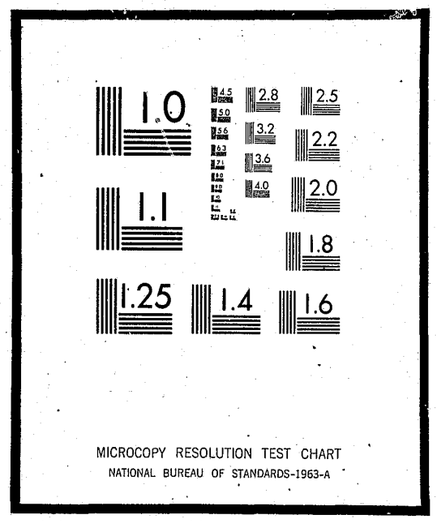

Criminal Justice in the United States

1970 - 1975

An Overview of Developments in Criminal Justice
Prepared for the Fifth United Nations Congress
on the Prevention of Crime and Treatment
of Offenders

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CONTENTS

Acknowledgments

A meeting of the United States National Correspondents to the United Nations Crime Prevention and Criminal Justice Section charged me with the task of preparing the National Paper for the Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders scheduled to take place in Toronto in September 1975. The following overview of developments in criminal justice in the United States in the years 1970-75 is the result. Although I bear the responsiblity for the content, the paper was written with the advice and help of many experts in the field, whose contributions should be acknowledged and to whom I would like to express my appreciation.

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1. Introduction

In the five year period between the Fourth and Fifth United Nations Congresses on the Prevention of Crime and Treatment of Offenders, there has been a continued national concern in the United States about problems of crime and juvenile delinquency, and a massive national effort to solve these problems, which face many countries. The efforts of the United States are distinguished by determination to solve the problem within the framework of a democratic society and respect for the rights of the individual.

In this period, Americans have not only sought the reasons for increased crime and delinquency, but have also questioned the effectiveness of the methods used in control and prevention of crime. As a matter of fact, they have sought to evaluate the effectiveness of the entire criminal justice system. This national effort has borne fruit, both in new ideas about crime and its prevention and in greater implementation of earlier proposals.

Because of its narrow scope, this paper can point up only a few of the more important developments. Even these can be treated only in broad outline, so that essential detail must be omitted, at the risk of weakness incurred by all excessive generalizations. No attempt is made to describe the criminal justice system as a whole.

Moreover, this overview is prepared for the participants of an international congress, so interpretative descriptions and historical backdrops of some U. S. institutions, agencies, and programs are included which might not be nesessary for the American reader. Of course, the audience for which the paper is intended is made up of professionals. This brief guide to significant developments in criminal justice in the United States in the period 1970-75 will have performed its task if it whets the intellectual and professional appetite of those who read it.

2. The Setting

The functioning of the U. S. criminal justice system cannot be understood without some concept of the structure and philosophy of government in the United States. There are three distinct levels of government - federal, state, and local, the last comprising the governments of municipalities and counties. At each of these levels, several functions of the criminal justice system are performed. Criminal law and its enforcement are primarily the domain of the states, which are quite autonomous in this respect except for restrictions imposed by the federal Constitution, particularly in the Bill of Rights. But the state does not have operational control over local criminal justice agencies within its boundaries. Nor does the federal government exercise hierarchical control

over either state or local agencies. With very few exceptions, this organization pattern applies in most contexts.

This system of government is reflected in the entire legal order. One major effect of such a system of government is that innovations in methodology cannot be accomplished by mandate from above. Successful widespread introduction of such innovations requires the voluntary cooperation of the many local and state agencies with federal government undertakings. Similarly, any crime data reporting program--including, of course, any national crime statistics--must be based on the completely voluntary cooperation of either the local agencies or the states with both the federal government and each other. An appreciation of the independence of, and cooperation between, U. S. criminal justice agencies is necessary for understanding the innovations and functioning of the U. S. criminal justice system as a whole.

The criminal justice system does not stand alone but is closely related to and influenced by the social and cultural developments in the country. This was especially true in the late 1960's, when a concern for the civil rights of the individual, a strong stand on discrimination against minorities, and a striving for equal rights for women dominated much of the scene in this country. Many of the reforms and innovations in criminal justice agencies of that period can be understood only as a reflection of these broad national trends, which continued unabated into the 1970's.

Viewed as part of the history of the crime and delinquency problem in the United States, the last five years appear to be a phase of a period that started about 1965. The first five years of that period were described in the U. S. National Paper prepared for the Kyoto Congress. Its salient trait was an acute national concern about crime and delinquency, which assumed unprecedented proportions as a result not only of the steady upward trend of conventional criminal violations but also of political disturbances and riots directed at the alleged social and economic inequities in this country.

Responding to public demand, the federal government underwrote a major study of the problem. The President's Commission on Law Enforcement and the Administration of Justice, created in July 1965, conducted a study that resulted in many volumes of reports in the spring of 1967. Important data were collected, penetrating analyses were made, and over 200 specific recommendations were formulated. In March and June, 1967 respectively, the first National Congress on Crime Control and the National Conference on Juvenile Delinquency were convened to determine what the next step should be. The conclusion was unanimous and obvious: Given the structure of the criminal justice system in the United States,

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it would be up to the individual states to undertake the task of reviewing, testing, and implementing the recommendations.

To facilitate this undertaking, Congress passed the Omnibus Crime Control and Safe Streets Act of 1968, which was signed by the President on June 28, 1968. The Act authorized unprecedented federal funding and established the Law Enforcement Assistance Administration (LEAA) as a key instrumentality for this national response to a national problem. Its action potential can be judged by the size of its funding, which reached about $870 million for fiscal year 1975.

Other federal agencies are also concerned with the crime and delinquency problem. For example, the Center for Studies in Crime and Delinquency of the National Institute of Mental Health has continued its leadership role in research, primarily in the area of juvenile delinquency, and the Department of Labor continues to sponsor exploratory studies in corrections.

The assignment of focal importance to the role of the federal government should not detract from the importance of the efforts of state and local government. Furthermore, the efforts of private professional associations such as the American Bar Association, the American Correctional Association, the International Association of Chiefs of Police, and the National Council on Crime and Delinquency have continued to be of great importance, and private foundations have provided massive support for efforts to solve the crime problem. The efforts of all these agencies and associations have produced a great many research proposals, reports, and experimental and demonstration projects, as well as magazine articles and books. An overview of these activities and literature can be found in the U. S. National Paper prepared for the Kyoto Congress.

Perhaps the most significant focus in the late 1960's was on the difficulties of law enforcement forces, especially the police, in dealing with conventional crimes, particularly those of a violent nature, and with civil disturbances which often turned into looting and arson. Analysis of reasons for the failure to cope successfully with street crime and civil disorders led to projects intended to strengthen the police through both better preparatory training and better equipment.

Another major tendency of the period was the public's gradual disenchantment with available rehabilitative and correctional measures and a resultant shift in emphasis to law enforcement. It is significant that the great bulk of federal funds authorized by the Omnibus Crime Control Act went to aid law enforcement agencies. Great attention was paid to the alternative of so-called community-based treatment and rehabilitation programs, which programs were ready for implementation by the beginning of the 1970's. But rehabilitation of the convicted offender, which had been a major

emphasis of the prison reform movement during much of the last 150 years, ceased to be as significant a focal point, as other considerations--general and specific deterrence, punishment, incapacitation--were coming to be recognized as important in dealing with convicted offenders.

The few pages of this section have shown, in very broad strokes, the setting in which the criminal justice developments of the 1970's have taken place in the United States.

3. The National Concern About Crime and Delinquency

An important characteristic of the current crime problem in the United States is the unprecedented public concern about the crime situation. Upon closer analysis this concern appears to be made up of two elements: on one hand, fear of becoming a victim of crime, especially of a violent crime such as assault, robbery, or rape; on the other hand, lack of confidence that society has a reliable plan for dealing with the offender, a plan that would both produce just and effective action with regard to current offenders and offer promise of less crime and delinquency in the future. In other words, in addition to his fear of being harmed or hurt by an offender, the citizen is dissatisfied with what society is doing to protect him and lacks confidence that the society and the government are on the right track toward solving the problem.

Increasing Fear of Crime

The first concern--that is, the fear of becoming the victim of a criminal act, especially of a violent crime--can be traced to several factors. First, there is statistical evidence of an increase in criminal attacks. Ever since World War II, statistical data on both adult and juvenile criminal activities have shown an upward trend, with very few and very minor interruptions. Data provided by the FBI's Uniform Crime Reports, juvenile court statistics on the national level, other statistical series on the state and local level, and indices such as data on the caseloads of the various criminal justice agencies, all attest to this increase in the crime threat.

At first, doubts were raised as to the meaning of these statistics. For example, the changing composition of the population, with increases in the crime-prone younger age brackets, was pointed out as a possible reason for increased criminality. Mention was also made of improved techniques of recording and reporting criminal offenses, which techniques might help to account for the greater number of reported crimes and delinquencies. Inflation was also identified as a relevant factor, since it leads to an increased monetary value of the objects criminally attacked. Without an appropriate adjustment in the monetary definitions of such offenses

as petty and grand larceny, inflation's effects could lead to a seeming increase in the more serious offenses.

Although such factors may to some extent exaggerate the severity of trends in crime, a great volume of evidence was gradually established that the increase in the number of criminal acts is not a misinterpretation of data but rather an established fact.

Another factor in the ever-increasing concern about crime is the reporting of criminal acts by the communications media. Although crime has always been popular news and has been regularly reported in the newspapers, radio, and television, the volume of material on criminal acts attracting national attention and occurring in the immediate communities of the reader, listener, or viewer has undoubtedly increased. Mass media representatives allege that they are portraying criminal reality not primarily for reasons of popularity and sensationalism but mainly as a service to the community. It is important, they say, to inform the public about what is going on in order to focus attention on the problem, to stimulate action, and in that sense to protect future victims.

A third factor contributing to the national concern is undoubtedly the informal circulation of crime news within communities. People may be alarmed about the crime situation because either they themselves have been victims of criminal attacks or their immediate neighbors or people in the general vicinity have been victimized. It is not at all uncommon to hear statements that "every second house on our street has been burglarized in the last couple years," or "a third of the people living on this street have been the victims of robbery," or "formerly I never knew a person who was a victim of rape and now I know at least a dozen." Such feelings appear to lead to the constantly reported fear of leaving home after dark and to an unprecedented increase in the purchase of security devices, including guns, to protect homes.

A fourth factor supporting this national concern, and to a large extent perhaps justifying it, are the recent studies of victimology. The first substantiation of the claim that the crime problem is much greater even than the statistics indicated appeared in the studies of the President's Commission on Law Enforcement and the Administration of Justice which were reported in 1967. The Commission referred to the so-called "dark figure"; i.e., crimes which have never become known to law enforcement agencies. The reports of that Commission indicated that, at least in the communities studied, the number of victims of many types of offenses was double that which was officially reported. The most recent studies, conducted on the initiative of the Law Enforcement Assistance Administration and first reported early in 1974, indicate that the picture is even more

serious and that the number of offenses is actually several times greater than what is officially reported to law enforcement agencies.

Lack of Confidence in Crime Control Programs

Two major issues are relevant to the public's lack of confidence in the present programs of crime control, issues with which many countries are grappling. One is uncertainty about the basic policies for dealing with the convicted offender. The other is the apparent lack of efficiency, or even the inability, of the criminal justice system and its subsystems to cope with their operational tasks.

With regard to basic policies for dealing with criminal offenders in the United States, the relative importance of rehabilitation, incapacitation, punishment, and deterrence as factors to be considered in dealing with offenders is repeatedly debated. Can a society risk building a crime control and prevention system based exclusively on cause-removing or correctional measures, or must punitive sanctions be included? If an effective correctional treatment program requires the elimination of suffering or discomfort to the offender, can a society risk the resultant loss of general deterrence, especially since general deterrence has probably been the main instrumentality of control in the criminal law system? Are correctional measures really effective? Do we have any evidence that there are greater chances for an offender to be rehabilitated if he is subjected to correctional measures as compared with being subjected only to punitive measures or even being left alone? Concerning incapacitation of an offender, is it reasonable to disregard his dangerousness if this appears to be desirable from the point of view of rehabilitating him?

Since the proper relationship between punitive, correctional, deterrent, and incapacitating measures within the criminal justice system has not been agreed upon, rational planning to reform the system in terms of those objectives has been difficult. In recent years there has been increased discussion directed at reducing inconsistencies in treatment of offenders, such as disparities in sentences. However, it appears that there is as yet no clear and firm basis for decision-making as offenders are processed through the many agencies of the criminal justice system.

As to the ability of the present criminal justice system to cope with its routine operational problems, the public's fear of "unsafe streets" and recourse to insurance instead of reliance on law enforcement protection indicates doubt that the police continue to protect society effectively. One constantly hears that the police are so overburdened that only the most serious offenses (e.g., murders, robberies, and rapes) can be given any reasonable amount of time. The bulk of the crimes have to be left without any reasonable attempt to solve them at all. It is unclear to what extent this is a question of outmoded technology in the law enforcement agencies and to what extent there may be deeper reasons why the criminal justice system can no longer cope with the cases at hand.

Further questions arise after the offender has been convicted--what actually happens to him, whether he is treated according to a rational system of sanctions, whether such sanctions may effectively include community-based treatment or whether principles of deterrence and incapacitation require imprisonment of the dangerous offender, etc. All the issues discussed in terms of basic criminal justice policies are very complex from the practical point of view as well, when the realities of handling the convicted offender are considered.

At the same time, the public's resorting to insurance against the losses from crime rather than relying on effective law enforcement to minimize the incidence of crime cannot provide a long-term solution to the problem. Such insurance, which often results in higher prices to compensate for the losses incurred through criminal acts, is viewed by some persons as tantamount to acquiescence in lawless behavior, which would have little effect in discouraging future crime. Similarly, an emphasis on security measures and careful planning to limit accessibility of the objects of crime--the so-called hardening of the target--can only be a partial solution to the problem. A satisfactory solution must include acting on the offender as well as protecting the objects of his potential attack.

The above characterization provides in rather broad strokes and simplified fashion some of the major issues and current concerns about crime in the United States.

4. Criminal Justice as a System

In the 1970-75 period in the United States, major efforts were made to deal with criminal justice as an integrated entity--as a system.

The application of this systems concept and the ensuing concepts of systems analysis and systems engineering to the operation of the agencies dealing with criminal offenders began in this country about 10 years ago. In 1965 the Space-General Corporation published its study on Prevention and Control of Crime and Delinquency for the Youth and Adult Corrections Agency of the State of California. This study represented the first major application of the systems approach to the area of criminal justice. Many other studies followed. Another landmark was the report on Science and Technology, issued by the President's Commission on Law Enforcement and Administration of Justice in 1967. These developments were briefly reported in the U. S. National Paper prepared for the Kyoto

Congress. The volume Criminal Justice System, which the National Advisory Commission on Criminal Justice Standards and Goals published in 1973, represents another milestone in this development. Of special importance in the period 1970-75 are the degree to which the systems concept was utilized and the practical results of such applications.

By the early 1970's, it was obvious that the criminal justice system in this country was not functioning as an integrated system. Various agencies--police, prosecution, courts, and corrections-- all operated pretty much as independent entities, engrossed in their specific tasks and only slightly aware of what the others were doing. This historically developed and strongly maintained separatism went deeper than mere absence of contact and indeed resulted in inconsistency in the perception of goals, objectives, and methods of dealing with offenders. A classic example is that police personnel and the personnel of correctional agencies have had very different perceptions of the basic methodology of handling an individual offender. Recognition of these differences led to a new emphasis on crime control as a continuous process. Arrests by the police provide the input of defendants to the court; convictions and the courts' sentences represent the input to corrections; and the failures of corrections provide a fresh workload for the police. Another essential element for application of the systemic model is the availability and flow of information regarding the operations of the component elements and the system as a whole.

Systems analysis in the field of criminal justice has taken many forms, ranging from the building of highly sophisticated simulation models to the very simple practical step of bringing together the personnel of operational agencies for a better understanding of each other's functions and coordination of their activities. Only a few of the developments which had substantial practical impact will be traced here.

One major instrumentality in systematizing this "nonsystem" of criminal justice was the funding of state programs by the Law Enforcement Assistance Administration. The bulk of LEAA funds, which totaled $870 million in fiscal year 1975, is awarded to the states as "block grants," under which the states are free to evaluate their needs and to use the funds accordingly, but are required to prepare a comprehensive plan, which must be approved by LEAA. This plan cannot confine itself to some specific segment of criminal justice but must encompass the whole complex. Thus the funding process may be viewed as a strategy to introduce the systems concept by requiring system-wide planning. State Planning Agencies were created for planning the expenditure and distribution of the funds awarded. Such a new function required a new type of specialized personnel: system-wide criminal justice planners. Professionals with skills relevant to the new task were engaged and managed the task to the best of their

ability. As it became apparent that this need existed and would continue, a number of institutions of higher learning introduced specialized courses in criminal justice planning, borrowing knowledge and personnel from other areas where the planning concept had taken root somewhat earlier. The training of such professionals helps ensure that system-wide criminal justice planning is not a passing phenomenon but is here to stay and will make an indelible mark on crime control of the future.

It should be noted that this systemic approach to criminal justice is limited primarily to certain innovative programs, many of which are specially funded by LEAA. The state operational agencies continue their activities as before on the basis of much larger traditional operational budgets. Clearly, however, the comprehensive planning point of view maintained by the State Planning Agencies has had an impact on the operational agencies and in the long run may well result in the general acceptance of the systemic approach.

LEAA's funding policies in the area of criminal justice education further help foster the systemic approach in crime control, as LEAA has maintained a broad conception of criminal justice. The LEAA policies have never limited the curricular content to a particular specialty such as, for instance, police science or institutional treatment of offenders, but as a rule have encouraged a type of curriculum that contains the elements of criminology, police science, administration and management, corrections, etc. This steady academic policy is sure to have a valuable impact on thousands of inservice personnel and preservice students.

Yet another factor which will help bring together heretofore separate agencies is the development of criminal justice information systems, which is discussed in a separate section.

The National Criminal Justice Reference Service will also help integrate the operations of criminal justice agencies. Set up in 1972 as part of LEAA, NCJRS provides a central information reference source for the nation's law enforcement and criminal justice community. The NCJRS data base is organized as a broad-based collection of material covering all aspects of law enforcement and criminal justice. It includes publications, books, tape libraries and other documentation materials from a wide variety of government and non-government sources. NCJRS maintains information exchange with other reference and documentation information services. The data base contains bibliographic identification and an abstract of each item in the system. There is no charge for use of materials or services from within NCJRS resources.

5. Standards and Goals for the Criminal Justice System

One of the major national responses to the problem of rising crime and delinquency and increasing public concern in 1970-75 was the decision to determine the standards and goals of the criminal justice system. The rationale behind this effort was that, in order to be effective, an operational system must explicitly state the goals which it is supposed to reach.

These goals imply objectives, which again must be clearly defined. In order to realize these objectives, the system must further identify the standards which must be observed. Thus the identification of standards and goals is the primary condition of any rationally operated system, including the criminal justice system.

Although many state and local criminal justice agencies addressed themselves to the task of identifying standards and goals, the most comprehensive national attempt was that of LEAA, which mounted a major effort to formulate means of ultimately reducing criminality.

As early as 1971, LEAA convened a number of informal exploratory conferences of researchers, planners, and representatives from all major facets of the operational criminal justice system in order to find out what to do and how to proceed. In August 1971, the Mountaintop Conference in Vail, Colorado, produced an action plan which served as the basis for the National Advisory Commission on Criminal Justice Standards and Goals appointed that October. Funded by LEAA, this Commission established 12 task forces, of which 4 were later designated as operational task forces on Police, Courts, Corrections, and Community Crime Prevention. These four task forces were given staff support and were responsible for the production of the major volumes of the Commission's reports. The other eight task forces acted mainly in an advisory capacity.

The work of the Commission culminated in the National Conference on Criminal Justice sponsored by LEAA and held in Washington in January 1973. The publication of the Commission's report following the conference provided a major national stimulus for the analysis of operational practices in all the subsystems of criminal justice. The criminal justice state planning agencies, as well as all major national organizations in the area of criminal justice, undertook to analyze the proposed standards, to analyze their own operations against the background of these standards, and to arrive at carefully considered conclusions on whether to accept or reject the recommended standards. It should be kept in mind that the recommendations of the Commission do not necessarily represent the views of the Department of Justice, that is, of the U. S. Government. Rather, they are the views of the majority of the members of the Commission with regard to the propositions developed by the staff. Whether one agrees or disagrees with any of the proposed standards, one cannot deny that the Standards and Goals project was very

effective in stimulating a review of traditional practices and evaluation of proposed innovations. And in many cases it was responsible for reforms.

A quick perusal of some of the main recommendations indicates what U. S. society considers to be the problem areas of its criminal justice system and what innovations have been suggested.

Some of these recommendations are repetitions of almost perennial suggestions for improvement, while others represent radical innovations as compared not only with existing practices but with desiderata suggested earlier. A reader who is interested in the gradual evolution of ideas with regard to this country's crime control system might do well to compare the recommendations of the President's Commission's reports of 1967 with the standards proposed in 1973. The limited scope of this paper unfortunately precludes such comparison.

Since the Standards and Goals Commission made recommendations with regard to all major areas of the criminal justice system, these recommendations will be referred to and taken into consideration throughout this paper. At this point only some of the major proposals will be briefly cited, primarily for the purpose of characterizing the Standards and Goals efforts.

The goals of the criminal justice system as proposed by the Commission are obviously and directly related to the rise in crime rates and to the public's fear of crime. One goal which the Commission proposed was a 50 percent reduction in crime over the following 10 years. Significantly, the Commission set the goal as "a 50 percent reduction in high-fear crimes," thus linking the two major issues. Five specific offenses were selected as targets for reduction: homicide, forcible rape, aggravated assault, robbery, and burglary. The first four-- especially the second, third, and fourth-- of these crimes, are those that make streets unsafe, thus linking the goal to the issue set forth in the title of the Omnibus Crime Control and Safe Streets Act passed five years earlier. Burglary, of course, is not a street crime, but it may develop into assault or even rape, and polls have shown that people in the U. S. have an acute fear of being burglarized. Thus this is clearly one of the "high-fear" crimes.

In identifying priorities for action, the Commission singled out four areas: reduction of juvenile delinquency; delivery of social services; prompt determination of guilt or innocence; and citizen action, the latter referring to increased citizen participation in crime control. Juvenile delinquency, especially if the concept is extended to include the youthful offender (defined in some states as youth from the late teens to mid-twenties), contributes directly and disproportionately to the crime problem and the fear syndrome, in addition to being a source of future adult criminality. Social service help both to prevent crime and to facilitate a youth's return to a law-abiding life by increasing

his opportunities, diminishing his alienation from conventional society, and remedying the deficiencies of the past. Crippling delays and other ills of overburdened law enforcement and court systems form a generally recognized major problem of today, as noted above. And finally, citizen action might, among other things, result in adding manpower necessary to help these overburdened systems and in providing control opportunities which cannot be provided by personnel of the agencies themselves.

Several of the key Commission proposals are made in terms of the concept of criminal justice as a system, a point discussed in the preceding chapter.

The Commission made basic recommendations for the four major subsystems of the criminal justice system: the police, the courts, corrections, and community crime prevention. The last of these subsystems may well be first in the sequence of reducing crime. The recommendations for community crime prevention, coupled with the recommendations for the community-based treatment and rehabilitation of offenders, point up the major role which the Commission assigns to the community, to private citizens, and to their organizations.

Criminal code reform and revision and some other individual topics are also addressed by the Commission. These recommendations are discussed in later chapters.

6. Information Systems

In Chapter 4, it was pointed out that one of the essential elements of a system is the flow within it of information regarding the operations of the system as whole and all of its parts. Thus it is quite natural that the period of 1970-75, which has seen the ascendancy in this country of the idea that criminal justice is a system, also stands out as the time of many new developments in the reporting, collection, storage, and utilization of crime data.

Historically the roots of criminal justice information systems go back to the crime statistics which, like many other collections of facts about society, emerged in the 19th century under the impact of modern social and behavioral science. The so-called moral statisticians of the 19th century were the first to collect crime data on a large scale. The availability of such data gave rise to speculations about the relationship of crime to a wide variety of factors, as criminologists sought to understand what causes criminal behavior in its various forms. For about a century the main quest for criminal statistics was related to the development of theories of criminality, which depended heavily on crime data for the proof of their hypotheses. Thus it was primarily the criminologists who promoted crime statistics in the belief that properly developed, these statistics would be a major tool in solving the crime problem.

Only recently was the availability of accurate data on crime and criminals recognized as essential to the rational and planned operation of criminal justice agencies. The concept of agency management statistics emerged. And information regarding the total criminal justice system was recognized as necessary for rational planning and operation. This is the perspective from which the prominence of the issue of crime data reporting in the 1970's must be viewed. Like many other developments characteristic of those years, this emphasis on crime data information had its origin in the preceding decade.

Crime Data in the United States

Crime data reporting and collection in the United States has always been fraught with very serious problems. The major obstacle has been the relative independence of the criminal justice systems of the individual states and the very limited control exercised over these systems by the federal government. As noted in Chapter 2, this situation has resulted in variations in the criminal laws, criminal procedures, and judicial and administrative practices which render the data largely incomparable. Moreover, it means that there is no central authority to require reporting. It is difficult for the foreign reader to grasp that most of the national crime statistics in this country are based on the completely voluntary-- and therefore very spotty-- cooperation of the criminal justice agencies involved.

Actually the situation is much more complex than this statement would indicate, owing to the fact that government in the United States functions on three levels: federal, state, and local, as noted in Chapter 2. Criminal justice agencies are found on each of the three levels. The pattern of their interrelationships lacks uniformity and is extremely complex. Some of the agencies are completely independent, especially if their officials are elected by their respective constituencies (e.g., county sheriffs and some of the judges). On the other hand, there are some vertical lines of authority: the decisions of the United States Supreme Court are binding on all courts; and the United States Congress may, within Constitutional limitations, pass laws which are mandatory throughout the country.

At the local level of government the major criminal justice agencies are the police, some courts, and the prosecution. Correctional services are very limited at this level, with the jails and various detention facilities serving partly detention needs and partly short-term incarceration. There are considerable variations between the county and municipal forms of local government.

At the state level there is usually the state police, whose functions vary greatly. In some instances they are limited almost exclusively to traffic control; in others the state police operate as the main police force within the state. The highest state law enforcement office is that of the Attorney General. In many cases

there are special law enforcement units in the office of the Attorney General, such as organized-crime units and narcotics bureaus. There are also courts with state-wide jurisdiction. The major penal and correctional institutions are operated under the state government. The same often applies to the parole and sometimes the probation services.

The federal government has a separate set of criminal justice agencies, intended primarily for the enforcement of federal laws. The Attorney General of the United States heads the U. S. Department of Justice, which encompasses several enforcement agencies. One of these is the Federal Bureau of Investigation. There is a federal court system with several levels of its own. The penal and correctional system is handled in part by the Department of Justice through its Federal Bureau of Prisons and the U. S. Board of Parole. Another part of that system, the Federal Probation Service, is attached to the federal courts and provides field services not only for probationers but also for paroled and released federal prisoners. There are many regulatory commissions and boards at the federal level.

As has already been pointed out, federal criminal justice agencies for the most part do not have any hierarchical control over the state or local agencies, nor do the state agencies have such control over the local agencies. Of importance here is the fact that no control exists or can be exercised with regard to the reporting of crime data. There can only be requests for voluntary cooperation in this area, enhanced by offers to exchange reciprocal services of various kinds.

Concerning criminal justice information activities, criminal justice agencies in the period under discussion need effective information systems for at least four reasons. First, there is an ever-increasing number of federal requests for various types of information regarding offenders and the processing of their cases, such as the requests for data for the FBI's Uniform Crime Reports and prisoners statistics compiled by the Bureau of Prisons. Second, agencies are gradually recognizing the importance of a management information system for each agency to enable it to plan, manage, and evaluate its activities on the basis of the feedback of data regarding its own operations; third, there is a growing need for agencies to account for their activities to the appropriate supervisory and legislative bodies, especially so as to justify expenditures and secure funds for future operations. Finally, and perhaps most important, there is an ever-increasing need for high-speed processing of large volumes of operational data to assure and increase the effectiveness of law enforcement, for example, instantaneous checking of license numbers of suspected stolen cars while police are chasing violators of speed laws.

Developments in criminal justice information systems in this period have focused on satisfying the above four needs. All these developments involve electronic data processing which, since the

1960's, has been considered the main hope for overcoming this country's problems in crime data collection. Thus computer-based information systems at the county, municipal, state and federal levels have been designed, implemented, and developed to various degrees of completion in the 1970-75 period. Such systems have been funded by the budgets of the local and state operational systems, the Law Enforcement Assistance Administration, and private initiative.

Offender-based Criminal Statistics

A major development in crime data reporting in this period is that of offender-based criminal statistics, which promise entirely new possibilities for the analysis of criminal behavior as well as for better crime control. Efforts to trace the criminal careers of individual offenders go back 40 to 50 years to the publication of such reports as E. H. Sutherland's The Professional Thief and Clifford R. Shaw's The Natural History of a Delinquent Career. Police departments of course have long kept files on the more serious offenders in their operational areas. The so-called "rap sheet" is a good example of a criminal career history. But until very recently the bulk of all criminal statistics was comprised of "agency" statistics, which recorded the number of offenses handled by the police as crimes known to the police, the number of arrests made, the number of persons placed on probation, the number of offenders sent to prisons, the number released on parole, etc. Such statistics served very well to characterize the volume of business of the agencies involved and to a certain extent also served as crime indicators. But they did not provide any basis for evaluating the effect of criminal justice measures on the individual offender, or for understanding the development of a criminal career, which understanding is essential for handling the problem of recidivism.

U. S. criminologists for at least 25 years have petitioned the operating agencies, such as the U. S. Department of Justice, to develop criminal career or offender-based statistics. These requests remained unanswered largely because of the difficulty of tracing a criminal career through 50 or more independent jurisdictions without any established crime-data reporting channels. The prohibitive cost involved was another impediment. It was thus in response to a long felt need that offender-based transactional statistics were developed in the 1970's, in part through such projects as the FBI's National Crime Information Center, its Automated Identification Division System, and the LEAA-funded Project Search and Comprehensive Data Systems.

The National Crime Information Center

The National Crime Information Center (NCIC) is a computerized information system established by the Federal Bureau of Investigation as a service to all law enforcement agencies at all levels. The system operates by means of computers, data transmission over communication lines, and telecommunication devices. Its objective

is to improve the effectiveness of law enforcement through the more efficient handling and exchange of documented police information.

The NCIC serves as a national index for law enforcement agencies within 50 states. A state agency operating a centralized state-wide system is identified as a control terminal in the NCIC system. The development of state and metropolitan area computerized systems is strongly urged by NCIC in order to make NCIC, which complements these systems, fully effective. Through these state and metropolitan area systems the NCIC becomes available for use by all law enforcement agencies.

The original network which commenced operations in January, 1967, consisted of 15 law enforcement control terminals and one FBI office. There are now terminals in all FBI field offices, and NCIC service is available to all 50 states, the District of Columbia, and Canada. Those state or city agencies which operate control terminals share with the FBI the responsibility for overall system discipline as well as for the accuracy and validity of records entered in the system.

The first NCIC link with a state computerized system was with the California Highway Patrol in April, 1967. The tie-in of the St. Louis, Missouri, Police Department computerized system soon followed. These events marked the first use of computer communication technology to link together local, state and federal governments in an operational system for a common functional purpose. It is anticipated that in the future NCIC will operate as a computer-to-computer interface with each state control terminal.

Originally there were five computerized files; namely, wanted persons, stolen vehicles, license plates, guns, and stolen identifiable articles. In 1968, a stolen securities file was added, and the vehicle file was expanded to include aircraft and snowmobiles. In the following year, a stolen boat file was added. The most recent addition was in November, 1971, when a file of offenders' criminal histories-- the Computerized Criminal History (CCH) file --was made operational. NCIC now has eight files covering criminal histories, wanted persons, and various types of stolen property.

As of February 1, 1975, there was a total of 4,888,165 active records in NCIC, of which records 156,830 dealt with wanted persons, 831,675 with vehicles, 224,626 license plates, 818,914 guns, 796,887 stolen articles, 1,482,002 securities, 10,514 boats, and 546,717 criminal histories. In January, 1975, NCIC network transactions totaled 5,484,768, an average of 176,928 daily.

Project SEARCH

In June 1969, six states joined together to develop a national system for the exchange of criminal history information and to experiment with the automated collections of criminal justice statistics. This work, funded by the Law Enforcement Assistance Administration and the participating states, was named Project SEARCH, System for Electronic Analysis and Retrieval of Criminal Histories.

Nationally, the project demonstrated that autonomous groups could work harmoniously with each other and the major funding source. At the state level, each member group worked on a specific component of the project - often one in which local expertise had already been established - and each added to its respective pool of knowledge by having representatives on all of the task forces. Equally important, the project provided an opportunity for criminal justice practitioners, regardless of their organizational origins, to meet in an atmosphere conducive to creativity.

As the project progressed, additional states were invited to observe and then to participate. In 1970 the consortium was expanded to include a representative from each of the 50 states and the three territories, and four individuals appointed by LEAA. Representatives of the Justice Department and other interested agencies regularly meet with this group. At the same time the mission of Project SEARCH was broadened to encompass the application of technologies - the whole spectrum of advanced scientific methods - to criminal justice. In particular, Project SEARCH was to design, demonstrate, and test prototype systems that have multi-state utility to the justice system.

Early in 1974 Project SEARCH was incorporated as a non-profit corporation, SEARCH Group, Inc. (SGI). Its goals were defined as follows: To constitute a national forum to foster communications among states and between the states and the federal government on issues concerning the application of technology to the justice system; to create a recognized source of technological expertise that can assist state and federal governments in such applications of technology to participate in national policy deliberations which will affect such applications of technology; to participate in national police deliberations which will affect such applications of technology; and to provide technical and administrative staff support to the Membership Group, Board of Directors, and committees created under SGI.

The work of Project SEARCH is documented in a series of technical reports and memoranda, and in publications of symposia which have been held from time to time. The last SEARCH Symposium, The Second International Symposium on Criminal Justice Information and Statistics Systems, was held in May 1974. Its proceedings and other publications serve as excellent documentation of the information systems developments in the 1970's.

PROMIS

Under a grant from LEAA, a Prosecutor's Management Information System (PROMIS) was established and implemented in Washington, D. C. in 1971. PROMIS is a computer-based management information system for public prosecution agencies. It has successfully achieved four significant management objectives of prosecutors' offices.

First, it classifies cases according to the gravity of the crime and the dangerousness of the offender. A special litigation unit gives priority attention to the most important prosecutions. In Washington, the conviction rate for cases receiving special preparation is 25 percent higher than for those processed routinely.

Second, PROMIS helps to reduce scheduling and logistical impediments interfering with prosecuting a case on the merits. With respect to any case, it automatically produces subpoenas, witness and victim telephone lists, a pending-case list for any given witness, and notices for expert witnesses so that all parties concerned can be routinely informed of scheduled appearance dates. PROMIS keeps track of postponements of individual cases and notes, along with the reasons therefore, whether the prosecution, defense, or court is responsible. In addition, PROMIS:

(1) Automatically alerts the prosecutor when the accused has other cases pending against him,

(2) Regularly produces lists of fugitives so that the cognizant law enforcement agencies can systematically seek to apprehend them, and

(3) Routinely prints lists of cases pending at various stages of prosecution for more than a specified number of days so that problems of delay can be resolved promptly.

Third, PROMIS permits the development and enforcement of standards concerning prosecutorial discretion. That discretion relates to:

(1) A decision not to prosecute,

(2) A decision to upgrade, reduce, add to or subtract from the charges recommended by the arresting officers,

(3) The negotiation and acceptance of pleas,

(4) A decision to allow defendants entry into diversion programs,

(5) A decision to nolle prosequi or dismiss a case, and

(6) The initiation or concurrence in case postponements.

To monitor and enforce the proper application of discretion in these areas, decisions must be recorded and retrievable for subsequent review. Not only must the nature of the discretionary action be recorded (e.g., case rejected for prosecution) but also the reason why the action was taken (e.g., case rejected because of illegal search and seizure). Only when reasons for

discretionary decisions are known can supervisory prosecutors be in a position to determine whether subordinates' discretionary decisions reflect compliance with office policy. This is easily accomplished with PROMIS, because it can generate statistics on the reasons for several different types of prosecutorial actions, ranging from modification of police charges to requests for continuances.

Monitoring the evenhandedness of discretionary prosecutorial decisions is also facilitated by PROMIS. It can be determined, for example, whether defendants with comparable criminal backgrounds and charges (in terms of PROMIS case ratings) are given equal treatment.

Fourth, PROMIS permits an effective management analysis of a prosecutor's office. For example, it will assist in answering the following questions:

(1) What percent of police arrest charges are modified by screening assistants? What percent of police-initiated cases are totally rejected?

(2) What are the reasons for charge modification or rejection? Do these reasons indicate that the prosecution agency should brief police about such matters as search and seizure?

(3) Why do assistant prosecutors nolle prosequi cases? Do the reasons indicate witness-related problems?

Comprehensive Data System

The Comprehensive Data Systems Program was announced by LEAA in the spring of 1972. States that participate in this voluntary program must agree to do five things: (1) establish a statistical analysis center; (2) assume the responsibility at the state level for uniform crime reporting; (3) develop a management and administrative statistics program; (4) implement an offender-based transaction statistics program which is compatible with computerized criminal history; and (5) develop capability for providing statistics and systems technical assistance to state and local agencies.

Each of these five components has an important function. The primary role of the Statistical Analysis Center (SAC) is to analyze statistics and provide a state mechanism for analyzing statistical data drawn from criminal justice and other agencies at all levels of government within the state.

As to uniform crime reporting, the FBI has urged since 1967 that the states assume this responsibility.

Another component of CDS, the management and administrative statistics, is currently considered essential for national operation of any criminal justice agency.

The most complex but promising area of the CDS program is the Offender-based Transaction Statistics Computerized Criminal History Module. The OBTS system follows an arrestee through the criminal justice system from his arrest until his final exit from the system. It records each significant official transaction along the path, including the date. This kind of tracking involves police, prosecution, courts and corrections. It also involves local and state agencies. Since these components represent more than one state, the problems of coordination and motivation are extremely acute.

To aid development of this system, LEAA in 1973 announced a program to develop state-wide court information systems and state-wide correctional information systems. Funds were provided to 11 CDS states to implement a proto-type state-wide court system and to 10 states to implement a proto-type correctional module. Both of these projects are well underway.

Project directors from the 10 states developing a correctional module, and six other persons from related fields, formed a committee and decided to limit their first efforts to the adult felon correctional needs. This project is titled Offender Based State Correctional Information System (OBSCIS). The work of the committee, its findings, suggestions and descriptions of the content of a correctional module are described in a publication to be released in the Fall of 1975.

The fifth part of the CDS program, the technical assistance component, requires the state to assume responsibility for providing technical assistance to state and local agencies. The degree and methods of providing effective technical assistance remain to be determined.

The CDS program is being implemented by most states.

Automated Identification Division System

The computerization of the fingerprint files has presented a major problem and challenge since the advent of electronic data processing to the criminal justice system. In 1970-75 a breakthrough appears to have been achieved, as a result of which the Federal Bureau of Investigation is now ready to implement the Automated Identification Division System (AIDS).

A prototype automatic fingerprint reader, called "FINDER" (fingerprint reader) was delivered and installed at FBI Headquarters in late 1972. Five advanced versions of this reader, called "FINDER II," were ordered by the FBI in 1974, to be delivered within the next two years.

FINDER is a digital, image-processing reader which reads and records identifying characteristics found in fingerprints. The automatic fingerprint identification process consists of reading, registering, classifying, matching, and verifying fingerprints. The basic approach of the system is to use ridge direction data to register (position) and classify fingerprints and to use minutiae data to match them.

The automation of the FBI's present manual system will involve converting the present inked fingerprint cards to computer cards. A major problem which will be encountered in this process will be the quality or clarity of these inked fingerprint cards. The scope and difficulty of this conversion is apparent from the fact that the FBI's Criminal Fingerprint File contains over 21 million fingerprint cards. At present, the FBI Identification Division manually searches over 22,000 fingerprint cards daily.

When completely operational, AIDS will greatly enhance the fingerprint services provided to law enforcement agencies. It is hoped that at some future date, state and local law enforcement agencies can participate in AIDS through the use of remote terminal hookups (fingerprint readers) which will allow direct-on-line inquiry of the FBI's computerized fingerprint files.

The Privacy Issue

A much-debated issue posed by the growing availability of criminal justice information is its effect on the citizen's right to privacy, a matter of widespread concern during the 1970's. Two conflicting interests are involved--the public need for a data system on criminal activities for effective crime control and prevention, and the constitutional right to privacy of all citizens including the offender. While a wide array of issues is involved, the basic practical problem is how to limit access to the files and computer terminals to those eligible to receive information for the specific purposes for which it was assembled.

The Department of Justice in June 1975 issued regulations which attempt to assure that criminal history information is disseminated only upon a clear showing of such need.

7. Evaluation of Operational Programs

This overview has repeatedly referred to the evaluations of crime control effectiveness which have resulted from the nation-wide concern about current policies and methods of handling criminal offenders. Although this interest in evaluation originated well before 1970, recently it has become so important that it is almost essential that there be an evaluation component in order to justify any expenditure of funds, whether federal, state, local or private, for almost all projects, certainly experimental ones.

This steady growth of awareness that one has to evaluate in order to make progress is worthy of note. Moreover, although the last five years have not brought any spectacular innovations in evaluation of criminal justice programs, the degree of sophistication in evaluative techniques has unquestionably increased, and many measures of success which appeared adequate some years ago would be considered naive today. For example, the absence of rearrest for another offense as the sole indicator of the success of a correctional treatment program would today be considered a rather primitive yardstick. A straight cost-benefit analysis, which a few years ago appeared to be the final word in comparing crime control measures, today would be severely questioned unless other considerations, including the effect of such measures on individual rights and even on the environment, are taken into account at the same time. Similarly, researchers now recognize the inadequacy of evaluation solely for the purpose of justifying expenditures. In addition, they inquire into the long-range effects of projects on the whole criminal justice program.

An excellent example of evaluation comes from the closing of state institutions for juveniles in Massachusetts in 1972. As community-based facilities are substituted for such institutions, each step is accompanied by an adequately funded parallel program to evaluate its effects. Thus reports on the Massachusetts experiment (discussed in more detail in Chapter 11 of this report) are not mere descriptions, but include carefully conducted evaluational studies of the results.

Another result of the new emphasis on evaluation is the prevailing skepticism regarding correctional programs and the desire for new and better methods.

Criminal justice in the United States in the first half of the 1970's cannot be understood without awareness of the role of this focus on evaluation.

8. Expansion of Criminal Justice Education

The criminal justice development in the last five years with probably the most far-reaching impact was the expansion of educational opportunities in criminal justice at the college or university level. Although the roots of this educational expansion go back into the preceding decade, the past five years were truly a period of educational explosion.

Education before 1960

Prior to the 1960's very few police officers or custodial officers in institutional work had any specialized education to prepare them for their career--or much of any education at all except for elementary school or at best high school. The educational level of personnel in the upper echelons in both police and correctional work

was frequently higher, but no specialized education was generally available to prepare them for their work. The situation varied, of course, from state to state.

There was, however, a marked difference in the amount of education characteristic of persons in law enforcement and corrections. The higher educational level of corrections personnel was in part due to the relationship between corrections and the discipline of criminology, which involves studying the etiology of criminal behavior in order to reduce crime by removing the reasons for such behavior. Such education injected into the criminal justice system people with professional training or at least a college education. Professionalization was especially conspicuous in probation and parole. In the earlier days of these programs, the bulk of the workers did not have the educational background they might have been expected to have. The nature of their positions nevertheless suggested the need for higher education standards, and for several decades preceding the 1960's, training as a social worker which culminated in at least the professional master's degree was the standard for probation and parole officers. Thus when the drive for higher education in criminal justice got under way, the fields of law enforcement and corrections were on two quite different levels.

The courts, prosecution, and defense were an area apart, as graduation from a law school as well as college preparation had much earlier come to be a general requirement for this part of the criminal justice system. However, law schools did not offer much specialized criminal justice education, very often just a course in criminal law or perhaps criminal procedures, and nothing with reference to handling the crime problem.

A very important point to be kept in mind is that criminal justice education has almost universally been held in low academic regard in institutions of higher learning in the United States. Criminal justice education was considered to be applied education, which was frowned upon by prestigious schools and faculties of established scientific disciplines. Moreover, the low preservice educational level of the policeman and the custodial officer made the very idea of a college education for these occupational groups seem somewhat silly. Any plan for specialized preservice education for personnel working with offenders or managing the institutions dealing with them was put aside in favor of on-the-job training for psychologists, psychiatrists, and generic social workers, among others, if and when they entered the correctional service.

The only exception to this general picture was the education of criminologists, but even they did not follow a specialized program of criminology. Rather, some students in a university's department of sociology would concentrate on the study of criminology, gathering around professors who specialized in that subject matter, and thus acquire a considerable amount of informal professional education for the field.

There were some notable exceptions, of course. For instance, a major in criminology established in 1933 at Berkeley grew into a School of Criminology in 1950. But that school was for decades practically the only example of this type of program. Awareness of these facts is essential for a true understanding of the magnitude of the change in higher education that began in the late 1960's but developed fully in the early 1970's.

Education and Training

In discussing preparation of personnel for the criminal justice field in the last decade, it is important to distinguish between education and training. While this distinction has always existed, it became more important with the expansion of resources for the preparation of criminal justice personnel. "Education" refers to preparation of a general nature in an educational institution; even in the case of professional or specialized education, it means general preparation for a particular type of occupation or profession. Intermediate between general and specialized education is adaptive education, an additional educational program for a generally educated person (e.g., a person with an Arts and Science degree) who plans to prepare him/herself for a more specialized field, such as corrections. On the other hand, "training" refers to preparation for a specific job or specific position after a person has become an employee of a particular agency, institution, or system. Training can be taken before entry on the job, in which case it is referred to as preservice training; or it can be taken while on the job in which case it is in-service training.

There is an ongoing debate as to the relative merits of inservice training (meaning the upgrading of present personnel) and education (meaning preparation of better personnel for the future). Both education and training for the field of criminal justice have been expanding rapidly in the 1970's.

Expansion in the 1970's

A major factor in this recent expansion of education and training has been the Law Enforcement Education Program (LEEP) and other special funds provided both directly by LEAA and by the LEAA-funded state planning agencies. Institutions of higher learning have also contributed to this expansion by developing and strengthening new curricula and programs independently of federal funding. Likewise many law enforcement and corrections agencies and institutions developed and strengthened their inservice and preservice programs on their own initiative or with state or local funds, responding to the need and the spirit of the times.

Statistics can give some idea of the explosion in education and training, though neither the dollar figures nor the numbers of persons or educational institutions involved can convey the full picture of

what is taking place. Available statistics are often incomplete and even deceptive, because before the concept of education in the whole system of criminal justice emerged, parts of that education were offered in law enforcement or police science programs, and in sociological criminology and correctional programs. The increase in "criminal justice" programs might thus be countered to some extent by a drop in "sociology" programs dealing with similar subject matter. Other types of programs, such as social work curricula which emphasized corrections, sometimes were and sometimes were not included in the surveys. The study of criminal law was usually completely left out. But in spite of all these limitations, the following statistical information is indicative of the scope of the development.

The 1975-76 Directory of the International Association of Chiefs of Police states that in 1960 there were 40 schools giving Associate degrees in criminal justice and 15 institutions granting baccalureate and graduate degrees. In the United States, an AA (Associate of Arts) degree is granted after two years of college-level study, usually by the so-called junior colleges. For 1975 the same Directory lists 664 institutions granting degrees in criminal justice, many of which offer several degrees. The Directory reports that 729 associate, 376 baccalaureate, 121 masters, and 19 doctoral degrees are being offered.

The following table, reproduced from the IACP 1975-76 Directory, gives the full picture of this development.

Degrees Offered in Criminal Justice, 1966 through 1975.

Directory	Associate	Baccalaureate	Masters	Doctorate	Number of Institutions
1966-1967	152	39	14	4	184
1968-1969	199	44	13	5	234
1970-1971	257	55	21	7	292
1972-1973	505	211	41	9	515
1975-1976	729	376	121	19	664

Another important source of information is the data on criminal justice educational degree programs compiled by LEEP. For 1965 the Office of Law Enforcement Assistance, the predecessor of LEAA in the U. S. Department of Justice, estimated the number of programs as follows:

65	AA
21	BA
6	MA
3	Ph.D
95	

A tabulation constructed from applications for LEEP support for 1975 gives the following numbers for programs in criminal justice:

740	AA
423	BA
164	MA
21	Ph.D
1,348	

In addition, LEEP reports for 1975 the following figures for programs in the final planning stages:

200	AA
150	BA
50	MA
8	Ph.D
408	

LEEP figures also show that the number of students receiving LEEP aid increased from 54,778 in 1970 to 96,500 in 1974. Of the latter figure, 86,700 were inservice and 9,800 were preservice students. The inservice figure is further broken down into 68,540 for study in police work, 13,800 in corrections, and 4,360 for courts and other. The annual funds appropriated for LEEP aid during the same period grew from $18 million in 1970 to $40 million in 1974.

Although one can only speculate as to how many of the people with this specialized education will actually enter careers in criminal justice, there is every reason to assume that the candidates from this vast new manpower pool of professionally educated persons will gradually permeate the operational system of criminal justice and change its character substantially.

9. New Developments in Criminal Justice Subsystems: The Police

Several aspects of police work in the United States have been significantly influenced by both social and technological change since the Fourth United Nations Congress in 1970.

Social Change

Social change has had great impact on police procedures personnel, and administration. Some of these changes are responses to broad shifts in social attitudes of the citizens served by police agencies, particularly in the more urbanized regions. People are taking greater interest in the actions or inactions of their government. This is especially true with regard to the policing function. During the last five years there has been a trend toward "shortening" police organizational structures, so as to bring the police officer into closer contact with the citizen. As the organizational structure is shortened, more authority is placed at the level of contact with the public, and the officer is given greater responsibility and discretion.

The police have also re-evaluated their role and posture as government officials. There is a tendency toward a preventive rather than reactive posture. The police have moved toward viewing their primary mission as one of general conflict managers rather than investigators of criminal incidents and catchers of criminals.

While the latter role remains an important activity, the significance of the police role in the management of social conflict (which is not necessarily criminal) has resulted in changes in training emphasis, policy-making, and procedures as well as in the structure of police organization.

The new conception of the policeman's role and consequently of his functions in the community has brought up forcefully the issue of his educational background for such work. If a policeman is to manage social conflict, he must be able to analyze the conflict in terms of its causes and be familiar with techniques of resolving it. This implies education in the social and behavioral sciences, which education traditionally is offered in institutions of higher learning. The current model of the policeman's role as conflict manager in the case of ethnic tensions and disturbances, in dealing with mentally abnormal persons, drug addicts and alcoholics, in calming family conflict situations, and in handling civil rights and various ideologically motivated demonstrations and potential disturbances, suggests that the policemen should have broad and objective perspectives rather than rely on prejudicial sterotypes and popular cliches. This realization has led to increasing support of college education for police.

The President's Commission on Law Enforcement and Administration of Justice as early as 1967 said that "the ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees." The National Advisory Commission on Criminal Justice Standards and Goals in its volume on Police not only supported this general recommendation but even provided a time schedule for such an educational requirement. That time schedule suggests that every police agency should require immediately, as a condition of initial employment, the completion of at least one year of education at an accredited college or university. An entrance requirement of two

years of such education should be mandatory no later than 1975. By 1978 the requirement should be raised to three years, and by 1982 a baccalaureate degree at an accredited college or university should be a condition of initial employment on any police force. At the same time inservice study is urged for police personnel through attendance at available colleges and universities which provide relevant educational programs. It is recommended that such education be encouraged by defraying expenses, shifting assignments to accommodate attendance, and offering incentive pay.

Chapter 8 described the remarkable increase in educational facilities for criminal justice personnel, especially the police. This expansion could make the above-mentioned standards of police education quite realistic if the support of educational programs continues at the level of the early 1970's.

Preservice and inservice training have also been receiving a great deal of attention. The training facilities offered by the so-called Police Academies have been vastly expanded. Much attention has been given over the last five years to the establishment of state commissions on police officer standards and training. At this writing, all but five of the states have some form of legislation which provides machinery for establishing and enforcing minimum standards and training for law enforcement personnel, usually through a commission. The directors of these commissions have organized themselves into the National Association of State Directors of Law Enforcement Training. This Association is seen as a powerful and growing force for professional development and the enhancement of standards in police work in the United States.

Technological Change

Technological advances have had an accelerated impact on police operations in the United States during the past five years. This period has seen the expansion and interlocking of state, regional, local and national telecommunication and computer-based criminal information systems. These systems now make available to the most remote agency direct communications and information sources from any state, local, or national data file. Indeed, the recent development of several remote, mobile computer terminal models has, literally, connected the officer on the street with criminal information systems, and several experimental operations are now under way to test and examine the effects of this capability.

These and other technologies have created an environment for increased interest in sharing systems and services among police agencies, thus enhancing a tendency toward consolidation, regional planning and interagency cooperation.

10. New Developments in the Courts

The years 1970-75 find the criminal courts continuing very much in the center of public attention and playing the same important role in matters of crime control as in the previous decade. In their own sphere, criminal courts exemplify the important role assumed by courts generally in the last twenty years, as they became a crucial factor in the questions of civil rights, discriminatory practices, and many other social, economic, and cultural concerns of the nation.

The activities of the courts are the subject of sharp controversy. Some groups and individuals acclaim court actions in the area of civil rights and due process of law as long overdue and essential steps in revitalizing American society in the spirit of the Constitution and democratic principles. Others, no less vociferously, point to the courts' decisions, especially those of the U.S. Supreme Court, as the main source of unrest and more particularly of the burgeoning crime problem. The many issues in which the actions of the courts have been of crucial importance to the criminal justice system can be analyzed and presented in several ways.

Causes of the Court Crisis

Two major factors have contributed to the "crisis in the courts," first recognized as a significant problem in the 1960's. One of these factors has been the lack of basic guidelines in the judicial decision-making process; the other, the "overload" of criminal cases in the courts. Lack of guidelines reflects the general uncertainty and lack of agreement as to the basic methodology to be used in dealing with criminal offenders. The need to protect society by deterring crime generally and by incapacitating the particular offender and, on the other hand, the desire to rehabilitate him, have gradually become equally important considerations in deciding what will be done with him. With authorities divided in their views on the best method to be used, and the lack of explicit guidelines in the Constitution--or any place else, for that matter--there appears to have been no uniform judicial policy regarding the handling of offenders and offenses. One consequence has been a significant diparity in the sentences given offenders, an ever-recurring concern of this period.

As to the overload problem, the situation remains critical. The courts have inadequate resources to handle the many criminal cases now confronting them. This court congestion creates a bottleneck with significant effects on the whole criminal justice system.

One such effect is the reliance on plea bargaining as a means of shortcutting the judicial process and disposing of many cases without trial. Plea bargaining, which has recently received the constitutional sanction and approval of the U.S. Supreme Court, involves negotiations between prosecutor and defendant, whereby the defendant agrees to plead guilty to a criminal charge in return for the dismissal of other charges of a multi-count indictment or information, or the reduction of charges to offenses carrying lesser penalties. In many cases the bargain involves the nature of the sentence to be imposed. For example, the prosecutor may offer to recommend that a sentence of imprisonment be suspended and the offender placed on probation.

The jails and detention centers in which offenders are held prior to trial are overcrowded. The overcrowding in major metropolitan jails has created conditions so appalling that courts have ordered some of the principal jails in major cities to be closed until remedial measures are undertaken to ensure minimal health and safety standards. In many cases these jails remain closed because, as constructed, they cannot meet the standards imposed by the courts, and there are not sufficient municipal funds to make major renovations. Inmates are therefore transferred to other institutions, often to prisons designed for serious offenders.

The increase in the number of criminal cases has also placed an enormous burden on state and federal appellate courts. As more appeals are filed, the dockets of these courts and their backlog of undecided cases are growing. With the recent emphasis placed by the federal courts on protecting the rights of prisoners, the number of collateral attacks upon the judgments of state and federal courts has also increased. Habeas corpus petitions and prisoners' rights actions have multiplied in the last five years and now constitute a significant part of all filings in federal courts.

Provisions for legal counsel for indigent criminal offenders whenever imprisonment is a possible penalty, further contributes to the volume of court proceedings. These provisions theoretically assure the indigent defendant an advocate to protect his full due process rights under the highly technical American system of constitutional protections. However, in reality, the great mass of criminal cases continues to be disposed of in a perfunctory way through compromise and negotiation, with the poor defendant frequently emerging worse off than his wealthy counterpart with retained counsel. Especially in state courts, court-appointed attorneys frequently have a very heavy caseload and cannot give each client the time and effort which retained counsel could devote to a wealthy defendant's case.

A shortage of judges to handle the great increases in litigation has led to requests for new judgeships and, especially in the federal system, an increase in judicial salaries. But for a number of reasons, especially the state of the economy, such pleas are going unanswered. There are disturbing signs of a trend in which judges are abandoning the bench to return to private practice.

Another factor contributing to court congestion has been the antiquated administrative practices still followed by many courts. But the crisis in the courts is also the result of the adversary system of justice itself, with its complex and cumbersome procedures and the many opportunities it affords for delaying the disposition of a case by providing for review of decisions made at every stage of the process. During the 1960's some of these complex and cumbersome procedures were given constitutional status and rendered unalterable by legislation. With the increasing overload of the courts, this situation has become even more serious during the period under discussion here.

Another factor contributing to the overload of the courts has been the increase in legal challenges which can be made to decisions of administrative officials, of police, and of correctional systems, making it improbable that any criminal case could be handled from start to finish without reviewable error being committed. It then becomes a question of the ingenuity of counsel in discovering error and convincing the court that the errors merit correction. Finally, the courts have begun to review many areas of administrative discretion which they formerly refrained from considering. On the whole, this process has been applauded as providing greater protection for the constitutional rights of criminal defendants. At the same time, however, this process has had the effect of slowing down the process of criminal justice and of making more significant the discrepancies in representation of indigent and wealthy defendants.

Efforts to Solve the Crisis

What has been done in the last five years to alleviate this alarming situation? Some of the major undertakings can be described briefly.

One of these was the American Bar Association's Project on Standards for Criminal Justice, which was completed during the first half of the 1970's. This Project set out to draft and promulgate standards covering every phase of the criminal justice system. The resulting standards, a set of comprehensive guidelines covering the various aspects of criminal justice administration, were formulated

principally to fill the increasing need for a uniform criminal procedure applicable to both federal and state courts. These Standards were not intended as mandatory pronouncements, but as suggested guidelines to be adopted in whole or in part by local jurisdictions. So far, 20 states have adopted them in toto, and many others in part. In addition, approximately 2,000 appellate court opinions have cited the Standards with approval.

However, the effects of the Standards in solving the problem of court congestion are quite limited. For one thing, the Standards do little to reduce the complexity and technicality of American criminal procedure. Although they can make procedures more uniform throughout the United States, these Standards themselves are subject to constitutional adjudication and thus to shifting notions of what constitutes constitutional due process. Since no question of law is settled until decided by the final appellate court hearing the case, the Standards, at the outset at least, may have little effect in reducing the level of litigation.

Another effort to solve problems of the courts is the study of the National Advisory Commission on Criminal Justice Standards and Goals, which has been discussed in Chapter 5 above.

In its general volume, A National Strategy to Reduce Crime, as well as in its special volume on the courts, the Commission established "Priorities for Action," "Key Commission Proposals," and a number of "Standards." Both the Key Proposals and the Priorities might be cited as a good characterization of the problem as seen by many and as a less generally accepted set of recommendations for action.

The Key Proposals include:

Trying all cases within 60 days of arrest.

Requiring judges to hold full days in court.

Unification of all trial courts within a state.

Allowing only one review on appeal.

Elimination of plea bargaining.

Screening of all criminal cases coming to the attention of the prosecutor to determine if further processing is appropriate.

Diverting out of the system all cases in which further processing by the prosecutor is not appropriate, based on such factors as the age of the individual, his psychological needs, the nature of the crime, and the availability of treatment programs.

Elimination of grand juries and arraignments.

It should be noted that the Commission calls for the gradual elimination of plea bargaining over a five-year period. Grand jury indictment should not be required for any criminal prosecution, but the grand jury should be retained for its investigative functions.

The Priorities are stated in part as follows:

First priority is given to standards dealing with the litigation of cases and the review of trial court proceedings. Attaining speed and efficiency in the pretrial and trial processes and achieving prompt finality in appellate proceedings should result in increased deterrence of crime and the potential for earlier and more effective rehabilitative treatment of offenders.

As a second priority, the Commission urges that prosecution and defense functions be upgraded.

A third priority was to insure the high quality of the judiciary.

Administrative reform of the courts constitutes another major development of the 1970's. Most federal courts and many state courts have hired court administrators, trained by the Institute of Court Management, which began its training program for court executives in 1969. In 1971 Congress authorized each of the 11 U.S. courts of appeal to appoint a circuit executive to assist the circuit council and the chief judge with their many administrative responsibilities. These administrators have already had a beneficial impact on the disposition of civil and criminal cases, in the federal courts at least. Unfortunately, the administrative reforms, which involve use of trained management personnel and sophisticated data-processing equipment, nevertheless barely enable most courts to keep pace with the increasing flow of new cases.

Still another important development greatly affecting the courts is pretrial diversion. Pretrial diversion programs deal with minor offenders who have no serious criminal record and for whom rehabilitation without imprisonment appears possible. If these offenders agree, they may be diverted from the traditional criminal justice process prior to trial (generally pre-indictment) and placed in a structured rehabilitation program. If program participation is successful, charges are dismissed and no criminal record is permanently established; if unsuccessful, prosecution is resumed. In order to consider a case for diversion, the prosecutor must ascertain that the case is one he would successfully prosecute. In addition, the defendant must have the benefit of counsel during the diversion decision-making process. The diversion is finalized by a written contract mutually agreed to by prosecution, defendant, and defendant's counsel. In a number of cities throughout the United States, innovative diversion programs have been instituted, such as the Vera Institute's pretrial release program, the Manhattan Court

Employment Project, and bail reform projects, all in New York City; the "Bowery Project" for diversion of alcoholics to detoxification centers, adopted in New York City and replicated in Boston, San Francisco, Syracuse, Minneapolis, and Rochester; Project De Novo in Minneapolis and Project Remand in its sister city of St. Paul; Philadelphia's Accelerated Rehabilitative Disposition Program; and Washington, D.C.'s Offender Rehabilitation Project. The United States Department of Justice established a pretrial diversion pilot program in the federal judicial district for Northern Illinois in 1974. Such programs are to be established in all federal districts in 1976.

These diversion programs have been of some help in reducing docket congestion by removing minor offenders from the litigation process, but they do not address themselves to serious or habitual offenders, whose cases are responsible for most of the delay and congestion of criminal courts today.

An important aspect of court reform in the seventies has been the efforts by federal courts and the Congress to ensure speedy trials of criminal defendants. The Speedy Trial Act of 1974, which applies only to federal courts, lays down certain time limits within which prosecutions must be brought to trial. Beginning July 1, 1975, federal prosecutors must officially charge a defendant, by indictment or information, within 60 days of the date on which he was arrested or summoned. He must be arraigned for the taking of his plea within 10 days of the official charge and brought to trial within 180 days of his arraignment. Certain exceptions to this rigid schedule are recognized; but, on the whole, the Act is quite strict in its provisions. Sanctions can be applied to dilatory prosecutors and defense counsel, and charges may be dismissed for unreasonable and unexcused delay.

Finally, reference should be made to LEAA's recent efforts to develop court planning units for every state court system. The benefits of such a system have been shown in the state of Alabama, which unified its trial courts two years ago. Since that time, the Alabama trial courts have reduced their backlog by 15 percent, although there has been a 32 percent increase in the number of new cases filed. The appellate courts have eliminated their backlog. Extension of organizational and administrative reforms to other states could greatly aid in reducing court congestion.

II. New Developments in Corrections

In the United States the term corrections refers to institutions, agencies, and programs whose purpose is to remove the probable causes for a convicted offender's engaging in criminal behavior and thus to bring about the offender's return to the community as a law-abiding citizen. The major forms of correction presently are incarceration and community-based treatment and rehabilitation programs.

The older forms of community-based treatment are probation and parole. In the early 1960's, community-based programs, in such forms as "halfway houses" to aid released convicts in their return to society, and various kinds of community centers for delinquents and offenders, gained increasing popularity. The main characteristic of the 1970-75 period was the still-increasing acceptance of these programs rather than the development of something radically new.

Of particular importance for understanding the American system of corrections, and more particularly imprisonment, is the distinction between incarceration of the convicted offender and incarceration of the offender prior to the final disposition in his case. Incarceration before the trial or between the finding of guilt and the sentence is referred to as detention. The typical English-American institution for detention is the jail, usually operated by local government, which holds persons serving relatively short sentences as well as those awaiting trial. Houses of detention, a newer development in the United States, are intended to house only persons being detained and not those serving sentences. The main purposes of detention are to secure the availability of the offender for trial or for sentencing, often while an investigation is being conducted.

Incarceration usually performs several functions. To some extent, the threat of incarceration may deter persons from engaging in criminal activity. Concerning the individual offender, on one hand, it is used as a punitive sanction in the sense of punishing him by taking away his freedom; on the other, it is an incapacitating measure, as it is impossible for him to commit further offenses while he is in prison. Finally, from the end of the nineteenth century until the present time, incarceration has tended to be interpreted primarily as a treatment measure. Just as in medicine the effort is concentrated on the removal of the causes of the disease, so in corrections it has been thought that the effort should be directed toward the removal of the reasons for criminality or delinquency. Very recently, the other functions of incarceration have been regaining respectability as well.

Current Problems in Corrections

As this paper has emphasized, the years 1970-75 represent further development of many trends in American corrections which had begun somewhat earlier. The main issues of the present quinquennium have been:

1. Skepticism about effectiveness of corrections to the extent of questioning the treatment model itself. There has been a corresponding emphasis on the need to evaluate all correctional measures, conventional as well as experimental.

2. Even greater skepticism about the effectiveness, as a rehabilitative device, of incarceration in various forms of the conventional prison.

3. A great deal of concern about prison riots.

4. Much uncertainty as to what should be done with offenders in terms of crime control, uncertainty already described in Chapter 3 as one of the two major components of the national concern about crime.

5. Enthusiasm for community-based treatment of offenders.

6. A new perception of the limits of the administrative powers of correctional agencies and recognition of the rights of the convicted offender.

Skepticism about Corrections in General

One of the reasons for the increasing skepticism about the effectiveness of the correctional treatment of offenders has been the steadily increasing crime and delinquency rate. An increasing crime rate should not in itself be directly associated with the effectiveness of the crime control programs. Other factors could be responsible for an increase in criminality even with the quality of correctional programs remaining the same or improving.

More serious is the fact that crime control programs have not been markedly successful even as measured by a more relevant criterion of effectiveness--the continuation of criminal careers in spite of correctional efforts. Although available statistics of crime for the most part do not allow accurate measurement of the effectiveness of correctional programs, the simple fact of a high rate of recidivism does seem to raise a rather serious question which merits concern. A statistic which appeared in the end of the 1960's and continues to be cited is that over 80 percent of all felonies in the United States are being committed by persons who had previously been convicted of a felony many of whom had therefore been exposed to some kind of correctional treatment program. This is, of course, very damaging evidence about the effectiveness of correctional programs.

A number of studies, such as one on offenders involved in federal probation programs, have concluded that the correctional treatment which these "probationers" receive does not seem to have any effect on their future involvement in criminal activities. Moreover, many claims of correctional programs that their clients' recidivism rates were extremely low have been negated by evidence that these programsms were handling very selected grops of offenders; that is, offenders who would not have engaged in crime again even if they had not been treated at all.

Thus, a general attitude has developed to the effect that current correctional measures do not produce any positive results. At the very least, this attitude suggests much more cautious reliance on corrections as a means of preventing further criminal behavior.

Skepticism about Imprisonment

Along with this general skepticism about corrections, there is a deep and widespread disenchantment specifically with the correctional effectiveness of imprisonment, the mainstay of all crime control programs for well over a century. Rational analysis of imprisonment has led many persons to question whether the practice of confining virtually thousands of offenders together in a prison and its institutional atmosphere can ever be a means for teaching them how to live and get along with others in an open community.

Currently etiological theories of criminality, such as the theories of criminal or delinquent subcultures, differential association, or the role of the self-concept as an outlaw or a "bad boy," suggest that commitment to a prison may be the worse way to handle a convicted offender, a way which would seem to confirm him in a continued criminal career. These theoretical considerations, coupled with the poor recidivism statistics, have led many persons to urge the abandonment of a system based on incarceration and the substitution of community-based treatment and rehabilitation.

This attack on incarceration and the demand for its abolition has disregarded a number of important considerations. First, prisons serve not only the purpose of correction but also provide punitive sanctions and serve as an effective means for incapacitating the offender. Whether prisons can be abolished in the face of the need for the performance of these other functions remains unanswered and even undiscussed by most of the proponents of abolition. Second, no rationally planned and adequate program has been proposed or developed as a substitute for incarceration. And third, the substitute most commonly suggested or implied--granting the offender freedom in a community-based treatment setting--has not been tested and demonstrated to be an effective substitute. Thus, the question of imprisonment has not been resolved during this period. It appears that the more cautious and conservative view, which holds that too many offenders are presently being held in the prisons and that a certain percentage of these could be handled as effectively by other correctional methods, is well justified. What that percentage should be and how cases should actually be selected for other treatment remains to be determined. But incarceration probably will remain indispensable for a certain part of the offender population, so that a demand for the abolition of all prisons is not wise.

Prison Riots

The many prison riots in this period have accentuated the problems of the prisons. Nothing new in the history of the United States, such riots have shown a marked tendency to occur in waves at certain periods of time, such as the early 1930's, the early 1950's and now the early 1970's. The most dramatic riot of this period took place at the New York State correctional facility at Attica in 1971, and resulted in the death of a large number of inmates as well as of personnel. As with all periods of prison riots, the present wave has its own unique characteristics.

Techniques employed in these recent riots have included the taking of hostages, who at times have been harmed or even killed. When hostages are taken, the main concern of the prison administration and of the public authorities is of course to rescue them and to quell the riot in such a way that they remain unharmed. This concern has produced extensive literature on how to handle hostage situations. Some theories emphasize quick and decisive action; others express preference for negotiations leading to compromise and acceptance of some of the rioters' demands.

Another characteristic of recent riots has been the almost inevitable effort of the rioters to appeal over the head of the prison administration to higher authorities in the state, to the mass media, and to public personalities known for their sympathy for inmates and for the improvement of prison conditions.

As might be expected, public reaction to such riots is quite varied. On one hand, some persons believe that riots show that the prison is an outmoded institution and should be abolished, or at lease that the management must be radically changed. In fact, it is even stated that prison "rebellion" is a more accurate term for such phenomena than "riot." On the other hand, many persons hold that such phenomena express only impudence on the part of the offenders who are producing the current increase in criminality and juvenile delinquency, who are responsible for the unsafe streets, and who continue their antisocial activities even when placed in prison.

Between these two extremes stand many prison administrators, who view the riots as another problem which must be handled by the most appropriate methods that would insure the continued operation of the institutions and at the same time satisfy the concerns of the general public, legislators, and professionals involved in crime control.

Prison riots have unquestionably performed the function of calling attention to outmoded practices and outright abuses existing in the prison system. The nature and extent of such abuses and the nature of effective remedial actions remain fully to be determined. On the other hand, the riots have had the negative effect of making prison administrations riot-weary and apt to give more attention to security than may be desirable for the effectiveness of their correctional programs.

The Rights of the Convicted Offenders

In broader perspective, the prison riots are often viewed as one element of a general movement since the 1960's to protect basic individual rights guaranteed by the constitution. The quest to correct discriminatory limitations on the rights of minorities has extended to various correctional institutions, as prisoners are viewed as another minority group. This view is made more plausible by the fact that racial and ethnic minorities are disproportionately represented in offender populations by comparison with the population in general.

The reports of the National Advisory Commission on Criminal Justice Standards and Goals have very clearly formulated a position which reflects the general trend of thought in this period that the "convicted offender should retain all rights that citizens in general have, except those rights that must be limited in order to carry out the criminal sanction or to administer a correctional facility or agency."

Some of the more generally recognized rights of prisoners are those of access to the courts, access to legal services, access to legal libraries, healthful surroundings including medical care, protection against personal abuse at the hands of staff and other inmates, nondiscriminatory treatment, and uncensored mail. All offenders, whether in prison or in community-based treatment programs, are entitled to protection of these rights. But the claim of violation of offenders' rights is especially asserted in the prisons and was one of the basic complaints during recent riots.

Political Interpretation

There has been a tendency, in some circles at least, to associate inmate protests and unrest with the civil disturbances and riots which took place in the last decade in connection with discrimination against minorities. As with these civil disturbances, some persons have interpreted the prison riots as a political phenomenon. Under the given circumstances, they claim criminal acts--especially those committed by members of minority groups--should be viewed as political offenses directed at injustices suffered by racial and ethnic minorities. This view would include the poor, regardless of racial or ethnic background, as a minority group. Although this particular interpretation does not appear to be very widely shared, it should be taken into consideration by anyone attempting to analyze and understand developments in crime control in the beginning of the 1970's.

Innovations in Institutional Correctional Programs

The picture of the early 1970's would not be complete without some attention to promising innovations in institutional correctional programs. Even while the importance of the institution's role in punitive sanctions, incapacitation of offenders and general deterrence was coming to be recognized, continuing efforts were made to improve programs to rehabilitate inmates.

Mutual agreement (contract release) programs have developed from a study beginning in 1971 which was funded by the U.S. Department of Labor and managed by the American Correctional Association. Such programs involve developing a written agreement between an inmate, corrections officials, and the parole board, so that each party's obligations are clearly understood. The inmate, who participates voluntarily, agrees to specific educational/vocational and behavior goals. The department of corrections agrees to provide training programs or secure them from community agencies. The parole board agrees to make early release decisions and to state what the inmate need do to achieve parole. The program places accountability on all parties and includes third-party binding arbitration. The mutual agreement program is seen as a management tool which involves the inmate to the maximum extent possible. Ten states are now operating such programs, and ten others are in the process of implementing them.

Another innovation is the creation of administrative remedy facilities, such as ombudsmen or grievance committees, in many correctional systems. Such facilities provide an opportunity for adequate handling of grievances before they reach the crisis stage. They can also reduce the number of suits brought by prisoners in state and federal courts to obtain redress of grievances.

The U.S. Bureau of Prisons has modified its institutional treatment program in many ways in line with recent thinking on rehabilitation. These modifications include new architectural design, a much more liberal furlough policy, functional unit management, and experimentation with so-called co-correctional programs in which men and women offenders are housed in the same institution and share programs.

Another important development is the gradual increase of racial and ethnic minorities among the professional personnel. This development came about in part as a result of the nationwide program to encourage the hiring of minority groups. This development may also increase the effectiveness of correctional programs, since minority offenders may be better understood by and respond more readily to counselors of their own cultural background.

Community-Based Corrections

In the midst of the rising national concern about corrections and especially prisons, community-based programs represent one development which offers some hope of success. Although the term "community-based corrections" is widely used, there is still considerable confusion about its precise meaning. This term can best be grasped by focusing attention on the frequency, duration, and quality of the relationships between a program's staff and participating offenders, and the community in which it is located. If an offender comes from outside the program community, relationships need to be considered with both the program

community and the offender's own community. These offenders and staff relationships with the community provide a basis for the establishment of services for the offender in the community. Generally, as frequency, duration, and quality of community relationships increase, the program becomes more community-based.

Community-based programs are many and diverse. They include furlough programs operating out of institutions, halfway houses after an offender has served time in an institution, group homes and foster homes in lieu of incarceration, nonresidential services while the offender lives at home, and the traditional models of probation and parole.

It is difficult to obtain reliable national data on developments in community-based programs because the quality and type of date reported vary greatly from state to state and because there is frequently a time lag of three to five years between the taking and final reporting of a census.

However, the following data should shed some light on the current situation pertaining to the new community-based programs exclusive of the traditional measures of probation and parole. A recent national documentation of children in custody, published in 1974, analyzes data gathered during 1970-71. Although there is supposedly a trend toward community-based programs, it is interesting to note that as of June 30, 1971, only approximately 2 percent of the committed juvenile delinquency population was in halfway houses or group homes. Moreover, the number of states planning to increase their training school populations is about the same as the number of states planning to depopulate their institutions.

A study of adult community treatment programs as of February 1971 showed that of the 46 departments reporting, just half (23) had community treatment programs. The total number of offenders in such treatment programs was 4,143, ranging by state from 10 to 437. Even the highest figure, 437, represented only 2 percent of that state's total prison population. Work release, another effort at constructing positive community linkages, is permitted in approximately 31 states. It should be clear, then, that while there is a movement toward community-based corrections, in most states the number of adult offenders being handled in community settings is very small in relation to the prison population.

The adult corrections system has undergone considerable strain over the past five years, as opposing correctional strategies, in part reactions to the recent prison riots, have pulled it in different directions. A first reaction has been to argue for more security, especially in terms of creating mini/maxi prisons. Consistent with this approach is a growing concern about furlough and work release programs. The concern arises out of doubts that selection procedures are sophisticated enough to prevent high-risk offenders from participating.

A competing correctional strategy has gained some support as a result of the Attica riot. To many observers, Attica all too clearly illustrated the dangers of institutionalization both for inmates and for correctional personnel. For those who generally supported the movement toward community corrections before Attica, the riot has heightened the sense of urgency for bringing more funds and energies to bear on developing innovative community-based programs.

The "right to treatment" and its obverse, the "right not to be treated," have also produced strains on the development of community-based programs in adult corrections. Some argue that provision of a humane setting in which to serve time as payment of a debt to society is all that is required of the state. The notion of parole is coming under heavy attack as being excessively custodial in nature while serving little or no rehabilitative function.

The adult community-based corrections movement at present appears to be consolidating around work release, furloughs, and halfway houses, while some pretrial diversion experiments are being carried out.

The youth area of community-based corrections has also undergone strain, but more experimentation has been attempted here. In the last five years, several states have focused upon deinstitutionalization-reducing the number of juveniles in institutions. A few states are talking about closing down some of all of the existing training schools.

The most radical and far-reaching experience with deinstitutionalization to date is that of the state of Massachusetts, where in 1972 the training schools were closed. In their place was established a community-based system comprising a large number of diverse, privately-operated programs.

Statistics are some measure of the magnitude of change occurring in Massachusetts. In 1971, only 6 percent of the committed nonparole population had any routine contact with local communities. On a typical day in June 1974, 2,300 youth were in the active care of the Department of Youth Services. Forty-one percent were on traditional parole, and 59 percent were in some sort of placement. Taking the latter group and breaking it down further, we find 9 percent in secure care, 28 percent in group homes, 12 percent in foster care homes, and 51 percent in nonresidential services.

Preliminary data from a comprehensive study of the Massachusetts reform efforts suggest that youth are responding more favorably to the new system and that they appear to be doing better in terms of reintegration into the community. However, while it is true that deinstitutionalization has been adopted by many states as a desirable goal, other states are continuing to build new institutions.

Another example of the nationwide push for community-based corrections is a program of the U.S. Bureau of Prisons, which now operates 16 community treatment centers and uses the services of more than 200 contract facilities. The number of offenders participating in these programs has more than doubled in the past five years.

Although the debate over community-based corrections has not concluded, the major issue now is not so much whether there ought to be community-based programs, but who should participate in the programs, who should operate them, and how their results can be monitored and measured.

Accreditation in Corrections

The American Correctional Association's lengthy effort to promote accreditation of correctional agencies came to fruition in 1974, when the Commission on Accreditation for Corrections was established. In 1946, the ACA had published its first Manual of Correctional Standards in response to the quest of its membership for improvement of correctional services through the formulation of appropriate standards. This publication has been revised four times, most recently in 1966. With the 1966 publication, accreditation of correctional agencies and institutions, similar to the accreditation of hospitals and universities seemed likely to win acceptance. A Ford Foundation grant made possible the development of a means of self-evaluation by abstracting the major elements from the Manual of Correctional Standards. Finally, in 1974, with the aid of LEAA, the Commission on Accreditation for Corrections was established to carry out a program of voluntary accreditation of any agency requesting this service.

Accreditation is done by a combination of self-evaluation and evaluation by a committee of experts. The twenty-member Commission represents all major phases of corrections and operates as an independent agency, although its members are elected by the members of the American Correctional Association. The program has just begun but it has great potential for improving the quality of correctional services. In all likelihood such a program will be extended to the entire area of criminal justice.

The National Institute of Corrections

Although its true impact still lies in the future, the National Institute of Corrections should not be omitted from any discussions of corrections in the early 1970's. Established informally in 1972, the Institute was given statutory authorization in 1974 in the Bureau of Prisons within the Department of Justice. It is intended to serve as a national focus for improvement in corrections. Technical assistance and training of criminal justice personnel, as well as correctional research and evaluation, are among its major objectives.

The Standard Minimum Rules

The topic of Standard Minimum Rules for the Treatment of Prisoners is of special interest to the delegates of the Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders as a project worked on and approved by the First Congress in 1955 and further discussed at subsequent Congresses. It has been strongly endorsed by the United Nations. Implementation of these Rules by the member nations is therefore of special interest. Since substantial steps have been taken toward the implementation of the Rules in the United States during the period under discussion here, a detailed statement on the subject is presented.

During the long history of prisons, there has been a continuing search for a generally acceptable body of principles or standards to guide their operation and management. In October 1870, the National Conference on Penitentiary and Reformatory Discipline, convened in Cincinnati, Ohio, adopted such a set of standards in the form of a Declaration of Principles which were to remain virtually unchanged for nearly a century. They were revised by the American Correctional Association in 1970 primarily to take into account major developments in the field of corrections not anticipated by the framers of the original Declaration.

The Declaration of Principles of 1870 had an important influence upon the work of the International Penal and Penitentiary Commission (IPPC), which provided international leadership in prison reform for more than 80 years. In 1926, the IPPC adopted the first formulation of the Standard Minimum Rules for the Treatment of Prisoners. These Rules were revised in 1933 and again in 1951. When the IPPC's functions were transferred to the United Nations, a further revision of the Rules which had been initiated by the IPPC was approved by the First United Nations Congress on the Prevention of Crime and

Treatment of Offenders in 1955. On July 31, 1957, the Economic and Social Council invited member governments to give favorable consideration to adopting the Rules and applying them to the administration and operation of their correctional institutions.

Since that time, the Secretary General of the United Nations has twice sought information from member governments about the extent to which the Rules have been implemented. The first such inquiry transmitted in the fall of 1967 produced only fragmentary data from the United States. Since there was no available machinery through which the data might be obtained from individual states and the District of Columbia, the American response was based largely upon the experience of the U.S. Bureau of Prisons and hence was not necessarily representative of the efforts throughout the country.

When on May 14, 1974, the Secretary General addressed a second inquiry to all member states, the United States undertook a serious effort to obtain more comprehensive data about implementation of the Rules in the United States. With the approval of the Department of State, the American Bar Association's Commission on Correctional Facilities and Services made available staff services for a 50-state survey, which was jointly sponsored by the Association of State Correctional Administrators, the American Correctional Association, and the U.S. Bureau of Prisons. The result was a composite survey, the findings of which were published by the American Bar Association's Commission. The summary which follows draws upon the Commission's report to the U.S. Department of State.

Full responses were received from 48 states, the Commonwealth of Puerto Rico, the District of Columbia, and the U.S. Bureau of Prisons. The Commission Staff concluded that the composite report provided a fair picture of the implementation of the Rules. The survey, however, did not provide data on the influence of the Rules on pretrial detention practices, since the large majority of pretrial detention facilities are not administered or controlled by state correctional agencies but by local government units.

The responses had a second limitation, since they were self-reported assessments and subject to differences in interpretation of the questions included in the questionnaire. This situation is not, of course, unique to the United States and may well be true with respect to responses of other member states.

Although the survey indicates that the Rules have not had a significant and direct impact upon prevailing laws or administrative regulations, nonetheless the guaranties of the Rules are largely embodied in this country's prison laws and regulations. That this should be true is not especially surprising, since it was the intent of the Rules, "...on the basis of the general consensus of contemporary thought....to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions." The role of the American

Correctional Association in promoting the adoption of such principles and practices through the publication of successive editions of its Manual of Correctional Standards has undeniably influenced the adoption of standards which are wholly consistent with the international Rules.

The availability of the ACA Standards and those promulgated by other professional organizations also appears to account for the fact that the survey revealed only limited use of the Rules for staff training in American corrections. It is significant, moreover, that though few states were making plans for formal implementation of the Rules, nearly half of the reporting jurisdictions reported that work is in progress for the adoption of standards which are in harmony with those provided by the Rules.

A summary of the survey findings indicates that in the 51 reporting jurisdictions, 78 percent of the Rules have been fully implemented; 14 percent partially implemented; 4 percent recognized in principle. Another 4 percent were regarded as inapplicable.

The failure fully to implement a number of the Rules in the United States, as in many other countries, often is a function of institutional overcrowding or lack of necessary physical or manpower resources. Thus, for example, 55 percent of reporting jurisdictions indicate problems in meeting the standards regarding the accommodation (housing) of prisoners because of physical limitations or crowding of institutions. Twenty-eight percent do not fully implement the Rules regarding exercise and sports as these relate to prisoners under maximum custody; 39 percent are unable to implement standards relating to medical services; and 31 percent report inability to implement inmate work standards because of budgetary problems in providing equitable remuneration or adequate training of inmate workers.

The responding jurisdictions were on the whole quite candid in identifying problems in implementing the Rules and in reporting less than full implementation where such situations existed. Moreover, as states implement institutional standards recommended by the National Advisory Commission on Criminal Justice Standards and Goals, and as the program for voluntary accreditation of correctional agencies gains momentum, the gaps in the implementation of the international Rules will be substantially reduced.

It is also noteworthy that the states' self-assessment in response to the U.S. questionnaire has resulted in their recognition of the relevance of the rules for contemporary correctional practice. The State of Connecticut has adopted the full text of the Rules as a preamble to the Administrative Directives of its State Department of Correction. The Governor of South Carolina by executive order, has charged the director of corrections with implementing those Rules not in conflict with the state constitution or statutes. The

Governor of Ohio has signed a similar executive order, and comparable steps have been taken in the states of Nevada and Illinois. The Association of State Correctional Administrators is urging all states to take similar action prior to the Fifth United Nations Congress in September 1975.

Growing state interest in the Rules, it should be noted, is largely the result of the efforts of voluntary nongovernmental agencies who have given the international standards much greater visibility in recent years.

Most Recent Developments

In the last months of the quinquennium between the two United Nations Congresses, the United States took steps to implement many of the reforms proposed in recent years, especially those concerning prisons. The most direct statement indicating such reform came from the Director of the United States Bureau of Prisons in April 1975. A number of bills are presently pending in state legislatures, recommending similar changes in policy and reorganization of the present correctional system.

At this moment one can only extrapolate what the basics of the new policies will be. It appears safe to state the following:

1. There is increasing acceptance of the theory that the most promising approach to reducing crime is to aim at swift and certain incarceration of serious offenders. It is believed that this approach will deter potential criminals and incapacitate the recidivist who would otherwise be committing additional crimes. One reason for adopting this approach to reducing crime has been the apparent failure of rehabilitation to have any effect on preventing recidivism. A massive study by Robert Martinson concluded that: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism."

2. There appears to be a strong tendency to limit rehabilitation programs to those inmates who are willing to be treated.

3. Indeterminate sentences are being criticized. Fixed and shorter sentences are being recommended.

4. The abolition of parole is being advocated. It loses its justification with regard to offenders who are not involved in rehabilitation programs.

5. There is continuing emphasis on conducting rehabilitation in community-based programs.

12. New Developments in Juvenile Justice

Juvenile delinquency occupied the spotlight in the years 1970-75 only at the very end of the period, when the Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974, creating the Office of Juvenile Justice and Delinquency Prevention within the LEAA in the Department of Justice. But this statement should not be interpreted as meaning that no important developments took place or that juvenile delinquency was not a significant problem.

Developments in juvenile justice will be summarized under two headings: the legal structure of the juvenile justice field and programmatic developments.

Like the labelling theories originating in the last decade, radical criminology, instead of focusing on the officially-designated criminal, concentrates on the decision-making process which defines certain forms of behavior as criminal and on the process of selecting certain law-breakers for official identification as criminals. It is alleged that the label of criminal is distributed in ways that uphold the established order and do not threaten the life styles of those who are in power. This highly-political theory asserts that nearly all crimes in capitalist societies represent responses to capitalist institutions, attempts by offenders to survive in a precarious economic situation generated by the capitalist order. According to this theory, the crime problem can only be solved by the collapse of capitalist society and emergence of a new society based on socialist principles.

These teachings stand in sharp contrast to recent efforts to diminish crime by strengthening crime control. As might be expected, this theory has had very little impact on action programs, although it may have had some influence on a few correctional programs and on efforts to decriminalize offenses and divert offenders from the usual criminal justice process. It should, however, be kept in mind that the radical criminologists' support of decriminalization and diversion does not stem from their desire to improve the current criminal justice system, but rather from a total negation of that system and from their approval of saving any individual from its impact. Some of the current emphasis on white collar crimes and corruption may be related to this theory, although the Watergate scandal and its after-effects have been a far more significant influence.

The Legal Structure of the Juvenile Justice Field

The classical model of the juvenile court, which dominated the juvenile justice field in the United States for almost 70 years, was seriousely challenged for the first time in 1967. That spring, the U.S. Supreme Court ruled in In re Gault that juveniles were entitled to certain due process protections in juvenile court proceedings. At about the same time, the President's Commission on Law Enforcement and Administration of Justice recommended that youth service bureaus be established in communities to handle delinquent acts which are not criminal code violations, thereby diverting the handling of such acts from the juvenile courts.

In the ensuing years, many juvenile service bureaus were established and juvenile court acts modified to implement the guidelines for handling juvenile cases recommended by the President's Commission. Moreover, the Gault principles were reaffirmed and their application expanded by a number of later Supreme Court decisions.

Etiological theories of juvenile delinquency first developed in the 1960's were further enhanced by concern for the rights of the juvenile offender. This latter concern was obviously a reflection of this country's emphasis since the 1960's on the constitutional rights of minorities and the basic civil rights of the individual, transplanted into the setting of the juvenile court.

These changes have considerably altered the classical model of the juvenile court. Originally, it was supposed to be an informal court. It played the role of parens patriae. All juveniles up to a specified age were to be considered incapable of criminal offenses. Therefore the distinction between status offenders and criminal code violators was meaningless. All juvenile delinquents were to be handled as young people whose socialization showed symptoms of failing and who therefore were adjudicated to undergo treatment in institutions, on probation, or in foster homes. Since there was no concept of crime in this model, due process was not applicable. Referral to the juvenile court was interpreted in terms of rehabilitative treatment, with the juvenile court judge as a treatment expert whose expertise was to be supplemented by additional treatment personnel. But it was necessary that this expert be a court judge, with the authority to prescribe mandatory treatment, since otherwise the juvenile and his family could refuse treatment to correct his harmful behavior.

This model has now been changed. It is now considered inappropriate for a court to deal with youth who commit specifically juvenile offenses (e.g., truancy, running away, and the like, the so-called status offenses). When a juvenile has committed criminal code offenses, however, it is recognized that he should be dealt with in a court, where the heretofore informal procedures must now meet due

process standards. The handling of these juvenile offenders has thus to a considerable extent been removed from administrative discretion and returned to the judicial process.

Programmatic Developments

What should be done with the juvenile after he has been adjudicated a delinquent? The great variety of proposals and programs developed in this period in response to this problem can be subsumed under two headings similar to developments in the adult field: diversion and alternatives to institutionalization.

Diversion

Diversion refers to whatever the family and the juvenile agree to do in order to prevent repetition of the juvenile's delinquent activities, without involving the juvenile justice system or the creation of a permanent record. The four models of diversion from the juvenile justice system suggested by Edwin M. Lemert - the school model, the welfare model, the law enforcement model, and the community organization model--help to structure the discussion of the wide variety of diversion methods currently being attempted.

The impact of etiological theories of delinquency, the current disenchantment with the effectiveness of all correctional treatment measures, and the chronic overload of the criminal justice system, including juvenile justice, have all contributed to the favorable attitude toward diversion.

Alternatives to Institutionalization

The same motives which moved the advocates of diversion are shared by those searching for alternatives to institutionalization of juveniles. As with adults, there was much experimentation in the early 1970's with community-based treatment as a means of avoiding incarceration and leaving the juvenile in the conventional community. These programs make a special effort to involve the offender with the community in which he resides, through such means as halfway houses, community treatment centers, clinical facilities of various kinds, and the conventional probation and parole programs.

Both community-based treatment and deinstitutionalization, especially those carried out in Massachusetts, are described in greater detail in Chapter 6 on Evaluations and Chapter 11 on Corrections.

13. White Collar Crime

There has been increasing attention focused on white collar crime in recent years. This has been prompted by a recognition of the enormous economic and social costs which such crime imposes on the general community.

It is estimated that white collar crime currently costs the public $40 billion annually, excluding the costs of price-fixing and industrial espionage. White collar crime involving governmental corruption is especially pernicious in a democratic society which relies heavily on voluntary observance of the law to maintain order. As Justice Brandeis of the United States Supreme Court once observed:

> "In a government of laws, existence of the government will be imperiled if it fails to observe the laws scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy."

Unlike street crime, white collar crime is primarily a federal responsibility. Complex fraudulent business schemes and sophisticated price-fixing agreements are beyond the capacity of most state and local law enforcement officials to detect. Consequently, the federal government has focused much of its law enforcement efforts on white collar crime. Much of this crime relates to fraud and bribery in connection with the distribution of government subsidies and the letting of government contracts.

The federal government is taking steps to increase the penalties for white collar crime. A bill to reform the federal criminal code would raise the maximum level of criminal fines to $100,000 for an individual and $500,000 for an organization. In addition, prison sentences are being sought for white collar criminals. There is a general recognition that the greatest deterrence to such criminals is fear of such a sentence.

Corrupt government officials have been a special target of federal law enforcement. Several federal officials in the legislative, executive, and judicial branches of government have been prosecuted in recent years. Numerous local governmental officials have also been the subject of federal prosecution. These law enforcement efforts are essential to restoring public confidence and trust in the fairness, integrity, and decency of our governmental officials and institutions.

14. Decriminalization

No major practical developments have taken place in the United States in 1970-75 in making noncriminal some behavior previously handled as criminal, although the topic has been widely discussed in the criminal justice community.

The motives behind the decriminalization movement are in part the same concerns about the crime situation which have been mentioned elsewhere in this overview. One of the major arguments is that the criminal justice facilities are presently so overburdened at all levels as to make adequate functioning extremely difficult. Both the President's Commission on Law Enforcement and Administration of Justice and the National Advisory Commission on Criminal Justice Standards and Goals fully acknowledged the significance of the overload problem.

A tremendous amount of time of criminal justice agencies, especially the police, is devoted to traffic control and traffic violations, alcoholism, drug traffic, and gambling. Alcoholism, drug use, gambling, and a number of other offenses such as various sex practices by consenting adults have been termed victimless crimes. It has been argued that the present congestion in the criminal justice system would be greatly reduced if victimless crimes were decriminalized. The police, prosecution, and the courts could then better concentrate their efforts on controlling serious crimes of violence and crimes against property.

It is also argued for this reform that the individual has a right to engage in the kind of behavior he chooses so long as his acts do not infringe upon the rights and wishes of another individual. Another argument in favor of decriminalization is the general disenchantment with the effectiveness of present programs of rehabilitation and the belief that involvement with criminal justice agencies -- especially in the case of a juvenile -- may actually be harmful and conducive to confirming him in a criminal career.

Still another argument is the belief that other types of treatment for some of the persons guilty of victimless crimes, such as medical treatment for alcoholics and drug addicts, are much more rational and offer much greater promise of preventing further problems. In the case of some drug violations, such as marijuana smoking, there is still considerable confusion about the harm actually done by the drug.

Current efforts to accomplish decriminalization have focused on the legalization of marijuana smoking, the elimination of the remnants of punitive sanctions and discrimination against homosexuals, and the transfer of treatment of alcoholic problems to medical facilities. These reforms would thus substitute medical, mental health, and welfare programs for what many today consider as the overreach of criminal law.

The decriminalization of certain offenses represents perhaps one of the most effective means of diverting offenders from the criminal justice system. The diversionary method usually refers to the substitution for conventional criminal procedures of some other program

for offenders. It achieves a reduction of the caseload of criminal justice agencies. It is, however, subject to the criticism that it violates the principle of equality of citizens before the law, since some offenders are handled in the conventional way and others are allowed to escape the legal consequences of their acts.

The topic of diversion has been referred to in several connections in this overview, especially under the heading of Juvenile Justice, since juveniles and young adult offenders are traditionally considered the most promising subjects for diversion.

15. Developments in Criminological Theory

Action programs to deal with crime are based on some theory of criminal behavior, in recent times usually an etiological interpretation. One instance of a very conspicuous and effective impact of theory on action was the effect of psychoanalytical psychology on the diagnosis and treatment of criminal offenders earlier in this century. Recently, one might cite the spectacular impact of the theories of anomie, opportunity structures and alienation. The theory of the joint illegitimate solution of problems held in common by youth had a remarkable impact in the 1960's on action programs in the area of youth crime. Since the discipline of criminology has traditionally been housed in the sociology departments of U.S. universities, it is primarily sociological theories that have influenced action programs in the area of crime.

In the 1970's the impact of criminological theory on operational programs has been much less than in the early 1960's. This is quite understandable, as the national concern about crime looked more to the suppression of crime by law enforcement than to the elimination of the causes of criminal behavior, which would have given prominence to the etiological theories. Thus, there have been few major innovations in criminological theory in the 1970's. The general emphasis on opportunity structure continues. The same applies to alienation and the problems of the minorities and the poor; and, of course, the labelling theory persists. Conservative and liberal criminology have continued their familiar stance of the 1960's, and the major innovation in the United States was perhaps the appearance of so-called radical criminology, which, however, has had very little impact on operational programs.

Victimology

Another school of criminological thought is generally referred to as victimology, a term which covers a rather wide array of issues which deal in some way with the victims of criminal acts. Thus such diverse topics as elaborate interpretational models of criminal behavior taking into account both the offender and the victim, and the simple proposition that the victims of criminal acts should be compensated for their losses are both included in what is referred to as studies in victimology.

Perhaps the essence of more radical theories of victimology might be described as interpretation of a criminal act as an interaction between the offender and the victim, in which each of the two plays a contributing role, rather than the conventional view that crime is the act and responsibility of the offender alone. While this interpretation obviously cannot apply to all criminal offenses, these victimologists have sought out many offenses which are victim-prompted or victim-facilitated.

Among the favorite examples cited by the victimologist is that of the person who leaves his car in the street with the key in the ignition, thus facilitating theft; or a rape allegedly resulting from the provacative behavior of the victim; or a family conflict resulting in a murder which appears to be the result of prolonged hostility and provocation on the part of both the victim and the ultimate offender.

The impact of victimology so far would appear to be twofold. First of all, victimology means a new etiological theory applicable to many criminal acts, a theory which explains criminal behavior in terms of the actions of both the offender and the victim. This etiology is pregnant with new possibilities for the prevention and control of criminal behavior.

In terms of action programs for reducing crime, victimology leads to various preventive measures that potential victims may take to reduce the liklihood of crime. The important concept of hardening the object of crime can be seen as the sequel of victimological interpretations. Typical examples of this approach are the pressure on potential victims to observe and improve the safety and security of their cars, their dwellings, or their persons in contacts with strangers. This type of crime prevention is not limited to advice to potential victims but has resulted in extensive research in the area of hardening crime objects, such as "defensible space." Thus planning and architecture are presently involved in attempts to reduce various types of burglaries and robberies. It is openly acknowledged that the victim plays a role in his own victimization, and that by taking certain steps, victimization can be reduced or even avoided.

16. Statistical Panorama and Trends

This section provides an overview of the extent of, and trends in, juvenile delinquency and crime in the United States, as reflected in the major statistical compilations presently available for the period 1970-1975. These are the Uniform Crime Reports, the reports of the National Crime Panel presenting victimization statistics, the National Prisoner Statistics, Jail Statistics, the Uniform Parole Reports, and the Juvenile Delinquency Statistics, including the Juvenile Detention and Correctional Facilities Census and Juvenile Court Statistics.

A brief description of each of these statistical compilations is given to characterize the nature, meaning, and limitations of the data provided by each. This paper's section on Information Systems gives an overall perspective and describes specific conditions in the United States affecting the compilation of crime data generally.

The data given in this section are those available for the nation as a whole either on a total universe or sample basis. Also available are many good statistical compilations for the individual states and urban and rural areas, which compilations are very important and have recently been considerably improved but cannot be dealt with here.

Police Statistics - Uniform Crime Reports

The main national source on the volume of crime and trends in this country is the Uniform Crime Reports (UCR), administered and produced by the Federal Bureau of Investigation of the U.S. Department of Justice, with the advice of the Committee on Uniform Crime Records of the International Association of Chiefs of Police. This statistical series was started in 1930 and is based on voluntary reporting by the police agencies of data available to them. Although coverage has increased considerably in the 45 years of its operation and a number of refinements in methodology have been introduced, the basic principles and guidelines of this collection have been retained. Thus these statistics offer a remarkable level of comparability over the entire period.

Although many types of data are included in the UCR, two major components are the statistics of arrests and of offenses known to the police. The data are submitted by the police agencies, generally on a monthly basis, either directly to the national UCR program or, in recent years, to a state uniform crime reporting agency which transmits the data to the national program. Throughout the year quarterly crime releases are published, and the data are published annually in the FBI publication Crime in the United States.

As a measure of the extent of crime and trends, the UCR makes use of the data available on seven offenses rather than on the total volume of criminality reported. On the basis of these seven offenses the Crime Index is computed, and these offenses are therefore known as Crime Index Offenses. They are murder, non-negligent manslaughter, forcible rape, robbery, burglary, larceny-theft, and motor vehicle theft. Most references to the UCR data on crime volume and trends are made in terms of this crime index, unless specifically qualified. Arrest data are collected for all crime categories.

The most current year for which comprehensive crime data are available is calendar year 1973. Thus for a five-year trend analysis, the period 1968-73 has to be considered. In 1968 there were more than 6,658,900 Crime Index offenses. During the following five years, this figure rose to more than 8,600,000. The intervening years illustrate some significant fluctuations in the incidence of crime. In 1969, the total number of Crime Index offenses rose 10 percent as compared to 1968. In 1970 crime increased 9 percent and rose 6 percent in 1971. However, in 1972 crime declined 4 percent. This unique reversal in trend lasted only one year. In 1973, crime again rose 6 percent. The growth of the national population during this same time span does not fully account for increases in the incidence of crime. Each year of this five-year period saw the population grow only about 1 percent per year on the average. In 1968, the U.S. population approached nearly 200 million persons. By 1973, the population was approximately 210 million.

During the five-year period, 1968-73, the volume of Crime Index offenses increased 30 percent. The violent crimes of murder, forcible rape, robbery, and aggravated assault increased 47 percent as a group. During this period the number of murders rose 42 percent; forcible rape, 62 percent; robbery, 46 percent; and aggravated assault, 48 percent. The property crimes of burglary, larceny-theft, and motor vehicle theft rose 28 percent as a group. Burglary increased 38 percent; larceny-theft, 25 percent; and motor vehicle theft, 18 percent.

The crime rate is calculated only on the basis of the Crime Index offenses. In 1973 the Crime Index rate for the United States was 4,116 offenses per 100,000 inhabitants. This was an increase of 24 percent during the five-year period 1968-73.

The number of offenses during 1973 was as follows: murder, 19,510; forcible rape, 51,000; robbery, 382,680; aggravated assault, 416,270; burglary, 2,540,900; larceny-theft, 4,304,400; and motor vehicle theft, 923,600.

According to preliminary figures, crime in the United States increased 17 percent during calendar year 1974 over 1973. Violent crimes such as robbery, forcible rape, aggravated assault, and murder, as a group, increased 11 percent. Robbery was up 14 percent,

while forcible rape and aggravated assault each rose 9 percent. Murder was up 5 percent. The property crimes of burglary, larceny-theft, and motor vehicle theft, as a group, increased 17 percent. Larceny-theft was up 20 percent; burglary, 17 percent; and motor vehicle theft, 4 percent. Crime in the suburban areas rose 20 percent and crime in the rural areas was up 21 percent.

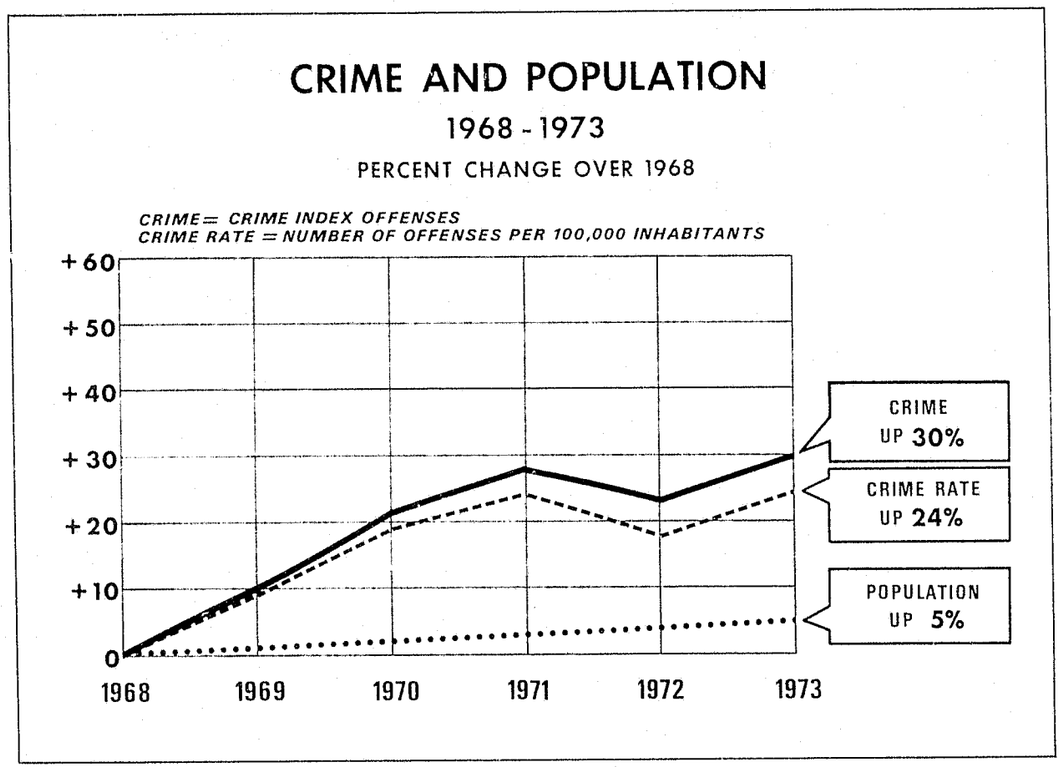
As to the arrest data, historically it has been established that only approximately 20 percent of the Index Crimes are cleared by police through arrest. Data are collected concerning the age, sex, and race of the persons arrested. It is possible that more than one person can be arrested for committing the same offense, in which case only one offense is cleared.

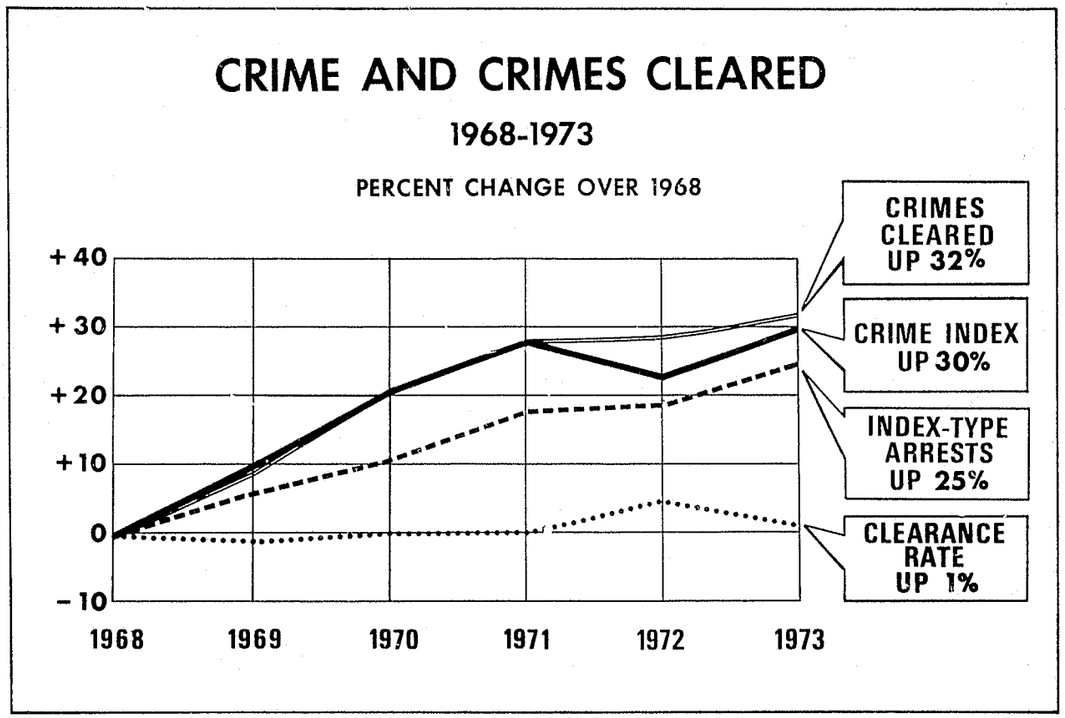
During the five-year period, 1968-73, arrests for Crime Index offenses increased 25 percent. During the period, those arrests in the under 18 age group rose 13 percent, while the 18 and older age group experienced a 36 percent rise.

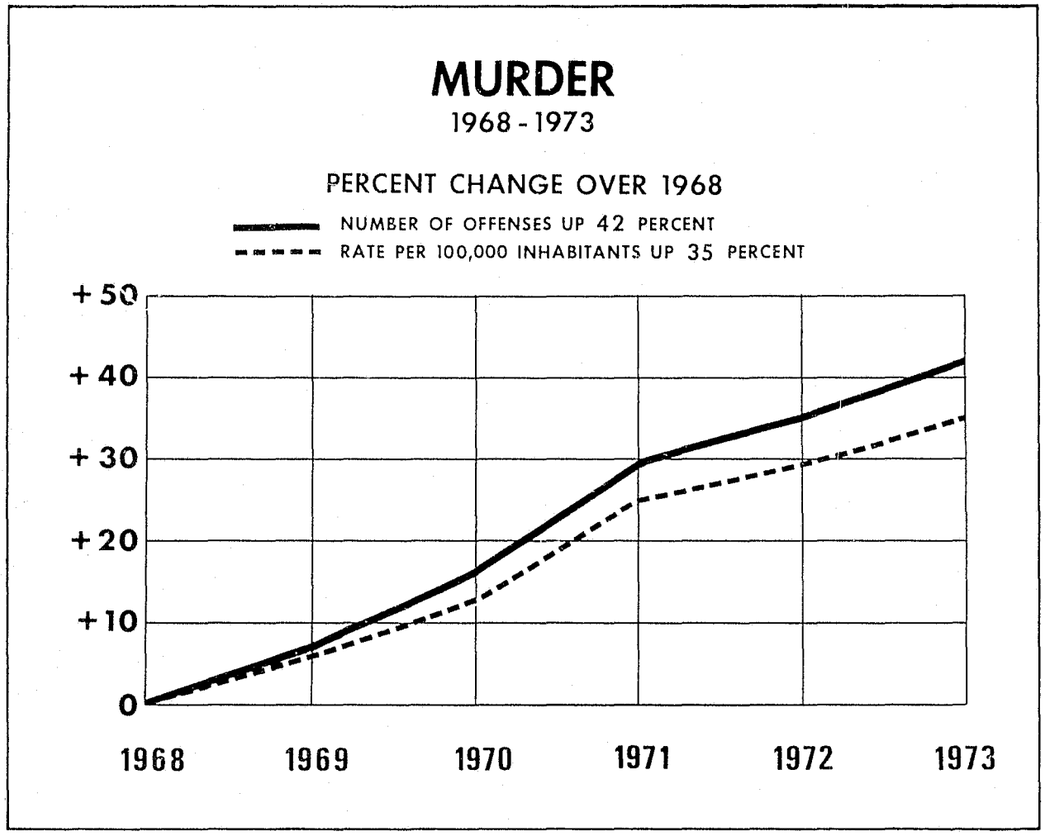
In this five-year period there was a significant increase in the number of arrests of females. Arrests for young females under 18 years of age increased 35 percent, while arrest for males in this age group rose only 10 percent. These percentages reflect the trend of arrests for all offenses in the younger age group. When arrests for only Crime Index offenses are considered in relation to the total male/female population, it was found that during this five-year period, male arrests increased 8 percent while female arrests rose 53 percent.

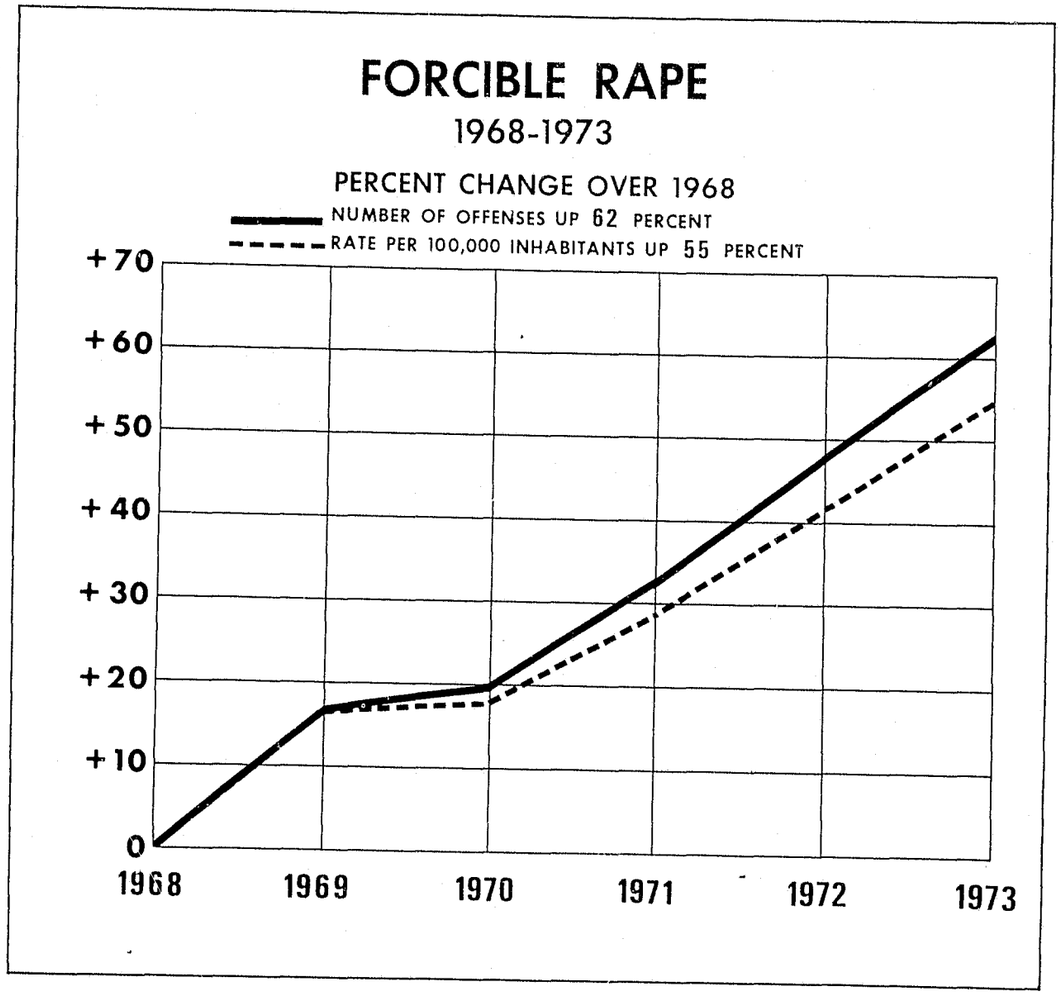
Arrest data indicate that persons under the age of 18 contribute substantially to the overall crime problem in the United States. In 1973, 45 percent of all persons arrested for Crime Index offenses were under the age of 18. The under-18 group accounted for 10 percent of the arrests for murder, 20 percent of the arrests for forcible rape, 34 percent of the robbery arrests, and 17 percent of the arrests for aggravated assault. This group's percentage of arrests in connection with burglary - breaking and entering, was 54 percent; larceny-theft, 48 percent; and motor vehicle theft, 56 percent. Seventy-five percent of all arrests for the above criminal acts were of persons under the age of 25.

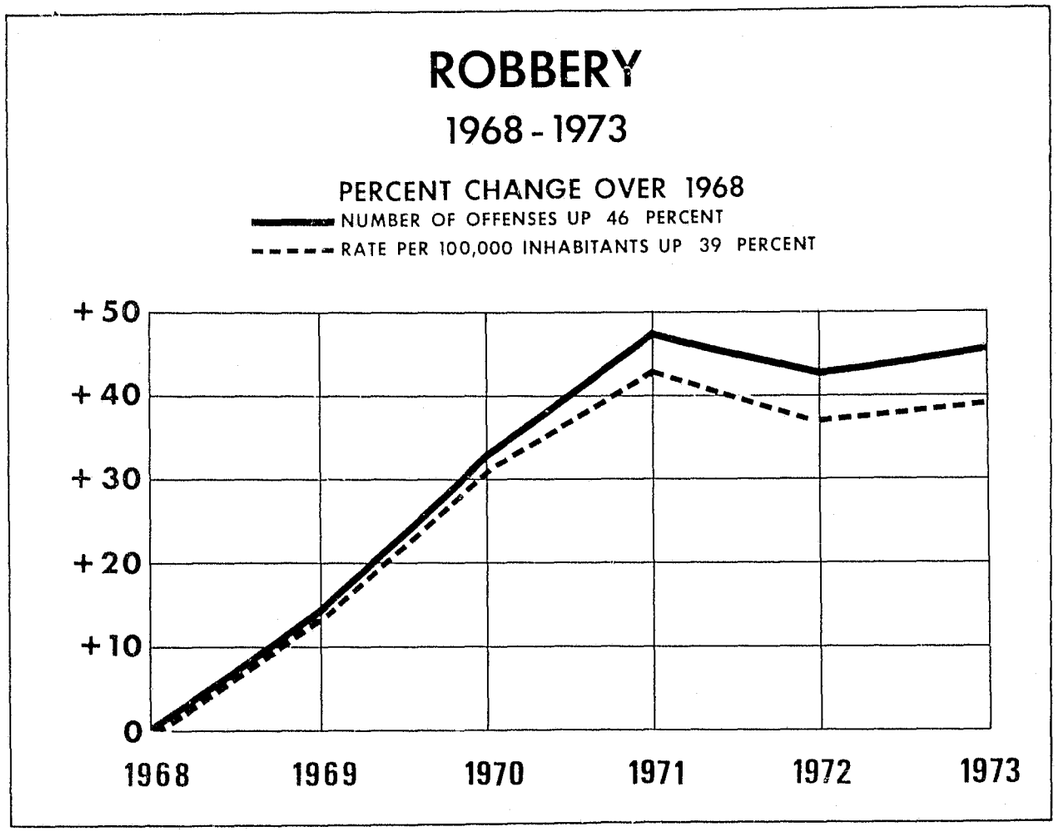
The following charts illustrate some of the above trends in graphic form.

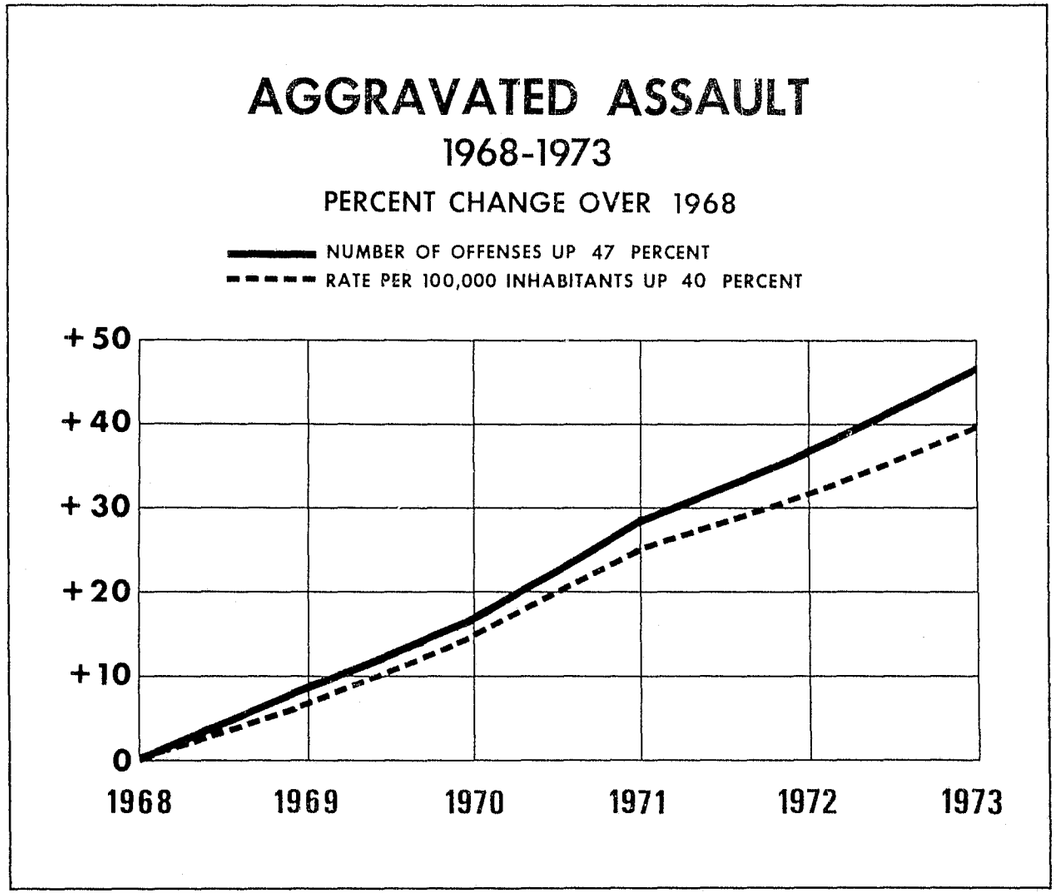

CRIME AND POPULATION
1968 - 1973
PERCENT CHANGE OVER 1968
CRIME= CRIME INDEX OFFENSES
CRIME RATE = NUMBER OF OFFENSES PER 100,000 INHABITANTS
+60
+50
+40
+30
+20
+10
0
1968
1969
1970
1971
1972
1973
CRIME UP 30%
CRIME RATE UP 24%
POPULATION UP 5%


CRIME AND CRIMES CLEARED
1968-1973
PERCENT CHANGE OVER 1968
+40
+30
+20
+10
0
-10
1968
1969
1970
1971
1972
1973
CRIMES CLEARED UP 32%
CRIME INDEX UP 30%
INDEX-TYPE ARRESTS UP 25%
CLEARANCE RATE UP 1%


MURDER
1968 - 1973
PERCENT CHANGE OVER 1968
NUMBER OF OFFENSES UP 42 PERCENT
RATE PER 100,000 INHABITANTS UP 35 PERCENT
+50
+40
+30
+20
+10
0
1968
1969
1970
1971
1972
1973


FORCIBLE RAPE
1968-1973
PERCENT CHANGE OVER 1968
NUMBER OF OFFENSES UP 62 PERCENT
RATE PER 100,000 INHABITANTS UP 55 PERCENT
+70
+60
+50
+40
+30
+20
+10
0
1968
1969
1970
1971
1972
1973


ROBBERY
1968 - 1973
PERCENT CHANGE OVER 1968
NUMBER OF OFFENSES UP 46 PERCENT
RATE PER 100,000 INHABITANTS UP 39 PERCENT
+50
+40
+30
+20
+10
0
1968
1969
1970
1971
1972
1973


AGGRAVATED ASSAULT
1968-1973
PERCENT CHANGE OVER 1968
NUMBER OF OFFENSES UP 47 PERCENT
RATE PER 100,000 INHABITANTS UP 40 PERCENT
+50
+40
+30
+20
+10
0
1968
1969
1970
1971
1972
1973

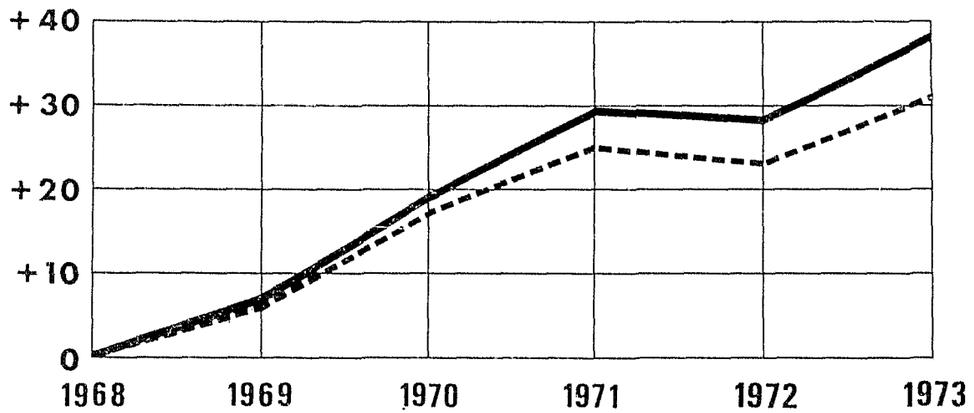
BURGLARY

1968-1973

PERCENT CHANGE OVER 1968

NUMBER OF OFFENSES UP 38 PERCENT

RATE PER 100,000 INHABITANTS UP 31 PERCENT



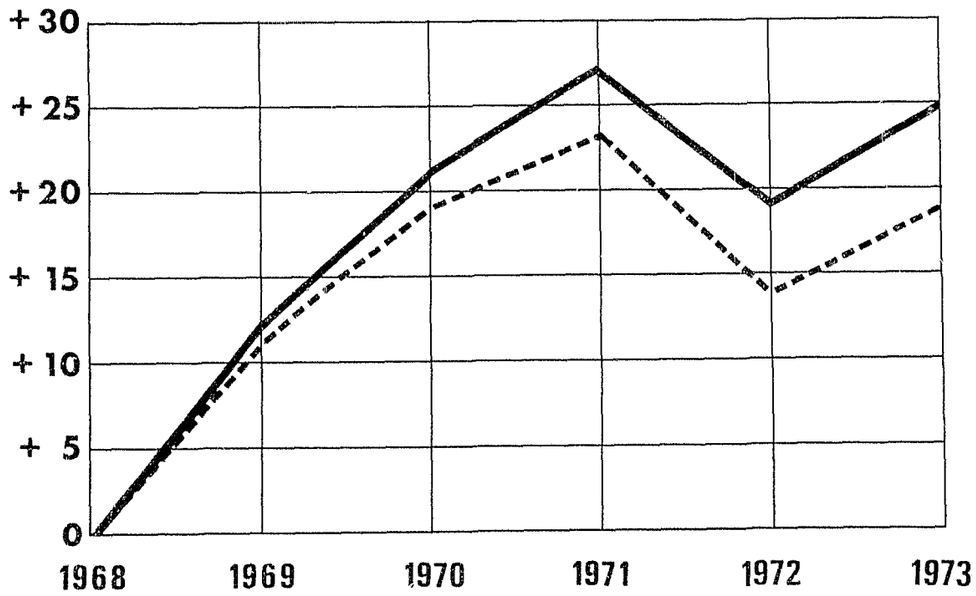
LARCENY-THEFT

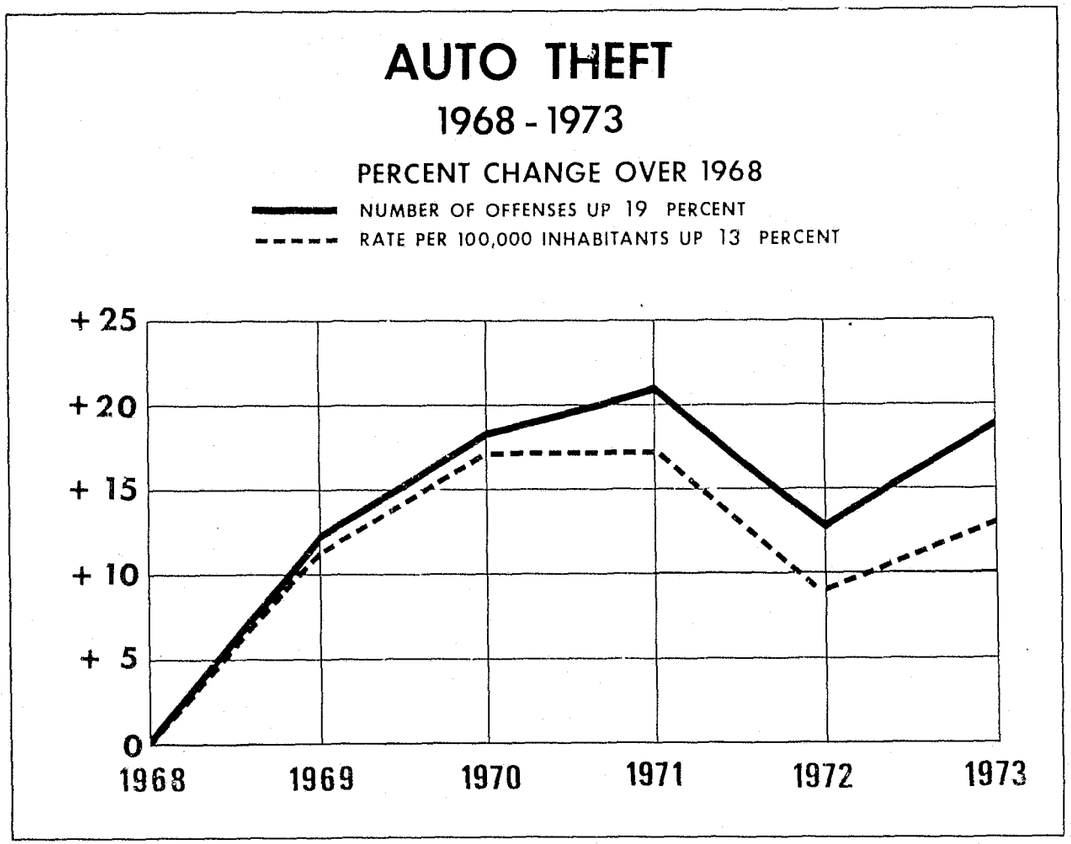
1968-1973

PERCENT CHANGE OVER 1968

NUMBER OF OFFENSES UP 25 PERCENT

RATE PER 100,000 INHABITANTS UP 19 PERCENT





Victimization Data

Though it is well-known that there are many unreported crimes which do not become known to the police or the courts, it is only recently that the number of those crimes--"the dark figure of crime"--has geen recognized as significant for an appreciation of the overall crime picture, for a correct analysis of the actual volume of criminal activity, and for a true indication of the effectiveness of criminal justice agencies in combating crime and planning strategies of crime control and prevention. In the mid-1960's, large-scale attempts were first made in the United States to assess the extent of unreported crime. The President's Commission on Law Enforcement and Administration of Justice took the initiative. The report of the National Opinion Research Center on victimization made the importance of accurate data on unreported crime abundantly clear, and the impetus to secure such data on a national scale and by sound methodology has been maintained ever since.

In 1972, the National Crime Panel was established to conduct a continuing national survey of households and commercial establishments regarding the extent to which these have been victimized by certain types of crime. This survey, using sampling procedures, is conducted for LEAA by the U.S. Bureau of the Census.

The National Crime Panel focuses on selected crimes of major concern to the general public. For individuals, these are rape, robbery assault and personal larceny; for households, burglary, larceny, and motor vehicle theft; and for commercial establishments, burglary and robbery. For reported incidents, information is obtained, as appropriate, on such matters as the relationship of victim and offender, characteristics of the victim, characteristics of the offender as perceived by the victim, extent of injuries suffered and amount of economic loss sustained by the victim, time and place of occurrence of the incident, whether a weapon was used, and whether the police were notified.

The first report, issued in 1974, deals with criminal incidents from January through June of 1973. The data were obtained by interviewing a sample of approximately 60,000 households and 15,000 businesses representative of all households and businesses in the 50 states and the District of Columbia.

On the basis of this sample study, it was found that throughout the United States during the first 6 months of 1973, crimes of violence and common theft, including attempted crimes, accounted for approximately 18 million victimizations of persons age 12 and over, households, and businesses. Of the total number of victimizations, about 57 percent involved individuals, 39 percent pertained to households, and 4 percent concerned businesses.

Victimization data is expected to indicate what proportion of all crime committed becomes known and is being controlled by the criminal justice agencies. In comparing this data with police

statistics, however, great care should be exercised to take into account the substantial differences in the coverage of offenses by National Crime Panel surveys and conventional police statistics. Furthermore, the counting and classifying rules for these programs are not fully compatible. Nevertheless, very general and by necessity crude comparisons seem to indicate that the amount of rape, robbery, aggravated assault, and burglary reported by the victimization surveys is about three times as high as that reported by the police. Larceny is almost five times as high, but auto theft is only about 50 percent higher.

In addition to providing figures on the extent of crime, the victimization surveys shed light on many other important aspects of the crime situation. They suggest that blacks are more likely than whites to be the victims of personal crime. Males are more often victimized than females, with black males showing the highest victimization rate. The highest rates of personal victimization were recorded by persons in the youngest age groups, with each older group having progressively lower rates. Similarly, burglary and household larceny rates decreased significantly as the age of the household head increased. The surveys also show that about two-thirds of all personal crimes of violence involve a confrontation between strangers.

It appears that the direct surveys of victims of criminal acts are an important addition to the available methodologies for understanding, preventing, and controlling crime. In that sense, these surveys represent a major breakthrough in the early 1970's for the criminal justice system.

The National Prisoner Statistics Program

The National Prisoner Statistics (NPS) program is the federal government's oldest continuing criminal justice statistical series, dating back to 1926, when it was the responsibility of the Bureau of the Census. In 1951 the program was transferred to the Bureau of Prisons, where it remained until 1971, when LEAA was directed by the Office of Management and Budget to continue the Series.

LEAA's efforts have been focused on two areas: (1) continuation of the series showing state and federal prison population, movement trends, and executions and persons sentenced to death; (2) planning and implementation of special surveys and censuses to examine special aspects of corrections.

The final Bureau of Prisons report dealing with prison populations and movement of prisoners brought the series up-to-date for calendar year 1970, and used "felon" as a unit of count. In 1972, an advisory committee of state corrections researchers and statisticians, federal statisticians, and other social scientists recommended to LEAA that it cease to use the term "felon" as the unit of count, since the definition of a felon varies from state to state. The committee's recommendation, ultimately accepted by

LEAA, was to count persons who had been sentenced as adults or youthful offenders and admitted to prison with a maximum sentence of at least a year and a day. As can be seen from the table below, this change in definition did not radically alter the basic makeup of the reported prison population, although the change was deemed significant enough to make comparisons between figures prior to 1971 and after 1970 somewhat risky.

Prisoners in State and Federal Prisons, 1970-73

	Population at End of Year			
	1970	1971	1972	1973
Total U.S.	196,429	198,061	196,183	204,349
Male	190,794	191,732	189,911	197,665
Female	5,635	6,329	6,272	6,684
Federal Prisons	20,038	20,948	21,713	22,815
Male	19,321	20,180	20,919	21,883
Female	717	768	794	932
State Prisons	176,391	177,113	174,470	181,534
Male	171,473	171,552	168,992	175,782
Female	4,918	5,561	5,478	5,752

The NPS series which deals with persons executed under civil authority and persons sentenced to death has been continued in much the same way that it was by the Bureau of Prisons, although some changes have been made by LEAA as to the kinds of data collected. Although no executions have taken place in the United States since 1967, persons continue to be sentenced to death by judges and juries. As the table below shows, the year-end death row population increased dramatically until 1972, when the Supreme Court decision in the case Furman vs. Georgia, holding unconstitutional the current discretionary application of the death penalty, caused many of those sentenced to death to be removed from death row status. Since that decision, 34 states have reinstituted the death penalty through either new statutory provisions or constitutional amendments.

Persons Under Sentence of Death at Year End, 1969-73

	1969	1970	1971	1972	1973
U.S., Total	524	608	620	330	162
Federal	0	0	0	0	0
State	524	608	620	330	162

The other aspect of LEAA's efforts has been to conduct special studies regarding corrections. Thus, a census of state prisoners was conducted in 1973, in which basic demographic characteristics were collected using institutional records. LEAA performed a census of state correctional facilities in 1974, in order to provide a statistical description of prisons and other types of state-administered incarcerative facilities. Finally, a random sample of about 10,000 state prisoners was selected and interviewed in order to provide a national description of the demographic and socio-economic characteristics of the state prison populations. LEAA plans to continue using NPS as a multi-purpose program to meet both continuing and special statistical needs.

Local Jail Statistics

During the period 1970-75 two national censuses of local and county jails were conducted under the auspices of LEAA, one in 1970 and one in 1972. For purposes of these surveys, a jail was defined as a locally administered facility which has the authority to retain adult persons for 48 hours or longer. Not included in the census, therefore, federal and state prisons or other correctional facilities; institutions used exclusively for juveniles; the state-operated jails of Connecticut, Delaware, and Rhode Island; or drunk tanks, lock-ups, and other facilities which retain persons for less than two full days. In the United States, jails are generally used for two distinct purposes: the detention of persons before trial or the final disposition of a case; and the imprisonment of persons serving short-term sentences.

The 1970 census revealed that there were 4,037 locally administered jails, holding 160,863 persons. In 1972, a similar survey was conducted which revealed that the number of jails had decreased by 116 to a total of 3,921; the number of inmates held decreased by 19,275 to a total of 141,588.

The number of persons employed in jail operations also changed between 1970 and 1972. In 1970 there were 33,729 employees, including 5,676 part-time personnel; in 1972 there were 44,298 employees, with 4,671 of them working on a part-time basis.

Uniform Parole Reports

In 1965 the National Institute of Mental Health began funding the Uniform Parole Reports (UPR) program and continued that funding until 1972, when LEAA took over that responsibility. From a base of eight paroling authorities in 1965, the National Council on Crime and Delinquency Research Center expanded UPR's coverage to include all state parole agencies in the United States. The data base now consists of over 200,000 cases which are used to measure success in rehabilitating persons placed on parole after serving time in prison.

Although the core system of the UPR deals with one, two, and three year follow-ups of parolees, the project is designed so that special interest studies can be carried out. For example, though data existed showing the number of people in various correctional facilities, no one knew how many people were on parole at any given time. Therefore, the NCCD Research Center conducted a survey in 1974 to determine the number of parolees nationwide. The basic results of that study are shown in the table below.

Number of Parolees, By Status, June 30, 1974

Status	Total	Adult	Juvenile
Total, U.S.	210,900	155,105	55,795
Active Status	183,048	131,121	51,927
Inactive Status	27,852	23,984	3,868

In addition to published special reports, the Research Center responds to a wide variety of special requests submitted to it by agencies, researchers, and other users. Recent studies have included an examination of the relationship of time served in prison to parole outcome by commitment offense, prior record, and age; parole performance related to drug abuse history, alcohol abuse history, prior record, commitment offense, sex, etc. Thus the UPR program meets many needs and is the most complete body of data available in the United States with regard to post-prison treatment.

Juvenile Delinquency Statistics

Statistics on Public Institutions for Delinquent Children

In the five years of its existence, LEAA's Statistics Division has become responsible for a number of criminal justice statistical programs which formerly were administered by other federal agencies. One of these programs has to do with juvenile correctional facilities, which formerly were surveyed by the Department of Health, Education, and Welfare. While DHEW conducted the survey, it was called Statistics on Public Institutions for Delinquent Children and dealt only with public facilities for adjudicated juveniles.

In 1971 LEAA, in collaboration with DHEW, conducted a census of all publicly-operated juvenile detention and correctional facilities for both adjudicated and non-adjudicated delinquents. The resulting report was entitled Children in Custody: A Report on the Juvenile Detention and Correctional Facility Census of 1971. The second report in this series will be published in 1975 and will cover the years 1972 and 1973. As the title of the series implies, the thrust of the survey is the facility itself, with some basic information about the number of inmates housed.

As can be seen in the table below, the total number of facilities increased by 72 from 1971 to 1973, 49 more at the state level and 23 more at the local level.

Number of Public Detention and Correctional Facilities for Juveniles in the U.S., by Type of Facility and by Auspices, June 30, 1971 and June 30, 1973

	1971			1973		
	Total	State	Local	Total	State	Local
All Facilities in U.S.	722	318	404	794	367	427
Detention Centers	303	25	278	319	29	290
Shelters	18	1	17	19	1	18
Reception or diagnostic centers	17	16	1	17	17	--
Training schools	192	157	35	187	154	33
Ranches, forestry camps, and farms	114	67	47	103	56	47
Halfway houses and group homes	78	52	26	149	110	39

Although the number of facilities increased by almost 10 percent, the number of juveniles held in these facilities decreased by more than 19 percent, from 57,239 in 1971 to 46,114 in 1973. The following table details where these changes took place.

Number of Public Detention Facilities for Juveniles in the U.S., by Type of Facility and Number of Children Held, June 30, 1971 and June 30, 1973.

	1971		1973	
	Number of Facilities	Number of Children Held	Number of Facilities	Number of Children Held
All facilities in U.S.	722	57,239	794	46,114
Detention centers	303	11,748	319	10,782
Shelters	18	363	19	190
Reception or diagnostic centers	17	2,486	17	1,734
Training schools	192	35,931	187	26,847
Ranches, forestry camps, and farms	114	5,666	103	4,959
Halfway houses and group homes	78	1,045	149	1,602

Juvenile Court Statistics

Beginning with 1949 the Children's Bureau assembled and published Juvenile Court Statistics. With the establishment of the Department of Health, Education and Welfare, this statistical series became the responsibility of DHEW. The methodology of compilation was changed over the years from an attempted collection of data from all courts to a 5 percent national sample between 1957 through 1969, returning to all courts in 1970. This statistical series showed a steady increase in the number of cases at a rate exceeding the increase in the respective juvenile population throughout the period except in the years 1961 and 1972. The 1973 report, the last available, presents the following picture.

In 1973, 1,143,700 juvenile delinquency cases, excluding traffic offenses, were estimated as being handled by all juvenile courts. The estimated number of children involved in these cases (986,000) was lower, however, since in some instances the same child was referred more than once during the year. These children represented 3.0 percent of all children in the country aged 10 through 17.

The rate of delinquency cases (the number of cases per 1,000 population aged 10 through 17) was 34.2 in 1973 as compared to 33.6 in 1972. Between 1960 and 1973 the rate increased from 20.1 to 34.2. Of all the juvenile court delinquency cases in the country, 61 percent were handled by courts in urban areas, 31 percent by courts in semi-urban areas, and 8 percent by courts in rural areas.

Delinquency remains primarily a boys' problem, but the disparity between the number of boys' and girls' delinquency court cases is narrowing. For many years, boys were referred to court for delinquency about four times as often as girls. Because of the recent faster increase in girls' cases as compared to boys', as outlined below, the ratio was three to one in 1973. Nationally, girls' cases continued to increase. They increased 4 percent as compared to a 2 percent increase for boys' cases. The overall increase in girls' cases in 1973 resulted primarily from an increase of these cases in urban and rural courts - 4 and 22 percent respectively. Girls' delinquency cases disposed of by juvenile courts have been rising faster than those of boys every year since 1965. Between 1965 and 1973, girls' delinquency cases increased by 110 percent whereas boys' cases increased by 52 percent.

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