

B. Collection of Information Employing Statistical Methods

1. Universe and Respondent Selection

This data collection is a census of all 50 state attorney general (AG) offices, plus those in the District of Columbia, Puerto Rico and the territories. As many serious white collar offenses are handled through the civil instead of criminal justice system, this project collects information on both types of cases. A standard and commonly accepted definition of a white collar offense that could be used in data collection did not exist prior to this program; as a result, BJS and its contractors, the National White Collar Crime Center (NW3C) and National Association of Attorneys General (NAAG), convened two expert working groups to develop a working definition of white collar crime, to discuss questionnaire design, and to discuss the methods of processing white collar offenses in different states. The definition of a white collar offense developed for this survey is “any violation of law committed through non-violent means, involving lies, omissions, deceit, misrepresentation, or violation of a position of trust, by an individual or organization for personal or organizational benefit.” This definition encompasses the core elements believed to be common across the array of white collar offenses: the fraudulent nature of the activity; a person or organization using his, her, or its position for personal/organization enrichment; and the lack of a violent method to commit the offense.

At the state and local level, white collar offenses are handled by state AG offices and local prosecutors. If approved by OMB, BJS’s 2014 National Prosecutor Survey (NPS) will ask local prosecutors about their prosecutions of criminal white collar offenses. The combination of the state AG survey from the SLWCCP and the NPS survey will provide a complete picture of state and local prosecution of criminal white collar offenses. In addition, BJS’s Federal White Collar Violations Statistical Series (FWCVSS) is developing a statistical series that will collect data on federal regulatory, civil, and criminal actions against white collar offenses. These three data collection efforts will allow for the first systematic collection of federal, state, and local government actions against white collar offenses and will provide the foundation for future collections.

As was noted in the two expert working group meetings, states differ by the degree to which white collar offenses are sanctioned at the state and local levels. Currently there is no information that documents how the states vary in their processing of white collar offenses or how many offenses are handled at the state vs local level. Therefore, given the small universe, only a census of all states will provide reliable, comprehensive information.¹ Also, for possible future administrative data collections of state AG offices, it is important to understand the functions of those offices.

2. Procedures for Collecting Information

The respondents are readily identified through NAAG’s membership list, which includes all state AG offices. Key points of contact will also be identified by NAAG, which routinely surveys its

¹ As the universe of respondents in the SLWCCP is small, a sample of this population would be close to the total number. In addition, the cost administering the survey to a respondent is small and the burden on the respondents are small as well.

members on state AG office activities. The identification of respondents is estimated to take less than a month and will occur concurrently while seeking OMB clearance.

A letter from the BJS director explaining the purpose of the study will be sent to each point of contact. In addition, an email with an invitation to participate, a hyperlink to the questionnaire, and a user name and password will be sent. Upon clicking the hyperlink, respondents will be taken to a secure webpage and required to enter the user name and password.

The respondents will be guided through a series of skip patterns, allowing them to answer only those questions relevant to their office. Respondents will have the option to save a partially completed survey and return to it at a later time. As noted in Part A, a test site is located here: <http://survey.nw3c.org/snapwebhost/surveylogin.asp?k=136726103125>

-User name: NW3C

-Password: Test6

3. Methods to Maximize Response Rates

BJS anticipates a 95% or greater response rate for the SLWCCP 2014 data collection. To achieve this result, NW3C will use Dillman's Tailored Design Method to enhance survey response rates, which recommends up to five distinct contacts be made with survey respondents.² These contacts will consist of the initial letter and email, along with follow up emails and phone calls as needed.

In addition, NAAG will actively encourage participation from its members. NAAG was founded in 1907 to help state Attorneys General fulfill their responsibilities of their office and to assist in the delivery of high quality legal services to the states and territorial jurisdictions. Through regular meetings and conferences, the provision of technical assistance on topics of interest to membership (such as human trafficking, fraud, and intellectual property theft), and surveys of its members, NAAG has developed strong professional ties with its members and is therefore able to facilitate cooperation.

Contact information for NW3C and NAAG will be provided to respondents so they can obtain help when needed. The survey software used by NW3C will enable staff to monitor completion of the survey. After a specified period of time, NW3C and NAAG staff will follow up with respondents who have not started or finished the survey.

4. Testing of Procedures

The questionnaire was developed with input from BJS and the white collar crime expert working groups. Piloting began on July 2, 2013 and ended July 18, 2013. Test subjects were asked to volunteer from a pool of subject matter experts who had taken part in the subject matter expert meetings. Five volunteer test subjects were selected. Four were from state Attorneys' General offices in Arizona, Michigan, New Jersey and Illinois and the fifth volunteer was from the Alabama Securities Commission. As will occur when the survey is fielded, each agency was assigned a unique username and password with which to access the online survey.

² Dillman, Don A. (2007) *Mail and Internet Surveys: The Tailored Design Method*.

An email was sent to the respondents with the username and password incorporated into a unique link by which the test subject could access the survey without having to manually enter this information. The email explained the purpose of the survey and asked for the length of time needed to complete the survey. In addition, the email asked respondents to provide feedback on the structure and content of the survey.

Findings from the pilot testing include-

- Mean questionnaire completion time was 31 minutes, with a minimum of 15 minutes and a maximum of one hour.
- Feedback on the structure and content of the survey and focused on ordering and wording of questions.

Staff from BJS and NW3C reviewed the results of the pilot test and made appropriate modifications. Two questions were added to the survey as a result of the modifications. One question was added requesting names of state and local regulatory agencies, as those agencies also handle white collar offenses, and one was added asking for separate criminal and civil contacts within state AG offices, as they sometimes have separate units for criminal and civil cases.

5. Contacts for Statistical Aspects and Data Collection

Staff at BJS's Prosecution and Adjudication Unit will take responsibility for the overall management of the SLWCCP data collection, including the development of the questionnaires and the analysis and publication of the data.

a) BJS contacts include:

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Attachments:

1. Title 42
2. Invitational email
3. Participation email and hyperlink to survey
4. Nonrespondent email
5. Paper copy of online survey