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CRIMINAL STATISTICS AND THE NATIONAL COMMISSION'S REPORT

AUDREY M. DAVIES¹

I. SOME GENERAL COMMENTS

As of April 1, 1931, a Report on Criminal Statistics by the President's National Commission on Law Observance and Enforcement was published. It was not to be expected that a document on a subject practically unheard of by most people, emanating from however noteworthy a source, should arouse very widespread interest or response. It was to be expected, however, on the part of the more or less circumscribed body of experts and officials intimately concerned with the study and administration of criminal justice, that a substantial contribution in a hitherto sadly neglected quarter would at last be made. Only a thorough examination of the report can reveal the full extent of the disappointment involved.

The report proper occupies just 18 pages. The following 72 pages consist of a Survey of Criminal Statistics in the United States for the National Commission on Law Observance and Enforcement by Sam B. Warner, which is supplemented by a check-list of printed reports containing criminal statistics, and a digest of state laws providing for the collection of criminal statistics, occupying together 57 pages. The remaining pages—some 57—are devoted to a Critique of Federal Criminal Statistics written for the Commission by Morris Ploscowe. Mr. Ploscowe's study is of course confined to the relatively small field of crime over which the federal government has jurisdiction, and which has its own growing importance. Major interest naturally centers on crime conditions within the jurisdiction of the individual states, to which Professor Warner's survey is entirely and rightly restricted. As is pointed out on page 43 of the report: "But the number of federal prosecutions as compared with state prosecutions is trifling and can be disregarded unless one is studying narcotics, prohibition, or a few other special topics." With regard to Professor Warner's survey, the Commission have this to say: "The present situation as to state and municipal statistics is fully set forth in the Survey of Criminal Statistics in the United States, by Professor Sam Bass Warner, which accompanies this report. We commend this thor-

¹National Institute of Public Administration, 261 Broadway, New York, N. Y.

ough-going and critical survey to the attention of the public and particularly urge study of it upon those who are advocating or framing legislation in the several states."²

It is obvious, therefore, that by right of physical bulk,—over 60 per cent of the entire report,—of the major importance of its subject-matter, and of the unequivocal endorsement of the Commission proper, Professor Warner's survey may legitimately be regarded by the public as an integral part of the report. It must inevitably be identified with it. As stated in the review of the report in the *New York Times* of April 27, 1930: "He (Professor Warner) submitted a list of 13 suggestions of his own, most of which were incorporated in the broader recommendations made by the Commission." "The research studies of Professor Warner and Mr. Ploscowe, submitted to President Hoover along with the report and recommendations, constitute largely the factual foundation and academic considerations upon which the report was written."

The inherent viciousness of issuing a report so comprised, under the name of the National Commission, is apparent from two angles, both of form and substance.

In the first place, Professor Warner's survey is stated to give "a complete and accurate picture of state and municipal criminal statistics as they were in December, 1929."³ This qualifying statement appears in the report proper, a dozen or so pages before the Warner survey begins. No qualification as to the period covered is attached to the Warner survey, commencing on page 19 (except that we are told on page 26 that it "will attempt to answer such questions as the following: How many reports containing police statistics *were printed in 1928* by city, county, and state officials,"⁴), and the casual reader may well accept it as pertaining generally to conditions existing as of April 1, 1931, or at least within the current calendar year. The point to be noted is, that under the caption: "IV. The Present Situation as to Criminal Statistics in the United States,"⁵ the Commission incorporate reference to a survey complete as for *December, 1929*, without the slightest indication in that section of their report that developments since that date have not only rendered obsolete many suggestions of the survey, but are well on the way to refuting demonstrably its predictions and forebodings, and have reduced its main usefulness to a commendable bibliography, some two years out of date. The report

²Report, p. 8.

³Ibid, p. 8; italics inserted.

⁴Italics inserted.

⁵Report, p. 8.

proper proceeds in the very next sections to recognize those developments, which necessarily involve "state and municipal statistics." The effect cannot but be "confusion worse confounded" to the seeker throughout the pages of the report for enlightenment on the *current* state of national, state, and municipal crime statistics. No more dynamic indictment of this method could be found than the Commission's own words: "the greatest care should be taken to avoid publishing officially conclusions and interpretations based on partial data but appearing to be official determinations on the basis of adequate information, and to see to it that zeal to show results does not lead to giving out with official approval and without statements of its limitations and defects material likely to mislead."⁶

As reprehensible as the looseness of form, is the disregard for consistency in substance. The conclusion cannot be evaded that for all practical and theoretical purposes the Warner report is the Commission's report. Yet we have such conflicting statements as these to reconcile: "The National Government does not publish police statistics relating either to offenses or arrests,"⁷ and, "The Uniform Crime Reports issued under this plan (i. e., of the International Association of Chiefs of Police) now appear monthly as government documents."⁸ If these conflicting statements as to fact are pardonable because of the obsolescence of the Warner survey for every practical purpose, what can be said for the following? "Recommendation 6.—The Federal Government should not at present attempt to obtain statistics of crimes known to the police. . . . At present, statistics of offenses committed are, however, so *untrustworthy in most American cities* as to be unworthy of a place in a national publication on criminal statistics";⁹ and: "We have already indicated the reasons which seem to us decisive for an ultimate putting of the whole system¹⁰ under one bureau. . . . As to this it is argued that it would undo *the work so well begun* under the auspices of the International Association of Chiefs of Police. *But we think that work should be conserved.* We think it should be carried on until matters are ripe for the ultimate system, and should be perfected as much as possible in the meantime but ultimately transferred."¹¹

Even within their own 18 pages, the Commission succeed in consigning the project of nationwide crime statistics to the state of prac-

⁶Report, p. 18.

⁷Professor Warner, p. 32.

⁸The Commission, p. 11.

⁹Professor Warner, p. 52; italics inserted.

¹⁰I. e., police, as well as penal, court, and other crime statistics.

¹¹The Commission, p. 15; italics inserted.

tically total eclipse in which it formerly reposed and from which it was just beginning to emerge under the careful nourishing of the agencies mentioned in the report. Their second recommendation reads as follows: "*As soon as proper state legislation has gone far enough to make a sound foundation, the gathering, compiling, and publishing of nationwide criminal statistics should be committed as a whole to the Bureau of the Census.*"¹² The state legislation required is described broadly in recommendation 4: "A uniform state law with respect to gathering and transmitting of state statistics of criminal justice, so far as required for general national purposes, should be drafted and enacted. Such a statute will require taking account also of local needs and local purposes which vary from state to state, and for covering in addition and in the way required for general purposes *what the general national plan may call for.*"¹² It is then recommended that some such body as the National Conference of Commissioners on Uniform State Laws would seem best able to draft it. The third recommendation is that in the meantime the present system, whereby collection of criminal statistics is distributed between the Bureau of the Census, the Bureau of Investigation in the Department of Justice, and the Children's Bureau of the Department of Labor, respectively, be continued. "Each of these agencies should be developed in the meantime to make it as effective as possible. But no further activities as to general criminal statistics should be undertaken by the federal government *until the ultimate plan is settled, and whatever further is attempted should be done with reference to that plan.*"¹²

Thus the entire body of recommendations of the Commission relating to local, as distinguished from federal, criminal statistics, is made to hinge upon the operation of what is variously referred to as "the general national plan," "the ultimate plan," and (Report, p. 12) "the recommended plan." Yet except for the broad general recommendations that the compilation and publication of criminal statistics should be centralized in one federal bureau, preferably in the Bureau of the Census, and that "There should be a comprehensive plan for an ultimate complete body of statistics, covering crime, criminals, criminal justice, and penal treatment, and all steps towards organizing the gathering, compiling, and publication of statistics in any one jurisdiction or activity or particular should be taken with reference to this plan and so as not to embarrass it by committing statistics of different features of criminal justice to different bureaus,

¹²Report, p. 17; italics inserted.

whose 'amour propre' will be involved when the ultimate unification is sought,"¹³—except for such broad general statements, no vestige of any particulars looking to the formulation of such a plan is to be found. No quarrel can be had with the idea of the desirability and ultimate necessity of such a plan. It is only regrettable that the report virtually prohibits further progress except in accordance with the "plan's" as yet purely hypothetical requirements.

Summing up the Commission's contributions to this field, we are left with the following: (1) a check-list of the deplorable lack of statistics up to December, 1929—a fact already widely known in general; (2) misleading inferences as to current conditions; (3) some absolutely opposed recommendations and conclusions with reference to future policy in certain particulars; (4) future development prohibited except in compliance with a non-existent plan. It may in good faith be questioned what light this can afford to the public at large or what service to the "organizations and agencies interested in putting American criminal justice upon a more scientific basis."¹⁴

II. RESPECTING SPECIFIC ISSUES

The issues discussed above are only some rather obvious inconsistencies and omissions apparent when considering the report as a whole. There are additional matters of policy, of theory, and of practice, raised throughout the report but by no means settled by it. The dual nature of the report, consisting as it does of a brief set of principles and recommendations by the commission, of facts and theories and some quite opposite recommendations by Professor Warner, not repudiated by the Commission, makes it difficult to know what is the final stand taken, if any. But some individual issues which are raised—not necessarily identical ones—in each part, deserve separate consideration on their merits.

1. *Present Police Statistics*

The report proper of the Commission devotes a number of pages to a consideration of the nationwide system of police statistics inaugurated by the International Association of Chiefs of Police in January, 1930, and operated since September, 1930, by the United States Department of Justice. A number of criticisms are made on pages 12-13 of the report. These include reflections on the accuracy

¹³Report, p. 6.

¹⁴Ibid, p. 18.

of the statistics, and on the Department of Justice for publishing them under government imprint without accompanying qualifications.

(a) More specifically, it is charged that the "reports published monthly by the Bureau of Investigation of the Department of Justice, make no suggestion as to any limitations or doubts with respect to the utility or authority of the figures presented. On the contrary, they contain a graphic chart of "monthly crime trends," and along with them the bureau has released to the press statements quoting and interpreting them without qualification."¹⁵

It may be stated that the bureau has consistently collected, compiled, and published the figures submitted, and presented them pictorially by graph as well as in tabular form. With little exception it has made no attempt to do more than to present within the limitations of a brief publication the material collected, and to arrange it in such form as to make it somewhat intelligible to those primarily interested. Almost undue restraint in the use of the figures has been exercised, both with regard to the official bulletins and newspaper releases. The charge might well have been that of understatement rather than overstatement. The reason for this coincides with the principles advocated by the Commission. A vast and comparatively unique project in the collection of these statistics is in the course of undertaking. It stands to reason that the venture must proceed cautiously and with time for the underlying principles to be grasped by all participants. The slow and intensive work of verification of the material received must precede any considerable analysis of it for special purposes. Local supervision of the thousands of individuals involved is desirable. This necessity exists just as much where a state bureau is functioning as the intermediate collecting agency as where it is not. Much supervisory corrective work has been done by means of correspondence. But it is not until such time as field agents can be provided to exercise personal supervision in each section of the country, that it will be felt that special analyses and interpretations of the figures can justifiably be made.

But the work of collection *must* in the meantime be *initiated* and *continued*. Publication also is indispensable if the work is to be established on a right basis. This feature will be dealt with more particularly a little later. Where there is reason to doubt the verity of figures submitted, they are referred back for correction to the local department. Otherwise, they are published as submitted, or with suitable notation, and no further qualifying statement is warranted

¹⁵Report, p. 12.

where there is reason to believe that there has been an honest attempt to comply with the requirements for submission. Within these safeguards, the statistics must be accepted for what they purport to be. As time goes on and local verifications are made, notable deviations in future years, not attributable to other causes, may reveal the extent to which the first year's figures through the sheer novelty and magnitude of the enterprise may have diverged from strict accuracy. The almost complete absence of sweeping generalizations or of specific claims or conclusions apparent in the present publications—to say nothing of rectifications and adjustments made in innumerable instances before publication of the figures—is a tribute to the caution of the department in promulgation of the data and is in itself a form of moderation and qualification wholly consonant with the complex nature of the work.

(b) Another charge of the report is that “the basic reports are made by persons and under conditions which involve varying degrees of guarantee of their accuracy and reliability. Indeed the significant fact that cities are beginning to use these reports in order to advertise their freedom from crime as compared with other municipalities suggests at once a difficulty under which the voluntary system of gathering police statistics for national purposes must labor.”¹⁶

In view of what is elsewhere repeatedly dwelt on throughout the report,¹⁷ it must be taken that the charge here is of falsification based on self-interest. This involves a number of considerations. It confounds dishonesty with ignorance, in a multitude of cases. It brands the country at large with the misdeeds of, at the very most, a relatively small number of unscrupulous officials. It lays a special claim of corruption upon police as distinguished from prosecuting, judicial, and other public officers—scarcely borne out when investigation has been centered on any particular one of these offices. In large, it assumes that a defect unfortunately prevalent in varying degree throughout official public circles must be particularly prolific among the police, because their temptation, in the form of self-interest, is so much greater!

In contrast to the corruptness of police statistics, special virtue is assigned to court records in the Warner section of the report. We find statements such as these: “Trustworthy records from which trial court statistics might be obtained exist in almost every court. The problem of the falsification of the returns, *so vital in the case of*

¹⁶Report, p. 13.

¹⁷E. g., Report, pp. 39, 52-53, 63-64, 68-69, 90.

police statistics, does not exist. The statistical information obtained from court records might reflect on the wisdom of the statutes passed by the legislature regarding court procedure, or on the desirability of the customary judicial ways of doing business; but in no event could it reflect on the honesty or ability of the clerk giving the information or his superiors."¹⁸ In the case of a police officer, on the other hand, "every motive of personal interest is on the side of determining that after all no crime was committed."¹⁹ "The great difference between the problem of court statistics and that of police or probation statistics lies in this fact that all the information necessary for court statistics is now obtained and obtained accurately. The problem is merely one of devising practical means of getting it off the court record. While in the case of police and probation statistics, the problem relates to the accuracy of the record as well as to the means of obtaining information from it."²⁰

Whether, if they were susceptible of a 100 per cent degree of accuracy, court statistics could ever constitute the measure we are looking for, i. e., an index to criminality, is a question of the utmost significance which is reserved for subsequent discussion. But so much has been cited here to indicate the emphasis placed on the question of relative accuracy. This reduces the entire matter to simply a moral issue. If it should appear to be the case that one group of officials alone lags so far behind the accepted standards of individual and official conduct and integrity, then it is high time that a concerted effort be directed toward ending such an intolerable situation. In such circumstances, publication of statistics submitted by police must inevitably have a purging effect. For cities eagerly to scan the crime records of competitors, with a view to turning any advantage to themselves to civic and commercial gain, is a wholesome and hopeful practice. It need be little feared that in the course of the popular rivalry so engendered, falsification, whether deliberate or by oversight, will not be ruthlessly detected, exposed, and denounced. One of the primary functions of publication of the data received is to exert a corrective influence based on self-discipline within, not coercion without. But, as a matter of actual fact, it can be asserted that cases of deliberate falsification are *practically unknown*. But publication has brought to light differences in practice based on misunderstanding of the principles or procedure to be ap-

¹⁸Report, pp. 63-64; italics inserted.

¹⁹Ibid., p. 64.

²⁰Ibid, pp. 68-69.

plied. The advantages of this sort of corrective cannot be overestimated.

(c) A third charge against the present statistics relates to "liabilities of error which seem to be realized when one examines the monthly report with reference to differences in the penal codes of the several states,"²¹—predicated on inept use of the uniform classification of offenses provided and designed to minimize discrepancies otherwise occurring due to such differences. The merits of the uniform classification are not put in issue, and its use and application are subjects for continued supervision and verification by the Department of Justice, as previously intimated. Moreover, even conceding it any importance, this objection only emphasizes another notable contradiction between different sections of the report; for we have Professor Warner's conclusions on this subject as expressed on page 65, as follows: "These differences may always prove an insurmountable barrier to absolutely comparable criminal statistics, but their importance from the statistical point of view can easily be overrated. Statistics are useful only for rough comparisons and small variations are unimportant. . . . Furthermore, variations in the laws of the different states reflect upon the comparability of all criminal statistics—police, court, probation, and institution, alike. . . . We must decide to forego all attempts at national criminal statistics, or accept these differences as unavoidable and for most statistical purposes immaterial."

(d) Finally, it is questioned whether the proposed police statistics on clearances by arrest, the number of persons released, the number charged, and the number found guilty, can either be collected, or be of any assured value in case they are. The answer is simply that the same doubts naturally preceded the attempt to collect and compile data on offenses known to the police, and the results of this further attempt, while not predictable, may be expected to enjoy a corresponding measure of success. It may also be expected that due precautions will be taken against the publication of patently defective returns, as has always been done in the case of offenses known, and that they will be accompanied by any further qualifying statements that the circumstances may require. In any case, charges of anticipatory failure can hardly be met until occurrence of the event.

2. *Feasibility of Police Statistics*

The utter irreconcilability of the recommendations of the Commission with those of Professor Warner on the whole subject of

²¹Report, p. 13.

collection of police statistics, has been referred to on a previous page. This would seem to warrant a closer examination of that part of the report which conflicts with the Commission's conclusions, as to the issues therein raised.

It appears to be Professor Warner's thesis, in brief, that in spite of the acknowledged fact that "Everybody admits that correct statistics of crimes known to the police and other crime-detecting agencies are worth collecting and are the best known index of the amount of crime committed,"²² the superior quality of statistics which might be gathered from court records recommends their use as the nucleus of a national system of criminal statistics; that the inherent defectiveness of statistics of the number of offenses known to the police renders them ineffectual for all practical purposes not only at the present time but in all probability for many years to come; that the government, therefore, as soon as the necessary authorization has been secured from Congress and the preliminary investigation carried out, should concern itself with the creation of a registration area for court statistics, also for prison and jail statistics, and soon after for statistics of probation; and that, as for police statistics, "in fact for a number of years the National Government will probably not find it desirable to include any police statistics in its statistical publications, but will be obliged to confine its efforts regarding such statistics to investigation and advice."²³

It is of interest to note, before considering what Professor Warner deems to be the fatal defects of police statistics, that whatever they are, probation statistics are placed by him in precisely the same category. Thus: "What constitutes success on probation or improvement on probation is just as various and illusive a term as what is a crime known to the police. Until the methods of gathering and tabulating statistical information concerning probationers are greatly improved and standardized, probation statistics will not be sufficiently accurate and uniform to have any considerable national value, no matter how useful locally."²⁴ Again: "The services which a department of the Federal Government in charge of criminal statistics can at present render toward the improvement of probation statistics are similar to those that it can furnish the cause of better police statistics."²⁵ Also: "The great difference between the problem of court statistics and that of police or probation statistics lies in this fact that

²²Report, p. 52.

²³Ibid, p. 90.

²⁴Ibid., p. 73.

²⁵Ibid., p. 74.

all the information necessary for court statistics is now obtained and obtained accurately. . . . While in the case of police and probation statistics, *the problem relates to the accuracy of the record* as well as to the means of obtaining information from it."²⁶

Nor do prison statistics fare any better. We are told on one page, it is true, that "the only criminal statistics now printed that are both adequate and comparable on a national scale are those contained in the federal decennial and annual censuses of prisoners in institutions."²⁷ Yet we have just been informed only a few pages previously that: "The weaknesses of the statistics used in the federal censuses lie not in the methods of their collection and tabulation, for these are of the best, but in *the accuracy of the information on the prison records*. The reliability of prison records varies greatly from institution to institution. . . . Further, the accuracy of the records varies with different items of information. . . . It is safe to assume that the figures of all penal institutions on the number of recidivists materially understate the facts, but how far they are from the truth nobody knows."²⁸ Prison statistics, along with probation statistics, apparently, are as radically defective from the standpoint of accuracy as are statistics from the police. Yet the government is advised to create a registration area for the two former, but to confine its efforts regarding police statistics to "investigation and advice"!

Even as to court statistics, complete perfection is not asserted. Their great claim to preference lies in the accuracy of what they do record. "Trial court statistics have the undoubted merit of being in most cases correct, since they relate to matters on the court record."²⁹ Yet certain defects are admitted. (1) They are incomplete as to area covered in that they omit the inferior criminal courts, i. e., police courts in cities and justices of the peace in rural districts; (2) comparability is seriously jeopardized by variations in content and method of tabulation from state to state; (3) comparability is again affected by inadequacies and differences in the lists of offenses and dispositions used from state to state. But how easily are such difficulties disposed of? (1) The absence of a few inferior courts and a few criminal cases will not seriously affect the statistics. (2) The defect of differences of method, though "very serious from the point of view of comparability,"³⁰ and one "difficult to remedy completely and

²⁶Report, pp. 68-69; italics inserted.

²⁷Ibid., pp. 87-88.

²⁸Ibid., pp. 83-84; italics inserted.

²⁹Ibid., p. 63.

³⁰Ibid., p. 65.

in all minor details,"³⁰ is to be managed by having blanks and instructions supplied by the Bureau of the Census and used by the state statistical bureaus. (It is immaterial, apparently, that the magical formula by which the blanks are to effect all this has not as yet been devised, and that the state bureaus are largely non-existent.) (3) The importance of the differences between state laws in existing definitions and dispositions "from the statistical point of view can easily be overrated";³⁰ they "reflect upon the comparability of all criminal statistics—police, court, probation, and institution, alike,"³⁰ and must be accepted as "unavoidable and for most statistical purposes immaterial,"³⁰ unless the attempt at national criminal statistics is to be abandoned. (A rather sudden capitulation from so ardent an exponent of accuracy when the matter of police statistics is broached!)

Enough has been said to indicate that the fundamental issue is not then one of accuracy, or comparability, or adequacy, or other technical difficulty, but one of policy, and in specific terms, of corruption and incompetency in one as compared with another set of public officials. It is not at all apparent from the statements and admissions made, that as many obstacles and barriers do not exist in the way of collection of court statistics, and which are as yet totally unsolved, as do in the case of police statistics, as to which rapid progress toward standardization and unification has been made. Even Professor Warner places the stamp of approval upon the work done by the police themselves in securing a uniform system through the appointment of a research committee which, in his own words, "has just worked out and published *an adequate plan for police records and statistics.*"³¹

Professor Warner, in his brief for court as against police statistics as the basis of a unified system, places great weight on the experience in England with both kinds of statistics, tracing the relative importance placed on each in its annual publications of statistics up to 1923, at which date offenses known to the police rather than persons tried became the basis for measuring fluctuations in crime. It is not

³¹Report, p. 39; italics inserted. His evaluation of police statistics of offenses known and of arrests, on pp. 37-40 of his survey made in 1929, is of course rendered nugatory by the fact that three of his four criticisms, viz., the limited area covered, the limited number of offenses reported to public officials, and the lack of a uniform basis of compilation, have been in large measure met under the plan of uniform crime reporting inaugurated by the International Association of Chiefs of Police, while the fourth, that of inaccuracy, is at best an open question concerning which probably neither side can at this time make any very positive assertion.

assumed that he is charging corruption in that case as the cause of the unreliability of statistics of offenses known, but presumably inherent technical difficulties, which would exist in this country of course in connection with any nationwide scheme. But his deduction that "if it took the highly centralized English government 66 years to get its famous and highly efficient police to report correctly crimes known to the police, it is evident that it will be many years before our decentralized and non-professional police forces can be induced to make trustworthy reports of crimes known to the police,"³² is certainly open to challenge. English conservatism is notorious. The application of scientific method is undoubtedly more widespread in the twentieth century than during the entire last half of the nineteenth. The very difficulties involved in the functioning of such a system in the United States, with its decentralized police organizations, have undoubtedly inspired more vigorous and more comprehensive attention to the details of the procedure than was thought necessary in a country where the work was undertaken largely as an addition to the already established official routine. Moreover, why did the English persist in the labor and expense of collecting, compiling, and publishing such data for 66 years, if not because of their overwhelming conviction, as stated in their 1924 report, that: "The figures of crimes known to the police, with whatever defects such figures may possess, constitute the only information available concerning the number of crimes actually committed, and the figures of persons tried for indictable offenses are usually considered to be the best index to the annual fluctuations of crime."³³ With reference to the last half of this statement, it may be pointed out that while fluctuations were discussed on the basis both of persons tried and of offenses known in the reports for 1923 and 1924, yet in 1925 and succeeding years they have been discussed on the basis of offenses known, alone.

On at least four occasions Professor Warner reverts to the fact that the number of offenses known to the police is the best index to criminality.³⁴ Court statistics, however accurate as far as they go, still, by his own description, are limited to "matters on the court record."³⁵ What necessary relation is there, particularly under the administration of criminal justice in this country, between what gets on the court record and what is going on in the way of criminal activity in the community at large? An instance cited in the English

³²Report, p. 55.

³³Judicial Statistics, England and Wales, 1924. Criminal Statistics, p. 5.

³⁴Report, pp. 25, 37, 52, 67.

³⁵Ibid., p. 63.

report for 1925³⁶ strikingly illustrates how wide this gap may be. A person pleaded guilty to eight separate offenses. Under the English practice, the police may bring to the notice of the court for purposes of sentence not only all offenses formally charged, but also any other outstanding charges which the accused person admits. In this case, he admitted in addition 88 others, so that 96 offenses in all were taken into consideration by the court in passing sentence. The compiler of the English statistics was able to come to this conclusion: "Cases of this kind often occur and it seems likely, therefore, that the number of indictable offenses brought home to offenders bears a very high proportion to the number known to the police to have been committed."³⁷ Taking into account the difference in practice in this country, where it cannot be said to be the rule that even the offenses he is known to have committed are with any degree of regularity "brought home to the offender," the possible degree of divergence between court and police statistics can hardly be imagined. In fact, the discrepancies between the number of prosecutions and the number of offenses known are probably so great as to vitiate any likely value of the former as the true index to criminality. The gap is too wide to be lightly ignored. The difficulties in either case are many and novel. No inherent advantage has been shown to lie with court statistics, other than freedom from the disadvantage of incompetent and corrupt officials, claimed to obstruct indefinitely any attempts to collect police statistics. Whether or not the experience of the Department of Justice throughout the last several months belies this charge, is it of the sort that should be allowed to stand in the way of placing the collection of criminal statistics in this country on the one acknowledged scientific basis?

3. *Statistics of Arrests*

Police statistics include information pertaining to arrests, and to some extent to dispositions, as well as to the number of offenses known. It is recommended by Professor Warner that such statistics should be obtained entirely from the courts—which of course would include only those arrests resulting in court prosecution. It has already been sufficiently indicated that records of prosecutions, however correct as far as they go, bear no necessary relation to the number of offenses committed nor necessarily to the number of arrests. Records of arrests, and subsequent disposition, are an important measure of police activity and efficiency and as such belong properly in their domain.

³⁶Judicial Statistics, England and Wales, 1925. Criminal Statistics, p. 4.

³⁷Ibid., p. 4.

4. *State Statistical Bureaus*

Both sections of the report recommend a central federal bureau to act as a clearing house for all criminal statistics—police, judicial, penal, etc.—and endorse the Bureau of the Census for this purpose in preference to a bureau in the Department of Justice or to leaving the statistics distributed between different bureaus as at present. This recommendation is conditioned on the further one that the central bureau function primarily through state statistical bureaus, which will be the collecting agency for each state and will be organized so as both to provide for local state needs and meet the requirements of the central national bureau.

There is room for a difference of opinion on the question of precisely which bureau should ultimately be entrusted with the task of collecting, unifying, and disseminating all criminal statistics. But the deferment of further efforts to secure national statistics until such time as state statistical bureaus are functioning, seems a needless sacrifice of common sense to academic theory. There could be no possible guarantee of when, if ever, there will be 48 state statistical bureaus established, any more than there could be any possible guarantee that any one of them could operate effectively even when legally authorized to. Beyond any question, state bureaus where existing should be utilized to the fullest extent, and rendered to the highest degree effective where not already so; in addition, the establishment of such bureaus in states where they do not now exist should be engendered and encouraged. But the plan for collection of criminal statistics on a national scale need not await the Utopian era, but can be made capable of practical application and operation now in every area, whether or not each state as such has awakened to the paramount need. The extent to which this has been in a degree effectively accomplished with police statistics points to the possibilities of ultimate realization of adequate results through such a method.

COMMENT BY LENT D. UPSON¹

Not many persons are interested in the collection of crime statistics, but a good portion of these few must have been much disappointed in the report of the President's Commission on that subject. The report, rather than aiding in a difficult task, undoubtedly makes it more difficult.

Offenses known to the police are without a doubt the best index

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of crime, far out-weighting in comparative value, facts concerning arrests, convictions, and commitments. The collection of facts about such offenses was discussed in the first meeting of police chiefs a half a century ago, and has been under continuous consideration since by police officials and interested laymen. Yet it was only recently, and then after a number of years of preliminary effort, that the need of the crime data was so fully appreciated by the police themselves that a resolution was passed by the International Association of Chiefs of Police, authorizing the appointment of a Committee on Uniform Crime Records to lay the foundation for the task. Still another year was consumed in finding funds to finance the work, and in getting under way. Then followed two years of arduous labor, resulting in uniform definitions of principal offenses and the correlation of the statutes of the different states with these definitions; preparation of a uniform record system for the police; drawing up of a manual by which uniform reporting might be secured from these records; the enactment of national legislation permitting the National Division of Identification and Information in the Department of Justice to collect these data; and finally, the preliminary collection of figures from many cities so that the collection, compilation and reporting might be turned over to the Department of Justice as a going concern. The report of the Department for May, just issued, is for 1197 cities throughout the country and covers nearly half of the population of the United States.

The President's Commission says that all of this work has been useful and then in its report or that of its agent, proceeds to criticize it in a fashion that cannot help but nullify its usefulness to a considerable extent.

Setting aside some details, this criticism centers on two points—(1) the collection of crime data should be done by the Bureau of the Census rather than the Department of Justice, and (2) the data now collected are inaccurate.

The question of whether the Bureau of the Census or the Department of Justice should collect crime records was thoroughly considered by the Committee on Uniform Crime Records. The Committee realized fully the undesirability of having the collection of these and similar data distributed among a number of government departments. However, here was a new project involving many difficulties. The police departments of the United States had confidence in and were accustomed to reporting criminal information to the Department of Justice. Also, this Department had agents throughout the country who could enlist the interest of chiefs of police in

reporting and who could aid them in the preparation of reliable reports. Further, the Department was in a position to print and distribute quickly the data made available. Under these conditions it seemed advisable to disregard academic objections and place this task in the department where success seemed most assured. The correctness of the judgment of the Committee is perhaps evidenced by the fact that over 1000 cities are reporting to the Department and that the publication of returns is less than 30 days old. On the other hand, the report of the Census Bureau dealing with prisoners in penal institutions for the year 1927, reached my desk in May, 1931, just three years and four months after the close of the year which the report covered. The engagement of Professor Thorsten Sellin by the Bureau of the Census to be in charge of statistics dealing with offenses and offenders, will doubtless in the future remedy to a material extent this delay.

The second point relates to accuracy. Of course the offenses known to the police reported to the Department of Justice are not accurate. Neither is the record of births and deaths and the incidence of reportable diseases that are reported to the Bureau of the Census, although the procedure for collecting these data has been half a century developing. If the complaints made by health officers about the casual fashion in which births as well as reportable diseases are reported by physicians mean anything, then the crime records now being made available are as accurate or more accurate than are the health records.

But "thou too" arguments do not answer the objections. Possibly some of the departments of police are deliberately falsifying their returns, but such isolated instances can not continue for long under the critical scrutiny of newspapers, opposition political parties, and civic agencies.

Of far greater importance are the errors in reporting which come about because of a failure to understand the reporting procedure laid down by the Committee on Uniform Crime Records. These can and will be corrected as the obvious errors are called to the attention of the departments concerned. For the major offenses there is not a great deal of latitude for confusion; but for the minor offenses, particularly those involving grand and petty larceny, there is likely to be difficulty until the definitions are thoroughly understood by the officers in charge of record keeping.

Nor is a wide diversity in number of offenses committed to be taken as final evidence of willful or ignorant error in making returns. One has only to turn to the report of the Census Bureau on prisoners

committed to penal institutions (which is at least some index of the incidence of criminality) to appreciate that the amount and character of crimes differs greatly in different states. Many factors affect this incidence and these factors vary from state to state and city to city.

It is unfortunate that political forces have seized upon the reported data in some instances as a means of forwarding their own fortunes. The most notable instance of this was the comparison of the Chicago figures with those of other large cities which was broadcast over the country. It is, of course, recognized that the figures reported by Chicago are incomplete, though accurate as far as they go. But to these incomplete figures local tabulators added notoriously inaccurate data. Any chief of police who felt that his own city was put in an unfair position by the publication of these comparisons could have exploded the situation instantly by quoting a line or two from the Chicago Police Survey. It is understood that steps are being undertaken by the Department to place its reporting system on a sound basis.

The Executive Vice-President of the International Association of Chiefs of Police, who is also Chairman of the Committee on Uniform Crime Records, as well as the other chiefs on this Committee, are well aware of the shortcomings of the present reporting system. But they appreciate too that there is a beginning in the right direction and that as time elapses errors will be eliminated and the data will become more and more valuable in throwing light on criminality in the United States, and in guiding individual departments in their defenses against crime. It cannot be expected that a complete and accurate system will be developed in a year, regardless of what national department may be responsible for collecting and compiling the statistics. Therefore, the Association is endeavoring to raise adequate funds to permit the employment of a field staff which will spend its entire time in visiting departments not now reporting, or those whose reports are in question, and in cooperating with the officials of such departments in placing their record-keeping systems on a sound basis.

The police, and more particularly their critics, have been clamoring for crime statistics. Here is a system in the making, which in the opinion of capable police chiefs and a distinguished advisory committee of penologists and sociologists, holds large promise. It seems somewhat senseless to strangle the child because it was not born a full grown man or because sometime and somewhere another child with fairer hair might or could be born of other parents.