

1910

Report of Committee on Statistics of Crime

John Koren

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

John Koren, Report of Committee on Statistics of Crime, 1 J. Am. Inst. Crim. L. & Criminology 417 (May 1910 to March 1911)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

REPORT OF COMMITTEE ON STATISTICS OF CRIME.

BY JOHN KOREN, CHAIRMAN.¹

The immediate duties before the Committee, as expressed in the resolutions adopted by the American Institute of Criminal Law and Criminology, may be summarized as follows:

1. To report on present methods of keeping criminal judicial records in the courts of the different states as well as in the Federal courts.

2. To formulate an adequate and uniform scheme for recording the requisite data in criminal cases.

3. To consider the expediency of legislation obliging court officials to report criminal cases to a central state office.

Another resolution charged the Committee with the duty of urging upon Congress "to provide for the collection through the agency of the Census Bureau of criminal judicial statistics covering the entire United States as early as practicable." This resolution cannot be made effective at the present time, because the work which the Bureau of the Census may engage in during the present census period, 1910-1913, is strictly limited by the act providing for the Thirteenth Census, which does *not* authorize the collection of criminal judicial statistics. Moreover, the Bureau of the Census has not yet issued its report on such statistics for which, however, material has been collected.

By establishing a committee on statistics and charging it with the specific duties mentioned, the Institute not only expressed its sense of the lack of such statistics, but emphasized their great and abiding importance. One may reasonably assume that the Institute would not have been impelled to take this stand if there were now a general appreciation of the value of criminal statistics. Had the proper appreciation existed, it would long since have created a widespread intelligent demand which could not have been ignored.

Even among would-be users of criminal statistics there is much hazy thinking. A clear understanding is lacking of the various elements that enter into criminal statistics, as well as of the sources whence they must be obtained. Some demand too much from this branch of knowledge, some are content with too little. It seems in

¹The other members of the Committee who concur in this report are Messrs. W. H. DeLacy, Edward J. McDermott, Joseph P. Byers, Roger N. Baldwin and Harry Olson.

STATISTICS OF CRIME.

place, therefore, before considering how a competent body of criminal statistics may be secured, to discuss briefly their purposes in order that we may judge fairly how great the need for them is at the present time.

Criminal statistics should serve:

1. As the means of measuring the extent of crime, its growth or diminution relative to population. Such measurement includes a consideration of the component elements of the criminal classes as well as of the nature of their criminality.

2. As a test of prevailing methods of dealing with crime for purpose of repression through the police and the criminal courts.

3. As a basis for legislative action in respect to criminal conditions generally.

4. As a guide to public and private endeavor in counteracting criminal tendencies and reclaiming offenders through probation, reformatory work, etc.

5. As evidence of the moral health of society, of that obedience to law which is at the foundation of all social order.

Comprehended in these purposes is, of course, the general administrative purpose common to all statistics concerning public work, namely, that of affording an oversight of the services and work of those whose business it is to deal with crime, whether they be officials of the police, of the courts, or of penal institutions.

How far can it be said that the available criminal statistics in the United States meet the purposes as formulated? The answer is simple: Whether we view the country as a whole, the individual state or the single community within the state, there is nowhere to be found a wholly satisfactory body of criminal statistics. For a general survey of conditions of crime in the United States our chief source of information has been the decennial enumerations of inmates of penal institutions made by the Bureau of the Census. Its reports present many important facts in regard to the prison population and make it possible, among other things, to measure its movement during a given period. These general reports are supplemented by publications of state boards and penal institutions which, for the greater part, are subject to a number of irksome limitations which need not be considered here.

At best, statistics of prisoners are capable of yielding only a very limited insight into conditions of crime. As an index of the extent of crime, statistics of prisoners are wholly insufficient because they record only that criminality for which the penalty of imprisonment has been imposed. Yet we know that thousands of

offenders, who are annually convicted in the criminal courts, escape incarceration through the payment of a fine. We know that of other thousands who are brought before the courts on specific criminal charges, some are not convicted, perhaps for lack of evidence though there may be little uncertainty as to their guilt, and that others are taken on probation, or that the cases against them are not pressed. In short, the facts in regard to large groups of offenders do not appear in the prison returns, and to ignore them in any attempt to measure even the bare dimensions of the crime problem would be a manifest absurdity. Yet for the country at large our main dependence is upon statistics of prisoners. How impossible it is that a collection of data concerning prisoners alone should meet all the purposes of criminal statistics as formulated in this report does not require any further demonstration.

The reason why the federal collection of criminal statistics is based solely upon prison returns is, self-evidently, that others adequate sources of information are not available. Before a governmental agency like that of the Bureau of the Census can compile the requisite facts in regard to crime for the whole country, the individual state must at least make the raw material of such statistics accessible. What the different states contribute in this respect deserves extended examination.

It is unnecessary, however, to speak at length of the current statistics drawn from prison returns which are published by various state boards or by the individual penal institution. They are primarily intended for administrative purposes, although, in not a few instances, the weight is laid upon data of a distinctly sociological cast. Aside from the fact that prison statistics at their best can serve only a very limited usefulness and never meet all the requirements of criminal statistics in the broad sense of the term, they frequently lose what value they should possess through faulty methods of compilation and presentation. Within their narrow compass they are frequently not comparable, because the states do not follow uniform systems of record keeping and the same terminology.

Criminal statistics, in order to serve the general purposes indicated, should be based, in the first instance, upon the records of the criminal courts. To be sure, even these are not all sufficient. Thus court records, no matter how supplemented from other sources, cannot provide an absolute index of the amount of crime. Offenses are continually being committed which do not come to the knowledge of the public authorities; many offenders are never caught, or there may be no proper effort made to apprehend or convict them. The

STATISTICS OF CRIME.

extent of the criminality recorded by the courts must always be more or less contingent upon the efficiency and fidelity of the police and the prosecuting officers. Indeed, there is no perfect means whereby we can measure the volume of crime in any given community. Under normal conditions, however, the mass of known criminal cases comes sooner or later before the courts. In other words, under normal conditions, most of the persons arrested on specific criminal charges are entered upon the dockets of the criminal courts, and the fact in regard to the adjudication of their cases are recorded. Thus it is in the nature of things that the records of these courts should constitute the most available and competent documents in regard to conditions of crime.

Although of primary importance, the bare statements of the number and kinds of crime committed, taken by themselves, signify little. In order that these facts may become socially useful, they must be supplemented by others showing the operation of the instrumentalities whereby society seeks to protect itself and suppress crime, foremost among which are the criminal courts. That is, there must be made available all the data relating to the adjudication of criminal cases, from their inception to the final issue, so that we may know in what manner and how efficiently the criminal courts perform their function.

It is not enough, however, that records of the criminal courts note the various steps in the judicial process. They must also take full cognizance of the offenders as members of society and enter the various items that identify the criminal as an individual and a social being. It goes without saying, perhaps, that where justice is intelligently administered such data are never wholly ignored; but this is not equivalent to saying they are generally made a part of the official entries. In order, therefore, that court records may serve fully as a source of knowledge about the conditions of crime, they must show not only the methods by which the courts deal with the various classes of offenders, but who and of what sort the offenders are. How far do the different states and territories meet these primary requirements in regard to criminal judicial statistics?

In 30 states and territories (including the District of Columbia) enumerated below no criminal judicial statistics even of the most rudimentary kind are published: Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Maryland, Mississippi, Missouri, Nebraska, New

Hampshire,² New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

The following states publish periodically statistics drawn from the records of the criminal courts: Alabama, California, Connecticut, Indiana,³ Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Utah.

In an appendix to this report summary descriptions will be found of the scope and character of the criminal judicial statistics published by the different states of the last mentioned group. It is unnecessary to offer any extended comment on them. Indeed, the present situation in the United States may be summed up by saying:

1. In more than one-half of the states no effort is made to collect and publish criminal judicial statistics. 2. Not a single state has as yet published wholly adequate criminal judicial statistics.

What individual courts may do in the way of reports of their work has not been considered.⁴

Practically all states which do not publish criminal judicial statistics are without legislation upon the subject, although at least in one instance it is acknowledged that the statute relating to returns from courts has never been enforced. In one or two states mandatory legislation is under consideration.

Among the states publishing criminal judicial statistics there is a considerable range in respect to the merits of the reports. Very many of them hardly deserve to be called statistical, while some few are really serviceable within their narrow compass.

The defects of the reports are in general to be ascribed: (1)

²This state can hardly be said to form an exception, although certain returns are made by the county solicitors of the criminal business in the Superior Court and printed in the annual reports of the county commissioners. For the most part the returns of the solicitors are so fragmentary that it would be impossible to combine them into an intelligent statement of the criminal business of the Superior courts for the whole state. Not a single solicitor makes an adequate statistical presentation of the cases prosecuted by him.

³See appendix.

⁴NOTE:—Statistics of the criminal business of the Federal Courts are published in the annual report of the Attorney General of the United States. It shows for the circuit and district courts, by general groups of offenses, the number of cases pending at the beginning of the fiscal year, the numbers commenced and the numbers terminated during the year, together with the number of convictions, acquittals; cases nolle prossed, discontinued or quashed; pleas of guilty; trials by jury; cases pending at the end of year; amount of fines imposed and collected. The statements for each district are summarized for the United States. No population facts are given and no analysis or comparisons are made.

STATISTICS OF CRIME.

To insufficient legislation covering the extent and form of the returns to be made; (2) To lack of a proper conception of the purpose of criminal judicial statistics, and; (3) To faulty methods in the statistical treatment of the returns.

INSUFFICIENCY OF PRESENT COURT RECORDS.

It should not be inferred that the statistics of criminal cases published by the different states necessarily reflect the methods of keeping criminal judicial records. Conceivably, court records might meet all needs, although no compilation be made from them. This, however, would be wholly exceptional. As a matter of fact, the most complete court records are found in states in which the law not only requires returns to be made to some state officer, but specifies the nature of the returns. As a rule, the records of the criminal courts of the different states are occupied solely with the offense alleged and the judicial process by which it is disposed of. Not seldom even primary facts concerning the disposition of cases are imperfectly stated. There are courts with criminal jurisdiction, and called "courts of record," which are such only in name. One can, however, learn with some degree of accuracy from most court records, especially those of the higher tribunals, the following facts in each criminal case:

1. Manner of commencing proceedings.
2. Offense charged (The notations concerning offenses are frequently vague and bewildering).
3. Date of indictment or accusation, date when offense was committed, and date of its final disposition.
4. Plea.
5. Disposition other than by trial.
6. Mode of trial.
7. Verdict.
8. Character of sentence and its term.
9. Whether appeal was taken, and the outcome of appeal.
10. Institution to which sentenced.

While it is usually possible to secure the above facts, it does not follow that they are always contained in one set of records. In regard to some items it may be necessary to consult several records or documents. Moreover, before a uniform compilation can be made of the facts in question explanations may have to be sought for lack of standard methods of record keeping in the different states. Yet, with some pains, the data relating to the judicial process in criminal cases can be obtained from most courts. But here the availability of most court records as sources of statistics of crime comes to an end. As a rule, they ignore completely all items of personal description which establish the social status of the accused and his criminal history, if any. Of course, during the process of trial facts bearing upon these matters may be brought out.

The contention here is merely that they are not made a part of the court record.

The following statement enumerates some of the items in question and shows how rarely they are entered upon the records of the criminal courts. The juvenile courts and the federal courts are not included.

Age. Recorded generally by the courts of New York, South Carolina and Utah, and by the courts in certain cities of California, Indiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oregon and Vermont.

Sex. Obtainable from name of defendant in practically all criminal cases.

Race. Recorded by the courts of Arkansas, Missouri, Oregon, New York, North Carolina, South Carolina, Utah, Virginia and West Virginia; also here and there by certain courts in other states.

Conjugal Condition. Except in New York and Utah, not generally recorded in any state, although the courts of a few large cities note the facts.

Birthplace. Recorded by the courts of New York and Utah, and by a few courts in other states.

Birthplace of Parents. Not uniformly recorded by the courts of any state. So far as known, only four courts, representing as many states, enter this item.

Literacy. Recorded by the courts of New York and Iowa, but quite exceptionally by courts of any other states.

Occupation. Recorded by New York and Iowa courts and in isolated instances by courts elsewhere.

In regard to the records of juvenile courts, it may be said that, as a rule, they give age and sex of delinquents. Some record also race and birthplace, while a few take note of other items of personal description. The federal court records are concerned only with facts relative to the judicial process. Whether items of personal description should be made a part of the docket of the court or entered upon the minutes need not be discussed.

It may be observed in passing, that the Act of Congress authorizing the collection of *Criminal Judicial Statistics* by the Bureau of the Census some time ago expressly stipulated that facts should be obtained in regard to each one of the items of personal description enumerated above, except that of occupation. How impossible it was to comply with this demand need not be emphasized. There are of course other facts which would lend additional value to court records. We refer only to some of the most obvious in order to

make plain that the present records of most criminal courts do not yield information from which competent statistics of crime can be compiled.

There are, however, other obstacles to the collection of statistics of crime than defective court records. Difficulties are caused by diversity of the criminal courts' systems of the states not only in respect to criminal jurisdiction and methods of procedure, but also in respect to the origin of their authority and the qualifications of the judiciary. This diversity is most pronounced among the inferior courts. For example, in some states practically all criminal offenses not punishable by a term in the penitentiary are disposed of by justices of the peace, who, as a rule, are elective officers and represent all sorts and conditions of men. In other states the justices are simply committing magistrates or limited in their jurisdiction to certain specified misdemeanors. Of other inferior courts there is also a variety, some being created by municipal charters, others by special legislative acts, with presiding judges chosen by municipal councils or by the electors, or appointed by governors. The jurisdiction of these courts may be derived from special charters or from general statutes; it may be wide or very limited.

The diversity of systems extends also to the prosecuting officials. Their discretionary power in bringing cases to trial varies, but may be so exercised as to affect materially the volume of criminal business in the courts. In the actual trial of cases before the higher courts their duties are substantially the same, but they may or may not represent the state in the prosecution of minor offenses in the lower courts, according to existing statutory provisions. Some prosecutors are required by law to lay even trifling charges before the grand jury, others are not.

This lack of uniformity, which also appears in methods of procedure in criminal cases, helps to determine in various ways the amount of crime recorded by the courts. It is known, for instance, that when justices', mayors' or aldermen's courts are supplanted in a municipality by special criminal courts of a high type, the criminal business seems to increase simply because the instrumentality for its prompt despatch has been improved. To state another example, when on account of the inadequacy of inferior courts or their lack of final jurisdiction it becomes necessary to take many minor criminal cases to the already overloaded higher courts for final disposition, prosecution is frequently dropped in order not to obstruct the more important work of the higher courts. The result is that

the records may become rather misleading both as to the extent of criminal business and the methods of handling it.

Another difficulty in the presentation of criminal judicial statistics is that the penal codes differ materially. There is no agreement even in regard to the most elementary classification of offenses. The prescription and imposition of penalties vary greatly. There is a great variation in the penalties imposed in different states for the same offenses. In one state, local or special laws may prescribe penalties not known in other states, because they have outgrown the idea that crime is a matter for local regulation.

There are thus other obstacles than merely imperfect court records to the collection of thoroughly comparable statistics of crime for the United States: and the task of the institute will not be finished until they have been removed, at least in part. Meanwhile, work should be focussed upon efforts to create an intelligent demand for the improvement of the sources of criminal statistics, *i. e.*, primarily the records of the courts. The way to reform of criminal procedure must be paved by publicity of the doings of the courts at the present time; and they can best be tested by an application of the statistical method.

WHAT CRIMINAL COURT RECORDS SHOULD SHOW.

The committee submits that as a minimum requirement such records should state:

(A) *In Regard to the Criminal Process.*

1. Manner of commencing proceedings (by indictment, information, presentment, inquisition, affidavit, complaint, etc., as the case may be).

2. Offense charged. 3. Date of offense, of indictment and of final disposition. 4. Pleas (guilty, *nolo contendere*, not guilty). If plea of guilty, then statement of precise offense which plea admits. 5. Disposition other than by trial or plea of guilty (indictment quashed, *nolle prosequi*, demurrer sustained, dismissed, placed on file, etc.). 6. Mode of trial (by court or by jury. 7. Verdict (in case of guilty of lesser offense than originally charged, a statement of lesser offense). 8. Character of sentence (whether executed or suspended, etc.). 9. Appeal and result. 10. Institution to which sentenced. 11. Whether fine was paid. 12. Period of commitment for non-payment of fine.

STATISTICS OF CRIME.

(B) *In Regard to Social Status of Defendant.*

1. Age. 2. Sex. 3. Color. 4. Race. 5. Birthplace. 6. Birthplace of parents. 7. Conjugal condition. 8. Education. 9. Occupation. 10. Citizenship. 11. Previous convictions.

The notations indicated in regard to the various steps in the judicial process are essential to understanding of how the volume of criminal business is disposed of. The notations concerning the social status of the defendants are equally essential if the court records are to serve other than administrative purposes.

Several questions arise, however, in connection with the above recommendation of the committee. It is imperative, of course, that proper records should be made of all cases. But it may be questionable whether all courts having criminal jurisdiction should be made to keep as extensive records as indicated. We know that a very considerable amount of criminal prosecution is disposed of in justice's courts. As a rule, these courts lack clerical facilities, and to charge the justice himself with the burden of keeping elaborate records might be asking too much. On the other hand, it seems quite within reason to require every court employing a regular clerk to keep as full records as suggested. To be sure, even justice's courts should be obliged to make entries in each case, showing its nature and disposition. Unless this be done, it would be impossible to use court records as a basis for measuring the extent of the whole criminal business. It has been suggested that published returns might be limited to certain classes of offenses, and that court records therefore might deal less completely with some cases than with others. Unfortunately, there are no commonly accepted definitions which enable one to make a broad classification of offenses, for instance, by grouping them as felonies and misdemeanors. In short, in the matter of records, a line might possibly be drawn with reference to classes of courts, but not with reference to classes of offenses.

The question has been raised whether court records should deal as fully with cases in which conviction did not ensue as with cases resulting in convictions. Attention has been drawn to the fact that in several states the published statistics of crime relate solely to convictions. No adequate reason for this is apparent, unless it be an unwillingness to give facts concerning persons who, although charged with crime, were not convicted of it. Whatever the underlying reasoning may be, it is mistaken. For administrative purposes, it is just as essential to show the facts concerning the judicial process in cases ending in acquittal, dismissal, etc., as in those resulting in con-

viction and sentence. The number of convictions alone can never provide a safe index of the extent of crime. And if the statistics drawn from court records are to serve general purposes, the social status of the unconvicted defendants should be noted as well.

For the present the committee deems it unwise to go beyond a statement of the minimum requirements of criminal court records. Until the Institute has had a chance to express itself upon this subject, it does not seem expedient to attempt to "formulate an adequate and uniform scheme for recording the requisite data in criminal cases." Moreover, it is doubtful whether it is possible at this time to draw up forms that will meet the needs of the criminal courts generally. Again we refer to the diversity of courts, the variations in methods of procedure, the confusion as to terminology, etc.

LEGISLATION OBLIGING COURT OFFICIALS TO REPORT CRIMINAL JUDICIAL STATISTICS TO A CENTRAL STATE OFFICE.

The fact that criminal court records are, in the first instance, for the information of the courts themselves is a sufficient reason why they should be as full and complete as possible. But in order to serve the larger usefulness of informing the general public as well as officials, about the administration of justice and conditions of crime generally, it is necessary that proper compilations be made from the records and given publicity.

The brief descriptions in the appendix of current criminal statistics as published by the different states demonstrate sufficiently their unsatisfactory condition, both as to matter and form. One reason for it is crude legislation or lack of legislation. Unless the statutes specify just what the reports by prosecuting officials and others shall cover, as well as the items to be included, there is little hope of improvement; the official concerned will go on making the meagerest returns possible, without much regard to the form in which they are presented. In exceptional cases, it might be possible to give a competent bureau blanket powers in regard to returns. This is done in Indiana. Another reason for the present condition of reports glorified by the title of "criminal statistics" is the lack of ability on the part of those in charge of the returns to give them proper expression and setting; but this is a matter which need not engage our attention now.

In states where legislation requires officials to make returns of the criminal business of the courts, it should be a comparatively simple matter to amend the statutes where needed, so that, if com-

STATISTICS OF CRIME.

plied with, adequate returns may be had. In states without such legislation or having only the germ of it, it would be necessary to draft new laws. No law on the subject can be adequate unless it demands returns which demonstrate:

1. The extent of criminal business of all courts of record.
2. The nature of all cases and the exact manner in which they are disposed of.
3. The elements of population concerned in these cases—all in accordance with the recommendations made concerning the items that should be entered as parts of the court records.

Returns drawn from the records of the criminal courts should be supplemented by reports of the acts of prosecuting officials which are not necessarily incorporated in the court records, for instance, their work in connection with the presentation of cases before the grand jury, so far as its presentation does not violate the necessary secrecy of this tribunal.

At the present time not a single state can be said to have a law which fully meets these requirements. Nor would it be feasible to formulate without further study a model statute and recommend its general adoption. Once more, the difference in court systems, in methods of procedure, in the relations of officials to criminal prosecutions, etc., stands in the way. For example, in one state the prosecuting attorneys are the ones who should be made finally responsible for proper returns of all criminal cases. In another state, this would be an unreasonable demand, because they are not concerned with the prosecutions in the inferior courts. In one state the attorney-general is the chief prosecuting officer and self-ordained as the one to whom all returns should be made. In other states the attorney-general has nothing whatsoever to do with the prosecution of crime or with the criminal courts. In short, the law in regard to returns of cases must be adapted to the peculiar needs and conditions of each state.

The Institute, as such, cannot assume leadership of any active propaganda in the different states to secure specific legislation on the subject under consideration; but it should prepare, through a proper committee, a brief general outline of the legislation required and transmit it to the governor of each state with the request that he recommend it in his message to the next legislature. Such a request should be accompanied by a full statement of the reasons for the reform. While the general propaganda would have to be directed by separate groups in each state, the Institute can and should initiate it by emphasizing the need of legislation and by indicating the necessary scope of an adequate law.

THE UTILIZATION OF CRIMINAL COURT RETURNS.

The committee does not harbor the delusion that mandatory legislation alone will provide us with satisfactory criminal judicial statistics. Even with admirable court records and the proper returns from them, the question remains how the material will be treated before it is given publicity. To evolve well-balanced statistics from such material and give them the right setting by way of analysis requires an aptitude and training which usually do not repose in general state offices. For some time to come the most one can hope for is to get the crude material of criminal judicial statistics assembled periodically at some central office in each state. Only in a few instances may one reasonably expect to have it transformed into reports of immediate and general value, but a good example in one state is likely to be imitated in others. When, however, the states begin to assemble full court returns, the way is opened to their utilization by a federal agency like the Bureau of the Census.

While any plea for state legislation concerning returns of criminal court cases must rest primarily upon the value of such records to the individual state, the final end to be sought is the compilation of uniform criminal statistics for the whole country. The question therefore arises whether there is any feasible scheme for the "reorganization of criminal statistics" whereby such compilations may be easily and speedily secured.

From time to time it has been suggested and again recently in regard to criminal judicial statistics that the same plan might be adopted which is proving successful in collecting mortality statistics within the so-called "registration area." So long as each state pursued its own methods of gathering these last mentioned statistics, the results were of little value. But as state after state adopted a standard form of reporting deaths, together with the international classification of the causes of death, and agreed to a plan for transmitting mortality returns to the Bureau of the Census, the annual publication of mortality statistics for such states became not only feasible but a success.

That there is an analogy between the present situation in regard to criminal statistics and that of a decade ago in regard to mortality statistics is pretty obvious. It does not follow, however, that the plan of reorganization which proved successful in the case of mortality statistics is equally adapted for the reorganization of criminal judicial statistics. (Prison statistics may be left out of the discus-

sion for the moment, as they are of a secondary importance and cannot provide all we need to learn about conditions of crime.)

Before uniformity of criminal judicial statistics can be attained and the returns of the courts can be made to serve equally the purposes of the individual state and those of a federal agency, certain huge tasks would have to be performed. One involves nothing less than bringing about a reorganization of methods in dealing with criminal cases by the courts and securing the adoption of a uniform terminology. It should be remembered that the existing divergence in this and other respects to which reference has been made in previous pages is imbedded in statutes and to some extent in fundamental laws. In other words, it is this divergence which, for instance, makes it impossible at present to report the statistics of the judicial process in terms suitable both to the needs of the individual state and the requirements of a federal publication. Another difficulty would be to bring about a uniform classification of crimes. Any agreement as to such classification would necessarily have to be based upon the adoption of uniform definitions in the codes. Self-evidently in state publications the codes must be followed in the statistical statement of crimes and crime classes; but this would not serve the purpose of a federal agency. It is an entirely different story to fashion a theoretically sound classification of crimes for general uses in a study of conditions of crime.

Meanwhile there remains the duty of helping to remove the obstacles to uniformity in the criminal judicial statutes of the different states which have been pointed out. The success in securing uniform statutes in respect to civil matters shows what can be accomplished by persistent endeavor. The value of the reforms to be obtained justify great efforts.

Enough has been said, without enumerating a number of other difficulties, to show that as between the tasks of reorganizing mortality statistics and reorganizing criminal judicial statistics there is no real analogy, and that the plan followed in regard to the first mentioned group might be of doubtful expediency in dealing with the other. At all events, it would involve work of such magnitude that its realization must lie in the very distant future. All this is by no means equivalent to saying that there is little hope for future reports on criminal judicial statistics covering all the states. It has been shown that the immediate task before the states is the improvement of criminal court records and to provide for proper returns by courts to a central office. This accomplished, it would be a comparatively simple matter for a federal bureau like that of the Census

to utilize the returns, welding them into a whole and reducing statements so far as need be to common terms. Serviceable, if not ideal, criminal statistics could be secured in this way. Or, given complete court records, such a bureau could collect the necessary data from the original documents. Neither the amount of work nor the expense would form insuperable obstacles.

Although the Institute did not instruct this committee to consider other than criminal judicial statistics, it seems pertinent to go a step beyond. Statistics drawn from the records of the criminal courts have been designated as the principal source of information concerning conditions of crime. Court returns should, however, be studied in the light of other statistics and be supplemented by them.

Thus a valuable addition to our knowledge should be afforded by statistics of arrests. The first organized movement for the repression of criminality begins with the police, and their activities should be considered in relation to prosecutions by the courts. As a rule, the statistical exhibits of arrests are quite as unsatisfactory as the current criminal judicial statistics. We refer, of course, only to police reports of the large centers of population. In small places and under semi-rural conditions such reports are of small importance and little can be expected from them. The police reports do not present comparable facts; there is no uniformity as to matter and form; the nomenclature is not the same: the attempted classifications of offenses are frequently contradictory; more often than not, the exhibits fail to tell the whole story of police activity; and competent analysis is generally lacking. The committee recommends that the Institute recognize the duty of working for the improvement of police statistics.

A second group of statistics which should be considered as subsidiary and supplementary to those of the criminal courts is found in reports of prisons. Anyone who is at all familiar with the publications of state commissions, of state prison boards, and with the report of the individual penal institutions, knows that, as a rule, they leave much to be desired. There is often great paucity of material facts, lack of uniformity, of comparability and of needed textual explanations; or attempts are made to deal statistically with facts which do not lend themselves to such treatment. A large part of the difficulty lies, of course, in the difference of penal laws in regard to their classifications of offenses and terminology, as well as in the difference of penal systems. Without further discussion of the various aspects of prison statistics and their importance, the committee

STATISTICS OF CRIME.

believes it necessary radically to improve them, and recommends that the Institute recognize its duty of laboring towards this end.

Finally, mention must be made of a third group of statistics, namely, those of probation and parole. With the growing recognition of probation and parole as methods of dealing with offenders, there has come into being this new body of statistics which is in the process of formation. Of special importance are the statistics of probation in connection with the juvenile courts. Even now there is much questioning what can be done to render them uniform and in all respects satisfactory. Statistics of parole may or may not belong in the same group with statistics of probation. Here and there offenses are paroled without the intervention of probation offices, and, exceptionally, official publications deal with cases of parole from penal institutions, showing the results of the prison parole system, etc. The committee holds that the Institute should help to bring about improvement in statistics of probation and parole.

In order to make these various recommendations effective, it is our belief that the Institute should have a standing committee on statistics of crime. This report has been devoted chiefly to outlining present conditions and the statistical problems awaiting solution. The next step is to help in working out these problems. To this end, there should be established under the authoritative auspices of the institute a standing committee on statistics of crime. Among other things, it should have the duty of formulating plans for model court records; of recommending legislation in regard to court returns; and of advising and cooperating with national as well as state officials in all that relates to the collection and presentation of statistics of crime.

SUMMARY OF RECOMMENDATIONS.

1. That the Institute pass upon the committee's findings concerning the minimum requirements of court records in criminal cases.

2. That the matter of formulating "an adequate and uniform scheme for recording the requisite data in criminal cases" be made the subject of further consideration and inquiry.

3. That the Institute express itself in regard to the necessity of legislation obliging court officials and public prosecutors to make returns of criminal cases to a central state office.

4. That the Institute help to institute such legislation and cooperate, where feasible, in bringing it about.

5. That a standing committee on statistics be appointed which, in addition to the work called for under numbers 2, 3 and 4, should

JOHN KOREN.

have the duty: (a) To study and report to the Institute upon the present condition of police statistics, prison statistics and statistics of probation and parole; (b) to make definite recommendations in regard to plans for the improvement of these and other statistics of crime and criminality, and to cooperate with state and national officials in efforts for this purpose; (c) to furnish expert advice and help in all matters pertaining to the collection and presentation of statistics of crime.

The immediate as well as the later effects of the successful accomplishment of the work outlined will be to aid not only those who shall try to prevent crime from being committed, but also those who shall try to improve criminal procedure and make conviction of the guilty speedier and more certain.

APPENDIX.

SUMMARY DESCRIPTION, BY STATES, OF REPORTS CONTAINING CRIMINAL JUDICIAL STATISTICS.

Alabama:

The biennial report of the Attorney-General gives, first, a general statement showing "character and results of prosecutions" in the entire state for the two-year period. The statistics show, by offense, the number of cases disposed of, convictions, acquittals, nolle prosequis, of cases abated or withdrawn, and the number of persons sentenced to death, to the penitentiary, to hard labor, to jails, and the number of fines paid or secured. Another general statement shows "character and results of prosecutions in each judicial circuit and in each city or criminal court or other court having a separate solicitor." The details for each case are the same as enumerated above. For each separate judicial district or special court is shown the ratio of convictions to the number of cases disposed of. The predominant kind of crime with which the different courts dealt is stated. The Attorney-General offers several pages of comment on the statistics in question with comparisons for a number of years. There is also a separate chapter on cases of homicides disposed of during sixteen years. Finally, statements are given of criminal appeals in the Supreme Court and reversals on criminal cases. While this report does not fulfill all the conditions of criminal judicial statistics it provides considerable insight into the work of the Criminal Courts of Alabama.

California:

The biennial report of the Attorney-General contains tabulations of the criminal cases adjudicated in the Supreme Court and in the District Courts of Appeal, with which the office of the district attorney was concerned. A single page is devoted to the statistical exhibit for the biennial period, drawn from the reports of the district attorneys. Only criminal prosecutions in the Superior Courts for felonies are dealt with. The figures show the number of persons charged with crimes, the outcome in each case and the judgment, where such was rendered. There is not even mention of the offenses for which the prosecutions were brought.

Connecticut:

The Attorney-General's department of this state has no connection with criminal courts, and he has no criminal jurisdiction. There is, however, a biennial report of the criminal business of the courts compiled by the comptroller from returns made by state and prosecuting attorneys. The report shows, by counties,

STATISTICS OF CRIME.

the number of criminal prosecutions brought in the various courts and the offenses. There is also a summary statement of the number of cases disposed of, the number of convictions, the number of pleas of guilty, etc. In its present form this report is of little or no statistical value.

Indiana:

The Bureau of Statistics, which was established in 1889, is charged with the duty of publishing biennial reports of criminal statistics. So far this has not been done, but the first report dealing with this subject is to be ready in the fall of 1910. The law under which the Bureau operates merits being quoted in full so far as it relates to criminal statistics; it is as follows:

"It shall be the duty of the Chief of the Indiana Bureau of Statistics to collect, compile, systematize, publish, print and report biennially with his other reports tables showing the social, civil and criminal statistics during each year, in the manner now provided by law for the collection, compilation, systematization, publication, printing and reporting of other statistics."

"It shall be the duty of every clerk of any court of justice in this state, and of every other officer or person having in his custody or charge the information that may be required by the said Bureau of Statistics for the purposes named in the preceding section or by any other provision of law to supply such information at the request of such Bureau, whether such request be oral or by letter or circular or by the filling out of blank forms provided for that purpose by said Bureau."

"Any clerk or other officer or person failing to furnish such information within thirty days after the making of such request shall be liable to a penalty of one hundred dollars (\$100), to be collected by the order of the chief of said Bureau of Statistics in an action wherein the state of Indiana shall be plaintiff, and said penalty shall go to increase the common school fund of the state."

This law practically enables the Bureau to prescribe the form in which criminal court records shall be kept as well as what they shall contain. Instead of leaving the material gathered to the mercy of a non-statistical office, Indiana has followed the wise plan of charging its general statistical bureau with its compilation. The advantages are obvious, and the plan sets an example for other states.

According to the blanks provided by the Indiana Bureau of Statistics to be filled out by clerks of courts, it is intended to show, separately, in regard to felonies and misdemeanors, the numbers arrested and the numbers convicted. The following population facts are demanded: sex, color, and nationality (distinguished as native, foreign, and unknown). In regard to convictions, it is intended to show the numbers that have been fined only, and the numbers that have been sent to the different state penal institutions. In addition to this classified statement, provision is made for a summary of criminal cases, showing the numbers filed, dismissed, disposed of, venued to other counties, the number of convictions for felonies and misdemeanors; the number of felons and misdemeanants released on probation, the number of cases for violation of liquor laws, and the number of convictions for violation of liquor laws.

So far as one can judge from the blanks sent by the Indiana Bureau, the resulting reports will not quite meet the demands of criminal judicial statistics as formulated in this report. In regard to the judicial process a summary, and that a meager one because it does not take into account all the steps in the judicial process, is not sufficient. In regard to population facts, one can hardly be content merely with a statement of sex, color, and nationality. The question may also be raised in regard to the sufficiency of the crime classification. It would hardly be fair, however, to judge in advance the character of the forthcoming Indiana statistics of crime. At all events, the establishment of a statistical bureau with specific duties in relation to the collection of criminal statistics and broad authority marks a long step in advance in this country.

Much more complete than the blanks covering criminal cases of adults are the blanks provided for reports from the juvenile courts. The latter afford a very complete survey of the disposition of cases in this court. One might wish, however, for more extended population facts.

JOHN KOREN.

Iowa:

A biennial report on "Criminal Convictions" is published by the Secretary of State. It purports to show, by counties, the number of persons convicted, their offenses, the sentences, occupations, literacy, nativity, and habits. Except in regard to offenses and sentences, the returns are so incomplete that the resulting statistics would be worthless even if an effort were made at proper classification and analysis. Of the business of the Criminal Courts, except as regards convictions, there is utter silence. In short, the report must be considered simply as an unclassified transcript of crude returns.

Louisiana

The biennial report of the Attorney-General contains reports of the district attorneys for the different parishes in regard to the criminal cases prosecuted by them. These reports show, by offenses, the number of convictions, the character of the sentences, the number of acquittals, and number of cases noll prossed and pending. Some of these reports refer only to one year, but most of them cover a biennial period, although there is no separate exhibit of cases for the two years. There is also tabulation of the criminal cases in the Supreme Court of Louisiana attended by the Attorney-General's office and district attorneys; it gives offense, verdict and disposition in the criminal cases heard on appeal.

Maine:

The biennial report of the Attorney-General states the facts concerning criminal cases of a capital nature in narrative form. The criminal cases "entered in the lower courts" by the county attorneys and disposed of are summarized, but not tabulated. A list is given of persons sentenced in the different counties, together with the offenses and sentences. One table shows the numbers of prosecutions instituted and the offenses; a second, the results of prosecutions; and a third, the costs of prosecutions, fines, etc. Finally, there is a tabulated financial statement in regard to the cost of prosecutions in the Supreme and Superior Courts; of costs allowed for support of prisoners, for services of grand jurors, etc. In regard to the offenders themselves, the report states nothing except the name, offense and sentence, in cases resulting in convictions.

Massachusetts:

The Board of Prison Commissioners publishes an annual report which, according to the title page, includes "reports of all prison matters; with statistics of arrests, of criminal prosecutions, and of probation." Since statistics of prisoners and of probation are not under review, some interesting and valuable features of the Massachusetts report must be passed over.

A series of tables deal with criminal prosecutions in all the courts of the commonwealth, showing, by counties, for the superior courts as a group and for the lower courts individually, the criminal offenses charged in all cases pending and begun during a period of twelve months, and the disposition of such cases.

For the lower courts alone the number of sentences is shown, classified by crime groups, but with separate reference to the offense of drunkenness. The kind of sentence and the offense for which imposed is not shown. There is also a tabulation of criminal cases commenced before the grand jury, of cases coming to the superior courts by appeal, and of search warrants issued by the lower court. A short table relates to the work of the Juvenile Court. It cannot be said that Massachusetts statistics quite meet the requirements of statistics of crime. They are not complete. No effort is made at analysis and comparisons. The statistics deal solely with criminal prosecutions and do not furnish a single population fact, as the courts do not take cognizance in their records of any data bearing upon the social status of defendants.

Michigan:

The annual report of the Attorney-General summarizes the criminal cases with which he has been concerned before the Supreme Court. It contains also abstracts from the semi-annual reports of the prosecuting attorneys for the different counties. The abstracts show, by offense, the number prosecuted and the

STATISTICS OF CRIME.

outcome of the prosecutions. This information is recapitulated in such a manner as to show for each county the number of cases prosecuted, convicted, acquitted, dismissed on payment of costs, and noll prossed, the number settled, etc.

Minnesota:

The Attorney-General publishes biennial transcripts of the reports of county attorneys, which show, by offenses, the prosecutions in district, justices and municipal courts, the outcome of the cases, the penalties imposed, and the amount of costs and fines collected. No effort is made to classify and analyze the data which are not even summarized for the whole state. Population facts concerning the defendants in criminal cases are wholly wanting. The criminal prosecutions carried on by the office of the Attorney-General are not presented in tabular form.

Montana:

In the biennial report of the Attorney-General the criminal cases prosecuted by his office are set forth at some length. It also contains reports from county attorneys, showing the cases pending and tried in the district court of each county. In addition to offense, the following items in regard to the cases are noted: Number of informations, convictions and acquittals, number pending, continued, and dismissed. A brief statement summarizes "cases tried and pending in Justice Court." Presumably this is a summary of the business of the justice courts for the state.

Nevada:

The biennial report of the Attorney-General enumerates briefly, but not in statistical form, the criminal cases with which his office is directly concerned. In addition, it prints reports by the district attorneys for the respective counties of the principal business transacted by them. These reports are also merely enumerations of criminal cases prosecuted by them and the outcome in each case. Sometimes the sentences are stated, sometimes not. There is no uniformity in these reports, and apparently no general system is followed in compiling them.

New York:

For many years annual reports of "Statistics of Crime," compiled from returns from clerks of courts, have been published by the Secretary of State. The compilation deals solely with criminal cases in which the offenders were convicted, and thus ignores the large body of cases which were disposed of otherwise than by conviction. This is in obedience to the law, which requires returns to the Secretary of State only of cases in which conviction ensued. Therefore, it affords only a partial view of the business of the Criminal Courts. Although the returns of the clerks furnish the most necessary population facts, they are not satisfactorily utilized. There is throughout a lack of proper classification, as well as of competent analysis, and, in general, the limited material is badly put together.

North Carolina:

The biennial report of the Attorney-General contains a list of criminal cases argued before the Supreme Court, as well as a section under the title "Criminal Statistics." One "statement" shows, by counties, the number of criminal prosecutions, how they were disposed of, and the color and sex of the defendants. Another statement enumerates alphabetically, by counties, the various offenses for which prosecutions were instituted. Both statements are summarized, but not correlated. There is no analysis or comparisons with previous years.

Ohio:

The annual report of the Secretary of State contains a chapter on "Judicial Statistics." That portion of it which deals with criminal cases is based upon the returns from Probate Courts and from clerks of Common Pleas Courts (in Ohio the Probate Courts have a limited jurisdiction of criminal offenses). Those judicial statistics form a clear statement of the volume of the criminal business in the courts mentioned and how it is disposed of. In addition to a tabulation of fines, costs, fees, etc., there is an exhibit, by offenses and by counties, of the criminal

JOHN KOREN.

prosecutions showing their outcome in all cases. It should be noted, however, that the statistics do not include returns from inferior courts, such as Police and Mayor's Courts, and therefore cannot be said to represent the whole criminal business of the state. No analysis or comparison of the figures given are attempted. No facts whatsoever are given concerning the social status of the defendants.

Pennsylvania:

The Board of Public Charities publishes annually a few pages under the title, "Criminal Court Proceedings." It is a compilation from the returns of the prothonotaries (clerks of the Criminal Courts) but does not include reports from certain inferior courts of limited criminal jurisdiction. Comparative statements show, first, the criminal proceedings of the grand juries, and secondly, the increase or decrease in convictions, by counties. The offenses for which convictions were secured are separately enumerated, together with the number of persons involved. The criminal business of the courts is exhibited in a statement which shows, by counties, the number of persons charged with crime, the number of bills laid before the grand jury, the number returned as true bills, the number returned ignored, and a summary statement of the outcome of each case tried in court. The presentation closes with a tabulation showing the offense, by county, and the crimes for which criminals were convicted. As a general survey of the criminal business of the Pennsylvania courts, these abstracts are not complete and suffer for want of competent analysis and comparisons. No population facts of any kind are given in regard to the offenders prosecuted.

South Carolina:

The annual report of the Attorney-General contains reports from the solicitors of the different judicial circuits, showing, by offense, the cases tried, disposed of, and their outcome. The facts are briefly summarized for each circuit as well as for the state, but certain important items are not included in the summaries. There follow reports of the clerks of courts of General Sessions for each county giving the name, sex, color, and age of each defendant, the crime with which he was charged and the verdict. The relation between the two sets of reports is not made clear. In its present form this raw material of statistics can scarcely meet administrative purposes, certainly not others.

Texas:

The biennial report of the Attorney-General tabulates a statement of the business of the Court of Criminal Appeals, showing the cases filed and their disposition. The cases are distinguished merely as "felonies" and "misdemeanors." "Exhibit A" shows, by counties, and by offense, the number of indictments presented in felony cases, the number of trials, the number of convictions and sentence, and the number of acquittals, as well as the number of cases that were nolle prossed, or in which indictment was quashed. "Exhibit B" is designated as a "Record of Misdemeanors." It shows, by counties, the number of indictments, informations, trials, convictions, acquittals, cases quashed and nolle prossed, and the amounts of fines imposed, remitted and collected. There is no reference to the specific offenses classified as "misdemeanors." "A general summary of criminal matters" states the outcome in felony cases by offense, but gives merely totals for misdemeanor cases.

Utah:

The annual report of the Attorney-General presents two tables of criminal judicial statistics. The first shows the total number of cases prosecuted in the district courts of each county, together with the number of convictions, acquittals, cases dismissed, and cases pending, as reported by the district attorneys. The details which make up this table are given for each district by offenses. The whole forms an exceedingly meager presentation of the criminal business of the courts.