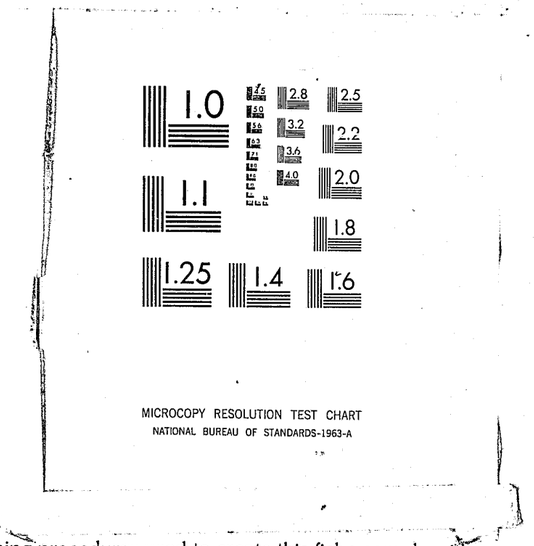

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TECHNICAL REPORT NO. 4
January 1972

IMPLEMENTING STATEWIDE CRIMINAL JUSTICE STATISTICS SYSTEMS— THE MODEL AND IMPLEMENTATION ENVIRONMENT

Volume I of a Final Report to the
Law Enforcement Assistance Administration for
Grant Number SG-71-003, Submitted by the
Project SEARCH Statistical Steering Committee;
Charles M. Friel, Ph.D., Chairman;
Steve E. Kolodney, Technical Coordinator

IMPLEMENTING STATEWIDE CRIMINAL
JUSTICE STATISTICS SYSTEMS---
THE MODEL AND IMPLEMENTATION ENVIRONMENT

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PREFACE

SEARCH Technical Report No. 3 discusses the results of an experiment designed to test the feasibility of collecting and disseminating offender-based transactional statistics. While the results of this study indicated that current criminal justice recordkeeping procedures do not readily lend themselves to this statistical application it is evident that such an approach is prerequisite to progressive criminal justice planning, administration and decision making.

In light of this experience, the SEARCH Statistical Steering Committee was established and given the responsibility to:

- Define operationally the minimum requirements of an offender-based transactional statistical system,
- Work in concert with five participant states in the development and implementation of such a system,
- Conduct an evaluation within the five states and develop technical descriptions of each state's system so as to provide other states with concise guidelines for the development and implementation of offender-based statistical systems.

Pursuant to the first goal, the present document provides a definition of the offender-based concept, justification for its utility as an adjunct to criminal justice decision making, and a specification of the minimum set of data elements considered essential in such a system. In addition, the document presents a summary history and description of the agency responsible for criminal justice statistics in each of the five participant states. Finally, the document provides a discussion of those criteria considered essential in the drafting of state statistical statutes, an initial step in the development of any statewide statistical system.

It is hoped that the present document will serve as a conceptual framework providing minimum specifications for offender-based transactional statistical systems, which may be utilized in a development of statistical systems throughout the various states.

Sincerely,

Charles M. Friel

Charles M. Friel, Ph.D.,
Chairman
Statistical Steering Committee

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Section I

INTRODUCTION

Criminal justice statistics have been collected in one form or another, in this country for many years. As long ago as 1850, the Census Bureau began counting criminals. The first annual census of prisoners of federal and state prisons and reformatories was made in 1926. Uniform crime reporting, begun by the International Association of Chiefs of Police and assumed by the FBI, was started in 1929.

These collections were aimed at workload reporting, providing counts of events or persons in process. The information provided was acceptable so long as decision making was largely reactive, for policies were stable, rates of change were constant, and few alternatives required evaluation. These conditions created no strong public pressure for improved statistical systems. But, these conditions are no longer in effect.

The stability in criminal justice has been shattered by public pressure responding to rising crime rates. Public concern has been voiced by congress through passage of the Omnibus Crime Control and Safe Streets Act which established the Law Enforcement Assistance Administration (LEAA). Basic policies are being challenged and substantial funds are being allocated at federal and state levels, in an effort to make substantive improvements in the operation and administration of criminal justice.

Consequently, as administrators and practitioners strive to make choices and to experiment with new strategies throughout the system, new forms of criminal justice statistics

sufficient to support decision making in at least four general areas--planning and budgeting, monitoring, evaluation and general research--are required.

National and state authorities, commissions, and hearings have recognized that improved criminal justice statistics are necessary. The President's Crime Commission Report of 1967* provided a comprehensive statement of user needs. Later work, notably the Report on National Needs for Criminal Justice Statistics by the Bureau of Census in August 1968 and the Hearings before the Subcommittee on Census and Statistics, House of Representatives, March and May 1969, endorsed the same general goals and agreed that major changes and a criminal justice system focus were needed.

With so much agreement about goals and with emphasis on the immediacy of these needs, Project SEARCH, an LEAA funded multi-state effort designed to develop a prototype computerized criminal justice information system, formulated as one of two major objectives;

- The design and demonstration of a computerized statistics system based on the accounting of individual offenders proceeding through the criminal justice system.

The work performed in accomplishing this objective is described in Project SEARCH Technical Report No. 3: Designing Statewide Criminal Justice Statistics Systems--the Demonstration of a Prototype.

*Task Force Report: Crime and Its Impact--An Assessment, the President's Commission on Law Enforcement and Administration of Justice, p. 122.

The Project SEARCH Statistical Advisory Committee rejected sets of annual, single-agency criminal process counts as an adequate description of criminal justice system activity. They found that few practicioners have ever attempted to reconcile their output data with that of agencies on other levels, so that the input to agencies cannot be related to the output of agencies that precede them in the sequence of criminal justice processing. These relationships are further obscured because the unit of count is often different for different processes. For example, the police count arrests, the courts count cases, and corrections count people. Consequently, present data do not show the proportion of defendants who are released at various levels of processing. The types and frequency of charges and pleas cannot be determined. Dispositions at various levels cannot be calculated as percentages of arrestees; the efficiency of processing, therefore, cannot be accurately appraised.

Similarly, it is impossible to account for the time it takes for the criminal justice system to carry out its functions. Lack of information about the passage of time precludes the identification of problem areas and the changing of procedures in order to prevent the wast of material and human resources. And present criminal justice statistics do not describe the "clients" of the system; multiple actions toward the same offender cannot be accounted for.

A new approach to criminal justice statistics was designed. The concept, called offender-based transaction statistics, focuses on the individual person and "tracks" the processing of the individual from point of entry in the criminal justice system to point of exit.

SEARCH Technical Report No. 3 documents the incapacities of present criminal justice statistic systems, argues for the new offender-based transaction approach, and demonstrates the collection of this type of data in ten states.

This report is the first of two volumes which documents the next step: the actual state level implementation of an offender-based transaction statistics system in each of five participating states. The states that have undertaken the implementation are California, Florida, Michigan, Minnesota, and New Jersey. Again, the project is being performed under Project SEARCH and a Statistical Steering Committee has been convened to provide technical guidance.

The purpose in this volume is not to show the need for criminal justice statistics, nor to develop the goals of such a system, for these were the tasks addressed in the previously referenced SEARCH Technical Report No. 3. The purpose is action oriented--to indicate the applications of an offender-based transaction data base to criminal justice management decision-making; to present a structure or model for the collection of such data; and to document the present status and historical development of statistics operations in the five participating states so as to provide a basis against which to evaluate the implementation effort.

As other states become interested in developing criminal justice statistics systems, they will benefit by the experiences documented here. A state's first and probably most significant step will be the drafting of legislation which

enables the collection of criminal justice data at the state level. Once adequate legislation is available, the creation of a state-level statistics center can proceed within the operational and political constraints of that state. To facilitate the drafting of such legislation and to analyze the approaches taken by these project states, this report addresses the issues to be considered in drafting state statistics statutes.

Volume 2 will use the foundation developed here to document the implementation experiences of the five states. Successes and obstacles confronted will be examined. Examples of offender-based transaction data and its usefulness will be provided. The three volume set--Technical Report No. 3 and the two implementation documents--will take the concept of offender-based transaction statistics from its inception through model design and implementation and provide a body of literature to be referenced by other states.

Before proceeding, the offender-based transaction approach to criminal justice statistics will be defined more fully.

Section II

THE OFFENDER-BASED TRANSACTION APPROACH TO CRIMINAL STATISTICS

Criminal justice functions have begun to be thought of as a system of inter-related processes which, although acting to satisfy separate goals, must work in concert toward system objectives. The "system" is loosely structured and poorly defined: in reality it is a set of decision points more often than not concerned with apparently different aims and diverse goals. The result is a network of agencies which have failed to develop comparable or consistent statistics on crime, processes, or persons.

The offender-based transaction approach to criminal justice statistics accounts for and describes each encounter between individuals and the agencies in the system. The individual is tracked as he is processed from entry into the system to the point of exit. Because the individual defendant/offender is the only unit of count common to all criminal justice agencies and processes, he is the thread that holds the system together. By monitoring the various paths that defendants/offenders take, the functioning of the criminal justice system can be described in terms of the aggregate experiences of those who have passed through it.

The approach retains offender identities over time through all processes; yet none of the advantages of older systems are lost. Traditional summary statistics can be produced by analyzing cross-sections of the longitudinal data base. In addition, the design produces information about:

- How the criminal justice system operates in processing defendants, and how agencies and functions relate to one another;
- How much time it takes for the criminal justice system to process individuals; and
- Who the clients of the criminal justice system are.

The word offender has been used to identify the individual being tracked by the system. Although he may be a suspect during police processing and a defendant as he moves through the courts, the label "offender" has been broadened so that one word denotes the unit of count. For consistency, this label is used throughout the document.

The word "transaction" has been carefully chosen because it clearly implies that there are always at least two parties in every criminal justice event monitored, and that the offender is one of them. Transactions take place no matter who is the initiator of the action as long as both the criminal justice agency and the offender take part.

The result, the offender-based transaction approach, is a step toward a criminal justice statistics system, not a police system, nor a judicial system, nor a correctional system.

Section III

APPLICATIONS OF OFFENDER-BASED TRANSACTION DATA TO MANAGEMENT DECISION MAKING

Better criminal justice information is necessary for better decision making. As more criminal justice agencies and programs compete for limited resources, decision making and overall coordination become critical. The costs associated with the development of an offender-based transaction approach to statistics, in terms of initial expenses, data collection, processing and analysis, can be justified only if the resultant information can be translated into better management which, in turn, returns at least an equal value in benefit. The data base must support a number of uses, some of which are illustrated in the following paragraphs.

APPLICATION: CRIMINAL JUSTICE SYSTEM PLANNING

To improve an operation, it is fundamental to begin with a description of that operation or system. This kind of information is not presently available for criminal justice. The required linkages between the output of an agency and the input to the next agency would be provided in an offender-based transaction file.

The transaction statistics system constitutes an empirical model which could provide managers with a basic understanding of what the criminal justice system is. The system is concerned with concepts of deterrence, justice, efficiency, and individual reform. These concerns are reflected differently at different

a starting point, in terms of what is presently accruing from existing programs. If the statistical system can approximate the relationships between components, it is possible to simulate changes in one part of the system and project the impact on other parts. For example, if consistent percentages of certain offender classes are sentenced to prison, then an apprehension effort which changes the numbers brought to trial could affect the prison workload. An empirically based simulation would provide a forecast of the result of such a change. This kind of capability would enable decision makers to evaluate alternative policies at various points in the system, and assist in assessing total cost implications.

In almost every agency, improved monitoring techniques are required. Probation provides an illustration. The supervisory probation officer is faced with choosingamong a large number of potential forms of community-based supervision. Halfway houses, group counseling, family counseling, and individual treatment all compete as treatment alternatives. Data to support an intelligent choice are needed. Once a particular program is chosen, the manager needs a way of measuring its success with respect to whatever measures are selected (such as recidivism in various offender classes subjected to the program).

One of the potential applications of a sufficient data base in the program monitoring area is the potential use of quality control concepts in the management of programs. As data are made available to fully describe the various criminal justice processes and their outcomes, normative statistics can be generated routinely to detect the point at which these processes are out of whatever limited control can be exercised. For instance, the

assignment of a certain kind of offender to certain programs a sumes certain results. The offender-based transaction statistics system can alert program and agency administrators to sudden shifts in results so that they can uncover reasons and re-structure activities.

APPLICATION: CRIMINAL JUSTICE RESEARCH

A statistical system must support an evaluation of experimental efforts. Two kinds of comparative data are needed--ways to make "before and after" measurements, and ways to distinguish performance of control groups from experimental groups. Broad based experimental research is a relatively new undertaking in criminal justice, and the usual scientific interests are often constrained by political acceptability of experimental conditions. Research based on statistical analysis must often substitute for real experimentation. The ability, then, to study some of the processes, and to produce research which gives new insight to management, may be heavily dependent on a continuing and exhaustive statistical system as may be approximated by the transactional approach described above.

The difficulty in developing an operational system which will support general research is obviously complicated by not knowing in advance the questions to be asked. From a practical point of view, about all that can be done is to estimate, on a largely intuitive basis, the data elements most likely to be relevant in future research questions. This is not an impossible task, as many of the questions of interest to decision makers should be determinable by knowledgeable researchers. The data elements can then be collected routinely, making them available for post facto analysis, or left for "single-shot" research efforts where one-time

data collection is possible. The choice of these strategies will determine the real cost-benefit of the statistical system.

Ideally, the conduct of research in criminal justice will produce guidelines for management in improving the operation of the system. If it is true, as most researchers allege, that little is known about the long-term effects of treatment programs and other practices of the criminal justice system, then methods should be developed to acquire the necessary basic knowledge in support of decision making.

Research begins with a hypothesis or set of hypotheses: a design is created to assure that data collected will address itself to the questions of interest in such a way as to isolate relationships from which inferences can be drawn. This procedure becomes unworkable when applied to most segments of the criminal justice system because of inherent time delays. For example, to study recidivism a researcher must select an appropriate cohort of offenders, follow its experiences with the system and correctional programs, and monitor its activities after release or discharge. Such a design might require three to 10 years to complete and necessitates the study of small samples.

The transactional data base is the most flexible technique for the collection of criminal justice data that can be compiled. Its structure lends itself to aggregation in a variety of ways. There is the ability to perform multi-dimensional analyses for selected groups of offenders, crimes, etc., with the hope of uncovering controlling mechanisms.

Section IV

THE STRUCTURE FOR THE COLLECTION OF OFFENDER-BASED TRANSACTION STATISTICS

The concept of offender-based transaction statistics provided in Section II coupled with the application of such a data base to improved criminal justice decision making, provides a set of requirements around which to design a model for the collection of necessary data. The Statistical Steering Committee, after a year of experience, and interchange and in concert with LEAA, has formulated a generalized model which is viable and workable. The model is composed of a minimum set of data elements that are efficient, yet maximize the amount of information that can be provided.

The implementation of the model will take many forms depending on the present status of statistical operations in the various states and the practical constraints of state law, procedures, and overall criminal justice policies. After the model is presented, its limitations and potentials for expansion are discussed.

THE UNIT OF COUNT

The individual felony defendant is the unit of count. The system is not extended to include misdemeanants or juveniles although it can be well adapted to these areas.

The definition of adult has been left to each state and is subject to its penal code and criminal justice practices.

A felony is defined as an offense which may be statutorily punishable by death or imprisonment in a penitentiary for a period of one year or more, not whether such punishment by necessity follows conviction for that offense.

Criteria for Entry into the System

In order for an individual to be tracked by the statistics system, he must be charged for a specific felonious crime and he must have been fingerprinted. The processed-defendant becomes the unit of analysis whose experiences are to be monitored.

Because the individual defendant is the unit of count, separate charges resulting from the arrest are not followed. At each step in the criminal justice process, only the most serious charge still pending is considered. If a person is charged with a second felony subsequent to his initial processing and he is fingerprinted, he becomes a second processed-defendant.

DATA ELEMENTS: GENERAL

Development of the data element set for the offender-based transaction statistics system has considered other existing and evolving criminal justice statistics systems. In particular, the codes for the various data elements are everywhere compatible with the coding structure of NCIC.

The data elements described below represent the minimum considered necessary to adequately describe the functioning of the administration of justice in a state. The data elements are of two types--descriptive data elements and tracking data elements.

Descriptive data elements are those which when collected, processed, and analyzed provide information about criminal justice activities. Tracking data elements, on the other hand, are

needed for unique identification of the individual as he proceeds through the system and for identification and level of the agency doing the processing. The tracking data elements are not used in statistical reporting. They are included with the data element list, but presented in script letters.

The Use of the "Other" Category

One of the codes included for many of the data elements is "other." This category is to be used by each state to further subdivide and code a particular data element to better represent law, policy, or practices of that state. For example, the data element "Prosecutive Disposition" contains three codes and an "other" category (code 4). A state that wishes to include additional dispositions could do so by adding codes 5, 6, etc. These could be accummulated into the "other" group.

Data Element Structure

To provide a general structure for presenting the data elements, a blocking has been made. These blocks represent the areas which are responsible for generating the data, although, in practice, specific elements might be reported by other agencies. The following blocks are used:

Police Data Elements

Prosecutor Data Elements

Lower Criminal Court Data Elements

Felony Trial Court Data Elements

Corrections Data Elements

Most of the data elements presented on the following pages are self-explanatory; where necessary, clarification is provided.

POLICE/PROSECUTOR DATA ELEMENTS

1. *State ID Number*
2. *FBI Number (if available)*
3. *Arresting Agency (NCIC code) agency, county*
4. Date--Arrest
5. Charged Offense--Most Serious (NCIC code, 2 level)

   This is the first two digits of the NCIC offense code most appropriate to describe the felony offense. "Most serious" is determined by the NCIC ranking of felony offenses.

6. Police Disposition

   1. Transfer other Law Enforcement Agency
   2. Transfer other Agency
   3. Released
   4. Other

   Police disposition includes only actions which the police can take to terminate the tracking process.

7. Birthdate
8. Sex

   1. Male
   2. Female
   3. Not Stated

9. Race

   1. White
   2. Negro
   3. Chinese

   4. Japanese
   5. American Indian
   6. Other
   7. Unknown

10. Prosecutive Disposition

    1. Felony Charge
    2. Misdemeanor Charge
    3. Declined to Prosecute
    4. Other

    A case which has a police disposition cannot have a prosecutive disposition. These elements are mutually exclusive.

11. Date--Prosecutive/Police Disposition

LOWER CRIMINAL COURT DATA ELEMENTS

12. *Court ID Number*
13. Date--Initial Appearance
14. Release Action (initial opportunity)

    1. Own Recognizance
    2. Bail
    3. Committed in Default
    4. Committed without Bail
    5. Other

15. Date--Release Action
16. Charged Offense--Most Serious
17. Date--Lower Court Disposition
18. Final Charge--Most Serious
19. Type of Charge

    1. Felony
    2. Misdemeanor
    3. Other

20. Type of Trial

1. Non-Jury
2. Jury
3. Transcript
4. Other

If the charge is reduced to a misdemeanor and a trial takes place, this and the appropriate following lower criminal court data elements are completed. A transcript trial takes place when a judge decides the case on the basis of the transcript of the preliminary hearing.

21. Plea

1. Not Guilty
2. Guilty
3. Nolo
4. Other
5. Unknown

This is the plea entered at the misdemeanor trial in lower criminal court.

22. Disposition

1. Bound Over/Held to Answer
2. Dismissed/Noli
3. Acquitted
4. Convicted
5. Civil Procedure
6. Off Calendar/Stet
7. Other

The lower criminal court disposition indicates the end result of the processing at this level--movement to felony trial court, movement to corrections, or exit from the system. Off calendar is an action whereby the case is removed from the court calendar without being adjudicated.

23. Date of Sentence

24. Type of Sentence

1. Prison
2. Probation (supervised)
3. Probation and Jail (supervised)
4. Probation (unsupervised)
5. Jail and Fine
6. Jail
7. Fine
8. Suspended/Imposition/Execution
9. Other

A sentence which contains two components such as probation and jail but one component is suspended, record only the other--the one that is actually imposed. The suspended code is only used when the entire imposition or execution of sentence is suspended.

25. Imprisonment Sentence (days/months)

26. Probation Sentence (months)

27. Type of Counsel

1. Private
2. Public-Appointed
3. Public Defender
4. Self
5. Other

FELONY TRIAL COURT DATA ELEMENTS

28. *Court ID Number*

29. Date--Filing

30. Type of Filing

1. Information
2. Grand Jury
3. Other

31. Felony Filing Procedure

1. Indictment/Accusation

2. No Bill
3. Refer to Lower Court/Reduced Charge
4. Dismissed
5. Information

32. Charged Offense--Most Serious

33. Date--Arraignment

34. Initial Plea

1. Not Guilty
2. Guilty
3. Nolo
4. Other
5. Unknown

35. Final Plea (same code as Initial Plea)

36. Date--Trial Commences

37. Type of Trial

1. Non-Jury
2. Jury
3. Transcript
4. Other

38. Date--Trial Ends/Disposition

39. Final Charge--Most Serious

40. Type of Charge

1. Felony
2. Misdemeanor
3. Other

41. Release Action

1. Own Recognizance
2. Bail
3. Committed to Default

4. Committed without Bail
5. Other

42. Date--Release Action

43. Disposition

1. Dismissed
2. Acquitted
3. Convicted
4. Civil Procedure
5. Off Calendar/Stet
6. Other

44. Date--Sentencing

45. Sentence Type

1. Prison
2. Probation (supervised)
3. Probation and Jail (supervised)
4. Probation (unsupervised)
5. Jail and Fine
6. Jail
7. Fine
8. Suspended/Imposition/Execution
9. Other
10. Sentenced to Time-Served and Released

46. Prison (years) (min and max)

Indeterminant sentences are coded with a special code in the maximum field of prison.

47. Jail (days/months)

48. Probation (months)

49. Type of Counsel

1. Private
2. Public-Appointed
3. Public Defender
4. Self
5. Other

CORRECTIONS DATA ELEMENTS

The corrections data elements are recorded in cycles repetitively as movements are made and status changes. For example, an offender might enter a state institution under a status of custody. At a later date he might be put on work furlough but remain in the state institution at night. This second "cycle" would record receiving agency as state institution but change status to code 2--part-time release.

50. *Agency ID Number*

51. Receiving Agency

1. State Institution
2. Local Prison
3. Jail/Local Institution
4. Probation
5. Parole
6. Other

Code 2 refers to local institutions which by law are permitted to keep offenders in custody for one year or more. Code 3, on the other hand, refers to local institutions which house offenders for sentences of less than one year.

52. Status

1. Custody
2. Part-Time Release
3. Full-Time Release
4. Abscond
5. Other

Part-time release includes programs which place offenders in the community for substantial periods of time while under the control of corrections. The most common example is the work furlough program. New cycles should be recorded when movement between receiving agencies takes place or when conscious decisions are made to change the status of an offender.

53. Date--Received

54. Date--Agency Move/Status Change/Exit

55. Exit

1. Discharge/Pardon/Commutation
2. Court Order Discharge
3. Return to Court--Revocation
4. Return to Court--New Offense
5. Other

This exit is the last method by which an offender can leave the system. At present there is no provision for re-instituting the tracking of an offender who leaves corrections by exit to a court.

LIMITATIONS OF THE OFFENDER-BASED TRANSACTION MODEL

The foregoing structure represents the minimum implementation necessary to develop offender-based transaction statistics. Clearly a number of things have not been covered, but they have and are being considered at this time. For example, the model has been developed for felony adult offenders. What about misdemeanor offenders? How should juveniles be handled? The model tracks individuals who have been "charged and fingerprinted." Should the data base include others who enter the system in some other way? Are offenders sent to court from corrections tracked again? How is the data base updated to accommodate appeals? Other problems probably come to mind.

A system of this magnitude and complexity cannot be implemented at once, with every oddity considered and every eventuality thought out. Rather, for such a system to be useful, it must evolve from a well conceived foundation. The structure just proposed is such a foundation. The concept has been justified and its feasibility tested. The requirements of the system both in terms of goals and applications have been developed. The model has been designed in response to these ends.

Section V

THE IMPLEMENTATION ENVIRONMENT IN THE FIVE PROJECT STATES

Implementation of the offender-based transaction statistics model is a state responsibility. The milestones, schedules, and activities of implementation are strongly dependent upon the present status of the state-level statistics operation, the legal foundation on which the statistics activity is based, and the overall approach to the statistics function that has emerged over the history of the statistics operation.

To study the implementation process, both its problems and successes, it is necessary to begin with an understanding of the environment into which the model is introduced. The following pages provide a description of the evolution of this environment in each of the five project states. The descriptions are accompanied by a discussion of the major activities of implementation to be undertaken by each state during this project. This will provide a framework on which to build the evaluation--a major topic of Volume 2.

There are additional reasons for documenting the statistical operations of these states. Other states, which may wish to undertake the construction of their own offender-based transaction statistics system, may see similarities in structure or development between themselves and one or more of the project states. They will then be in a position to benefit from the experiences reported here and they will have a source to go to for guidance and discussion.

A number of overall approaches to the statistics function are represented by the five project states. Some of the states are developing the statistics system in conjunction with an on-line criminal histories capability to support the NCIC of the FBI. In these cases, statistics are viewed as "derivative" from the criminal history file. Some states have housed their statistics activities in a police agency; one is a separate bureau reporting to the attorney general but working closely with the state's fingerprint identification function. Some states are highly automated, others rely mainly on a manual system to support data collection, processing, and analysis. The various approaches include only a fraction of the possible configurations.

For example, there is the whole question of sampling to be considered. The participating states are aiming toward full reporting of all felony offenders charged and fingerprinted. Perhaps a sampling approach which flagged selected offenders to be tracked could produce sufficiently accurate information. States which have a very high proportion of their populations concentrated in urban centers may decide to develop a statistics system for these urban areas only and to generate statistics for, say, 80-95% of their criminal justice activity. Alternatively, full reporting might be instituted for the urban areas and sampling done for the outlying districts. This would provide a more "complete" picture of criminal justice administration in the state.

Finally, when statistics are developed along with criminal histories, they are considered derivative. The alternative might

prove more beneficial. A state-level statistics center could be created with a very broad mission statement and an overall service concept. The criminal history file could be a portion of the statistical activity using data derived from the more detailed transaction data base. Criminal histories could remain on-line and statistical analysis could be performed in a batch mode.

Perhaps, lessons learned during the implementation in the five states will be projectable to some of the other statistics concepts mentioned. To facilitate comparisons among the five approaches documented, the format of discussion and the points covered are identical for all.

THE STATUS OF CRIMINAL JUSTICE STATISTICS

IN THE STATE OF CALIFORNIA

The agency responsible for criminal justice statistics in California is the Bureau of Criminal Statistics (BCS) which is part of the Division of Law Enforcement in the State Department of Justice.

The bureau was created by statute in 1955 after operating under an executive order since 1946. Previous to that, some limited statistical functions had been carried out by the Bureau of Criminal Identification and Investigation (CII).

STATISTICAL RESPONSIBILITIES

BCS is responsible for the compilation of state and local criminal justice statistics. Its present work is allocated according to the areas of law enforcement, courts and probation, juvenile probation and drugs, and research and special studies. It maintains a total staff for these purposes of 67 personnel.

Practically, all of the bureau's work is carried out with minimal use of computer services. Other than summary crime and arrest data and parts of the juvenile probation data, the bureau's statistics are generally processed by sorters or tabulating machines. The bureau's access to data processing services is controlled by a formal procedure whereby new computer work must first be approved by management analysis, automatic information services, and the deputy director of the division.

One example of the limitations of a manual program on research and experimental efforts is the fact that the bureau recently

was forced to reduce its accounting for county jail population from 44 to 24 counties because of workload difficulties.

There are other agencies with responsibilities relevant to statistical systems in California. The Bureau of Criminal Identification and Information, while it is not involved in statistical analysis maintains two related functions.[1] This bureau, which is located in the same division of the justice department as BCS, is responsible for processing crime reports, fingerprints, and building criminal histories. Law enforcement agencies must submit to CII specific crime reports and fingerprints of certain categories of arrested persons. Furthermore, when fingerprints are submitted, the arresting agency must notify the CII of any disposition, other than filing of a complaint, and courts which make dispositions must also notify the bureau (through the law enforcement agency with primary responsibility) of actions which they have taken. These criminal history activities can apply to both felonies and misdemeanors.

Besides BCS, three other state agencies compile criminal justice statistics. The California Department of Corrections and the California Youth Authority maintain their own statistical accounting and research divisions. These agencies contribute data to BCS that can be related to offender prosecution histories. The Judicial Council of California also maintains statewide judicial statistics. These are of a management nature (i.e., judicial workloads and summary of dispositions by gross categories); they do not conflict with the BCS system.

LEGAL FRAMEWORK

The comprehensive statute creating the BCS statistical program was enacted in 1955.[2] The statute covers all offenses.[3] It obligates BCS to collect data from a wide variety of named agencies as well as "any other appropriate source."[4] It empowers the bureau to use its own forms,[5] recommend the content of agency recordkeeping systems,[6] and to instruct reporting agencies.[7] The BCS may also serve as a statistical and research agency to various other state agencies.[8] A detailed annual report is to be submitted to the governor.[9] There are no penalties for not reporting.

HISTORY OF STATISTICAL OPERATION

The history of criminal justice statistics in California precedes the statutory information of the BCS in 1955; a statistical function was originally placed in the CII. Penal code Section 11111 authorized the attorney general to appoint a qualified statistician and to prescribe reporting forms to collect information useful as a basis for the "study of crime, police methods, court procedures, and penal problems." Pursuant to this provision, arrest statistics began in the 1930's and were maintained until 1946 when by executive order the BCS was created and expanded into a more complete statistical system. In that year, the BCS began institution and parole population accounting for the California Department of Corrections and California Youth Authority.

The next major year of program growth was 1952. The BCS updated its system for the summary reporting of felony and misdemeanor crimes and arrests for adults and juveniles. The same year a system of court disposition reporting was introduced for

those accused of felonies. This system involves statistics on an individual basis and the data was reported by district attorneys. Both the crime and arrest summaries and the individual prosecution and disposition statistics have maintained full reporting since their inception.

In 1954, a probation reporting system was implemented. In the adult area, disposition on probation reports and subsequent change in probation status were collected on an individual basis for both felony and misdemeanor cases. In the juvenile area, individual statistics record the disposition of cases referred to probation departments, juvenile court dispositions, and changes of status for those on probation. These programs have achieved full reporting in 56 of 58 counties.

By 1955, the legislature took official notice of the BCS program and enacted the current law. By 1959, BCS had rather fully expanded into all areas of law enforcement, courts, and probation. In addition to the programs introduced subsequent to 1951, its system included summary reports on adults sentenced to county institutions, individual reports on release from these institutions, and summary reports on juvenile hall admissions. During that same year, the California Department of Corrections and California Youth Authority took over the development of their own internal statistics.

In the 1960's, BCS emphasis has been on increasing individualized offender statistics. Full individual reporting on drug arrests and dispositions was begun in 1960 (although for budget reasons, the bureau had to shift to summary reports in 1969).

In 1966, offender-based arrest statistics were introduced in three selected counties. By the end of 1971, 22 counties were reporting to the bureau. The reporting mechanism for accomplishing this program change is based on arrest and court disposition facts submitted separately to the BCS where they are compiled into one single record.

Furthermore, the bureau performs specific special studies. Its total list of publications in 1970 in addition to the comprehensive Crime and Delinquency in California totaled 19 regular and special reports.

Whenever one of these new reporting systems is introduced the bureau follows an established set of informal and formal procedures for involving reporting agencies in the new program. The formal procedures require making a request through the administrative office of the department of justice and then sending it out to a set of organizations representing the field of reporting agencies. For example, if the bureau were to undertake an individual accounting of all arrests made by law enforcement, then the approval of the California Peace Officers Association would be sought and a request made for a task force to analyze, recommend, and approve the project; for a reporting change to be introduced in the superior court, approval would be sought from the district attorney's association or perhaps through the judicial council depending on the type of changes to be made. Through this type of mechanism, the bureau has been able to insure the quality of its data, complete reporting, and very satisfactory cooperation from the entire set of criminal justice agencies.

IMPLEMENTATION OF OFFENDER-BASED TRANSACTION STATISTICS

BCS maintains a long-established reporting system which covers the entire criminal justice spectrum. But its capacity to report on an individual offender basis applies only to the areas of adult and juvenile judicial and probationary dispositions. Complete capability to track offenders cannot exist unless arrest data is similarly individualized. The Statistical Project enables BCS to continue to expand its individual arrest reporting system into a greater number of counties and toward statewide individual arrest reporting.

The Statistical Project's main contribution is toward new personnel who will undertake several tasks necessary to expand this type of newly introduced system. Work ranges from extensive contact with reporting agencies to several clerical tasks directed at coping with the increased input. A programming effort is provided for establishment of essential items on the computer record as well as for the generation of basic reports. Finally, experts from local agencies serve as consultants on data collection and information needs to help produce a "user format" reflecting the consensus of local agency thinking. Both adult felony and juvenile arrests will be examined.

FOOTNOTES

1. Although these functions are assigned to the newly organized Bureau of Identification, the statutes and forms still refer to the old CII.
2. Cal. Pen. Code 13000-22
3. Cal. Pen. Code 13010 (a)
4. Ibid.
5. Cal. Pen. Code 13010 (b)
6. Cal. Pen. Code 13010 (c)
7. Cal. Pen. Code 13010 (d)
8. Cal. Pen. Code 13010 (e)
9. Cal. Pen. Code 13010 (g); 13012

THE STATUS OF CRIMINAL JUSTICE STATISTICS IN THE STATE OF FLORIDA

The agency responsible for offender-based criminal justice statistics in Florida is the Florida Department of Law Enforcement (FDLE) Division of Criminal Identification and Information. The law creating the Department and its responsibilities relative to criminal justice information and statistics was enacted in 1967.

STATISTICAL RESPONSIBILITIES

The Division of Criminal Identification and Information has three basic responsibilities, each relevant to statistical activities. First, it maintains the state's system of uniform crime reports (Uniform Crime Reports Bureau). Second, it maintains a system of fingerprint analysis and identification (Crime Information Bureau). Third, it operates the Florida Crime Information Center (FCIC) which is a computerized data communications network with the objectives of storage, retrieval, and rapid transmission of vital information (including criminal histories) and statistics to law enforcement and criminal justice agencies. Several division activities also utilize FCIC computer services for in-house needs. A total of 158 employees work in these activities.

The division operates and controls its own computers although purchase of new equipment must be approved by both the

FDLE and the Division of Data Processing which is outside the management control of the Department.[1] Under present plans, computer capacity will be adequate for the next two years.

Other agencies which also collect criminal justice data on a statewide basis are the Division of Adult Corrections, the Division of Youth Services, the Probation and Parole Commission, and the Judicial Council of Florida. Although all these organizations may increase data gathering in the future, their emphasis will be on management information systems and research. The statistical program of the Division of Criminal Identification and Information has been designed to concentrate solely on those data elements necessary to track offenders and build criminal histories so that it will not conflict with the plans of these other agencies.

LEGAL FRAMEWORK

The law which created the Florida Department of Law Enforcement in 1967 contained two specific references to statistics. First, it established a system of Uniform Crime Reporting binding on state and local law enforcement agencies.[2] The Department was required to establish reporting procedures (which would have the effect of law)[3] and to submit semi-annual reports.[4] Failure of local agencies to report would "constitute neglect of duty in public office."[5] There were no limitations placed on the kinds of crime data which could be covered.

Second, it authorized the Department to establish a system of intra-state communication of vital statistics and information relating to crimes, criminals, and criminal activity.[6] Pursuant to this authority, the Florida Crime Information Center was established.

A third statutory provision which also related to the development of statistical systems was the fingerprinting law;[7] the pre-1967 law was amended to require sheriffs to fingerprint all persons charged with or convicted of a felony and to submit the print to the FBI and FDLE. The sheriffs also retained an option from the previous statute to fingerprint those charged or convicted of other offenses if they believed such action was necessary for the protection of the public.[8]

Although the state fingerprint statute only applies to felony arrests by sheriffs, the Division of Criminal Identification and Information, under uniform crime reporting, issued regulations requiring all law enforcement agencies to fingerprint those arrested for misdemeanors as well as felonies.

HISTORY OF STATISTICAL OPERATION

Uniform Crime Reports and the Florida Crime Information Center, programs mandated by the statute in 1967, became operational in 1970.

The first year of UCR was made possible through a federal grant. Prior to that time, several Florida agencies had contributed to the FBI on a voluntary basis; but the state program brought about a broader law enforcement response. In

developing the state program, the UCR staff of FDLE contacted every police department and sheriffs office personally. Forms, tally books, informational brochures, and a guide manual were developed, published, and distributed; numerous workshops were held around the state to present the program in detail to participating agencies.

The first semi-annual report, Crime in Florida, was published in August of 1971, for the months of January to June, 1971; it covered all part 1 and part 2 crimes and there was a 100% response from law enforcement contributors.

The UCR bureau maintains a field staff of seven special agents who are responsible for liaison with law enforcement agencies. The work of these field agents touches on other issues of interest to the FDLE program such as standardized records systems, uniformity in fingerprinting, and the FCIC. The agents also provide services like assistance in improving record systems or correcting reporting inaccuracies. A model record system designed for use by small and medium size law enforcement agencies is currently being developed by the UCR bureau.

The Florida Crime Information Center also became operational in 1970. In 1968, the FDLE had entered into a contract with the International Association of Chiefs of Police. Part of that contract authorized a study of present records and information systems in Florida law enforcement agencies

and requested specific recommendations for establishment of a statewide information system. To design the computer system part of the plan, a subcontract was made with an outside consulting firm. The firm visited approximately 110 law enforcement agencies and mailed a questionnaire to approximately 400 others. Its study lasted several months and cost approximately $50,000.

In 1969, a five year, 12 million dollar Criminal Justice Information Package was presented to the state legislature and funding for the first two years was approved. When the program became operational in 1970, there were 108 terminals throughout Florida; by late 1971, there were 270 such terminals.

FCIC is responsible, at present, for three major types of on-line information. Its vehicle indexes contain such data as vehicles stolen or repossessed. Its non-vehicular property indexes contain data on serialized stolen property. Its indexes related to persons report those wanted or missing, revoked or suspended driver's licenses, and criminal histories. (The latter are limited almost entirely to prior arrest records.)

The basis for generating these criminal histories is fingerprint identification and during the first year of operation under expanded fingerprinting requirements, 100% of all sheriffs and 83% of all police departments did submit fingerprints although not for all qualified arrests. FDLE has also developed

its own fingerprinting process for the rapid and positive identification of offenders based on microfilm and computer technology. This system automatically generates a criminal history record for return to the contributing law enforcement agency and provides this criminal history information on-line for inquiry by law enforcement and criminal justice agencies.

IMPLEMENTATION OF OFFENDER-BASED TRANSACTION STATISTICS

During its short period of operation, the Division of Criminal Identification and Information has already established a statewide system of uniform crime reports (with 100% acceptance during the first year) and an information system capable of generating criminal histories based on prior-arrest. While continuing to work on these projects, the division is also beginning to develop a program in areas beyond law enforcement. The ultimate objective of FCIC is to evolve into an "integrated offender based information and statistics system" encompassing all agencies--law enforcement, courts, corrections--in the criminal justice system and providing criminal histories as well as offender-based statistics. The need for such information is indeed clear; for example, only 18% of all arrests in FCIC's criminal history files contain final judicial disposition.

In the development of both modules, the Statistical Project's contribution is in the preliminary phases. Additional FDLE staff will organize meetings with all criminal justice agencies, develop system requirements for forms, manuals and

informational brochures, and develop a final court disposition reporting plan which will be presented to the state legislature. Monthly multi-agency conferences will work to define data elements, specify roles, and promote liaison. Outside consultants will propose a detailed design of software for court disposition reporting interface with the proposed FCIC system and NCIC. Finally, preliminary data collection may be implemented in one judicial district.

FOOTNOTES

1. The computer configuration is as follows:
   Computer terminals (IBM-2740's-2's)
   (Information Processor) Burroughs-B-3500
   (Communications Processor) 2-EMR 6130's
   Data files (320 million characters Disk Storage)
   Communications lines (Voice Grade)
2. Fla. Stat. Ann. 23.089
3. Fla. Stat. Ann. 23.089 (2)
4. Fla. Stat. Ann. 23.089 (3)
5. Fla. Stat. Ann. 23.089 (2)
6. Fla. Stat. Ann. 23.086 (7) (c) Supplementary legislation similar to the Florida UCR law will be proposed which will require disposition reports from all criminal justice agencies including the courts, corrections, and probation and parole agencies.
7. Fla. Stat. Ann. 28.086 (7) (a)
8. Fla. Stat. Ann. 30.31

THE STATUS OF CRIMINAL JUSTICE STATISTICS IN THE STATE OF MICHIGAN

The agency responsible for offender-based criminal justice statistics in Michigan is the Records and Identification Division of the Department of Michigan State Police.

The predecessor of the Records and Identification Division was the Bureau of Criminal Identification, Records, and Statistics created by statute in 1925 under the supervision of the old Department of Public Safety. In 1935, the Department of Public Safety and the existing state police organization were incorporated into a newly created Department of Michigan State Police. In 1962, the department retained its identity during an executive branch reorganization. At that time, the bureau became the Records and Identification Division.

STATISTICAL RESPONSIBILITIES

Work related to statistical systems is distributed throughout the Records and Identification Division's three sections. Responsibility for the State's system of uniform crime reporting lies in the Records Section. The Identification Section maintains fingerprints, photographs, measurements, and other pertinent information on felons, certain classes of misdemeanants and well-known individual criminals. It also maintains separate fingerprint files on inmates in state institutions and those who are fingerprinted voluntarily. In the Modus Operandi and Licensing Section, a confidential file is maintained of those accused in sexually motivated cases and these files include case dispositions. A total of 106 employees are currently involved in these and other division operations.

The Records and Identification Division makes use of computer services for its uniform crime reporting system. The computer work is furnished by the Data Processing Section,

located in another division of the State Police.[1] This section also performs computer searches on fingerprint records and maintains a computerized modus operandi sex file. All other identification and records functions are manual.

In Michigan, the Corrections Department also collects statistics on a statewide basis; but the framework of analysis is different from that carried out by the Records and Identification Division.

LEGAL FRAMEWORK

The original law governing the work of the Records and Identification Division was enacted in 1925 and dealt with both identification and statistics in one comprehensive statute. This law created a broad general statistical duty.[2] Information was to be gathered on the nature and number of offenses known to have been committed, legal steps from inception of complaint to defendant's final discharge, and "such other information as may be useful in the study of crime in the administration of justice." Virtually all conceivable criminal justice agencies were required to submit the requested reports.[3] In particular, final dispositions were to be reported under a provision in Michigan law which states that, with certain exceptions, the Division must return the records of persons released without charge or subsequently found not guilty.[4] The Division could facilitate collection and compilation by providing forms, instructions, and classification methods;[5] it could deputize anyone to obtain free access to public records or documents containing the information it requires.[6] Penalty provisions

existed for neglect or refusal to report.[7] Additional legislation was enacted during the course of developing a statistical program. These changes are discussed in relationship to the history of statistical operation.

HISTORY OF STATISTICAL OPERATION

The division first began to implement its statistical mandate in 1935; all law enforcement agencies submitting monthly reports to the FBI were required to submit reports also to the division. The strong support of the Michigan Association of Chief's of Police and Michigan Sheriff's Association was solicited in this endeavor. Data was collected on reported offenses and offenses cleared by arrests for Part 1 and Part 2 crimes.

This form of statistical reporting was maintained through 1958. Estimates of compliance suggest that an average of 50% of all sheriff's and 70% of all police departments regularly reported.

In 1959, it was determined that reporting of crimes had become sufficiently regular to permit inauguration of an annual publication, Michigan Law Enforcement Report on Crime. This publication, although initially not complete for any geographical area provided the basis for study of crime in Michigan. Additional reporting forms were also requested.

During the period that followed, the percentage of cooperating agencies continued to increase so that by 1965 it was estimated that 76% of all sheriff's departments and 73% of all police departments regularly reported.

In 1966, the division began organizaing its crime data by county instead of the larger state police districts;

the resulting compilations were viewed as more useful not only to the various police agencies involved, but to prosecuting attorneys, study groups, legislatures, etc.

A supplementary law dealing with law enforcement obligations was also enacted in 1968.[8] This statute created a Uniform Crime Reporting System. It required submission of reports by certain police agencies to the Department of State Police and did not limit the reports to felonies and those misdemeanors which are not cognizable by a Justice of the Peace.[9] The statute broadly states that reports from law enforcement agencies shall contain the number and nature of offenses committed, the disposition of such offenses and such other information as the Director of the State Police shall specify relating to the method, frequency, cause, and prevention of crime.[10] It also states that crime reports shall be prepared and statistical information made available to various groups, and that the statistics shall be used for studying the causes, trends, and effects of crime in this state and for intelligence upon which to base a more sound program of crime detection, prevention, and the apprehension of criminals."[11]

Pursuant to this statute, the state police expanded the required forms for Part 1 and Part 2 crimes to the system's present categories: Offenses reported and cleared by arrest; arrests according to race, age, and sex; summary of all arrests, summons, and notifications; dispositions of persons charged; juvenile supplement; larceny supplement. In addition, all reporting was established on a monthly basis.

Significantly, the state police did not rely solely on the mandatory reporting requirements of the new law to build their system. They decided to computerize crime reporting and to produce monthly statistical reports on Part 1 offenses

for all law enforcement agencies. The selling point to obtain law enforcement cooperation was the monthly return of each department's figures showing their activities and making comparisons with prior months. To get this point across, a series of 20 one-day training programs was scheduled throughout the state in a way which made it possible for all police agencies to attend. The trainers were one sergeant, one corporal, and one systems analyst. The sergeant was the officer who would eventually be in charge of the program. The corporal had spent considerable time in training. The systems analyst was used to explain in detail, the computerized portion of the program, what reports would be returned to the agency, and how they could be used. Response to the training program was almost 100%.

During this expansion period, the division also initiated the deployment of field agents. Many agencies which neglected to report became more cooperative and started contributing regularly once they were contacted and given personal instructions. The division has also continued to work closely with various police, sheriff, and chiefs of police associations.

Cooperation in uniform crime reporting has continued to improve. In 1969, it was estimated that 83% of all sheriff's departments and 80% of all police departments were regularly reporting. At present, the estimates are up to around 95% and 90% respectively. The program, in fact, may have reached a point of maximum return since many of the agencies not reporting now are one man departments and most of their investigations are conducted by state or other local agencies. Another indication of expansion was the fact that in 1970 Part 2 offenses were added to the monthly reports distributed to each law enforcement agency.

IMPLEMENTATION OF OFFENDER-BASED TRANSACTION STATISTICS

At present, the Division of Records and Identification, has a fully developed, computerized system of uniform crime reporting which has earned an extremely high degree of law enforcement acceptance. Nevertheless, its identification and criminal record system is still operated, with the few exceptions already enumerated, on a manual basis. Information on individuals is filed under various discrete classification schemes which make it difficult to show informational transactions between units of the system. It is the Michigan plan to build a transactional statistics system as authorized by its statistics statutes which will possess a criminal history capability that can relate to the identification and criminal records function. Development of new statistical and criminal history aspects will parallel the conversion of records for NCIC.

The Statistical Project makes two contributions to this developmental process. The first is system development. Management consultants will prepare training manuals, policies, procedures, forms, system design, computer software, etc. Their work will build on an earlier prototype demonstration of an offender-based tracking system in five counties (this was also a SEARCH project). Planning includes arrangement with the court system to establish forms and procedures for routinely required judicial information. Storage of computer coded data will be within the Michigan State Police Burroughs 5500 computer system installation.

Second, in the data collection period, a special staff of field personnel will be deployed as part of the strategy to obtain needed data; agency response proved to be a difficult area during the earlier prototype demonstration despite Michigan's mandatory reporting law.

FOOTNOTES

1. The computer configuration is as follows:
   2-B-5500
   32,000 words of memory
   256,000 characters
   1 line printer
   1,100 lines per minute
   7 magnetic tape drives
   556/800 BPI 7 track
   1 card reader 800 cards per minute
   Random disc storage 500 million characters
2. Mich. Stat. Ann. 28.242
3. Mich. Stat. Ann. 28.243
4. Ibid.
5. Mich. Stat. Ann. 28.242
6. Mich. Stat. Ann. 28.249
7. Mich. Stat. Ann. 28.246
8. Mich. Stat. Ann. 28.251-56
9. Mich. Stat. Ann. 28.251
10. Ibid.
11. Mich. Stat. Ann. 28.252

THE STATUS OF CRIMINAL JUSTICE STATISTICS IN THE STATE OF MINNESOTA

The agency responsible for offender-based criminal justice statistics in Minnesota is the Bureau of Criminal Apprehension which was created by the legislature in 1927 as an independent agency and assigned statistical functions in 1935. In 1970, the entire bureau, with its powers and responsibilities intact, was transferred to the newly-created Department of Public Safety.

STATISTICAL RESPONSIBILITIES

Three of seven sections in the Bureau of Criminal Apprehension perform work related to statistical functions.

The Statistics Section is responsible for Minnesota's system of uniform crime reports, felony judicial statistics, confirmation of data, and production of the biennial report.

The Identification Section is the central clearing house for fingerprint identification. Under provisions of law, all sheriffs and police officers in cities of the first, second, and third class submit fingerprints of persons arrested for felonies, or gross misdemeanors and in other specified cases. Other cities submit prints voluntarily. State prison officials submit fingerprints and photographs for all persons committed on a felony charge. Various files such as modus operandi, names and alias, and criminal histories are also maintained (although the modus operandi file is not presently being updated); and information received from the state corrections department is incorporated in these records.

Finally, a Teletype Communications Center in the bureau links all sheriffs and police departments of any size at all, to a variety of indexes at the state level and to NCIC at the national level.

A total of 33 employees are involved in these activities, 7 in the Statistical Section itself.

Computer services are available to the bureau through the State Department of Administration, a separate agency from the Department of Public Safety.[1]

In addition to the statistical work at the Bureau of Criminal Apprehension, the Supreme Court Administrator, the State Corrections Department, and University of Minnesota collect statistics related to criminal justice. Their data collection programs, however, do not conflict with the Bureau's program.

LEGAL FRAMEWORK

A detailed statute enacted in 1935 regulates statistical activities for the Bureau of Criminal Apprehension.[2] The statute covers all offenses and permits data collection on crimes reported, arrests, and specifically named dispositions, as well as other useful data.[3] Virtually all agencies of the criminal justice system are identified in its reporting section.[4] The bureau has the power to prescribe reporting forms and to inspect the recordkeeping systems of reporting agencies.[5] There is a penalty for refusal or neglect to respond.[6] Statistical

information, interpretations, and recommendations are to be submitted in a biennial report.[7]

HISTORY OF STATISTICAL OPERATION

The enabling legislation which first created statistical functions in the Bureau of Criminal Apprehension was enacted in 1935. By 1936, uniform crime reporting totally covered the operations of local sheriffs and police departments. This program has continued through the years to maintain high percentages of reporting agencies. The medium percentage of sheriff's departments regularly reporting between 1936 and 1971 is 93.1%. The medium for police departments was 94.9%. Since January 1971, the bureau has been the sole contributor of uniform crime reports to the FBI in computerized form.

The statistical results of Minnesota's uniform crime reporting system have been published in biennial reports since 1934. At present, law enforcement agencies submit monthly reports on offenses known to police or cleared by arrest; nature of crime, type of act, and place committed; and type of property stolen and amount recovered. Annual summaries are reported on offenses recorded and arrests by age, sex, and race.

In 1936, the statistical section began to collect filings, dispositions and sentences on felony defendants before the felony trial court. In the last decade, reporting by court clerks has been maintained at 100%. Recordation since 1940 has been on an individual basis; a card is completed for each offender.

Post-conviction recording in the areas of probation, jail, prison and parole has been received by the bureau's Identification Section from the State Correction Department since 1936; this also is individual data.

The use of field agents in the bureau's statistical reporting program has been limited; deployment of agents to deal with reporting problems did not in the past prove a substantial benefit. Instead coordinators which are on the staff have been able to effectively handle problems which come up.

In 1966, the bureau was assigned operation of the Teletype Communications Center which at present links all sheriffs departments as well as many police departments. Prior to June, 1969, messages were relayed manually; automatic switching by computers is now being accomplished.

IMPLEMENTATION OF OFFENDER-BASED TRANSACTION STATISTICS

Minnesota's present statistical system involves summary reporting of crime incidents and arrests at the law enforcement level plus individual reporting of judicial and correctional dispositions. Only felonies are involved. The state also maintains teletype communication with all sheriffs and many police departments.

The state's statistical plan is to convert its law enforcement reporting system to individual reporting on a daily basis through the teletype network and to expand the network so that courts and correctional agencies may also report on-line. The

ultimate objective of this automated direct in-put statistical report system is creation of a program which can develop sufficient data to study the entire criminal justice process or any segment of it.

During the Statistical Project, there will be considerable reprogramming of the state's Univac Model II-418 computer and utilization of 25% more computer time than normally used.

FOOTNOTES

1. The computer configuration is Univac Model II-418 System.
2. Minn. Stat. Ann. 299C.05
3. Minn. Stat. Ann. 299C.06
4. Ibid.
5. Ibid.
6. Minn. Stat. Ann. 299C.21
7. Minn. Stat. Ann. 299C.18

THE STATUS OF CRIMINAL JUSTICE STATISTICS IN THE STATE OF NEW JERSEY

The agency responsible for offender-based criminal justice statistics in New Jersey is the Records and Identification Section of the New Jersey State Police, a division of the Department of Law and Public Safety.

The predecessor of the Records and Identification Section was the State Bureau of Identification, established as part of the State Police in 1930. In 1950, the State Police became a division in the Department of Law and Public Safety. In 1969, the Records and Identification Section was organized and the old bureau's functions incorporated into it.

STATISTICAL RESPONSIBILITIES

Two of the four bureaus in the Records and Identification Section perform work related to statistics. The State Records Bureau is responsible for Uniform Crime Reporting, but the Fingerprint Records Bureau carries out most of the remaining statistical functions. This bureau maintains fingerprints, photos, descriptions and other information relative to identification of persons charged with violations of law. Criminal history and statistical information is developed from both the fingerprint arrest records and dispositions returned by prosecutors and courts. A total of 115 employees are involved in these functions.

Although both uniform crime reporting and the work of the Fingerprint Records Bureau are essentially manual systems,

selective computer services are performed on an IBM 1130 System. The newly created Division of Systems and Communications, within the Department of Law and Public Safety, will provide computer capabilities on an IBM System 371-45 fronting a Duplex 360-40.

In New Jersey, other state agencies also collect data from various criminal justice sources. Although certain data elements may be duplicated, the other systems are primarily management information oriented; none track offenders or provide comprehensive criminal history information.

LEGAL FRAMEWORK

The original law which created the State Bureau of Identification in 1930 permitted statistical activities but did not greatly emphasize their development. Its only specific reference to data collection was a provision requiring court clerks, before whom a defendant is arraigned on an indictable offense, to promptly report the sentence or other disposition. The purpose of this section was to facilitate "submitting to the governor and the legislature a report on statistics on crime conditions in the annual report of the Division of State Police ..."[1]

Nevertheless, several other statutory provisions contained implications for the statistical process. Fingerprint submissions, required as an identification activity, would provide data on the number of persons arrested for indictable offenses[2] or committed to penal institutions.[3] A system of criminal records for indictable offenses, established by law in 1939,

would maintain detailed information from arresting agencies, prosecutors, county clerks, and probation departments on several judicial disposition points between arraignment and sentencing.[4] Although no provisions existed for the use of standardized bureau forms, other than fingerprint cards, there were penalty provisions for refusal or neglect in reporting.[5]

Additional statutory modifications and new legislation were found necessary in the course of developing a statistical program. These changes are discussed in relationship to the history of statistical operation.

HISTORY OF STATISTICAL OPERATION

Criminal justice statistics under the statutes cited above did not really take form until recent years. Thus, although courts were required to submit judicial dispositions, such data, if submitted at all, was actually submitted voluntarily by police agencies prior to 1969; and many police departments did not properly submit fingerprints until the same year. Some would act only if the subject was not in their own department file; others relied on the county jails to do fingerprinting and prints would be taken only if the subject passed through the jail. Although sheriff's on the other hand did regularly report, they often provided duplicate information not readily understandable in a criminal history. And even though penal

institutions regularly reported fingerprints of committed offenders, there was no distinction until 1968 between cards used for arrest fingerprints and those submitted as a result of custody, thus limiting the utility of this information. Finally, although case disposition information for criminal records was required by law in 1939, 40% of all records lacked dispositions. In many instances dispositions were reported only when the Records and Identification Section specifically initiated a request.

In the mid - 1960's, a concerted effort began to revitalize all phases of reporting and record-keeping functions. Statistical feedback as well as modern methods of information storage and retrieval were the major concerns of this enterprise.

One phase of program development concentrated on uniform crime reporting. A study by the State Police recommended adoption of a crime reporting system paralleling that of the FBI, and a statute enacting the New Jersey Uniform Crime Reporting System was enacted in 1966.[6] The law required all local and county police authorities to submit in quarterly reports, on prescribed forms, information on number and nature of offenses committed, dispositions, and "such other information as the attorney general may require..."[7] The New Jersey State Chiefs of Police Association through its Committee on Uniform Crime Reporting provided advice and consultation during the planning and implementation phases. The State Police also revised their method of internal reporting to meet the requirements of the federal UCR program.

UCR was implemented in 1967 and has resulted in regular reporting by law enforcement agencies. Since 1967, an annual report "Crime in New Jersey" has been published. Since 1968 the Department of Law & Public Safety Division of State Police has been recognized by the FBI as the sole contributor of UCR data for New Jersey. The UCR Unit in addition has maintained a program of field representatives (state troopers) who meet personally with contributors to answer questions and to provide assistance to departments which wish to revise their methods of internal reporting or to update records. The field representatives also provide individual analysis of local department statistics as they relate to particular crime problems or identificaiton of manpower and equipment needs. In 1971, with a federal grant, UCR began to disseminate a monthly "feedback" report to each contributing law enforcement agency.

A second phase of program development was the Court Disposition Reporting System (CDR). Planning for this program began in 1966. The stimulus for a new system came from the fact that post-arrest data either did not exist or was too fragmented to serve planning, statistical, and criminal history needs. CDR was intended to both improve criminal history information and to provide a data base for transactional statistics.

Planning for CDR was a multi-agency effort. Field visits were conducted with both law enforcement agencies and the courts to review their operations and solicit knowledge and advice from technicians at all levels. The Attorney General, Chief

Justice, and Administrative Director of Courts Office all cooperated. Additional support and guidance was solicited from the State Chiefs of Police Association, Municipal Court Clerk Committee, County Prosecutors, and Sheriffs. The emphasis was on design of a system which would meet the realities of day-to-day operation at each level.

The outcome of this planning effort was a system built on the original 1930 and 1939 laws. Law enforcement would trigger the system by identifying the offender through fingerprints and the courts would report dispositions as required previously. In 1968, revised complaint forms for use by all courts along with county prosecutor and county clerk disposition forms were introduced and the section of state law requiring court disposition reporting was amended. Its scope was expanded from indictable offenses to include "any criminal charge or disorderly persons offense" and the courts were given 30 days to report.[8] A companion section obligated prosecutors to regularly report on prescribed forms such information as might be required.[9] To implement these statutes, a wholly new system of criminal history reporting was created and a pilot program initiated in a single county in 1968.

The reporting system which was finally accepted involved five color-coded multi-leaf forms along with arrest and institution fingerprint cards which follow an offender through the arrest-judicial-custody process. The system is triggered when a law enforcement agency submits at the time of arrest a fingerprint card. The lower court then after its disposition submits a complaint/warrant (or complaint/summons form) with "police ident stub" attached. This is married to the

fingerprint card and where appropriate a report is initiated to the County Prosecutor. When the Prosecutor or Grand Jury has disposed of the case a report is submitted and again where appropriate another form is initiated to the trial court. Final dispositions by trial courts and changes in disposition resulting from appeal are also submitted on prepared record-keeping forms. Probation/parole reporting was projected for two years after initial implementation.

Court disposition reporting was implemented on a statewide basis in 1969. Prior to implementation, an Operators Manual was published and the State Police conducted an orientation phase. This phase included seminars and workshops for all police, prosecutive and court personnel. Cooperation of the courts was generated by an order from the Chief Justice and extensive use was made of six field representatives, who had undergone training in systems concepts and goals. Each field representative was responsible for about 215 agencies including prosecutors, courts, and corrections. Countywide orientation seminars were conducted. Members of the Administrative Directors of Courts Office assisted with the seminars conducted for judges and court clerks. Additional presentations were made at the State Chief of Police meetings, monthly court clerks meetings, judges meetings, etc.

Workshops were also conducted with operational personnel. The workshop program was scheduled around the clock, seven days a week, to assure contact with personnel on all shifts. It was not uncommon to conduct workshops at midnight or 7 a.m. on Sunday morning. This workshop program still continues two years

after statewide implementation, and is supplemented by presentations at various Police Training Academies. The field staff also provides related services such as corrective guidance and a record-keeping assistance on 24 hour basis since many Criminal Justice Agencies do not function full time. The field staff presently conducts about 9,000 contacts annually.

IMPLEMENTATION OF OFFENDER-BASED TRANSACTION STATISTICS

The New Jersey program is currently in the middle phases of an anticipated ten year development period. The initial phases placed greater emphasis on establishing a UCR offense system and building criminal history files than on gathering, analyzing, and disseminating offender-based statistics.

The Statistical Project contributes to improvement of the statistical function and development of methods for offender tracking. It proceeds in tandem with the state program of record conversion for NCIC and overall development of the Automated Statewide Communications-Information System.

In particular, the Statistical Project will focus on several problems relating to statistics, which became apparent during implementation of Court Disposition Reporting. Many agencies experienced difficulty in accurate and timely completion of required forms; for purposes of key punching, the accuracy of some forms was no higher than 20%. An expanded staff to be employed during the Statistical Project and including a special night staff will be used to compile data, conduct verification checks, produce related correspondence and reports, etc.

During earlier program phases, incompleteness of data and staffing limitations also restricted development of useful forms of statistical feedback. Statistical personnel, during the Statistical Project period, should be able to forumlate and manipulate data so as to develop charts and graphs suitable for analysis.

Coupled with a Data Utilization Study the impact of the Offender Based Statistical Project should reflect the scope of agency needs that ultimately could be met by such a system.

Finally, the program during initial phases was entirely manual. This manual operation provides a useful period for debugging those problems not directly related to automation. At the same time, the Statistical Project will permit analysis of automation's impact since it provides a component for system design and computer time for system development, tests, and output.

FOOTNOTES

1. N. J. Rev. Stat. 53:1-18 (amended in 1968)
2. N. J. Rev. Stat. 53:1-15
3. N. J. Rev. Stat. 53:1-14
4. N. J. Rev. Stat. 53:1-20.1
5. N. J. Rev. Stat. 53:1-20
6. N. J. Rev. Stat. 52:17B-5.1
7. N. J. Rev. Stat. 52:17B-5.3
8. N. J. Rev. Stat. 53:1-18 (as amended)
9. N. J. Rev. Stat. 53:1-18a

Section VI

ISSUES IN DRAFTING STATE STATISTICS STATUTES

Regardless of the overall approach selected or the sophistication or amount of resources available for the implementation of an offender-based transaction statistics system, the most important prerequisite is the legislation which enables the collection of criminal justice data. The more comprehensive the statute, the clearer the mandate and the more likely that creation of the statistics activity can proceed constrained only by resources and criminal justice policies. This section discusses the important issues to be considered when drafting state legislation.

A useful starting point for the drafting of state statistics statutes is examination of existing state law; and the five states participating in the statistical project provide a wide and varied forum for this purpose.

We approach the analysis of these laws from the standpoint of issues raised and solutions proposed by the Uniform Criminal Statistics Act (UCSA).[1] The functioning of each state law in practice to the development of transactional statistics and criminal history systems is also provided.

No attempt is made to critique either the state statutes or the UCSA. Since every law must be relevant to the historical context and related statutes in the enacting state, no one law will serve as an exempliary model for all purposes. The omission of any particular state statute in discussion of any of the

following issues simply indicates that the statute is not in point.

Finally, although there are five participating states, there are eight relevant statutes to be dealt with. All the states have general statistics statutes creating some type of data collection and reporting system. In addition, three of the states, Florida, Michigan, and New Jersey, have separate laws governing Uniform Crime Reporting (UCR) systems.

ADMINISTRATION

According to the UCSA, a statistical bureau should be a central agency for the collection, analysis, and publication of criminal statistics from the entire criminal justice system.[2] Its draftsman were concerned about the division of data collection responsibilities among so many state agencies that uniformity and comparability become unlikely. They also felt that the statistics bureau should be independent, that is, "solely devoted" to statistical tasks and "not attached to any specific state department." They suggested, as an alternative, that the agency could be placed in a department of corrections, the attorney general's office, or a bureau of identification.

Statutes of the participating states have all followed the concept of creating a central agency (although of course other state agencies may also collect statewide statistics), but no state legislature has found it necessary to confer complete independence on bureau operations. Thus, all laws analyzed assign statistical responsibilities to an attorney

general,[3] bureau of identification[4] or a state police agency which also carries out identification activities.[5]

SCOPE OF STATISTICAL ACTIVITIES

There is considerable discussion in the UCSA on whether "the nature of the data to be collected by the Bureau [should] be left to the discretion of the director or should the statute itemize such information." The UCSA conceded that specific itemization gives the bureau" a clear mandate and definite responsibility" but followed the latter alternative to avoid placing statistical operations in an historical "strait jacket" as program capability develops beyond minimum requirements. The statute states that the director shall "collect data necessary for the work of the bureau . . ."[6]

Nevertheless, the bureau's statistical mandate is not totally left to its discretion; minimum requirements for data collection are stated in the UCSA section which provides that the annual report must contain statistics on number and types of offenses, personal and social characeristics of offenders, and administrative action taken by agencies.[7]

The participating states have used a variety of devices for balancing the need for statutory direction with administrative discretion.

California follows the UCSA formula[8] and Florida's statement of relevant data is almost as broad--"vitalstatistics related to crimes, criminals, and criminal activities."[9]

The Michigan statute summarizes in general terms the range of relevant statistics:

> . . . number and nature of offenses known to have been committed in this state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice; this information to comprise only such crimes, legal steps, and information as the director of the bureau may designate."

Minnesota provides a comprehensive list of specific data elements, ending with a general clause encompassing "all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems."[11]

Some statutes also state that information collected may include that which is needed by federal agencies engaged in the development of national criminal statistics.[12]

The laws creating UCR systems, like the general statistics statutes also tend toward broad statement of data collection responsibilities. Terminologies range from "activities in connection with law enforcement"[13] to "the number and nature of offenses committed within their respective jurisdictions, the disposition of such matters, and such other information as the attorney general may require, respecting information relating to the cause and prevention of crime, recidivism, the rehabilitation of criminals, and the proper administration of criminal justice."[14] It is important to note that although these programs tend to follow the standardized national format for UCR, which has been stable for

some time, state legislatures have left leeway for the creation of additional forms of law enforcement data collection at either the national or the state level.

IDENTIFICATION OF REPORTING AGENCIES

For the most part, both general statistics statutes[15] and UCR[16] statutes of the participating states specifically identify by name the officials and agencies which are required to report. UCR statutes apply only to law enforcement agencies. The UCSA supports specific agency identification on the grounds that it will clearly deliniate reporting responsibilities.[17]

California and Michigan, in addition, through a general clause enlarge the bureau's ability to require reporting from additional sources. The language used is "every other person or agency dealing with crime"[18] (California) or "any other person who by reason of his office is qualified to furnish the data required."[19] (Michigan). The Michigan UCR statute also specifically permits certain police agencies, not covered by the law, to submit reports voluntarily.[20]

SUPERVISION

The UCSA recommended that the statistics bureau have extensive powers of supervision over local reporting agencies. Not all of the participating states have found it necessary to enact all of the UCSA's recommendations and some have added their own unique variations.

> Prepare and distribute forms to be used in reporting data to the bureau.[21]

For the most part, all participating states require the use of forms prepared and distributed by the statistical agency.[22]

> Prescribe the form and content of records to be kept by reporting agencies to insure the current reporting of data to the bureau[23]

California[24] and Minnesota[25] have enacted provisions similar to this; the rationale is that they give the bureau authority to insure the development of comparable data by all reporting agencies.

> Instruct persons and agencies in the installation, maintenance, and use of such records and in the manner of reporting to the bureau[26]

California,[27] Michigan, Florida, and New Jersey prescribe some process of instruction in reporting. The Michigan general statistics statute describes the scope of instructions as covering "in detail, the nature of the information required, the time it is to be forwarded, the method of classifying, and such other matters as shall facilitate its collection and compilation."[28] The New Jersey UCR statute states that such instructions shall be embodied in rules and regulations of the Attorney General.[29] Florida's UCR statute uniquely ascribes to these rules and regulations the force and effect of law.[30]

> Access to records of reporting agencies for purpose of inspection.[31]

California, Minnesota,[32] and Michigan have enacted provisions of this type. The California statutes refer narrowly to "access to statistical data for the purpose of carrying out the provisions of this title."[33] The Michigan statute, on the other hand, refers broadly to inspection of "public records or documents from which information sought in respect of this act can be obtained ..."[34]

> Cooperate with the bureau to the end that its duties may be properly performed.[35]

No participating state has enacted such a provision.

ANNUAL REPORT

The UCSA deals fairly specifically with the requirement of an annual report. It places particular emphasis on content, and carefully avoids report requirements which might be too general or at the other extreme, overly specify the kinds of data elements to be included. The following language is used:

> The annual report of the director shall contain statistics showing (a) the number and the types of offenses known to the public authorities; (b) the personal and social characteristics of criminals and delinquents; and (c) the administrative action taken by law enforcement, judicial, penal, and correctional agencies in dealing with criminals and delinquents.[36]

The director, moreover, must submit an interpretation of all statistics which are submitted.

All five participating states require some form of periodic or annual report on statistics[37] although there are several variations. Thus, Minnesota has a biennial report,[38] and Michigan's UCR statute requires monthly statistical compilation.[39] The Florida UCR law requires semi-annual reports although its general statute contains no requirement at all.[40] California[41] and Michigan[42] in addition to the annual report permit issuance of special reports.

Furthermore, all state report laws follow the UCSA middle-of-the-road pattern in setting of content standards although, admittedly, a few use very general language and the stated standards vary widely.[43] For the most part, emphasis is on the reporting of volume of crime and agency activities; California uniquely requires information on offender characteristics.[44] Finally, California,[45] Minnesota,[46] and Michigan[47] laws contain specific language requiring interpretations and recommendations.

PENALTIES

An interesting issue concerns penalities for officers who refuse or neglect to submit required reports. The UCSA recommends salary withholding as an appropriate sanction[48] and one state, Minnesota,[49] follows this recommendation. Florida,[50] Michigan,[51] and New Jersey,[52] on the other hand, declare such behavior to constitute nonfeasance in office or neglect of duty which may be grounds for removal. In the latter two states, there is also the possibility of a misdemeanor conviction. No state however, at least in the statistical statutes, has adopted the UCSA[53] suggestion that one making a fraudulent return be guilty of a misdemeanor.

TRANSACTIONAL STATISTICS, CRIMINAL HISTORIES, AND THE LAW IN PRACTICE

States participating in the statistical project are interested in the development of statewide offender-based statistical systems, computer generated criminal histories, or both. In many cases, state statutes affecting these activities were not drafted with those specific objectives in mind. Program development within the context of each state's law requires particular concern to interaction between related laws and practices. The following materials both capsulize and place in slightly different focus, the material discussed in Section V of this report.

Michigan

The law in Michigan pertains primarily to identification and statistical functions. Although the legislature was concerned with development of criminal history files--it ordered the Records and Identification Division to cooperate in an interstate

system of criminal identification, records, and statistics[54] it did not address the record function directly. Record requirements associated with identification activities, as a result, are somewhat fragmented. Fingerprints are taken upon arrest for a felony or serious misdemeanor.[55] Final dispositions are in these cases to be reported by a designated official.[56] Records concerning additional identification data and "such other information as may be pertinent" may also be collected, but this statutory provision applies only to persons convicted of certain offenses or to well-known and habitual criminals.[57]

On the other hand, state statistical provisions provide the vehicle for a comprehensive development of criminal histories. These provisions are stated in broad terms ("the director shall collect information"[58]); all dispositions points are included ("legal steps taken ... from inception of the complaint to the final discharge of the defendant"[59]); and the results are not limited to statistics ("such other information as may be useful in the study of crime and the administration of justice"[60]). The state UCR statute on the other hand is not a criminal history vehicle since names cannot be reported.[61]

Minnesota

Relevant Minnesota statutes are almost identical in approach to Michigan law. Creation of criminal history records is not addressed. Fingerprint requirements including "other identification data" exist for most arrest categories;[62] but systems for identification of offenders including "such other information as the superintendent considers necessary" apply only to certain categories of convicted offenders and habitual criminals.[63]

Nevertheless, collection of comprehensive offender-based statistics with derivable criminal history information is justified by language in the state statistical statute identical to the Michigan law,[64] and Minnesota adds the additional element of system implementation through individualized reporting by all agencies on the state's Teletype network.

California

In California, the criminal history responsibility is specified by law and delegated to the Bureau of Criminal Identification and Investigation (CII),[65] an agency related to the Bureau of Criminal Statistics. This statute, nevertheless, is incomplete in comparison to the statistical statute. Under this law, final judicial dispositions must be reported for all filed criminal cases;[66] but fingerprint/arrest reports are mandatory only for enumerated offender categories[67] and police dispositions, if a case is not filed, are required only if an arrest report has been submitted.[68]

California's statistical statute[69] on the other hand closely follows the UCSA and provides a complete legal basis for collection of offender-based statistics on all categories of offenders or delinquents. In the implementation of transactional statistics, the BCS has developed a form which can also satisfy CII reporting requirements. Thus, through the complementary relationship of the two systems, complete criminal history information can also be generated.

New Jersey

In New Jersey, the interface between related statutes is particularly important since no state law, except the UCR statute, establishes a comprehensive system.

There is a clear statutory mandate for criminal histories under a provision entitled "Criminal Records for Purposes of Information."[70] This law requires the State Bureau of Investigation to maintain such file data as offense, location, victim, arrest, arraigned, disposition, court, bail, accusation, indictment, docket number, trial setting, plea, verdict, sentence, appeals, and prison commitment.

On the other hand, specific statistical collection activities are described in terms of prosecutorial[71] and judicial[72] dispositions although all offense categories are encompassed. There is also a fingerprint law pertaining to arrest of persons for indictable offenses or believed to be habitual criminals.[73]

As the program has developed in practice, joint implementation of the fingerprint statute and the statistical reporting law have provided information sufficient for felony criminal histories and the criminal record statute in return serves as a foundation for the generation of offender-based statistics.

Florida

Florida law is unique in that neither a system of statistics (other than UCR) or criminal records is specifically mandated by law. Instead, what is required is establishment of a system of intra-state communication of vital statistics and information relating to crimes, criminals, and criminal activities.[74] In the context of developing such an information system, both transaction statistics and criminal histories are obvious elements.

The all-encompassing nature of the law does not, on the other hand, mean that system development has not involved interface with other laws. In the Florida system, arrest information and

statistics are generated under the fingerprint/arrest law[75] and through UCR enabling regulations, this fingerprint/arrest requirement is expanded to include offenses and reporting agencies not included under the original statute. Finally, to establish a formal system for data submission relative to transactional statistics and criminal histories, the Department of Law Enforcement will propose legislation similar to the Florida UCR law which would require uniform disposition reports from all criminal justice agencies including the courts, corrections, and probation and parole agencies.

INTERSTATE STATISTICS

A final issue in the drafting of state statistics statutes is the impact of each state's data collection system on programs in other states. The UCSA attempts to implement a recommendation of the Wickersham Commission for a "nationwide system" of statistics by stating that each state's data collection forms "shall provide for items of information needed by federal bureaus or departments engaged in the development of national criminal statistics."[76] The act specifically references such federal programs as the uniform crime reports. California,[77] Michigan,[78] and Minnesota[79] provide for similar provisions in their general statistics laws. While none of the state UCR laws use this language, the programs implemented under them have all been consistent with FBI requirements.

Nevertheless, neither the UCSA nor the statutes of the participating states address the somewhat different issue of comparability of data. Such comparability could contribute inestimably to the usefulness of criminal justice statistics,

above and beyond the particular elements already reported in national compilations. This is particularly important regarding the implementation of offender-based transaction statistics since no federal program at present compiles such data. The precedent for such a statutory provision is provided by existing state laws which require interstate cooperation in the development of identification systems.[80] Thus, a statute might state that the statistics bureau "shall cooperate with the bureaus in other states and with federal bureaus and agencies to develop comparable criminal statistics data elements."

SUMMARY

In Michigan and Minnesota, statistics law provides the basis for criminal history generation; and in California, such law and the criminal history law are complementary in operation. In New Jersey, the state criminal records law provides the rationale for a system of offender-based statistics. Florida law requires an information system of which statistics and criminal histories are inter-related parts.

FOOTNOTES

1. Approved by the National Conference of Commissioners on Uniform State Laws in 1946.
2. See UCSA, Comment to Section I
3. Cal. Pen. Code 13000
4. Mich. Stat. Ann. 28.242; Minn. Stat. Ann. 2996.05; N.J. Rev. Stat. 53:1-18
5. Fla. Stat. Ann. 23.086 and 23.089 (UCR); N.J. Rev. Stat. 52:17B-5.2 (UCR); Mich. Stat. Ann. 28.251 (UCR)
6. UCSA 3

7. UCSA 5

8. Cal. Pen. Code 13010

9. Fla. Stat. Ann. 23.086(7)(c)

10. Mich. Stat. Ann. 28.242

11. Minn. Stat. Ann. 299C.06

12. See Cal. Pen. Code 13012

13. Fla. Stat. Ann. 23.089(1)

14. N.J. Rev. Stat. 52:17B-5.3

15. Minn. Stat. Ann. 299C.06; Mich. Stat. Ann. 28.243; N.J. Rev. Stat. 53-18,18a

16. Mich. Stat. Ann. 28.251; N.J. Rev. Stat. 52:17B-5.3; Fla. Stat. Ann. 23.089(1)

17. UCSA, Comment to Sec. IV

18. Cal. Pen. Code 13020

19. Mich. Stat. Ann. 28.243

20. Mich. Stat. Ann. 28.253

21. UCSA 3(2)

22. See, for example, Mich. Ann. Stat. 28.242

23. UCSA 3(3)

24. Cal. Pen. Code 13010(c)

25. Minn. Stat. Ann. 299C.06

26. UCSA 3(4)

27. Cal. Pen. Code 13010(d)

28. Mich. Ann. Stat. 28.242

29. N.J. Rev. Stat. 52:17B-5.1

30. Fla. Stat. Ann. 23.089(2)

31. UCSA 4(3)

32. Minn. Stat. Ann. 299C.06

33. Cal. Pen. Code 13020(c)

34. Mich. Stat. Ann. 28.249

35. UCSA 4(4)

36. UCSA 5

37. Mich. Stat. Ann. 28.248; N.J. Rev. Stat. 53:1-18; N.J. Rev. Stat. 52:17B-5.5; Cal. Pen. Code 13010(g).

38. Minn. Stat. Ann. 299C.18

39. Mich. Stat. Ann. 28.252

40. Fla. Stat. Ann. 23.089(3)

41. Cal. Pen. Code 13010(g)

42. Mich. Stat. Ann. 28.248

43. Minn. Stat. Ann. 299C.18; Mich. Stat. Ann. 28.248; N.J. Rev. Stat. 53:1-18; N.J. Rev. Stat. 52:178-5.5 (UCR); Fla. Stat. Ann. 23.089(3); Mich. Stat. Ann. 28.252(UCR)

44. Cal. Pen. Code 13012(b)

45. Cal. Pen. Code 13012

46. Minn. Stat. Ann. 299C.18

47. Mich. Stat. Ann. 28.248

48. UCSA 6

49. Minn. Stat. Ann. 299C.21

50. Fla. Stat. Ann. 23.089(2) (UCR)

51. Mich. Stat. Ann. 28.246

52. N.J. Rev. Stat. 53:1-20

53. UCSA 6

54. Mich. Stat. Ann. 28.244 (emphasis added)

55. Mich. Stat. Ann. 28.243

56. Ibid.

57. Mich. Stat. Ann. 28.242

58. Mich. Stat. Ann. 28.242 (emphasis added)

59. Mich. Stat. Ann. 28.242

60. Mich. Stat. Ann. 28.242 (emphasis added)

61. Mich. Stat. Ann. 28.251

62. Minn. Stat. Ann. 626.39

63. Minn. Stat. Ann. 626.38

64. Minn. Stat. Ann. 2996.05

65. Cal. Pen. Code 11115-17

66. Cal. Pen. Code 11115

67. Cal. Pen. Code 11112

68. Cal. Pen. Code 11115

69. Cal. Pen. Code 13000-22

70. N.J. Rev. Stat. 53:1-20.1

71. N.J. Rev. Stat. 53:1-18a

72. N.J. Rev. Stat. 53:1-18

73. N.J. Rev. Stat. 53:1-15

74. Fla. Stat. Ann. 23.086(7c)

75. Fla. Stat. Ann. 30.31

76. UCSA 3(2)

77. Cal. Pen. Code 13010(b)

78. Mich. Stat. Ann. 28.242

79. Minn. Stat. Ann. 299C.05

80. Mich. Stat. Ann. 28.244; N.J. Rev. Stat. 53:1-19

END