling the director that he cannot have somebody if they believe that he is certainly not the man, but I don't think the joint steering committee can say that this project says that all of these following functions must be carried out: you must have a good collecting system, you must have a good analytical system and you must have a good strategy system, but you do not have the authority to select the people to do it. In effect, this is what it came down to.

The director of NEOCIS realized that certain key people were not able to do the job. He was not able to remove those people and replace them despite the fact that, in the organization itself, we did have people that we could have moved up and we certainly had a lot of people in the New England area that we could have recruited.

Again, most of the joint steering committee probably did agree with the fact that we did not have the authority but they could not agree to overrule some of their own members and to give us that authority. One of the reasons for that is that the original product called for unanimous agreement on the part of the joint steering committee for the selection and filling of certain positions. I think it is evident to all of us here that you just cannot get unanimous opinion on some of these things.

To get the unanimous opinion of eleven men, all of whom admire and respect each other anyway, is impossible because they

are not going to overrule one or two or three of their own people even though they believe in it. This is a fact.

Some of the committee members have said privately that they agree with us but they would not publicly disagree with their fellow members of the joint steering committee. It was almost a matter of senatorial courtesy on appointments. As a result, we were not able to develop certain functions. The strategy function did not function at all.

I will digress a little bit here because I think I have the right audience. Ms. Anderson said yesterday that she participated in the selection of the firm which evaluated NIOCIS. I do have the opportunity to talk to a lot of LEAA people at the same time.

We did have an evaluation of NIOCIS by a firm selected by LEAA. I thought their evaluation was very good.

First of all, I think it turned out to be a plus in some ways because the people who did the evaluation had no law enforcement background whatsoever. They ranged from an aerodynamics engineer, who came from either Boeing or McDonald Douglas, to a doctor in sociology who had been out of school only a year or two. They did a good evaluation.

During that evaluation they also visited every member of the steering committee. By and large they made criticisms that we recognized as being valid. As a matter of fact, I actually tabulated the criticisms that were made in that evaluation. Something

like ninety-two percent of the number of criticisms and suggestions for improvement that they made were based on what the director or members of his staff told them. So, I think this goes to show that we were not hiding anything from the evaluation committee and that, furthermore, we were well aware of these deficiencies before the evaluation committee came around but we were unable to change it.

I told Ms. Anderson yesterday and anybody who would listen to me, and the evaluation people were told, also, that I did not disagree in general with their evaluation except that I did not think that it went far enough.

For instance, they had visited every member of the steering committee, they talked to the director and me and two or three others on the staff. We all talked very frankly with them.

They criticized, for example, the fact that we had not developed any strategy program as it had originally been set up. This was absolutely true. But they stopped there. We told them why we had not developed any strategy. We had two people who were responsible for that and they were absolutely incapable of doing it. We told them that they should not be there, we had tried to remove them, and that they should be removed. They did not mention that in the evaluation report.

Frankly, I thought that they had lost their courage, too. I felt that, in their evaluation report, they thought that it was

sufficient to point out that we did not develop our strategy. We all knew that. We had done our best to get the joint steering committee to agree to do the necessary changes to enable us to develop a strategy.

I really believe if the evaluation firm had said the same thing and put it in that nice glossy report they put out that we might have been able to change that in time, change the whole unit, because this evaluation was made relatively early in the game.

They started a little over a year after the project began and they finished up ten months later. They did not go far enough. That is the only criticism I have. I felt they were a little bit dishonest, to be perfectly frank, because they did not do what they were paid to do. If they see that there is something wrong, and they are also able to see why something is wrong, they should have said: "This is wrong and this is the reason why it is wrong."

MR. VELDE: Okay. Thank you very much. We have to move on. Any other comments on this report?

MR. DUNMAN: Can I ask one more thing? Was there a delineation between primary and secondary goals in your strategy? Were there any general concepts developed as to what should be considered primary as opposed to secondary when you laid out your strategy?

MR. FINNEGAN: When you say "primary" and "secondary" you are

saying the same thing as when you say that you first have to form a "strategy coordination board" - this was the last comment I was able to make to the joint steering committee.

The strategy coordination board was supposed to be formed after the first year and was supposed to be followed by key people at the top, or as near to the top as possible, of the joint steering committee. We did get as far as sending out notices to each member of the joint steering committee and telling them why we needed them, and that it was because the project called for a strategy coordination board.

We did hold two meetings but the strategy coordination board was, number one, not attended by a single one of the top members of the steering committee and, number two, the people that they did send - all conscientious people from their offices but quite down the echelon of the ladder as far as the responsibility and authority went - were not able to express an opinion. The few that did express an opinion insisted that it be off the record.

I did get a chance to tell the joint steering committee that the strategy function of NEOCIS would never get off the ground unless the final function, which is the establishment of the strategy coordination board, is attended by each member himself or by a man sent by him who would have full authority to commit himself to certain things as far as strategy went.

We did not get that and, frankly, sometimes did not even get any response to our proposals.

MR. DUNMAN: One last thing: How many steno or clerk-typist type people were in the unit for their twenty-seven investigators?

MR. FINNEGAN: At the peak of our operation we had five.

MR. DUNMAN: There were five people who would type full time?

MR. FINNEGAN: Yes. They were typing from rough draft, from telephone conversations, or from recorded conversations.

MR. DUNMAN: I just wondered what the ratio is. A lot of units have trouble getting sufficient stenographic support.

MR. FINNEGAN: No. I think that is one of the sad things about NEOCIS. We had a real good formal structure, we had good support everywhere, we just did not have some of the right people in the right place and we just couldn't make the change.

MR. DUNMAN: That seemed to be the problem in some of the intelligence units. You have thirty or forty guys working the street from half a dozen departments who have only one or two clerk-stenos to support their large group. I just do not see how all the information can be properly indexed, go into the file for quick review, coordination and analytical work, when you have only one or two girls sitting there. The result is that you have your \$12,000 or \$15,000 men sitting there at the typewriter trying to make up for the lack of typists.

MR. FINNEGAN: We had good administrative and clerical support. Every one of our index cards was cut on an IBM card so that we could convert it.

MR. DUNMAN: I just wondered whether you had that problem.

MR. PLANTS: I agree with most of what has been said here, but I think you have to be very careful about how you insulate this intelligence division from the operational forces of the department. You can carry that too far. I think that the idea that there is a bunch of tinkerbells running around throwing out information to the operational forces is bad. You are dead if that is the way you conceive it. I believe that they have to have a definite part in the operational aspects of your agency to the point where they are there when you are making arrests or raids if for nothing more than to help you explain what they really told you.

We have been going through the process where intelligence was completely separated from the rest of the department, and they were not even considered by many of the people in the department to be part of it. I believe you can carry that separation too far.

MR. DUNMAN: Yes. You have a lot of secrecy then which takes years to break down.

MR. FINNEGAN: I agree with Colonel Plants and with you, Mr. Dunman.

We were, again, fortunate there. Everything seemed to function well in this NEOCIS except for a few of these personnel problems, and it is really a shame that those happened. We did just what Colonel Plants said.

As a matter of fact, it was the state police and the agency investigators who actually made that easy for us because they initiated some of the analysts' work. We had given them some good intelligence, and they may have started the investigations and, at a certain point of the investigation, they asked if our intelligence officers and our analysts could go to the various states, work with them, and just do some of the paper work, and it worked out fine. These analysts came back to us better analysts than the other people. Everything worked out fine at the secretarial level, too.

MR. VELDE: Okay, Professor Blakey, would you please give us the definition of organized crime? I think we were defining it a moment ago.

PROFESSOR BLAKEY: Yes, the definition of organized crime, some comments on standards and goals and, finally, some comments on citizens' initiative. In a sense, all of the conference's talk has been about this, although I think this time maybe we added something to what had been said before.

There was a consensus that it was probably a mistake to try to develop one definition of organized crime to fit all purposes. This is something that had been done in the past and ought not to be continued. We felt that there were various ways of looking at organized crime from various disciplines. Legal, social, economic, and appropriate definitions could be developed in the context of those disciplines.

The second thing that we thought about was how do you define and decide your purpose. You might want to have one definition for a legal purpose, one definition for a correctional purpose. You ought to recognize that more definitions than one are appropriate.

The other thing is that the business of trying to develop a set of elements that would always fit every case probably was a mistake. What we should look for are factors that would be involved more or less across the board. We talked about some of the factors that you might find in classifying something as an organized crime problem in the various contexts in which the phrase would be used.

We talked about the activity being directed toward money and power. That is number one.

Number two, the techniques for accomplishing the goals would be fear and corruption.

Number three, we talked about the notion that it was not episodic but rather a long period of time or at least over a long-term commitment. The individual activity may be episodic. It might be hijacking a truck, or it might be running a gambling establishment. One would be episodic in nature with a long-term commitment to that kind of activity. The second would be a long-term commitment to that business enterprise, such as gambling.

Number four, we said that it was conspiratorial. It has a

group. It was not one or two people, but more. In the same context we talked about how these factors, pulled together in specialized context, could have a specialized meaning.

In corrections, for example, we talked about the cause of a long-term commitment in conspiratorial activities. It would be possible to say that an organized crime member would be held together by peer group pressure. That would mean that he would not normally be susceptible to correction and rehabilitation efforts. You can talk about peer group pressure in the context of corrections, and have it a meaningful element. You don't have to face the issue of peer group pressure for a legal definition toward criminal liability.

Then it seemed to us that we ought to talk about some of the things that organized crime was not. First, it was necessary to make clear that organized crime was not limited to any ethnic group, and certainly the concept of organized crime ought not to be limited to the LCN fans, and that other ethnic groups were involved and should be stated expressly.

Secondly, organized crime is not limited to the running of illegal enterprises or the selling of unlawful services, like gambling, narcotics, or traditionally prostitution and liquor. Unless you gave a broad definition of something like services, you would not include the theft and hijacking of stolen property. That clearly was an organized crime activity and ought to be recognized in the same way.

Finally, we thought that you ought to distinguish between secondary illegality and primary illegality. An organized crime activity would be primarily illegal. The notion of this distinction would let us distinguish a GE price-fixing conspiracy that might meet all of the formal factors. We would have to say that the GE activity was only secondarily illegal. Primarily they were selling electrical equipment which was not an illegal activity; only secondarily did they get into price-fixing. But, if you got into a group that was selling electrical equipment but the method of doing it was unlawful, then you might be willing to characterize it as organized crime.

We also wanted to make very clear that organized criminal activity did not include what we call subversive groups. They are really primarily political in nature: the Weathermen and the SLA. While they might have some aspects about them that looked like organized crime, they really are not. The goals are power and money and we talked about them in terms of being within our system.

It seemed to us that the goals of subversive groups are outside our system or within fundamental changes in the system. Therefore, subversive groups, as such, would not be considered to be organized crime.

The second major thing that we talked about was the issue of the standards and goals. Everybody seemed to lament the fact that

the Standards and Goals Commission did not address itself in a specialized way to the organized crime problem.

We felt that something ought to be said to the effect that a good deal of the work done by the task force - headed by Bill Reed - never formalized itself and was not committed to paper in any way; and we felt that this was a loss. To make up for that loss, we thought that LEAA might be able to sponsor one research project that would collect all the major recommendations - from the Wickersham Commission, the Katzenbach Commission, the Oyster Bay Conference, this kind of conference, the reports of the New York State Commission on Investigation - and have somebody sit down and organize those recommendations in the organized area around police, courts, and corrections. In other words, simply have someone lay out what everyone has recommended up until now and incorporate the recommendations in one simple document.

Almost as important, we felt there should be an appendix to the basic recommendations in the form of a summary of the actual texts of some of the recommendations so that there would be one convenient source place for everything which most of the groups who have looked at it at several different times have said. There is not a basic source document that includes all of that. If we couldn't get our own standards and goals in the half hour that we had to talk about it, we knew that going back to that kind of document would be the first step toward that project. Then,

perhaps, some people could study that and then produce a basic document of standards and goals in much the same way that the Commission itself did.

Lastly, we talked about citizens' initiative. It seemed to us that --

MR. VELDE: Bob, may I ask a question?

Did you focus on the question of reactivation of the task force in coming up with a full report?

PROFESSOR BLAKEY: No, we didn't go that far. In fact, that was not discussed, so I cannot say that we rejected it. It is better to say that we didn't really discuss it at all.

MR. KOHN: I think we anticipated that something like that might happen - that there might not only be the coordination of past recommendations but the introduction of possible new, innovative recommendations. We don't know. Nobody has looked at it.

MR. DUNMAN: We said that somebody would get into it and do an analysis and collation: the same thing we do in our units. What has been done? Who has put it all down? I said that I would like to have such source material. I would wear it out if we had it all together. That would be a working project, I think, and it should be done with recommendations.

MR. KOHN: This would include the Kefauver Committee.

PROFESSOR BLAKEY: Oh, such material is lying all around. It is there and only needs collating. Not even commentary is needed,

just assembling it would help. Often people will come to a document and draw from it what they find relevant to their special position; therefore, collecting material and laying it out in a systematic way would be helpful.

MR. DUNMAN: Is there something like that in existence?

PROFESSOR BLAKEY: No.

INSPECTOR MC CARTHY: We view it as a working resource manual that is a compilation of everything that has been done.

MR. VELDE: We thought of putting the McClellan hearings into IOIC. I don't know that that actually has been done.

MR. DUNMAN: It would be perfectly safe - it is all documented material.

MR. PLANTS: Isn't much of the stuff in IOIC drawn from the McClellan hearings?

MR. VELDE: Some of it is, I am sure.

LIEUTENANT HENRY: Many of these hearings were used as the documentation to be able to include the person in the index and to be able to adjust it by the inclusion.

MR. VELDE: Bob, you are not addressing yourself to this, are you?

PROFESSOR BLAKEY: No. Just somebody said that we ought to have wiretapping, immunity legislation, intelligence units: how they should be structured. All of that stuff can be laid out in terms of these recommendations, which can be gathered together

in one place with a summary in the front and an appendix in the back.

MR. KOHN: It is very important to have the standards and goals input on organized crime. This has to be somewhere. There is a hell of a lot of it that somehow never found its way into print.

PROFESSOR BLAKEY: Part of this would be to take the recommendations of a general nature - for example, the Katzenbach Report on standards and goals - that have a special twist on organized crime. Those ought to be included, also - not just the obvious organized crime stuff. This would be a blueprint for an attack on organized crime.

This is what everybody has said about it. I am sure that it will show contradictory recommendations, but, if you put them in all together with references to people and the reasons for the conclusions of each, then you have given somebody a tool to look at.

MR. KOHN: I have to go back, Bob, to something we discussed yesterday. I thought we had an extraordinary compact tool in the organized crime task force meetings, which Bob kicked off with a fantastic outline. There was a great deal of input and a good deal of original thinking on the part of the participants. At one meeting somebody from the LEAA staff was there but virtually none of that input shows up anywhere in the standards and goals. Somebody knows where that record is, and I wish we could find it.

MR. GOLDEN: Could you suggest where we could follow that up?

PROFESSOR BLAKEY: Bill Reed should have it. The other thing would be just a question of going through the files on organized crime looking for the basic recommendations.

MR. GOLDEN: I don't know what happened to them, that is, the standards and goals recommendations.

MR. PLANTS: Who was the LEAA man assigned to that committee?

MR. KOHN: There was some suggestion that Bill Reed may have had his own staff.

MR. VELDE: He did have a couple of people identified. I don't know whether it was one of those task forces that was put into an advisory status.

PROFESSOR BLAKEY: The last thing that we talked about was citizen initiative. Everybody seemed to feel that the major issue there was educational. What the government could do for the citizen was to educate him about crime, and what the citizen could do for the government was to give support to questions of witnesses, of legislative recommendations, of budget support, and what have you.

There is an enormous amount of written material: books, magazine articles, all of this sort of thing. But what hasn't been done is the kind of thing that we saw the other night. Before we saw the movie, we recommended that LEAA undertake to produce documentary-type material aimed at a specialized audience: junior

high schools, high schools, college students, citizens' groups, business groups, law enforcement personnel, even legislators.

Wiretaps are starting to show up now, and you can take the recordings of what these people have said and put something together like the "voices of organized crime." You can put it together with photographs - as we saw the other night - and make basic educational material. You can get that kind of dramatic impact that you cannot get simply by reading. People won't read any more. If the medium is the message, then you have to get into the audio-visual medium. There are many people around who are technically able to do that.

This thing that we saw the other night was good. It was not sensational. It had an enormous amount of information in it and, given the photographs and what have you, it had an impact. That kind of thing, we suggest, ought to be done.

If LEAA doesn't do it, nobody else will.

MR. NEEB: I would like to ask how that film was distributed and utilized.

MR. VELDE: You might cite for the record the film we are referring to.

MR. PLANTS: It is a film called "Silent Partner." It was put together under the auspices of the Michigan Organized Crime Council. Bob Bullock was one of those who was involved deeply. As we are sued, he gets involved deeper and deeper.

It was prepared as a tool for public awareness. There are also some ten, twenty-second spots that go with that. They are available to stations for public service kinds of things - both audio and visual spots. The problem was to get stations to use it. Did anybody besides Channel 50 use it here?

MR. BULLOCK: No; only spots.

MR. PLANTS: The major stations here would not air it, but it was aired by Channel 50 and has been given to many service groups.

MR. NEEB: How long has it been used, and have you evaluated any impact on it? Has there been any feedback at all?

MR. PLANTS: No.

MR. NEEB: Would the spots be regionally usable?

MR. PLANTS: The spots would be more usable across geographic lines than the picture. The picture is oriented around Michigan because it was done by the Michigan Council. But, the spots are generally usable spots. They don't mention local figures. They are also more usable because they are more generalized. They don't specifically mention a man or a business. So the spots got great coverage for a period of about eight months. They have kind of tapered off now. Most of the stations ran the spots.

MR. BULLOCK: The spots were good, and I thought they were effective. I would agree that they would be applicable any place in the country.

PROFESSOR BLAKEY: If you make the film, I don't think you should make it for a national audience. I think it should be made regionally. Everybody says: "Oh, it is terrible in New York; I am glad we don't have it here."

MR. PLANTS: Frankly, that is why the group decided to use names and show pictures of businesses and put actual cases in there, because it would bring it right home. Most of the organized crime films - by the time the lab attorneys get through with them - are so watered down that you are talking about Mary Poppins.

PROFESSOR BLAKEY: There are enough convictions now so that we can identify people specifically. Every point in the film could be made out of a litigated case.

MR. PLANTS: What did we spend for that? Wasn't it about \$75,000?

MR. BULLOCK: I am not sure.

MR. DUNMAN: I thought it broke down to \$1,000 a minute.

MR. PLANTS: If you can tell me how long it ran, I can tell whether that is true or not.

MR. DUNMAN: Fifty-eight minutes.

MR. PLANTS: It was around \$75,000 for the spots and everything.

MR. KOLAR: I just wanted to comment to the group that I showed it before a class in organized crime with working policemen

and students. It was extremely well received. It pictorially illustrated what we were talking about. The real problem is that there is not enough of that material. I had them critique it, and there was not one comment of an adverse nature. Everything was: "Find us more of that." I think that there is a real thirst for this kind of material among the public, the students, and the police.

MR. NEEB: I was very impressed with it. As a prosecutor I got awfully sick of going into a county on a gambling case, for example, and becoming the bad guy because I was cutting off the heavy entertainment of the local populace. I can see a tremendous need for this.

Whom would I contact to get copies of this?

MR. PLANTS: I would suggest that you send a letter to Don LeDuc, Michigan Office for Criminal Justice Programs, Lansing, Michigan 48823. Don is the SPA chief, and it was made with SPA block grants. They have most of the copies.

You didn't see it, but we also have a handout that we hand out with it. I didn't have enough of those to pass out last night.

PROFESSOR BLAKEY: I did something - not that professional - with a wiretap out in San Antonio. We had the actual transcripts and that kind of thing. I have used it in an organized crime seminar. Just the visual impact of the body photos and the audio impact of the sound discussion of the homicide make for a good effect.

MR. PLANTS: It makes for two different films. If you are talking about public awareness versus police officer training films, the public film needs a shock that might not be required with the officers.

PROFESSOR BLAKEY: When you talk about the "hit", it is nice to have a photograph for people. It gives somebody a concrete image behind what is an abstract word.

MR. PLANTS: Using the word "rip-off" is not as bad as using the word "thief". I think the word "hit" is not as bad as the word "murder".

MR. DUNMAN: A key to a lot of that, I have found, is to put newspaper articles on transparencies and blow them up. Seeing them oftentimes carries more impact than a police report. People are quicker to believe if they see the headline.

MR. PLANTS: Bob didn't suggest that I say this, but somewhere there ought to be a center for the study of organized crime. I don't know where it ought to be - Cornell or not - but there should be some logical vehicle by which we can get these things funded and coordinated. I don't know whether it ought to be in a university or in the Department of Justice, but there ought to be some place to coordinate these kinds of activities. We were completely in the dark when we started. There are some things that I know now that I would not do again - were we going to make another film.

If you are going to bring together, for example, the organized crime task force, I think that ought to be reactivated to work on standards and goals in this field. If you are going to make any kind of any funding priority, how are you going to do it unless you have some sort of a schema or a plan by which you can gauge it? Somewhere there has to be a vehicle to do that. Put it in LEAA if you want to.

MR. KOHN: In connection with this publication there is not only the need for tailoring varieties of materials to reach varieties of audiences at all levels - economic and age - but a more specialized focus, like the ghetto and what it is doing to itself. If you take a certain kind of tailored approach, you will need to consider this.

There is also a need for a variety of educational means to reach those who will be expected to be the projectors. For example, we have discussed at length that there ought to be a greater visibility of the people in law enforcement and intelligence who are educated. They will have a variety of capabilities.

I sent out a beautiful package of slides with a tape-recorded message for projection before civic organizations. This was with the help of the U.S. Chamber of Commerce. You don't need a speaker. They can show it themselves. For somebody who is not a good speaker, but who can implement such a thing, it works well.

You can have a police intelligence officer get the packet and

use it. These can be short and long. You are dealing with a lay audience which cannot absorb too much. You may want to have a package for a particular audience where they have come to recognize that a particular aspect of organized crime is their problem.

You can get into the matter of corruption, for example, and what its impact is in terms of law enforcement. There is a need for a variety of educational approaches.

MR. KOLAR: I just had one more thing. I was told over the 'phone that the task force on organized crime was out of print. It would seem to me that one of the things that we should do is to put that back in print.

MR. VELDE: You mean from the GPO?

MR. KOLAR: Yes. It is one of the few authoritative sources that condenses the picture for you.

MR. DUNMAN: I just bought a thousand copies of that.

MR. KOLAR: I couldn't get twenty.

MR. VELDE: As an aside, the sales of the task force volumes of the President's Crime Commission have resulted in a profit to GPO - amounting to more than the total cost of the Commission. The task force report of the Standards and Goals Commission has already returned an LEAA investment to GPO. The last we hear from them is that it is going to be their all-time best seller. There is a demand already for that in the third printing.

MR. DUNMAN: That is a justification for getting some more

of these things going. If you could compile those things together, the demand for that kind of a product would be astronomical.

MR. PLANTS: It was a good idea to put that Playboy center-fold in that opening copy.

MR. VELDE: Okay; any other comments on this report?

If not, then let's move to the next one. Kurt had to go back, so Frank Rogers has stood in his stead to summarize the work of group three, which is to identify priorities: Federal, state and local.

MR. ROGERS: The main thing that we attempted to focus upon was some sort of a fiscal 1975 plan. Our main concern was the lack of depth to the regional offices of LEAA. We felt that they did not have organized crime specialists assigned to each one of them, and if they did have a specialist, he was assigned for only a small percentage of his time. We thought that there ought to be a full-time specialist, especially in the busier offices.

It was because of this lack of personnel in the regional offices that we were in this dilemma of being unable to define where we should be going in 1975. The SPAs submitted their own individual plans halfway through the fiscal year and, although it has assisted in some ways, it didn't assist in the way that it should in focusing on the following year's projects.

As to where the money should be spent, there was a good deal of sentiment that new projects ought to be initiated and funded

in Southern New Jersey, Southern California, and possibly Puerto Rico.

MR. VELDE: What kinds of projects are you referring to: intelligence, operational?

MR. ROGERS: Well, intelligence and operational. We felt there was a problem in those areas which had not been clearly defined and worked on.

It was unanimously agreed by the Michigan participants that they did not need any more projects in the State of Michigan as far as intelligence units were concerned.

MR. PLANTS: Did we make that statement? I would never make that statement publicly.

MR. ROGERS: Basically it was the feeling of the workshop that the group assembled really could not identify more areas than I went through in a few minutes because we did not represent a spectrum of the nation. We had several from New York, New Jersey, Michigan, and Nevada. We did not feel confident to put forth any clear plan as to where we should be going in 1974. What we did recommend is that there be a series of regional meetings to determine these priorities, and hopefully there would be more significant input from those meetings.

In the area of identifying organized crime by current illegal activities and recommending priorities, we thought that a major effort should be placed in the investigation and interdiction of

labor racketeering. We felt that too little was being done in that area.

We also thought that not classifying the illegal narcotics trade within organized crime was a mistake. Moreover, to take it away from the organized crime specialists was also a mistake. We felt this has to be looked at separately.

Other areas that we considered were corruption, hijacking, and - at least on the East Coast - entertainment. By entertainment we meant the talent business and the record industry.

There was some question in my mind as to the advisability of having a separate unit for the investigation of corruption within the criminal justice system. I commented that every time we got involved in an organized crime case we were detoured several times by a leak or an alleged leak or a corrupt prosecutor, judge, or police officer. It took too much away from the main target. And oftentimes we never got back to the main target.

Perhaps we could have a separate corruption unit, but it should absolutely be under the same umbrella as the organized crime investigatory group.

The two recommendations that we came up with were that the LEAA regional offices should be strengthened with organized crime specialists, and that they should be able to exercise more muscle in coordinating intelligence plans. LEAA could apply its purse power here. New York, for example, should not be able to thumb

its nose at all these other intelligence units.

MR. PLANTS: We thought something in the order of the CDS programs would work here. You don't tell the states how to do it, but you do say that they must address these particular items. We thought it ought to be the same way with the organized crime units. Each state ought to have an organized crime plan, but how it addresses that plan is up to it. This would avoid the funding of counter-productive intelligence units in proliferation when all that may be needed is coordination of present units.

MR. VELDE: That ties into the recommendation of the first group: the regionalization of some of this.

MR. PLANTS: Regionalization may be part of it, but they are still sovereign states, and they make up a legal entity. In Michigan I have to live within Michigan law. We do have interface with the surrounding states, but there are certain things that I can do in Michigan that they cannot do in Ohio and Indiana. Therefore, Michigan ought to have a program for the State of Michigan. For example, intelligence units could be attached to the prosecutor's office. I don't know whether this is true in other states or not.

There are two things that we want: consumer fraud and organized crime intelligence units. What we are saying is that LEAA should not be in the process of funding units that do not conform to state programs or plans.

MR. DOGIN: Let me comment on Frank's statement about the lack of depth in the organized crime field in the planning process at the regional office.

You made the statement yesterday that the organized crime program was not controlled by the regions. I must tell you that it really was in New York.

MR. VELDE: I know that - with one exception.

MR. DOGIN: This point is very important because there is very little capability in the SPA to go out and identify organized crime programs and attempt to design programs. The organized crime specialists in most SPAs are usually young attorneys who may or may not have been prosecutors. Usually they have not been prosecutors.

Therefore, I think it is incumbent on LEAA to identify those regional offices - where there are major organized crime problems, put in a guy who has been in a rackets bureau or who has experience in the task force units. You have a sexy program to offer. Make it attractive. Put in people who can go out and assist the criminal justice agencies in identifying the problems and setting up some of these programs.

The states are not going to be able to do it. We were in very sophisticated states - New York and New Jersey. The comprehensive plan in New York was an abortion on organized crime last year. We almost rejected it on the basis of their lack of any interest in the problem.

So I think that you have to identify a few regional offices, go out and recruit prosecutors who have experience, and then aggressively go out and assist the states. In fact, in June of 1972 we were asked to present to LEAA what new positions we thought we needed in New York and we recommended an organized crime specialist.

MR. DUNMAN: I don't know why it has to be a lawyer, but there should be one.

MR. PLANTS: This raises my hackles, too. We need a specialist, however.

MR. KOHN: It seems to me in connection with the questions that were raised in the workshops about identifying organized crime by geographical area I might mention that the organized crime committee of the American Bar Association suggested that the ABA make a survey of the United States. This was suggested by Eugene Gold.

PROFESSOR BLAKEY: The lawyers would certainly know.

MR. KOHN: I want to take you back to the 1967 Task Force report in which Mr. Rogovin sent a questionnaire out to the police agencies asking them to identify whether or not they had a major organized crime problem. There were some unique combinations of responses that he got back, especially from the areas that had serious organized crime problems.

It seems to me in connection with the book we are talking

about that it might not be a bad idea if LEAA did - in connection with the preparation - a survey to get answers to these two questions you raised with the workshops inasmuch as there has been seven years' growth of intelligence capability from 1967. This might help to tailor the 1974 Task Force report to the new reality.

MR. PLANTS: The 1974 Task Force could come up with some priority targets. It might very well be the vehicle by which you could establish priorities for funding or for action.

QUESTIONER: Was there any discussion in the workshop with respect to the need for infiltration of legitimate businesses?

MR. ROGERS: It was recognized that it is a major problem and has been for some time on the East Coast. It was, however, just one of many. We felt that labor racketeering was the most overlooked area.

MR. DUNMAN: It is one of the areas where you get the most support.

MR. PLANTS: And the most flack.

MR. DUNMAN: All you have to do is to stick out a flag, and they start shooting.

MAJOR BAUM: When you talk about infiltrating major business, we find that labor racketeering is the way to infiltrate legitimate business. You can hardly separate them.

MR. KOHN: Frank, your comment "especially on the East Coast" is a very good example of the need for greater attention. You are

doing more about the problem on the East Coast, and that is why it is being identified; but it is, of course, happening all over the country. The fact of capability, resources, and vigor is making it appear as if it is a real problem there on the East Coast.

MR. DOGIN: That is a very interesting point. In my travels to these seventeen strike forces I will run across cities like Baltimore or San Francisco, and the first thing that the agencies will tell me is that they have the intelligence, but that it is not the same as in New York.

MR. DUNMAN: I'll bet it is the same as New York in a hell of a lot of ways.

MR. DOGIN: Yes, I know that.

MR. DUNMAN: They are better organized than we are. We have to become as good as the mob or we are going to lose this battle all the way.

MR. PLANTS: Maybe we ought to bring them in as consultants.

MR. DUNMAN: You know, I wonder if there aren't some who would come in if we were to ask them.

MR. DOGIN: Since I have begun to work for Henry Peterson, and knowing we have a problem with the U.S. Attorneys, I was just wondering about something.

What I am going to suggest is a major conference run by the Attorney General of the United States. He said before he was elected that he felt that organized crime was a priority and that he was going to try to improve it.

We ought to have a major conference at which time Bob Blakey can present his redefinition, and at which time we bring the states and local governments together with the strike force of the organized crime racketeering section, with private officials and business people who are concerned to redefine organized crime, to give a recommitment to the strike force concept and to come up with a standard and goals report on organized crime. We should do this all at once.

MR. KOHN: That is a great idea. In January 1973 you had the first national conference of criminal justice. In January of 1975 you can have the first national conference on organized crime. Out of this may come some damn good innovative ideas. Please invite the judges, the corrections people, and the administrative executives in government - including those who are corrupted.

MR. DOGIN: It should be on the scale of the standards and goals conference: the whole magnitude, with the publicity and everything else.

MR. VELDE: We had the Williamsburg Conference on the judiciary and on corrections which preceded the conference on standards and goals.

MR. DOGIN: Mitchell spoke; or was it Burger?

MR. VELDE: Both Mitchell and Burger spoke.

PROFESSOR BLAKEY: One of the world's greatest speeches on organized crime and corruption was delivered to the first national

conference that followed the President's Crime Commission in 1967. Jim Bourne wrote a great speech for Earl Warren on the need to upgrade the police. Earl Warren tore it up, and he wrote a great speech on the need to fight organized crime.

MR. DOGIN: We could have Bob Blakey give a great speech.

PROFESSOR BLAKEY: If you have enough guys and enough goodies, you can get your own.

MR. GOLDEN: One thing we did overlook in Frank Rogers' report is a recommendation of the workshop group that strengthening LEAA's regional offices by staffing them with organized crime specialists is a priority, but, at the same time, we must maintain a strong anti-organized crime capability in the Central Office.

MR. ROGERS: That is where the real strength is right now. It is in Washington.

MR. VELDE: These conferences are relatively cheap if you are talking about conferences of around five to six hundred. The standards and goals conference had about 1,500 people. That was not cheap. The one in Williamsburg was cheap enough.

We do have this format for the national conference on courts and on corrections. Those formats were sponsored by several organizations. The conference on the judiciary had sixteen sponsors: ABA, the National Center for State Courts - which was not in existence at that time - the Federal Judicial Center, The Institute for Judicial Administration, and so on.

PROFESSOR BLAKEY: But you paid for it?

MR. VELDE: Yes, we paid for it and got the credit.

So, it doesn't have to be an Attorney General-type conference.

PROFESSOR BLAKEY: There is a precedent for an Attorney General's conference on organized crime. There was one held in 1950 that really kicked off the Kefauver Report.

MR. DOGIN: I am also concerned about the various Federal agencies that participate in this project. They may feel that the program has been in existence and apparently organized crime isn't much of a priority with Watergate and all of the other problems. I would like to show that the government is recommitted as it should have been all along in this area; and committed at Federal, state, and local levels. It seems to me that there is a little bit of a pulling away.

MR. TIMMENY: Henry, I would really like to support this concept. I can say from the perspective of a regulatory agency that the best use of them emanates from the strike force, so anything that you can do to foster the strike force concept and get us on strike forces is something which should be of a very high priority.

MR. DOGIN: Let me give you an example. There are rumors that IRS Audit will pull out of the strike force and leave an intelligence representative. An audit representative is a damn good accountant. He is the guy who makes the tax cases. None of us want to see that happen. It can't be done at my level, or even

Peterson's level. It has to be done at the Attorney General level sitting with the Secretary of the Treasury.

I would like to tie that in with this concept: tie in cabinet level officers, standards and goals, and everything else.

MR. KOHN: I would stress in the private sector that we include not only the businessmen and the concerned citizen but also the labor union leaders and the executive level of the news media. We need to start getting them involved in some responsibility so that they can obtain some understanding. They now distort government figures. There is a lack of understanding of the role of organized crime and the forces against it.

MR. PLANTS: By the same token - and at the risk of being thrown out bodily - I think that local law enforcement and local criminal justice agencies have to be brought more into the pre-planning stages of strike forces. The first that I heard about a Federal strike force was when my intelligence chief came to me and said: "The Feds are going to put a strike force in Detroit; what are we going to do about it?"

I had to say that I didn't know what a Federal strike force was. I am not an intelligence expert. I have 2,000 other men to operate. The first thing we knew was that there was a strike force in Detroit, and they were marching around with the flag saying what they were going to do for us. We said, in effect, "Go to hell."

MR. DOGIN: I agree with that observation.

MR. PLANTS: I guess what I am saying is that the Feds can't do it without us, we can't do it without you, and we ought to be brought into the planning of these things before they are accomplished fact.

Is that a fair statement, Bob?

MR. BULLOCK: You are being very fair.

MR. PLANTS: I am speaking for the state police, and Bob is speaking pretty much for the Detroit PD. That was pretty much our own concerted opinion of the Federal strike force when it hit Detroit.

MR. GALLI: I think you would be speaking for all of the local agencies.

MR. PLANTS: All wisdom does not reside on the Potomac. All the money might, but not all the wisdom.

MR. DOGIN: I agree with that. I think that there has always been a localism in Washington. We have to break that attitude. The only place other than Washington that knows how to do it is in New York.

MR. VELDE: Is there anything else on this report?

That is a very good idea.

MR. ROGERS: That is our report, Mr. Chairman.

MR. VELDE: We have one more report, that on the methods of improving prosecution. I think we may have already scooped some of your report.

MR. DOGIN: My group had less cavities because I had less people. We had three plus myself - two on the Federal side and two on the state side.

Yesterday I didn't know that Frank Rogers was going to get up and tell a joke. If I had known then that he would do so, I would have told the joke that I am going to tell now.

I would like to relate this to demonstrate my feeling about Henry Peterson, who is the Assistant Attorney General in charge of the Criminal Division and father of the strike forces, and probably one of the best men in criminal justice in this country. I love to watch the way he operates. He is the highest form of diplomat and the toughest man I have ever met.

This story is about a truck driver on a lonely road one night. He pulled into an all-night diner somewhere near St. Joseph, Missouri. He sat down, and there was nobody else in the place. He ordered steak, french fries, and a bottle of beer. As soon as the food was brought, in walked three Hell's Angels with the long hair and the black leather jackets and the chains. They sat down next to him and began their pitch. The first one said: "You know, I am very hungry; I would like that steak."

The truck driver, looking at this tall young man, offered it to him with politeness, and the young man devoured it.

Number two admitted that he would like the french fries, which the truck driver offered to him without delay.

The bottle of beer went to number three in the same fashion.

The three said, after eating: "You don't expect us to pay for that food, do you?"

The truck driver replied that he would gladly pay the check. He walked over, paid the check, and walked out.

The number one Hell's Angel swaggered over to the waitress and said: "You see that guy over there? He ain't even a man."

The waitress looked out the window, turned back, and said: "He's not a truck driver, either. He just drove over three motorcycles."

That is the way Henry Peterson operates.

Anyway, we sat down and we tried to look at different kinds of methods of improving organized crime prosecutions. We broke them down into two different categories: legislative and non-legislative methods or techniques.

In the initial category of legislative changes we looked at some of the things that the Federal Government had done since 1968: electronic surveillance authority, the use of the grand jury, the use of immunity, civil remedies, the problem of corruption, the use of regulatory agencies in the state.

We talked about corruption. I personally feel that this is one of the great problems in the organized crime field. Frank mentioned strengthening units within prosecutors' offices or within police departments. I think he and I will disagree violently

on this. I disagreed with Mr. Hogan on this. I don't feel that the answer to the problem of corruption is to put a unit within the police department or in a local District Attorney's office. They should be there, but are they going to be the panacea of all ills? I don't think so. I don't think the police can adequately investigate themselves. Can a district attorney's office do it? With deference to Frank and Mr. Hogan, I don't think so.

I always felt - as the report of the KNAPP Commission did - that a prosecutor, who works almost on a daily basis, will investigate a case that comes to him, but I don't think there is that vigorous case development in the area of police corruption.

One of our recommendations in terms of method is to get our states to issue either executive orders - as they did in New York - or legislation to create special prosecutors to investigate and prosecute corruption in the criminal justice system.

The jury is still out on the Nadjari experiment. We will see, but I think it is a good idea.

Our recommendation is to consider this kind of legislation outside of police and outside of local prosecutors.

About the grand jury we felt that states that do not have them should have lengthy 18-month grand juries and use them as an investigative tool. Wally Timmeny, of the SEC, felt that there was too much emphasis spent in the grand jury on these complicated cases of really educating the prosecutors in the grand jury.

There should be better utilization of the specialists in the grand jury, especially in complex financial cases.

This brought us to another issue. I know that in the grand jury in New York you cannot introduce hearsay. You have to present the live witnesses and the original documents - if they are in existence. In Federal court hearsay is admissible. I think that this is extremely important. I would like to see legislative change in that area.

In organized crime cases why do you have to parade your witnesses who may be intimidated or who may be mob figures who have "turned"? There is a possibility of a leak and he could be identified early in the proceeding, and also you are proliferating testimony that could be used for cross-examination at a later date by the defense counsel. So, those states that do not permit hearsay in the grand jury should look for the feasibility of legislative change.

We examined some of the grand juries in the states that were known by our panel members. We found that in Cook County in Illinois the judge has to extend the grand jury from month to month. That meant that the prosecutor at the end of the month - even in a long and sensitive case - would have to go before a judge, whom he may not believe is honest, and present the factual situation on why he had to extend the grand jury. The consequences of that, in some cases, may be dire.

Also, in order to grant immunity in those circumstances the prosecutor must follow the same procedure. We feel this is a mistake. We think the extended grand jury - up to eighteen months - could be much better.

We recommend the greater use of state-wide grand juries. In Illinois the attorney general - in order to prosecute a case - has to go into each county where a particular act was committed and open up a special grand jury proceeding. This is time-consuming and counter-productive.

We recommend the use of depositions in organized crime cases along the lines of the 1970 act.

We spent some time on the use of civil remedies. We recommended that states adopt statutes along the lines of Sections 1962 and 1964 of the U.S. Code. They permit damages to businesses infiltrated by racketeers and injunctive relief against racket businesses. We are waiting to see what happens with the Chicago experiment where a medium-size gambling activity was selected as the first target for the use of injunctive relief. The papers are in. There may be some problems with discovery. We want to see what the judge will order us to produce in this civil proceeding. We think it is worthwhile. One group recommends greater utilization of civil remedies.

We felt that statutes like the Securities Act provide excellent weapons in illegal stock transactions and fraud cases where organized

crime is attempting to get into legitimate business or attempting to buy businesses.

We have adopted some of the thinking about civil penalties breaking up the profits of illegal activities. We recommend that.

We recommend that the states utilize all the regulatory agencies that have anything to do with business activities, that there be some sort of a clearinghouse in the attorney general's office to coordinate these activities.

For example, the attorney general's Antitrust Division in Wisconsin can require interrogatories from businesses in order to obtain information. If they don't answer the interrogatory, or if it can be proven that there are fraudulent statements in the interrogatories, they can lose their license for the purpose of carrying on business.

I think the prosecutor who is investigating organized crime activities, especially infiltrated businesses, has to know that there is such a regulatory power.

In Illinois the State Department of Revenue can require the production of the books or the records of businesses. If the businesses do not comply, they can lose their licenses.

All of these are techniques which can be used for identifying and weeding out businesses that have been infiltrated.

MR. VELDE: That is an especially important point. I sat in on that session. Wally raised that point. At the Federal level,

at least in the civil suits, there is adequate protection against discovering measures which attempt to get to the source of information.

MR. DOGIN: We are not sure yet with respect to 1962. That was Henry Peterson's initial objection to the action. We were trying to use some of the SEC experience when we were hit with the motions to produce informants, or to turn over FBI material, reports, or other material, but there is no law in that respect.

MR. VELDE: Wally, for the record I want to remind you of your promise to give us that citation of the line of cases in that area.

MR. TIMMENY: I made a note of it, Pete. I think it will not be an extensive list, but it will be of some help.

PROFESSOR BLAKEY: See that it gets to the guy in Chicago.

MR. DOGIN: If you can get it to me, I will give it to him.

In Illinois there is the civil remedy of involuntary dissolution of a corporation which filed a false tax return or made a false report. So you can break up a racketeering activity by just using standard state statutes.

We recommended that the attorney general's office in the state be the clearinghouse and that there be somebody there in the organized crime unit that has a knowledge of what all these remedies are and what the needs are in the state.

Along the lines of administrative agencies I mentioned yesterday to Pete and the others the experience that I had with the

Waterfront Commission in New York Harbor. I would like to try to find other areas of the economy which could be regulated where organized crime has moved in.

The Waterfront Commission is a regulatory agency which was created by individual statutes in New York and New Jersey and ratified by Interstate Compact by Congress in 1954. It created an agency which pretty much entered into a segment of our economy in a very tough regulatory pose.

To gain strong regulatory power you have to show a need. If you have ever seen the movie "On the Waterfront" - the way labor was captured, with almost daily killings on the piers and businesses were completely infiltrated by the mob - you will have seen a showing of need for the statutes which were passed.

These regulatory agencies have power. The Waterfront Commission, for instance, gives licenses to the longshoremen so that they can work on the piers of the ports of New York and New Jersey.

In other words, a person cannot work as a longshore laborer unless he has a license. There the Commission gets into the issue of good character and integrity. If he has a felony conviction that is enough to bar somebody from working.

They license all companies that do stevedoring work, that is, a company which hires longshore labor to load and unload cargo from the ships. They license all shipping companies. Their licensing power gives the Waterfront Commission power to call at any time

for the books and records of that company. The Commission has a staff of attorneys, accountants and agents all working together. It has the tremendous advantage of examining an industry to determine what is happening at any given moment in time.

The Commission also has the power to subpoena witnesses and the power to compel testimony. I, as an assistant counsel, was my own grand jury for the witnesses and if somebody lied to me under oath and we could prove perjury, we would just go to Hogan's office to present the case and we could get perjury indictments.

For failing to testify before the Commission we could go to the Supreme Court in New York and ask for an order of contempt. These are tremendous weapons: subpoena power, the power to compel testimony and the power to punish for contempt.

I would like to see more of these regulatory agencies with these weapons. Again, you have got to show a need. Unless you have a need, you have no business in creating this kind of activity.

I will give you an example where something was aborted. Government and industry rose up to stop a regulatory program. The State Commission of Investigation in New York held extensive hearings on the mob taking over the airports and the air cargo industry.

It recommended that there be some sort of licensing power at the airports in Newark, Kennedy, and LaGuardia. It recommended that the States of New York and New Jersey quickly draw up statutes to give a commission the authority to regulate as they saw fit.

It got to Congress and died. The airlines and the security agencies opposed the bill, which became bottled up in committee, and the bill has been dying a slow torturous death for the last three years.

States themselves may be able to identify a particular area of the economy that has a mob problem and may be able to pass this kind of regulatory legislation. I would recommend it.

MR. VELDE: That is pending now in a Congressional committee?

MR. DOGIN: Yes, I think that it has been there for a long time. They have held hearings.

There are other proposals along that line. Nobody has really acted at all.

Lastly, we recommended greater use of undercover operations. I don't mean just for narcotics where you buy and bust. I am talking about a long-term commitment. This is something some law enforcement agencies do not do. They work with informants but not undercover agents. They don't like to see their people out for long periods of time and thus out from under their control.

My committee recommends the use of long-term informants to infiltrate criminal activity. Put a guy in at the bottom level and let him work his way up.

We have some things going in New York where - through LEAA funds - we have funded undercover operations. We are getting fantastic intelligence, and we are getting enough to make some cases on.

We recommended that the strike forces bring in more locals. That ties in with John's point. We have one strike force which works very closely with the locals in New York. Boston is going to be the second experiment. There should be more local involvement. There should be more mutual training between the strike forces and local agencies.

I raised the point with Pete yesterday that the strike forces are into too much, especially in the area of gambling, mainly because state and local agencies don't do the job. State and local police should take some of this burden off the shoulders of the Feds because it is an area that they should handle.

I recommended that the burden of the gambling cases be taken over by the state and local officials. Pete felt that one way of getting them in was to get them into the strike forces and create the climate for cooperation.

MR. PLANTS: But they have to be brought into responsible positions. You can't just bring them in as Indians and not chiefs.

MAJOR BAUM: Are you talking about bringing in lawyers, too?

MR. DOGIN: No.

MAJOR BAUM: Why not? I don't think it is going to work at the state level with just bringing investigators in. If representatives from the state attorney general's office are not there, there is no way.

MR. DOGIN: Well, we work with lawyers. We work with prosecutors.

MAJOR BAUM: No, you don't, really. You are talking about New York; there are other places.

MR. DOGIN: I agree with you that there are other places where we don't work at all with the locals. I say that is a problem.

MR. PLANTS: Where in the New York strike force do you have local people in positions of supervision?

MR. DOGIN: Supervision of what?

MR. PLANTS: Supervision of the whole strike force operation.

This is a problem because it is Justice policy not to put them in those positions.

MR. DOGIN: No, you are misunderstanding me. In a strike force - and Frank alluded to this yesterday - you can't have lawyers directing agents of other Federal agencies. That is the way you can turn off the strike force.

Believe me, this is not exactly like Hogan's Rackets Bureau, where it is 49%. Once you start 51%, you are going to lose the Bureau, and you are going to lose the IRS. It has to be stimulation and guidance rather than a direction.

MAJOR BAUM: In my experience as liaison with a strike force the general concept is: "Gee, we would like to come down and see what you have to make a Federal case."

We have no objection to this. We have given them several major cases, particularly in the labor field, because we don't have workable legal law in our state.

The conception that it should be mainly a Federal prosecution is determined by the strike force lawyers. This is done usually without any input or any concern from the state law enforcement people. If you want our cooperation and you want it to be a joint strike force, there has to be policy-making at that level. If you don't have it, you are going to get lip service.

MR. DOGIN: What you are advocating, then, is what we had in New York: the strike force council. Frank and I were on it. Attorneys - together with agents - would make decisions on where to go and who would prosecute.

MAJOR BAUM: I think that is necessary, but it has not been done, I know, in New York. I have very close relations with a lot of the people there. That is one of the things: you are brought in as a guest or a contributor, but you do not have a single thing to say about what way the things are going to fly.

MR. DOGIN: Yes, that is a problem, but I can only articulate what Peterson told me when I went to him the second day I was there. I said: "Listen, there is a lot of money out there. Let us get those joint strike forces going."

He said: "Wait a minute. You have a good thing going in New York. We are going to start in Boston. We are looking for other areas. It is very difficult even to get the Federal agencies together to share intelligence completely, to work at it completely. Let us get our own house completely in order before

we talk about new joint state-local-Federal strike forces."

MAJOR BAUM: The Colonel mentioned something before, and I could not agree with him more because we ran basically into the same things.

The first thing is that there are lots of people in a state. I welcome help because we cannot do it all, but the next thing is: "Fellows, we are here, we are going to do a job for you, we want your cooperation." The paternalistic approach turns people off.

MR. DOGIN: Yes. We do realize that and we want to do away with it.

MR. GALLI: Let me make one observation. Yesterday in my committee I alluded to the terminology of corruption. I got a feedback on the basis of corruption with a base of reference in the justice system. You again alluded to the base of reference within the justice system. My reference to corruption out West is not within the justice system, it is governmental corruption.

In this area of corruption I think that the priority must be established with any type of operational function, whether it is a strike force or a local O.C. unit.

MR. DOGIN: You are raising an issue which Aaron Kohn and I have talked about. Aaron felt that the strike forces should give us more Federal jurisdiction. I am not so sure I agree.

The policy of the Organized Crime Section is this - unless there is some organized crime activity involving the criminal

justice system or governmental figures, then the strike force should not work the case. In cases of contract corruption of, say, a mayor or city council officials stealing from the city without any organized crime tie as we know it, that is not our bag. It is either for state or local police or for the local United States Attorney.

We are keyed into organized crime. If there is a mob figure or a syndicated operation reaching all the way up to the mayor and to city government, then we go in; but we have to show the organized crime tie-in. Again, we do not want to be accused of reaching out beyond our jurisdiction.

MR. GALLI: Your reference is to the strike force activity only. But I think when this council here is addressing itself to organized crime alone, you can have it within a state or within a specific area. You need not necessarily get involved with interstate transactional functions. They can be members of the L.A. family area or directly involved with it, such as my point of reference to the L.A.-San Francisco area. And yet we cannot establish that Federal violation. So the strike force says: "We are sorry, but we cannot help you."

There are other types of help, too - advice, as an example. They don't want to really give advice because there isn't any type of Federal violation. But if you have an area of corruption where a possibility exists that much of the justice system has fallen down, that is, broken down all the way from senatorial

subjects to the district attorney, the prosecutor, and other local officials, then where does that organized crime unit which is working in that area go; whom do they turn to?

MR. DOGIN: The way I see it is that if you have got an organized crime situation tying into a corruption situation and there is no Federal jurisdiction, I think it is incumbent on the strike force to turn the matter over to local authorities.

MR. KOHN: Yes. Unless you have a Jim Garrison situation, you try to turn it over to that unit which has the capability.

MR. GALLI: There is a very logical extension, however, in the Organized Crime Control Act of 1970 which does not get into the hair of the agents of the area of which you are talking.

For example, if we have found syndicated gambling (Title X) and we have been able to test it so far and meet the standards and apply corruption in the area of gambling as a phenomenon of organized crime, then why can't we extend it to private corruptions in the area of narcotics traffic, corruption in the organized crime prostitution, corruption in the area of loan-sharking? That is where you have local or state officials who are obstructing the enforcement of laws to control. These are clearly recognized problems.

MR. DOGIN: The strike forces are already going into that. There is organized criminal activity which ties into the corruption of officials. They will go into that if there is a Federal hook.

MR. KOHN: You have to create a Federal hook. You need to expand from gambling to include other clearly recognized organized crime activities: loan-sharking, narcotics traffic, organized prostitution, etcetera.

MR. DOGIN: You mean they try to go in by the back door by using the mail?

PROFESSOR BLAKEY: In 1951, 1952, they tried the telephone calls.

MR. DOGIN: You want direct legislation?

MR. KOHN: Why use fringes when you can have a deterrent type of statute?

MR. DOGIN: I am not opposed to that.

MR. KOHN: Perhaps you are more familiar with this, Pete. We discussed last night Professor Flitte's very extensive recommendations for civil restraints of organized crime to implement criminal statutes.

He made his study with LEAA funding. That poor guy has been talking to me in frustration. He cannot get anybody to listen to him and to the results of his Institute-financed study.

Are you familiar with Professor Flitte's SMU Law School report on civil restraint in organized crime? I think somebody ought to make copies of what he has done. I have no doubt that this is a serious study, and I listened to him discuss it out in Houston, Texas. It ought to be sent to everybody for their evaluation of it.

Quite frankly, when talking in terms of not just hitting away at individual offenders but getting at the core of the economy of organized crime, civil restraints, I think, are our biggest potentials for the future.

Professor Flitte has done some very extensive research and is making some very challenging recommendations. I think they need to be examined in connection with what you are attempting to do right now.

MR. VELDE: Annelise, are you aware of that research?

MS. ANDERSON: What is his name?

MR. KOHN: Professor Flitte. If I remember correctly, he tailored this particular one to narcotics traffic, although it is extended to other areas of organized crime. He felt that narcotics was the toughest of the things that were happening and, therefore, he selected it out in his present state of research and recommendations.

I think he calls it Civil Restraints to Implement Criminal Sanctions Against Organized Crime Narcotics.

MR. VELDE: Is this done by LEAA directly or by block grant to the state?

PROFESSOR BLAKEY: I am not sure that this was sponsored by LEAA.

MR. KOHN: No; he said it was an LEAA grant.

MR. VELDE: It does not ring a bell.

MR. KOHN: In fact, I talked to him about coming up here.

PROFESSOR BLAKEY: It would have been printed by LEAA.

MR. VELDE: I don't know.

PROFESSOR BLAKEY: It was not published?

MR. VELDE: There might be several factors. One, it may be too long and the individual possibly felt that it would not be possible to abstract it.

PROFESSOR BLAKEY: I don't know why he did not send it to a law review.

MR. KOHN: Right now he is fighting to get it evaluated.

PROFESSOR BLAKEY: The way to do that is to publish it.

MR. KOHN: Except right now he would like your evaluation of it, too.

PROFESSOR BLAKEY: He has talked to me. The more you talk about it, the more I am sure I spent an afternoon with him.

MR. KOHN: I think it ought to be sent to all the strike forces and to some of the state prosecutors for suggestions.

All through this conference there has been no reference to defense and, while we are talking about the future for a better control of organized crime, other than what Senator Bible's committee has done, I don't know that there has been given any significant attention to it.

It seems to me that this ought to be considered a priority topic - one that would lend itself, for example, to the State

Organized Crime Prevention Councils as a priority with, hopefully, the eventual nationalization of these councils in terms of channels of information, planning, and so on.

I cannot think of anything greater than fencing, which I keep referring to as the underworld's merchandising market, that gives a greater impetus to organized crime. This creates the demand market.

When you think about it, millions of dollars disappear in there. I don't know how many people realize that organized crime merchandise has more dollar value than Sears, Roebuck & Company merchandise. Yet, they do it somehow invisibly, whereas Sears cannot do it without tremendous retail, mail order, and other promotions to remain visible. Sears, Roebuck and others have to be vigorous in trying to increase their visibility. Yet the underworld does this invisibly.

MR. ROGERS: We did consider that, Aaron, as the ancillary priority with three different major priorities: hijacking, narcotics, and the white-collar crimes. Fencing is a necessary supportive function of all the investigations. If you are investigating hijacking, you are also investigating where the business extends.

MR. KOHN: In attacking the demand market for narcotics in organized crime, I think one of the very essential attacks has to be on fencing. If you can reach the marketability of what the

addict steals, you are going to reduce his activities, since he only steals merchandise in order to buy narcotics. To wit, organized crime has dollar benefits that grow out of the profits of what the addict steals and out of what they sell him. I think fencing is probably one of the predominant problems of organized crime in the United States which has not been attended to. We have to make a capability of dealing with them on a national scale.

MR. DOGIN: I agree with you. It is tied in to some of the other things. It is tied into legitimate business by infiltration.

PROFESSOR BLAKEY: See whether you can get the Hood Squad talking to the fencing squad.

MR. DOGIN: But I know one fencing squad which is active.

PROFESSOR BLAKEY: You cannot get them in the Bureau to do a firm study. It is all complaint-oriented.

MR. VELDE: Before we leave that point, Annelise Anderson did do a study on the economics of organized crime. I guess it will be her PhD dissertation.

MS. ANDERSON: That does not concern fencing. But the Institute did sponsor a study that was a marketing approach using standard marketing theory as applied to fencing. The study attempted to get some data from Colorado - Denver, Pueblo, and that area - on what was stolen and where it turned up later. The application of marketing theory to fencing worked out fairly well as a descriptive sort of thing. I think it would be a good

background to study fencing more in depth.

They had a great deal of difficulty getting data. For instance, they were wondering whether in Denver versus Chicago there were more goods going in rather than going out. Moreover, they were concerned with what was the transfer of goods between those cities. The data is poor in those reports on serial numbers and identification. It was impossible to come to any conclusion about how the market was functioning. To get agencies to collect that kind of data that could be used to get some results would be a great effort. So much of the data collection does not seem to be worthwhile to operating agencies.

MR. KOHN: There is no pressure for the development of good data because there is nothing that I can see that is being done in the development of strategic or operational intelligence activities around the United States that builds up any need for information that generates the development of better data sources eventually but at the same time does something about it.

I guess you have to be exposed to something like this before you realize what it means.

In 1952, which is a long time ago, when I was in Chicago, by pure accident I was exposed to how the underworld markets stole merchandise. I tried to get Chicago people interested, and nobody was interested. I could not follow through on the thing.

Let me tell you this very briefly. I don't know any better

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way to project the impact of this. I was taken to a hotel in Newton Park, which was an apartment hotel on the near north side of Chicago. While I was there for four or five days, forty people came into the hotel from as far east as Syracuse and, to the best of my recollection, as far west as Western Minnesota and as far south as Ohio. This was the middle northern part of the United States. Each of them came in, as I learned, and turned over to the desk clerk a big wad of money in cash with a rubber band around it and with his name on top.

In the coffee shop between the breakfast hour and the lunch hour and between the lunch hour and the dinner hour these forty guys sat around tables, each with a list of inventory to be sold. Each of them also had a list of items to be bought. They moved from table to table. It took them five days to rotate around.

Imagine the merchandising sophistication of each of these guys in understanding the values of each of these commodities. They settled for cash depending on whether they bought or sold more.

This went on openly. If it were not for a waitress in the coffee shop who happened to be the wife of a police officer and who brought it to my attention, we wouldn't have learned of it.

As the Bible Committee has pointed out, you have backers who are financing this type of investment and getting their cut. If we could ever significantly defeat the movement of stolen

merchandise, then I think we will have retarded a great many aspects of organized crime.

MR. GOLDEN: As that report mentioned - and most prosecutors will tell you this - it gets to be a tremendous educational program in the manufacturing area to identify goods and to properly inventory goods that are being shipped in order to tie the whole thing together for evidence.

MR. ROGERS: It has to be an honest program. We pick up a truckload of hairspray. We get a batch number of 1,440 glass containers that were supposed to contain this batch number. When it finally ended up in the warehouse, it was about 4,000 for tax purposes. Their inventory said they made only 1,440 of these things.

MR. VELDE: I should point out that LEAA recently gave a grant to the IAECF of about \$700,000 to automate the whole business of serially-numbered stolen property. There is a file in the NCIC of stolen securities and serially-numbered stolen property. However, there is no standardization among manufacturers' dealers as to how these records are kept and where they are marked.

Even to get automobile manufacturers to put real serial numbers in the same place on cars with some uniform method of numbering was a big deal. So, if you talk about TV sets and all the rest, each manufacturer does his own thing, and a lot of them don't do anything at all. It is a tremendously complex problem. We now

have this study underway to bring some order out of the chaos. There is something being done.

MR. KOHN: There is another aspect - and this goes back to the intelligence aspect. As it is right now the tendency is to pick up the guy and get him to identify the guy from whom he bought. Here you have the fence and you are all through.

We have learned in the narcotics traffic, for example, that this is silly. You have to keep pushing toward the top. We have to develop that kind of a perspective in dealing with stolen goods in our criminal justice system. We haven't done it yet.

I must remind you that a large part of what is stolen in the United States doesn't lend itself to serial numbers: industrial products, raw materials, construction materials. For example, how in the hell do they steal 120 bags of green material from a port that has not been processed - and unusable to anybody until it is processed - and then dispose of it?

MR. VELDE: Well, cattle rustling in Florida is a big business. It is done by organized interests there. They have their own butchering operations and it is marketed through the restaurants.

MR. KOHN: But again you have to infiltrate. Nobody is thinking of that as an area. You are talking about narcotics, you are talking about gambling, but how about the store and merchandise traffic? You need the same kind of sophisticated intelligence

techniques if you are going to infiltrate that area. We just have not yet even approached it.

MR. GOLDEN: Fencing is really, I think, the key to the whole thing if you look at it. I think the Bible Commission brought that thing out very adequately.

MR. KOHN: Sure. But what are we going to do in the criminal justice system?

MS. ANDERSON: I read a report in the paper some years ago. I think it was in St. Louis they had "turned" a fence and they set him up as an undercover fence who offered fairly good prices. He had all the contacts already in the city. Through his buying they recovered something like twenty-five to fifty percent of the merchandise reported stolen in the city over a period of time.

That indicates a heavy concentration of fencing and it indicates that it is much more concentrated than burglary. There are many thieves but few fences at least at some level. That is an opportunity at that point where fencing really fulfills the definition of organized crime.

MR. DOGIN: That is very interesting.

MS. ANDERSON: It would be interesting to explore further through undercover operations whether fencing is that concentrated and whether it is organized crime.

MR. DOGIN: I would like to see LEAA get hold of some film of a case that we worked up.

At the Waterfront Commission our agents had turned a fence among longshoremen in Port Elizabeth. We set up two stores, one on Houston Street and one on Prince Street. They were just some storefronts and word got back to the thieves that this was a place to fence. We had set up a camera. Within a week we were doing almost a million dollar business. They were coming in with things like cotton and shampoo, you name it, and they brought it in to be fenced. We took movies of it and there were mass arrests and all were convicted. But it was not followed up. No one did it anywhere else. It was a great experiment, but we did not learn from it. It might be advisable to show that.

INSPECTOR MC CARTHY: On long-term infiltration I would like to mention that a good case has been made in the carting industry recently by Gold in Kings County in Brooklyn.

A carting industry was set up in competition with the mob out there. They went into the business there on a long-range basis - it was about eighteen months at least - during which these very resourceful and capable undercover detectives actually went into the business and solicited business. This requires a great deal of competence.

For one thing, you have to have an operator who can handle a carting truck, which is a bit complex. To move around in a carting truck and operate in Red Hook, Brooklyn - if you do not know what you are doing - is quite dangerous. That case broke about

two weeks ago and it looked to me as if it were a good example for long-term infiltration.

MR. ROGERS: Can we end up on one note? They found that there was not much corruption of criminal justice people there.

MR. DUNMAN: There really is not that much need for protection because it is well hidden.

MR. ROGERS: No, it was well organized. In other words, there is a waste private carting association in Kings County which completely monopolized the area. What Gold came down with were anti-trust type violations under the state law. He thought there might be a need for protection. I was happy to see that at least one investigation showed that corruption was not there, to any great extent, anyhow.

MR. VELDE: Ladies and Gentlemen, I hate to break this up, but it looks as if we are at that point where we pack our respective bags and do our thing across the country. I want to thank you all for being with us. I think I can speak for my associates and say that it has been a very exciting and challenging day and a half for us.

I think we have a portfolio full of ideas and comments as well as some criticisms to take back which will add new strength and vitality to our program to combat organized crime. I think we have planted some seeds that will bear a lot of fruit.

We appreciate the ability to pick your brains and seize on your experience to help us refocus and redirect our efforts. We have learned in this business that creative talent is, perhaps, our rarest commodity. So that is why it is specially valuable for us to be able to take just a little bit of time out to examine where we have been, where we are, and where we are going. I know that I, for one, have gotten a great deal of good out of it. I hope we can meet again under similar circumstances.

Thank you very much.

APPENDIX A - ATTENDEES

ANDERSON, Annelise
(Formerly Project Manager of
Organized Crime, LEAA)

BAUM, William, Major
Division Investigation Officer
New Jersey State Police

BLAKEY, G. Robert
Professor of Law
Cornell Law School

BULLOCK, Robert
Chief, Inspectional Services Bureau
Detroit Police Department

CARRIGAN, Thomas
Chief of Investigations
Nevada Gaming Control Board

COOLEY, Stephen
Organized Crime Specialist
LEAA

CRAGG, Carole
Research Associate
The Commission on Review of the
National Policy Toward Gambling

DOGIN, Henry
Deputy Assistant Attorney General
Criminal Division
Department of Justice

DUNMAN, William
Coordinator, Organized Crime
Dade County Public Safety Department

FINNEGAN, Edward L.
Acting Director
New England Organized Crime
Intelligence System

GALLI, Robert
Sheriff
Washoe County, Nevada

GOLDEN, James
Acting Director, Organized Crime Section
LEAA

HENRY, Ray, Lt.
Intelligence Section
Long Beach Police Department
Long Beach, California

KOHN, Aaron M.
Managing Director
Metropolitan Crime Commission, Louisiana

KOLAR, William
Director of Intelligence, IRS (Ret.)
Washington, D. C.

LIKINS, E. A.
Associate Director, Center for Criminal Justice Training
Indiana University

LOYND, Richard N.
Commanding Officer
Special Services Unit
Department of Public Safety
Commonwealth of Massachusetts

MC CALMONT, Charles
Program Manager, Special Programs
Organized Crime
Internal Revenue Service

MC CARTHY, John J.
Inspector General
Department of Correctional Services
Albany, New York

MUELLENBERG, Kurt
Deputy Chief
Organized Crime and Racketeering Section
Department of Justice

NEEB, David W.
Assistant Attorney General
Department of Justice
Madison, Wisconsin

NIEDERMEYER, Jeannie
National Priority Programs
LEAA

PIERSANTE, Vincente
Chief, Organized Crime Intelligence
Office of the Attorney General
Michigan

PLANTS, John R.
Director
Michigan State Police

PODLISKA, John
Assistant Attorney General
Chicago, Illinois

ROGERS, Frank
District Attorney's Office
New York County

TIMMENY, Wallace
Assistant Director
Division of Trading and Markets
Securities and Exchange Commission
Washington, D. C.

VELDE, Richard W.
Deputy Administrator for Policy Development
LEAA

APPENDIX B - WORKSHOP MEMBERS

WORKSHOP A - Organized Crime Intelligence Sharing

Henry, Chairman (substitute for Piersante)
Finnegan
Kolar
Loynd
McCalmont
Podliska

WORKSHOP B - Current Definition of Organized Crime

Blakey, Chairman
Anderson
Cragg
Kohn
Likins
McCarthy

WORKSHOP C - Identification of Priorities

Muellenberg, Chairman
Baum
Bullock
Carrigan
Galli
Plants
Rogers

WORKSHOP D - Methods of Improving Prosecution

Dogin, Chairman
Dunman
Neeb
Timmeny

**POLICY
DEVELOPMENT
SEMINAR
ON
CRIMINAL
JUSTICE
STATISTICS**

**APRIL 18-19, 1974
ANNAPOLIS, MD.**



**LAW ENFORCEMENT
ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE**

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FIRST PLENARY SESSION

MR. HALL: Most of you are familiar in one way or another with the statistics program we have at LEAA. Most of the people here are involved in some aspect of the program. What I would like to do this morning is to try to put the entire statistics program in some perspective and to try to tell you with some specificity just what it is we want to get out of this meeting.

Four years ago when CJIC (Criminal Justice Information Center) was established, and the statistics program really began to move into high gear, we identified basically three general areas of inquiry that should be addressed in criminal justice.

The first area was the information about crime and the impact of crime on society. That may sound familiar. I think that was the title of one of the task force reports from the President's Crime Commission. Clearly one of the things of major interest is crime and its impact.

One other area that cries out for investigation is the entire question of the administration of justice and the justice process. What happens to people as they pass through this entire process? How effective is it? How efficient is it?

The third general area attempts to measure and describe the institutions of justice: the jails, the prisons, the employees, the expenditures, and so forth.

Our statistics program has been largely divided into these three areas. I am not going to discuss these areas in detail, but I would like to try to show the relationship when we talk about crime and its impact. We are talking about a number of things. We are talking about LEAA's crime panel. We are talking about uniform crime reports, and so on.

One of the things that we want from this meeting is some direction on where we should be going with the crime panel. We would like helpful suggestions on how the victimization data can most usefully be analyzed.

We also want to try to put into some perspective the officially reported statistics, that is, crimes known to police. We want to look at the interaction between the administrative data and the survey data. Criminal justice is just now approaching where other parts of society have been for some time. The Department of Labor has been struggling with questions of survey data versus administrative data for years. They have found a way to utilize all of these. For those of you who will be on the task force looking at crime statistics, it would be helpful if you would just do that and be specific.

The second area that we want to look at has to do with the criminal justice process. On this paper it says: Offender-based Transactions Statistics (OBTS). That tends to be a little bit limiting, perhaps. We want to look at the justice process, and

we want you to tell us how it should be measured, who should be measuring it, and so forth. If it is to be an OBTS mechanism, then that is fine.

The third thing is almost a catch-all. All statisticians have to come up with all of it. That category is very much what includes all other categories. It includes a variety of things such as a National Prisoners Statistics Program, Employment and Expenditures, and a number of other areas.

We will tell you what our programs look like and, at these task force sessions, there will be resource people who will explain in detail what the LEAA program is like. What we want from you - and we want this in all candor - is this: We want your criticism of what we are doing. We want you to tell us how to better utilize what we are doing. We want you to tell us what else we should be doing.

The fourth thing is the most critical. We want you to address the question of who should be doing it, how it should be best utilized, and so forth. One part of the LEAA program which we consider extremely important is the comprehensive data system. Sometime ago I think all of us recognized that criminal justice constitutionally is basically reserved to the states. We recognized that it would be unrealistic for us to set up the kind of Federal program - that is, a Federal statistical program - which was completely limited to survey statistics from the Federal level.

We recognized that, somehow, we had to involve the states very actively in the development and use of statistical data. Again, we have all been fortunate that we did not have to think up all of these things. It was recommended that this should be done in the Wickersham Commission.

However, we now have a program called the Comprehensive Data System Program. The CDS program requires participating states to do several things. First, it requires the state to establish a statistical analysis center. We are fortunate this morning in having three of the directors of such centers here with us.

Secondly, it requires that the state assume the responsibility for the collection of uniform crime reporting data from local agencies. In turn, they have to report those data to the FBI. It requires that the state adopt auditing procedures and quality control procedures that are developed by the FBI and LEAA. We are working on that with the Bureau and the ICP on the development of auditing procedures for the states and the other agencies.

Number three, states are required to establish what we call - for lack of a better phrase - a management and administrative statistics program.

Fourth, we require that the states establish an offender-based transaction statistics program which is consistent with the FBI's computerized criminal history program.

Fifth and finally, we require that the states assume the responsibility of providing technical assistance to the state and local agencies in this broad area.

I mention those because you will recognize that, when I mention the three areas of concern, they are mirrored in the CDS program, the UCR concern, the management and administrative statistics concern, the OBTS concern. So, when you are in these workshops, we want you to be very conscious of the fact that we are not talking merely about Federal statistics. As far as LEAA's data collection activities are concerned, we think of many of the programs that are now being collected by the Census Bureau as interim programs. This is because we expect the states to assume the responsibility at some time in the future - it certainly will not be next week but at some time in the future - we would expect the states to assume the responsibility to collect much of that data and to provide the data to the National Center in a way not dissimilar from the model of the police agency reported UCR given to a state agency which, in turn, reports to the Bureau.

There are some problems with this. There are some problems of identifying common subjects. There are problems in determining how this could be done. There are problems involving how the states can best handle the analysis of these things. There is a

real question - perhaps a basic question and we ask you to address this - of whether we are going in the right direction with that or not. I am sure that Kurt can tell hair-raising stories about the difficulty of collecting such things as expenditure data and the great degree of experience and expertise needed. So, we want you to look at these very vexing questions.

The other thing that we want you to do in these workshops is to develop your own agenda. We don't want you to fully structure this program. We are telling you what our general concerns are. We have been operating now for four years and, frankly, this is the first time that we have assembled such a group to look at our program in its entirety.

We have had Project SEARCH that is doing things in some areas. We have had other workshops to look at other things, but this is the first time that we have assembled a group to look at the entire statistics program of LEAA or, for that matter, at the entire criminal justice statistics area which is what I think we are really looking at.

Let me tell you a little bit more about the structure of this meeting and what we expect. We mentioned the workshops. I have tried to spell out a little of what we want. We are going to ask you to remain in this workshop configuration for the rest of the day and for the first hour and a half tomorrow morning.

What we want from each group is a draft report. We don't have a great number of secretaries, but we do have recording

facilities. We will want each of the workshops to report back to this plenary session so that we all have a chance to look at all of the questions and not just the ones to which we are limited in the workshops.

So, the second half of the meeting tomorrow will be devoted to receiving the reports from the three workshops and commenting briefly on these reports. I say briefly because we do want to get through those reports. I recognize that there is a problem because people will start leaving tomorrow after lunch, but we would like to devote the afternoon session to a fuller discussion of all the reports and the problems raised therein. What we then expect to do is to prepare a draft report, which we will then circulate to you.

If you think that the donation of two days of your valuable time is going to be the end of it - no, we are not going to let you off quite that easily. We are going to send this report out to all the participants. We will expect you to comment on it and get it back to us because we would like to publish it more or less as the outcome of this meeting. I do not want to call it a proceeding, but I will just call it a meeting. We will publish the outcome, and you can tell us, for example, how this could be done.

Bob Conger reminds me that one of our real needs is to attempt to define and identify the kinds of data that ought to be collected

by the various agencies in criminal justice: prosecutors, courts, corrections, and so forth. If what I said originally sounded a little more like the Federal umbrella, that is okay, but we are interested in getting down to that level of specificity.

I think basically that is an overview of this conference. I would like to ask at this point if anyone has any questions or recommendations as to how we should proceed.

I would like now to introduce Tony Turner. Tony will brief us on the National Crime Panel. He is the key person in the statistics division. He has put together virtually all of the surveys that have been done and all of the collection. We will let Tony talk about the Crime Panel.

MR. TURNER: What we have intended to do this morning with the National Crime Panel is to record only the status of that panel. The title of this paper, then, is A Current Look at the Crime Panel.

In two months, one of the Federal Government's most ambitious statistical data collection programs will begin its second year of operation. I am referring to the National Crime Panel - the comprehensive survey of citizen and business victimization that was developed by the Law Enforcement Assistance Administration and the Bureau of the Census.

This program, which seeks to assess the extent and character of criminal victimizations, began the data collection phase of its

operation in earnest in July 1972. At that time the first personal interviews were conducted by the Bureau of the Census in a nationwide general probability sample of households and commercial establishments. Monthly interviews have been conducted since that time on a national basis.

Moreover, independently selected samples of households and businesses have been interviewed periodically in a similar fashion in twenty-six of the nation's largest cities to produce victimization data for those places where crime is most heavily concentrated - namely, the large urban community.

Results from the National Crime Panel are just now beginning to dribble forth. I am sure all of you are aware of the press coverage in the past few days in which the report on the five largest cities was discussed controversially. That report is also available for you today.

As one of our most able consultants recently stated, "the richness, methodological sophistication, scope and scale of these data hold promise of revolutionizing the entire field of statistical criminology." Those are strong words, and we are very happy to have Al Biderman say them to us. We feel that that is exactly what is going to happen in the National Crime Panel in the years ahead.

The purpose of this paper is therefore to report on the status of the National Crime Panel at this juncture in its development and

to discuss its future course. In this connection a brief background will be presented explaining what the Crime Panel is, what it sets out to do, the uses to which it is or will be put, and how it is administered and evaluated. Finally some of the associated issues which will be the source of debate in the months and years ahead will be mentioned. Also, we hope that some of these issues will be discussed at the workshops this afternoon and tomorrow morning.

To back up a bit, the Statistics Division of the National Criminal Justice Information and Statistics Service is the focal point for national data on crime, offenders and the criminal justice system. It is responsible for all phases of an operational program in national crime statistics, including conceptualization of requisite crime measures, design of appropriate data collection modes, compilation and analysis of findings, interpretation and reporting of findings, and dissemination of continuing statistical series, as well as special crime analyses.

By far the largest and most significant of the statistical programs is the National Crime Panel. After three years in the testing stage, this program was firmly established during fiscal year 1973 in terms of data collection. The first results will be published in the coming year.

The report to which I referred earlier, the one on the five cities, is an advance report that just came out this week.

The principal objective of the National Crime Panel is to provide empirical information on the nature of crime and its

societal impact. Data on all kinds of behavior involving theft and criminal assault are developed in the context of the effect of these crimes on victims and the circumstances under which they occur. Detailed analyses focus on location and time of occurrence, social and demographic characteristics of victims, victim-offender relationships, use of weapons, injuries suffered, multiple victimizations, direct and indirect costs related to crime, and a host of other concerns. Victimization rates will be displayed for relevant victim populations to provide insight on the probability of attack.

Let me talk somewhat about the uses to which the data will be put. The importance of this nationwide victimization survey in the fight against crime was recently stressed by the National Advisory Commission on Criminal Justice Standards and Goals. The Commission proposed as a goal for the American people a fifty percent reduction in high-fear crimes, that is, those which are stranger-related, and a substantial reduction in these five crimes by 1983: homicide, forcible rape, aggravated assault, robbery and burglary. In recognition of the fact that crime-specific goals are meaningless without the ability to measure crime, the Commission identified the National Crime Panel as one of two tools to be used for measuring national crime rates, the other tool being the Uniform Crime Reports, of course. However, as stated in the Commission's summary volume, A National Strategy to Reduce Crime:

"Unlike UCR statistics, the LEAA survey will indicate offender-victim relationships. This will make it possible to measure progress towards reducing 'high-fear' crimes which the Commission has set forth as a national goal.

"In sum, the LEAA survey will make it possible to achieve a more precise record of the volume and rate of crime."

The concept of using victimization surveys for evaluation efforts is also being applied to the LEAA High Impact Anti-Crime Program designed to reduce burglary and stranger-related violence in several large cities. Victimization surveys carried out in each of these cities will be used to analyze the crime situation prior to the implementation of crime reduction programs and to measure the long-term effect of these programs. In that connection a second survey is planned for 1975 to measure a two-year change in crime rates and crime levels.

A number of other needs and uses that have been catalogued for the National Crime Panel are as follows:

- (1) The full amount of crime is not reflected in police or other agency statistics.
- (2) Crime prevention and control programs depend upon full and accurate knowledge about the amount and kinds of crime in order to be more effective.
- (3) Statistical indicators as comprehensive as the ones reported by the Federal Government in labor and

agriculture statistics could be achieved with victimization survey findings used in combination with data from the Uniform Crime Reports.

- (4) The victim himself deserves study - the part he plays in criminal acts, his role in potential prevention, his characteristics for use in developing probability of risk models.
- (5) A shift in emphasis from the offender to the victim could be effected in the criminal justice system.
- (6) The findings could serve as an index of change in the behavior of the population in reporting crimes to the police.
- (7) Local area surveys would be useful as an independent check on agency statistics.
- (8) Measures of the change in the amount and types of crime could be made periodically, especially since the ratio of reported to unreported crime is probably not constant.
- (9) There are various technical deficiencies in the official statistics which presumably can be overcome by a victim survey approach with its standardized instruments and procedures.
- (10) Administrative statistics cannot provide the demographic and socio-economic framework which is essential to understanding the broader impact of crime.

- (11) Victimization studies can be useful to policy makers, at the local legislator level, who are concerned with allocating scarce resources where they promise the highest potential for goal achievement.
- (12) An advantage of the sample survey method is that it provides a means for estimating the rate of multiple victimization.
- (13) The survey technique permits the study of the relationship between crime experience and the fear of crime on the lives of citizens.

Let me describe the administration of the survey for those of you who are puzzled about what it is all about and how it works.

How are data for the National Crime Panel collected? Personal interviews are conducted by Bureau of the Census interviewers. As mentioned, the survey began in July 1972, and it is conducted monthly on a regular basis. Each month's interviews utilize a representative, probability sample of 10,000 households and about 1,500 businesses nationwide. The interview in the household portion of the survey consists of administering a questionnaire to each household member who is fourteen years old or older. In addition, a responsible adult also provides the relevant answers for household members who are twelve or thirteen years old. The universe excludes children who are under twelve years old. The survey instrument first ascertains appropriate

background information about the household and its members - the traditional kinds of socio-economic and demographic data collected in general population surveys.

Next, a series of so-called screening questions is administered to determine whether, within the preceding six-month period, certain types of criminal victimization have befallen the household in general, or the individual family members in particular. Household-type crimes surveyed in this fashion include burglary, certain forms of larceny, and automobile theft. Individual crimes include rape, robbery, assault, and personal larceny.

For each victimization mentioned in the screening portion of the questionnaire a separate incident form is completed giving the details of the event. In the commercial component of the survey a similar approach is used whereby an initial screening series of questions determines the fact of victimization, with back-up incident reports used to fill in the pertinent details for each mentioned crime. The commercial crimes surveyed in this fashion are robbery and burglary, exclusively.

The statistical design of the program utilizes an effective sample size of 60,000 households (or about 150,000 persons twelve years old or over). This is done in a rotating panel scheme whereby the same units are interviewed each six-month period for three and a half years. That is a total of seven interviews altogether. The 60,000 units are subdivided into equal and random

subsets of 10,000 units each for interviewing on a monthly basis. The design of the commercial sector is comparable, though the rotation period is longer and the total sample size is approximately one-fourth as large as the household sample. To date, the response levels have averaged between ninety and ninety-five percent. We get monthly rates of the response. I don't think it has been as low as ninety percent yet. It is generally around ninety-four or ninety-five percent. We are very pleased with it.

I mentioned that we also had independent surveys that are taken in twenty-six large cities around the country. These are independent of the national sample.

The administration of the survey in the cities is similar to the national survey with the following differences:

- (1) The sample in each city is independent of the national sample.
- (2) The survey is conducted all at once, rather than continuously on a monthly basis.
- (3) Citizens and businesses are asked to report criminal victimizations for the preceding twelve-month period rather than the preceding six-month period.
- (4) The total sample size is about 10,000 households and about 2,500 businesses within each city.

To cope with the abundance of data now available from both the national and cities samples of the NCP, we have initiated two

separate extensive analytical efforts. National data and data from the five largest cities will be a primary concern of the NCJISS Criminal Justice Analysis Program. This program was established through an inter-agency agreement with the Bureau of the Census on October 30, 1973. It was designed as an umbrella program to utilize the Bureau of the Census to provide the requisite services for the analysis, documentation and dissemination of statistical data collected by and for NCJISS.

The immediate activities to be conducted under this program include the implementation of an analysis and publication program for the NCP. There are other things which the crime statistics analysis will be doing but their immediate charge is to work with the National Crime Panel data. This will consist of the preparation of national quarterly estimates of change in relevant crime rates. I am not sure at this point that we have actually definitively identified just exactly what the relevant crime rates are going to be, but that is being worked on right now, in fact.

It will also include the preparation of the first detailed annual report on national crime and the preparation of analytical reports on crime in selected large cities. The detailed annual report, that is, for data referring to calendar year 1973, should be ready to submit to the printer for publication around the end of this calendar year 1974. Reports for the five largest cities should be ready by June 1974, and we already have the advance

reports which were released this week. A report for thirteen other cities will be ready by December 1974. The first quarterly report will show the change in the estimated crime rates nationwide from the January-March 1973 quarter to the April-June 1973 quarter.

Victimization data from the eight impact cities involved in LEAA's high impact crime reduction program is the focus of the major analytical effort. NCJISS has two immediate objectives regarding these data: 1) to provide each city with the technical assistance and expertise necessary to derive maximum benefit from the survey data and 2) to publish a report on victimization for each of the Impact Cities which develops the survey data in the context of a broad and intimate knowledge of the city and which augments the survey data with relevant local data. To expedite the simultaneous attainment of these objectives, an Impact Cities Victimization Survey Analysis Grant Program was established. Funds were made available to the Crime Analysis Team in each Impact City to defray the cost of analyzing the victimization survey data and preparing a report suitable for publication. Cities without the in-house capability to undertake this project were expected to use the grant to cover the costs involved in engaging consultants to assist them.

This effort requires that the analysts have a thorough understanding of the many complex and technical aspects of the sampling,

interviewing, data processing and a host of other procedures utilized to produce the survey data and resulting tabulations. In order to assist the cities in this respect, a grant was awarded to the Criminal Justice Research Center in Albany, New York. The grant is intended to facilitate analytic work being performed in each of the Impact Cities by providing for: a) the compilation and distribution of relevant LEAA and Census Bureau documentation which is fundamental to understanding the victimization efforts, and b) a series of training seminars for Crime Analysis Team members and consultants during which important statistical, methodological, and substantive issues central to the victimization effort are discussed. Three of these technical training seminars have been held.

Throughout the grant period, the Criminal Justice Research Center coordinates the activities of the Crime Analysis Teams. In addition, the Center deals with special problems and requests by the cities and evaluates the progress being made in the production of an analytical report. At the termination of the project the Center will receive, assimilate and edit the final reports from each of the eight Impact Cities. NCJISS will assume the responsibility of printing and disseminating the Impact Cities Final Reports.

The Criminal Justice Research Center is also responsible for three additional products which should prove valuable to future users: 1) a summary report of problems encountered in data analysis

and recommendations for future victim survey data collection efforts, 2) a package of educational materials and documentation for future users of NCP results, and 3) a report providing an overview of the result in the eight Impact Cities.

I want to turn now to a discussion of the evaluation that we have recently inaugurated for the National Crime Panel. Since the NCP is the most modern, comprehensive undertaking in the field of criminal justice statistics, it will be the subject of intense scrutiny not only by law enforcement agencies, but also by social scientists, Federal, state and local government policy makers and members of the public. Already, the survey has received international attention in the form of correspondence from interested researchers in numerous foreign countries, such as India, England, West Germany, Canada, etc. In addition, a paper on the development of the survey was submitted to the International Symposium on Criminal Justice Information and Statistics Systems, which was held in Jerusalem last August and September.

In view of this intense and diverse interest in the NCP, and the large investment in time and resources that the NCP requires, it was decided that an early substantive and statistical evaluation of the program by an independent expert group was highly desirable. Therefore, a grant was awarded to the National Academy of Sciences Committee on National Statistics to conduct an evaluation of the NCP. The grantee will examine the NCP from two basic

viewpoints - the NCP as an ongoing statistical survey, and the utility of the results of such a survey. The evaluation will take two years and should result in an assessment of the technical adequacy and substantive utility of the NCP. If warranted, specific recommendations for improvements in design, procedures and analysis will be made.

Furthermore, suggestions will be offered on future directions the program should take to improve the usefulness of the results. Such guidance should assist in the development of an improved and more efficient base for criminal justice programs.

Until the results of the NAS evaluation become available, NCJISS plans to continue as before with the national sample victimization survey. By that I mean that we intend basically to continue with the monthly enumeration of the national sample without a good deal of change in the content except perhaps for supplemental questions that might be added. The cities sample survey will also remain basically the same with the scheduled reinterviews in the five largest and the eight Impact Cities - all of which is scheduled to be done next year starting in January. Currently we are conducting the survey in an additional set of thirteen cities, that is, in San Francisco, Miami, Oakland, Washington, Boston, Houston, Pittsburgh, Minneapolis, Milwaukee, Cincinnati, San Diego, New Orleans and Buffalo.

We have also identified a few topics that might possibly be discussed in the workshops. By that I mean topics that are of

interest to LEAA. I am sure other things will surface, but let me at least mention some of the issues which are of concern to us and which need to be addressed.

- (1) How should future planning of the Crime Panel ongoing operation take account of the need for local area data? Should, for example, survey coverage be expanded to include more cities, or should resources be reallocated to provide State data or Standard Metropolitan Statistical Area data, or perhaps there should be more frequent measures for the largest cities?
- (2) When certain findings bring into question the potential validity of data collection techniques or methods, how and by whom should methodological tests be mounted to provide enlightenment; and what policy implications should this have on the timing of the release of such findings?
- (3) What analytical mode is appropriate for public presentation of the data - one that utilizes conventional terminology such as that employed by the Uniform Crime Reports, or one that is more descriptive of the multiple character of criminal victimizations, or some compromise?
- (4) What types of supplementary inquiry should be investigated in connection with the Crime Panel survey vehicle in the future?

- (5) What mechanism should we utilize to determine what data have greatest utility and what data should be published?
- (6) What mechanism can be developed to maximize the joint utility of the administrative data, such as that derived from the UCR and from the survey data of the Crime Panel, for tactical and strategic criminal justice planning and for criminological research?

MR. VELDE: I want to throw the gauntlet down, in a way; that is, not only do we want your comments as to what we are doing in the Crime Panel, but we would like to hear from you as to how you think you could use the Crime Panel, the data therefrom, and use the panel process to design questionnaires as well as questions and pieces of questions that would be of interest in your work. Perhaps we can also work together on that so that we can look upon it as a resource and a tool that you can use.

Are there any general comments or initial reactions on this before we move any further?

MR. KOLODNEY: Just to clarify: In the back of your attendance roster you have the three workshops broken up, and it would be helpful to me if you could identify those number one, two and three relative to the issues that we are talking about so that people who are on a particular workshop can focus more intensely on the paper that has been given in that area.

MR. VELDE: We are possibly considering a revision and creation of one more task force because the group is a little larger than we

had anticipated, so I would prefer not giving you a definitive response until later.

DR. FRIEL: I was curious about one thing, Tony. When you began the survey in the pilot cities, did you initially contact - formally or informally - local elected officials?

MR. TURNER: No.

DR. FRIEL: Did you run into any political problems in that regard?

MR. TURNER: I think that what has happened is that we have gotten a few letters of complaint from respondents. But that happens in any statistical survey that you want to attack. The number of such letters has been minuscule.

MR. STOUT: What kind of complaints, though, even though they are minuscule?

MR. TURNER: Typically the kind of complaints you get from a respondent is that the government is coming in here asking all these personal questions, and how is it going to be used? But we really have not gotten very many of those. It is surprising. I think people enjoy the survey. It is more interesting than some of the other things they are asked to participate in. That explains our ninety-five percent response rate.

DR. FRIEL: Of the people selected for the sample, how many refused to participate?

MR. TURNER: About one percent.

MR. MC CAFFERTY: I was writing a little note to myself because recently there was an M.I.T. study predicting that, if you lived in

1985, you had a two percent chance of being killed. In the effect of these kinds of releases on the body politic I don't think that they realize that we could become the victims of victimization studies. I am talking about five years hence.

I am not opposed to these studies - I think they are necessary - but knowledge of poor reporting brings about fear of the unknown, brings about irrational reactions among people to things which are not going to happen anyway. Will we be stressing these types of statistics and, in so doing, bring about further distrust among people in the large cities? Will there be a complete desire not to participate in common, ordinary relationships? You can see this in the cities today.

I think crime statistics by themselves, when they are issued without this information, are bad enough. You find out that half of it is being reported and then the fear factor goes up. And the fear factor is a very great problem. I am just thinking in terms of what it is going to mean ten years hence to the body politic. That is a very large philosophical question. We need these figures definitely.

MR. TURNER: It is also an empirical question. We will get some answers to that question as we go along.

MR. MC CAFFERTY: But will we look at this, or are we supposed to look at this?

MR. VELDE: I think, Jim, the Dayton and the San Jose pilot studies were interesting in that regard. There was more actual

crime appearing in San Jose but more fear of crime in Dayton. I don't think we know really why. One of the factors seems to be that there is extensive press coverage in Dayton for any criminal event. This may have heightened the public concern about the whole matter to the point where there is substantially more fear as to the nature of the problem. It is a subject we ought to take a really hard look at.

MR. MC CAFFERTY: Your concept of how this is published is more than academic. It is very important.

PROFESSOR ZEISEL: I just want to say that I refuse to believe that statistics change the world very much. I think it is the other way around. I would like to say something about the problem that - as some of you know - has occupied me for some time, namely, the integration of these various statistical efforts. Let me begin perhaps by emphasizing the expensiveness of the victimization survey. In the long run we will encounter problems. I am sure that one of the things that will or might help is if one can show that these victim statistics can be put to use. Therefore, I cannot emphasize enough the need for collecting systematically data as to what people do with these statistics. That is, in the end, what justifies the expense.

These data on who gets slugged and how many and on which street corner could also be obtained from the Uniform Crime Reports if they were done properly. And they are cheaper. One has to ask the hard question of what you really get from the victimization survey which

you could not get from the much cheaper method if it were properly applied.

I apologize to the FBI, because I know it is not responsible for how these things are done at the police level. But if the Uniform Crime Reports could be improved and if non-reporting could be estimated, this could really do it. If you had the complete crime reports on the reported crimes and then some estimates as to how you underestimate it, that might ultimately be the right answer.

I am just throwing this out to emphasize that the focus of all of our deliberations here must be on the integration and coordination within the present framework of divided organization responsibility with a vision of the future integration of all these efforts. I think you very properly referred to the Department of Labor, which has for many years struggled with the problems of coordinating surveys and administrative statistics. This is also the problem of crime statistics. I think that the fact that the Department of Labor has a Bureau of Statistics should contain a hint for us all.

MR. VELDE: I would take issue with one thing you said. I think there are some out-of-work politicians in Great Britain now who feel quite strongly about statistics and their ability to shake the world.

PROFESSOR ZEISEL: I see what you mean, but I think integration is what we must be after.

MR. HILL: Along the same lines, the releases that came out earlier indicated a wide diversity in the ratio of unreported to reported crime among the cities. Do you have thoughts on that? What has happened? Are there any analytical considerations made at this point?

MR. HALL: There is certainly some room there for analytical considerations. It certainly leaves us flustered. At this point most of the things that we have gotten from the Crime Panel so far are just that: the identification of questions rather than any kind of answers. I think that we are a fair distance away from being able to answer that question definitively. I think that everybody in this room can speculate as to reasons and the speculation might be helpful but, beyond that, I don't think that we have any hard information at all.

PROFESSOR ZEISEL: There are three possibilities: differences in reporting, differences in recording by the police, and differences in reporting by the Crime Panel.

MR. MC CAFFERTY: And avoidance. You can avoid crime. We don't know much about it.

PROFESSOR ZEISEL: But if crime does not take place?

MR. MC CAFFERTY: Well, you avoid it by not being aware it could take place.

MR. VELDE: There is also a very fundamental problem by which I think we all will probably be plagued all of our lives in this Crime Panel business. The Crime Panel literally and statistically

and scientifically is not comparable to the UCR. Any attempts to do that - obviously for a lot of reasons it is done and it will continue to be done - will get everybody into a lot of trouble reaching conclusions that are not really fair. You cannot get past the definitional stage attempting to throw comparisons because we are not using the same terminology. I think it is unfortunate that these inevitable comparisons have been, and will continue to be, made because it is as naive as comparing apples and oranges. It is apples and trees, or something even further than that.

MR. WENK: Also, it seems to me that this is different from the Uniform Crime Report; namely, that when we get a question of fear - the psychological public concerns - that is a completely different picture. We cannot replace that with better Uniform Crime Reports without keeping this in mind.

MR. HENDRY: This difference between the reporting by the state and local government and the census reports has an important impact on the amount of resources that are now being applied to the prevention of crime. If crime is unreported as much as it is in Philadelphia - according to the release - does this mean that Philadelphia law enforcement agencies should be augmented by some percent? Is it because they are understaffed that crime is unreported?

MR. VELDE: I don't think Mayor Rizzo has come back with a response yet. I think he will arrive at that conclusion.

PROFESSOR WILKINS: I am trying to think about an analogue. It strikes me that in the health field you have morbidity survey type data. You have sickness data. In countries which have national health services you have administrative data; and you also have death rates data - the reasons for death. Each of these supplies a different kind of picture. All three are useful in determining health policy.

In the field of health where this is a national concern - rather than private enterprise - people have, in fact, been using these three different kinds of data for examining the public national health policy. I would assume some relationships between these morbidity surveys. I cannot quite see the analogue yet with the mortality statistics, but we do have these three levels in that particular field. Ways of utilizing this in relation to policy have been explored. Perhaps some parallelism may exist and might be worth exploring.

May I raise one other point? If one is really going to monitor this system at the macro level, then it is not very desirable that all the data used be generated by that body which is, in fact, being monitored by that data. The monitoring system that is used should be as uncoupled as possible from this system itself. Otherwise, too close a coupling may have a rather decremental cybernetic effect. I am not saying that there is dishonesty in any sense, but it is suspect. If the two groups are too closely connected - the

monitoring system with the machinery itself - it could be suspect.

(Short recess taken.)

MR. VELDE: It is my distinct pleasure now to turn the floor over to Charley McCarty. He will talk about the state of OBTS (Offender Based Transactions Statistics).

Charley is most distinguished for his career in Project SEARCH, as a sergeant-at-arms of that group. He is an excellent statistician. He also has some criminal justice credentials.

MR. MC CARTY: I thank you, Pete. I don't know how much I have in the way of credentials. I brought a paper which you could not read before I presented it. So, if I want to change it as I go along, I have that prerogative. After I give it to you, you can pick it up and read it tonight.

The agenda says that my topic should be the status of the Offender-Based Transaction Statistics. That is not my topic. Really I am going to talk about OBTS, but I am really not going to talk about the current status of it. The title of my talk is Offender-Based Transaction Statistics: Where From Here?

When I was asked to deliver a paper at this "policy-development" seminar, I accepted without thinking what type of paper should be presented. First of all, I have never been to a policy development seminar. I did not know what type of policies were going to be developed.

I decided that I wanted to discuss four areas of OBTS with you. One of these is a little bit of the history for those of you

who are not too familiar with the program. I will also talk about what is currently happening today, what I feel is in store for the future, and then I want to get a jump on Steve's workshop because I will comment on some of the problems as I see them. I will give you a little food for thought.

Let me first define what OBTS really is. OBTS is a statistical system that describes the aggregate experiences of individuals in terms of the types and sequences of criminal justice processes that they encounter. I did not think that up. I believe that comes out of the task force report on criminal justice and its system that LEAA sent us before we came to the seminar.

I would like to put it in my own words which, I think, is more simply put: It is a system to collect key bits of information on defendants as they flow through the criminal justice process and then summarize this data to be used for intelligent decision-making purposes in the criminal justice system. I also believe that, to be able to discuss some of the problems of OBTS and what needs to be done, you must be aware of the background behind the development of such a system.

In 1969, Project SEARCH had a Statistical Methods Task Force. Some of you here might have served on that task force. It was established to computerize existing statistical series that were being collected in criminal justice. The task force met a few times in exotic places - Aspen, Washington, Duluth - and did a little bit of preliminary work.

They decided that, in general, the statistical series that they were going to computerize did not even exist - except in some fragmented portions. They decided that they had to determine exactly what was needed in criminal justice statistics.

Two key things came out of this decision. One is that they needed methods to measure and collect information related to both time and process and offenders. This was not being done at the present time. So, through the work of this committee, the concept of Offender-Based Transaction Statistics was really formulated.

A statistical advisory committee was then formed to apply the concept on a trial basis in the then existing ten SEARCH states. Approximately two hundred selected offenders were selected in each of these states. They were actually traced through the process. This was by no means a sample. The states were supposed to come up with that number of records to test the feasibility and utility of OBTS. It really was supposed to be a thousand or more offenders in each state, but it was determined that that would be impossible to collect since they did not have the records.

After this demonstration, the committee determined that there were some problems with this method, but the concept in general - they felt - was good and would provide the information needed for OBTS. This work was thoroughly documented in SEARCH Technical Report No. 3, entitled Designing State-wide Criminal Justice Statistics Systems - the Demonstration of a Prototype.

After the prototype was demonstrated, LEAA in its infinite wisdom decided that the OBTS concept be tested by implementation in some states. By a process which I am not familiar with, five states were selected to have the OBTS concept implemented. They were the states of California, Florida, Michigan, Minnesota and New Jersey.

LEAA threw some more money into the project. We formed another committee, and this time we called it the Statistical Steering Committee. Doctor Friel happened to be chairman of it and Mr. Kolodney was staff support for it. Jim McCafferty also served on that committee.

Each state was represented on the committee, as were other interdisciplinary professional people. The committee did some good work.

The responsibility that the committee was given was to work with each of the five participating states, to assist them in their implementation of OBTS, to define the minimum requirements necessary for an OBTS system, and to provide an evaluation of the implementation in those states.

After quite a few meetings, and long hours of hard work, the statistical steering committee formulated what we have called an "acceptable working model" of OBTS to be used during the implementation.

One of the main tasks in the formulation of this model was the finding and the selection of data elements. The selection of

these data elements that are currently now in the OBTS model had many constraints, I feel. Two of them were the cost of collecting information and the state's ability to collect the information - whether, in fact, it was at all available to be collected.

Moreover, the overriding concern at that time was the ability of police agencies to collect court-related information, since at that time the type of agencies which were being charged with the development of OBTS in the states were law enforcement. It was also desirable - wherever possible - to have the data elements and coding structure compatible with the already existing national Computerized Criminal History (CCH) file in NCIC. Although economically this uniform coding structure was needed, I understand there are many problems with this coding and classification scheme. I will not talk about that today because this is not the proper forum.

In Table 7.1 of the report on the Criminal Justice System issued by the National Advisory Commission on Criminal Justice Standards and Goals, there is a list of the OBTS data elements and the CCH data elements, and it shows the comparison between the two; so, that is available for you in that report.

Another major decision of the committee was to define the unit of count. It was decided by the committee that the unit of count should be defendants who are fingerprinted and charged with a felony. Since different states define felony in different ways, it was decided that, for OBTS purposes, there would be a

standard definition which was those charges for which the offender could be incarcerated for a period of one year or more.

The work of the committee went on, was finished and presented to the International Symposium on Criminal Justice Information and Statistics Systems in New Orleans in October of 1972. It was published in two documents, two other SEARCH Technical Reports, number four and number five. Number four was Implementing Statewide Criminal Justice Statistics Systems - The Model and Implementation Environment, and number five was Implementing Statewide Criminal Justice Statistics Systems - An Evaluation of the Five-State Implementation.

At this same time, LEAA had a new idea, a big idea, and called it the CDS programs (Comprehensive Data Systems). They took time out in New Orleans to present this program to the people. I feel it is a very good program. It was a five-part package, primarily to assist the states in upgrading their information and statistical capabilities. The major component of this package was the OBTS/CCH component.

Most of you are probably aware that, in order for states to participate in this program, the governor of each state had to sign a letter, and we had to make plans describing how the state planned to implement each part of that package. Although this program has high priority within LEAA, two years later many states still have not yet seen fit to participate in the program. I think there are

currently twenty-five states that have approved CDS Action Plans into LEAA and a somewhat lesser number have actual grants approved for the development of OBTS/CCH systems. Some states are doing it without grant funds, but that would be a minimum.

In the last couple of years, a number of states have done a considerable amount of work on the OBTS/CCH module. After discussing some of their methods of design and implementation, some of their main problems stood out, and one of them was the lack of proper prior planning. I think the states probably need to spend more time on the planning process. That might be the reason many states have chosen not to enter the program right now, because of the manner of planning that needs to go into developing one of these systems.

At the present time, I know of only one state which has an operational computerized OBTS/CCH system. There are some other states which have a manual system and which are in the process of automating. Although that system is operational, I do not know whether any evaluation has ever been conducted to determine if, in fact, the data they are collecting is valid.

What I am trying to say is that although LEAA is spending millions of tax dollars, and giving it to the states to develop this type of a system, yet a full-scale evaluation of the original SEARCH project has never been conducted. This should be done and thoroughly documented in order for the states to have a better idea of what they are getting into.

Let us turn to the present. I will talk about the present as starting maybe a year ago and continuing on for a couple of years. So, we have a long present. I find that some things have happened in this period of time which are really going to help the OBTS system.

In July, 1973, LEAA awarded two separate grants to Project SEARCH - one to design a state-wide judicial information system, but the chairman of the committee changed the name into Offender-Based State Correctional Information System.

States were selected to participate in these projects. Around eleven states participated in the courts project and a somewhat similar number participated in the correction project. One of the conditions on both of these grants was that the information collected must address the OBTS/CCH data requirements. These projects are still in the early stages, and it will be a couple of years before any results come out of these projects - but the concept, I feel, is very good.

Why do I feel this way? It is because both courts and corrections are responsible for collecting their own information and for funneling it into a master OBTS/CCH data base. This is not necessarily the current concept of what has been done. In the past the law enforcement agencies have collected all the information in some states and this causes inherent problems of which they are probably aware.

This procedure will give courts and corrections the data that they need for their daily functions, plus it will provide

the needed input for OBTS/CCH. This method of collection helps to minimize the fears that non-police agencies have in regard to police collecting their information.

It has not yet been determined whether all of the data elements required in OBTS are actually needed by court or corrections administrators in their day-to-day management functions. This will be examined in great detail during the course of these two projects.

What happens to OBTS in the future depends on the evaluation of these two projects. If they are both successes, I feel that OBTS in the future can be a very strong and useful tool for criminal justice. More states will become involved than are at the present. However, if these two projects are not successful, I have doubts that states can ever successfully implement a useful OBTS system.

Since this is a Policy Development Seminar on Statistics, and I don't work for LEAA, I feel that it would be my duty to present to you some of the problems which I see in this area. The few that I will mention are by no means exhaustive, but hopefully they might generate some useful discussions.

The first question that I would like to discuss with you is the notion that the OBTS work done by the Statistical Steering Committee of Project SEARCH constituted a model. Although the OBTS system was successfully implemented in a few states, I would not choose to call it a "model". I think it has the workings of a

model, but I would not want to call it a model. Yet, LEAA has said that for funding purposes this is a model, and it is a minimum. You have got to do this as a minimum to get money. Anything you do should include all the data elements which are included in that model.

We all know that defining a model of the criminal justice system is like kissing a "bufforilla". (A bufforilla is a girl who is the size of a buffalo and looks like a gorilla.) I also want to add that, of those five states that participated in this implementation project, some of them did not successfully implement the system. To be quite frank: they just did not do it. Some are no longer participating in that program. So, point one is in fact this model: Should LEAA put this requirement on the states?

The second area that I would like to talk about is the apparent attempt by LEAA to force OBTS on the states through the proposed Department of Justice regulations. There is practically no way a state can actually implement these regulations without having the OBTS/CCH module. LEAA has chosen to make these requirements in there without any regard for the long-range effect in terms of money and of state priorities.

One big concern of LEAA is the state's delays in entering into the OBTS/CCH program. As I mentioned before, only twenty-five states have approved CDS action plans and even a smaller number have grant requests. I feel one cause of this delay is the lack of adequate

staff support in LEAA to assist the states in determining what the ultimate costs might be. I don't mean to imply that the present staff is not qualified, but I am implying that they have too much work to do. They do not have time to assist states as much as I think they should.

At times, LEAA has the "bag of money" and is running around with it, but they are unable to provide the necessary technical assistance. I feel that it is the responsibility of LEAA to thoroughly educate the states in this program, not by having massive "show and tells" for five to six hundred people, but on an individual state-by-state basis. I know that they probably feel that, to some extent, this is being done through their regional systems specialists - which I could agree with - but many of them know no more about OBTS than I did three years ago.

Another problem with OBTS is that states, in general, do not have adequate resources to implement such a system. When you think that the design and the implementation in a state can take as long as three to five years just to design and implement it, then you are talking about another three to five years to have anything back in that is worthwhile.

Many legislatures are unwilling, even though Federal funds are available, to let a model be implemented without a better understanding of the benefits of the system and the ultimate cost of the system. Two things need to be addressed - what it is going to cost us and what we are going to get back from it.

There have been studies before, I think, and papers written showing some of the things that can be used. But legislatures don't read papers like that. They need short synopses. They need long ones, too!

Another problem in this area is the states' ability to deliver the product once it has been developed. In most states the task of this delivery of OBTS information to the users - the public, the legislature, the governor, LEAA - resides with the "Criminal Justice Statistical Analysis Centers" within the states that are set up by the CDS program. I feel more work needs to be done in association with these centers in educating their staffs as to the various uses and methods of disseminating OBTS information.

Most of the SAC directors and their staffs have either good statistical experience or good criminal justice experience. Very few have both. So, there is a void in this area in that the people in the states responsible for getting the information back out really lack the ability to be able to do it as they should, I believe. Some education is in order here.

Let me try to summarize by saying that for the last few minutes I have been attempting to bring out some of the problems that I think exist within the OBTS/CCH program. Let me also say that there are solutions to these problems. We may not get the solutions at this workshop, but I am quite confident that solutions will come forward.

LEAA, through whatever mechanism it chooses, should address these problems. I feel that if the problems are successfully addressed and the two projects which I mentioned earlier - that is, the Corrections Information System project and the State Judicial Information Project - are successfully implemented, that within ten to twelve years most states should be participating in this program.

I want to thank LEAA for the opportunity to appear before you today, and I want to let you return to your policy-developing attitude.

MR. VELDE: My first comment for the record is that I am sure most of you did not realize that Charley spoke exactly eighteen minutes.

MR. HALL: Did you talk about the utility of OBTS data and the kinds of questions that might shed light on them?

MR. MC CARTY: No, I did not talk about the utility. I mentioned the work that was done by the Statistical Steering Committee when they discussed the utility concept.

DR. FRIEL: You have mentioned various states that have attempted to build an OBTS and have failed. Can you summarize what appear to be the major pitfalls which precipitated the failures?

MR. MC CARTY: It falls under three or four different categories. The first one is that legislatures are unwilling to put up that much money not knowing what the return will be. Number two: they did not

do adequate homework. Number three: the police are trying to infringe upon the rights of the courts. I think that there is a problem in that the courts are demanding more independence. It sums up to a simple statement, in my opinion, that they are not lining up their ducks before they start.

QUESTIONER: In reference to one of your problems statement on the cost of the program, I understand that there is a project being funded by LEAA to ascertain the cost. I would like some clarification. Is that going to be state specific or a national estimate cost?

MR. HALL: The program has two phases. One is the development of methodology for estimating. They are going to use several states to develop that model. From that grant they will go to a national estimate to respond quite frankly to questions that have been raised by the General Accounting Office. However, the phase one methodology should be extremely useful for other states who are attempting to develop a specific estimate for their own individual states.

PROFESSOR ZEISEL: Could I just underscore what George said about the uses of this - because, again, it is an expensive program, and again one can sell it only if one can convince the courts and the legislature as well as the police that they can get some use out of it. To be terribly concrete about it, some examples would be one of the most important contributions that one could make.

When I talk about these things, I use one example. The most frequent decision of our courts is probation. If somebody asks what happened in probation - did the offender learn his lesson, does he come back - it is a simple question, it is an elementary question, and every judge would like to know the answer. We have absolutely no answer unless we have such statistics. It seems to me such questions should be addressed, and they should be collected, in a concrete manner.

MR. MC CARTY: In this respect there is a vast need for people in the states to work in research centers. There is a need for them to more thoroughly understand the utility of this collection. Many people in the states give lip service to OBTS but, whenever they are confronted with trying to sell it to the powers to be within the states, they don't have the adequate knowledge in order to sell the program. They can talk in very general terms, but they are unable to talk in specifics.

I am also afraid that, at times, they make OBTS out to be what it is not. They don't provide certain types of information OBTS will not provide. So, if they sell it on that basis, five years from now the legislature starts demanding information that they cannot provide because OBTS was never designed to provide that information. It is a process of education within the states.

That is why I say - small state-wide or regional training seminars probably should be developed to discuss this concept of utility.

DR. REISS: I would like to comment on the title "OBTS" because of what it implies about a whole system of information. To call it Offender-Based Transaction Statistics puts a lot of weight on the term "Offender" and, as that gains currency, that plants notions in people's minds - both in the public's and in the investigators' minds.

At best, we might return to the old police term of "a suspect"; that is, call it "Felony Suspect-Based Transaction Statistics." I would hope that there would be a change in that whole notion of calling it "Offender." Criminologists have been equally bad at this. They call it "Victim-Offender Relationships" when often all you have is a "Victim-Suspect Relationship."

MR. MC CARTY: I think that is a very good point. It is really not just offenders we are talking about. Others are also included.

DR. REISS: Yes. It is the meaning put into the label that creates problems.

MR. MC CARTY: I think that trying to change it now would be as hard as trying to change the Metro system. You can always change names. You could change it today, but somebody like me would still call it "OBTS." I am a radical.

DR. FRIEL: Let us go back to the issue that Dr. Reiss raised about what an OBTS can do. I think that we who developed the model made an unfortunate tactical error. The error was in not documenting in detail the utility of the OBTS model.

I think we dropped the ball in not spelling out in simple English what the OBTS model could do. Now that the work is completed, LEAA should publish a book to explain the OBTS concept and its implementation in layman's English. I have never seen anything in print like that. I don't know that it would cost very much to develop. I guess any one of us who were involved in developing the concept could do it - we just have not taken the time to do it.

MR. VELDE: That is asking for a lot of lawyers and statisticians!

DR. FRIEL: Are there any resources within LEAA to produce such a book? NASA produced such a book about the Gemini mission written by an historian. Its utility is that it is in layman's language. We must develop a comparable document about OBTS and related statistical systems to educate a broader audience as to their utility.

MR. MC CAFFERTY: It needs something more than that. It has to be given a dramatic appeal. Crime makes very good television time so long as one is pursuing a person. Couldn't it be possible to dramatize the pursuits of a problem in a thirty-five minute program? It could dramatize the idea of information search. Then you may get to the willingness to take this further. Simplification is not enough: you have to have the attention-arresting feature first.

No matter how simple your exposition, statistics is a dull concept in most people's minds. You somehow have to get through that,

and a dramatization might be the answer.

PROFESSOR ZEISEL: It is not only an advertising problem. You have to think about the questions and the answers which will pay off. It is an analytical problem of the people who work with it.

MR. VELDE: Charley, if your object was a) to insult LEAA and b) to stimulate some discussions for the workshop, I think you achieved both of those goals.

MR. MC CARTY: My purpose was not to insult LEAA, but it was to generate discussion. Let me clarify one thing: It is not my purpose to try to run down LEAA because I really think LEAA gives a lot of credibility to this whole program. They worked hard at it. But I mentioned that they are understaffed.

I do feel, however, that they need to do certain things in this area, things that have not been done. I do not say it is their fault. It is everybody's fault because we have not pushed LEAA to do it in some respects.

MR. VELDE: I really did not mean to sound harsh. I think your criticisms are very valid and, in fact, have a lot more applicability, not only in things that LEAA is doing but also in the way other Federal agencies are handling the delivery of the concepts and the services that they are supposed to be delivering to users wherever they are - at the state or local level, as governmental agencies or individual citizens. Too often we have these grand designs in blueprints and schemes but, when it comes down to the hard part of actually performing, oftentimes we come up short.

You have brought us back down to earth to face the harsh realities. You are saying: "You just don't push a couple of buttons and throw some money at people and then the thing automatically starts working."

It is much more complex. You have certainly identified the OBTS context for us, the hard reality of how to breathe life into it.

We have one more paper to present this morning. Paul White is going to outline LEAA's General Criminal Statistics Program.

MR. WHITE: In 1931, the Wickersham Commission issued a report on the need for criminal justice statistics, in which it stated that "accurate data are the beginning of wisdom." That Commission listed five principles of criminal justice statistics:

- (1) Compilation and publication of criminal statistics should be centralized.
- (2) There should be a correlation of State statistics and of State and Federal statistics in one Federal bureau.
- (3) Local officials ought not to be expected to do more than turn into the appropriate central office exactly what their records disclose.
- (4) For the purposes of a check upon the different agencies of criminal justice it is important that the compiling and publication of statistics should not be confined to any bureau or agency which is engaged in administering the criminal law.

- (5) There should be a comprehensive plan for an ultimate complete body of statistics, covering crime, criminals, criminal justice, and penal treatment.

Again, in the 1967 Task Force Report on "Crime and Its Impact - An Assessment," the President's Commission on Law Enforcement and Administration of Justice called for the development of a comprehensive body of criminal statistics, referring to the need as an urgently needed resource. The Commission said that "safe streets require knowledge of what is happening in our streets, who is causing the trouble, what happened there before, and many other facts."

Specifically, the Commission called for the creation of a National Criminal Justice Statistics Center to oversee and coordinate all Federal Criminal statistical programs, including collection activities from both the states and the collection of data relating to Federal crimes.

In late 1969 the National Criminal Justice Information and Statistics Service (NCJISS) was created. Within NCJISS, the Statistics Division was established and, as soon as sufficient staff had been assembled, work began on the development of a strategy to describe the criminal justice system and the problem of crime and delinquency in quantitative terms. After four years of development and work in this field the program of the Statistics Division can be characterized as being focused on three areas, which George covered today:

- (1) Crime Statistics
- (2) Inmate Statistics
- (3) Management Statistics.

I will not go into any great detail on the matter of crime statistics. That has been covered adequately in the paper on the National Crime Panel (NCP). Bob Conger always is available to talk about Uniform Crime Reports (UCR).

I would like to discuss in some detail the field of Inmate Statistics which the Statistics Division has developed over the years. We refer to this as the "back-end" of the crime problem. The "front-end" is the crime statistics in the UCR of the NCP. We have put both considerable energy and resources into developing a program of Inmate Statistics. The first survey that we undertook was the Survey of Inmates of Local and County Jails. The attempt here, as in all of our inmate surveys, was to obtain information about inmates' socio-economic characteristics, work experience, prior criminal history, confinement status, offense for which they were committed, and their involvement and experience in the rehabilitation programs.

In addition to that, the Statistics Division inherited from the Federal Bureau of Prisons a program called National Prisoner Statistics. The Division has expanded this program from the simple collection of summary statistics on the movement of the sentenced population of state prisons to include characteristics of people who are admitted to state prisons or who are removed from state prisons.

Towards that end in 1973 the Statistics Division undertook - in collaboration with the Bureau of Census - a Census of State Prisoners in which it attempted to take a photo or a snapshot of the state prisons' population at a given point in time. We collected basic demographic characteristics on the offenses for which a person had been committed to a state prison, his prior institutional history, and some information about the length of his sentence; and also the time that he had served up to that point.

Moreover, we have an ongoing program - using the Bureau of Census once again as a collection agency - to collect information about the persons admitted to and released from state prisons. The data gathered here in this particular component is similar to that collected in the Census of State Prisoners.

In January of this year a sample survey of about five or six thousand inmates was made. Actually, the inmates in this particular survey were interviewed face-to-face whereas in most of our programs we collect information from institutional records. This was a face-to-face interview with prison inmates.

We are also looking into the feasibility of conducting a Survey of Inmates of Juvenile Detention and Corrections Facilities. This survey would include basically the same information that we collected from the other surveys.

In the area of Management Statistics we break it into two categories: one category deals with institutional facilities and

a second category deals with organizations of people who work in the system and how much they earn, and so on.

The first institutional facility survey carried out by the Division was a Census of Local and County Jails, which was conducted in 1970. As a result of that Census, 4,037 locally administered jails which have the authority to retain adult persons 48 hours or longer were identified. Data was collected on each jail which indicated the percent of capacity used, the number of juveniles who were held in an adult jail, the type of retention status - whether or not he was sentenced to be in there or whether he was being held without having been sentenced.

The age of the facility was included, the age of the cells, the types of recreational or medical facilities, whether or not there were plans to carry major construction programs within a given period of time, and some very brief and basic data about employment needed to support the institution; the expenditures made to run the institutions - all these were included.

A second institutional facility program that we have conducted is the Census of Juvenile Detention and Correctional Facilities. Data collected in this particular program is similar to that collected in the Local and County Jails Census.

A third program, which is out in the field at this time, is called the Census of State Correctional Facilities, and once again the information that we are collecting here has to do with the age of construction of the facility, the number of cells, how many

of those cells are being used, how many are not being used, etcetera.

We feel that, by the time that all this information is collected and tabulated and put into publication, we will have a fairly complete picture of the publicly operated correctional facilities in this country. There are plans to repeat these censuses at periodic intervals to give us a complete and accurate picture of the changing nature of corrections in this country. It is changing, and the focus is going more and more to community-based correctional centers, half-way houses and the like.

The organizational component of management statistics has to do with the structure of the state court systems, characteristics of criminal justice manpower, employment and expenditures of the criminal justice system.

At this time, the Division has in the field a pre-test questionnaire - it may have gone out and come back already - to measure the Characteristics of Criminal Justice Employees. Information in the full-scale survey will profile employees in the system - their socio-demographic traits, experience, educational background, etcetera.

In late 1971 the Division conducted a study dealing with the structure of the court systems in the United States. While the findings from this survey are interesting in themselves, the most important use is to provide a basis for the establishment of an ongoing national program of judicial statistics. The published

final report which most of you should have received in a package, if you received it at all, contains data on the number and type of judicial personnel, and the percentage of judge-time spent on various types of litigations.

LEAA and the Statistics Division have just released the fourth annual report on "Expenditures and Employment Data for the Criminal Justice System". This report covers the period 1971-1972. The report presents public expenditures and employment data on criminal justice activities in the United States, by Federal and State government, as well as some county and large city data.

This discussion has very briefly described the major programs and activities of the Statistics Division. In addition to describing what we have been doing in other areas, the purpose of this section has been to get you thinking about the utility of some of these programs, as well as how they might be made more useful. The next section of this paper tries to address what perhaps needs to be done in the future. It does not purport to be an exhaustive examination of future criminal justice statistical needs, nor does it prioritize those needs. It is to try to get you to start thinking about what we will be talking about in the workshops.

A question related to that is "Who should be collecting statistics in the future?" This is an issue which I hope we will get to in the workshop that Charley McCarty is going to have.

Ideally, if one were going to identify gaps in the criminal justice statistics program, he would have the benefit of a lot of

money and time to put together a blue-ribbon panel and take them to Duluth and Aspen to discuss these things. Not having been afforded this luxury, I have had to rely on a number of documents like the Wickersham Commission Report on "Criminal Statistics"; the President's Commission on Law Enforcement and Administration of Justice's "Task Force Report: Crime and Its Impact - An Assessment"; and a document that came out of the Census Bureau back in 1969 and that was called a "Report on National Needs for Criminal Justice Statistics."

The 1967 President's Crime Commission listed a number of areas in which criminal justice statistical programs should be established. They were: Pretrial Statistics, Court Statistics, Probation Statistics, Jail Statistics, Parole Statistics, Juvenile Statistics, and Federal Statistics.

In addition, the Commission recommended that criminal justice statistical programs already in existence be improved, as for example: UCR, National Prisoner Statistics, and Juvenile Court Statistics. The Commission also called for new kinds of statistical measurements as, for example, in victimization data and recidivism data.

The Wickersham Commission cited almost exactly these needs some forty-six years ago, although in 1931 the national collection efforts with regard to criminal justice statistics were in a much more rudimentary stage than they were in 1967.

The International Association of Chiefs of Police had begun

in 1930 the collection of Uniform Crime Reports data, and the Bureau of the Census had initiated the collection of statistics about prisoners which resulted in the National Prisoner Statistics Program. Later, in 1932, the Census Bureau began collecting judicial statistics. They dropped this program in 1946 for lack of cooperation.

In its 1968 report on "Needs for Criminal Justice Statistics," the Census Bureau conferences echoed the two earlier studies in calling for:

- Victimization data by type of crime
- Crime reported or known to the police by type of crime.
- Arrests made by police by charge
- Dispositions or outcome of case by charge
- Time served under various kinds of correctional supervision by charge of which convicted.
- Data on characteristics of offenders who have come into contact with the criminal justice system.
- Data on expenditures and employment to support and operate the criminal justice system.
- Data on the annual workloads of criminal justice system components, that is, law enforcement, courts and corrections.

When one examines these various lists, it becomes evident that, to a large extent, the Statistics Division has undertaken to collect some information in almost all these "need areas", or, as in the case of the UCR, which is an FBI program, has taken steps to encourage centralization of data collection at the state level through the

NCJISS-administered Comprehensive Data Systems program. No one would say, however, that the Statistics Division has satisfied all the recommendations of the various commissions and task forces. Rather, the first step of a long journey has been taken.

The Statistics Division, in summary, has put into operation the National Crime Panel, which will yield needed data on victims and victim-offender relationships. It has expanded the scope of the National Prisoner Statistics program; it has completed a national survey of court organization; it has funded a study to test the feasibility of collecting information on probationers and probation departments; it has conducted a national census of jails and a survey of the inmates of those jails; it has conducted a census of publicly operated detention and correctional facilities for juveniles; it has supported financially since 1972 the Uniform Parole Reports program of the Research Center of the National Council on Crime and Delinquency; it has funded the development of a source book of criminal justice statistics, which includes both federal and state generated statistics; it is developing a glossary of criminal justice terms; it has published data for four years on the employment and expenditures of the criminal justice system.

The Offender-Based Transaction Statistics systems is being developed as a part of the Comprehensive Data Systems program and will provide data on both the alleged offender as he moves through the system and about the system itself. It will, when fully

operational, provide a measure of recidivism never before achieved at the national level.

There are gaps, of course, in each of these "need areas". Right now the Statistics Division is looking into the feasibility of an ongoing court statistics series; it has pre-tested a collection instrument for a survey of juveniles in correctional and detention facilities; it is considering the merits of a proposal to develop prosecutorial data. The Division collects no data about organized crime, about consumer fraud, about white-collar crime, about professional or habitual criminals. Perhaps the methodologies for these latter kinds of areas are impossible to develop; maybe they are not areas which need to be developed at all. It is one of the issues that we would like to address, however.

I stated earlier that the Statistics Division was created only after the recommendations of a number of Presidential Commissions and groups concerned with the need for criminal justice statistics. It is important to understand what the Commissions were recommending, however. They were not saying that a national center should be established to collect all criminal justice statistics needed by local, state, and federal planners. Rather, they were saying that a national center could provide unity of treatment throughout the criminal justice system as it relates to the collection of criminal justice statistics; it could facilitate improvements at all levels of government with regard to the

collecting and interpreting of criminal justice statistics, and it would probably be more economical. The several commissions argued that, even though a National Statistics Center was needed for these reasons, State Criminal Justice Statistics Bureaus were needed for the compilation and the analysis of data at that level of government.

In essence, this is the strategy that NCJISS has been actively pursuing for the past two years since the announcement of the CDS program. This program, as stated by earlier speakers, seeks to encourage each state to develop the capacity to meet its own criminal justice statistical and information needs.

From the establishment of NCJISS in 1969 it has been evident that many of its data collection programs should be of an interim nature.

While we have been aware of the fact that some programs could be operated only at the national level because of the resources required, such as the National Crime Panel, other programs could be run at the state level just as efficiently. The National Prisoner Statistics, we feel, is one such program. Uniform Parole Reports might be another.

Under the CDS program, a Statistical Analysis Center in each state would serve as the coordinating and guiding force for the compilation of statistics by operating agencies within the state criminal justice system. The State Statistical Analysis Center would then be responsible for furnishing minimum data to the National Center for interstate comparisons and national statistical series.

To date, we have been both encouraged and frustrated by the efforts of the states to become involved in the CDS program. We get as frustrated as you do, Charley. As of today, there are about twenty-five states which have met LEAA's requirements for participation in the program. There are about thirty-two states which have been actively involved but, for one reason or another, they have not all been approved. All of the large states are now either eligible for CDS funding or have expressed a genuine interest in becoming involved in the program. However, there are less than twenty states which have established Criminal Justice Statistical Analysis Centers. There are, I believe, no states that are yet capable of providing Offender-Based Transaction Statistics data to LEAA. Only about one-third of all states have centralized reporting of Uniform Crime Reports data.

To our knowledge, no State Statistical Analysis Center is today capable of providing adequate management data to all components of its criminal justice system. Yet, the numbers cited are, for the most part, significant increases in what existed two years ago.

There is evidence that the number of states which will have state level Uniform Crime Reporting systems will almost double in the next year or two. More and more states are applying for grants to develop OBTS systems which require complete, current and accurate information. So, the picture is brightening.

It appears that the CDS program, announced in the spring

two years ago, has had its hopes tempered by political realities at the state level, by the realities that in the field of criminal justice statistics and information systems there is limited expertise available for the development and implementation effort, and that the CDS reality demands time to reach maturity.

It also appears that the reality of what LEAA and the states are trying to accomplish has been, for the most part, only a dream since 1931.

LEAA has made its commitment to give whatever funds are necessary to make the CDS program a success. It has set aside over thirty million dollars in the last three years alone to support this system. In attempting to establish this capability of collecting statistical data at the state level, NCJISS is utilizing the concept of New Federalism not as an abstract philosophical approach to deal with states but as a practical, realistic way to enhance the planning process of the administration of justice at all levels of government.

(Short recess taken.)

SECOND PLENARY SESSION

DR. REISS: Let me begin with a brief statement, and then I will move into specific recommendations. The most significant developments potentially in measuring crime phenomena is the Crime Panel Survey of the LEAA Census. The richness of the information base developed in the victimization survey - not only in victimization by crime on persons and their households and business organizations but also for the responses to victimization - is unmatched as a data base on crime.

The panel survey, moreover, makes possible the development of key social indicators on crime, and they should enhance our understanding of social and economic changes affecting crime and its impact on people.

Given this rich storehouse of information into which the resources of LEAA have been wisely allocated, we view with dismay the inability of NCJISS to meet, in a timely fashion, the natural demands of the press and the criminal justice community for the information from these surveys, and the release instead of partial information accompanied by inaccurate, misleading, and unwarranted interpretations of matters of great public concern.

Particularly deplorable are the premature comparisons of the Uniform Crime Report offense rates and estimates from the victimization survey data. We recognize the intense pressure that the public makes for an independent measure of crime incidence and that

within certain limitations comparisons between police and survey data can validly be made.

However, this is not possible at this point in time within determinable bounds of accuracy. Moreover, it would be a mistake to place primary emphasis on these comparisons as the principal justification for the victimization survey.

Perhaps one of the primary reasons for this crime panel series lies in their constituting - as we have already indicated - a rich source of information for informing the public and the criminal justice community regarding the causes and consequences of crime and monitoring them over time.

With this in mind the panel proceeded to look into four major questions with a view toward making recommendations as to how LEAA and others might proceed with the crime panel survey in the future.

The first matter to which we gave our attention was the question of how one might proceed to release information from the crime panel survey and what was essential in releasing such information. We have four recommendations - not necessarily given in any order of priority - that we believe are essential at this point in releasing information from these surveys.

Firstly, the release of any information should be accompanied by - if not released prior to the survey - analytical and substantive reporting procedures that make it possible for at least part of the community to interpret the meaning of the released information.

This includes a series of methodological reports reporting on reliabilities in the survey and making it possible to understand what indeed the tables are saying.

I might say parenthetically that we don't feel the reports distributed yesterday in any way begin to approach the standard of reporting that would permit us to evaluate what those data mean. Indeed, I am personally struck by the fact that the report released information on comparison of the five cities, for example, which has grave implications for the policing in those five cities.

I happened to glance at Table 8, and I noticed that the percentage reporting to the police varied between forty-one and forty-four for all five cities. Given the nature of the survey, I take it this is an insignificant source of variation.

If you take that one piece of the data, there is an enormous amount of information in it about what the rest of the tables might or might not mean in the rest of the report.

In any case the report does not even explain how the rates reported were derived. There are a few of us who think we know what Census-LEAA did to derive those rates because we have had some association with the survey procedure, but we recognize that most people would be unaware of how they were derived and thus would not be able to interpret the rates.

Therefore, our first recommendation is that there be a series of methodological reports accompanying the release or prior to the release so that the reports themselves can be assessed. In connection

with that we are also urging that such reports be substantive with respect to the information released.

Our second recommendation is that the meaning of the data from the victimization survey must be seen in terms of the validity of the data. From the investigation that has been undertaken up to this point we know that the validity of the information varies according to the type of crime.

Indeed, one example to which I will return, is that the validity of information on assaults derived from the pilot reverse record check is so low as to make it, in my personal opinion, of such dubious validity as to raise questions about including it in the survey.

At least, if one is going to subsequently make comparisons with data from the police reports, then the validity and reliability of victim reports is an important consideration. On the reverse record check one loses a substantial number of assaults known to the police because of a variety of reasons. I will come back to this shortly because I am going to make some recommendations about it.

The third recommendation that we have deals with the possibility of comparisons between the UCR offense data and the rates produced from the victimization survey. Without going into great detail we are convinced - as I have already indicated - that such comparisons are premature, partly stemming from the fact that there

will always be some limitations on making such comparisons and partly stemming from the fact that we do not know what are the determinable bounds of error for making such comparisons. Moreover, the two series are not in such a form as to permit comparison. Indeed, considerable work will have to be done with the police information systems and the data in them to begin to effect meaningful comparisons with the data from the victimization survey.

Bearing in mind that this is an extremely important question to the law enforcement community - as well as to others in the criminal justice community and the public at large - we think that minimally for use of UCR and LEAA these two groups ought to prepare extensive documentation on this question of the possibility for comparisons and what would be essential to make enlightened, intelligent, accurate, and meaningful comparisons between the two series.

I would emphasize that we discussed the same questions for the published UCR reports, similarly trying to clear what the limitations are on its series: what is included and what is not included. Apart from both LEAA-Census and UCR each addressing these questions in its respective publications, we are urging that they jointly document the possibilities for comparison, and focusing particularly on what is essential to make comparisons within determinable limits of accuracy.

The final recommendation that we are making refers to the yet-to-come results from the national panel victimization survey, which is going to become the most interesting of the surveys. I am speaking here of the reports that are going to tell us something about the changing pattern in national victimization rates over time.

Some of us are deeply concerned that such reports will be released without careful consideration to the question of how one will determine whether there has been a significant change in the victimization rate. This is particularly important if one recognizes the problems in trend analysis.

We would urge very strongly on LEAA-Census a careful consideration of how they are going to treat the question of change. We urge, at the same time, that UCR address the same questions, since there is a tendency to interpret change according to whomever occupies the office which releases it. This question of changes in rates, by the way, is a highly technical one, and we hope that the National Academy of Sciences' panel will also lend its expertise to those problems.

A second area which we considered at length was the question of what kind of methodological inquiry should be undertaken and what kind of substantive report should be produced from the survey. We shall not go into great detail on that. I would begin by saying that we recognize that there was a great imbalance at this point

between the money allocated for the collection of data and the money allocated for analysis of the data.

The bulk of the resources have been put into data collection. Very little has been allocated for analysis in advance of the surveys and during the data collection phases. The alteration of resources to data collection and to analysis needs to be brought more closely into some kind of balance. That does not necessarily mean an exact equalization, but at least one must allocate considerably more to the analytic function than now is the case.

We are mindful of the fact that there are personnel shortages in the research community to undertake careful analysis of this data. Nonetheless, we urge upon LEAA and UCR to develop a greater in-house capacity for analysis. Moreover, we urge upon these two bodies an increase in their statistical staff.

I should say parenthetically that I assume a personal responsibility for the next recommendation, since I am not sure that the panel concurred. Over the years, the Bureau of the Census has been very reluctant to make what might be called substantive interpretations of their data. New reports are a kind of bare-bones restatement of what is in the tables. Such restatements often turn out to be interpretations of a sort.

We think something more is required. If Census is not to take responsibility for such substantive reports, then LEAA must - whether in-house or, excuse the phrase, "out-house".

Quickly moving to some specific points, we are recommending considerable effort be continued in the direction of determining the validity of the victimization surveys, particularly with respect to the development of information on victimization by crime but also information on victimization in other areas of reporting on criminal justice.

I have already called attention to the fact that we are concerned with the validity of some offense data, such as that on assault. These validities have been established by the reverse record check procedure, that is, beginning with the police reports of offenses and then interviewing to see if you get the same information.

By the way, I would call your attention to the fact that there is a tendency to confuse the fact that the initial sources of information on victimization for both the UCR and the victimization survey are the citizens; that is to say that there is a great tendency to think of UCR as police-reported and the victimization survey as citizen-reported.

Of course, police data on crimes are in some sense transformed by the police, but for the most part the information is citizen-reported to the police. The victimization survey is but another way of tapping the same citizens for information. Often one is preparing two reports from the same citizen, or at least ideally that is what one would like to prepare.

At the same time, there is the important question of how one establishes the validity of the information that is never reported. This constitutes a substantial proportion of the victimization and police reports.

We know of one study being undertaken at the present time to determine the validity of assaults, or at least of acts of violence that are not reported to the police.

We urge that attention be given to determine the validity of other kinds of information not reported to the police.

Secondly, we are concerned by the rumor that the attitude portion of the victimization survey will not be repeated. At the same time, we observe that in its releases of information from the victimization survey LEAA seems to place undue emphasis on such information, supposedly derived from that survey. I personally have difficulty seeing how some reported results might have been gotten from the attitude survey. In any case, citizens' attitudes are a rich source of information, and the bulk of the effort in past surveys has gone on the reports of victimization by crime. Much less attention has been given to that attitude survey.

Thirdly, we think more attention should be given to the examination of whether the current panel procedure is the best that can be obtained and whether the current interview format is the best that can be utilized in future surveys. There are some differences in procedures between the survey taken in England

and the survey taken in this country. Exploration should certainly be undertaken to determine whether those differences are a function of cultural differences or simply a function of differences in the survey procedure.

Finally, we note in this section that there is a possibility of having a future report on the personal characteristics of the suspects that were named by the victims in the survey. Such a report, if issued, must be most carefully examined, particularly since there is some hint that it may diverge from what is known about victim-offender relations from past studies. Here again we need to be certain of the validity of suspect reporting, and particularly on reporting such things as the race of the subject, prior to releasing any such information.

The next section that we considered was whether or not there should be any changes in the crime panel survey to meet the needs of contemplated consumers or other consuming publics. This is a very broad area, and we certainly made no attempt to explore it systematically. We do have several suggestions, however, to make to LEAA as to what should be considered in this area.

Historically one of the most important games that has been played by city reporters with UCR data is whether our crime rate is lower or bigger than City X's crime rate. The first thing reporters and others look at is the comparisons among cities, and the first thing that newspaper reporters say is: "Why must New Haven have a higher crime rate than Bridgeport?"

The police chief of New Haven is on the spot. No one asks the question: "Are there enough differences between New Haven and Bridgeport to account for the observed differences?" The fact may be that on a standardized basis they are just the same.

Why isn't this done? Well, it is partly because no one pays attention very much to how one makes city comparisons and what is meaningful in such a comparison. In what sense is L.A. comparable to New York? Of course, there are ways of handling that problem, but we urge upon LEAA, and also UCR, that some effort be devoted to these particular questions.

If you are going to release data, and if you are going to make comparisons, what constitutes a meaningful basis for comparison?

Secondly, we would call attention to the question of how one assesses changes in rates for cities over time. This, of course, partly arises from the problem that - unlike the nation, which is a self-contained unit - the city rates are presently based on the resident population and not on where the offense occurs.

This poses all sorts of problems about how you measure changes in rates. We also need to pay attention to regression effects on changes.

Third, there is what academics call the "disaggregation/aggregation problem." Over time, one should be faced with the question of what kind of disaggregated reporting one can make - not only for the national survey, but for the cities - and, indeed, the question

is: "Should the surveys be redesigned to provide certain kinds of disaggregated reporting, such as by areas of the cities?"

There are also important questions of disaggregation by the various analytical categories that are normally employed in these studies. What kind of disaggregation would be most meaningful for the usable community?

Finally - and with this I will conclude - we considered one other question: "Are there any kinds of extensions that should be made, or any kinds of substitutions that should be made, in the current victim survey program of LEAA? For example, should half of the resources be allocated to the national sample and half to the city samples?"

We recognize that city surveys do add an important dimension to our understanding of crime patterns, particularly if properly done. At the same time, we are inclined to question designing the city surveys being made on the basis of the central city rather than on SMSA.

I have already alluded to the fact that the survey, as currently designed, is by place of residence and therefore does not provide the kind of picture of crime in the city that one might wish to have. If one is to understand the relationship of crime to the community, the kind of community comparisons should be done for SMSAs.

The main reason for using the central city was not only because of the evaluation program, that is, the experimental cities program

undertaken by LEAA and other governmental agencies, but also to make comparisons with UCR.

We recognize that these are important reasons for deriving estimates for the core city, but they are not necessarily incompatible with designing SMSA surveys.

Finally, we ought to ask the question: "What are the efficiencies and inefficiencies of the survey method as compared with other methods of acquiring information in this area?" We think that certainly effort should be devoted to improving the administrative statistics gathered on crime in the United States. We recognize that attempts are underway to develop an audit system for UCR reporting. That is a laudable effort, and we hope that considerable resources will be available, not only to develop the audit but to improve administratively generated statistics, as well as the victimization surveys.

I apologize to members of my panel for perhaps sometimes taking liberties with summarizing what was a discussion that was participated in by all and which I personally enjoyed. I hope they enjoyed it also, and I hope that they will feel free to make corrections and additions to the comments that I have made.

MR. VELDE: Thank you very much, Al. Are there any comments or addenda or disclaimers from any of his group?

I have a couple of questions that I would like to throw at the Chairman.

The question of "in-house" versus "out-house" analysis and research activities is one which caught my ear. Through the years of LEAA's existence, its most precious resource has been its people and, although money is relatively easy to come by, we have had considerable, if not extreme, difficulties getting more people. This has led us to resort to a number of ways of getting around this problem.

The most common of these is to support the development of essential functions by contract or grants to outside groups or agencies to perform functions that we would not have been able to do ourselves. This technique has not been used to any significant degree in our statistics program, except for the support group that we have at the Census Bureau.

I am not sure how many people are in that group at this point. It is around fifty.

PARTICIPANT: There are fourteen.

MR. VELDE: Well, I thought we had set aside more than that.

Could we use facilities or capabilities of the academic community or elsewhere through contract or grant to perform some of these analytical functions?

DR. REISS: There is not only the problem of finding the people. There is the problem of making available the information that one can tie the two together effectively. The lag-time in getting a tape and the technical reports on it in order to conduct those comparisons in the academic community is enormous. It is a matter of advanced planning.

If you gave me money tomorrow to do an analytical session, I would have a hard time getting that information out of the LEAA-Census in such a way that I could do anything to help. I would probably be eighteen months, and then I would feel that I had a headstart.

You have to develop the competence of the information system so that we can do that kind of work.

MR. HINDELANG: As I mentioned yesterday, the Criminal Justice Research Center has been helping to coordinate and analyze the data of the eight impact cities. As part of that effort, we have gotten some access to some of the information and have been using it, as well as some of the detailed tabulations that have been prepared by the Bureau of the Census. I think some of the problems you raise initially about the five cities' report are relevant.

We did a short report on the impact cities, which was reported somewhat in the press. Our preliminary report contained some of the documentation that you saw lacking with respect to the sampling error, and a certain amount of technical information was included in our appendices.

On the question of outside analysis we have in a small way been involved with the analysis. The Bureau and LEAA have been effective in providing us the information that we need. We have recently gotten some raw data tapes to do initial tabulations.

I strongly agree - and one of the points that we will be making in our report from group two - that monies for analysis seem to be harder to get. There is a problem of getting people who can spend the required amount of time. There is, however, not a total absence; certainly not with the National Crime Panel. Unless there is a considerable increase in funds for analysis, the use of the data will not be fully tapped.

MR. VELDE: Is there an optimum ratio of collection to analysis? Is there a rule of thumb like the fifty-to-one in the probation business?

MR. HINDELANG: I don't think so. I think it varies considerably with the nature of the data-collection activity. Certainly most researchers would agree that in the crime area there is much data that is collected which is never adequately analyzed. The support for analysis is just not there. People just fall over after they get it all in.

PROFESSOR ZEISEL: I thought that one of the big problems - both from the economical point of view and from the point of view of what the problem really is - should be to find out how much of the discrepancy between the UCR and the victim survey goes to the following three factors: one, errors in the victim survey; two, the amount of non-reporting; and three, errors in the police reporting of crimes reported by the public.

I think it would be worthwhile to make a very special effort to determine the relative magnitude of these three error-sources

for a very simple reason. The UCR auditing function is really aiming at one of these three parts. From an operational point of view the question as to what to do about these findings is important.

These are two completely different areas. One is the concern of why the public does not report more, and the other is why don't the police report it back. It seems to me that if these problems come closer to a solution, you might also have a hint as to how in the future to allocate budget.

As you know, surveys are very expensive. If one establishes certain ratios, which one watches over time for change and inference, some more integration of the research effort might be accomplished.

MR. HINDELANG: I think one of the most important reasons for the discrepancy was not included among your three. The phenomenon on which victim surveys in the NCP and UCR focus is much different. Victim surveys are taking a look at crime against residents in the central cities. UCR reports crimes occurring in cities. The victim surveys take a look at only the population of twelve-plus in age. UCR covers the entire population.

PROFESSOR ZEISEL: I would expect you to clear that out first and analyze the remainder.

MR. VELDE: Concerning your comments, Al, LEAA does have an academic assistance program to support the college degree effort.

This fiscal year about 100,000 students and one thousand universities are involved. Are you suggesting that not enough of this group are statistics majors? Why can't we get statisticians in criminal justice?

PROFESSOR WILKINS: I think people are just scared of our field. They avoid our classes. I have sometimes wondered whether we might take people who already have the mathematics training - like some of these unemployed physicists - and give them a re-tooling training. At least they are not scared of the mathematics. That might be another way of getting some input.

We usually get people who are interested in people, and they don't have the technical expertise. The image of our field is that of people-oriented or ideas-oriented endeavors. It is not seen as a numerically based discipline. It is extremely difficult to get students through the courses that we offer with any measure of competence on their part.

There is also the incompetence of the teaching fraternity.

MR. MC CAFFERTY: There is a grave need for people who can look at data and tell the police sergeant or the commissioner what it is all about, and to protect him from some of our Federal statistics sometimes.

Charley just said that there is no college in the United States in which you can get this type of training. There is no program that you enter and come out with a degree in analysis of criminal statistics or related fields.

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PROFESSOR WILKINS: We do have a rather heavy methodological program. We trade off the language requirement for the doctorate for what you might call a numerical requirement. Even so, the majority of our students would rather learn a language. Their image of the kind of thing that we do is foreboding to them. We need more input to the undergraduate program. Those who do have an interest in inference-numerical analysis do not see this field as likely to offer them either a challenge or interest or a career. This image gets across to the early stages of career-seeking.

MR. HINDELANG: One of the things that has happened in our program in the Research Center of Criminal Justice in Albany is that since LEAA has been making some sources of data available to the Center on another grant of ours called "utilization of criminal justice statistics" we have been attracting PhD's who have become interested in analyzing the data. We are now getting competent people who now have experience in mass data handling and statistical analysis. So that I think the point that Al was raising earlier about making data available feeds into the process of educating people.

PROFESSOR WILKINS: Until we had terminals in the schools, we had even less people interested. Now they can see things going on, and they are becoming more interested. The peer culture is beginning to build up a concern for and an interest in the hard data approaches. A number of people at the rather later levels of their program - usually after the first year - begin to realize

that they really have to master some of the harder techniques if they are going to do what they want to do. That realization seems to come from an impact with the fact that the Criminal Justice Center is across the road. There is this transfer of people and information.

Some of our brighter, yet totally non-numerative types who were brought in screaming in the first place, are now quite pleased with it. One example is our research man who is now at the Federal Parole Board.

MR. VELDE: This brings to mind an ill-fated dream that we kicked around somewhat. We started to do some work on this a few years ago, that is, the building of a criminal justice data base that would put census tract data and UCR onto on-line access for whomever wanted to get at it. This would be for modeling and analytical work. We tried to work with NIH to use some software developed as a bio-medical package, if I am not mistaken. Tony, isn't that right?

MR. TURNER: Yes.

MR. VELDE: I guess we were overwhelmed by our inability to make much out of it or in trying to put all the different data bases into one consolidated group.

We came across ILIAC 4. I thought that was the answer. This was the monster computer out of Ames Research Center with NASA in California. According to their descriptive literature it has

twenty-five percent of the world's total computing capability. It is supposed to be a thousand times faster than any other computer and one hundred times cheaper. The only problem with it is that you can't program it.

DR. REISS: Let me make two observations. The problem is less statistical than analytical. We need to look more carefully at that one. Secondly, I am a complete cynic about education. It is like any other area. If you want to draw people in, you have to reward them differentially. The best case I know of in the public sector is in the NIH case where psychiatry was a low status field in medicine. By just rewarding people tremendously for going into psychiatry and giving them much higher stipends they overproduced psychiatrists in a relatively short period of time. I think that is the history of higher education.

If you want people in this field, set up a program where you offer a graduate student \$12,000. This was done, by the way, in certain social work areas. You will get manpower under those circumstances.

MR. FOLK: That is not necessary. In this case if you want some research done in criminal statistics, and if you want to train people who will be experts in the interpretation and utilization of criminal statistics, then the most efficient way is to give dissertation grants. The Mentor Administration experience is interesting because dollar for dollar the total grant to the university runs ten or twelve thousand dollars. The student gets \$4,500 as a

stipend, and the additional money is in the form of some small grant to the university of \$1,500 or so. Research expenses are also included. It varies according to the particular project.

In criminal statistics you should be able to draw not only on criminology and sociology but a wide range of social sciences where jobs are just not that available in general, where there are relatively few opportunities to get dissertation support, and where there is an interest in the social process which is not narrowed to a specific functional area, such as crime and justice.

If you wanted 15,000 people, you might have trouble. If you wanted two hundred, it would be relatively easy to find highly qualified people with adequate numeracy and statistical and computer experience to provide a product which was useful in terms of interpretation and scholarly research. This would also attract a substantial number of people for career futures.

The Manpower Administration experience has been extremely successful in terms of attracting people and getting them committed to this particular kind of career. I would raise some questions about the choice and the adequacy and utility of the specific research projects that the graduate students did. If this were an additional focus in the selection process for these dissertation proposals, I think you would find that you could kill two birds with one stone - both getting some interpretation and attracting some people of high competence to careers in this area.

MR. VELDE: Perhaps this could be combined with programs of working part-time in state statistical SAC analytical centers or in LEAA or UCR.

DR. FRIEL: I have placed heavy emphasis on the need to interpret the data within academia. I think there is an enormous danger in analyzing data without considering the environment in which it was gathered. You can't neglect the geo-political and cultural differences of local units of government.

If we place ourselves in the position of hiring contractors or academics to compare cities as though they are push-pins on a map, the credibility of the data would be zero. The purpose of collecting the data is not to employ academicians.

Yesterday I asked the question: "Was a formal attempt made to communicate with local units of government before you inquired of their constituents about their fear of crime?" For various reasons you elected not to. I think this is unwise. I think there is wisdom in sharing the results of the analysis with the agencies affected so that they may assist in the interpretation of the data.

PROFESSOR ZEISEL: No.

DR. REISS: The point is well taken. How do you make meaningful, interpretable comparisons among the city units? That is a very important question, and we need to throw a lot of effort into that. It is not simply an LEAA-Census problem.

MR. WENK: You can make comparisons between the sections of cities.

PROFESSOR ZEISEL: Generally speaking, all of us understand the political constraints under which any data agency operates, but I think the initial determination should be for the truth with utter lack of concern for where the truth comes out. Then if one has to make compromises, that is all right; but to build them in right from the beginning is disastrous. Let the PhD's play around with the data and come out with whatever it is. It is an inexpensive way and as objective a way as I know.

MR. FOLK: The whole virtue of having a scientific environment for interpretation is obvious. There is disagreement, conflict, and a process - particularly in the dissertation stages - of examining the validity of an approach and the reliability of the numbers. You get this free, and you also have from one to five professors making sure that this kid doesn't make a jerk out of himself when he completes his work.

I am a labor economist by trade - which I will leave aside for the moment - and I am sure that this set of conversations could have taken place with respect to employment and unemployment statistics in the 1930s very easily. How can you compare the economic condition of New York and Los Angeles and Detroit? We still don't have very good local employment statistics. We aren't willing to pay the money to collect them. There are inherent problems of measuring labor force attachment. Is this person employed? He

works two hours a week. There are arbitrary definitions that have to be imposed.

I think the Census Bureau's experience with their sample surveys of the labor force is worth examining. They used to do the interpretation of the statistics. The Bureau of Labor Statistics does now whatever interpretation there is. The Bureau of the Census is contracted to collect the statistics.

I think it is an excellent idea to separate the statistical or survey agency that collects the data from the interpretation. BLS has had its problems.

Recently there was a blow-up, and some officials resigned or were relieved of their positions. This was because of interpretations which political agents in government thought were inappropriate. It would be a disaster to have the data-collecting agency involved in interpretation in the sense of more than the restatement of what the numbers say. It is very dangerous to have people who are collecting information, worry about what it means, or what use is going to be made of it, or whether it is a good thing or a bad thing.

MR. BIDERMAN: With regard to the question of what these data are for, let me say that in light of what we heard yesterday from Mr. Holtzman, coupled with the congressional hearings and legislation regarding the establishment of a National Criminal Justice Statistics Center, the intent is very clear: the data are for

research purposes. Research use is one of the uses envisaged in creating the system.

The government - through LEAA, National Institute, The National Science Foundation, and many other agencies - is financing research through dozens of projects that involve the collection of data and the subsequent analyses. The data being used are far inferior for many of those research purposes than the data being developed by the LEAA-Census surveys.

I think there are millions of dollars being spent for research where the purposes can be pursued far better with LEAA data rather than those being presently used. Also there is this high priority problem of being able to provide the research access. This is an organizational problem in that systems need to be worked out to coordinate the Census data with the research community. The inferior sources of data need to be replaced very quickly.

In our group we felt that there is certainly too much emphasis being placed on those interpretations of differences between survey-derived estimates of the incidence of crime and those derived from police reports. The differences are not totally due to error. Some of the most important differences have nothing whatsoever to do with anything that could be characterized as error, but rather appropriate differences given the kinds of phenomena to which two different kinds of theories should attend.

For a large portion - and an unknown portion - of events it is very difficult to make an objective decision of whether a crime

indeed occurred. This is to a large degree the big problem that the entire system of criminal justice faces: the difficult determinations of evidence, including evidence regarding non-objective aspects, like the intent of a person or provocation in violence cases.

In the survey, for example, if you have a respondent who reports that he was riding on a bus and when he got off his wallet was missing, he is quite sure that someone took it and he thinks that he was pick-pocketed - what should the survey do about that? It depends on the use that you want to make of the data. If the person has experiences that he regards as victimization, then it is very useful - in fact, essential - that you have data that you can then relate to the data on his behavior and on his attitudes toward the crime problem.

Similarly, if you had a case that the police would regard as child abuse - but the people involved considered it as normal discipline - then the survey should treat that data differently than the police do. These are different kinds of functions, and the survey should be able to allow the performance of these functions without being overly distracted in comparing itself with the police reports.

MS. EIDSON: I think I recall someone saying that the question of economics could not get off the ground until we get the money. I suspect that the problem of attracting quantitatively sophisticated

people has much to do with the quality of the crime statistics that are being generated.

I have a graduate student on a ten thousand dollar contract. Al's point about the potential payoff of a national crime survey would get a broader understanding of the phenomenon of crime. One would expect that this would have implications for operations, and this is an important point and one that should not be ignored in view of problems in inter-city comparisons. One is perhaps stymied by the analytical problems. A point that I have difficulty getting across to graduate students is that the comparison of individuals is not that different from the comparison of cities.

If for financial reasons you can only collect broad amounts of data on fifteen cities, you can probably not consider more than fourteen variables simultaneously. This is what I see as the problem in inter-city comparisons - not that we don't know what kinds of things we want to standardize.

MR. HINDELANG: We spent the afternoon talking about everything else. Consequently, we covered a lot of ground. Our area of concern was essentially the area covered by Paul White in his presentation having to do with the collections problems within the statistics division. I am thinking of things like national prisoner statistics, jail sentences, inmate surveys, juvenile institution surveys, and so on.

In viewing the breadth and depth and importance of these areas which research has taken in the last four or five years, we were

impressed by the voids that are being filled by the resultant data because of these collection efforts. I think that these data are providing us with systematic information in many areas in which we were previously ignorant.

However, there are a number of problems that we saw and a number of concerns that were raised. One of the most important concerns was the use of the products of the statistical program. For example, we raised the question as to whether there was some way that input of practitioners in the criminal justice field could be used to derive the data elements to be included in the collection. There was some concern that the needs of people, who should be benefiting from the data, might not be met without some input before data collection begins.

The second concern of this nature has to do with the training of people to use the information. Can some kind of training program to educate people in the criminal justice field at the state and local level, as well as people who are being educated formally, be sponsored by LEAA? We thought this was an important area which needs more attention.

A third concern had to do with the alternatives that can be explored in order to fill the gap between basic data which is available and the interpretation of that data. We thought that it would be beneficial if summaries of the data - rather than just presentation of tabular information - could be made, and in general if more emphasis could be placed on analysis.

Our last concern had to do with the general topic of use of the products and, more specifically, how the various data products fit together. We were struck by the compartmentalization of the statistical data collection efforts. Again, we thought that more should be done to take a look at how these data fit together in relationship to one another.

The next area that we covered had to do with some additional data needs which we saw. First, the group saw a need for court processing information. There was a recognition that state court processing information is not nationally available. We know a great deal about Federal court processing through the reports done by the Administrative Office, but to get a simple figure like the number and characteristics of defendants processed is not available for state data nationwide.

Included in this area of ignorance in the court area would also be information about caseload and use of jurors.

Closely related to this is a lack of information about non-incarcerative dispositional alternatives used in court processing. Within the statistics division the collection of information about incarcerated populations and their institutions seems to be quite available as a result of some of the programs, but information about people on probation, people fined, and so on - in spite of the fact that probation is a much more widely used alternative than incarceration - is an area where we have no national information.

The only national information that I know of in the probation area is a study done for the President's Commission by NCCD seven or eight years ago.

Another area where we saw a need for additional data had to do with attitude surveys of the public and also of criminal justice employees regarding their attitudes toward issues of importance to the criminal justice system. This is the notion that social indicators are important.

The Crime Panel has an attitude section which deals primarily with the fear of crime or the perception of risk of being victimized. There are a great many issues that pollsters over the years have touched on systematically: citizens' views of the courts, of police, of gun control, of the death penalty, and so on. As far as I know, there has been only one study of criminal justice employees which was done by the correctional manpower people in about 1968. It looked at the attitudes of correctional employees. I think that data is extremely valuable in helping to understand some of the problems which the criminal justice employees see inside the system and some of the suggestions they had for change.

Another question that might be put under the need for national data was an exploration of the classification of crimes as an alternative to the legal classifications which are normally used. Can classification for particular purposes - for example, in trying to understand non-reporting - be used differentially?

Finally mentioned in terms of data needs was that we need data on the witness of criminal events and also information about victims who seek civil remedies for loss or injury in criminal events. We thought that these last two might be related to some of the work being done by the Crime Panel.

The fourth general area that we talked about had to do with methodological concerns. We raised the question as to whether it might not be better to use sampling techniques rather than census techniques to conduct some of the data collection. Many of the efforts undertaken by the statistics division have produced a complete census. This is valuable in establishing a sampling frame. Now that those frames are established, the question is whether a sampling focus could provide a wider area of research and enable one to collect more in-depth information by using a smaller sample in conjunction with more topics covered.

Also, the question was raised as to whether smaller ad hoc kinds of research efforts might be used to investigate specific, and rather circumscribed, research problems rather than full-blown national efforts.

There are a number of problems in criminal justice which seem to vary substantially from place to place. It might be worthwhile to consider embarking on some small ad hoc research projects in favor of an approach which would be nationwide.

MR. VELDE: That was a very provocative report from the standpoint of our notions of what we are doing with these other surveys.

I say "thought provoking," not inciting to riot.

PROFESSOR ZEISEL: I quite agree that one of the great values of some of these studies is that they establish a sampling frame for future studies. Let's say that we have an inventory of jails; we now know where the jails are and can use the information. But, in order to preserve the usefulness of the frame, I would suggest that you spend some money to establish a sample of these localities and keep the information up to date on a sampling basis. In five or ten years the original frames will be obsolete.

MR. MC CAFFERTY: One thing that Les mentioned is that you can constantly go back and ask new questions using the sample that you have.

PROFESSOR WILKINS: It seems to me that it is possible to get a classification of all kinds of problems in terms of the expected variational factors: time, geography. In accordance with one's geographic and time variations one then determines the utility of sampling in the same general form so that you are - as Hans suggests - maintaining the up-to-dateness of the census by using samples. You don't necessarily need to do this over everything that was covered in the census. You can vary a section of that according to expectations. You want to put effort into updating the things only where you have a reasonable expectation that they will really change.

Of course, ideally you could use a sequential system, such that something told you when you needed another census. Administratively this becomes rather difficult; statistically it is rather nice.

I have one other wild idea. Various states and localities are doing idiosyncratic things, and some of these have wider interest. One could perhaps search for the innovative ideas and procedures that are being explored in all sorts of areas. In other words, a systematic search would be worth trying out ever so often on a sample basis. It is very easy to design, and people would like to tell somebody else what they are doing.

MR. VELDE: Should I infer from the last series of comments that our statistical program should devise some sort of master plan in order to fit all these pieces together? That is what we tell other people to do.

MR. MC CAFFERTY: In terms of experience now is the time that you would do that. But when you start a lot of programs, within the political system that we have you can do only so much. Now you can say: "These are the fields that we are going into."

This idea of finding out the innovative ideas around the country can be simply done. We do it through interviews with our judges. We just apply the question method. They won't tell you. You have to ask them.

DR. REISS: One of the problems, as I see it, is that we do surveys that are totally independent of one another. I find it

impossible to relate what I know about jails to what I know about prosecutors. That is not an insurmountable problem. If one were to select on a sampling basis so that one could piece together the results, it would be so much better. We are going to have a number of censuses that will be impossible to interrelate.

MR. FOLK: The sampling would almost guarantee that you could piece the samples together. You have a victim, who happens to be chosen in one sampling --

DR. REISS: I am not talking about the Crime Panel survey. I am talking about these other kinds of surveys that are being undertaken.

PROFESSOR WILKINS: You are saying that there needs to be a simple interface and you should solve from the surface.

DR. REISS: Yes, you have to work from the sampling problem. As you collect your information, you will be able to build that back into a picture of the relationship.

PROFESSOR ZEISEL: May I take issue with this? The criminal justice system is still one great dark area, and, therefore, we should not think that everything has to be quantitatively determined at this point.

One of the great contributions to this whole area was the Remington studies of the American Bar Foundation in which there was not one single piece of statistic. It was the first torchlight into a dark corner: what the cop does, what the prosecutor does, and so forth.

I would support Leslie Wilkins' suggestion that wherever anything interesting happens, let's go there and report it, even if it is not statistically integratable. The important thing is to bring light into an area which is not visible.

Whatever methods are necessary - whether they begin with a simple observation and end up with clever statistics - they should be applied to bring light into darkness, and funding should be offered with this as a prime consideration.

PROFESSOR WILKINS: I would also stress that one looks at the things that are different as the criteria, not only the things that one sees that are good. The very fact of variants provides at least a quasi-experimental situation, and then the amount of rigor put in will determine your assessments of the payoff. Initially the search should be for variants, even if they are seen as being totally bad, because you can always stop doing something or invert it. There should not be any criteria of goodness or badness in the initial stages of investigation.

DR. REISS: I don't think there is any incompatibility in the suggestion. If you are going to explore what is happening in the prosecutorial area, you can start with the variation that you have court-appointed prosecutors in Connecticut as compared with the attorney general system. Certainly you would want to compare them, but presumably you will want to take samplings based on variation. At the same time, you will not look at that

as an isolated phenomenon devoid of its relationship to the courts. There is not enough integration.

MR. MC CAFFERTY: You are going back to the court as a social system.

DR. REISS: I think it is a network at best, but I want to look at that network.

MR. MC CAFFERTY: Okay.

MR. FOLK: As an economist I have data that aren't any good for anything. I can find millions of series that I can find on everything except what I am interested in. Computers are full of them. There is an annual baseball volume with statistics that tells you more than most people want to know about baseball. However, it doesn't tell you why this particular person hits 715 home runs. It doesn't provide you the information you need to understand baseball.

There is a mindless American attitude toward numbers. It is a shame not to tabulate them, collect them, preserve them, memorize them, and compare them; but very seldom do we think carefully about the numbers we need and how they will affect behavior and policy.

The typical business computer center and the so-called management information systems that report to management produce piles of printout which are not related in any significant fashion to the kind of decisions that that decision-maker has to make.

Government agencies are among the worst offenders of this mindless piling up of numbers. Once you have had a series running

for thirty-five or forty years it seems sort of a shame not to keep collecting those numbers - even if it is something that is as significant to the nation as the Tarpon Springs sponge fishery, for which there is an excellent historical series.

Non-quantitative conceptualization should precede data collection, and this offers a marvelous change for the criminal justice community to pass up the endless tabulation of statistics. Before we quantify we ought to have some understanding of what we want to quantify and what we would do with the data if collected.

The combination of national surveys and very detailed locality-oriented studies might give us a much more efficient and economical set of numbers which would not confuse the things that we need to know.

MR. KOLODNEY: I am concerned that a lot of the discussion is one-sided in that the perspective of the people here at this table tends to be research-oriented and academic. It tends to be national. There are very few state people here. I think Charley and I are the only ones.

It seems to me that there is an entire perspective that should be brought to bear on a lot of the questions that are being raised here today.

I am not sure that I am a very good spokesman for it, but I would ask you in your deliberations about the directions of your agency to consult with people with the operational perspective, the moment-to-moment type of operational person.

There are any number of issues that are not being raised around this table because of the perspective of the people. I would hope that the proceedings of this conference could reflect the fact that you have a one-sided view and that the use of this data is not just academic.

MR. WENK: The two are not incompatible. I felt a little bit like Steve. In my group I felt in the minority because I have research concerns. I have the concerns of not only having the information to give to the legislature, but the meaning of the numbers is what I am interested in. These two things can be served at the same time.

It is an ongoing process. We started a small project to collect data. The ideas came from the administrators. They thought they could answer questions if they had the data. After several years of collection, they found out that either it was disappointing or they didn't know what to do with it.

What I would suggest is that you have a research staff and administrative officials getting together to plan on this to make it an ongoing inquiry. These questions should be asked constantly with changes being made.

MR. BIDERMAN: The statements about the one-sided academic perspective of the meeting that Professor Kolodney put forth are commensurate with my view, except for the small matter of grammatical construction. He lumped "this data" together in the singular.

The same data cannot always serve the purposes of research of general public enlightenment about crime, policy determinations, high-level administration and operational intelligence. More often attempts to meet all these purposes at the same time and with the same series make the series valueless for all of these purposes.

I think a good deal of attention has to be given to sorting out what kinds of functions you are trying to achieve with what sorts of data. The UCR is a good example of that. We have saddled low-level operations with the job of providing data that really doesn't do them any good. The UCR has no direct operational pertinence except when it is imposed politically.

In this instance, the data are not only not serving lower-level operators' interests, but they end up not serving the interest of more generalized uses. We ought to keep in mind that in designing statistics programs the various levels of use should be pursued with some independence from one another.

MR. VELDE: We have heard the complaints from the states. We do have one sole representative of the fourth estate here. They are the ones that do it to us all the time.

MR. STOUT: As resident "bad guy" let me say that the difficulty you have in trying to handle data - even if you are aware of its limitations - arises out of attitudes that are set in the newspaper structure at the level immediately above you. I am probably the last guy in the world to have here.

If you really want to have impact on how a news organization reports your statistics and what purposes they are put to, you ought to have the managing editor here. It is his attitude and his decisions that shape the time the reporter has to learn and understand how to handle the data. It is his decision often-times that determines where it goes in the newspaper; that is, whether it goes on the front page or in the trust ads. I am in the trust ads most of the time - along with Preparation H.

Assuming that you have the opportunity, where can you go in either the community of practitioners or amongst academics or amongst the Federal structure to get the kind of analysis which would help put these things into perspective?

If you are working within a city structure, the political realities of those statistics and the natural desire of the police executive not to say that he doesn't know what to do about his problem act as obstacles. If you go to a prosecutor or a judge for information pertinent to their areas, they either don't have the time or their responses are political; and, moreover, they may not have the data to give you.

In addition to Corbett's report we are trying to pull together for the first time the statistics of the entire system. Brand X newspaper had it first and decided that it showed something about recidivism. We got hold of it. It seemed to me that the significance was that you couldn't account for more than fifty percent of

what had happened to more than fifty percent of the people who had been arrested. This goes to the structural question of the data itself.

When you start talking about training people to use and interpret data, I don't think you should limit yourself to people who are solely users or collectors or researchers. I think you need in the same forum or in separately structured forums to address yourself to management people in the media. You could get hold of the guy in the mayor's office who carries the public safety portfolio and kick his head around a little bit.

I am not scared by numbers. I can make them work. You are missing, in your emphasis on the purity of the structure and the push to reach significant, generalized concepts for research purposes, the practical appreciation of most people. You cannot presume logic in the layman's approach to the data.

With my fourth estate hat on I would recommend to you that you recognize that and draw in as best you can the news managers and the budget people. You could then avoid the kind of non-reporting that we have seen recently. It is better to say nothing than to stick the report at the door and walk away from it or to put a man in the position of having to answer a question.

For the operational people it seems to me that when you are talking to them it would be helpful if the potential for utility was spelled out. If you analyze, you must lay down the rubric of

possible operational applications.

There is a natural tension between operational need and research need. I agree that they can be accommodated. The question is possibly a political one as to whether or not in the present atmosphere there is sufficient flexibility for the program that you have begun to continue. I mean this from the outward appearance. I don't know that it can be so research-oriented.

In a couple of instances it seems to me that what you are doing is technically elegant, but it has limited research applicability. I don't know what I would do with it if I were trying to make a decision.

What do you do about the press? I have my own notions about that, but I won't go further.

MR. VELDE: I think we now can move on to our next report. Mr. Kolodney has the report on workshop number three, which dealt with OBTS and CDS.

MR. KOLODNEY: I would like to preface these remarks by recognizing that, when a group like this gets together, the perspective of the group is on questioning what should be improved about a system, not necessarily on telling you what is good about this system.

So, recognizing that as a perspective it was the consensus of our workshop that, in fact, LEAA has provided a significant leadership role in the development of criminal justice statistics and information systems.

It was also the feeling of that subcommittee that this LEAA commitment to the development, particularly of the OBTS system contained within the CDS program, represents really a critical first step in understanding how the administration of justice functions in the country, and that through this mechanism there is the ability then to add some degree of accountability for why problems we see are, in fact, problems.

In that kind of a light, then, our group explored five areas.

The first area was the utility of OBTS data. The second was strategies for implementing OBTS systems at the state level. The third was to consider what the relationship between Federal agencies and state agencies should be during this development process. Fourth, we were concerned a little bit about what the LEAA role should be in the ongoing development process from conception through design into implementation. Fifth, we thought it important to indicate some notion of the priority of this system relative to what the other programs might be in the LEAA bag of statistical programs.

As I mentioned, it is very, very hard for me conceptually to separate Offender-Based Transactions Statistics System from the whole CDS program. So, a lot of things we are going to talk about really relate to the CDS program as much as just to that OBTS system.

I would like to go through those five areas and indicate the kinds of recommendations that we would like to make to you for your consideration.

In the area of the utility of OBTS data there were some strong feelings that not anywhere near enough had been done to determine and explore what the utility of these data really are to all kinds of potential users. A lot of us around the table take part of the blame for that.

In the early days we all had generic notions about how OBTS would support planning and program development, evaluation and research, etcetera. But nobody got down to the real specifics. We think it is time somebody did. Somebody ought to ask the question: "What are we really doing this whole thing for? What kinds of questions can we propose to answer through the collection of this kind of data? What kind of decision-making potential does it have?"

We recognize and feel very strongly that the OBTS kind of collection is an important collection as a basis of comparison as time goes on between now and as a measure of impact of changes, changes that occur naturally or changes that are introduced consciously through program decisions.

Given that, some serious attempt is made to explore the utility of these data. LEAA should then devise some kind of mechanisms to begin to demonstrate these utilities to the states that are tasked with the responsibility of building the system.

One of the problems that we see out in the field is the fact that it is very hard to explain to decision-makers who do not understand what you are trying to do what the purpose of spending all this money really is.

So, we think there ought to be working papers produced. We think things like pamphlets, brochures, visual aids, whatever, are very, very useful in explaining the utility to people who have to make hard decisions about whether or not they are going to put in their resources.

It is really a PR problem. It is a problem of selling and it should be reviewed that way. It is not enough to say that the higher good is going to be served. You have to get in there and fight for resources that are going to go somewhere else.

In the same general area there is another real need, and that is the need to coordinate the kinds of human resources that can be focused on these problems. There are not that many people around the country who have the very strong grasp and understanding of what you are trying to do and what the whole program is about. There has to be a way of marshaling these people to explain to others how they should proceed, how these systems should be developed and conceived, and what kinds of problems they are likely to face during the implementation process.

It is particularly important, we feel, to spend the time and effort to do this because this system - unlike others - crosses

all kinds of boundaries. It crosses governmental boundaries and agency boundaries. As such it presents very complex political problems. You are trying to bring together separate parts of government into some notion of systematic cooperation. It is worth the effort.

Moving into the area of implementation, what kind of strategies should LEAA put forth and what is the preferred method of going about developing this kind of thing?

We have three recommendations concerning this. The first one is that a set of mandatory minimum standards for this collection ought to be clearly established. Such a minimum has been proposed and established through the SEARCH work. If that is, in fact, the minimum to be maintained, it ought to be explicitly stated that that is the minimum.

These minimums should be under constant review, revision and updating as experiences and more knowledge are gained. Minimums are very, very important - not because necessarily the Federal Government needs to be able to put all this data together at the national level - but it is equally important that people from different states be able to talk to one another and understand what they are talking about. Right now it is not clear that they can do that.

Beyond the area of minimums we agree that the notion of developing models is a very useful notion. You have two models going

now through Project SEARCH: one in the area of courts; one in the area of corrections. We think it is very, very useful to develop these models and we think that these models should have a preferred status in the implementation, just by virtue of the fact that they have been shown to produce the kinds of data that are needed by the system.

At the same time, I believe that it is very important for LEAA to recognize that all states do not need the same data for their own operations. They have to be flexible enough within the constraints of the CDS program to allow states to develop beyond the minimums and beyond the suggested models those kinds of data that best meet their own particular practices, their own particular laws, their own particular ways of doing business.

Another area within the same problem of implementation is the fact that rules change as you go down the line and, as you gain more experience, you have new guidelines, new policies and new directions.

It is most important to realize that people who have undertaken these kinds of developments have made political commitments in their states. To say at that time that you have to shut off what you are doing and go in a different direction is a politically unpalatable thing to have to take before somebody; it is a very embarrassing situation to be in. There ought to be recognition of ways of moving toward the new approach and moving toward new guidelines without imposing drastic changes on people who have

already gone well into developmental processes.

In the area of Federal and state relationships it was the feeling of the group that formal mechanisms have to be developed to assure that state input can be made into national programs. We have no great suggestions on how that can best be done. It is most important, however, that the people out there who have to sell the program, who have to use the output and who have to spend their time, effort, and resources to put it together, have a chance to speak up on the issues that you are proposing to them.

In the same way we feel that LEAA has a perfect right - and, in fact, the responsibility - to determine what kinds of outputs these systems should provide. But at the same time LEAA does not have the right to mandate the kinds of configurations or the kinds of designs that have to be implemented at the state level.

It seems to us that, if you can determine the kinds of things that a system should do and the kinds of information it should provide, it is sufficient to leave it to the states to develop their own mechanisms for getting to that point.

It was mentioned before by someone else, and we would concur, that one of the great needs we see is the ability to communicate advancements in this whole area to people who are just beginning as well as the ability to let people know what is going on in other places.

I personally feel - and I think it was the sense of the group - that this has not been done adequately to this point. There is

really no place where you can go to learn what Florida is doing in OBTS, what Maryland is doing and what California is doing, as well as what they are not doing.

As far as the LEAA role goes, I think we are a little wishy-washy. We think the stated role of LEAA is the proper one. We think LEAA should act as a catalyst. It should be a catalyst for bringing about consensus concerning how these things ought to be developed. The LEAA leadership role should be limited to the area of problem identification, the development of minimum standards and the whole mechanism for getting the programs running: the funding mechanism, the procedure mechanism, etc.

LEAA, however, should not have an operational role in the development of these systems and must encourage local and state governments to assume the responsibilities for these ongoing systems. We pay a lot of lip service to that: the whole notion that, five years from now, State "X" is going to have to pick up this system and operate it on its own budget. I am not sure that that message gets across clearly enough.

Another area which is within this LEAA role that needs beefing up in our estimation is the whole provision of technical assistance. You have put out a program which is simple in description but very, very complex in implementation.

This country is full of states who would love to participate and have no notion about how to go about doing that. The fact that LEAA is broken up into regions, and regions have system specialists,

is not sufficient. The kind of technical assistance that is necessary is not getting out to the people who need it most. There should be some way of providing that assistance and of making it available to people.

When data starts becoming available, we would echo the advice of many of the other people around this table to say that you must be sensitive to the implication of the data that will be coming out of these systems and must be sensitive to the differences in state practices and policies that generated that data. When LEAA publishes such data, and when it presents such data, we would ask you to avoid the unfair comparisons similar to the ones that we have spoken about this morning, and we would implore you to stay away from the instant analysis and the responses to the questions by the media as to why this is happening or why that is happening.

Our last area - which I will summarize quickly - covers the whole notion of priorities. What is the priority of this kind of development? We feel very strongly that LEAA should earnestly explore the whole area of uses and usefulness of the data. If this system cannot meet that test, it ought to be abandoned. This whole notion of "build it, and we will use it later" is, I think, a counter-productive notion.

It is the very strong feeling of the group that this is probably one of the most important projects and one of the most important programs that LEAA has ever undertaken, but we cannot talk about it

in generic terms anymore. We have to explain to the people in the field why it is important.

The subcommittee considers the whole CDS thing - and particularly the Offender-Based Transactions Statistics system which will provide the kinds of length that we are talking about between courts and prosecutors and corrections and law enforcement - we think the top priority of the whole program in the LEAA bag should be OBTS. I am sure Workshop #1 will call theirs a priority and #2 would also, but nevertheless we would like to indicate that to you.

We would like to say that if, in fact, you consider it a priority, it is incumbent upon you to make the bureaucratic structure a participation such as to make it easy to participate in this program. You have an interesting phenomenon that takes place.

When you say that this is a top priority program, everybody in the lower level tends to say: "Oh, this is a big-time program. I ought to be very, very careful about it." They start getting very fastidious about the grant applications and the directions that are being taken. They take such care with it, because it is an important program, that that very care tends to impede the progress and development of the system.

We think it is very important, if it is a top priority program, that that priority be indicated to all the people who have

to deal with that program and that they be made aware that the program should be facilitated. The presumption ought to be that the program is going to work and people are in good faith moving toward the kind of development that you are looking for.

We would urge that whatever steps can be taken along those lines be taken because it is the experience of many states that they have waited eight, nine or ten months to get a grant application funded. If the grant applications are not what you are looking for, it seems to me you owe them the technical assistance to indicate the kind of response you are looking for.

I tried to summarize the sense of the meeting. As did the former chairpeople, I would like to ask any other members of this group who have contrary views or additional views to express them.

MR. VELDE: Steve, that was staggering in its impact and its import on what we are trying to do.

MR. KOLODNEY: Let me leave you with the sense that we should commend you for your courage in undertaking this kind of program. It is very, very difficult to sit on top of this kind of a development. We think it is an extremely important program. Ultimately it will be the best kind of legacy to leave when LEAA eventually goes out of existence.

MR. HALL: This will leave a grin like that of the Cheshire cat!

MR. STOUT: If I can add just one thing to what Steve has been saying, I want to say that I don't think - at least for my own part -

that LEAA must physically undertake these functions. In many respects, what we are saying is that you ought to facilitate the circumstances under which state input and users' input can come in. I don't believe that we are saying to you, "Here is a whole new bag of chores which may need 175 people" - which you don't have - "to do it."

Maybe you will have to come back to those of us who made the suggestions at some point and say: "Okay, wise guy, you say it is important; then help us do it." That would be a fair request. If state and local people want a voice, then maybe you should bring them together in Aspen or Duluth and get it on.

I want to make sure that that is not a new kind of load that we are expecting you to take on. Money, yes, we want that; but not your effort in particular.

MR. WENK: I would like to make a quick comment on the operational versus research utility. We should not try to play one against the other. After all, we are in the service of the public, and we both have a public service utility. As to the climate today being against research and in favor of operations, it occurs to me that we should keep research alive, of course, but also go into the dynamics of crime. We should defend research, and maybe, using the American flag as an example or symbol, I could illustrate my point. We should leave the corner for the stars. If we take it away, you can see how the flag would look. There would be something missing.

MR. VELDE: What is amazing to me is that throughout this entire session this morning all of the Feds in the room have been placid in taking all of this heat and light with no reaction. I would like to hear from Census, the Bureau, and LEAA on all of these points.

MR. MC CAFFERTY: I remember when Steve Kolodney was on the other side. He is talking like Mr. McCarty now. I am delighted to hear that because this exposure is essential to a full understanding. I am sure that he gets calls from the governor. He has to produce tonight because tomorrow morning they are going to lose some money. That is the real life that he lives in now.

In the past he lived in the world of: "Go ahead and do this; it is going to be good for you." It is tremendous that he has recognized this.

DR. REISS: This raises a very interesting question. We tend to align ourselves with the men on the firing line. There are those who have never fired shots themselves who tell you what shots to fire.

I think this is a denial of what the problem is. The problem is how to turn around those people who always want you to fire at will.

How do you keep top administrators from answering questions from newsmen on the spot?

MR. MC CAFFERTY: Shoot them?

DR. REISS: For a while in reporting labor statistics we were trying to get the people who produced the statistics to answer the questions - rather than the top administrator. It still strikes me as the most sensible way to do it. We ought to be saying such things. We ought to be addressing questions of that sort. We ought to be asking what it is that administrators have no right to ask for.

Moreover, we ought to be asking what it is that LEAA should not grant so that people are not forced into boxes of manufacturing all sorts of interpretations. That is part of the agenda, also.

MR. STOUT: I was not trying to get another version of the "we-they" game going. Backing away a little from what we are now talking about, let's talk about system credibility instead of utility. My perception is that the public, whom we seek to serve, is impressed by performance to expectations - which we don't clearly understand and which they don't clearly define.

The statistical work that we are talking about here - which is operational and research in its implications - is really designed to quantify what we are doing and why we are doing it. The short term will be paralleled with a host of debates about the police role, the court's role, and the citizen's role.

Those kinds of questions need to be answered by both people. I think that there is a natural tension between the goals of the two groups. But insofar as the operational man is prepared to back off to prevent messing up baseline evaluation, this is

acceptable provided that both sides get what they want. I don't think that kind of relationship is combative. It is useful.

Often what has happened to me is that I have stood between the researcher and the operational man trying to prevent a fight. All of us have been in this situation.

What we are saying to LEAA is that in the development of the statistical system we should recognize the initial conflict and try the up-front planning to bring these people together. If for no other reason, the reason should be to work out the human factors involved in this confrontation. This should be done before you get down to the specifics of the system planning.

MR. JONES: I want to refer to Dr. Reiss' point that it is difficult to relate these "other statistical efforts" to each other. That is also a problem that faces the statistician or the project director who is doing the work.

The point of these other surveys is simply to describe each sector of the system to the other. About the best that a master plan could hope to achieve is to periodically tally the transactions in each of the various sectors and describe their separate operations. You could perhaps establish a common reference period for surveys of the various sectors, but it would still be implausible to relate police arrests to the inmate population in jails on any given date, to caseloads in the courts at a later date, to the prison population or probation caseload at a later date, etcetera.

Presumably one of the functions of the Analysis Center will be to try to relate the results of these surveys to each other and to suggest how they might better be related in the interim until OBTS becomes operational.

DR. REISS: I am taking a much broader view than OBTS. It isn't going to give us a lot of information about how our network operates as an organizational entity. We pyramid survey upon survey, whereas, if you did these together, you would know much more about how the network is operating and how the resources actually get allocated. I can't make much of the data from that standpoint from one particular survey. OBTS isn't going to tell me that.

MR. VELDE: From my superficial understanding of all this statistical flurry of activity they had a big enough problem just coming up with a directory of criminal justice agencies because of the problem of defining what a criminal justice agency is. At least we are over that initial threshold issue of where the activities and organizations are. It is a quantum jump to be able to try to figure out what they are all doing. However, we are starting. It is not easy, and I don't know whether LEAA has the money to figure that one out.

MR. JONES: As far as the allocation of resources goes, LEAA's annual report on State and Local Government Expenditure for Criminal Justice Activities shows what is being expended among the various

sectors. You could try to get some information on the budgeting process and the factors that determine what resources are allocated to which sector.

MR. VELDE: Hopefully we will someday be able to develop statistical descriptions of the dynamics of criminal justice. This is one of the purposes of OBTS and CCH. I guess we are some years away.

DR. FRIEL: We talked a good bit this morning about information systems, their utility and practicality. In this we assume the availability of money and staff. Presently we are fortunate to have LEAA to support these efforts. However, we can't always assume that this resource will be available.

One of the key elements of the CDS program is the LEAA effort to create the State Analysis Center (SAC). If we can create the SAC at the state level, we will provide the administrative and intellectual continuity necessary to maintain such statistical programs. If we accomplish nothing more than to establish the OBTS in a majority of the states, we will have done something significant for the future.

MR. VELDE: Do you think the state bureaucracies have any more staying power than the Federal?

DR. FRIEL: No; the only difference there is that if a state is willing to create a State Analysis Center and to fund it, they are probably willing to accept the suggestions that flow from it.

If we can achieve that, then many other things are possible at the state level.

MR. VELDE: I have a confession to make. In a seminar such as this you have to watch out for the people who are likely to dominate. There are several techniques that one can use. One is to have them present a paper in which they can formalize all of their thoughts. The second one is that you can get them drunk. If those two stratagems fail, then you make them a chairman. We tried all those things on Charley, and I think we are now ready to hear his report.

MR. MC CARTY: Our group discussed state and local issues regarding criminal justice statistics. Some of these comments are mine and some are the consensus of the group.

One of the suggestions I have is that next time LEAA has a seminar with a workshop on state and local issues they should put some state and local people on that panel instead of having all Federal people.

MR. VELDE: Charley, we know what is best for you.

MR. MC CARTY: We were asked to consider three or four things which we kicked around quite a bit. The need for greater technical assistance capability kept coming back into our conversation all afternoon. We found this particularly true with the Statistical Analysis Center, but we also found this true with key administrators and actual users.

There is a need for training sessions. LEAA has contracted with the Civil Service Commission to put on seminars around the country on data processing used for criminal justice planners.

I mentioned yesterday in my talk about how many statistical centers being developed across the country have personnel that have criminal justice experience or statistical experience. Very few have experience or exposure in both areas, which I think is a necessity at the state level. They are the ones that take the flack. We have to provide the information to the legislature, and we have to eat, too.

Another notion that we kicked around was the question of giving the statistical centers more visibility than some of them have presently. We thought that it is possible that LEAA could explore the feasibility of upgrading the priority of the collection of information that is easiest to collect. You have told some people to implement UCR because it is a simple package compared to some of the other packages. That way you will start receiving some information.

In the total area of management and administration of statistics in the CDS package there are certain things that the Bureau of the Census is providing so that it may be possible for the states to apply them directly to you.

It was recognized that there was, however, no way that the states could assume the Crime Panel, but there might be ways to

assume some of the others. Someone pointed out that there would be some problems if this happened. Employment and expenditure could be sticky, but the possibility does exist that it might work.

Some of these things should be explored. I don't think they should be explored at the expense of making states give up an OBTS program. Primarily that is the major part of the CDS package, but if they can have small things to do - at least in report-generating functions - to gain visibility and stature within their states, I think it would benefit them immensely.

We talked about additional assistance to state governments in regard to preparation of CDS plans. In a way it is a "catch-22". You can't get money until you have a CDS plan - so you need the people to prepare the plan. It all makes for a vicious circle.

Some accommodation could be made to give states some planning money, and it would help some states that do not have action plans prepared today. Maybe money could come from planning funds of the state SPAs, but in the view of small states this would be unworkable because small states barely can make their planning money stretch today. In larger states there is not this problem.

One other point is the notion of releasing state and local statistics without prior coordination with those entities that may be affected. This could be a real problem in the future. What guarantees do the states have? We talked about this back on the Statistical Steering Committee. It was recognized that NCJISS and

the Federal Government - although at times we may have felt like it - was not really out to undermine the states. If LEAA does things with state data that states don't like, LEAA may cease to receive state data. If states don't give data to LEAA, we wouldn't be willing to give data to the research community either.

People in Washington don't really understand what data at the local level means. Sometimes the people at the local level don't know what it means, either, but this could be a problem if there is a release of information without prior consultation.

MR. VELDE: There is one last chance for the Feds. I got one meek response, but that is all, and I am about to give up on the whole bunch here. Tony, we haven't heard any defense at all.

MR. TURNER: I guess I am just following instructions.

It is certainly true that a good deal of what has been said today would make LEAA feel defensive.

MS. NELSON: In view of the recent court decision Federal employees can be dismissed for embarrassing comments and, therefore, they might be a little hesitant.

MR. TURNER: I think LEAA's position at this seminar ought to be to listen and take these recommendations back for evaluation. We ought to discuss them among ourselves and then get back to you.

Obviously, some of the things that have been suggested will be tried by us. For some of the others we will have to set some priorities for further action. There were many things that I am

sure we could take issue with, but I don't feel that it is our role to do that in this forum today. We are very pleased to get the suggestions.

MR. VELDE: On a point made by Steve Kolodney and several others, there were several other people invited to participate in the seminar from state and local interests, but I guess they are already satiated on LEAA travel money. We will make available a transcript of these proceedings to those people for any additional comments.

The time here was very short and we covered a lot of territory. Therefore, any refinements are welcome because the books are not closed from the moment we break up here.

MR. HILL: Since you issued the invitation to the Feds, I would like to comment briefly. Perhaps the Census point of view can be expressed here. I am something of a newcomer to this field. I have been overwhelmed by a lot of the suggestions that have been coming to us. I think they will be very useful when we get them all sorted out.

We have been told, among other things, that we should be doing more analytical work - and that we should be doing no analytical work. We are coming to the proper position within the Bureau on this whole issue in that we are certainly low-keying and staying away from the analytical concepts - as was suggested this morning.

By default we come into some analysis, and, if you look at the organizational report, you will see some analytical thinking there.

On the other hand, it certainly seems appropriate that we have, and are developing this to a greater extent, specific analytical capability totally divorced from the data collection process. I am referring to the Demographic Analysis Center. I think you will see it taking a very broad role in the future.

Another point that was mentioned was that in the real world there would be some greater usefulness for local area data as opposed to the national types of statistics. I think that it is fair to say that the whole Federal statistical establishment is aware of this and is becoming increasingly aware.

At the Bureau we have two or three inter-governmental seminars a year where we invite participation from various levels of state and local government. We have twenty or thirty people coming into each of these, and we have the various divisions of the Bureau speaking on the kinds of reports that are coming out.

Invariably the responses that come back to us are: "This is fine; let's get more local data, and let's get it down to the SMA and municipality level."

I think there is evidence that much of the reporting in the Federal system is moving in that direction.

There is also consideration of the paperwork burden that this kind of thinking imposes; yet you have to balance that against

what I believe is the major thrust of the new Federalism.

MR. VELDE: I knew that we would get a plug in there for the new Federalism somewhere along the line.

QUESTIONER: I enjoy the comfort of being betwixt and between with respect to the fact that I am attached to LEAA, yet I am a consultant. I come from a background of technical assistance to local programs and agencies that deliver rehabilitation services.

This comment probably crosses a number of lines and I invite criticism. We know - at least in certain parts of the country - that the criminal justice system is in a state of dynamic change. That change is based on advice from people like you and me, which in turn is based on intuition and ideology rather than a hard data base.

Very often the result of that is an ideological battle between various camps. One example is the blood-letting over methadone versus non-methadone approaches. These things are not resolvable without a data base, except within a context of a decision-making process which takes the decisions out of the hands of the specialists and puts them into the hands of what I would call "the evil generalists".

My view is that before things become so incrustated, we have to have whatever data base is going to be generated. OBTS is a perfect example of something that will be tremendously useful

to people doing program planning, but it is already ten years late. So, I am saying: "Please; all deliberate speed is needed."

I don't think there is a dichotomy between the tools for research and operations. If I, as a consultant, can lay my hands on something that points the direction of action based upon data, people will listen. But right now we have intuition, and mine certainly isn't good enough. I invite comments to that.

MR. BIDERMAN: I am very happy to take the Federalist position as opposed to the anti-Federalist position. If there was one area of agreement between the two when they set up the country, it was that a national function resided in the informational field. There is not a specific constitutional provision for it, but there is some implicit attention to it.

Most of our problem comes from the fact that we have a Federal system. It is much easier anywhere else to meet many of these needs for statistics.

The needs of statistics I am concerned with here are different from just looking-up-in-a-directory type of statistics. Statistics is a generalizing kind of activity. There is also an economic aspect in that we are dealing with what is essentially a public good when it comes to the use of statistics for general understanding of the operation of the criminal justice process.

When you are in that kind of situation - a situation in which it is not to the special interest of any particular state to do

something that all other states get equal benefit of - you are in a situation where, as we were traditionally, there is a low allocation of effort to something that was exclusively a state and local function.

The rationale, therefore, for the development of information for knowledge purposes is a common-good rationale at the level of the nation similar essentially to the rationale of public good. This requires the operation of a system which puts everyone together in a common interest framework - as opposed to a special interest one.

For these reasons I think there is a good deal of discussion against Federal impositions and influence that I think is very much misplaced.

MR. HALL: Let me express my appreciation to the people who have come here and who have given us a tremendously useful set of input advice and recommendations.

I haven't been too successful in remaining an observer. I have been trying not to interject myself into the discussion. I am gratified at the hard work that has been done here. I want to thank you all for that.

MR. VELDE: I second that motion. Let me also thank our paper presenters: Tony Turner and Charley McCarty. In addition, of course, I wish to thank our chairpersons.

All right; let me formally close these proceedings and thank you all for your participation.

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