

1950

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Recommended Citation

Thorsten Sellin, The Uniform Criminal Statistics Act, 40 J. Crim. L. & Criminology 679 (1949-1950)

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THE UNIFORM CRIMINAL STATISTICS ACT

Thorsten Sellin

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Our high rates of criminality present a constant challenge to the legislator and others interested in remedial social action. Such action must be founded, however, on an understanding of the problems involved and of the value or efficacy of possible solutions. In either case, an indispensable tool and source for information is to be found in what is commonly called *criminal statistics*.

What Can We Learn from Criminal Statistics?

1. It would be impossible to form any valid opinion about the amount of criminality in a given jurisdiction nor could we know how criminality changes over a period of time or how its component parts vary, were it not for the fact that information in the possession of police and other agencies can be tabulated and analyzed. The importance of such knowledge is obvious; it provides a necessary basis for administrative and legislative action, as well as a check on the efficiency of remedial or preventive measures or programs.

2. It is essential that we should know as much as possible about those who offend against the law. Who are they? From what racial, sex, age, nativity, or regional groups do they come? What are their previous records of delinquency, their mental and physical state, their educational and vocational history? Answers to these and other questions concerning the offender in the mass should at all times be available so that we may be wholly aware of conditions or changes pointing to the need for remedial or preventive measures. This does not mean that criminal statistics can be used to discover the roots of the individual offender's conduct, for this demands other and finer diagnostic instruments. Nevertheless, statistical study of the offender in the mass has obvious social utility.

3. We have created a vast network of official agencies to bring offenders to justice to determine their guilt, to impose penalties, and to administer penal or correctional treatment. The operation of these agencies, the manner in which they apply policies dictated by law, and their relations to offenders in their charge are phenomena concerning which we are poorly informed. Some of the problems involved have been laid bare by various local and state surveys of criminal justice or by piecemeal research, but what is needed as a basis for administrative improvements is a permanent system of social accounting in this field. The statistical analysis of administrative processes offers the soundest basis for administrative reform. Archaic and ineffective methods of dealing with offenders would have less chance of survival in law and practice had their nature and operation been the object of continuous statistical scrutiny.

The truth of the above assertions has long been recognized, but the steps taken to develop criminal statistics of a quality or scope designed to bring out their full value have been sporadic and uneven. Nowhere in the United States today is it possible to find a well integrated and reasonably adequate system of criminal statistics, either on the local, state, federal, or national basis, in spite of the fact that we have long been deeply concerned with the serious character of our crime problem. We should no longer ignore one of the most necessary instruments available to us in our efforts to cope with criminality.

The Need for Centralization

Criminal statistics are constructed from items of information recorded by the different agencies that have contact with offenders and offenses. While some of these agencies are operated by the state, such as penitentiaries, most of them are local in character. In the enforcement of the criminal law, the municipality or the county plays a dominant role. Inferior and trial courts are local institutions and so are nearly all juvenile courts. Persons held for trial or serving short sentences are found in local jails or workhouses. Most of the data for criminal statistics are therefore contained in municipal or county records.

One of the effects of the condition referred to above is a lack of uniformity in the extent and the manner of recording information. In the absence of any superior directive or coordinating agency each institution or office tends to develop its own record system with a result that data recorded by one agency may not be recorded at all by another, or insufficiently recorded, precluding comparison. The conclusion is inescapable that ade-

quacy and uniformity can be achieved only by some superior central agency which has the power to require local or state officials to maintain uniform and comparable record systems.

These considerations have prompted the drafting of the Uniform Criminal Statistics Act approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association in 1946. The adoption of this act by a state, the selection of competent persons to administer it, and the appropriation of sufficient funds for their work would ultimately give to such a state a good system of criminal statistics yielding the benefits already discussed. When this has been achieved in a considerable number of states, the groundwork will be laid for good national criminal statistics, assembled by some federal agency from the various state bureaus. For in spite of the worthwhile attempts made by different federal bureaus to compile national data, the next forward steps of any importance in this direction will be impossible without the improvements of state statistics and the assistance of state bureaus created for their collection.

The struggle to develop national criminal statistics in the United States has been going on for a long period. By national criminal statistics we mean statistics of crimes and of delinquents and criminals regardless of whether state or federal laws have been violated and so inclusive that they permit us to make inferences concerning the problems faced by the nation as a whole, as well as by its component regions and states. It has been well understood that such a task could only be undertaken by one or more federal agencies, since such agencies alone would possess the prestige that would invite the cooperation of state and local reporting agencies, for in the absence of federal power compelling the latter to submit reports, national criminal statistics must rest entirely on voluntary cooperation by state, county, and municipal agencies.

The story of national efforts is soon told. Prior to 1930 the only statistics of national scope were found in the decennial census of prisoners in or admitted to penal institutions and in the annual reports on prisoners committed to federal and state prisons and reformatories (beginning with 1926) issued by the Bureau of the Census. Beginning with the year 1927, the Children's Bureau initiated a statistical report on children in juvenile proceedings. In 1930 the Federal Bureau of Investigation assumed the responsibility for compiling and publishing *Uniform Crime Reports* from police agencies and in 1932, the

Bureau of the Census launched a series of judicial criminal statistics secured from the states.

Only the decennial census of penal institutions, last made in 1933, could lay claim to a national coverage. The annual reports on prisoners ignored county and local institutions and were in no year complete, since two or three states refused regularly to cooperate with the bureau. The juvenile court statistics have been increasing the area of reporting but are still far from being nation-wide. The judicial criminal statistics covered as few as six states one year and a maximum of 30 states when they reached their height. The *Uniform Crime Reports* cover chiefly urban areas containing about half of the population of the nation.

The efforts made by organizations and private individuals to secure the initiation of the above services in the 1920's and the early 1930's were based on a conviction that they were essential tools in the struggle for crime prevention and better methods of dealing with offenders. This conviction has surely not grown weaker. Nevertheless, in the preoccupation of the nation with war and the stabilization of peace, the work of securing increasingly better national criminal statistics has suffered, so much, indeed, that we can now record a definite setback. As a result of reorganization, the Bureau of the Census abandoned both its annual reports on prisoners and its judicial criminal statistics in 1946.¹ This leaves for the present only the two other series mentioned to represent our national endeavors in this field. The action of the Bureau of the Census was not intended to bury both of its series. It was expected that at least the annual report on prisoners would be carried on by the Federal Bureau of Prisons. So far, however, the latter bureau has been unable to secure the modest appropriation from Congress which is necessary. The judicial criminal statistics series was presumably to be continued by the Department of Justice, but so far there is no indication that this will happen. While it is clear that the last mentioned statistics were of very limited use, this was in part due to the lack of any real effort to improve them. The prison statistics, on the other hand, were of superior quality, and their disappearance would be a great loss. Even the loss of the judicial statistics is important because they afforded the agency collecting them a foothold which could have been utilized to bring gradual improvement in the reporting of data by courts.

¹ See Harry Alpert, "National Series on State Judicial Criminal Statistics Discontinued." *Journal of Criminal Law and Criminology* 39:181-189, July-August 1948.

In the light of the developments mentioned, we should perhaps reconsider the problem. It is likely that those working for better national criminal statistics have put the cart before the horse. It is more than likely that we can never hope for further *fundamental* improvement in the structure of a system of national statistics *based on voluntary cooperation* until we have strengthened the foundation. That foundation must be laid in the individual states.

In a country made up of states with widely different laws, procedures, and administrative methods and techniques, it is not easy to secure uniform national data. This is a problem typical of federated states. The same situation existed in Switzerland, which went a long way toward solving it when it adopted a uniform penal code just before the last world war. Lacking such a code, systems of good state statistics are not enough; these systems must also allow for enough uniformity so as to be able to supply uniform data for a national report. This is the reason why the National Commission of Law Observance and Enforcement recommended in 1931 that a uniform act be drafted which, when adopted by the states, would provide the basis for good statistics.²

The National Conference of Commissioners on Uniform State Laws took heed of the suggestion and promptly appointed, in 1931, a committee to draft such an act. The resulting draft was officially adopted by the conference in 1937. Only one state, North Dakota, placed it on its statutes.

The Uniform Criminal Statistics Act of 1937 suffered from a variety of ills. In 1939, the writer, who was then chairman of the committees on criminal statistics of the American Statistical Association and the American Prison Association, sent a questionnaire concerning the act to twenty-nine statisticians, judges, and teachers of criminal law, all of them well acquainted with criminal statistics. A summary of these replies was submitted to the National Conference, which in 1940 appointed a new committee, and this committee in 1941 reported that the act should be redrafted. In 1944, the writer was invited to prepare a new draft. This was approved by the Conference in 1946 and immediately afterwards by the American Bar Association.³

² *Report on Criminal Statistics*, Washington, 1931.

³ *Uniform Criminal Statistics Act* drafted by the National Conference of Commissioners on Uniform State Laws and by it approved and recommended for enactment in all the states at its annual conference meeting in its fifty-fifth year at Philadelphia, Pennsylvania, October 21-26, 1946, with prefatory note. Approved by the American Bar Association at its meeting at Atlantic City, New Jersey, October 28 - November 2, 1946. Pp. 19. Copies may be secured from Barton H. Kuhns, Secretary, First National Bank Building, Omaha 2, Nebraska.

The text of the act, and the comments which accompanied the original draft are given here in full. It should be remembered that these comments were written early in 1944.

UNIFORM CRIMINAL STATISTICS ACT

Prefatory Note

A Uniform Act on this subject has been urgently needed for some years. As long ago as April 1, 1931, the National Commission on Law Observance and Enforcement (the Wickersham Commission) reported:

“A proper system of gathering, compiling and reporting statistics of crime, of criminals, of criminal justice and of penal treatment is one of the first steps in the direction of improvement . . . if the States would enact a uniform state law governing the gathering of such statistics and sending them to such a (Federal) bureau while retaining such local provisions for local use, as local needs may indicate, an adequate nationwide system could be brought about.”

It is the hope of this Committee that the Act now submitted meets the need.

Uniform Criminal Statistics Act

An Act Concerning Criminal Statistics and to Make Uniform the Law With Reference Thereto

Section 1.—Bureau of Criminal Statistics Established

A Bureau of Criminal Statistics (called the Bureau) is established in the office of the [attorney general].

Comment to Section 1

The object of the Bureau of Criminal Statistics is to act as a central agency which collects, analyzes, and publishes statistical information drawn from reports supplied by all local or state officials or agencies concerned in any way with crime and criminals. Most of the states of the union lack such a central service. In a few states the only criminal statistics available are found in the reports of individual institutions or state departments, in which case they refer only to the functions of such institutions or departments. In other states, one or more state departments secure reports from some particular type of county or municipal official or agency. An illustration of this may be found in those states in which the attorney general is required to secure certain statistics from county attorneys and to publish them in his annual report. Or, as sometimes happens, a large number of state departments or boards may be charged with

that is, an agency which is solely devoted to this task and not attached to any specific state department. Most of the present statistical services are administered as divisions of some state department set up to serve some other main function.

In California, the statistician in charge of the work of collecting criminal statistics is a section chief in the Division of Criminal Identification and Investigation, which in turn is part of the Department of Penology. The Division of Criminal Identification and Investigation is operated, however, by a Board of Managers appointed by the governor for staggered terms of four years. This Board, consisting of the attorney general as president and one chief of police, one sheriff and one district attorney, selects the superintendent of the Division and the statistician in charge of the criminal statistics, as well as other investigators. (*Statutes of 1929*, Chapter 788 and *Statutes of 1939*, Chapter 957.)

Louisiana can be regarded as having, practically speaking, two Bureaus of Criminal Statistics: one in the attorney general's office and another in the State Bureau of Criminal Identification located in the State Department of Police. A criminal docket clerk in the attorney general's office collects police and court statistics through the district attorneys or directly from police chiefs of communities over ten thousand in population. A Bureau of Criminal Identification also collects data from police court and penal authorities. (*Dart's Code of Criminal Law and Procedure 1943*, Sections 24, 575-581 and 708.)

In Massachusetts, the Commissioner of Correction is charged with the collection of criminal statistics from local police, courts, and penal institutions. (*Annotated Laws 1942*, Chapter 124, Sections 6-9.)

In Michigan, a general division of criminal statistics is under the supervision and control of the director of the State Department of Correction. (*Mason's 1940 Cumulative Supplement*, Sections 17543-19.)

In Minnesota, a division of criminal statistics exists in the State Bureau of Apprehension; the division is in charge of a statistician and an assistant statistician. The Bureau of Apprehension is an independent organization, the superintendent being appointed by the Governor by and with the consent of the Senate. (*Mason's Minn. Statutes of 1940. Supplement*, Sections 9950-5-22.)

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In New York, the Division of Criminal Identification, Records and Statistics, within the State Department of Correction, performs the duties of a central Bureau of Criminal Statistics. (*Code of Criminal Procedure*, Title X, Section 947.)

In Pennsylvania, the Department of Welfare is entrusted with the task of gathering criminal statistics. (*Purdon's Pennsylvania Statutes*, Title 71, Section 601.)

In Rhode Island, a division of probation and criminal statistics in the State Department of Public Welfare gathers criminal statistics. (*General Laws of 1938*, Chapter 619, Section 1.)

In South Dakota, which in 1939 adopted the Uniform Criminal Statistics Act, the work is done by a Bureau of Criminal Statistics in the attorney general's office, which also performs the work of a Bureau of Identification. (*Laws of 1939*, Chapter 138.)

In Texas, the Bureau of Identification and Records in the Department of Public Safety acts as a Bureau of Criminal Statistics. (*Revised Civil Code*, Article 44113 (14).)

In the Territory of Hawaii, a Bureau of Crime Statistics and Identification forms a division in the Department of Institutions. (*Revised Laws of 1935*, Chapter 217, Section 6463.)

If we include Illinois, Indiana, Maryland and North Carolina, we find the Department of Welfare assigned this task in *Illinois* (*Laws of 1941*, pages 1214 *et seq.*); the Bureau of Identification and Investigation in North Carolina (*Laws of 1937*, Chapter 349, Section 2); the attorney general through his Legislative Reference Bureau in Indiana (*Baldwin's Indiana Statutes 1934*, Section 10273); the state police, in Maryland (*Laws of 1935*, Chapter 303, Section 20, through its Bureau of Identification).

Upon examination, the present situation reveals, then, that two main solutions have been utilized. In most states, either the department in charge of state penal institutions or the state Bureau of Identification has been entrusted with the collection of criminal statistics. In only two states, Louisiana and South Dakota, has the attorney general's office been selected by the legislature as a proper location for a central statistical service, and in one of these, Louisiana, a duplicate service exists in the State Bureau of Identification, while in the other, South Dakota, the choice was adopted in conformity with the recommendations in the Uniform Criminal Statistics Act approved in 1937 by the National Conference of Commissioners on Uniform State Laws.

What Solution Should a Model Uniform Criminal Statistics Act Propose?

1. Should a Bureau of Criminal Statistics be an independent agency similar to the Minnesota Bureau but devoting its entire effort to criminal statistics? That is, from many points of view, the best solution. Such a bureau receiving an appropriation directly from the legislature would be most unhampered in its work.

2. If this is regarded as undesirable by the legislature, the Bureau should be attached either to the department in charge of the penal correctional institutions of the state or to the Bureau of Identification. This solution has both advantages and disadvantages. The advantages reside in the fact that these agencies already possess a certain quantity of information, or sources of information, which could be explored. In many states today, local police departments are already compelled to make certain reports to identification bureaus. In others, local jail officials and juvenile court judges are already compelled, by law, to make reports to state departments of correction. There is one advantage of having the Bureau in a department of correction. Existing Bureaus of Criminal Statistics tend to place undue stress upon the administration of justice and give little attention to offenders and their personal and social characteristics. While administrative statistics have a certain utility, it seems obvious that what must be developed in the future is more adequate data concerning offenders. Departments in charge of penal and correctional treatment being, to a considerable extent, concerned with individual offenders are therefore likely to pay more attention to this neglected field of criminal statistics. The drawback in attaching a criminal statistical service to these statistical agencies is that the service is likely to be considered as a sort of stepchild which will suffer from a lack of funds. This is perhaps the chief reason for advocating an independent Bureau. If the Bureau is properly organized, however, and has adequate financial resources, it probably makes little difference in which department it is located. Obviously, it is desirable to avoid the placing of any undue stress upon any one aspect of criminal statistics. It is natural to assume that the Bureau located in the attorney general's department might be tempted to exploit judicial criminal statistics more than any other type, or that a Bureau located in the department of correction might stress penal statistics and pay little attention to police and court statistics. Similarly, a Bureau identified with a Bureau of Investigation and Identification might concentrate on

police statistics. A completely independent Bureau would be in a better position to maintain an even balance. Every effort must be made to keep statistical work from becoming a side issue lacking competent supervision.

The legislature, then, might well consider the administrative organization created in California or in Minnesota. If the California plan is adopted, a Bureau of Criminal Statistics might be set up as part of a state department or as an independent Bureau, but governed by a Board of Managers consisting of the Commissioner of correction as chairman, let us say, and three members: one a chief of police, representing police statistics; a district attorney, representing judicial statistics; and a prison administrator, representing penal statistics; or an interdepartmental Board consisting of representatives from the state police department, the attorney general's office, and the department of correction, designated by the executive heads of these departments.

If the Minnesota plan were followed, Section 1 above should be adopted without the bracketed material and provisions made in Section 2 for the appointment of the director by the governor by and with the consent of the senate.

The Title of This Act

It is, of course, of paramount importance that the Bureau be given the authority to collect all pertinent statistics concerning violations of law, permitting analysis of the condition of criminality and delinquency in the community. This means that the Bureau should be in a position also to gather data concerning juvenile delinquency, for instance. If the Bureau is granted such powers, there is no need to worry about the fact that the term "criminal" alone is used in the title of the Act and in the name of the Bureau.

Section 2.—Director, Method of Appointment, Etc.

The governor [by and with the consent of the senate] shall appoint the director of the bureau, for a term of [five] years. He shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall devote all his time to the duties of his office, shall receive a salary of [] dollars a year payable in equal monthly installments. He shall be furnished with the necessary facilities and equipment and shall appoint clerical and other assistants

necessary for the work of the bureau. All expenses of the bureau shall be paid out of the appropriation made for its work. [All Bureau personnel, including the director, shall be selected and shall serve in accordance with the civil service law.]

Comment on Section 2

Good criminal statistics result from a carefully selected set of original data, tabulated in a manner to illustrate or demonstrate significant conditions or trends and interpreted so as to make the importance of the findings clear to the intelligent layman. Every step in this procedure depends on knowledge and skill—knowledge of the crime problem as a whole and of the administrative organization and policies of the agencies which supply the raw data, skill in statistical planning and analysis. Most so-called criminal statistics published today, in various states, possess no conceivable utility, because neither this knowledge nor the skills mentioned entered into their preparation.

It is hardly worth while to establish a central Bureau of Criminal Statistics, unless provisions are made for placing at its head and on its staff persons who have the training and knowledge needed for its proper operation. It may be impossible to write detailed specifications into a statute. California requires the appointment of a "qualified statistician." Louisiana instructs the Attorney General to appoint a criminal Docket Clerk in charge of judicial statistics who shall be "skilled in statistics and a competent administrator." Minnesota has a provision like that of California. The statutes of other states are silent on this point. The illustrations mentioned express the intent of the Legislature, the appointing authority exercising discretionary power which is fairly unlimited.

In the section proposed here, a somewhat more elaborate statement is suggested, in full recognition of the fact that it merely proposes to serve as a guide to the appointing authority.

The salary of the director will, of course, depend on the scale of compensation in a particular state. It should be large enough to ensure the appointment of persons with the required qualifications.

The work of the Bureau of Criminal Statistics is purely technical and professional and the development of a comprehensive system of such statistics requires many years of growing familiarity with local institutions and agencies, etc., on the part of the Bureau's staff. It is therefore of utmost importance that a director and his staff should be assured of reasonable tenure in office. Frequent personnel changes would stultify the program.

If conditions permit, all positions should be covered by the civil service law of the state and thus remove them from the accidents of political change. If the state has no civil service law, the term of office of the director, at least, should be long enough to permit him to develop a sound program. Two years is too short a time for this purpose. The technical nature of the Bureau's work may help, of course, to assure his reappointment, so long as he proves adequate for his job.

Section 3.—Duties of Director

The director shall:

(1) Collect data, necessary for the work of the bureau, from all persons and agencies mentioned in section 4.

(2) Prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the bureau. The forms shall provide for items of information needed by federal bureaus or departments engaged in the development of national criminal statistics.

(3) Prescribe the form and content of records to be kept by such persons and agencies to insure the correct reporting of data to the bureau.

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the bureau.

(5) Tabulate, analyze and interpret the data collected.

(6) Supply data, at their request, to federal bureaus or departments engaged in collecting national criminal statistics.

(7) Annually present to the governor, on or before [July 1], a printed report containing the criminal statistics of the preceding calendar year; and present at such other times as the director may deem wise or the governor may request reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed for distribution to all public officials in the state dealing with crimes or criminals and for general distribution in the interest of public enlightenment.

Comment to Section 3. Sub-Section (1)

Should the nature of the data to be collected by the Bureau be left entirely to the discretion of the director or should the statute itemize such information? Existing statutes provide no uniform answer to this question. If we consider only the states which have centralized the collection of criminal statistics, we

discover that in Rhode Island and in the Territory of Hawaii, the state agency involved is merely authorized to collect criminal statistics. Among the other states, some give extremely detailed lists of items of information, while others operate under more general directions requiring that data of certain general types be secured. In either instance, however, these classes of data or detailed, itemized lists are not necessarily given in the section which defines the duties of the director. There are nearly as many formulas as there are states.

1. California directs the Bureau "to obtain statistics" and lists the items in the section of its statute, which defines the duties of persons and agencies that are compelled to report to the Bureau. This formula, with slight variations, will be found in the statutes of Louisiana, Massachusetts, and Minnesota.

2. Pennsylvania and Michigan require their Bureaus to obtain certain items of information and any additional data which they desire.

3. Texas requires that certain types of information be gathered.

4. South Dakota (Uniform Criminal Statistics Act) requires a collection of statistics which will tend to show certain things about crime, criminal justice, and the offender.

5. New York solves the problem by specifying that the annual report of the director shall contain certain detailed and itemized statistics.

There are some good arguments for and against giving explicit directions to the Bureau as to what items of data it should collect. In defense of such a policy one may say that (1) it gives to the Bureau a clear mandate and a definite responsibility, and that (2) it assures the publication of at least some specified data. Nevertheless, it is believed that such a policy is not desirable. First of all, it tends to place the Bureau in a strait jacket. Criminal statistics is a professional field of work. A good criminal statistician must be free to develop his program in the best manner possible. To begin with, he may be unable to meet a mandate which requires him to secure a large amount of itemized data, for local agencies and institutions may lack adequate records. Later on, he may be in a position to go far beyond itemized requirements. The statute should give him general directives without hampering him in his work. Therefore, it seems wise merely to order the Bureau to collect data considered by its director as necessary for the work of the Bureau.

Comment on Sub-Section (2)

The provision which has reference to the federal bureaus and departments is not included in order to limit the work of the Bureau, but merely to make certain that it does collect the items which are needed by the Federal Bureau of Investigation for police statistics, The Children's Bureau for juvenile court statistics, and the Bureau of the Census for judicial and penal statistics. It is assumed, of course, that state bureaus will go far beyond the demands of these federal bureaus, but it is desirable that we develop nationwide, uniform and comparable statistics. This can be assured only by impressing the need on each state bureau.

Comment to Sub-Section (3)

In the absence of standards for keeping records applying to local officials and even to state officials or agencies, it is difficult to secure comparable data. It seems necessary to give to the director power to prescribe such standards for records which reporting agencies need to keep, in order to enable them to make the required reports to the Bureau. The territory of Hawaii alone specifically gives the director the duty to "select and enforce systems . . . for the recording and compilation of statistics relating to crime."

Comment to Sub-Section (4)

Correlated with the power of prescribing record systems is the power to give instructions to record clerks, etc., in how to install, maintain and utilize such systems insofar as they relate to the duty of reporting information to the Bureau. This includes, in part, the preparation of instruction sheets to accompany the cards or forms provided for in sub-section (2). The argument has already been advanced that federal bureaus or departments collecting national statistics must, in the future, be able to rely upon state bureaus to supply the information. Today, all these departments are compelled, to some extent, to deal with individual officials scattered over the nation. State bureaus should be directed to render assistance to the federal agencies already mentioned or to any other such agency which might be created in the future. This duty has already been recognized by some states. Minnesota, for instance, provides that the information collected and preserved by its Bureau "shall include such data as may be requested by the United States Department of Justice at Washington under its national

system of crime reporting." Texas requires its Bureau to cooperate with bureaus in other states and with the Department of Justice in Washington. In both these states the provision appears to have reference solely to the uniform police statistics collected by the Federal Bureau of Investigation. Louisiana and New York go a step further. The Louisiana law requires that the forms prescribed by the Bureau shall conform "where appropriate to the uniform system of criminal statistics of the United States Department of Justice and the United States Bureau of the Census," and New York prescribes that the data collected by its Bureau "shall be classified and compiled in such form as to enable the Commissioner of Correction to cooperate with agencies of the United States Government in maintaining uniform and comparable criminal statistics on a nationwide basis and to present the full facts about crime."

The need discussed here was recognized in the formulation of Section 4 of the Uniform Criminal Statistics Act of 1937.

Comment to Sub-Section (7)

The choice of the calendar year is desirable, since it affords the most logical basis for uniformity and comparability. In many states today, fiscal years ending in different months are found. While the fiscal year can be defended in connection with the reports of institutions or agencies that expend large sums of money or have considerable income from other sources than appropriations, there is no good reason for using the fiscal year in reporting criminal statistics. Even if the accounting and the financial management of the Bureau would have to use a fiscal year for its budget report to the legislature, the criminal statistics should be reported on a calendar year basis.

Section 4.—Report to Bureau; Duties of Persons and Agencies

Every constable, city marshal, chief of police; railroad, steamship aqueduct, park and tunnel police; sheriff, [coroner], [county commissioner]; jail keeper, justice, magistrate; judge, district attorney, court clerk; probation officer, parole officer, warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the feeble minded; school attendance officer, attorney general, [judicial council]; department of motor vehicles, department of welfare, state sheriff, state police, department of highways, state fire marshal, bureau of criminal identification, bureau of vital statistics, board of liquor control, and every other person or agency, public or

private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the director, shall:

(1) Install and maintain records needed for reporting data required by the bureau.

(2) Report to the bureau as and when the director prescribes, all data demanded by him (except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity).

(3) Give the director or his accredited agent access to records for purpose of inspection.

(4) Cooperate with the director to the end that his duties may be properly performed.

Comment to Section 4

Is it desirable to itemize in detail the persons and agencies who are duty bound to report to the Bureau? On this score there is considerable variation to be found in existing statutes. Some are silent on this point—for instance, Rhode Island and Texas. California and Minnesota enumerate in detail the persons and agencies that must furnish reports. New York does the same and adds to the list “every other officer or person whose duties make him the appropriate officer”. Pennsylvania and Michigan enumerate a few officials and add “all others concerned in the control, apprehension, trial and management of criminals or delinquents in this commonwealth.” Itemization of the type suggested in this section should be adapted to the conditions in a given state. Every effort should be made to include by title every public official who has anything to do with criminals or delinquents in that state. Such specification will be of help to the director of the Bureau and will make every public official mentioned aware of his responsibility. In practice, only the heads of the different offices, etc., will be requested to supply information. The formula suggested in this statute makes the duty operative only when the *Director of the Bureau makes a request.*

Comment to Sub-Section (1)

The wording of this subsection makes it clear, it is hoped, that not all the records of these persons and agencies are involved, but only those which should be kept for the reporting of information to the Bureau.

Comment to Sub-Section (2)

The bracketed material is suggested for the following reason: in a large number of states, juvenile court clerks, judges, or probation officers are now required to submit reports on the business of their courts to some state agency, usually the State Department of Welfare. It is common to find in the statutes providing for such reports, a proviso aiming to protect the juvenile delinquent from being identified in any way. This is fully in harmony with the philosophy and practice of juvenile courts. Its introduction in this Act might go far toward allaying any fear on the part of the officials and the supporters of the juvenile courts, and to convince them of the desire of having a Bureau of Criminal Statistics which covers the entire field of crime and delinquency.

Comment to Sub-Section (3)

In order to make it possible for the director to enforce his demand for the installation of adequate record systems, it would seem necessary to give him the right to inspect at any time the methods of keeping records on the part of those persons or agencies who are duty bound to furnish him with reports on request.

Section 5.—Annual Report

(1) The annual report of the director shall contain statistics showing (a) the number and the types of offenses known to the public authorities; (b) the personal and social characteristics of criminals and delinquents; and (c) the administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) The director shall so interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics published by federal agencies heretofore mentioned.

Comments to Section 5

Existing statutes frequently ignore any specific reference to an annual report. When they do mention it, the specifications run the gamut from a generalized reference merely requiring

that such a report be presented to highly detailed enumerations of the data to be included. In New York, for instance, the division of criminal identification records and statistics is required to prepare an annual report which "shall set forth the number and nature of all crimes reported or known to the police, of persons arrested, of persons tried by the criminal courts, and the action taken with relation thereto. Of persons convicted, such reports shall show the sex, age, nativity, whether previously convicted of any crime and the number of convictions. Of persons convicted, such reports shall also show for what crimes convicted, the number convicted by trial and on a plea of guilty, the number fined, the number in which sentence was suspended, the number in which an appeal was taken, and the result of such appeals. Such reports shall also show the number and nature of persons placed on probation, of persons whose probation is revoked, of persons committed to and released from state, county, and local prisons and other penal institutions, of persons released on parole or whose sentence is commuted, and the unexpired period of such sentence, of persons pardoned by the Governor, and such other information of statistical value as the Commissioner of Correction shall determine." (*Code of Criminal Procedure*, Title X, Section 947.)

A praiseworthy part of this statute is the stress placed upon the collection of certain data concerning the personal and social characteristics of those convicted. All too often, statutes appear to have been drafted primarily for the purpose of securing statistical information about administrative processes. In Ohio, for instance, prosecuting attorneys shall annually "transmit to the Attorney General a report of all crimes prosecuted by indictment or information . . . specifying, under the head of felonies, the number convicted, the number acquitted, the amount of costs incurred, the amount of costs collected from the defendants, and under the head of misdemeanors, the number convicted, the number acquitted, the amount of fines imposed, the amount collected, and such other information as the Attorney General requires." (*Throckmorton's Ohio Code Annotated 1940*, Section 2925.)

In a number of states, it has also been customary to introduce certain general statements requiring that the data collected by the Director, or presented in the annual report, shall be "useful in determining the course and amount of crime in this state and . . . form a basis for the study of crime, police methods, court procedure, and penal problems." (California and Minn.)

(*California Statutes of 1929*, Chapter 78 and *Mason's Minnesota Statutes 1940, Supplement*, Sections 9950-7.)

New York requires that the report "shall be a true and accurate picture, so far as is possible, of the crime situation in this state."

It has seemed wise to take a middle road in the above section. The first part of it requires the Director to present statistics on the basis of the offense committed, the personal and social characteristics of criminals and delinquents, and administrative actions. This leaves to the Director discretionary power to develop such criminal statistics along the most convenient lines. In the second paragraph, he is required to present data comparable with those compiled also by federal bureaus or departments. It is assumed that such data will form only a small but necessary part of the report.

Nearly all criminal statistics published today in the various states suffer from a lack of interpretation. The enormous amount of tabulated material, in the annual report of the Commissioner of Correction of New York State on crime statistics, is presented without explanation, to the great consternation of all consumers of statistics. Existing statutes pay no attention to this problem. It has therefore seemed desirable to introduce, in the second part of the section, a directive which compels the Bureau to give an interpretation of all statistics included in the annual report.

Section 6.—Penalties

If any public official required to report to the bureau neglects or refuses to comply with the requests of the director for such report, or with his rules governing record systems and their maintenance, the director shall give written notice thereof to the officer charged with the issuance of a warrant for the payment of the salary of such official. Upon the receipt of this notice, such officer shall not issue a warrant for the payment of the salary accruing to the official until notified by the director that the salary has been released by the performance of the required duty. Any official who makes, or causes to be made, a fraudulent return of information to the bureau is guilty of a misdemeanor.

Comments to Section 6

Most of the states having any provision for the collection of statistics from local officials provide no penalties for neglect

or failure to report, although it is possible that there may exist, in some of those states, a blanket statute which obviates the use of a penalty clause. In the specific acts dealing with criminal statistics, the states which include such penalty clauses show a great lack of uniformity as well as of internal consistency. In Alabama, for instance, the failure of juvenile court judges to make reports is a misdemeanor without specific penalty, while the failure of jailers to report is a misdemeanor punishable by a fine of not less than \$25.00 and not more than \$100.00 and/or thirty days in jail. Clerks of court who neglect this duty are threatened with the forfeiture of \$100.00, while county solicitors forfeit \$200.00. *Code of 1940*, Chapter 13, Sections 202, 234, 355; Chapter 45, Section 182.

In Louisiana, failure to make reports to the Attorney General is punishable by fines of from \$50.00 to \$500.00 and forfeiture of office after the third punishment. Failure to report to the Statute Bureau of Identification, Investigation and Statistics, however, is punishable by a maximum fine of \$25.00 and/or thirty days in jail. *Dart's Code of Criminal Law and Procedure*, Title 31, Sections 581, 708.22.

In Massachusetts, certain officials forfeit \$200.00, *Annotated Laws of 1942*, Chapter 124, Section 8; in New York, those who failed to report are threatened with removal from office, *Code of Criminal Procedure*, Title X, Section 949; in Maine, County Attorneys forfeit half of the salary for the current quarter, *Revised Statutes 1930*, Chapter 93, Section 204; while in Ohio, neglectful officials forfeit from \$5.00 to \$50.00, *Throckmorton's Ohio Code Annotated 1940*, Section 174. Minnesota has solved the problem in the manner indicated in the section suggested above, which is borrowed from the statute of that state governing the Bureau of Criminal Apprehension. *Mason's 1940 Supplement*, Sections 9950-52. It would seem to be the best solution. An Act which will require the institution of civil actions or criminal prosecution of neglectful officials, especially when duties are of the type covered by this Act, would probably be unenforceable. Giving to the Director of the Bureau the power merely to hold up the payment of the salary should be a much more effective means of securing compliance.

Section 7.—Uniformity of Interpretation

This act shall be so construed as to make uniform the law of those states which enact it.

Section 8.—Short Title

This act may be cited as the Uniform Criminal Statistics Act.

Section 9.—Repeal

[All acts and parts of acts inconsistent with this act are hereby repealed.]

Section 10.—Time of Taking Effect

This act shall take effect

Conclusion

There is no need to elaborate the comments to the act. What is needed now is to have as many states as possible adopt it. Of equal importance is the development of a standard manual which, in the nature of blueprint, could be made available to the heads of state bureaus of criminal statistics. The need for such a manual is not new, for an examination of the varieties of criminal statistics now being dispensed by existing state services proves that most of them have grown like Topsy, wild and free, and would profit by guidance and discipline. The need is even greater now when the states should be urged to create or reorganize criminal statistics in the light of the new uniform act. It is hoped that the manual now being prepared by Mr. Roland L. Beattie, Chief of the Bureau of Criminal Statistics in the attorney general's office of California, for the Committee on Research (Walter C. Reckless, chairman) of the American Prison Association will meet this need.

The movement for the betterment of state criminal statistics will depend for its success ultimately on the efforts made in the various states by individuals and organizations, who recognize the importance of such statistics and can put pressure on legislatures and administrative agencies. If this is not done, the Uniform Criminal Statistics Act will remain buried in the proceedings of the national conference. Unless every effort is made to raise the general level of state statistics and ensure the existence in all states of a competent "bureau" of criminal statistics, there is little—one is tempted to say no—hope for any further major improvement in national criminal statistics, both those which are still hale and hearty and those now moribund or at least in a comatose condition.