

Fall 1935

Chicago Crime Commission

George E. Simpson

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

George E. Simpson, Chicago Crime Commission, 26 *Am. Inst. Crim. L. & Criminology* 401 (1935-1936)

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.

THE CHICAGO CRIME COMMISSION

GEORGE E. SIMPSON¹

Shortly after the daylight payroll robbery of Winslow Brothers in 1917, the Chicago Association of Commerce decided that something should be done to curb crimes of violence. A special committee was appointed to investigate the situation and to determine whether or not the business interests of Chicago could improve conditions.

This committee made a year's study of crime in Chicago and then submitted a report recommending an "organization under the guidance and direction of the Chicago Association of Commerce of a Commission for the suppression and prevention of crime." This recommendation was made because inquiry had shown that arrests were few, that the police were indifferent, that the prosecutions were lax, that the courts acted slowly, and that life and property were greatly imperiled.

"This committee first looked into the composition of the Police Department, and found that it was too small, compared with the forces in other cities as is shown in the following table:

London	.....	One patrolman to 424 of population
Paris	.....	One patrolman to 358 of population
Berlin	.....	One patrolman to 367 of population
Vienna	.....	One patrolman to 492 of population
New York	.....	One patrolman to 553 of population
Philadelphia	.....	One patrolman to 468 of population
Chicago	.....	One patrolman to 712 of population

This was not the only shortcoming of the police force. The Committee found that the efficiency of the Department was seriously affected by the fact that commanding officers use appointive powers for political purposes. Moreover, Chicago policemen lacked proper training in the rules of evidence, a defect that has prevented the conviction of many offenders.

"Next, the courts were looked into. The committee found many defects. The courts were lax in granting continuances and in permitting a reduction in the degree of crime charged. Furthermore, too much latitude was allowed attorneys for the defense in questioning venemen. The modifying of sentences without notice to the State's Attorney was condemned, as was the custom of assigning inexperienced judges to the criminal bench.

¹Temple University, Philadelphia, Pa.

“‘Much of the prevalence of crime,’” the committee declared, “‘may be attributed to defects in our jury system. In no cases outside of capital offenses or conspiracy does there seem to be any real necessity for the use of a grand jury.’” It was pointed out that delays fatal to successful prosecutions would be avoided if it were possible to begin prosecutions without grand jury action. The committee remarked that the law requiring a unanimous verdict in a petit jury case greatly increases the difficulties of conviction.

“The State’s Attorney is hampered by assistants chosen for political reasons and not because of their ability. The inadequacy of the records of habituals was also pointed out. The carrying of concealed weapons and the working of the parole law were also touched upon.”²

The Chicago Crime Commission, founded by business men, actually began operation on January 1, 1919. It was organized to aid existing agencies in the suppression of crime. It does not attempt to apprehend or prosecute criminals nor to advise judges what to do.

“The Chicago Crime Commission is engaged in the work of gathering data to make clear the reason for the prevalence of crime in Chicago. This accomplished, the next step is to determine and obtain legislation sufficient to enable the various branches of the government to properly function. Finally to see that these agencies for the detection, apprehension and prosecution of criminals, as well as the administration of the law, are acting in good faith and are free from the demoralizing effects of politics.”³

Organization of the Chicago Crime Commission

The membership of the original Chicago Crime Commission consisted of one hundred and thirty-nine men, chosen by the Chicago Association of Commerce. Today there are one hundred and five and the commission itself is the judge of its own membership. The policies of the Commission have always been determined by the Board of Directors. In the early years the standing committee of the Commission were: Executive; Courts and Prosecutions; Finance; Juries, Law Revision; Legislation; Membership; Organized Cooperation; Origin of Crime; Police; Publicity; Punishment; Parole and Institutions; Sheriff, Coroner, Bailiffs, and Clerks; Statistics. At the present time the standing committees include: Membership; Finance; Courts and Prosecutions; Police, Sheriff, and Coroner; Pardons, Paroles, and Institutions; Causes of Crime; and Legislation.

The Commission maintains a permanent office and employs a staff

²Beach, Robert B., “Chicago’s Crime Commission,” *American City*, XX (1919), 272-273.

³*Bulletin of the Chicago Crime Commission*, No. 4, June 1, 1919, 1.

of twenty-one trained investigators, statisticians, file and record clerks. The work is supervised by the Operating Director and the Assistant Operating Director.

The Commission is supported only by the voluntary contributions of some 2,500 citizens. During 1926 the operating expenses were \$55,000. Since 1928 the annual expenditure has been about \$100,000. The income of the Commission is inadequate to carry on the work which its members would like to do. For example, there is but one investigator assigned to the Municipal Courts at the present time (this is the so-called automobile court). They would like to have every Municipal Court covered. There are certain studies which should be made, but as yet there has been little opportunity to carry on such work.

Method Used by the Chicago Crime Commission

Every criminal case in Cook County is docketed. Major crimes of violence get first attention. Murder, burglary and robbery cases are reported upon in detail, but only the essential facts in other felony cases are recorded. The Commission has made over three hundred thousand indexed reports on crime and criminals. These include the records of between 40,000 and 50,000 criminals, professional bondsmen, and witnesses in criminal cases. Newspaper clippings, photostats of the record made at police headquarters, the report of the Commission's investigator, and other available information concerning the crime or the criminal is systematically filed. According to E. W. Sims, former president of the Commission, these records "are now frequently resorted to by the police and other public officials as carrying the most comprehensive criminal data in the state."⁴

The following report, obtained at the office of the Commission, shows how an investigator handles a case. This record is on file and should the defendant be charged with another crime at some future date, the judge will be furnished with this document.

August 19, 1927.

In re: Case No..... Mr.....
 Larceny—Judge.....
 Clark Street Branch, Municipal Court
 Assistant State's Attorney, John

The defendant, assistant window trimmer at the Boston Store, was arrested August 17, 1927, by William, a house detective, as

⁴Sims, E. W., "Fighting Crime in Chicago," *Journal of the Institute of Criminal Law and Criminology*, 1920, 22.

he was leaving the store after business hours with jewelry valued at about \$17.00.

The plea was guilty and the defendant was granted probation for one year since he had no previous record.

There are representatives of the Chicago Crime Commission in all of the thirteen Criminal Courts. As previously stated lack of funds prohibits observers in all of the Municipal Courts. Special investigators are assigned to the other courts for important cases.

Following the investigation notes may be sent to the prosecutor, the judge, and the chief justice. Some notion of the character of these notes may be gained from this example.

"'So-and-so robbed Grocer Jones, beat him up with a gun, was caught shortly afterward and was identified by both Jones and his wife,' states a hypothetical note. 'The case is before Judge Blank and the defense has already received four different continuances. We are following this with unusual interest.'"⁵

The Crime Commission does not end an investigation when it comes to such statements as "Case stricken off with leave to reinstate" or "Dismissed for lack of prosecution." The staff tries to discover why the case was stricken off, or why there was a lack of prosecution. In this way they attempt to make their data the most accurate and complete in the state.

Theory Upon Which the Chicago Crime Commission Works

The work of the Chicago Crime Commission is based upon the belief that speedy trials and sure punishment will reduce crime.

"In the opinion of the Crime Commission, the abnormal volume of crime in Chicago is due fundamentally to failure to apprehend criminals and punish crime with that certain, sure swiftness necessary to inspire fear in prospective law-breakers. So much soft-hearted sympathy has been mixed with the application of lawful force that it has become so feeble as to practically lose its effect upon the habitual criminal."⁶

A recent report of the Operating Director says that "strict and stern punishment is the greatest deterrent yet discovered in dealing with crime."⁷

⁵*Criminal Justice*, No. 50, April, 1927, 6.

⁶Sims, E. W., *op. cit.*, 27.

⁷Chamberlin, H. B., *A Study of the Administration of Criminal Justice with Respect to Automobile Larceny Cases from August 1, 1932 to July 31, 1933*, 20. (A mimeographed report to the Chicago Crime Commission by the Operating Director. Issued November 21, 1933.)

Cases Which Illustrate the Work of the Chicago Crime Commission

The Commission's program includes the following functions: the compilation of records which will act as a check upon public records and public officials; the expose of unreported and unsolved crimes; the prevention of the release of criminals on worthless bonds, lax prosecutions, court delays, and deceptions; and the prevention of unwarranted pardons, paroles, commutations and unlawful probations. We shall cite certain instances in which it has acted.

First, concerning unreported crimes.

"A few months after the Crime Commission had commenced the collection of criminal data, its records began to show a volume greatly in excess of the total number of crimes reported to the central department by the police precincts. As investigation of this discrepancy disclosed the fact that reports of many crimes of violence never got farther than the blotters of the local police stations. For instance, it was found that the captain of a certain precinct had carefully or intentionally failed to report to the central office 104 out of 141 crimes reported in that precinct for one month; that is to say, out of 141 crimes of violence reported in that particular precinct a record of only 37 found its way into the central office of the Police Department."⁸

Second, concerning court delays and continuances.

The importance of calling attention to unjustifiable delays in the existing court system is shown by the following statement:

"Continuances have contributed liberally to the defeat of criminal justice. Continuances tire out witnesses, discourage complainants, encourage forgetfulness of facts, contribute to the possible disappearance of evidence, and are generally helpful to the cause of the unjust. Ten years ago it was not unusual to find criminal cases that had been continued forty times. I found one that had dragged along for seven years with the defendant at liberty on bail. But that was before the days of the Chicago Crime Commission."⁹

was no retrial in the year that had elapsed between the time that

The case of Robert Stamm, whose trial for murder resulted in a jury disagreement, is a case in point. It will be seen that there the jury disagreed and the time that this report was published.

"Robert Stamm is in the County Jail awaiting trial for murder—a murder committed September 11, 1925. Stamm was arrested and incarcerated in the Cook County Jail on September 16, 1925, to await the action of a Grand Jury. He was indicted on October 16, 1925. On February 20,

⁸Sims, E. W., *op. cit.*, 23.

⁹*Criminal Justice*, No. 51, May, 1927, 10.

1926, a jury which tried Stamm was unable to agree and was discharged. Stamm was returned to jail where he has since been and the last entry in the docket shows that the case has been continued by Judge Eller until February 28.

"The official record of the clerk of the Criminal Court showing the progress of the case, follows:

October 17, 1925—Case assigned to Judge Gemmill.
 October 17, 1925—Plea of not guilty entered, Judge Gemmill.
 October 28, 1925—Motion of defendant—December 2, 1925, Judge Gemmill.
 December 2, 1925—Motion of defendant—January 11, 1926, Judge Gemmill.
 January 11, 1926—By agreement—January 25, 1926, Judge Gemmill.
 January 25, 1926—Motion of defendant—February 8, 1926—Judge McGoorty.
 January 25, 1926—Case transferred to Chief Justice for reassignment, Judge Gemmill.
 January 25, 1926—Case assigned to Judge McGoorty, Judge Lynch.
 February 6, 1926—Motion of defendant—February 15, 1926—Judge Lynch.
 February 15, 1926—Plea of not guilty (heretofore entered) withdrawn. Motion to quash entered and denied and exceptions. Defendant arraigned and plea of not guilty entered. Jury trial. Examination of jurors. Eight accepted and sworn. Continued tomorrow.
 February 16, 1926—Four jurors accepted and sworn together with the eight previously accepted and sworn, making a complete panel. Testimony heard in part. Continued to tomorrow.
 February 17, 1926—Further testimony heard, arguments heard in part. Continued to tomorrow.
 February 18, 1926—Parties and jury present and in absence of Attorney Cantwell, court appoints Attorney J. O. Kants. Continued tomorrow.
 February 19, 1926—Further argument heard. Instructions given jury. Jury retires in charge of sworn officers to consider their verdict.
 February 20, 1926—Jury returns in open court saying that they are unable to agree. Jury discharged and case sent to Chief Justice for reassignment. Judge McGoorty.
 February 23, 1926—By agreement—March 29, 1926, Judge Eller.
 March 29, 1926—Order Court April 26, 1926, Judge Eller.
 April 26, 1926—Motion defendant—June term, Judge Eller.
 July 6, 1926—By agreement—September 13, 1926, Judge Eller.
 September 13, 1926—By agreement—October 11, 1926, Judge Eller.
 October 11, 1926—Hold on call—Judge Eller.
 December 2, 1926—Still held on call. Judge Eller.
 February 7, 1927—Continued to February 28, Judge Eller."¹⁰

Closely related to its attempts to prevent delays and continuances is the Commission's efforts to prevent pleas of guilty to lesser offenses than those charged in the indictment.

"In the same year (1927) felony counts were waived in 1,772 cases

¹⁰Dearborn, Henry, Jr., "Illustrating a Delay of Justice," *Criminal Justice*, No. 48, February, 1927, 14.

and pleas of guilty were accepted in place of such felony charges in the indictments. In other words, the defendant pleaded guilty to a crime which he did not commit and was discharged from punishment for a crime which he did commit."¹¹

Third, concerning the release of criminals on worthless bonds.

The case which follows is that of Arthur DeFoe. This man took advantage of the former farcical bond system of the Municipal Courts and stayed out of jail for more than a year. He was charged with confidence game and check forgeries.

"Where is Arthur DeFoe, alias Max Sobelman, alias James Davis? When the case of Arthur DeFoe, charged with forgery of two checks totaling \$2,000, in Indictments Nos. 42894 and 42895 came up in Judge Emanuel Eller's court March 25, 1927, he was not present. Julius Holzer who signed as surety for DeFoe did not respond when his name was called and the bonds were ordered forfeited.

"DeFoe was arrested on March 19, 1926. He had bondsmen ready to sign for him the same day. He failed to appear in court and the bonds were forfeited. He was caught after several months and again had a bondsman at hand to sign for him. This bond was forfeited after the Chicago Crime Commission pointed out that the surety had no title to the property scheduled. DeFoe was ordered taken into custody, but was released the same day on a bond signed before another judge by a new surety. This bond was later forfeited because DeFoe failed to appear in court. He was later caught by the police and held to the Grand Jury. Judge William R. Fetzer ordered him taken directly to jail, but at the Bureau of Identification he was released on a bond signed by a new surety before Judge Joseph W. Schulman. Since then he has been at large.

"Over a year has elapsed since DeFoe was arrested. It took nearly a year to dispose of his case in the Municipal Court. Now the State is ready to try him, but he can't be found.

"The Sheriff says he is looking for DeFoe and that the bondsman is on his trail also, but to date both have failed to apprehend him.

"None of the bonds signed for DeFoe would have been accepted in the bond department of the State's Attorney's Office where a surety's right to sign is carefully investigated.

"Several of the bonds for DeFoe were signed by judges who knew nothing about his case. The complaints against him were not assigned to their courts.

"The law does not forbid a judge other than the one hearing a defendant's case to approve bonds signed for him. It does not compel them to do so either.

"It would therefore appear that as a matter of good practice judges ought to refer applications for bonds to the court hearing the case.

"The law does not prohibit a judge in the Municipal Court from approving a bond signed for a defendant held over to the Criminal Court,

¹¹*Criminal Justice*, No. 55, Feb., 1928, 4.

but it seems that good practice would prompt them to refuse to do so, knowing as they do that the schedules of sureties are investigated in the Criminal Court and that as a result there is assurance that only a good bond will be accepted there.

"DeFoe never spent one day in jail in spite of the fact that he played around with justice for nearly a year. He had hopes of beating the case in the Municipal Court. When he failed he made use of an ever ready surety, a loophole in the law, an obliging judge, and beat it."¹²

The Crime Commission assisted with the establishment of the Criminal Court of Cook County Bail Bond Department in 1919. No bonds are accepted by the Criminal Court judges unless they are approved by this department. The Commission began the campaign for a similar department for the Municipal Court in 1920.

"The Crime Commission has been investigating the bond situation. and when it finishes it believes that a bond will be a bond and not a mere means of permitting criminals to escape punishment. The January Bulletin of the Commission called attention to the fact that the grand total of 426 bonds forfeited for the year 1919 approximated \$1,448,900.00."¹³

Such a department was established in 1927 "to rout fixers, shyster lawyers and crooked professional bondsmen from the Court."¹⁴

Fourth, concerning the administration of paroles and the giving of what it regards as unwarranted paroles, unlawful probations, pardons, and commutations.

"With the records of the Crime Commission at their disposal the Attorney General and the State's Attorney were enabled to develop a situation which compelled a radical change in the parole administration in Illinois. One of the results was the appointment of Hinton G. Claugh as Supervisor of Paroles and Chairman of the Division of Pardons and Paroles."¹⁵

The Chicago Crime Commission supplies all the data in its files for every case which comes before the division of pardons and paroles at Springfield, Joliet, and Pontiac. In nearly every instance there is a representative of the Commission present at the hearing.¹⁶

¹²Dvorak, R. W., "Where is Arthur DeFoe?", *Criminal Justice*, No. 50, Apr., 1927, 11.

¹³Sims, E. W., *op. cit.*, 24.

¹⁴Hanna, Francis D., "To Check Municipal Court Bail Bonds," *Criminal Justice*, No. 50, April, 1927, 12.

¹⁵Chamberlin, Henry B., "Tales of Chicago's Leadership," *Criminal Justice*, No. 47, Jan., 1927, 5.

¹⁶This does not mean that the Commission opposes every case which comes up for pardon or parole.

"That the effect of this representation is felt in the Criminal Court is apparent.

"When the cases of Patrick McMahon and Herman Notter charged with robbery with a gun were called before Judge George Kersten in the Criminal Court on June 23, the waiver of the felony was considered. "I cannot afford to plead these defendants guilty even with a gun count of felony," said Attorney Maurice I. Green, 'because while heretofore the state's attorney's and judge's letter to the pardon board was alone effectual, it is no longer so.

"The reason for this is that the cases are followed to the division of pardons and paroles by the Crime Commission and other agencies.

"The State's Attorney used to be the prosecuting agency but now we frequently find that there are also lawyers representing the Bar Association and the Chicago Crime Commission associated with the state in prosecuting cases. The Constitution is being changed."¹⁷

In the two cases which follow, those of John Murphy and Garfield Sullivan, the Crime Commission furnished the parole board with the facts concerning their records. Publicity on these cases was also given in "Criminal Justice."

"In the near future there will be up for hearing the case of John Murphy, indicted January 11, 1926, for the larceny of an automobile valued at \$775.00. The car was stolen December 13, 1925. Other indictments charge that on December 15, 1925, John Murphy held up and robbed at the point of a gun, George W. Linden, 5347 Laffin Street, proceeds \$35.00 cash. On December 16, that he held up with a gun, Felix Wozniak, 5011 South Aberdeen Street—proceeds \$11.00 cash. On December 16, that he also robbed at the point of a gun, Albert Ackerman, 1600 West 51st Street, proceeds \$50.00 cash; and Clements B. Patten, 5300 Calumet Ave., in an A. & P. store—proceeds \$27.00 cash. On December 20, at the point of a revolver, he robbed Clarence Carlson, 6035 South Loomis Street—proceeds \$4.00 cash; also Frank Blodowski, 1101 West 47th Street—proceeds \$42.37 cash. On March 1, 1926, in the case concerning the robbery of George W. Linden, the gun and robbery counts were waived, a plea of guilty to grand larceny was entered and the defendant sentenced to the penitentiary for one to ten years by Judge Harry B. Miller. In all of the other indictments, the gun and robbery counts were waived and the defendant sentenced to one to ten years on each indictment to run concurrently with the previous sentence for grand larceny. Eleven months later we find his case on hearing before the Division of Pardons and Paroles which also will consider at the same hearing the case of George Thompson. Thompson was indicted for plain robbery. The essence of the charge is that on July 20, 1924, he snatched from Gertrude Williams, 3651 Lexington Street, ten days before, a purse containing seventy-five cents. On August 8, 1924, he pleaded guilty before Judge Kavanagh and in strict conformity to the law was sentenced to serve from three to twenty years.

¹⁷*Bulletin of the Chicago Crime Commission*, No. 24, July 15, 1922, 4.

"Three to twenty years for a seventy-five cent robbery. One to ten years for the theft of a \$775.00 automobile used in a series of seven stick-ups for which indictments were returned! And against a defendant in nineteen additional cases which were "No Billed" by a Grand Jury which assumed that if legal penalty were inflicted in the cases under indictment that the defendant would be in the penitentiary many years and that it would be a waste of the court's time to vote additional indictments!"¹⁸

The policy of the Parole Board in the case of Garfield Sullivan illustrates further the attitude of the Crime Commission toward the parole of a certain type of offender.

"Garfield Sullivan was and is hard boiled. He was an automobile thief and also tried his hand at robbing a bank. When he was caught, indicted and brought into court he pleaded guilty to robbery because he was a gun-man and if found guilty by a jury could be sentenced to a term of from ten years to life. But the story is told in a letter written April 26, to Samuel Curtis of the First National Bank of Downers Grove, Illinois, by Hinton G. Clabaugh, Supervisor of Paroles.

"I have your letter of April 25th, and am very glad indeed that you wrote me about this case as it gives me an opportunity to explain the new policy in such a way that you will readily appreciate the wisdom of it.

"I realize that you objected to the parole of Garfield Sullivan last December. A parole order, nevertheless, was entered for reasons which will be obvious to you in the following. Your protest, however, was not received until after the parole had been entered.

"The facts are: Garfield Sullivan plead guilty to robbery and was sentenced by the court on an indeterminate sentence of from three to twenty years.

"A twenty year maximum sentence may be served, under the present rules, in seven years, seven months, and fifteen days. This is the scale that has been in effect at Joliet for a number of years, and Pontiac has, of course, been put on an equal basis.

"Garfield Sullivan was received at Pontiac on August 29, 1919. He was paroled January 13, 1927. He therefore actually served seven years, four months and fourteen days which is just three months and one day less than the maximum of a twenty year sentence. I talked to Garfield Sullivan personally, and so did the other members of the board. I warned him that if he violated his parole, he would receive the maximum, and if I could legally do so (I think there is no doubt that I can), he would forfeit all the good time he had earned in Pontiac. In other words, the net result, looking at it from a public interest standpoint, is that had Garfield Sullivan served three months and one day longer, he would have been entirely free, subject to no parole supervision whatsoever. As it is, he violated his parole, a warrant was issued and he is now in the position of the possibility of having to serve twelve years, seven months and sixteen days,

¹⁸Hanna, Francis D., "Automobiles As a Factor in Crime," *Criminal Justice*, No. 48, February, 1927, 5-6.

whereas, if he had remained in confinement the additional three months and one day, we would have lost all control over him.

"I think this case happily demonstrates the soundness of the new policy with reference to paroling convicts after a substantial sentence has been served, but before they can be released without any parole restrictions or supervision." ¹⁹

We shall mention here, without citing specific cases, only two more types of work done by the Chicago Crime Commission.²⁰

The Commission publishes lists of well-known criminals. The first group, announced on April 23, 1930, had the names of twenty-eight notorious gangsters. Vigorous campaigns against these "public enemies" have been carried on by the Commission.

". . . the Chicago Crime Commission kept a daily observation account of their activities; it covered such cases as came into court and reported in detail; made inquiry as to their citizenship status; investigated their personal property and income taxes; inquired of credit agencies; checked municipal court and federal court records; assembled arrest records; procured finger prints and obtained records from the Bureau of Identifications throughout the United States; made inquiry by correspondence in re prison status of these men; prepared summaries for the state's attorney and other officials; suggested action to various officials which has resulted in successful prosecution, conviction and imprisonment."²¹

Another activity of the Commission is the establishment of contact between the victims of criminals and the authorities.

"This contact commences on the day the defendant is indicted, at which time the Chicago Crime Commission mails a notice to the victims and advises them that it stands ready to assist in every way possible until final disposition. More than 300 such notices are mailed each month."²²

Statistical Reports of the Chicago Crime Commission

From time to time the Commission presents statistical reports of the crime situation in Cook County. The April, 1927 *Criminal Justice* carried a statistical summary of all cases disposed of for the years 1921 to 1926, inclusive. This table is reproduced here.

¹⁹*Criminal Justice*, "Garfield Sullivan and Parole," No. 52, June, 1927, 14.

²⁰For a more detailed program and list of objectives see p. 416 ff.

²¹*Criminal Justice*, No. 59, December, 1930, 1.

²²*Ibid.*, 2.

SUMMARY OF ACTION IN ALL CASES DISPOSED OF FOR THE YEARS
1921 TO 1926, INCLUSIVE²³

	<i>Individuals</i>					
	1921	1922	1923	1924	1925	1926
PENALIZED:						
Death Penalty	6	1	9	3	8	10
Penitentiary	448	454	297	400	566	467
Reformatory	309	252	151	212	299	173
House of Correction...	556	541	314	499	740	578
County Jail	197	137	93	77	100	117
Chester	12	11	7	4	11	2
Kankakee	4	2	2	1	1	1
Oak Forest .....	..	1	3	1	..	..
Elgin	2	..	2	1	2	..
Lincoln School for Feeble Minded .....	..	..	..	..	1	..
Dunning	1	..	1	..	..	..
St. Charles .....	..	..	..	1	..	1
Fined	139	160	154	78	117	69
Costs .....	..	1	1	..	..	..
	1674	1560	1034	1277	1845	1418
NOT PENALIZED:						
Probation	635	493	310	420	613	429
Not Guilty	857	701	398	487	621	569
Stricken Off with Leave to Reinstate	2765	859	623	467	533	445
Nolle Prose	559	380	228	181	140	156
Dismissed for Want of Prosecution	161	148	97	146	106	180
Miscellaneous Reasons..	72	103	84	73	137	155
	6723	4244	2774	3051	3995	3352

Percentage

PENALIZED:						
	1921	1922	1923	1924	1925	1926
Death Penalty .....	.08	.02	.32	.10	.20	.30
Penitentiary	6.66	10.70	10.71	13.11	14.17	13.93
Reformatory	4.60	5.94	5.44	6.95	7.48	5.16
House of Correction...	8.28	12.75	11.32	16.36	18.52	17.24
County Jail	2.93	3.22	3.35	2.52	2.50	3.49
Chester .....	.18	.26	.25	.13	.28	.06
Kankakee .....	.06	.05	.07	.03	.03	.03
Oak Forest .....	..	.02	.11	.03	..	..
Elgin .....	.03	..	.07	.03	.05	..
Lincoln School for Feeble Minded .....	..	..	..	..	.03	..
Dunning .....	.01	..	.04	..	..	..
St. Charles .....	..	..	..	.03	..	.03
Fined	2.07	3.77	5.55	2.56	2.93	2.06
Costs .....	..	.02	.04	..	..	..
	24.90	36.75	37.27	41.85	46.19	42.30

²³*Criminal Justice*, No. 50, April, 1927, 2. For a summary of court activity (especially the statistics and case records of each judge hearing criminal cases) for the years 1927, 1928, and 1929 see *Criminal Justice*, No. 58, May, 1930, 18-52.

NOT PENALIZED:

Probation	9.45	11.62	11.18	13.77	15.34	12.79
Not Guilty	12.75	16.52	14.35	15.96	15.55	16.97
Stricken Off with Leave to Reinstatement	41.12	20.24	22.82	15.31	13.34	13.27
Nolle Prose	8.31	8.96	8.22	5.93	3.50	4.65
Dismissed for Want of Prosecution	2.39	3.49	3.13	4.79	2.65	5.37
Miscellaneous Reasons..	1.08	2.42	3.03	2.39	3.43	4.65
	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>

"If included under the heading 'Successful Prosecutions' are all cases in which some sort of penalty or fine was imposed by the Criminal Court, the record will be as follows:

1921.....	24.90 per cent
1922.....	36.75
1923.....	37.27
1924.....	41.85
1925.....	46.19
1926.....	42.30

"The proportion of the defendants placed on probation showed an increase from 9.45 per cent in 1921 until it reached the high mark of 15.34 per cent in 1925.

"In every case in which a probation is granted, the defendant has been found guilty. Some, therefore, maintained that it is but fair to the court and prosecutors to include defendants placed on probation in the tabulation of 'Successful Prosecutions.' If these are included the record will read as follows:

1921.....	34.35 per cent
1922.....	48.37
1923.....	48.45
1924.....	55.62
1925.....	61.53
1926.....	55.09

"Indictable offenses and their disposition are generally accepted as a better guide to what the administration of justice accomplishes than is the number of arrests or prosecutions initiated for alleged violation of a multitude of city or village ordinances.

"In the six years from 1921 to 1926, for which the Chicago Crime Commission has compiled the actual figures, 24,139 individuals were tried on indictments in Cook County. Of these 8,808 or about 36.5 per cent were sentenced to either Joliet or Pontiac. There was a gradual increase of penalties inflicted from 1921 to 1925 and a dropping off in 1926.

"The percentage of penitentiary and reformatory sentences in relation to the number of indictments is perhaps the best available test of effectiveness of the law-enforcing machinery in which the police, the coroner, the state's attorney and the courts are all integral parts. This record for six years is as follows:

1921.....	11.26 per cent
1922.....	16.64

1923.....	16.15
1924.....	20.06
1925.....	21.65
1926.....	19.09

"In six years an average of about 17.5 per cent of all defendants tried in Cook County went to penal institutions."²⁴

Writing earlier in the same year, Francis D. Hanna, formerly Assistant Operating Director of the Crime Commission, made this report on automobiles as a factor in crime.

"When it is considered that 11,713 automobiles were stolen in Chicago in 1926 and that each of these thefts was a crime defined by statute as larceny, it is a matter of significance that only 375 cases found their way into the Criminal Court of Cook County for trial and disposition. In other words, there is a prosecution in the Criminal Court of Cook County of a little more than three per cent of all the cases in which an automobile was stolen in Chicago and out of that three per cent less than one-half suffered any penalty. About nine per cent go to the penitentiary, eight per cent to the reformatory, and 25 per cent to the house of correction and county jail."²⁵

The Chicago Crime Commission and the Causes of Crime

Although the Commission has had a committee on the Origin of Crime or the Causes of Crime from the time of its organization it appears that it has not given much attention to this matter. Some recognition of this problem is given in the Operating Director's report for 1929.

"Research concerning the sources of crime and the conditions which create crime should have thoughtful attention. There is no question but that the ultimate plan should be that of prevention. Of necessity the Chicago Crime Commission must work from another angle until prevention work has reached the place where the need of repressive measures is lessened. In this connection there must also be kept in view the fact that sympathetic reaction in favor of the criminal has swung too far for the good of society."²⁶

We find nothing further in subsequent issues of *Criminal Justice*

²⁴Hanna, Francis D., "Putting Hands on the Clock of Justice," *Criminal Justice*, No. 50, April, 1927, 2-3.

²⁵Hanna, Francis D., "Automobiles As a Factor in Crime," *Criminal Justice*, No. 48, February, 1927, 5. In the twelve months prior to August 1, 1932, 37,216 automobiles were stolen within the limits of Chicago. This is an average of 3,101 per month, or 103 per day. The value of the cars stolen in the year ending June 30, 1933, was estimated at \$23,000,000. Of 2,600 defendants charged with automobile larceny and related offenses in Municipal Courts from August 1, 1932, to July 31, 1933, 1,549 were in the age class seventeen to twenty. See Chamberlin, *op. cit.* (1933), p. 1 and Appendix C.

²⁶*Criminal Justice*, No. 58, May, 1930, 6.

on this subject. This will not be surprising to anyone who reads the report of the Committee on Survey of the Chicago Crime Commission (1930) and sees how understaffed the Commission is considering its many tasks. In the absence of any systematic report on the causes of crime we hope that it will not seem unfair to note somewhat critically the occasional statements made by the President and the Operating Director on this point.

President Loesch said in his address to the annual meeting held January 10, 1929:

"Social conditions have something to do with the number of criminals that we get. In the main, however, I think that it is unwillingness to work. Young men do not wish to enter upon a regular industry. They want to get something easy."²⁷

Again and again in the reports of the Commission one finds the statement that lack of sure and speedy punishment is the cause of much crime. In automobile theft cases this is due in turn to many causes such as: the interference of "well meaning men and women" who "have taken it upon themselves to reform those who violate the law," the hesitancy of judges to inflict punishment upon boys, the aversion that some prosecuting attorneys have to seeing youths incarcerated, the speeches of defense attorneys who refer to the "pleasure rides" of their clients, the joy of owners at getting their cars back even though damaged and their reluctance to prosecute boys, the lack of cooperation between police and courts, the failure to segregate automobile cases instead of trying them in outlying branches of the Municipal Court, and the lack of legislation to curb automobile thieves and to protect purchasers and dealers.²⁸ In cases other than automobile thefts the lack of swift and stern punishment is due to ignorance, laxity, leniency, inefficiency, indifference, sentimentality, corruption, and so forth on the part of the police, the courts, and the public.

Chicago Crime Commission observers report that the majority of young automobile thieves are "youths with a well defined criminal tendency." Is this "criminal tendency" the cause of their crimes, and if so is it inborn or acquired?

All night parking is reported as a cause not only of automobile thefts but of holdups and other crimes.

To the writer these statements seem a most incomplete treat-

²⁷*Criminal Justice*, No. 57, March, 1929, 2.

²⁸The last three difficulties were eliminated in 1933. Most of the statements in this paragraph, as well as those in the two following paragraphs, are based on the two automobile theft reports released by the Commission in May and November, 1933, and referred to elsewhere in this paper.

ment of the important matter of crime causation. Due allowance must be made for the selection of the statements, the lack of systematic attention to this subject on the part of the staff of the Chicago Crime Commission (for perfectly understandable reasons), and the fact that the Commission more or less "bridges the chasm between the scientific investigators and those who are engaged in the practical application of the law."

The Chicago Crime Commission's Program

Fourteen statutory revisions were recommended to the Illinois Legislature by the Chicago Crime Commission as a result of a joint session of its Executive Committee and Committee on Law Revisions. This meeting was held January 6, 1927. Four of the fourteen changes in criminal law recommended by the Commission were covered by bills which were introduced into the Senate. The following report was adopted by the Commission's joint committee:

"In the opinion of the Chicago Crime Commission there should not be undertaken a general revision of the criminal law of Illinois at this time. Experts in criminal law have been employed by the American Law Institute to prepare and submit a uniform criminal code which will be recommended for adoption to the Legislatures of all the states of the Union. It is expected that this code will be ready for submission in 1930 and will have the approval of the American Bar Association. Knowing that this uniform code is coming and also knowing that Illinois is represented in this work by Justice Floyd E. Thompson of the Supreme Court, it is believed to be inadvisable to undertake a complete revision of the criminal code now.²⁹

"However, there are some changes which should be made by the present session of the General Assembly of Illinois. The following suggestions are offered as the result of study by the Committee on Law Revision of the Commission and with the approval of the Executive Committee.

1. "There should be a new bail act to the end that bail bonds in criminal cases should be more than a gesture.³⁰
2. "The Illinois Statute making the jury the judge of the law as well as the fact should be repealed. The judge should be required to charge the jury in writing and the charge should be a continuous one prepared by the judge instead of the present series of instructions prepared by the attorneys. A copy of these instructions should be handed to the Attorneys for the defendants and only such objections as he points out to the trial judge should be entertained on review.
3. "There should be a statutory revision making it possible for the courts of Cook County to have prepared a list of selected citizens for jury service, not chosen from any particular group, but selected so that

²⁹*The Official Draft of a Model Code of Criminal Procedure* has been published recently by The American Law Institute.

³⁰Such an act was passed by the State Legislature in 1929.

none but qualified voters are listed. There should also be a provision for times of service on the part of jurors as proposed by the bill heretofore prepared by the Industrial Club of Chicago. That bill which has twice passed the General Assembly is approved by the Chicago Crime Commission.

4. "The section of the criminal code which makes the Writ of Error a Writ of Right in felony cases where the sentence is not death should be repealed and the method of review in such cases made the same as in cases where the penalty is death.
5. "It is not possible for the jury to know at the time of conviction, or the particular judge at the time of sentence, the character of the offender and the extent of punishment necessary to reform him or protect society from his demeanors. The sentence imposed should fit not only the crime, but the criminal also because, one is as important a factor as the other. It is, therefore, desirable that the definite term of imprisonment be abolished.
6. "A form of procedure should be adopted providing for public hearings regarding paroles and pardons, after notice to all parties interested and for a public statement of reasons for clemency before the pardon or parole becomes effective under a law requiring the decision to be on file with the Secretary of State not less than ten days before it becomes effective. Those opposed would then have an opportunity to present their reasons as to why clemency should not be granted.
7. "It should be made unlawful to carry concealed a revolver, pistol, blackjack, dagger, or other dangerous weapons without the person carrying same to have with him an order of a court of record granting permission to carry such weapon. It should be made essential before such permission is granted that a petition be filed supported by two reputable householders of the county and the publication in the newspaper of general circulation in the county of a notice of the time of the hearing on the application. The permit should not be granted except upon the filing of the bond of the applicant in the sum of \$5,000 signed by personal sureties conditioned to pay damages for all injuries for the wrongful use of a deadly weapon. It should also be made unlawful for any dealer to display the weapons referred to above in his windows or to sell them to anyone whom he does not know to be a reputable person and who does not display the order of the court permitting him to carry such a weapon. The dealer should be required to file with the sheriff or the superintendent of police, a complete report within twenty-four hours of the sale.
8. "The law should be changed so as to allow a greatly simplified statement of the crime to replace the present complicated and technical indictments and preventing the dismissal of charges because of some slight defect in the wording of the indictment.
9. "The trial judge should be permitted to examine and qualify the jurors, and counsel for the representative parties should not be permitted to interrogate the prospective jurors on any matter covered by this examination.

10. "The trial judge should be permitted to interrogate a witness including the defendant while on the witness stand on any questions pertinent to any issue in the case.
11. "The state should be permitted to show other charges pending against the defendant, and his previous convictions if either a felony or misdemeanor, or both, by interrogating the defendant with regard thereto if on the stand.
12. "The trial judge should be charged with the duty of making the necessary investigations and examinations of the defendant to determine the question of the defendant's sanity after conviction. The jury trial on that question should not be allowed unless the court in its sound discretion so orders.
13. "A judge before whom the person is summoned for jury service should be permitted to fix a time for such service to suit the convenience of such a person at which time the prospective jurors should be compelled to appear and serve without further notice or summons. If such person seeks further delay, the judge should be empowered to impose penalties either fine or imprisonment until such person finds it convenient to serve.
14. "The statute should be amended so as to allow comment on the failure of a defendant to testify and to permit the jury to consider such failure."⁸¹

A more recent program adopted by the Chicago Crime Commission calls for constitutional amendments, new legislation, and certain improvements in the existing machinery of criminal justice.

The constitutional amendments advocated by the Commission are:

1. "Establishment of an independent criminal court in Cook County.
2. "Judges of the criminal court to hear testimony and dispose of indictments for felony on pleas of not guilty when defendants waive jury trials.
3. "Less than unanimous verdicts in all but capital cases.
4. "The abolition of the office of coronor in Cook County."⁸²

Ten legislative enactments are desired by the Commission.

1. "Create the office of medical examiner for Cook County when and if the office of coronor is abolished.
2. "Deny release on bail to defendants after conviction.
3. "Make forfeiture of a bail bond in a felony case a felony.
4. "Change the statute on probation abolishing the provision denying

⁸¹*Criminal Justice*, No. 47, January, 1927, 7. A letter from H. B. Chamberlin, Director of the Commission, on May 8, 1934, states: "The Commission was successful in No. 1 and No. 2 and while the other twelve points have not been given the force of law in many instances they have been modified to satisfy our contentions."

⁸²In the letter mentioned above Mr. Chamberlin also says: "The Commission has not succeeded in realizing any of the specific constitutional amendments suggested but there is an agitation on at present for a constitutional convention in Illinois."

- probation to defendants charged with the theft of \$200 or more while permitting it to those accused of violent crimes.
5. "Change the statute concerning peremptory challenges by reducing the permitted total to the end that jury trials may be accelerated and jurors not excused because of apparent intelligence.
 6. "Create a state institution, not necessarily penal, but detentional, for feeble-minded persons with strong criminal tendencies, in accordance with the law adopted in 1915.
 7. "Provide punishment for carrying concealed weapons, eliminating the provisions which serve as loopholes for offenders who are enabled to retain shrewd attorneys, abolishing the requirement for search warrants, the question whether the weapon was within or without reach, etc.
 8. "Provide a vagrancy law that will enable the authorities to rid the streets of known gangsters, bombers, racketeers, and pickpockets who have no legal or useful occupation and whom it is almost impossible to convict under the present law.
 9. "Make possession or sale of a machine gun or bomb to any but properly authorized peace officers, a penal offense.
 10. "Provide a comprehensive jury law."

The improvements in the existing machinery of criminal justice in which the Commission is interested include:

1. "Consistent pointing out of progress and possible improvements in the administration of criminal justice through monthly reports or otherwise.
2. "A strenuous campaign to support public officers in bringing criminal court calendars to a point where no pending case will be older than ninety days.
3. "Uniformity in court rules and procedure so that one judge will not be sought out by the defense because he permits what another does not.
4. "Combatting indifference on the part of the public, thus bringing about more efficient performance by officials with fewer possibilities of serious errors which might enable defendants to defeat justice.
5. "A provision for the appointment of the most competent prosecutors and other attaches in the office of the state's attorney, clerk, sheriff, and municipal court.
6. "Improvement in the instruction, morale, and efficiency of the police department.
7. "Preparation of a list of known criminals and systematic, relentless procedure against them in every legal way. These men are public enemies and should be treated accordingly.
8. "A change in the rules of the criminal court to the end that all excuses as to jury service be made personally in open court and for good reasons. Where prospective jurors disregard the summons to serve as jurors they should be cited for contempt.
9. "A change in the rules of the criminal court providing for the summoning of jurors for service in the court as a whole instead of to

specific courtrooms, thereby doing away with the present method of summoning many more jurors than are required. The adoption of some such rule would make for economy in operation and dignity of service."⁸³

Summary

A brief summary of the philosophy and the program of the Chicago Crime Commission can be made by listing the policies which it advocates and those which it opposes.

It advocates: swift and stern punishment for the commission of crime; a larger and more efficient police force; improvement of the personnel in the State's Attorney's office; more judges in the Criminal Court; abolition of the Grand Jury; revision of rules for jury service; uniformity in court rules and procedure; more participation of the trial judge in the court procedure; simplification of indictments; less than unanimous jury verdicts in non-capital cases; indeterminate sentences; campaigns against known gangsters by publicizing their activities, by enacting a new vagrancy law, and by all other possible means; outlawing the carrying of concealed weapons without a court order; public hearings in parole and pardon cases; other changes in criminal justice procedure too numerous to mention here (see detailed list above) for quicker and more effective action against organized crime.

It opposes: laxity of the police in reporting crimes; release of criminals on worthless bonds; the assignment of Municipal Court judges to criminal cases; delays and continuances; pleas of guilty to lesser offenses than those charged in the indictment; release on bail of defendants after conviction; and the giving of "unwarranted" paroles and "unlawful" probations, pardons, and commutations.

Conclusion

The theory upon which the Chicago Crime Commission operates is that speedy trials and sure punishment will reduce crime. That crime cannot be eliminated by such measures is perfectly obvious. The major emphases in the work of the Chicago Crime Commission are in connection with police administration, judicial performance, and new legislation pertaining to crime. Little objection will be made to this program as long as it does not interfere with further investigation into the causes of crime, scientific studies of the individual criminal, new techniques for treating offenders, and preventing crime.

⁸³*Criminal Justice*, No. 58, May, 1930, 14.