

TRUTH AND CONSEQUENCES IN CRIMINAL STATISTICS

John P. Conrad, Bureau of Prisons

In this year of anxiety, our need for an adequate system of crime statistics should be obvious. Less obvious are the reasons why we do not possess such a system. The learned and the unlearned incessantly dispute the causes of crime and its remedies. They agree only in lamenting the lack of information on which to ground their contentions. From an abundant literature of wishful guesswork, orators derive widely diverging proposals for the cure of our national malady, but there is no serious dissent about the need for more statistics than we have. This concern becomes an obsession to those of us who are occupationally engaged in coping with the prevention of crime and the control of the criminal. It is reasonable, then, to ask: If the requirements are so urgent, what on earth accounts for the delay in meeting them?

The reasons are numerous enough to fill this paper and more like it, but they can be condensed into a fairly short answer. The elements of the answer would be lack of money, lack of consensus on plans for doing what must be done, and lack of conviction about the necessity for doing it on the part of the thousands of people who must collect and transmit the data to be transformed into statistics.

I shall now elaborate on the scope of what must be done. My version of the assignment ahead emerges from the perspective of a working administrator of one of the detached fragments of the system to be ordered out of a flow of loose data. I shall describe the present, propose the future and suggest some general principles. What I have to say does not necessarily represent official policy of the Department of Justice. It is rather a progress report on our preparations for a new day in criminal statistics, a new day made possible by the passage of the Omnibus Crime Control Bill, Public Law 90-351. We are at a stage when the formulation of ideas and the determination of priorities must be aired in such forums as this so that policies based on good statistical practice can be projected. What is at stake is the design of a system which will capture information to enable policy-makers and administrators to act rationally in dealing with man at his most irrational.

Now this is a country in which money is thought to be the answer to most questions of this kind. A recent estimate informs us that the nation spends about \$178 million a year in the collection of statistics, mostly economic statistics. Of that total, about \$800,000 goes to criminal statistics. We might infer from this skewed allocation of resources that nothing is wrong which the multiplication of our present investment by a factor of ten or twenty or so would not correct. The deficiencies of our statistical system would be remedied and we could congratulate ourselves on a display of wisdom far exceeding the pound-foolishness of our predecessors.

I will contend that whatever problems money alone will solve, the creation of a responsive

system of criminal statistics is not one of them. The quality of a statistical system is shaped by those who need it. Administrators who depend on statistics will see to it that the systems serving them will be accurate and informative to the degree that accuracy and information determine the success of their enterprises. It is true that aimless and shabby statistical systems will be tenaciously maintained by the bureaucracies which depend on their maintenance for their own survival. Flourishing systems can be identified by the uses made of them.

A classic example of a flourishing system is Uniform Crime Reports, published annually since 1930 by the Federal Bureau of Investigation. For most of the years since its inception, this collection has been the nation's primary indicator of criminal activity. Criticism of Uniform Crime Reports has accumulated into a considerable literature. I shall not add to it here. The achievement of the FBI in developing, maintaining, and improving a voluntary system of statistical reporting from several thousand police agencies representing virtually complete national coverage is formidable testimony to the administrative resources of that agency. It is an achievement which should be admired for what it is rather than deplored for not being what it is not intended to be.

First and foremost, it is a statement of work-load. It tells us how many crimes were reported to the police and what kinds of crime they were. It tells us how many of these reports were cleared by arrests. It relates these data to the annual population estimates of the Bureau of the Census, thereby creating crime index rates. It distributes the national crime load by state and city, indicates the percentages of clearances, and tells us about the size of each police department in the land. The tale is always lugubrious. There is always an annual increment in both the volume and the rate of crime, and the increment is usually of alarming proportions. We can draw our own conclusions but the implication springs out at the reader that the police need more or better resources, or both. Uniform Crime Reports should not be belittled as a social indicator. Its annual admonition is unwelcome. We may be unwilling or unable to decide on remedies for the conditions which it describes, and indeed this publication does not provide data by which options except more and better police can be chosen. But the part of the truth which Uniform Crime Reports conveys is ignored at our peril. We must set out to discover as much of the rest of the truth as we can. The concepts and the tools for the discovery of the truth are available as never before. As a people in serious trouble, we owe it to ourselves to get to work with the instruments for finding ways out of our difficulties.

If I have been respectful of the achievements of the FBI in quantifying the police work-load, it is because I am engaged in a parallel, though

much more modest line of activity. For the last year, I have been responsible for the supervision of a similar but much less famous series, National Prisoner Statistics. If Uniform Crime Reports flourishes because it is responsive to the needs of police administrators, then National Prisoner Statistics shows how a system can survive even though nobody seems to know what to do with its product. Let me briefly recount its history and describe its problems.

The first effort to make a national count of prisoners was an undertaking by the Bureau of the Census in 1904. It was followed by reports in 1910 and 1923. An annual series began in 1926, covering all prisoners in Federal and State institutions for felons. This series ended in 1946 on the recommendation of the Bureau of the Budget that this function be transferred to some other Federal agency. With some logic the burden eventually fell on the Bureau of Prisons, which had never before seen itself as a data collecting and processing agency. A two-man unit was set up to design reporting forms, to induce states to use them, to receive reports on admissions, populations and releases, and eventually to produce annual reports of prison populations. Since 1950, when the Bureau of Prisons assumed this responsibility, its objective has been to attain complete national coverage for a head count of Federal and State prison populations. Lacking a field service, lacking even enough clerical staff to keep up with a timely publication schedule, we have been more concerned with our present burdens than with questions concerning the relevance of our service.

Our present publication commitments provide for an annual demographic report of all Federal and State prison populations. This publication is now four years in arrears. The last issue, published in the fall of 1967, covered the year 1964. Although it was handsomely designed and contained a completely detailed tabulation of all the data available to us, it was received without a ripple of acclaim or deprecation. Much more attention is given to our annual report on executions, which not only presents the data on the extremely infrequent executions which now occur in this country, but also charts the movement of population into and out of the nation's condemned rows. We have just published our report on capital punishment in 1966 and will get 1967 out of the way before the end of the year.

We also publish an annual summary of prison populations, which provides a patient world with data on total head counts. Next month we will publish our summary bulletin for 1966. I am optimistic about the prospects for publication of the 1967 summary before the end of the year. We are about a year behind the FBI in our publication schedule, and considerably farther behind in service to our field.

What accounts for this dismal situation? Our difficulties are only partly attributable to the small staff assigned to an intricate task. I will not deviate from the bureaucratic norm: we do indeed require more staff. But

even if we were plentifully supplied with the analysts, field representatives, programmers and clerks which a statistical empire should rightfully enjoy, we would have trouble maintaining a timely schedule.

The reason is to be found in the traditions of the American prison. Wardens have always insisted on counts. A discrepancy of one calls for a recount, a process which will be repeated until the discrepancy is resolved. Wardens can be relied on to count accurately, but they have seldom thought it necessary to work out frequency distributions of their populations according to any base except housing and work assignments. Not long ago, I called the warden of a prison in a large industrial state to get information on the average age of inmates and the distribution as to length of sentence for certain offense categories. All this information was simply unavailable. It could not be obtained without initiating a special project which I did not feel justified in requesting. This situation is fairly common. Some states possess statistical systems which, I blush to say, are much more informative than the system we maintain in the Bureau of Prisons. The majority are hard pressed to meet the simple requirements imposed by National Prisoner Statistics. Age, race, offense, length of sentence, and term status would seem to be simple information elements to provide for, but in the daily routine of most prisons their availability is not an urgent requirement. For a national statistical collection which should make orderly connections with other criminal statistics systems, this elementary demography is only the beginning.

Reflection on the problems of our ailing system convinced us that its condition was symptomatic of irrelevance. Even though some prison administrators must strain to respond to our simple questions, the answers do not constitute a body of anxiously awaited knowledge. Something can be made of our study of average length of incarceration for major offense groups, but even here the scholar is handicapped by a lack of comparability among the state penal codes. The rest of the data so painfully gathered ties into no other data except last year's and next year's enumerations.

What can be done? The answer can only be found if we put the prison in the perspective of a system of corrections. This is a system of probation, parole, jails, and workhouses which must be inter-related if the prison itself is to be economically and humanely used in the administration of justice. We can harry statisticians and administrators into making more precise and more timely counts according to prescribed demographic distributions, but if such counts cannot be given significance in terms of the effectiveness of the whole system, their reliability or the lack of it is beside the point. We must view the correctional apparatus of a state, or of the country as a whole, for that matter, as an entity to be understood in terms of its parts. Without this kind of understanding, we shall never know when or whether we are using any of the sub-systems of the correctional apparatus effectively.

A huge task can now be discerned. Not only must we know more and different kinds of information about our prisons, but we must collect similar kinds of information about our parole system, with which it is linked in an uneasy symbiosis. We must also inform ourselves about the use and effectiveness of probation, local confinement, fines and suspended sentences. If the flow of humanity from the courts into the various channels of correction can be accurately charted, we shall eventually arrive at some empirically supported principles to govern the disposition of the various kinds of people who fall afoul of the law. No judge can now say with assurance which dose of what disposition will best protect the public by the correction of any given offender. Worse still, there is no empirical base from which reliable advice can be given him. The administration of justice is a realm in which a priori doctrine necessarily reigns supreme. It is an uneasy realm. Subterranean rumbles warn us that the grounds on which we are standing, the assumptions with which we have always worked, are shifting beneath us. Change is ahead, and we need new kinds of data to prepare for it.

During this last year, our staff has been trying to project the basic requirements of a statistical system which would be a source of information about change, rather than the dutiful counting of heads. Taking as much and as good advice as we could get, we arrived at a plan of priorities which, we think, will justify the investment of the resources needed to carry it out.

First, we must get our own house in order. Our publications must be in the hands of administrators at times when they can be of immediate use. We will simplify our requirements for the head-counting process down to the lowest acceptable common denominator, one which will be a standard to which the least statistically competent state can repair. If there are states which cannot meet such a standard, we will omit them until they can. We will recognize the limited value such bulletins will have for administrators who need data of increasing complexity so as to assess the effectiveness of their programs. We therefore intend to develop a cycle of reports which will provide the field with data on institutional program participation, on personnel distribution, on the characteristics of prisoners, and on parole outcome. Obviously many states will be unable to contribute to such studies. All will be invited to do what they can. In some cases that will be a great deal.

I cannot estimate how long it will be before this process is complete. A creative staff with sufficient clerical support will be hard-pressed to accomplish all that needs to be done in the years immediately ahead. Without assurance of budgetary support, we do not know when we can even start such an ambitious program. Nevertheless, we are not without hope that we will have the wherewithal to undertake some development during the coming year.

While struggling with the modernization of this simple system so that it will serve the minimum administrative needs of prison management, we can contemplate in a spirit of admiring

frustration the maturation of Uniform Parole Statistics. This is a data collection of parole case outcomes conceived and resourcefully maintained by the Research Division of the National Council on Crime and Delinquency. Supported by a grant from the National Institute of Mental Health, this statistical program aims at the provision of feedback to correctional administrators on the consequences of correctional decisions. Convinced that the improvement of parole decision-making depends on the collection and analysis of statistics of success and failure, the designers of this program worked with parole administrators for many months to identify the variables significant to decision makers. Once management was drawn into the system, the parole agency statisticians could be induced to design the codes and develop the machinery for a plan for random sample studies of parole release cohorts. Now, after some four years of hard work a series of impressive reports is becoming available. It is neither a comprehensive nation-wide system nor is it the last word in feedback to administrators. Few correctional managers are yet able to make full use of the kinds of analysis which Uniform Parole Statistics makes available for the first time. What I must stress here is the importance of this project in the development of statistical competent management. Just as good accounting practice depends on reliable bookkeeping procedures, good administrative practice must be grounded on some basis for estimating the consequences of decision options. The unavailability of any basis other than the ex cathedra pronouncements of the most articulate expert has gravely hampered the whole system of justice in arriving at a humane and economical foundation for policy and program. For the first time in our history the statistical machinery is beginning to be available for an administrative style which is second nature to industrial management.

Now here is a project which leads straight to the rationalization of correctional practice. If it is used intelligently it will revolutionize the processes involved in sentencing the offender. It should be indispensable. As matters now stand, there is some chance that it will be a vulnerable and short-lived orphan. It is dependent on the bounty of the National Institute of Mental Health and the continuing interest of the National Council on Crime and Delinquency. Neither agency has an enduring charge to support such a statistical system, nor is it reasonable that either should provide the resources to continue maintenance now that feasibility has been established. If the Bureau of Prisons had the resources, the National Prisoner Statistics program could logically assume responsibility for maintenance of the system. The complementarity of our present system, assuming its development along the lines I have projected, and the Uniform Parole Reports, is obvious. Once such a merger were made, we could look ahead to the day when statistical ignorance will no longer excuse uncritical reliance on traditional wisdom. But such a merger cannot be made without commitments which are not yet in sight. I would be alarmed indeed, were it not that concern is becoming general and in the middle distance the resources

of a national criminal justice statistics center seem likely to come to the rescue.

There is a certain symmetry which I like to regard as the hallmark of the systematic administrator, if only because I am addicted to symmetry in all things. I can contemplate with aesthetic pleasure a statistical system which methodically covers all persons committed to adult correctional institutions and follows them through to the completion of their paroles. Once we have such a system we shall understand where now we flounder. But I am also aware that this kind of collection would represent only a fragment of the correctional process.

The symmetry which we seek and which, I hope, the field will attain in the foreseeable future, will provide for the collection of data covering all the possible dispositions of the adult offender. As of today, nobody knows within uncomfortably large margins of error the number of people confined in American jails. For that matter, nobody knows for sure how many jails there are. Not only do we not know how many people occupy the cells, tanks, dorms and other accommodations of the American jail, but we are also unable to say how they got there, what kinds of people they are, or what happens to them after they return to the streets. Yet many decisions are made about these people in spite of the virtually complete state of our ignorance. We grant and deny bail, we fix short terms and long, we decide whether jail should be a condition of probation, without even the most gross knowledge of the consequences of these decisions which are so routine for the decider, so momentous for the party of the second part. Worse, we plan new jails, settle on the kinds of staff and their numbers, and determine programs without the means for serious study of the alternatives. Usually such plans are made without even finding out what the alternatives might be.

I am arguing for a difficult but necessary kind of statistical collection, one which periodically establishes the dimensions of the field and between such global studies surveys the effectiveness and the movement within representative elements of the local confinement universe. I concede that the expense of a frequent count of all jail inmates would daunt any but the most compulsive statistician. I will also concede the difficulty of finding a logic by which any sample of American jails could be consensually seen as representative. Within some such structure the truth could be found, or enough of it to understand and facilitate the control of a squalid and often dangerous element in the administration of justice.

Somewhat the same problem confronts us in the study of probation systems. Most correctional administrators are impressed with their experience of probation as a method of control and assistance for the convicted offender. What also impresses us is that we don't really know much. The studies which have been done regularly find that probationers complete the course with happy endings. But we don't really know who they are; we don't know what happens to them while they are on probation; we cannot know what kinds of people are most likely to succeed or most likely to fail on probation. We don't even

know whether the professional work of the probation officer was crucial to the probationer's success or whether it was the leniency of the deterrent aspect of the experience in court, or some other factor which made the difference between law-abiding behavior and a return to crime. Without feedback, we cannot blame the courts for their conservatism in the use of probation. Until we have data, the judge who grants probation is making a calculated risk without equations by which the risk can be calculated.

If probation is to be developed to its ultimate value in the disposition of offenders, we will also need data which will enable us to experiment with potential improvements to the system as a whole. We can experiment to the limit of our ingenuity with parts of the system. What is lacking is a concerted drive throughout the field to gather data by which the costs and benefits of state-wide major policy changes can be estimated. It is one thing to test hypotheses about differential caseload treatment in a county rich enough to afford probation research. It is quite another to take the course on which the State of California has embarked, where a conscious attempt is being made to determine the benefits to the state from the diversion of offenders from prisons to probation supervision. I am the last to minimize the value of testing hypotheses leading to the improved treatment of offenders. Microscopic studies of this kind are needed in much greater numbers than the field of probation is now undertaking if probation is to develop the confidence in the value of its service which will justify its increased use. But macroscopic studies of probation, requiring system-wide data collection and analysis are urgently needed if all the trade-offs are to be defined and understood.

Fortunately the indefatigable Research Division of the National Council on Crime and Delinquency is at work on the problem of macroscopic probation statistics. The lessons learned in the compilation of Uniform Parole Reports are being applied to a much more complex problem. It will be fascinating to see where this resourceful group will end with the solution of the sampling problem it will face. The difficulty of the task is magnified by a factor of about sixty when compared with Uniform Parole Reports, there being about sixty times as many counties as there are states: in probation it's in the counties where the action is. Moreover, so far as we can judge, most counties are in even less satisfactory a state of preparation for the tasks of adapting to a national data collection system.

Innovation by the National Council on Crime and Delinquency in correctional data collection are welcome in this field in which innovation is so difficult. To persuade a public authority to risk resources and reputations on new ways of conducting old business is a formidable undertaking. The evidence is to be seen in the retarded development of criminal statistics in this country.

But it must be recognized at the same time that private organizations cannot reasonably be funded to maintain elaborate statistical systems

for the collection and dissemination of data for public use. It is at this point that public coordination of public functions must be made possible.

If you have followed me so far, you have discerned a disorderly array of statistical requirements. Some are well met, as in the case of the FBI's Uniform Crime Reports, which establishes police work loads and relates loads to resources. Some requirements are met by obsolescent services like National Prisoner Statistics. Some requirements are the object of imaginative experimentations and development, like Uniform Parole Reports. Some requirements are not being met at all, most notably mail and probation statistics. Many agencies are involved, and a case can be made for continuing the dispersion of effort in the interest of profiting from the continuities of communication and specialized expertise in the fields with which we are concerned.

With the passage of the Omnibus Crime Control Bill coordination of correctional statistics seems to be in sight. Among the new services for which this statute provides is a National Center for Criminal Justice Statistics. Its organization is still unsettled, but some of its functions seem to be predictable. It will not initially attempt to conduct data collections of its own to supplant or take over existing systems. What the country needs now is an agency which can make the possible connections between systems, which can arrange for filling the huge gaps between some of them, and, through analysis, help us all to create a national program for effectively reducing the incidence of crime and public anxiety. The Bureau of Prisons intends to build a system of national offender statistics out of the fragments of many systems now in being. New sub-systems will have to be created to fill voids with which no one has yet dealt. But the system which we will maintain will provide only one of the many data collections which the National Center for Criminal Justice Statistics will use. Our program will thus contribute to the mature understanding of its problems which an active society must have.

This is the note on which I wish to close. In his most recent book, The Active Society, Professor Amitai Etzioni distinguishes among four kinds of social organization at the national or macroscopic level. The passive society represent the emergence of national control over an essentially primitive social order. The over-managed society is totalitarian control through coercion without consensus. In both these kinds of society doctrine and direction are stressed beyond the need for information. The drifting society requires the mobilization of consensus so that action can be taken to meet its problems. But in such a society conflicts will exist which obstruct consensus until action is required by a crisis. The active society combines planning with consensus. In Etzioni's sense of the word no nation qualifies as an active society. Western societies tend to drift from crisis to crisis. There are signs, I think, that we are learning to combine planning with consensus in the economic domain, but we are certainly drifting in planning to meet the crime problem effectively. We have now drifted into a sense of crisis. We may continue to drift, but I think it is reasonable to construe the desire of the American people for control of the crime problem as an example of the formation of exactly that kind of consensus that is basic to the creation of an active society. Control can be achieved for a while by action without information, but we can predict that such a course will probably lead to even more serious trouble. We can achieve enduring control only through adequate information. The Omnibus Crime Control Law provides the apparatus for data collection and analysis by which rational programs can be formulated and chosen. We are ending a long history of drift. The means for finding the truth and measuring the consequences of our decisions will soon be in our hands. Action depends on concern and intelligence, but the fact that information will be available in increasing abundance justifies the belief that it will be action based on informed consensus rather than doctrinaire coercion.