

Bureau of Justice Statistics Redesigning Two Collections that Examine Felony Offenders

This article was written by Duren Banks, Chief, Prosecution and Adjudication Statistics Unit, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

The Bureau of Justice Statistics (BJS) serves as the statistical arm of the Department of Justice and is responsible for providing comprehensive, objective, and accurate national data on crime and justice system operations. As part of BJS' efforts to fulfill this mandate, the Prosecution and Adjudication Unit has regularly collected data on court processing, adjudication, and sentencing of felony defendants charged in state courts. These data are collected through two ongoing efforts, the State Court Processing Statistics (SCPS) and the National Judicial Reporting Program (NJRP).

State Court Processing Statistics (SCPS) (formerly, through 1994, the National Pretrial Reporting Program) provides data on the criminal justice processing of persons charged with felonies in 40 jurisdictions representative of the 75 largest counties. These counties account for about half the serious crime nationwide. The program prospectively tracks felony defendants from charging by the prosecutor until disposition of their cases or for a maximum of 12 months (24 months for felony defendants charged with murder).

Data are obtained on demographic characteristics, arrest offense, criminal justice status at time of arrest, prior arrests and convictions, bail and pretrial

release, court appearance record, rearrests while on pretrial release, type and outcome of adjudication, and type and length of sentence. The collection has been implemented biennially since 1988.

The **National Judicial Reporting Program (NJRP)** has been conducted biennially since 1983. The collection surveys a nationwide sample of county felony trial courts in 300 counties, collecting detailed information on demographic characteristics of felons, conviction offenses, type of sentences, sentence lengths, and time from arrest to conviction and sentencing. These data produce national estimates to answer questions

such as:

- How many persons are convicted of a felony in a year?
- What percentage of convicted felons receives a prison sentence?
- What is the average age of persons convicted of a violent felony?
- What is the average length of probation sentences for drug trafficking?

Selected findings from the collections include:

- State courts convicted an estimated 1,079,000 adults of a felony in 2004, a number about 24% higher than the
(See **BJS**, p. 3)

Using State Criminal History Records to Study Sex Offender Recidivism

This article was written by Stan Orchowsky, JRSA Research Director. Janice Iwama, JRSA Research Analyst, compiled the data.

The National Criminal History Improvement Program (NCHIP) was initiated in 1995 to support state activities for the establishment of records systems and the collection and use of criminal history and related records. The goal of the NCHIP program, which is administered by the Bureau of Justice Statistics (BJS), is to "improve safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide imple-

mentation of criminal justice and non-criminal justice background check systems." BJS and the states have a vested interest in ensuring accurate, timely, and complete criminal history records, and BJS has carried out a variety of statistical efforts designed to assess criminal history records improvement and utilization, including surveys of state criminal record systems and the development of a Records Quality Index, a statistical index documenting the progress made by states utilizing NCHIP funding to improve criminal record systems.

In November 2005, BJS awarded a grant to the Justice Research and Statistics Association (JRSA) to coordinate
(See **HISTORY RECORDS**, p. 7)

National Commission Proposed to Review Justice System Approach and Practices

For the last four decades, criminal justice policy in the United States has been guided by the 1967 President's Commission on Law Enforcement and Administration of Justice, which issued a ground-breaking report, "The Challenge of Crime in a Free Society." This report made more than 200 recommendations as part of a comprehensive approach toward the prevention and fighting of crime, and was instrumental in shaping the Omnibus Crime Control and Safe Streets Act of 1968. In response to calls from leaders in the field of criminal and juvenile justice for a reexamination of the federal and state criminal justice systems, Senator Jim Webb (D-Va.), introduced legislation in March to establish a new National Criminal Justice Commission.

If the legislation passes in its current form, 11 commission members will be appointed by the Senate and House Judiciary Committees as well as the Republican and Democratic Governors Associations. Appointees will include individuals with nationally recognized expertise in law enforcement; criminal


justice; national security; prison administration; prisoner reentry; public health, including drug addiction and mental health; victim's rights; and social services. The Commission is charged with reviewing the federal and state criminal justice systems, including costs, practices, and policies, and recommending changes in policy and law based on the findings of its review.

The review would examine prison admission policies, the costs of incarceration, policies on dealing with the mentally ill, the impact of gangs in the United States, current drug policies, and the historic role of the military in crime prevention and apprehension, and compare U.S. incarceration policies with those of other countries. The Commission will then use the findings to make recommendations on refocusing policies to reduce the overall incarceration rate; decreasing prison violence; improving prison administration, including Federal standards; instituting best practices proven effective throughout the system; establishing a system for the reintegration of ex-offenders

back into the community; changing the approach to criminalization of, and incarceration as a result of, the possession or use of illegal drugs; improving the treatment for addiction; improving the treatment of mental illness; improving Federal and local responses to international and domestic criminal activity and violence carried out by gangs and cartels, particularly in relation to drug smuggling and distribution; and improving and reforming any other aspect of the criminal justice system the Commission determines is needed.

The final report including all findings, conclusions, and recommendations of the Commission will be due to Congress and the President 18 months after the selection of the Commission Chair and Executive Director.

In April, JRSA staff, along with representatives of several other criminal justice organizations, attended a briefing about the Commission in which several concerns were raised. Attendees questioned what seemed to be a limited focus of the Commission. Doug Ierley, counsel to Senator Webb, responded by saying that the Commission review will include more aspects of the system than are mentioned in the bill and encouraged suggestions. Attendees also advised Ierley that the Commission should include representation from county and local officials since a majority of the nation's justice system is operated at the local level. The bill currently states that the Commission will consult government and non-government officials, including those from state and local law enforcement, and include summaries of those recommendations in the final report. Finally, attendees were concerned that the 18-month time frame is too short to fulfill the commission's mandate.

For more information on the proposed National Criminal Justice Commission, visit (<http://webb.senate.gov/email/criminaljusticereform.html>). 

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872,000 adults convicted in 1994.

About a third of the 1.1 million were drug offenders, and about 1 in 5 were violent offenders.

- An estimated 95% of persons convicted of a felony pleaded guilty.
- In the 75 largest counties, the average time between arrest and sentencing for a felony offense was 184 days.
- Of those convicted of felonies, 41% are sentenced to prison, 28% to a term in a local jail, and 31% receive a sentence to probation.
- The average sentence length to state prison for a violent felony declined between 1994 and 2004 (from 10 years to 7½ years). However, felons sentenced for a violent felony in 2004 were more likely than those sentenced in 1994 to serve a larger proportion of their sentence before release.

While SCPS and NJRP have a number of strengths, they have remained essentially unchanged since their respective inception more than 20 years ago. In consultation with a number of key stakeholders, BJS has identified the primary limitations with the existing methodologies of the two collections.

First, the SCPS collection includes case processing data from the nation's 75 most populous counties, and therefore does not have the capacity to make national-level inferences. While the NJRP collection is capable of providing national-level estimates, it is limited in its ability to provide county-level statistics.

Second, due to the historical burden in collecting SCPS measures, the sampled counties (generally 40 of the 75 most populous) provide less than a whole month of felony filing data (e.g., 5 or 10 business days), which introduces bias into the estimation process. SCPS has traditionally been reliant on manual data collection, yet there are several states that have moved their court data into data warehouse environments. This development introduces new possibilities for case-level data analysis and significant reductions in data collection costs, which could reduce the bias inherent in the existing sampling approach.

Finally, the measures included in both collections further limit the utility of each. NJRP, while more comprehensive in its coverage, is limited in that it can provide no information on convicted felons other than demographics. In other words, the collection contains none of the measures commonly associated with felony conviction and sentencing, such as charging offense, conviction rates, dismissal rates, other adjudication types, offender criminal history, and others. SCPS does collect more information on case characteristics from filing through adjudication, but still does not collect several key data elements that potentially play a crucial role in pretrial decision-making. Furthermore, while SCPS was initially focused on pretrial release, over time it has added measures related to felony case outcome and sentencing that overlap with the information collected through NJRP. It is therefore important to examine whether such an overlap is warranted, or whether the two collections might be combined to produce more generalizable and comprehensive statistics.

BJS' redesign activities are focused on each of the areas described above – the limitations of the existing sampling approaches, the ability of jurisdictions to provide automated data, and the need to develop a comprehensive and robust col-

lection that can generate national-level statistics that reflect felony case characteristics, from initial charging through adjudication and sentencing. BJS has partnered with the Pretrial Justice Institute and the Urban Institute to examine specific aspects of the collections' sampling parameters, data collection instruments, and data collection approaches. BJS is also in the process of reaching out to a number of key stakeholders, including the National Association of Sentencing Commissions and the Pretrial Executives Network. Our primary goals of the redesign effort are to:

- Redesign the data collection instrument to account for specificities of the jurisdictions that are currently ignored, and take into account more pertinent information on offender and case characteristics commonly associated with case processing and outcome.
- Develop sampling methodologies to explore increasing sample coverage.
- Develop sampling methodologies to explore options for second stage sampling of cases within selected counties, including considerations of seasonality.
- Develop and test alternative sampling strategies that allow for periodic modular enhancements of the data collection tool.

(See BJS, p. 4)



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Promotions and Additions Mean Change at BJS


Earlier this year, Gerry Ramker became Associate Director of the Bureau of Justice Statistics in the Office of Justice Programs, U.S. Department of Justice. In this role, he is responsible for all of the bureau's statistical planning, policy and operations functions. He oversees BJS's Criminal Justice Data Improvement Program and the Publications and Dissemination Unit. Dr. Ramker joined the Bureau of Justice Statistics, as Chief of the Criminal Justice Data Improvement Programs, in October 2004. He came to Washington after a twenty-year career working for the Illinois Criminal Justice Information Authority in Chicago, where he directed the state's Statistical Analysis Center. He also worked for the Illinois State Police directing program development efforts, research, and evaluation projects for the Division of Forensic Services and Identification.

Devon Adams, a long-time BJS employee, was chosen to fill Dr. Ramker's former position as unit chief for the Criminal Justice Data Improvement Program. Ms. Adams has been with BJS since 1998 working in a variety of capacities. In her most recent job, she was responsible for program development, monitoring, evaluation, and technical assistance delivered in grant programs related to improvement of state criminal history records, domestic violence records, protection orders, firearm background checks, and for the development of national data and statistics related to criminal justice. For several years she also managed state grants under the National Criminal History Improvement Program (NCHIP), the State Justice Statistics Program (SJS), and many related special data collection projects. Ms. Adams also prepared reports on firearm sales procedures and background checks authorized by the Brady Act. In her new role, she will oversee these efforts on behalf of BJS as well as new grant programs and initiatives associated with the National Instant Criminal Background Check System Improvement Act. She has a master's degree (J.M.) in law and eco-

nomics from George Mason University School of Law, and a B.A. in sociology/social psychology from Lehigh University.

Joel Garner joined BJS as the Chief of the Law Enforcement Statistics Unit. Between 1974 and 1990 while at the National Institute of Justice, Dr. Garner managed the Minneapolis Domestic Violence Experiment, the six replications of that experiment, the Program in Human Development in Chicago Neighborhoods, and other research efforts. In 1990 and 1991, he served as the Director of Research at the U.S. Sentencing Commission. Since 1992, he has published widely on issues related to the use and effectiveness of criminal sanctions for intimate partner violence and on the use of force by and against


the police. Dr. Garner has worked with Stephen Haas of the West Virginia SAC and has attended and made presentations at JRSA conferences. He has a Ph.D. in political science from The George Washington University.

Among the responsibilities of BJS' Law Enforcement Unit are publications derived from the Law Enforcement Management and Administrative Statistics (LEMAS) Program, the Census of State and Local Law Enforcement Agencies, and the Police Public Contact Survey. The unit currently is preparing a report on law enforcement aviation units and is implementing new surveys of private security operations and publicly funded forensic crime laboratories. 

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- Develop procedures that minimize data collection costs.
- Explore statistical and strategic aspects of integrating SCPS and NJRP into a single unified design
- Preserve time trends since the inaugural SCPS and NJRP collections wherever possible

As these redesign efforts unfold, BJS is committed to continue collecting and

reporting data on felony offenders processed and adjudicated in state courts. We expect to release publications describing the findings from the SCPS and NJRP 2006 data collections by the end of calendar year 2009. We also plan to support the SCPS 2009 data collection, which will preserve the collection's time trends, yet also present an opportunity to explore and pilot some of the recommendations from our ongoing redesign efforts. 

Mary Lou Leary Returns to OJP

Mary Lou Leary was appointed Deputy Assistant Attorney General for the Office of Justice Programs. Ms. Leary has served in many capacities at the Department of Justice, including Acting Assistant Attorney General of OJP at the end of the Clinton Administration and the beginning of the Bush era. Most recently she served (since 2004) as Executive Director of the National Center for Victims of Crime. Prior to that, she worked for many years at the Department of Justice as a career employee – rising from serv-

ice as an Assistant U.S. Attorney to Chief of the Superior Court Division in the U.S. Attorney's Office in D.C. to United States Attorney for the District of Columbia. At Justice, in addition to OJP, Ms. Leary served as Acting Director of the COPS Office and as Deputy Associate Attorney General. Prior to coming to Washington, she served as an Assistant District Attorney in Middlesex County, Massachusetts. In addition to her law degree, she holds a master's degree in education. 

SAC NEWS

New SAC Director Takes the Helm in Connecticut

Ivan Kuzyk was recently appointed Director of the Connecticut Statistical Analysis Center (SAC). He is a Lead Planning Analyst in the Research Unit of the Connecticut Office of Policy and Management's Criminal Justice Division, which is where the SAC is located. Prior to joining OPM last year, Mr. Kuzyk was consultant to a variety of organizations including the United States Attorney's Office in Connecticut, where he analyzed gun crime in Connecticut cities and evaluated the Project Safe Neighborhoods Program. Earlier he directed an urban research center at Trinity College in Hartford. Originally trained as an electrical engineer, Mr. Kuzyk has been involved in criminal justice research for almost a decade. He is currently working on several projects relating to recidivism, population forecasting, and offender assessments. Former SAC Director Stephen Cox remains active in criminal justice research in Connecticut as a professor at Central Connecticut State University.

Maine SAC Releases Crime and Justice Data Report for 2008

The Maine Statistical Analysis Center at the University of Southern Maine's Muskie School of Public Service released the 2008 *Maine Crime and Justice Data Book* this past April. This report presents a statewide portrait of crime and justice indicators, and includes the most recent comprehensive data from Maine's Department of Public Safety and Department of Corrections. The report is available online at <http://muskie.usm.maine.edu/justiceresearch>.

Key findings from the report include:

- Maine has the lowest violent crime rate in the country.
- However, Maine's rate of reported rape in 2007 matched the national average.
- The rate of reported domestic vio-

lence assaults in Maine increased 49.7% between 1998 and 2007.

- Since 1998, arrests for drug abuse violations have increased 23.2%.
- Maine continues to have the lowest prison incarceration rate per capita in the nation.
- The one-year recidivism rate of Maine's probationers has not increased significantly over the past three years.
- The overwhelming majority of new criminal conduct occurred during the first year of supervision.
- Overall 58% of prisoners released in 2004 have been re-incarcerated.

Oklahoma SAC Moves to State Bureau of Investigation

The Oklahoma Criminal Justice Resource Center (OCJRC), which houses the Oklahoma Statistical Analysis Center (SAC), is being relocated to the state's Bureau of Investigation. The OCJRC currently is a division of the Legislative Service Bureau, and its director is appointed by the state's Sentencing Commission. On May 12, Governor Brad Henry signed House Bill 1676,

which repeals the Oklahoma Sentencing Commission and authorizes the OCJRC transfer. The transfer will be effective in late summer 2009.

The move will enable Oklahoma's SAC to be co-located with the state's criminal history record repository and the state's incident-based reporting system, allowing access to these databases. As a result, the Oklahoma SAC will be able to produce research that is more relevant to JRSA and SAC program goals.

School Crime Report Issued by Tennessee SAC

In May, the Tennessee Statistical Analysis Center (SAC) released *School Crimes Study*, a report that presents information about the characteristics surrounding crime in Tennessee schools. The report focuses on public and private school systems. It excludes colleges/universities and technical schools, who have their own security or law enforcement that report crimes directly to the state. The time frame covered by the study

(See **SAC NEWS**, p. 6)

President to Nominate Laurie Robinson to Head Office of Justice Programs

President Barack Obama announced his intent to nominate Laurie O. Robinson as Assistant Attorney General for the Office of Justice Programs (OJP), U.S. Department of Justice. Ms. Robinson, who was named Acting Assistant Attorney General/Principal Deputy Assistant Attorney General on January 28, 2009, previously served as Assistant Attorney General for OJP from 1993 to 2000. During her tenure in the Clinton Administration, she oversaw the largest increase in federal spending on criminal justice research in the nation's history. Between 2001 and January of this year, she served as a Distinguished Senior Scholar in the University of

Pennsylvania's Jerry Lee Center of Criminology, and as Executive Director of its Forum on Crime & Justice. In 2004 she launched a Criminology Master of Science Program at Penn, which she continued to direct until leaving to join the Department of Justice in January. Prior to joining the Department of Justice in 1993, Ms. Robinson was the director of the American Bar Association's Section of Criminal Justice for 14 years, where she founded the ABA's Juvenile Justice Center and had responsibility for policy development, work with Congress, and development of special projects in such areas as crime victims, prisons, and police procedures.

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was the years 2006–2008. The report utilized data reported by law enforcement agencies to the Tennessee Incident Based Reporting System (TIBRS) Program. Over 96% of the crimes reported in the study occurred at a public school such as middle or high school. (The remaining crimes were reported by local law enforcement as occurring on a college or university campus.) This report may be included in the SAC's annual suite of crime statistics reports released every spring.

West Virginia SAC Director Honored; SAC Focuses on Corrections

Visionary Voice Award. The National Sexual Violence Resource Center (NSVRC) bestowed one of its 2009 Visionary Voice Awards on Stephen M.



Stephen Haas, Director of the West Virginia SAC, received the 2009 Visionary Voice Award from the National Sexual Violence Resource Center.

Haas, Director of West Virginia's Criminal Justice Statistical Analysis Center (SAC). This award recognizes the creativity, hard work, and dedication of individuals around the country working to address and prevent sexual violence.

Since joining West Virginia's SAC in 2003, Dr. Haas has become increasingly involved in working with the state sexual assault coalition on several research projects, in providing statistics and technical assistance, and in serving on three statewide committees facilitated by the coalition. He serves on the state Sexual Assault Nurse Examiner (SANE) Advisory Board, the Key Players in Rape Prevention Committee, and the recently formed West Virginia Sexual Assault Response Technical Team. In selecting him for the award, the state coalition noted that "Dr. Haas lends much-needed expertise to professionals in our field."


Using the LSI-R in Planning Inmate Reentry. The Spring 2009 issue of *Corrections Compendium* includes an article by Dr. Haas and Kimberly A. DeTardo-Bora entitled, "Inmate Reentry and the Utility of the LSI-R for Case Planning." This study seeks to examine how correctional staffs use the LSI-R as they develop offender reentry case plans. The American Correctional

Association gave the authors permission to offer the paper for free downloading here: <http://www.jrsa.org/pubs/forum/full-articles/corrections-compendium.pdf>. *Corrections Compendium* is available at <http://www.aca.org/publications/ccjournal.asp>.

Governor's Commission on Prison Overcrowding. Like many other states, West Virginia is struggling with increased demand for prison beds. In January, Governor Joe Manchin III established the Governor's Commission on Prison Overcrowding to review causes and make recommendations to remediate the issue. The Commission has examined ways to divert offenders to community-level corrections and to reduce length of stay for low-risk offenders.

One approach the Commission is examining is the adoption of a single, validated risk and needs offender assessment tool to be utilized for felony offenders at every stage of the criminal justice process. The SAC provided major guidance on the potential use of such instruments for decision-makers. Dr. Stephen Haas was called to present information to the Commission on how the use of such instruments as the LS/CMI could assist in diversion and other prison population reduction strategies.

The Commission is also looking to evidence-based practices, especially in areas of behavioral health, substance abuse and other matters relating to transitional and independent living in the community to resolve some of the pressure upon the prison system. The Commission will report its findings and recommendations for action to Governor Manchin by July 1, 2009. Dr. Haas' presentation to the Commission, titled "Prison Population Reduction Strategies Through the Use of Offender Assessment: A Path Toward Enhanced Public Safety," can be viewed at <http://www.jrsa.org/pubs/forum/full-articles/haas-commission-presentation09.pdf>.

Dr. Haas will be presenting a pre-conference seminar on "Offender Risk Needs Assessment Using the LS/CMI Instrument" at the BJS/JRSA National Conference being held in St. Louis in October. For more information about the conference and Dr. Haas' seminar, visit www.jrsa.org. 

Study Finds High Prevalence of Serious Mental Illness in U.S. Jail Population

A new study by the Council of State Governments Justice Center and Policy Research Associates found that 14.5% of males and 31% of females entering U.S. jails had serious mental illnesses. These estimates are three to six times higher than the incidence in the general population, according to a press release issued by the Justice Center, indicating that as many as 2 million bookings of people with serious mental illness may occur each year. The study was published on June 1 in the journal *Psychiatric Services*. A brief summary of the article, including its key findings, is available on the Justice Center web site at <http://consensusproject.org/downloads/prevalence.brief.pdf>.

(HISTORY RECORDS, from p. 1)

nate state Statistical Analysis Center (SAC) projects using criminal history records to study sex offender recidivism. A total of 11 states participated, although only nine of these were able to successfully complete the project. The goals of the project were to facilitate the ability of SACs that were not able to analyze their states' criminal history records to do so; to coordinate analyses conducted by SACs that have the capacity to examine criminal history records in order to address the same key criminal justice issue across a number of different states; and to identify critical data quality issues in states' criminal history records.

SAC projects fell into one of two categories: capacity building/enhancing (Alaska, Iowa, New Mexico, and Tennessee) and coordinated analysis (Arizona, Delaware, Illinois, South Carolina, and Utah). All nine SACs participated in a coordinated analysis examining recidivism of sex offenders.

Methodology

This study was modeled after one completed by BJS in 2003.¹ In its study, BJS obtained data on 9,691 men who had been sentenced for sex offenses and were released from prison in 1994. The sample was part of a larger study of recidivism among 272,111 prisoners released from prisons in 15 states in 1994.² The study defined recidivism as any rearrest, reconviction, or re-imprisonment that occurred within three years from the day of release.

JRSA's study focused on sex offenders released from prison in 2001. Recidivism was measured for three years, as in the BJS study. Inmates who were released to any status other than community release (for example, to another state) were excluded from the study. An attempt was made to identify technical violators and analyze these offenders separately where possible. Each SAC defined a sex offender in a way consistent with its own state's laws and reporting practices. Generally speaking, any offenders incarcerated for

an offense for which they would be required to register as a sex offender with the state were classified as sex offenders. When multiple charges were present, the sex offense determination was based on any offense qualifying as a sex offense, regardless of whether or not it was the most serious offense.

The SACs began by contacting their state Departments of Correction (DOC) to obtain a list of sex offenders released from DOC custody in 2001. The SACs then used a variety of methods for obtaining criminal history records for each of these offenders. Once the criminal history records were matched to the DOC information, the SACs proceeded with the analyses, modeling them after the ones conducted by BJS.

Issues in Analyzing State Criminal History Records

During the course of their projects, the SACs identified a number of issues related to the use of criminal history

records for conducting recidivism research. Some of the key issues identified by the SACs are discussed below.

Matching Criminal History Records to DOC Data

SACs used one of two approaches to match the data between the DOC and criminal history records files. Most SACs were able to use a state identification number, a unique number assigned to each individual, to match corrections and criminal history files. In states where the number was not available, or where entries were unreliable or too often missing, states used a combination of name, date of birth, and social security number to perform the match. In a few instances, states used a combination of both a state identification number and the other identifiers to carry out the match.

Not surprisingly, the attempt to merge multiple large databases resulted


(See **HISTORY RECORDS, p. 8**)

JRSA Participates in Disproportionate Minority Contact Conference

The Department of Sociology, Social Work, and Criminal Justice at Virginia State University and the Virginia Department of Criminal Justice Services (DCJS) held their annual conference on Disproportionate Minority Contact (DMC) in the Criminal Justice System in Petersburg, Virginia, on April 23rd. The conference brought together scholars, professionals, and students from the state and around the country to present on topics that included law enforcement, the courts, sentencing and sanctions, social services, healthcare, juveniles, schools, prevention, and race.

A presentation by JRSA staff entitled "DMC – What Are the Data Telling You?" began with an overview on the DMC reduction strategies that have been developed by different organizations including the Annie E. Casey Foundation, the Burns Institute,

and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Both state- and local-level data from Virginia were presented to address some of the ways that they could be used to tackle DMC and the kinds of additional questions that data analysis can raise. These data included at-risk juvenile population, intake, detention admissions, detention assessment instrument scores at admission, and relative rate indices for the state and selected localities. National-level data were also presented in order to provide insight on how state- and local-level data from Virginia compare.

For more information on the presentation, contact Janice Iwama, JRSA Research Analyst, at jiwama@jrsa.org. Information on JRSA's project on evaluating DMC interventions is available on the JRSA web site at <http://www.jrsa.org/programs/dmc.htm>. 

(HISTORY RECORDS, from p. 7)

in difficulties in matching records from one database to another. One common problem was non-matches; that is, offenders in the prison data could not be found in the criminal history records data, or vice versa. Often this was the result of missing identification numbers in one or the other of the datasets. At least some of the time it appeared that this problem occurred in releasees who had served particularly long sentences. The Illinois SAC, for example, noted that some of these offenders had been sentenced prior to 1978, and perhaps had not been fingerprinted. Another common problem was the failure to find an appropriate arrest or conviction for a releasee identified by the corrections department as a sex offender. In Arizona, for example, 538 releasees were identified as being sex offenders. However, when the SAC examined the data from the corrections department and the CHR data more closely, only 306 of these 538 offenders could be confirmed as being sex offenders. In other words, no sex offense could be identified in the criminal history records database for individuals identified by DOC as being sex offenders.

Arrest Records with No Dispositions

A relatively common occurrence was finding arrest records with no dispositions. There were two usual reasons for why an arrest record might be missing a disposition: the disposition was never received, or the disposition was mis-recorded—that is, recorded under a different offense tracking number. In some cases, the SAC was able to find (or have the repository find) the disposition by review of court records and have the repository manually update the arrest record.

It is sometimes the case that when a disposition is eventually received, a second complete record (arrest and disposition) is created rather than the disposition being added to the original arrest record. This results in what appears to the analyst to be an arrest record with no disposition, but is in fact a duplicate record (i.e., the same arrest for the same individual).

Finally, there are certain circumstances

for which missing dispositions are to be expected. In Illinois, for example, all charges submitted on fingerprint cards are entered into the system, even traffic violations and minor arrests. However, since dispositions are not required for such offenses, it is possible for the analyst to observe minor offenses for which dispositions are missing.

Disposition/Custody Records with No Corresponding Arrest

In the same way that the database may contain arrests with no dispositions, it may also contain dispositions with no arrests. Although obviously a rarer event, this may occur any time an arrest record fails to get transmitted or gets transmitted with an incorrect identification number. The South Carolina SAC, for example, found that when the DOC submits a fingerprint card and there is no matching arrest record, a dummy arrest record is created. When the “real” arrest card is subsequently received, the dummy record is not deleted, resulting in what appears to the analyst as duplicate records in the database.

Changes in Criminal Codes

One of the issues related to using the criminal history records is that the states’ criminal codes change over the years. In the current study, trying to accurately capture offense history was a challenge when state statutes, and the way those statutes are coded in the database, changed over the years.

Restrictions on Record Retention

Depending upon the state, there may be statutes that govern how records may be retained in the state criminal history repository. In Iowa, for example, arrests that do not result in a conviction must be removed from the CCH system. Thus any study that measures recidivism or prior criminal history in terms of arrest only will undercount these events in states with this restriction.

Selected Findings

Before reviewing selected findings from the SAC studies, it should be noted that these findings must be viewed with extreme caution. All of the information provided here must be considered within the context of the data issues discussed above. Comparisons among states may be particularly misleading due to differences in state statutes, the availability of individual data elements, and differences in the completeness and accuracy of the data recorded in the state repositories. In particular, the New Mexico SAC conducted a thorough evaluation of the state’s criminal history data, comparing multiple data sources at the state and local level. While the SAC did provide data comparable to those provided by the other states, they note that some of the data is suspect.

Table 1 shows selected demographic characteristics of the sex offenders released from prison in each of the states

Table 1. Selected Demographic Characteristics of Sex Offenders Released from Prison in 2001

	BJS*	AK	AZ	DE	IL	IA	NM	SC	TN	UT
White	67%	32%	54%	51%	55%	80%	79%	51%	63%	93%
Black	32	4	11	49	31	8	5	46	37	4
Hispanic**	20	1	28	6	13	0	44	2		11
Average Age at Release	36.8	34.6	41.0	35.5	36.6	38.0	39.4	36.4	38.0	39.6
Total Number of Cases	9,691	232	303	82	499	205	112	300	506	203

* Data from 2003 BJS study are shown for purposes of comparison.

** Hispanic offenders may appear in the records as white or black.

in 2001. For purposes of comparison, the corresponding characteristics from the BJS study are shown in the first column of the table.

As the table shows, there is considerable, but predictable, variation across the states in the racial breakdown of inmates included in the study. Higher proportions of African-American sex offenders are seen in Delaware, South Carolina, and Tennessee, while Arizona and New Mexico have high proportions of Hispanic releasees (in Alaska, 49% of releasees are classified as “Native Alaskan”). Average age ranged from 34.6 in Alaska to 41.0 in Arizona.

Table 2 shows information on prior criminal histories of the sex offenders studied for those states that reported this information. As the table shows, the percentage of sex offenders with at least one prior arrest for any kind of crime ranged from 65% to 88%, roughly the same as BJS found in its recidivism study. The average number of prior arrests for any crime ranged from 3.4 in Illinois to 9.3 in Alaska. Given the extensive prior records of these offenders, it is interesting to note that relatively few had been arrested for a sex crime prior to the immediate incarceration (although the percentages in the four states that reported this were all lower than that found in the BJS study). This supports the notion that sex offenders in general do not necessarily “specialize” in sex crimes.

Table 3 shows the recidivism rates for the sex offenders included in the study. Rearrest rates ranged from 26% to 55%, and five of the nine states had rates lower than the average of 43% found in the BJS study. Five of the nine states reported conviction rates, and these varied widely, from 14% to 42%. Four states reported the rate of return to prison on a new sentence; three of these were higher than the 11% reported by BJS. Six of the states reported return to prison for any reason, including a new sentence or a technical violation. Alaska’s rate of return was much higher than that of the other states; four states had rates much lower than the 39% reported by BJS. Finally, relatively few

Table 2. Prior Criminal History Record of Sex Offenders Released in 2001*

Percent with at least one prior arrest

	BJS**	AK	AZ	DE	IL	IA	SC	UT
Any crime	79%		88%	84%	68%	76%	65%	75%
Any sex crime	29%			27%	16%	16%	15%	
Average no. of prior arrests (any crime)	4.5	9.3	8.5	8.2	3.4	4.4	4.8	3.8

* New Mexico’s data were deemed unreliable by the SAC, and Tennessee did not include these data in its report, so these states are not included in the table.

** Data from 2003 BJS study are shown for purposes of comparison.

Table 3. Recidivism Rates for Sex Offenders Released in 2001

	BJS*	AK	AZ	DE	IL	IA	NM	SC	TN	UT
Rearrest	43%	54%	29%	55%	30%	46%	29%	43%	28%	26%
Reconviction	24%	39%			14%	42%		22%		16%
Return to prison (new sentence)	11%			17%		20%	5%			14%
Return to prison (any reason)	39%	68%		60%**		22%	21%	22%	28%	38%
Rearrest for sex offense	5.3%	3.4%	2.4%	3.8%	2.4%	3.9%	1.8%	4.0%		9.0%

* Data from 2003 BJS study are shown for purposes of comparison.

** Delaware is a unified corrections state where jail and prisons are combined.

of the sex offenders in any of the states were rearrested for a new sex offense. With the exception of Utah, all of the states’ rates fell below the 5.3% reported by BJS.

Summary

This project provides further evidence of the viability of using state criminal history records to study critical policy-relevant topics such as sex offender recidivism. There are certainly limitations to these data as a source for research, but as SACs continue to work with the data and provide feedback to their state repositories, the quality of the data should continue to improve. BJS’ dedication to improving the state criminal history records is demonstrated by its continued funding of SAC analyses of these data. In 2007, BJS provided funding for a second round of SAC analysis projects, focusing on criminal histories of drug offenders. Six SACs participated in that project (Georgia,

Iowa, Maine, Ohio, South Carolina and Utah), which wrapped up in December of 2008—look for the findings of that study in a future issue of *The Forum*. A third round of projects, looking at felony case processing, involves five states (Arizona, Connecticut, Delaware, Iowa, and New York) and is scheduled to be completed in April 2010. JRSA and the SACs hope to continue to work with BJS to improve the quality of state criminal history records through analyses such as the one described here. 41

1 Bureau of Justice Statistics (2003). *Recidivism of Sex Offenders Released from Prison in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

2 Bureau of Justice Statistics (2002). *Recidivism of Prisoners Released in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

The JRSA Forum is supported by the U.S. Department of Justice, Bureau of Justice Statistics. JRSA is a national nonprofit organization. For membership or other information, call (202) 842-9330, e-mail cjinfo@jrja.org, or visit our Web site: <http://www.jrja.org>.

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OJP AAG Holds Listening Sessions

In April Laurie Robinson, Acting Assistant Attorney General for the Office of Justice Programs (OJP), held a series of “listening sessions” with representatives of 98 organizations, including JRSA. She shared her goals for OJP and asked constituents for input on what OJP does well and ways the field can be better served. Ms. Robinson cited ten goals: to work closely with the Attorney General, who understands and appreciates OJP; to restore leadership, luster, and integrity to OJP; to restore staff morale; to restore credibility in dealing with the field; to focus on data-driven and evidence-based decisions with regard to crime; to develop an

appropriate working relationship with Congress; to get on top of the grants management system and process; to restore the integrity of and respect for science; to improve collaboration among the bureaus and with other federal agencies; and to ensure that the process works to support the programs, which are the most important element of OJP.

According to a summary of the sessions, major themes raised by participants focused on the following suggestions for OJP: increase collaboration and coordination with the field and among and within OJP bureaus; promote and publish (primarily on the web) data-driven and evidence-based

practices; streamline the grant review process; require comprehensive or strategic planning as part of the Byrne Justice Assistance Grant program; increase the flexibility in the use of funds, particularly Victims of Crime Act (VOCA) funds; reduce reporting requirements for grantees; revamp the OJP website; and speed up the release of OJP publications. Participants also voiced a need for an increase in research and statistics in many areas. They specifically expressed an interest in more research-practitioner collaborations, and support for a research agenda that funds innovation and demonstration. 📄