

UNITED STATES DEPARTMENT OF JUSTICE
Memorandum

TO : MR. TOLSON

DATE: 5/12/66

FROM : J. P. MOHR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-30-90 BY [redacted]

SUBJECT: EFFECTIVENESS OF PROBATION
KANSAS CITY STUDY

293980

- Tolson
- DeLoach
- Mohr
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

Administrative Review 70 11/9/66

Mr. [redacted] in memorandum for Mr. [redacted] dated 4/13/66 referred to a memorandum from Deputy Attorney General Ramsey Clark dated 4/11/66 requesting a review of 3000 identification records to determine whether or not a conviction for a felony appears on each individual record. This request came from Warren Olney, Director, Administrative Office of the U. S. Courts. The objective of the study was to determine success or failure for a large group of probationers and parolees who passed through the Federal District Court in Kansas City, Missouri, ten years ago. We turned the request down on two counts: One, that from a review of the identification records we could not determine whether or not a felony conviction appeared thereon; and secondly, due to the shortage of personnel and the ever increasing work load we could not provide the service requested.

Mr. Ernest Friesen, Assistant Attorney General for Administration, came to see me yesterday and said that Warren Olney was going to make an issue about the fact that we wouldn't search our records for the requested information. He said Olney plans to talk to the Chief Justice who will probably talk to the Attorney General. Friesen said in his present position he handles liaison with the courts for the Department of Justice. He wanted to know what the problems were so if the Attorney General asked him about it he would be able to tell him. While he was here I checked to see what the background was and I told him that there were really three reasons why we couldn't make the study requested. I told him first of all, our Identification Division records do not indicate whether an arrest is for a felony or a misdemeanor and that many crimes by Statute in some states are listed as a felony while in other states they are misdemeanors. He was also told that many contributors merely list the Code citation and it would require great research to determine exactly what type of crime was involved.

Secondly, he was informed that many of our identification records do not have dispositions indicated thereon and that in many instances we wouldn't be able to determine whether a person was convicted of a felony or not and it would be necessary to go to the local justice to resolve this matter.

- 1 - Mr. DeLoach
- 1 - Mr. Trotter
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]

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Memorandum for Mr. Tolson
RE: EFFECTIVENESS OF PROBATION

I told him the third reason we couldn't do this was the fact that we just didn't have the personnel or the money to be making such a survey. I told him we receive innumerable requests to make surveys of various kinds of identification records and we have had to consistently turn them down in order to handle current fingerprint receipts. It was further pointed out to him that he had just taken a tour of the Identification Division and was acquainted with the tremendous volume of work being received at the present time and that we were actually paying overtime to our employees to keep our heads above water.

Mr. Friesen was also informed that the Bureau had been making a detailed study on recidivism since 1963, that we have been publishing our findings and that any group could have access to this material by merely reviewing the Uniform Crime Report data.

Friesen explained that Olney's position is that this is an official request from the Judiciary to a department of the Executive branch and that the Executive branch should cooperate in connection with this study. Friesen also said that inasmuch as Departmental attorneys appear in Federal Courts, it is the policy of the Department to cooperate wherever possible. I told Mr. Friesen that in this instance the Bureau just could not be of assistance and it would appear that Olney was being unreasonable in connection with his request. Mr. Friesen stated that he understood our position completely, he had previously discussed Olney's request with Mr. [REDACTED] and he just wanted to be prepared in case he received an inquiry from the Attorney General.

The foregoing is submitted for record purposes at this time.

John V.

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