

Measuring Performance: The Competence of the Criminal Justice System

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On behalf of BJS, I am delighted to welcome you to this jointly sponsored annual conference. The theme this year, which focuses on the measurement of program performance, is especially appropriate given the financial difficulties and difficult choices facing many States.

BJS continues to embark on a wide variety of new and extremely interesting activities in addition to the nearly 3 dozen ongoing stats programs. We are just beginning a new Congressionally-mandated inquiry into the prevalence and consequences of prison rape and sexual assault, perhaps the most challenging statistical requirement imposed upon us. We are wrapping up our first-ever collection on the content and curriculum maintained by police training academies and we are in the field now collecting data on the operations and workloads of police crime labs. We are also beginning a supplement to our case-processing statistics which examines the flow of domestic violence cases as they are handled by the criminal justice system and whether that handling is different from other types of criminal cases. I tremendously appreciate the help so many of you have given us in trying to meet another Congressional mandate to learn about deaths in custody.

There is, however, something else I would like to talk about for a moment. For several years now, we have been hearing many explanations for the decline in the crime rate; BJS figures released a few weeks ago show the lowest rates of violence in 30 years and FBI SHR data show homicide rates last seen in the mid-1960's. Usually in the next breath, we hear the question of why imprisonment rates continue to

rise as if the two trends are completely unrelated—in fact, the reason for these opposing trends is often cited as the incompetence or bias of the criminal justice system.

I do not think the performance measures we have indicate that the cjs has grown less and less competent. In 2002, the public experienced about 5.3 million violent victimizations. By contrast, had the per capita rates of 1993 occurred last year, we would have faced nearly 11.6 million acts of murder, rape, robbery, sexual assault, and assault. If the murder rate in 1993 had occurred in 2002, we would have experienced 26,600 murders; however, 2002 statistics show there were an estimated 16,100 murders during the year, about 10,500 fewer murders than we would have expected based upon the murder rate in 1993. The cumulative impact of crime reduction is breathtaking—in fact, if 1993 rates of crime had occurred in each year since that time, Americans would have experienced an additional 68,000 murders, more than 1.4 million additional rapes and sexual assaults, an additional 3.8 million robberies, and more than 22 million assaults. Nearly 27 ½ million violent crime encounters did not occur because the crime rate dropped over this period.

It is important to keep in mind that reductions in violent crime avert the human toll, but decreasing property crime rates also provide a critical sense of orderliness and personal security so important to our daily lives. Looking at the period since 1993, reduced crime rates over the period resulted in nearly 90 million fewer property crimes than would have occurred had crime rates held constant over those years—about 17.8 million residential burglaries, about 65.5 million incidents of theft, and about 6.5 million auto thefts that did not occur because crime was on the decrease.

The aggregate statistical evidence gathered from the Federal, State, and local agencies suggests, however, the opposite of what critics of the criminal justice system assert about competence. First, for example, when we examine imprisoned populations, we find that about 8 in 10 prisoners confined in State and Federal prisons have a prior conviction history and about 2 in 3 prisoners have a current or past history of convictions for violence. Combining these two sentencing criteria—violence and repeat offending—we account for about 93% of the prison population nationwide. In other words, if we collectively believe that prison space should be reserved for violent and repeat offenders, such characteristics largely describe those who are imprisoned—in my opinion, important performance evidence of competence in how we use prison space.

Secondly, a recent BJS study following those discharged from prisons in 15 States revealed that the average released prisoner had 15.2 prior arrests for serious offenses on his/her criminal history record. If this is representative of who is in prison (a conservative assumption since those in prison reflect the backing-up of more serious prisoners), then we would estimate that the nearly 1.3 million State prisoners incarcerated on December 31, 2002 had accumulated about 19.4 million arrests for serious crimes prior to their current prison term. This would include an estimated 2.6 million prior arrests for violence, 6.9 million prior arrests for property crimes, over 4.3 million drug arrests, and more than 3.3 million arrests for public order crimes such as gambling, weapons offenses, and DWI. These prior arrests would include nearly 85,000 homicide arrests, more than 208,000 arrests for rape and sexual assault, about 809,000 robbery arrests, more than 1.1 million prior arrests for assault, about 1.7 million previous arrests for burglary, nearly 700,000 arrests for frauds, and so forth. Given that arrests generally undercount actual crime commission, those serving prison terms on a single day clearly

represent a very active community of contributors to the overall crime problem. In fact, following release from prison, BJS found a single year's worth of prison releasees accounted for about 8% of all murder arrests and about 9% of all arrests for robbery in the States studied.

Thirdly, BJS data show that the fastest growing component of prison population has not been those sentenced directly from the courts; rather, revoked parolees who have been returned to prison for violation of the post-imprisonment rules of community release have increased at a rate nearly twice the rate of increase for court-committed admissions over the period since 1993. Since studies generally indicate that recidivism among those leaving prison has not changed over time, the higher rates of prison return may be the result of an improved quality of supervision and surveillance while in the community; increased scrutiny of discharged prisoners is certainly consistent with the greater attention now being given to reentering populations at both the Federal and State levels.

Finally, over the last decade, a decade marked by crime reduction, our Nation has supported the largest improvement in the collection, utilization, and sharing of information on crime and criminals that has ever occurred. Technology has provided a national portal for the maintenance, retrieval, and distribution of detailed and accurate criminal background information from one jurisdiction to the next. It is far more difficult today for a repeat offender to elude the consequence of his/her criminal background by going to a different locale—criminal records today, including DNA-based databases, are easily shared among law enforcement and allow all criminal justice decision-makers to be far better informed about the victimization wake left by offenders over the course of a criminal career. It is certainly reasonable to assume that the access to such information is an important part of the 10 years

of good news about crime decreases—from crime-solving including earlier detection and apprehension to pretrial decisions to post-prison decisions---better data have unquestionably fostered better decisions with respect to public safety. Since 1994 alone, about a million firearms sales to prohibited purchasers have been averted because of improved access to criminal record data.

The picture which emerges is not that of a collective criminal justice system which has grown less competent at implementing a sanctioning system, but one that seems to make logical and informed choices about the offense and offender criminal background characteristics deemed prison-worthy and which better utilizes information to supervise and apprehend offenders.

[Prison expenditures are usually raised in relation to opportunities lost to spend public tax funds on other “more useful” pursuits. Though prison costs by State to house an inmate for a year are highly variable, a rough national approximation places the cost at about \$24,000 per year—about \$30 billion to house the nearly 1.3 million State prisoners being held at the end of 2002, or about \$107 per year for each US resident. To put this cost in perspective, State and local governments spend about \$6000 per person per year meaning that prisons account for less than 2% of State and local spending.

Compared to the State funds spent on prisons per capita, 3 times this amount per person is spent for interest on State and local debt, about 17 times as much per person on education, twice that amount for police services, and about the same amount as prisons is spent for public transit. At the Federal level, national defense expenditures per capita are about 12 times the cost of State prisons, interest on the national debt is about 6 times the per capita expenditures for State prisons, and Federal aid to education is about 1 ½ times the cost of prisons. The costs of administering prisons are not inconsistent

nor disproportionate to spending in other public safety sectors.]

One of the most important issues related to crime reduction to learn more about, in my view, is the dramatic decline in juvenile violence—children born in 1979 had an arrest rate for murder, rape, robbery, or aggravated assault by age 15 which translated into about 1 arrest for every 122 children born that year. By contrast, children born seven years later in 1986, by age 15, had a violent crime arrest rate which was about half that of those born in 1979, about 1 arrest for violence for every 222 children born that year. In fact, for each birthyear and at each age in their teenage years, children born after the latter part of the 1970's have experienced declining arrest rates for violence. In my mind, it may be more important for our future to learn why youth are disengaging from crime, and the role our institutions may be playing in reducing juvenile criminality, than it is to learn whether we can marginally reduce the size of the prison population by not imprisoning some arbitrary subset of violent or repeat offenders.

These, I think, are our national performance measures which brings us back to the theme of this meeting. Without some coherent way of assembling knowledge about what we do and how we do it, there are many who will challenge the competence with which we spend public funds and make decisions about people's lives. I believe our national data indicate a growing competence and, as a consequence, a dramatic improvement in our collective quality of life. When I think of how unrecognized it is among most people that 68,000 murders and 27 ½ million violent crimes did not occur over the last decade because of crime reduction, we can clearly recognize why keeping such data and attempting to understand the link to the operations of the cjs is such an important undertaking.

Again, welcome to the conference and I hope all of you will take advantage of the opportunity to talk about how we can better measure and report to the public on their safety and the competence of our justice system. It is our most important challenge and responsibility. Thank you.