United States General Accounting Office

GAO

Testimony

GAO Form 160 (12/87)

| For Release on Delivery Expected at 10:00 a.m. EST Thursday April 19, 1990 | The Department of Justice's Efforts to Compile State Crime Statistics |

Statement of
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Before the
Subcommittee on Criminal Justice
Committee on the Judiciary
House of Representatives

THE DEPARTMENT OF JUSTICE'S EFFORTS
TO COMPILE STATE CRIME STATISTICS

SUMMARY OF STATEMENT BY
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The need for complete, current, and reliable information on the operations and results of criminal justice systems has long been recognized by law enforcement officials, prosecutors, the courts, academicians, and other interested parties. In 1930, Congress authorized the Attorney General to gather crime information, including data on state and local crime, to assist the operations of federal, state, and local law enforcement agencies. Today, two Department of Justice Agencies -- the Bureau of Justice Statistics (BJS) and the Federal Bureau of Investigation (FBI) -- routinely collect, analyze, and report state crime statistics. The Bureau of Justice Assistance (BJA) also collects and publishes data the states compile for their drug strategies.

BJS and the FBI have programs designed to compile state crime statistics and the results of the criminal justice process. GAO found, however, that using BJS and FBI statistics on the level of reported crime without making adjustments for differences in how the statistics are constructed can lead to inconsistent conclusions.

GAO also found that problems exist with the quality, completeness, and consistency of state criminal history systems, which in GAO's opinion limit their usefulness. Compounding these problems is an inadequate automation capability in many state criminal records repositories which precludes the efficient collection of state crime data by the Department of Justice. Even though these problems have been widely reported, they are not easily resolved and can be expected to continue for the foreseeable future.

The data reliability problems raise important questions about federal efforts to improve state crime data:

-- What can be done to forge a consensus on a core of consistent and reliable state data for measuring crime?

-- How much federal funding is needed, and how much should the federal government be willing to pay, to improve automated data collection and reporting at the state level?

Resolving these questions will not be easy. However, GAO believes the Department of Justice needs to do so to make state crime statistics more reliable and valuable to their users.

Mr. Chairman and the Members of the Subcommittee:

We are pleased to be here to discuss the results of our review
of state crime statistics. Last December, you asked us to
examine the availability, responsibility for collection, and
reliability of these state crime statistics. In February, we
briefed your subcommittee staff on the status of our work and
were asked to summarize our results for today's hearing.

To assess the efforts to compile state crime statistics, we
reviewed reports and documents from and interviewed officials of
the Bureau of Justice Statistics (BJS), the Federal Bureau of
Investigation (FBI), the Bureau of Justice Assistance (BJA), the
Criminal Justice Statistics Association (CJSA), and state
officials having knowledge of the criminal history records (CHR)
repositories in Illinois, Rhode Island, and Texas. We did our
work in January and February, 1990.

FEDERAL EFFORTS TO COMPILE
STATE CRIME STATISTICS

The need for complete, current, and reliable information on the
operations and results of criminal justice systems has long been
recognized by law enforcement officials, prosecutors, the courts,
academicians, and other interested parties. At the state and

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local levels, such information plays an important role in assisting with police investigations and in making prosecutive, sentencing, and correctional decisions. At the federal level, such information is used as a basis for distributing federal funds and targeting federal programs to address identified problems in the criminal justice system. State crime statistics are also important to criminal justice scholars who examine the incidence of crime and law enforcement efforts designed to address it.

Today, two Department of Justice bureaus -- BJS and the FBI -- have programs to routinely collect, analyze, and report on state crime statistics. BJS, which is organized within the Office of Justice Programs, is the Department's primary statistical component. BJS has a National Crime Survey (NCS) program in which individuals from a representative sample of households are interviewed by Bureau of the Census personnel (on a cost-reimbursable basis) on the reported and unreported crime they experienced. BJS also has the Offender-Based Transaction Statistics (OBTS) program, the National Judicial Reporting Program (NJRP), and the Correctional Statistics Program (CSP) which collect and analyze a wide range of state crime data on arrests, prosecutions, convictions, sentences, and incarceration. Data for these programs (except NCS) originate from state criminal history records (CHR) repositories, state and local law enforcement agencies, state courts, state corrections agencies,

or inmate surveys. In addition, BJS has an Expenditure and Employment (E & E) program which tracks criminal justice expenditure and employment levels in state and local law enforcement agencies, courts, and corrections agencies.

The FBI collects and analyzes data on <u>reported</u> crime and arrests from state, county, and local law enforcement agencies through its Uniform Crime Reporting (UCR) program. The FBI is now implementing a new system, the National Incident-Based Reporting System (NIBRS), which will expand data currently reported in UCR from eight categories of crime to 22 categories, and expand the reporting of significant details about the offenses, the arrestees, and the victims. One of the new categories in NIBRS will track drug/narcotic violations, which will enable the FBI to report on drug crime. The FBI's latest estimate is that full NIBRS implementation will take from four to five years.

A third bureau, BJA, has a limited role in the compilation of state crime data. BJA, which is also organized within the Office of Justice Programs, collects and publishes summary statistics as reported by the states on the nature and extent of the drug problem and the status of efforts to control it. States are encouraged to provide summary statistics to BJA as part of their drug control strategy statement, which is required for BJA funding. BJA provides a data format which requires the states to use much of the same or similar data already collected and sent

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to the FBI. BJA also collects specific information on arrests, convictions, and sentences relating to the manufacture/cultivation, possession/concealing, and sale/distribution of illegal drugs. When NIBRS is fully implemented, BJA may be able to obtain drug crime data directly from the FBI.
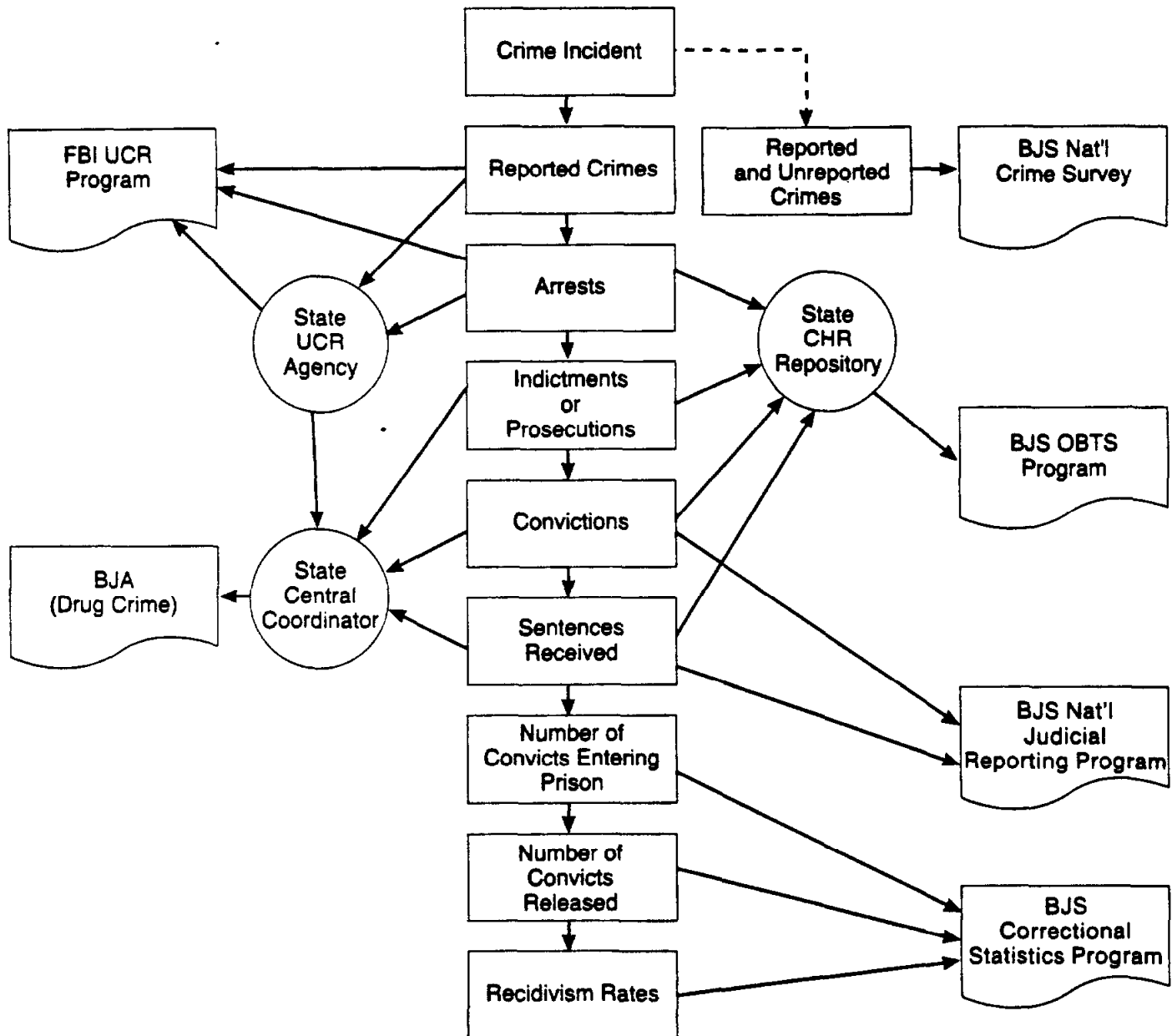
In addition to these bureaus, the Criminal Justice Statistics Association (CJSA), a nonprofit professional association located in Washington, DC, and funded by BJS and BJA, is involved in the analysis and reporting of state crime data. CJSA coordinates state Statistical Analysis Centers (SACs), provides technical assistance to address state and local crime-related policy issues, and maintains a clearinghouse of state policy resources called the Computerized Index to Data Sources (CIDS). In addition, the Department of Justice uses at least four other clearinghouses or data centers to store and distribute its reports.

Figure 1 provides an overview of the major Department of Justice programs designed to collect state crime data. Figure 2 shows the steps in the criminal justice process for which Department of Justice bureaus collect state crime data.

Figure 1: Major Department of Justice Programs for Collecting and Reporting State Crime Data

Bureau	Program	Type of Data Contained	Source of Data
Bureau of Justice Statistics	NCS - National Crime Survey	Crimes reported and not reported to police	101,000 individuals based on representative sample of 50,000 households
	OBTS - Offender-Based Transaction Statistics program	Felony arrests and subsequent prosecutions, convictions, and sentences	14 state CHR repositories currently participate
	NJRP - National Judicial Reporting program	Persons convicted of felony crimes, types of crimes committed, and type and length of sentence	State court data from a nationally representative sample of 300 counties
	CSP - Correctional Statistics program	Prison population, prison characteristics, inmate profiles, and post incarceration records	State courts, state corrections agencies, and inmate surveys
	E & E - Expenditure and Employment program	Tracks employment and funding levels for police, courts, and corrections agencies	Special sample of state and local governments, and federal records
Federal Bureau of Investigation	UCR - Uniform Crime Reporting program	Crimes and arrests reported to state, county, and local police	16,000 state, county, and local police through 42 state UCR agencies
	NIBRS - National Incident-Based Reporting System	Expands UCR with details about offenses, the arrestees, and the victims	FBI expects 27 states to participate by FY 1991
Bureau of Justice Assistance	Data submitted by states in their drug strategies	Arrests, prosecutions, convictions, and sentences pertaining to manufacture, possession, and sale of illegal drugs	State agencies

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Figure 2: Steps in the Criminal Justice System for Which DOJ
Bureaus Collect State Crime Data

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                                 ▼                     ▼
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│  Program     │◄──     └──────────────────┘   │and Unreported│      │ Crime Survey │
└──────────────┘  ╲              │             │    Crimes    │      └──────────────┘
         ▲    ╲    ╲             ▼             └──────────────┘
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           ╲  ┌─────────┐ │     Arrests      │───────────┐
            ╲ │  State  │◄└──────────────────┘            ▼
             ╲│  UCR    │        │                  ┌──────────┐
              │ Agency  │        ▼                  │  State   │
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                   │      │   Indictments    │─────►│Repository│
                   │      │       or         │      └──────────┘
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│ Crime)   │  └─────────┘        ▼
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CAUTION NEEDED WHEN INTERPRETING

UCR AND NCS DATA

The Department of Justice has two statistical programs designed
to measure the magnitude, nature, and impact of crime in the
United States. The FBI's UCR began in 1929 and collects
information on the following crimes reported to law enforcement
agencies: homicide, forcible rape (against females only),
robbery, aggravated assault, burglary, larceny-theft, motor
vehicle theft, and arson. UCR data are compiled from monthly law
enforcement reports made directly to the FBI or through state UCR
agencies. Law enforcement agencies active in the UCR program
represented about 240 million U.S. inhabitants, or about 98
percent of the U.S. population. UCR findings for each calendar
year are published initially in a preliminary release in the
spring followed by a detailed annual report. According to the
FBI, in fiscal year 1989 they spent about $4.5 million on UCR.

Recognizing that many crimes are not reported to police and thus
are not captured by UCR, BJS in 1973 implemented NCS which
collects information on crimes suffered by individuals and
households, whether or not those crimes were reported to law
enforcement. NCS collects detailed information on the frequency
and nature of the crimes of rape, personal robbery, aggravated
and simple assault, household burglary, personal and household
theft, and motor vehicle theft. NCS does not measure homicide or

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commercial crimes (such as burglary of stores), or crimes against individuals under 12 years of age. NCS collects information from a nationally representative sample of about 50,000 households. Households stay in the sample for three years and are interviewed by Bureau of the Census personnel at 6-month intervals. New households rotate into the sample on an ongoing basis. NCS findings for each calendar year are published in a press release the following April (preliminary data), in a BJS Bulletin in the fall presenting summary final data, and in a detailed report the following June. In fiscal year 1989, BJS paid about $6.6 million to the Bureau of the Census to collect the data.

Our review of UCR and NCS data found a disparity in the levels of reported crime between the two programs. Figure 3 shows a comparison of these data from 1979 to 1988. The data reported by both programs show similar trends in crime through 1984. From 1984 through 1988, however, UCR data show reported crime increased by over 17 percent. NCS data, on the other hand, show that reported crime increased by less than 4 percent in this period.

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Figure 3: Disparity in Levels of Reported Crime - NCS versus UCR

15.0   Crimes Reported (millions)
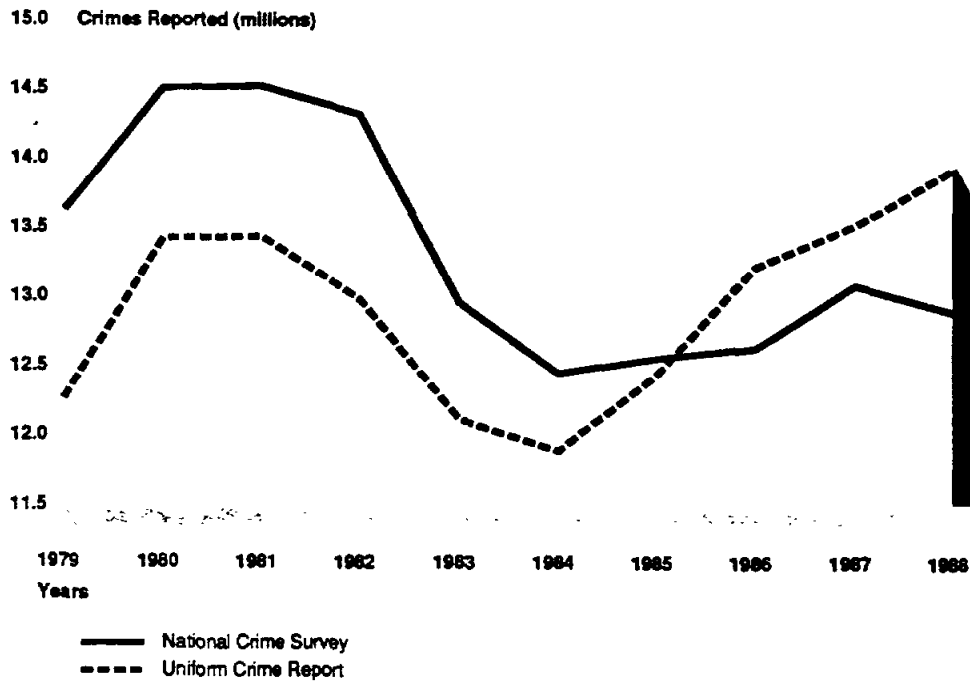
The discrepancy in the levels of reported crime could be due to
differences in the crimes captured and data collection
methodologies. It could also be due to incorrect data entry by
police officers or Bureau of the Census personnel, or the NCS
sampling variations (confidence intervals). When BJS
statisticians made adjustments to control for these differences,
the trends in data became closer although UCR data still show a
steeper increase. The Department of Justice acknowledges that
the Nation's two crime measures are not strictly comparable nor
consistent. It is their view that each complements the other's
findings and enhance our understanding of the Nation's crime
problem.

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The reasons for the inconsistent conclusions or the fact that inconsistencies exist are not made clear to the readers of the reports. We are concerned that having programs with similar objectives that report disparate results could lead to a situation where policymakers embrace the report which supports their particular point of view.

PROBLEMS ASSOCIATED WITH
STATE CRIMINAL HISTORY SYSTEMS

Over the years much hard work has been expended to improve state criminal history systems. Nevertheless, significant problems still remain with the state crime data, and these problems are widely recognized. The Attorney General noted in a November 20, 1989, letter to the Speaker of the House of Representatives that many of the criminal history systems maintained by law enforcement agencies are either out of date, incomplete, or both.

This state data reliability problem is not new to GAO. In a 1973 report, we noted that much of the data contained in state criminal history records was incomplete and inaccurate.[1] Our current review of Department of Justice documents and reports identified problems with data quality, completeness, and

[1]Development of a Nationwide Criminal Data Exchange System - Need to Determine Cost and Improve Reporting (January 16, 1973, B-171019).

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consistency, and with the automation of state criminal records. These problems limit the reliability and usefulness of state criminal history information systems.

Weaknesses in the data could compromise criminal justice decisionmaking, as such information plays an important role in assisting with police investigations and in making prosecutive, sentencing, and correctional decisions. For federal reporting purposes, the weaknesses in criminal history systems impact mainly on BJS' OBTS program because it relies on these systems for its data. The FBI's UCR program is affected by weaknesses in state, county, and local data.

Data Quality

The quality of state crime statistics for years has been recognized by the criminal justice community as a significant problem. Research has shown that the extent of the data quality problem in criminal history records is serious, particularly with respect to the results of court dispositions. However, despite studies and conferences regarding the problem, there continues to be a lack of assurance that data contained in CHR repositories is current and accurate.

A 1989 report by SEARCH Group, Inc., a research organization located in Sacramento, California, examines this problem. In

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that report, SEARCH Group stated that serious data quality problems exist in state CHR information. Reportable actions and decisions, particularly court dispositions, are often missing from criminal history records and information that is reported may often be recorded inaccurately. SEARCH Group concluded that criminal justice decisionmaking, and research and statistics that rely on criminal history data, may be compromised.

Compounding this problem is the lack of validity checks done on the state crime data in CHR repositories. In its 1989 report, SEARCH Group stated that although federal regulations require annual audits of the central state repositories and representative samples from contributing criminal justice agencies, only a few states have performed extensive audits of their repositories and only a handful have undertaken any substantial auditing of local agencies. We discussed the verification of local crime data with state agency officials from Illinois, Rhode Island, and Texas. These officials told us that comprehensive quality checks are not routinely performed to assure that the reported data accurately reflects information contained in the source documents. BJS officials told us they perform no independent data matches to the source documents for the OBTS program. The absence of required validity checks raises additional questions regarding the accuracy of the data.

Data quality problems have also been experienced by the FBI. For example, FBI officials said that they sometimes receive state crime data that show wide variations from prior years data from the same locality. If a significant discrepancy is identified, the FBI makes a special inquiry with the submitting state or local agency, as appropriate. If the variation cannot be reasonably explained, the data are not used. The new NIBRS system contains a data quality assurance component whereby the state is required to compare reported data to source documents using standard audit guidelines provided by the FBI. FBI officials said full NIBRS implementation is not expected for four to five years, so we do not know whether this effort will yield better data.

Data Completeness

A second problem with state crime statistics involves the lack of completeness in the data collected and reported by the states. This also raises questions about the reliability of CHR data. Much of the data maintained by state CHR repositories consists of dispositions that are reported by the various criminal justice agencies in the states. A survey by SEARCH Group in December 1984 reviewed actual state CHR repository operations in 47 states. SEARCH Group found that only 50 percent of the arrest and prosecution dispositions were reported to the CHR repositories, and further that it was difficult to make a linkage

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between arrest and conviction data. By extension, the problem also involves sentencing and incarceration data. SEARCH Group also found that differences exist among the states both in scope of reporting and whether such reporting was mandatory or voluntary. The study noted that reporting for jurisdictions with mandatory reporting statutes was higher than for jurisdictions with voluntary reporting.

A 1989 BJS report echoed the concern about the completeness of state crime data. According to that report, state-level data are available on crime rates and arrests, and on the number of people sent to prison and their sentences. However, a data gap was noted in showing what happens between arrest and imprisonment. Apparently, state courts have been reluctant to provide that data. BJS' NJRP was designed to fill this gap.

Some law enforcement agencies do not provide data for complete reporting periods to the FBI. For example, due to reporting problems at the state level, the FBI received no usable data from law enforcement agencies in Florida and Kentucky for the 1988 UCR report. The FBI estimated the criminal offense totals for these two states for the purpose of computing national crime trends. FBI officials said that similar instances occasionally occur with other locations and data items. As previously mentioned, it's too early to tell whether NIBRS' data quality component will correct such data completeness problems.

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Data Consistency

A third problem involves the lack of consistency in state crime
data, which is mainly caused by differences in penal code
definitions from state to state. A significant definitional
problem arises because the term "felony" is not uniform in either
its usage or definition. OBTS defines a felony as any crime for
which an offender can be imprisoned for more than one year.
However, two jurisdictions (Maine and New Jersey) do not use this
term at all to classify their criminal offenses and nine states
offer no explicit definition of a felony, even though they use
the term as a criminal designation. Further, while most states
define a felony offense as one punishable by a minimum prison
sentence of more than one year, five states have minimum felony
sentences of 1 1/2 to 3 1/2 years, eight states have no minimum
duration for felony sentences, and two states have a minimum
sentence of less than one year. Therefore, caution must be
exercised when comparing state felony crime data.

Another definitional inconsistency involves the crime of rape.
UCR defines rape as a crime against females. The state of
Illinois, however, has defined rape as gender neutral. To avoid
using inconsistent data, UCR does not use rape data reported by
Illinois for computing national trends. Instead, the FBI
estimates the number of rapes in Illinois using national rates

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per 100,000 people within eight population groups. NIBRS will be able to delineate the gender of rape, so this problem should disappear after NIBRS is fully implemented.

Automation of State Records

A fourth problem is the slow progress in automating state CHR repositories, which precludes the efficient collection of state crime data by the Department of Justice. The effect of this problem can be seen in the low level of participation in OBTS. BJS officials said to participate in OBTS, a state should have an automated CHR repository, data that reasonably represent the state's criminal justice experience, the capability for mechanized extraction of OBTS data, and data coded to facilitate extraction. At this point, only 14 state CHR repositories have the required capability and have volunteered to participate in OBTS. BJS provides up to $10,000 to help a state upgrade its CHR automation and up to $2,000 for annual data submissions, but it is questionable whether these amounts are sufficient to induce more states to participate. In any event, the participation of all states in OBTS is not expected by BJS in the foreseeable future.

NIBRS implementation also appears to be affected by inadequate automated state record systems. Currently, the FBI expects 27 states to be participating in NIBRS by the end of 1990. However,

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full implementation is being delayed because some states do not
have the software to properly extract data from their criminal
history files, while others have insufficient reporting by local
agencies, files not designed for statistical extraction, or local
resource constraints. FBI officials said NIBRS is preparing to
accept data directly from state, county, and local law
enforcement agencies on a floppy disk, if necessary.

The Attorney General recently approved a discretionary grant of
$9 million per year for three years to assist the states in (1)
improving the accuracy, completeness, and timeliness of criminal
history record information in centralized state repositories and
(2) providing such information to the FBI to establish a complete
and automated database of felons who are prohibited from
purchasing firearms. The FBI, in conjunction with BJS, will
develop voluntary reporting standards for state and local law
enforcement to record arrests and convictions in the last five
years and in the future. The first phase of this effort should
be completed in May 1990.

CONCLUSION

Having reliable state crime data is important for understanding
the nature and incidence of crime, and the effectiveness of
efforts to control it. Several Department of Justice programs
are designed to compile state crime statistics and the results of

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the criminal justice process. We found, however, that using UCR and NCS statistics on the level of reported crime without making adjustments for differences in how the statistics are constructed can lead to inconsistent conclusions.

We also found that problems exist with the quality, completeness, and consistency of state crime statistics, which in our opinion limit their usefulness. Compounding these problems is an inadequate automation capability in many state criminal records repositories which precludes the efficient collection of state crime data by the Department of Justice. Even though these problems have been widely reported, they are not easily resolved and can be expected to continue for the foreseeable future.

The data reliability problems raise important questions about federal efforts to improve state crime data:

--   What can be done to forge a consensus on a core of consistent and reliable state data for measuring crime?

--   How much federal funding is needed, and how much should the federal government be willing to pay, to improve automated data collection and reporting at the state level?

Resolving these questions will not be easy. However, we believe

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the Department of Justice needs to do so to make state crime statistics more reliable and valuable to their users.

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This concludes my prepared remarks. We would be pleased to respond to any questions.