

Bureau of Justice Statistics Bulletin

Federal Justice Statistics

Fifty years ago the Wickersham Commission, this country's first national crime commission, published a report on criminal justice statistics, noting as a basic principle that accurate statistics are a key to understanding and improving the administration of justice. The 1931 report, bearing the name of a former Attorney General, noted also that such statistics did not exist: "Accurate data are the beginning of wisdom in such a subject, and no such data can be had for the country as a whole, nor have they even been available hitherto with respect to many of the activities of the Federal government in the enforcement of Federal laws."

A comprehensive Federal transaction data base would reflect all transactions occurring in the investigative, prosecutorial, judicial, and correctional segments of the criminal justice system that describe successive actions taken with respect to the same criminal event. Ironically, while the Federal government has over the past decade encouraged and assisted the States in developing comprehensive State-level transaction data, the Federal justice system itself has not experienced comparable progress toward that end. There exists no body of comprehensive statistics about Federal offenders and little information about the flow of cases from Federal investigators to U.S. Attorneys and on through the Federal court and corrections systems.

Comprehensive criminal justice statistics: Uses, barriers, and methods

Statistics describing the components of State criminal justice systems are now routinely maintained at the State level. Although the systems vary in comprehensiveness and data quality from State to State, they have become increasingly important in every juris-

Felix Frankfurter opened a study which he and Roscoe Pound directed in 1921-22, of the administration of criminal justice in Cleveland, Ohio with the following words: "The inquiry had two aims: first, to render an accounting of the functioning of this system, to the fullest extent that social institutions are as yet adapted to statistical appraisal; and, second, to trace to their controlling sources whatever defects in the system the inquiry disclosed." The then Professor of Administrative Law and then Dean of the Harvard Law School placed at the heart of their "scientific study," the examination of 3,236 case records of "individual offenders" who passed through the Cleveland courts in 1919 and of 1,322 "prisoners in the workhouse" whose sentences were terminated during 6 months of 1920.

In the intervening years many lawyers and social scientists have followed the methodological precedent of Pound and Frankfurter, recognizing the enormous diagnostic power of processing or transaction data in understanding the "defects" of our present-day, but often little-changed, criminal justice systems.

As the needs have increased for improved criminal justice planning, fiscal control, policy assessment, and response to legislative requests for information (for example, to analyze the impact of determinate sentencing systems).

The needs to plan, to support the fiscal process, to assess policy, and to

One of the most important legacies of the statistical programs conducted by the Law Enforcement Assistance Administration in the last decade was the progress made by States and cities in developing what are called offender-based transaction statistics, frequently in conjunction with computer-based information systems also linked to criminal history information.

With the establishment of the Bureau of Justice Statistics in 1979 came the statutory responsibility to expand our "statistical appraisal" to Federal justice systems. We embark on this effort recognizing all the sensitivities that surround such an enterprise—separation of powers, matters of accountability, privacy and confidentiality of data, conflicting goals and objectives. Yet the obligation to view the Federal system as a whole and "to render an accounting of the functioning of this system" is there; with a grateful acknowledgment of the help we have received from the Federal agencies named here, this bulletin initiates our efforts to meet that obligation.

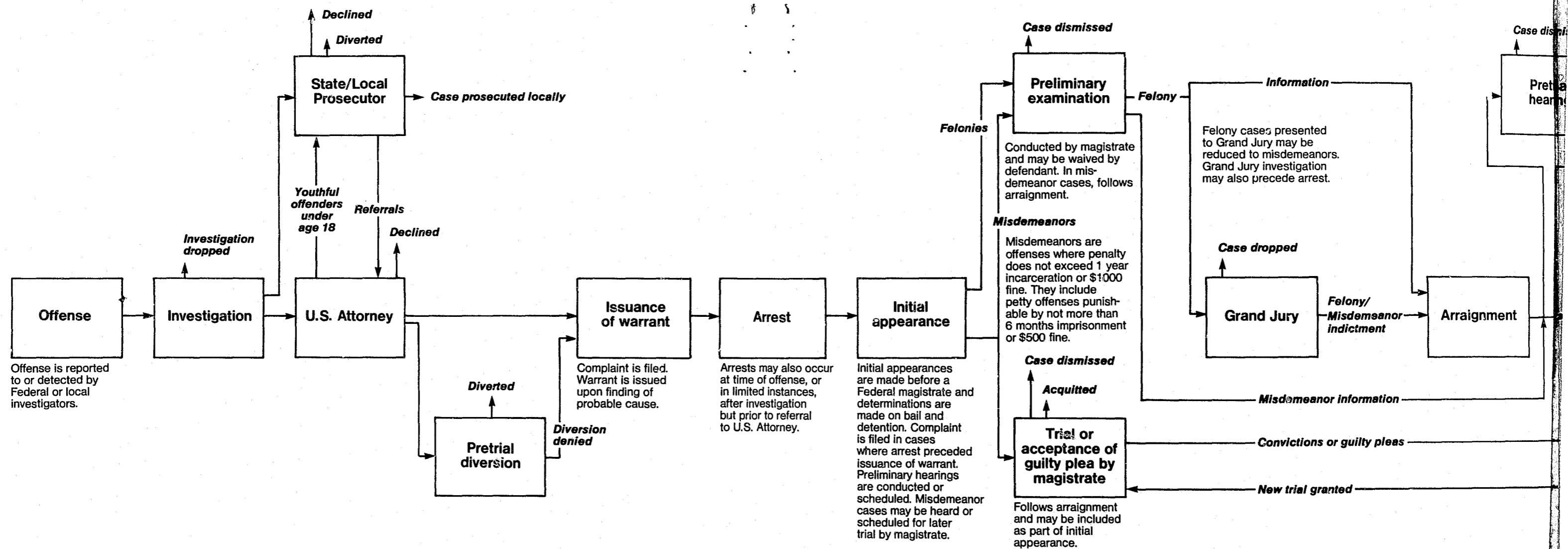
Benjamin H. Renshaw III
Acting Director

respond to legislative inquiry exist as well at the Federal level. The data to meet these needs, however, have not been maintained at the Federal level as they have at the State level.

Improved justice statistics for the Federal system are needed for more than planning, control, and policy assessment at the Federal level. They are

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The Federal Criminal Justice Case Processing System



Federal Criminal Justice Data Sources

Data sets listed are routinely maintained by Federal agencies. Other data sets exist or have been developed to support special-purpose projects or studies.

Investigative data files

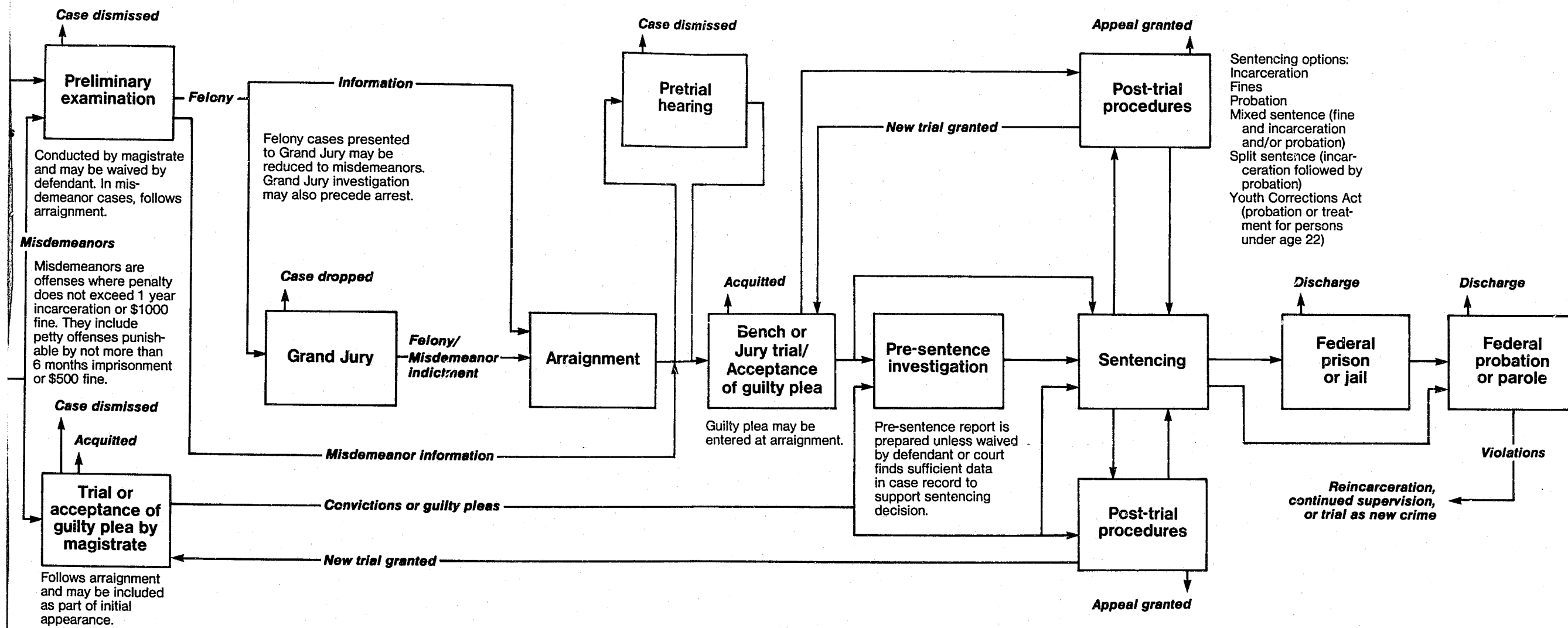
- Federal Bureau of Investigation
- Drug Enforcement Administration
- Secret Service
- Postal Inspection Service
- Bureau of Alcohol, Tobacco, and Firearms

U.S. Attorney data files

- Docket and Reporting System
- Prosecutor's Management Information System (PROMIS)

Adjudicatory data files

- Administrative Office of U.S. Courts filing and termination tapes
- Court Dockets from Courtran System maintained by the Federal Judicial Center in selected Districts
- Pretrial Services Agency (AOUSC) bail ("Speedy Trial") data



Adjudicatory data files

Administrative Office of U.S. Courts filing and termination tapes

Court Dockets from Courtran System maintained by the Federal Judicial Center in selected Districts

Pretrial Services Agency (AOUSC) bail ("Speedy Trial") data

Sentencing data files

Administrative Office of U.S. Courts

Docket and Reporting System (U.S. Attorneys)

Correctional data files

Bureau of Prisons inmate data

U.S. Parole Commission parole data

also essential to enable Federal authorities to respond to Attorney General William French Smith's directive to enhance coordination between the Federal and State and local criminal justice systems by establishing Law Enforcement Coordinating Committees. A prerequisite to effective coordination is a basic understanding of the relative magnitudes of case flow from one stage of Federal criminal case processing to adjacent stages.

Barriers to developing comprehensive justice statistics that have been confronted at the State level exist at the Federal level as well. Independent data systems have been developed and maintained by Federal investigative agencies, the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the Federal Prison System, and ancillary Federal agencies. As a result, data definitions vary from agency to agency, as do reporting periods and crime classification schemes. These barriers make the prospect of developing a comprehensive Federal transaction data base incorporating the various data sets maintained by Federal agencies fairly difficult, at least for the near term. They also limit the inferences to be drawn from comparing the reports of different justice agencies.

Specific uses of available data to assess Federal criminal justice policy are numerous, even prior to data linkage. Simple numeric descriptions of Federal case flows and events can reveal the frequency with which specific problems, such as crimes committed while on bail and bail jumping, actually occur. The data can also be used to assess a host of other issues:

- case referral policies and rates of case flow between Federal and local agencies;
- the quality of evidence and investigations;
- rates of pretrial misconduct and the criteria used in making pretrial release decisions;
- rates of recidivism and chronic offender case-targeting decisions;
- delays in case processing at each stage of the system; and
- consistency in case-processing and sentencing practices.

Although the case record can serve as the basis for many of these analyses, the data could be reorganized to allow addressing other issues. For example, studying recidivism and its predictors requires that the data be reorganized to describe offenders rather than current cases. Likewise, a study of arrest quality might require that the data be

restructured to focus on Federal investigative functions rather than individual cases. Similarly, studying case backlogs may require a reorganization of the data by unit of time.

Analyses such as these require a thorough understanding of the structure of the system, of the issues relevant to system operation, and of the data as they relate to those issues.

The accompanying chart and discussion describe the fundamental stages of Federal case processing. The schematic has simplified what in fact is an extremely complicated set of interactions among individuals, cases, and organizations. Accordingly, it does not provide an inclusive description of the many processing options available at the various decision points in the system, nor does it in all cases draw the distinction between the movement of the offender and his case record. The chart is intended to identify, however, those processing stages which should be reflected in a comprehensive Federal statistics data base.

The Federal system

The Federal criminal justice system is divided into 94 judicial districts. Each has a Federal District Court and a U.S. Attorney. According to the Administrative Office of the U.S. Courts, approximately 50,000 criminal cases a year enter this system. Basic similarities exist between the way these cases are processed and the way cases are usually handled at the State and local levels, but there are also some fundamental differences. At the Federal level, as at the State and local levels, criminal justice responsibilities are divided into the components of law enforcement, prosecution, adjudication and sentencing, and corrections.

The Federal system is perhaps most readily distinguishable from State and local systems in terms of the kinds of crimes unique to Federal jurisdictions, including major crimes (e.g., major drug offenses and crimes of serious fraud and corruption), crimes that cross State boundaries (e.g., interstate transport of stolen property, cargo theft), crimes involving Federal money (e.g., counterfeiting, forgery of U.S. checks), and crimes committed on U.S. Government property.

Criminal offenses that are investigated and prosecuted at the Federal level typically do not involve crimes of violence. These are commonly handled at State or local levels. Federal crim-

inal cases usually result from long-term investigations of such crimes as embezzlement, fraud, drug dealing, or forgery. These cases may involve offenders who have committed many offenses over several months or years or have stolen large sums of money.

Five investigative agencies conduct a substantial majority of the investigative work done at the Federal level: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Secret Service, the Postal Inspection Service, and the Bureau of Alcohol, Tobacco, and Firearms. Other Federal agencies, including the Customs Service, the Internal Revenue Service, the Food and Drug Administration, the Immigration and Naturalization Service, the Securities and Exchange Commission, and individual executive departments also employ investigators to monitor infractions that are the responsibility of those agencies. Investigative activities include crime detecting, evidence collecting, making arrests, presenting cases to Federal prosecutors, and conducting followup investigations.

Prosecuting Federal cases is the responsibility of the Department of Justice litigating divisions and the Office of the U.S. Attorney in each district. U.S. Attorneys are appointed by the President but generally have long-standing familiarity with the concerns of their districts. They are supported in Washington, D.C., by the Executive Office for the U.S. Attorneys.

Many, if not most, Federal crimes are "dual jurisdiction" offenses that may be prosecuted either federally or locally. The decision by a U.S. Attorney to prosecute a bank robbery, for example, may rest on such factors as the seriousness of the offense, the prior record of the offender, policies of the agencies involved, and the degree of involvement of local law enforcement officials in investigating the offense. Generally, the Federal government will prosecute cases brought by Federal agents when the cases meet the U.S. Attorney's standards of seriousness and have enough evidence to merit prosecution.

In addition to the 94 U.S. Attorneys and the 94 Federal district courts, there are 12 circuit or appeals courts and the Supreme Court of the United States. Statistical information about case processing in the judicial branch of the Federal system is maintained by the Administrative Office of the U.S. Courts.

After receiving sentences, convicted offenders in the Federal system may be turned over to the Division of Probation in the Administrative Office of the U.S. Courts or to the Bureau of Prisons. Offenders sentenced to incarceration are confined in one of the 42 Federal correctional facilities located throughout the country.

Eligibility for parole is determined using guidelines developed by the Federal Parole Commission. These guidelines permit evaluating each Federal inmate on the basis of offense seriousness and relevant aspects of the inmate's criminal history.

Federal data sources

The agencies that make up the Federal criminal justice system maintain a variety of data that document the processing of cases and defendants within each agency and describe the criminal record of individual offenders. At the investigation stage there are several automated data bases, including the FBI's Computerized Criminal History File (CCH); the Criminal Automated Reporting System of the Bureau of Alcohol, Tobacco, and Firearms; and the automated files maintained by the Drug Enforcement Administration and the Secret Service. Also, manual files are maintained by other agencies that engage in investigative work.

Information about the cases processed by the U.S. Attorneys is maintained by the Executive Office for the U.S. Attorneys in its Docket and Reporting System. The system provides data about criminal (and civil) case rejections, filings, and dispositions.

Court data maintained by the Administrative Office of the U.S. Courts in the Automated Docket System provide information about criminal case filings and terminations in the Federal Courts. The "termination" file contains offense, disposition, and sentencing information.

Finally, the Federal Bureau of Prisons uses automated prison records to monitor the confinement and release of Federal offenders.

In addition to the data bases listed above, special-purpose data sets provide a variety of information about Federal defendants, cases, and practitioners. These include:

- the U.S. Parole Commission longitudinal recidivism files;
- pretrial release data maintained by the Federal Pretrial Services Agency;
- COURTRAN files designed by the Federal Judicial Center that provide automated court records for 11 Federal districts;
- Prosecutor's Management Information System (PROMIS), currently in two U.S. Attorney's offices, with plans to extend it to other offices;

Bureau of Justice Statistics bulletins are prepared principally by the staff of the bureau. Carol B. Kalish, chief of policy analysis, edits the bulletins; Marilyn Marbrook, head of the publications unit, administers their publication, assisted by Julie A. Ferguson. This bulletin was written by Brian Forst of INSLAW, Inc. (formerly the Institute for Law and Social Research), Washington, D.C.

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• other data developed as part of specific studies sponsored by Federal agencies (e.g., coded presentence investigation reports).

Conclusion

Maintaining statistical information about the Federal criminal justice system is not an easy task. It is one that at present is done primarily within each district and aggregated nationally by the numerous agencies operating separately within the Federal executive and judicial branches.

Movement toward a comprehensive system of Federal criminal justice statistics would certainly help to improve understanding of Federal case processing and enable the various agencies of the Federal justice network to conduct analyses that are needed to enable them to carry out their mandates. It would also foster better coordination both within the Federal government and between the Federal and local systems.

The Bureau of Justice Statistics has undertaken to build toward these ends. Currently, efforts are being directed toward a comprehensive review of Federal data sources to determine the feasibility of developing an integrated data base. BJS will also release a major Compendium of Federal Criminal Justice Statistics, which will provide a single-source reference to criminal justice statistics describing the Federal criminal justice system. Additionally, reports will be issued that analyze statistical data relevant to particular priority issues associated with the Federal offender and the Federal criminal justice system.

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