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CRIMINAL STATISTICS IN THE UNITED STATES—1960

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Mr. Beattie presents a critical analysis of the current status of criminal statistics in the United States. Examining the scope of available criminal statistics, as well as their reliability, he warns against certain uses of current figures not warranted in light of their various inadequacies. The principal shortcomings which he finds in present national statistics derive in large part from the fact that figures are compiled by many different local agencies of varying efficiency, with inconsistent criteria, and under differing criminal laws. His main suggestion for improving this situation is that states should improve their facilities for collecting statistical information on crime and criminals. Should this occur, compilers of national figures would then have more reliable bases for establishing national statistics and for determining when reliable comparisons among the various state figures could be made.

The author prepared this article at the special request of the Board of Editors in commemoration of the *Journal's* fifty years of publication.—EDITOR.

Crime is a tremendously broad and expensive social problem. In the United States, the efforts of all the public agencies which deal with this problem cost the taxpayer at least three billion dollars a year. This does not take into account the indirect costs, which are difficult to define but have been estimated as involving many more billions of dollars. Nor do such figures suggest in any way the losses in human values resulting from crime. A problem of such magnitude and seriousness cannot be met without as complete and accurate knowledge as is possible of its size, extent and effect both on individuals and society. Such information must, of necessity, be developed largely in quantitative terms, and so it would seem that the need for basic statistical information on crime and the organized efforts of society to control and combat criminal behavior would be so self-evident as not to require extended discussion.

During the past forty years, ever since the early crime surveys of the Twenties,¹ a great deal of

¹ See particularly, ILLINOIS ASSOCIATION FOR CRIMINAL JUSTICE, *ILLINOIS CRIME SURVEY* (1929); POUND & FRANKFURTER, *CRIMINAL JUSTICE IN CLEVELAND* (Cleveland Foundation, 1922); MISSOURI ASSOCIATION FOR CRIMINAL JUSTICE SURVEY COMMITTEE, *THE MISSOURI CRIME SURVEY*, (Macmillan, 1926); New York (state) Crime Commission, Sub-committee On Statistics, *Report, February 28, 1928*, Albany: 1928, *Report, February 28, 1929*, Albany: 1929, *Report, December 28, 1929*, Albany: 1930.

effort has been put forth in this country in the development of criminal statistics. Yet, today in 1960, sufficient information is not available to give satisfactory answers to the normal questions that arise with relation to this phenomenon. The amount of crime, the numbers and kinds of offenders, and a measurement of the effectiveness of organized governmental efforts to meet this problem, are facts that are still exceedingly elusive. Actually, more accurate information was available in the reports of the early crime surveys, which offered more complete coverage of their limited geographical areas as to the number of persons arrested and dispositions made than is available today, some thirty to forty years later, for the same places or for any other areas in the country.

The uncertainty as to the statistical knowledge of crime today causes many persons, including legislators and editors, to exhibit a profound impatience with criminal statistics and any proposals for further efforts to develop them. Statements such as those suggesting that time and money should be exclusively devoted to "apprehending and convicting" criminals and not to "counting" them, or "quibbling over statistics," are frequently made. This probably is a normal reaction of frustration when there is vague realization that

there is no reliable or comparable information regarding the amount of crime in this country. Others, recognizing there are grave deficiencies in our statistical data on crime, call upon someone to do something about it. This was the basis of former President Hoover's plea in 1959 suggesting that the United States Bureau of the Census undertake a census of crime in this country, a proposal which will be discussed later.

It is the purpose of this article to look critically at the current statistical information on crime, to determine as far as possible what are some of the major shortcomings, and hopefully to offer at least a discussion of some of the steps that might lead to more accurate, comparable, and useful criminal statistics in the United States. In doing this, time and space will not be used to discuss the general principles underlying criminal statistics. These have been stated, far better than could be done by this writer, in the many articles and writings of Thorsten Sellin.² Nor is it the purpose of this article to describe the general state of criminal statistics in this country, which was done very well recently by Donald Cressey.³ Rather, the present purpose is to examine closely the existing available statistics compiled by both federal and state agencies, to clarify their limitations, and to consider whether a more adequate statistical accounting of crime might be possible.

SOURCES OF INFORMATION ON CRIME

The area of criminal statistics covers two basic groups of data: (1) statistics which account for the amount of crime or the number of offenses committed, and (2) statistics relating to persons or offenders involved in criminal offenses. The second group can be divided again into two major areas of reference. First, data on offenders which account for the processes of criminal justice, beginning with how many persons were arrested, and determining the disposition made; that is, the number who were prosecuted and the number convicted and sen-

tenced. The second type of offender statistics relates to the characteristics of persons involved in crime, such information covering personality traits, and psychological and sociological aspects of offenders. The sources of information for any of these series of statistical data are to be found in the records of the many public agencies—police agencies, courts, and correctional agencies—which are charged with the general responsibility of controlling and combating crime and delinquency.⁴

One of the major difficulties faced in the United States in developing the collection of information on crime arises from the fact that law enforcement is primarily a local function. In the first place, each of the fifty states of this nation is a sovereign jurisdiction with respect to criminal law and procedure. Each state defines its own crimes, establishes its own scale of penalties, and provides the particular framework of procedure within which criminal justice is to be administered. In addition, there are two more criminal jurisdictions in this country, as there is a special criminal code for the District of Columbia, and a separate criminal jurisdiction for the federal government. The federal criminal law covers those special offenses that arise out of the exercise of federal responsibility. These include prevention of espionage and control of import, income, and excise taxes. The federal criminal jurisdiction also covers special situations relating to interstate criminal activity such as those found in the National Motor Vehicle Theft Act (Dyer Act), and flight across a state line to avoid prosecution. Finally, there are many conventional criminal offenses, such as robbery, assault, theft, etc., which, when committed on federal reservations or federal property, come under federal jurisdiction.

Within each of the states, there are literally hundreds of police agencies, courts, and institutions of correction and treatment that are carrying on some part of the over-all administration of criminal justice. Data must be secured from all of them in order to understand, account for, and describe the extent of the criminal problem. This large number of independent sovereign criminal jurisdictions, together with the fact of extreme decentralization within each jurisdiction in the matter of law enforcement and the administration of criminal justice, is one of the chief reasons why the gather-

² Sellin, *The Basis of a Crime Index*, 22 J. CRIM. L. & C. 335 (1931); SELLIN, RESEARCH MEMORANDUM ON CRIME IN THE DEPRESSION (New York: Social Science Research Council, 1937); SELLIN, CULTURE CONFLICT AND CRIME (New York: Social Science Research Council, 1938); SELLIN, THE CRIMINALITY OF YOUTH, (Philadelphia: American Law Institute, 1940); Sellin, *The Significance of Records of Crime*, 67 THE LAW QUARTERLY REVIEW, 489 (1951). Sellin, *The Measurement of Criminality in Geographic Areas*, 97 AMERICAN PHILOSOPHICAL SOCIETY, PROCEEDINGS, 163 (1953).

³ Cressey, *The State of Criminal Statistics*, 3 NPPA JOURNAL 230 (1957).

⁴ Beattie, *The Sources of Criminal Statistics*, 217 Annals 19 (1941).

ing of accurate and comparable criminal statistics has proved so difficult. The efforts that have been put forth in the past three decades to institute national collection of criminal statistics were reviewed by the writer in a previous article in this *Journal* and need not be repeated here.⁵ It is the 1960 existing criminal statistics situation that is the subject of the present discussion.

OFFENSES KNOWN TO THE POLICE

If information is to be gathered as to how many criminal offenses there are, it will be obtained primarily from records of police agencies which account for the number and kinds of offenses that are reported to them. Police agencies are responsible for the first line of attack on the crime problem.

Certain general principles have been stated on which to base a criminal index relating to crimes known to the police. Two principles, in particular, have been outlined as the best basis for such a crime index. These are:

1.) ". . . it is obvious that a crime index must be based on the recorded crime rates of only a few selected offenses which are considered as greatly injurious to social welfare, and at the same time public in nature, and of such a kind that they induce the fullest possible cooperation between the victim or those interested in him, and the agency of law enforcement."

2.) ". . . the value of a crime rate for index purposes decreases as the distance from the crime itself in terms of procedure increases."⁶

When the present *Uniform Crime Reports* series for the United States was first established, based on a study made under the auspices of the International Association of Chiefs of Police,⁷ these principles were followed. In the first place, the crime index outlined in *Uniform Crime Reports* was based on offenses known to the police, which is the earliest point of knowledge of such offenses. Secondly, a group of seven offenses called "Part I Offenses" was selected in accordance with the first principle because presumably they were offenses which, when committed, would be reported in nearly every instance to public police agencies by the victim or others having knowledge of such

offenses. The seven offenses were; non-negligent homicide, robbery, aggravated assault, burglary, larceny, auto theft, and rape.

In establishing the recording of criminal statistics within the State of California, the same seven offenses were used as a basis of "major crimes" in California, the only exceptions being that in this state only forcible rape was recorded in the series and larceny was limited to what is defined in California as grand theft.⁸ In 1958, as a result of recommendations made by an advisory committee appointed to study *Uniform Crime Reports*, modifications were made in the Part I Offense group similar to those followed in California, so that the 1958 crime index included only forcible rape and larceny over \$50.⁹

The fact that there is general agreement as to the seven offenses which are reported with sufficient completeness to be used as a crime index would seem to assure a sound basis for the collection of criminal statistics on offenses. Why is it then that there has been so much dissatisfaction with the data collected and published, and a basic distrust of the accuracy and comparability of the figures produced? There are three major reasons for the limitations that must be recognized in published figures on offenses known to the police. These limitations apply to the *Uniform Crime Reports* series, and two of them apply to any state series as well. The limitations are: (1) the lack of comparability of information on criminal offenses from state to state, (2) the variability and lack of comparability in offenses reported from locality to locality within a state, and (3) the wide breadth of criminal acts encompassed in the general offense groups, so that the statistical summaries do not give an explicit accounting of the types and kinds of crimes reported. These limitations, which do not seem to be well understood and recognized by the press, the public, or even many of the agencies involved in crime control, must be examined and discussed in detail.

LACK OF COMPARABILITY AMONG STATES

The attempt to account for all offenses, even in the Part I group, that occur in the 52 separate jurisdictional areas having their own systems of criminal law and procedure, simply does not pro-

⁵ Beattie, *Problems of Criminal Statistics in the United States*, 46 J. CRIM. L., C. & P. S. 178 (1955).

⁶ Sellin, *The Basis of a Crime Index*, 22 J. CRIM. L. & C. 335 (1931).

⁷ INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *UNIFORM CRIME REPORTING* (New York: J. J. Little and Ives Company, 1929).

⁸ CALIFORNIA DEPARTMENT OF JUSTICE, BUREAU OF CRIMINAL STATISTICS, *CRIME IN CALIFORNIA*, (Sacramento: Annual, 1952-1958).

⁹ UNITED STATES FEDERAL BUREAU OF INVESTIGATION, *UNIFORM CRIME REPORTS FOR THE UNITED STATES* (Washington D. C.: Special Issue, 1958).

TABLE I
INDEX OF CRIME BY STATE, 1958
RATES PER 100,000 INHABITANTS FOR SELECTED STATES
(From Table 2, *Uniform Crime Reports*)

State	Total Offenses	Murder Nonnegligent Manslaughter	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny Over \$50	Auto Theft
<i>Highest ten</i>								
California.....	1,797	3.7	20.7	88.5	112.6	785.5	462.4	323.2
Arizona.....	1,712	6.6	17.4	66.5	114.2	668.2	404.8	434.0
Nevada.....	1,611	9.7	10.9	93.3	37.1	761.1	406.2	292.3
Florida.....	1,373	11.8	7.5	68.7	113.8	673.7	323.8	173.6
Colorado.....	1,208	4.1	14.7	79.0	36.8	535.5	297.6	240.0
New Mexico.....	1,187	4.3	9.0	41.6	54.8	407.5	312.5	357.3
Rhode Island.....	1,067	0.7	2.1	21.4	22.5	465.6	332.1	222.5
Michigan.....	1,049	3.1	10.3	60.2	77.3	503.2	219.5	175.3
Texas.....	1,027	8.9	9.3	33.9	101.0	504.3	195.8	174.1
Missouri.....	1,009	5.0	10.7	72.4	73.4	455.4	217.2	175.1
<i>Lowest ten</i>								
South Dakota.....	497	1.6	7.3	13.0	18.2	219.7	165.8	71.4
Maine.....	469	2.5	3.9	10.3	10.7	216.8	128.8	95.4
Wisconsin.....	460	1.0	4.3	8.6	13.3	204.1	143.2	85.2
Vermont.....	459	3.2	3.0	2.4	1.3	263.2	99.4	86.7
Iowa.....	441	1.5	3.4	9.4	6.5	217.5	140.1	62.2
Nebraska.....	434	3.2	4.0	19.1	14.3	199.8	90.4	103.3
West Virginia.....	434	4.8	4.8	15.5	32.7	216.8	80.7	78.5
New Hampshire.....	408	0.7	2.7	4.1	5.5	232.2	96.3	66.7
Mississippi.....	336	6.6	4.8	14.1	56.3	161.9	59.9	32.2
North Dakota.....	328	0.6	2.6	8.9	6.0	167.0	73.8	68.7

duce comparable statistical information. It is true that there is a general similarity among the various states in criminal law and procedure, but, nevertheless, there are marked differences in the specific definitions of crimes, in penalties, and in particular details of administering criminal justice.

The *Uniform Crime Reports* series actually does not claim to present comparable figures from place to place and from state to state. A warning has always been given that there is no guarantee of the accuracy or comparability of the figures published, but that they are the data that have been supplied under uniform instructions by many thousand police departments throughout the country, and that while a certain degree of comparability might be expected from year to year from reports of the same agency, comparisons between departments and states must be made with extreme caution.

The Consultant Committee to the *Uniform Crime Reports* series, in their report published in 1958, recommended the publication of crime rates based on the latest population data, both by state

and by metropolitan areas. Rates based on population are, of course, much more desirable in making comparisons than mere raw figures. As a result, in the 1958 annual report, crime rates on a population basis were published for the 48 states, giving the total crime rate of the seven offenses combined and a rate for each offense reported. Unfortunately, these rates have been grossly misused by the press and the public on the assumption that the material in the report was comparable from place to place. A careful study of this material should illustrate rather clearly that such comparisons cannot justifiably be made.

Table I has been developed from the data reported in *Uniform Crime Reports* for 1958.¹⁰ It shows the ten states with the highest over-all major offense crime rate, and the ten states with the lowest over-all major offense crime rate, indicating for the total major offenses and for each of

¹⁰ UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTS FOR THE UNITED STATES (Washington D. C.: 1958).

the seven offense groups the specific rate per 100,000 inhabitants.

If this information were correct, California would have the highest crime rate of any state in the country, while North Dakota and Mississippi would have the lowest rates. In fact, California would have nearly six times the amount of major crime that was shown for North Dakota and Mississippi. In order to pinpoint some of the inconsistencies that will be found in Table I, the following points are made (other inconsistencies can be discovered easily by further study of the tables):

1. Nevada shows three times the murder rate of California, but California has three times the assault rate of Nevada.

2. Florida shows a crime rate for major offenses four times greater than Mississippi.

3. Rhode Island records thirty times as many aggravated assaults as murders; Vermont has over twice as many murders as aggravated assaults.

4. Texas shows only one-half the robbery crime rate of Florida, but has approximately the same rate of auto theft.

5. Iowa has a much higher rate of larceny of over \$50 than does Nebraska, but Nebraska has a higher rate of auto theft than that shown for Iowa.

6. West Virginia compared with Wisconsin shows nearly two times the robbery rate, nearly two times the aggravated assault rate, but only approximately one-half the larceny rate. Yet, these two states show approximately the same rate of burglary and auto theft.

It seems clear that such variations as have been suggested, as well as many others that can be observed in the figures in Table I, are not reflections of real variations in crime rates. Obviously, the material that is presented in *Uniform Crime Reports* showing state rates should not be used as a basis for making comparisons of crime rates among the states.

Another problem in using total rates for the seven major offenses arises from the fact that "property" offenses, such as burglary and larceny, always account for the greatest bulk of the total. It must be recognized also that many of these "property" offenses may be of a relatively minor nature, at least as compared with attacks on the person. Particularly is this true in a state such as California which has a very broad burglary statute including criminal acts that require no breaking

or entering. Thus, many California burglary offenses may not be comparable with burglary offenses in other states with a much stricter definition of this crime. Such offenses, especially where the value of the property involved is small, would not be reported at all in the major offenses groups by other states. Instead, probably, they would be classed as larcenies of a value of \$50 or under.

One test of the general validity of data is the relative consistency of relationship that may be observed between different types of offenses reported. For instance, in the seven major offense groups, four offenses, namely, homicide, forcible rape, robbery, and aggravated assault, could well represent overt crimes against the person. The other three offenses, burglary, larceny, and auto theft, could represent crimes against property. The latter group in most instances numerically outweighs the former by a substantial margin. An examination of the published figures for the various states in *Uniform Crime Reports* for 1958 reveals that the ratio of the first group (crimes against the person) to the second group (crimes against property) runs as follows: one to seven in California, one to 6.5 in New York, one to seven in Ohio, one to six in Pennsylvania, and one to 5.5 in Michigan. Such variations seem reasonably consistent, and would appear to raise no questions. However, when it is found that this ratio was one to two in North Carolina, one to three in Mississippi, one to 17 in Massachusetts, one to 22 in Rhode Island, and one to 50 in Vermont, it would appear that in such states entirely different practices are being followed in reporting offenses known to the police.

Still another factor that enters into the differences observed among the states relates to the general level and efficiency of police work within the states. California, in particular, has a history of police development over the past forty years, stemming from the leadership of August Vollmer, which has encouraged high standards of performance and professional competence in this field. This influence has probably been felt more strongly in California than in any other state. This means not only high levels of police efficiency and professional performance but also better and more complete records. This latter fact in itself causes California to appear to have a high crime rate. States where in general there are many police agencies with poor record systems, incomplete

reporting, and lower standards of police proficiency should not be accredited as having less crime simply because the statistical data reported show less crime. The differences observed in *Uniform Crime Reports* simply cannot be accepted as possessing any degree of reliability for showing true differences in crime rates among the states.

VARIATIONS WITHIN A STATE

It has been previously pointed out that in each of the states there are literally hundreds of local police agencies engaged in criminal law enforcement. Each of these agencies is independent and responsible only to its own constituents, and each has its own procedures and methods of operation. It is inevitable that the information recorded in these many different agencies, even within a single state, will not be consistently uniform despite the issuance of uniform instructions for reporting.

This again can be illustrated by reference to information published in *Uniform Crime Reports* for the year 1958.

For the first time in the publication of this series, information was compiled and published for what were termed "metropolitan" areas. Usually these areas were not limited to the reports of a single police department, but were the combined reports of police departments and sheriffs' offices within a particular area. In many instances, however, one department may have predominated in the figures for an area. In the 1958 report, data were published for 12 such areas in Ohio and ten such areas in California. The crime rates for each respective area in these two states are shown in Table II.

Looking at the Ohio areas first, this table would suggest that Columbus, Ohio, had by far the highest crime rate in that state, with Springfield

TABLE II
INDEX OF CRIME BY METROPOLITAN AREAS, 1958
RATES PER 100,000 INHABITANTS FOR OHIO AND CALIFORNIA
(From Table 1, *Uniform Crime Reports*)

State	Estimated Population in Thousands	Total Offenses	Murder Non-negligent Man-slaughter	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny Over \$50	Auto Theft
<i>Ohio</i>									
Columbus.....	653	1,264	3.2	11.5	69.5	118.7	497.3	358.9	204.9
Toledo.....	459	1,219	3.0	5.4	74.1	46.6	507.3	428.7	154.2
Akron.....	485	1,152	3.5	9.9	83.6	32.6	441.2	256.1	325.4
Hamilton-Middletown...	186	906	2.7	7.5	35.0	36.1	358.4	247.0	219.6
Canton.....	329	894	2.4	3.3	52.0	9.4	406.1	239.7	181.3
Dayton.....	575	862	5.7	3.3	59.3	56.9	435.9	141.5	159.8
Lima.....	103	756	1.9	1.0	22.2	29.0	347.1	269.8	85.1
Youngstown.....	608	695	3.0	1.8	34.7	11.5	309.2	244.3	90.1
Cleveland.....	1,741	638	4.4	3.4	71.1	32.5	260.9	101.3	164.6
Cincinnati.....	1,044	637	4.0	9.9	32.7	31.2	240.3	181.5	137.0
Lorain-Elyria.....	198	515	1.5	1.5	23.3	17.7	278.3	89.6	102.7
Springfield.....	129	490	—	5.4	29.5	21.7	281.9	85.4	66.0
<i>California</i>									
Los Angeles-Long Beach.	6,192	2,508	4.0	31.9	122.9	185.0	1,068.3	678.9	416.7
Stockton.....	234	1,862	5.6	11.6	96.3	54.4	909.4	505.2	279.2
Bakersfield.....	271	1,496	5.9	25.5	74.6	59.1	730.1	385.9	214.6
San Bernardino-River-side-Ontario.....	706	1,484	5.5	19.1	46.2	74.8	743.8	325.8	269.2
Sacramento.....	437	1,419	4.1	13.0	84.4	29.7	660.4	343.5	284.0
San Francisco-Oakland..	2,666	1,390	3.2	13.1	96.2	83.0	580.7	253.2	360.2
Santa Barbara.....	120	1,177	1.7	2.5	45.1	46.8	594.9	330.0	156.2
Fresno.....	334	1,149	3.9	6.9	60.5	46.1	474.9	383.8	172.6
San Diego.....	914	1,117	3.3	10.3	44.5	49.9	416.1	362.9	230.3
San Jose.....	557	1,024	1.3	6.5	32.9	14.4	393.1	352.9	222.8

showing the lowest. The differences are so great that it is most questionable whether there could possibly be such differences in the real crime situation between these two communities. The comparison of Akron and Canton, which are neighboring metropolitan areas in that state, would indicate that Akron had three times the forcible rape rate of Canton, and more than three times the aggravated assault rate. However, only slight differences between these two areas were noted in burglary and larceny rates. The two largest metropolitan areas of the state in population, namely, Cleveland and Cincinnati, showed almost identical crime rates for the total seven offenses, but varied materially within the offense groups. Cincinnati showed nearly three times as great a forcible rape rate as Cleveland; whereas, in Cleveland, the robbery rate was twice that of Cincinnati. Cleveland had the higher rates in burglary and auto theft, but Cincinnati showed a much higher rate in larcenies over \$50. It is just not conceivable that crime rates in these metropolitan areas in reality could vary as indicated by these published figures. It is much more likely that these disparities are due to differences in methods of accounting for crimes reported to the police.

A similar conclusion can be made after examining the rates as reported for the California areas, except that, on the whole, the California crime rates appear much higher than those for Ohio. Los Angeles showed an over-all crime rate two and one-half times as great as San Jose, and this difference appears in all offenses. The widest difference occurs in aggravated assault, where the rates reported were 13 times greater for Los Angeles than for San Jose.

Sacramento and Fresno, which represent valley metropolitan areas presumably not too different in general composition, showed rather strange differences in crimes reported. Sacramento showed nearly twice the forcible rape rate as compared with Fresno, and Fresno showed a much higher aggravated assault rate than Sacramento. Sacramento also showed much higher rates of burglary and auto theft than Fresno, but lower rates in larceny over \$50.

This kind of comparison vividly demonstrates the wide differences in reporting from departments and areas within the same state. Actually, no conclusions about crime rates can possibly be made with any certainty from this kind of information. The Los Angeles area in particular has been

named in public releases as having the highest crime rate in the country. The Los Angeles Police Department has been an outstanding department for many years. It has been recognized as one of the most effective and efficient large metropolitan police agencies in the country. It would appear that because this department is effective and efficient, and has complete records, the area is being identified as one with a high crime rate in comparison with other cities that do not have police departments of the standard and quality that Los Angeles possesses and do not keep as efficient and complete records of the incidence of crime.

OFFENSE GROUPS DO NOT DISCRIMINATE CRIME LEVELS

The third major limitation with respect to the seven offense groups which are used as an index of crime arises from the fact that each general offense class describes a very broad area of criminal behavior, and it is quite impossible to determine just what the actual number of offenses recorded represents in terms of the amount and level of crime. The police, of necessity, exercise the widest discretion in determining what acts coming to their attention will be recorded as crimes and what acts will not be so recorded; and for those that are recorded, what will be the level and classification of the crimes. Such questions arise as: When is an assault to be counted as aggravated? When is the breaking and entering of an out-building to be considered as burglary? or, larceny? or trespassing? Such decisions are made in various ways by different police agencies. Each department through its local administration has established patterns of recording certain events. These decisions reflect not only the individual department's point of view, but also the prosecutor's position and the community attitude. Some prosecutors will not issue criminal complaints on certain sets of facts, while others will.

Implicit in combining the seven offense groups into an index of crime is the question whether such data really can be used as a satisfactory accounting of the over-all amount of crime. It would seem more probable that this index is of value only to the extent of the kinds of offenses reported. The criminal offenses that are excluded from this "index" group are numerous and tremendously variant. Examples are: forgery, sex offenses, abortion, narcotics violations, liquor violations,

weapons offenses, vice and gambling, and drunk driving. Some of these offenses are reported to the police, but obviously not completely. Many are almost never reported, but come to light only through the arrest of a person observed in the act of committing the offense or through the culmination of attempts to uncover offenses, as when working on narcotics, gambling, and vice enforcement problems.

Perhaps there can be no such thing as a completely satisfactory crime index. The term "crimes" is too broad and involves too many types of behavior. Certainly the rise or fall in one type of criminal behavior will not necessarily be associated with the rise or fall of another type.

This discussion may make it seem rather hopeless to expect accurate and comparable criminal statistics from present reporting methods. It is believed, however, that the experience to date can be of assistance in planning and developing improved methods for classifying and reporting crime that will eventually create much more valid and reliable statistics. To accomplish this, a great deal of effort must be put forth in going back to the basic source of information on criminal offenses—the individual crime reports. It seems reasonable to believe that with sufficient effort, present offense groups could be subdivided into levels or subgroups which would have a high degree of uniformity, and which would classify offenses into those which—from the public point of view—are most serious, those that are more or less the ordinarily expected behavior in such an offense, and those that are of a relatively minor level of consequence. If this could be done, much more valid comparisons of specific offense levels could be made.

In recent public comments on the crime problem, much has been said concerning presumed increases in violence accompanying many criminal offenses. As there is no attempt under present statistical methods to classify or identify offenses where there is extraordinary violence, there really is no way of knowing whether the impression given that there is an increase in violent crimes has validity. This would be an important element to build into further classifications of criminal offenses. Such knowledge should be obtainable.

In every one of the seven major offenses which are used as a general basis of an index of crime, there is a wide range of kinds of cases that fall within each class:

Non-negligent homicide. The number of reported murders estimated in *Uniform Crime Reports* for the United States has been slightly over 8,000 each year for the past two years. Presumably, this is a more reliable figure in this series of reporting than would be found in any other type of offense, as there should be less deviation among the police agencies in recording and reporting murder. Yet, within this large number of homicides, there must be many types and kinds of murders. For instance: How many murders are committed in connection with the commission of another crime? How many fall in the class of the premeditated murder? How many are the result of domestic quarrels and triangles? How many are the result of quarrels and arguments between acquaintances? These are some of the legitimate questions for which there should be answers in any criminal statistics system.

Robbery. There are robberies committed with firearms and with an extraordinary amount of unnecessary violence. There are also robberies committed with the use of deadly weapons—some are holdups of individuals, some are holdups of businesses. There are robberies where obviously the use of a weapon is simulated. There are robberies which are designated as "strong-arm" in which the victim may be attacked physically or even may be robbed when in a stupor or unconscious. Certainly to have any understanding of the robbery offense situation, more data identifying the different levels of robbery should be made available in uniform terms.

Aggravated assault. Little discussion is needed to appreciate the difficulty in determining, when an altercation has taken place and someone has been hurt and injured, whether it is an aggravated or a simple assault. There is a great deal of distinction between offenses occurring as a result of an unprovoked vicious attack by one party or another, and those arising from arguments in domestic situations or among friends or acquaintances. Yet, there has been no distinction made in crime reporting regarding the levels of assault. It has been noted that in some states a marked rise in the number of aggravated assaults reported by police is not followed by a marked rise in felony prosecutions for aggravated assault.¹¹ Evidently, more assaults which prosecutors do not

¹¹ CRIME IN CALIFORNIA, *op. cit. supra*, note 8. See, therein, "Adult Arrest Reports" and "Superior Court Dispositions" sections, 1954-1958.

feel will support felony prosecutions are now being recorded in this category.

Burglary. It has already been pointed out that the definition of burglary varies among the states, but even assuming that only offenses characterized by breaking and entering should be counted as burglary, there are large-scale burglaries of stores or warehouses, safe burglaries, burglaries of residential areas or business establishments, and in a more or less twilight zone, there are many offenses in which out-buildings or storage areas are broken into, which in some cases are classified as burglary and in others as larceny. In all of these, there is a question of whether the activity was professional or amateurish, whether the purpose for the breaking was to obtain large amounts of property, or merely minor objects. This is an area also where there is a great deal of activity among juveniles. To characterize much of the pilfering done by juveniles in terms of major burglaries is very misleading. One of the reasons for the steady increase in burglaries reported, at least in certain areas, is the provision for special police officers or juvenile bureaus to cope with the activities of youths in the community. The very establishment of better police service uncovers many more so-called "major" offenses.

Larceny or theft. There has been a general attempt in *Uniform Crime Reports* to subclassify larceny in terms of the value of the goods stolen. This may be as good an approach to subclassification in thefts as can be found, but it still presents many difficulties. There is no standard basis of valuation followed by police departments. In fact, there is tremendous variation in the patterns used in determining valuation, ranging all the way from the value stated by the owner reporting the theft to ten percent of what the owner stated. Another difficulty in determining value is that even if it were reasonably and uniformly accounted for, the changes in economic conditions over the years would affect the number of offenses reported in any value group to a considerable extent. Much property stolen that was valued under \$50 during the Thirties would undoubtedly be valued at over \$50 today.

Larceny of goods covers every conceivable variety of property, yet there are some rather specific patterns of theft that might well be identified statistically. These would include: pocket picking, purse snatching, and shoplifting. It must also be recognized that while serious thefts will

probably be reported fairly completely, thefts of property of less value will not be as consistently reported to police agencies. The number of thefts of \$50 and over, and under \$50, reported in Table 15 of the 1958 issue of *Uniform Crime Reports* reveals that the ratio of larceny of \$50 and over to under \$50 ranged all the way from one or less than one (New York City; Passaic, New Jersey; Tuscaloosa, Alabama) to a ratio of one to twenty-five or more (Concord, California; Euclid, Ohio; Hastings, Nebraska; Long Beach, New York; Muncie, Indiana; and some others). There is no question that there are real difficulties to be faced in working out satisfactory subgroups of the larcenies reported. However, unless some further analysis of this offense is made, the total number, even with value taken into account, will not offer comparable data on thefts from place to place.

Auto theft. It would seem that auto theft might be one of the most consistently reported offenses of all, and yet this is not the case. An examination of the auto thefts reported in *Uniform Crime Reports* will quickly demonstrate variations among cities that do not seem to have any real meaning. Actually, there are widely different practices among police departments as to how auto theft is classified. Some departments may account for all reports on missing cars as auto theft. Some departments, on the other hand, may not consider a car stolen unless it has not been recovered within a certain number of days. In the first instance, every unauthorized borrowing of a car by a juvenile, and even cases in which the owner has forgotten where the car was left and reports it as stolen, will be classified as auto theft.

It would be a matter of considerable interest to law enforcement officials and all concerned with this kind of crime to be able to segregate those offenses in which a car is stolen for purposes of conversion for use of the thief from those offenses in which the car is taken without authorization but without intent to convert criminally to the use of the borrower. At the present time, the statistical data do not provide this kind of information, and admittedly it would be difficult to do so.

Forcible rape. Rape is another offense that on first glance appears to be rather clearly identified, and yet, by its very nature, it involves widely different circumstances. Obviously, there are tremendous variations in the situations that may be reported under this heading. Some distinction

should be made, at least, between heinous, unprovoked attacks on women and accusations flowing out of bar pickups. The public is manifestly misled if it assumes that all cases falling under this heading are of the type which suggest a complete breakdown of the general safety of the women of the community. It may be possible that a substantial number of such reports are not true forcible attacks but arise out of situations which might well be predicted or expected by the surrounding circumstances.

So far, only the seven offense groups making up the general index of major crime have been discussed. It is clear that other types of offenses also cover a wide range from most serious to rather minor activity, and that consideration also must be given to subclassifications of these offenses. Similar discussions could be made of variations in narcotics offenses, sex offenses other than rape, and in many other types of crime.

Probably the best approach to making progress towards the development of more satisfactory subdivisions of offenses can be taken within the confines of each state, for there, at least, the definition of crime and procedures followed under the law are the same. If and when some relatively acceptable uniform subdivisions can be developed that offer comparable information among law enforcement agencies within a state, then there would be a greater likelihood of more comparable data within and among the states, and an increased possibility of a meaningful picture of crime for the United States as a whole.

STATISTICS OF CRIMINAL OFFENDERS

Statistics of criminal offenders are based on the number of persons involved in criminal offenses, which is quite different from accounting for the number of offenses committed. In fact, the two types of statistics cannot be directly compared, although comparison is far too frequently attempted by persons citing criminal statistical data. As in the case of offenses, the earliest source of information on offenders is found at the police and law enforcement level. Information relating to the administration of criminal justice starts with the arrest of an alleged offender.

The information that is usually available on a person arrested by law enforcement agencies includes, in addition to the offense charged, the sex, age, and race. Aside from the personal characteristics, statistics of offenders arrested by police

must account for the disposition made of the person arrested. One of three procedures usually occurs after arrest: (1) the offender may be released by the police because of lack of evidence or for various other reasons, (2) the offender may be turned over to some other law enforcement agency that has an equal or superior interest in taking him into custody, or (3) the offender may be held and charged by complaint with an offense for which he must answer in court.

The arrest information available and presented in *Uniform Crime Reports* today is very limited. A few years ago, the method of compiling data on arrests was an accounting of persons for whom fingerprints had been received by the FBI. This was not a very satisfactory source, as in many instances fingerprints of persons arrested were not forwarded to this agency, while others were duplicated in re-booking procedures. Today the arrest data are compiled from an annual report form requested from police departments throughout the country, giving the offense, age, sex, and race of all persons arrested. The only information published in *Uniform Crime Reports* from this collection is the culminative total of all data received. Because this is an annual summary of fairly recent origin, it is not supplied with even the same degree of completeness as monthly reports of crimes known to the police. Further, in addition to the differences already suggested in the matter of offense classifications, there are also wide differences in the matter of definition of who is arrested. Particularly is this true with respect to young persons—those within the juvenile court age—reported as arrested. Under these circumstances, the national totals are quite meaningless. If they were published by state and city, undoubtedly there would be even greater inconsistencies here than have already been observed in the crime data.

The California Bureau of Criminal Statistics compiles data on felony arrests, and also on some misdemeanors, through monthly summary reports received from law enforcement agencies of the state. However, this method does not overcome the deficiencies arising out of the fact that a large number of independent agencies reporting summary information simply cannot supply data that have the comparability and uniformity desired. Another weakness is that summary methods preclude any possibility of following through to the ultimate outcome or disposition made of any person or group of persons arrested.

Arrest information at the law enforcement level is useful to show the volume of persons arrested and the initial disposition made by the police. Nearly every police department publishes annual data on the persons arrested in their jurisdictions; however, there is little uniformity to be found in these various departmental reports, and seldom can satisfactory comparisons be made from such data. If the administration of criminal justice is to be evaluated in its totality, there must be a method of accounting for what ultimately happens to persons who are arrested and charged with crime. Such a follow-up process is not a simple or easy operation. In the first place, there is a whole variety of independent agencies that even within a single locality carry on some segment of the total process and deal with each offender. If, after arrest, an offender is to appear in court on a criminal complaint, the responsibility for further action lies with the prosecuting agency. This may be the district attorney for a county or a city attorney within a city. The police will have little more to do with the case at this point except to cooperate with the prosecution in presenting the evidence they have developed. After disposition of the case by the court, if the offender is convicted, he may be sentenced to the custody of one of several agencies. If he is sentenced to jail, he comes under the custody of the sheriff or local department maintaining such an institution. If he is placed on probation, he would have to be accounted for by the local probation department. If he is sentenced to a state institution, he moves on to the custody of the state authorities. Under these circumstances, there is no convenient method by which action by each of these agencies can be statistically accounted for or coordinated, so far as an individual offender is concerned.

The early crime surveys solved this particular difficulty of obtaining information from all of the various agencies by having independent staff personnel actually go to the records of the police departments, the courts, the jails and institutions, and record the information on each particular offender who had been identified as having been arrested. Even when this is done, however, there is always the question of identification of the person named in the court, institution, or probation record as the same individual who had been accounted for originally as arrested. Names and charges frequently are changed as a defendant is processed by successive agencies. To develop a

statistical accounting which will give the mortality rates of dispositions of persons arrested will require improved continuity of identification of persons who appear in these various records.

The California Bureau of Criminal Statistics has this year undertaken an experiment which it is hoped will develop some practical experience as to the feasibility of instituting individual crime and arrest reports and following through on persons arrested. Because of the great concern in the state regarding the narcotics problem, the Bureau was authorized to establish an individual crime and arrest file on all persons coming into contact with law enforcement agencies on charges or allegations of use of narcotics. As far as possible, individual reports regarding the handling of these cases are collected so that a complete record may be made of each narcotics offender. This will make it possible to determine how many offenders are arrested in a given period of time and charged with this type of offense. In addition, because of the small number of cases and their great importance, a similar attempt will be made to obtain individual reports on all cases of murder and on all persons arrested and charged with this offense, and to follow through to the eventual disposition of these defendants. Ultimately, these data will permit the creation of mortality tables of the kind developed many years ago to indicate what happened to persons arrested and charged with a crime.¹²

PROBLEMS OF IDENTIFICATION

While it is expected that these experiments will greatly assist in the improvement of statistics of offenses and persons arrested as reported by the police, certain problems have to be faced in insuring the proper identification of the defendants involved, since reports are received from a variety of sources. Particularly, there is a problem of identifying a report of conviction and sentence in the court with the specific information received concerning the arrest of the person. The matter of even obtaining reports on dispositions made in the courts is a difficult one. There is generally no automatic way in which a court disposition is reported either to the police departments or to any central identification or statistical agency. In California, individual information is received by

¹² See particularly, Tables I and II, UNITED STATES NATIONAL COMMISSION ON LAW OBSERVATION AND ENFORCEMENT, REPORT ON PROSECUTION (No. 4) (Washington D. C.: 1931).

the Bureau of Criminal Statistics on each person disposed of in the superior courts of the state (which are the courts of general trial jurisdiction), but this kind of information is not available from the lower courts. Possibly legislation requiring that official transcripts of all criminal actions taken in courts be reported to the central statistical or identification agency, as well as to the arresting department, offers one method for resolving this difficult situation. Obviously, dispositions are essential to identification records, for without them the record will show only a series of arrests against a given individual without giving any indication at all of what subsequently happened. This situation is very unfair not only to the person whose record is involved but also to any agency trying to make use of the record.

Proper identification, therefore, is a major factor in developing accurate disposition data on individual defendants. One way this might be accomplished is to require, as a matter of form or practice, that the local, state, or FBI identification number appear on all documents relating to the defendant. Proposals have been made for a single identification number system within a state which, if developed, would be of great assistance in solving this problem.¹³

THE HERBERT HOOVER PROPOSAL

An article by former President Hoover discussing criminal statistics, published in syndicated Sunday newspapers last summer¹⁴ and also published in a condensed form in *Reader's Digest*,¹⁵ has attracted a great deal of attention. This article clearly pointed out the severe limitations on available statistical knowledge concerning crimes and offenders in this country. It further stated that based on *Uniform Crime Reports*, there were 2,800,000 major crimes reported for the year 1957, but that only approximately 80,000 offenders were committed to state and federal prisons during the same year. The implication was that somehow the administration of criminal justice was falling down seriously. The proposal was made, as a first step in an effort to remedy the situation, that the United States Census Bureau conduct a special

census of crime by canvassing all police, court and prosecution records to obtain the facts with respect to the millions of offenses reported, the offenders involved, and exactly what disposition was made of them.

It is unfortunate that the genuine concern which was evidenced in this article regarding the limitations of existing knowledge of crime did not result in a more realistic analysis of the problems involved in recording, reporting, and coordinating criminal statistical data in the United States. The suggestion that there are direct statistical relationships between the number of crimes reported and the number of offenders committed to prison completely ignores the fact that offenses and offenders cannot be compared in the same statistical terms. Furthermore, there was no recognition of the fact that the processes of the administration of criminal justice account for many more persons convicted of crimes and sentenced to other forms of punishment than those who are sentenced to state or federal prisons or reformatories.

It must be remembered that the 2,800,000 major offenses estimated in the United States in 1957 included approximately 1,500,000 thefts of \$50 or under which, in most jurisdictions, would be classified as petty thefts or misdemeanors, for which under no circumstances would a convicted offender receive more than a jail (rather than prison) sentence or fine. *Uniform Crime Reports* for the year 1958 did not include thefts of \$50 and under among the major offenses, with the result that the 1958 total for estimated major offenses in the United States dropped to 1,554,000. Even then, more than five-sixths of these offenses were property offenses—burglary, larceny, and auto theft. A substantial number of these offenses involved crimes in which relatively small amounts of property had been taken or in which cars had been used without authorization by youths, an offense frequently termed "joy riding." It is probable that less than one-half of these property offenses were of a nature that would support a prison sentence if the offender were convicted.

It has already been noted that the early crime surveys demonstrated that there was a high mortality rate in the administration of criminal justice in almost every part of the United States.¹⁶ These first surveys showed that out of each 100

¹³ Bryan, *The One Number Concept in Crime Statistics*, PROCEEDINGS AMERICAN CORRECTIONAL ASSOCIATION 155 (Sept. 1958).

¹⁴ Hoover, *We Need A U. S. Crime Census*, THIS WEEK Magazine 8, 9, 11 (June 7, 1959).

¹⁵ Hoover, *Do We Have A Duty To Get Tough?*, 75 READER'S DIGEST 143 (Sept. 1959).

¹⁶ UNITED STATES NATIONAL COMMISSION ON LAW OBSERVATION AND ENFORCEMENT, REPORT ON PROSECUTION, *op. cit. supra*, note 12.

persons arrested and charged with felony offenses, only a relatively small proportion were ultimately convicted of felony charges. A substantial number of persons arrested are released by the police. Of those who are prosecuted in the courts, a portion are acquitted or dismissed, and a substantial number are disposed of on charges reduced to a misdemeanor. Thus, only approximately from 10 percent to 30 percent of original felony arrests result in convictions of felony offenses, and only a part of the convictions result in sentences to a prison or reformatory, inasmuch as many of the convicted persons are placed on probation. This is, and has been, the pattern of criminal administration in the United States for decades. It probably is no less efficient today than it was thirty years ago; nor is it likely that it has improved very much.

There is no question as to the soundness of the point former President Hoover makes in the article, that the knowledge of crime and the administration of criminal justice is weak. The remedy proposed, however, is hardly a practical one. In order to obtain complete information regarding the administration of criminal justice, it would be necessary to canvass not only police and prison records but also all court (municipal, city and trial) records, the records of justices of the peace and prosecutors, as well as probation and parole records. Securing the information from these scattered sources in which there is no consistency or uniformity, even within the same state or county, would be practically impossible. It would take literally thousands of agents trained in the various criminal procedures followed by all of the agencies involved, as well as some master plan for accumulating this mass of undigested information, to give any kind of picture of how many people are involved in criminal charges and what actually happens to them.

NEED FOR STATE RESPONSIBILITY

In order to achieve better criminal statistics, as is obviously the objective of Herbert Hoover's discussion, the most promising and practical method would be for each state to assume full responsibility for developing criminal statistics within its borders, through a central bureau or office established for this purpose. This is the proposal outlined by the Commissioners on Uniform State Laws in their promulgation of a Uniform

Criminal Statistics Act.¹⁷ As far as is known, this Act has been adopted only by the State of California. Other states do have central facilities for the collection of criminal statistics or are moving in this direction. In both New York and Massachusetts, the State Departments of Correction compile information on the arrest and disposition of persons prosecuted for crimes in their respective states. The Minnesota Bureau of Criminal Apprehension covers even more ground for, in addition, it obtains reports on Part I Offenses from the law enforcement agencies of that state.¹⁸

When a series of states have established more accurate and uniform crime reporting in their respective jurisdictions, there will be much better sources from which a federal agency can obtain information which will come much closer to giving a total picture of the amount of crime in the United States. As Herbert Hoover stated in his article, full information on offenses, offenders, and what happens to them, "would help every local state and federal agency concerned with the prevention of crime to do a better job."

MISUSE OF PUBLISHED DATA

There seems to be a wide-spread disposition on the part of writers in the field of criminology, including many social scientists, to assume that published crime figures are sufficiently accurate to afford a basis for comparative studies as well as rather profound conclusions as to differences in crime trends among areas and states. Even though some of these writers recognize the limitations of the data, they show very little reticence in making extensive use of these kinds of published statistics. Phrases such as, "This assumption is known to be somewhat invalid," or "These are the best available data," are exceedingly weak justifications for the particular conclusions made when such material is cited. It would be expected that careful scholars would want to determine for themselves exactly what lay behind the sources of information they use and how the figures they cite were compiled.

It is difficult to understand why so many persons who are vitally concerned with the problems of crime accept the available criminal statistical data with such complacency. It would seem that

¹⁷ Sellin, *The Uniform Criminal Statistics Act*, 40 J. Crim. L., C. & P. S. 679 (1950).

¹⁸ See Annual Reports of the State Departments of Correction for New York and Massachusetts and the Minnesota Bureau of Criminal Apprehension.

they would normally be most critical of the present-day limited data and would exert all efforts possible to develop and build trustworthy information relating to crime. While it may be true that some indications of trends and differences can be obtained from limited and sketchy statistical data, there can be no satisfactory analysis or understanding of the many aspects of crimes and offenders without reliable, valid, and comparable information.

CORRECTIONAL STATISTICS

Thus far, consideration has been given to statistics relating to the volume of crime, and to persons who are arrested and pass through the selective processes of the administration of criminal justice. Another very important phase of criminal statistics is concerned with what happens to persons convicted of criminal offenses. Not only is it desirable to know these facts from the standpoint of public responsibility for administering correctional treatment, but such information also is necessary to evaluate and to determine, if possible, whether the treatment has had any effect.

Statistical information on sentenced prisoners accounts for the number and kinds of persons who are subjected to the different forms of correctional treatment, the method of release from incarceration, and the eventual release from all custody of those who are placed on probation and parole. In addition to information which describes the correctional situation, a great deal of individual data relating to each offender can be recorded. The very fact that offenders are held for a considerable period of time, either in institutional custody or under parole or probation supervision, makes it possible to develop rather extensive personal case histories. Also, the significant events that occur in the treatment process during the course of the period of incarceration or custody should be carefully recorded. Such information is, as yet, not always classified in uniform terms and made a part of the case record.

Nearly every state prison or reformatory issues annual or biennial reports giving information on the number of prisoners and their personal characteristics. In some states, there is a central correctional administration, and a single report will cover the statistical data for all the institutions within the state. This is true also of the federal prison system which is in charge of all federal

penal institutions.¹⁹ For many years there has been a national collection of information on persons committed to prisons and reformatories which has had a relatively high degree of uniformity and comparability. This series was first inaugurated by the United States Bureau of the Census and in the last decade has been carried on by the Federal Bureau of Prisons.²⁰ Considerably less information is available for persons committed to forms of treatment other than prisons and reformatories. Those placed on probation will be generally accounted for in annual reports of local probation departments. The National Probation and Parole Association has sponsored exploratory work in the direction of formulating a uniform method of probation reporting, but, as yet, nothing has been put into effect. The State of California collects and publishes an annual summary showing the general status of persons placed on probation by the general trial courts of the state.²¹ The State of Wisconsin also publishes reports regarding offenders placed on probation.²²

While it is probable that more offenders pass through the jails in the various states of this country each year than are to be found in any other phase of the criminal process, yet there is almost no information available concerning the number or kinds of persons committed to jail or how long they are incarcerated. This again arises from the fact that jails are purely local institutions, and although they are places of detention for serious offenders prior to trial and conviction, for the most part, only misdemeanor offenders serve sentences in such institutions upon conviction. No picture of the criminal problem can really be complete until better information is available regarding persons committed to short-term institutions, such as jails. Not even the simplest descriptive information is presently to be had, much less

¹⁹ UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, FEDERAL OFFENDERS, Annual 1931-1941, FEDERAL PRISONS, Annual, 1943-1958.

²⁰ UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF THE CENSUS, PRISONERS IN STATE AND FEDERAL PRISONS AND REFORMATORIES, Annual, 1926-1947. UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, NATIONAL PRISONER STATISTICS, Annual, 1948- .

²¹ CALIFORNIA DEPARTMENT OF JUSTICE, BUREAU OF CRIMINAL STATISTICS, DELINQUENCY AND PROBATION IN CALIFORNIA, Annual, 1954-1958.

²² WISCONSIN STATE DEPARTMENT OF PUBLIC WELFARE, BUREAU OF RESEARCH AND STATISTICS, STATISTICAL BULLETINS C-4 AND C-20, *Adult Offenders Placed On Probation to the Division of Corrections, 1952-1954, and 1955-1957.*

sufficient data on jails, prisoners, and their eventual behavior after release, to give any basis for evaluating this form of criminal control.

Probably the major over-all objective in the development of better correctional statistics is to supply the data that are necessary not only to determine what happens in the correctional process but also to evaluate the effectiveness of the total process of handling individual offenders from the point of arrest to the final disposition. Extensive information on persons committed to institutions has been recorded, because time and personnel have been available to build rather comprehensive case histories; nevertheless, there has not as yet been developed satisfactory classifications of offenders with regard to their basic personalities, developmental history, and criminal behavior. This is one of the hurdles that hampers much of the current analysis and research being carried on in an attempt to measure the effectiveness of correctional treatment.

Some facts have been quite well established with relation to what happens to certain kinds and types of offenders after they have completed the correctional treatment experience. Certain types of offenders, such as those convicted of forgery and larceny, consistently show a much greater tendency to repeat their criminal behavior than do persons involved in certain crimes against the person, such as sex offenders and homicide offenders. If offenders have a long history of criminal conduct, they will invariably show a much higher rate of repetition of crime after correctional treatment than those who had little or no prior criminal behavior. On the whole, the younger the offenders are, the greater the chance of their repeating criminal conduct after correctional treatment as compared with those in older age groups.

These general and rather consistent findings, however, do not explain the reasons why such differences occur. Until some understanding can be had of why there are such variations, not much progress can be expected in administering, manipulating, or treating offenders in order to achieve the greatest possible reduction in criminal behavior following correctional treatment. Certainly, a better understanding and description of the specific kinds of offenders is an essential element in any analysis and interpretation of these differences. The

need for this has been ably developed by George Vold.²³

Another most important factor in establishing statistical data that can measure the results of the total criminal process is the need to establish objective criteria with respect to post-correctional criminal behavior. The need for, and importance of, criminal-career information in any evaluative studies has been outlined by Daniel Glaser.²⁴

The best sources of information on criminal behavior are undoubtedly the records of identification bureaus maintained by law enforcement agencies, particularly central identifications bureaus, such as are maintained by the Federal Bureau of Investigation for the country as a whole, and by the several state bureaus that centralize this kind of information for their respective states. If the fingerprints of all persons arrested (possibly with the exception of very minor misdemeanants) were sent to the Federal Bureau of Investigation and to the state central bureaus, a rather complete record would be available on each offender so far as his overt criminal conduct may be known. It is very expensive, and almost impossible, from a practical standpoint, to follow up the post-release conduct of offenders through means of direct investigation of their behavior as individuals, but it is neither too difficult nor too expensive to check the central identification record information accumulated on such individual offenders. While there is no guarantee that offenders who show no further criminal arrests within a certain period of time after release have not been engaging in criminal conduct, they can be classified as successes or non-failures in that they have not come to the attention of law enforcement authorities. When a further record appears, then the time, the place, and the charge will be available from identification sources.

The deficiencies in the use of such identification data for the purpose of evaluating criminal conduct arise from either incomplete reporting of arrests (and this is a rather minor deficiency so far as serious crime is concerned) or lack of information regarding the disposition of the persons arrested. The latter is the greatest weakness at present, although each year shows some improvement.

²³ VOLD, *THEORETICAL CRIMINOLOGY* (New York: Oxford University Press, 1958). (See particularly, Part IV, "Criminological Theory in Relation to Research and to Penal Practice").

²⁴ Glaser, *Released Offender Statistics*, 19 *AMERICAN JOURNAL OF CORRECTION* 15 (March-April, 1957).

Positive steps need to be taken, however, within the states to design and require from courts official reports concerning the disposition of criminal cases, which will flow back to identification and statistical bureaus and to the local law enforcement agencies originating the arrest of offenders.

STATISTICS OF JUVENILE DELINQUENCY

Juvenile delinquency is usually defined to include a much broader area of deviate behavior than is included in adult crime. However, in the public mind, delinquents are usually thought of as young criminals or offenders engaged in pre-criminal activity who form a definite part of the crime problem. Juvenile delinquency statistics, however, are much more incomplete and uncertain than adult criminal statistics. This is true in part because a different type of behavior is included in the area of delinquency, and also because there is a great deal more informality and discretion used in handling delinquent children.

In accounting for the number of offenses committed, no distinction can be readily made between juveniles and adults. When a theft or burglary is reported, seldom is there an indication of who may have committed the offense. To this extent, offenses committed by juveniles are automatically made a part of the general offense statistics.

Information on juvenile crime generally does not start with reports of offenses, but with reports of children apprehended for reasons of criminal offenses or other misbehavior. Because so many other types of behavior besides crimes may be included, such as incorrigibility, truancy, runaway, curfew violations, etc., there is even less basis for uniform reporting of juvenile delinquency than there is in ordinary criminal offenses. In fact, many times the designation of the reason for the arrest of a juvenile will be stated in one of the more general descriptions of behavior even when a specific criminal offense may have been the real basis for the arrest. Despite these limitations, it is still highly desirable to develop statistics of juvenile delinquency which may be used to make reasonably accurate comparisons and to show trends in the proscribed behavior of this age group.

There are at present no collections of data in this field that even begin to compile comparable information. The United States Children's Bureau has been engaged in developing statistics of juvenile courts over the years and annually pub-

lishes data collected from a series of courts throughout the country.²⁵ These are valuable in indicating the number of children who come before the courts, some of the reasons for referral, and the general dispositions made, but there is inadequate uniformity and comparability in these figures from state to state to offer a meaningful measure of specific delinquent behavior. Nor is such a measure possible from data recorded and reported from juvenile courts within a given state.

Control of the delinquency problem is increasingly being recognized as a part of the law enforcement function in the local areas. Many departments have established juvenile bureaus to specialize in the juvenile portion of law enforcement. In California, attempts to collect statistics in this area have been made, and the California Bureau of Criminal Statistics publishes information on the number of juveniles arrested by law enforcement agencies during each year. No satisfactory agreement has yet been reached, even among law enforcement people, as to exactly what constitutes a juvenile arrest. Consequently, there is tremendous variation in what is reported, and it would appear at times that some communities have many times more juvenile delinquents than others merely because the definition of an arrest differs. It is suggested that to develop an index of juvenile delinquency will probably require limiting the data reported on juvenile arrests to specific offenses that have a certain degree of seriousness, and consequently would probably be handled in nearly every community by referral to the juvenile court, rather than attempting to account for every juvenile who for some reason or another is said to have been arrested by a police agency. This is an area which requires a great deal more study and discussion before even general agreement can be reached as to what it is feasible to count, how it should be classified, and what it really describes and means.²⁶

Again, it is pointed out that more progress can probably be made where responsibility for development is centered in a state agency, along with the responsibility for development of the general crime statistics. The sources of local data for both juveniles and adults are the same at the police level. Usually, the juvenile court law that estab-

²⁵ UNITED STATES CHILDREN'S BUREAU, JUVENILE COURT STATISTICS, Washington, D. C., Annual, 1946- .

²⁶ CRIME IN CALIFORNIA, *op. cit. supra*, note 8, "Juvenile Arrests" Section, 1957 and 1958.

lishes procedures to be followed in handling juvenile cases is a state law. It would seem that there should be some degree of uniformity in procedure and practice throughout the state. Actually, the general breadth of discretion permitted in this field makes for little consistency in the procedure and practice of juvenile courts within a state.

One other factor that might assist in the development of uniform data on delinquency would be to limit the reporting of offenses committed by juveniles to those committed by a certain age group, possibly 12 through 17 or 14 through 17. It would appear rather pointless to add into the crime and delinquency situation some of the acts that are occasionally committed by very young children.

CONCLUSION

The control of crime in the United States is in the hands of many independent agencies, including police agencies, courts, prosecutors, probation departments, correctional institutions, and parole agencies. Whether the efforts put forth are effective in any of these areas, or in the total effort within each state, can only be known through the establishment of basic information as to the amount of crime, the number of persons arrested and prosecuted, what is done with them, and what is the general outcome of the whole process. Such knowledge inevitably must be developed in statistical terms. There is need for improved measurements of each phase of the criminal process in order to know the true nature and extent of the problem. This includes a more adequate description of offenses, of the kinds of offenders arrested, and a strict accounting for the handling of all persons in the process of criminal justice and correctional treatment. This is not only necessary for an adequate understanding of the problem, but also because all of the agencies involved are public agencies and have the inherent responsibility of

being accountable for what they do and for the persons they handle.

Present measurements of the amount of crime need refinement as they are too broad and general to give exact knowledge. The development of more specific detail is necessary to account for the great variety of offenses committed and offenders charged. Summary information from large numbers of independent agencies cannot insure uniform and comparable data. Improvements in this area will require the classification and recording of information on individual offenses and on individual offenders. This must be done either in a single central statistical agency to insure uniform accounting and interpretation, or in a very limited number of agencies, working closely together in the matter of classification.

The state of information on criminals as it is recorded in central identification bureaus generally is well developed. With further improvements in completeness of reporting, and by recording in every instance the disposition made of each person arrested, these files can furnish the needed data on the criminal careers of offenders. This will permit much more effective study of the after-results of the different types of correctional treatment.

The basic information which underlies all that should be known statistically probably exists in the records of the various agencies dealing with criminal offenders. The future development of criminal statistics will depend on more effective methods of having these data reported from the various agencies and levels handling offenders to a responsible central agency which can summarize, analyze and integrate all of the statistical information. It is recommended that in the United States this can best be accomplished through the acceptance by each state of responsibility for the compilation of all criminal statistical data within its own borders.