

February 1932

The Cost of Criminal Justice in West Virginia

George A. Shipman
West Virginia University

Carl M. Frasure
West Virginia University

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>



Part of the [Criminal Law Commons](#)

Recommended Citation

George A. Shipman & Carl M. Frasure, *The Cost of Criminal Justice in West Virginia*, 38 W. Va. L. Rev. (1932).

Available at: <https://researchrepository.wvu.edu/wvlr/vol38/iss2/5>

This Article is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.

THE COST OF CRIMINAL JUSTICE IN WEST VIRGINIA

GEORGE A. SHIPMAN and CARL M. FRASURE^o

The National Commission on Law Observance and Enforcement, generally known as the Wickersham Commission, is popularly associated with prohibition, as critic, protagonist, propagandist, or apologist, depending upon the point of view. The more fundamental aspects of its work have escaped popular attention. The first two reports dealt with the problem of national prohibition. Twelve more were devoted to other phases of crime and its treatment.¹ Here attention is to be devoted to the *Report on the Cost of Crime* in an effort to determine the economic burden through taxation, private expenditures, and economic loss which results from the necessity of suppressing crime and correcting the criminal in modern society.² The tremendous scope of this project is apparent to the most casual observer. Innumerable jurisdictions throughout the states are attempting, each in its own way with varying costs and equally varying success, to eliminate crime. The sheer expense of this effort must be a matter of wide concern.

The determination of the cost of the administration of criminal justice reveals little aside from the approximate drain upon economic resources due to the perversity of humanity. It indicates, moreover, little of importance with regard to the absolute or even the comparative effectiveness of the governmental agency which happens to be the object of the expenditure. The infinite variety of conditions, not alone throughout the states, but even among the cities of the same state, makes practically barren any attempt to match against each other the cost elements of different jurisdictions. Such comparisons reveal only resultant conditions,

* Assistant Professors of Political Science and Research Associates, Bureau for Government Research, West Virginia University.

¹ No. 3, *Report on Criminal Statistics*; No. 4, *Report on Prosecution*; No. 5, *Report on the Enforcement of the Deportation Laws of the United States*; No. 6, *Report on the Child Offender in the Federal System of Justice*; No. 7, *Progress Report on the Study of the Federal Courts*; No. 8, *Report on Criminal Procedure*; No. 9, *Report on Penal Institutions, Probation and Parole*; No. 10, *Report on Crime and the Foreign Born*; No. 11, *Report on Lawlessness in Law Enforcement*; No. 12, *Report on the Cost of Crime*; No. 13, *Report on the Causes of Crime*; No. 14, *Report on Police*. Published and distributed by the Superintendent of Documents, Washington, D. C.

² This present study is limited to the amounts of public expenditures.

but the causal factors are beclouded with influences beyond the application of statistical methods. To imply in variations of expense definite elements of causation would require that all factors be reduced to a basis of absolute equality. This is not possible. The degree of effectiveness of the discharge of governmental functions must, therefore, be measured in some other way. Cheap government is not necessarily good government, nor is costly government necessarily inefficient. False economy often masquerades as efficiency. The attempt to determine cost is limited to the measurement of what the "crime bill" of the nation is. Whether to accomplish the desired result it should be more or less than present figures show is quite another matter.

The purpose of this paper is to assemble and present the elements of criminal cost which bear upon the State of West Virginia. The present writers coöperated with the directors of the national investigation of the cost of crime in studying conditions in certain municipalities of the State. At this time the results, hardly to be termed conclusions, are presented, together with other pertinent material which has been taken from the extensive national report.³ At the risk of incurring justifiable criticism for exaggerating the implications of these statistics, it is suggested that further study along these lines may contribute to a better planned and more effective administration of criminal justice in the wider field of social benefit in the State of West Virginia.

COST TO THE FEDERAL GOVERNMENT OF DISTRICT COURTS IN WEST VIRGINIA

Part Two of the *Report on the Cost of Crime* presents an extremely interesting study of the cost of administration of criminal justice by the federal government.⁴ The accompanying table presents certain factors of this cost which will be particularly interesting to the student of West Virginia affairs.

³National Commission on Law Observance and Enforcement, *Report on the Cost of Crime*, pp. 657, Washington, 1931, prepared under the direction of Goldthwaite H. Dorr and Sidney P. Simpson of the New York Bar. Hereafter cited as *Cost of Crime*.

⁴S. P. Simpson and L. F. Schmeckebier, "The Cost of Administration of Criminal Justice by the Federal Government", *Cost of Crime*, Part 2, p. 71,

THE COST OF CRIMINAL JUSTICE

TABLE 1.—Cost to the Federal Government of Federal Courts in West Virginia, 1929-30.

	Dis- tricts	Prohi- bition	Anti- narcotic	Motor Theft	Other Criminal	Total Cost <i>e</i>	Per Capita
Marshals <i>a</i> -----	North	60.6%	11.5%	10.0%	17.9%	\$29,626.53	.039
	South	88.9%	1.1%	3.3%	6.7%	73,609.36	.077
Prosecution <i>b</i> -----	North	53.2%	3.2%	8.1%	35.5%	17,154.99	.022
	South	94.0%	1.0%	2.0%	3.0%	23,735.41	.025
United States Commissioners <i>c</i> -----	North	72.0%	4.0%	8.0%	16.0%	3,991.10	.005
	South	90.1%	1.5%	1.5%	6.9%	14,525.35	.015
United States District Courts <i>d</i> -----	North	82.6%	2.5%	3.2%	11.7%	32,972.29	.043
	South	68.9%	1.1%	.5%	29.5%	60,727.33	.063
Probation <i>e</i> -----	North	-----	-----	-----	-----	-----	-----
	South	-----	-----	-----	-----	3,321.77	.003
Totals-----	North	67.1%	5.3%	7.3%	20.3%	83,744.91	\$.109
	South	85.5%	1.2%	1.8%	11.5%	175,919.22	.182
Grand Total-----		76.3%	3.2%	4.6%	15.9%	\$259,664.13	\$.150

a *Cost of Crime*, p. 105.

b *Ibid.*, p. 112.

c *Ibid.*, p. 126.

d *Ibid.*, p. 122.

e *Ibid.*, p. 141.

It is interesting to note that the per capita federal cost of criminal justice in West Virginia is rather higher than the national per capita cost, 15 cents as compared with 8.7 cents. The two district courts in the State reveal a further disparity. The Northern district has a per capita cost of 10.9 cents and the Southern district 18.2 cents. While the Southern district maintains a parole agency, an institution lacking in the Northern district, it should be noticed that its cost is only \$3,321.77 out of a total of \$175,919.22.

It is interesting, moreover, to consider the proportion of burden caused by the much debated prohibition enforcement. Referring back to the table presented above, it appears that a rather heavy proportion of the costs of marshals, prosecution and commissioners in the Southern district is assignable to prohibition, but the relative proportion of court costs is surprisingly lower. This immediately suggests many guilty pleas and speedy trials. On the other hand the reverse is true with regard to prohibition costs in the Northern district, suggesting longer trials which, of course, may be due to a variety of causes not here pertinent. In the Southern district prohibition enforcement is responsible for

85.5% of the total cost of enforcement actions as against 67.1% in the Northern district. The State proportion is 76.3%. Over the whole nation prohibition enforcement accounts for 66% of these federal expenditures.⁶ It is also worthy of notice that the cost of the purely civil enforcement of prohibition, that is, through injunctions, bond forfeitures and other proceedings amounts to \$5,026.48 in the Northern district, and \$3,242.55 in the Southern, a reversal of the proportions previously noted.⁶ The interstate character of the Northern district is indicated by the larger proportion of antinarcotic, motor theft and other prosecutions.

STATE POLICE

Brief attention may be directed to the comparative position of the West Virginia State Police as indicated in the national report of state police systems.⁷ Here it is clearly seen that West Virginia bears no undue financial burden in the maintenance of its State Police. During the fiscal year upon which the comparisons are based the cost per officer for West Virginia was \$2,627 with a force aggregating 157 men. Only two out of eleven states studied showed lower costs, Maine with 662 officers and an average of \$2,258 per member, and Texas with 30 and an average of \$2,314. The remaining eight states ranged from Pennsylvania, 308 men and \$2,644, to New Jersey, 131 men and \$3,945.⁸

When the operating cost is adjusted to the proportion of criminal work as distinct from other functions, the West Virginia State Police shows a per capita cost of 15.5 cents for the whole population of the State. When calculated upon the rural population, that is, those persons living outside of municipalities with a population of over 2,500, the per capita cost is 21.7 cents. This figure compares very favorably with those of other states.⁹

⁶ *Ibid.*, p. 145.

⁶ *Ibid.*, p. 148.

⁷ *Ibid.*, c. III, "State Police Costs", p. 197.

⁸ *Ibid.*, p. 199, Table 1, Operating Costs of State Police Forces, 1928.

⁹ An estimate of 65 per cent as the proportion of criminal work of the State Police was made by the superintendent. This percentage was used by the federal investigators in their calculations contained in *Cost of Crime*, page 200. Per capita cost of criminal work of state police to rural population in other states ranged from .2 cents in Maryland where only 10 per cent of the work of the force was criminal, to 89.6 cents in Michigan. In Pennsylvania the cost was 23.8 cents, and in New York 31.4. *Ibid.*, p. 201.

TABLE 2.—Cost of State Police in West Virginia, 1929-30.

Operating cost ^a -----	\$412,500
Percentage criminal work ^a -----	65%
Cost of criminal work ^a -----	\$268,125
Rural population, 1930 ^b -----	1,237,701
Per capita cost, rural population ^b -----	\$.217
Per capita cost, State population ^c -----	\$.155

^a Table 2, Cost of Criminal Work of State Police Forces, 1928, *Cost of Crime*, p. 200.

^b *Ibid.*, Table 3, Relation of Cost of Criminal Work of State Police to Rural Population, p. 201.

^c State population, 1930 census, 1,729,205.

A complete study of the cost of police protection for persons living outside of municipalities would necessitate a careful examination of the criminal work of sheriffs, their deputies, and constables in the counties of the State. The size and expense of this inquiry puts it entirely out of the question. From these figures, it can be safely concluded that as to the element of cost the State Police in West Virginia are relatively inexpensive. Again it is to be emphasized that this standard of measurement can reveal nothing of the actual effectiveness of the work which the force performs. Its value is limited to the approximation of the economic burden which the maintenance of the services studied imposes upon the citizens of the State.

PENAL AND CORRECTIVE INSTITUTIONS IN WEST VIRGINIA

TABLE 3.—Cost of State Penal Institutions in West Virginia, 1929-30.

	Institutions for Adults ^a	Institutions for Minors ^b	Parole Agencies ^c	Total ^f
Total Cost -----	\$407,155	\$256,145	\$5,594	\$668,894
Per inmate -----	\$103.31	\$258.99 ^c		
Per capita -----	\$.113 (\$.236) ^d	\$.148	\$.003	\$.387

^a Table 4, Operating Cost by States and Types of Penal Institutions for Adults, 1928, *Cost of Crime*, p. 222.

^b Table 10, Cost of State Corrective Treatment of Juvenile Delinquents, 1928, *Cost of Crime*, p. 237.

^c Calculated from Table 8, Operating Cost Per Inmate of State Institutions For Juvenile Delinquents, 1926-7, *Cost of Crime*, p. 234.

^d Table 5, Per Capita Cost of State Penal Institutions for Adults, 1928, *Cost of Crime*, p. 224. The figure in parenthesis is calculated on the total cost amount shown above. The amount \$.113 was determined by the federal investigators upon the "institutional" cost. It is retained for the purpose of comparison.

^e Cost of State Parole Agencies, 1928, *Cost of Crime*, p. 239.

^f Table 12, Cost of State Penal and Corrective Treatment, 1928, *Cost of Crime*, p. 240.

In the accompanying table there are indicated certain factors of cost relating to the correction of offenders in state institutions of West Virginia. Some explanation is required to clarify these items. The amount of total cost of the state penitentiary was obtained from work sheets used in preparing *Financial Statistics of States, 1928*. It varies substantially from the state figures showing a total expenditure of \$388,001.62.¹⁰ It should also be noticed that the total expenditures for institutions for minors is put at \$256,145. The total operating expense of the only two institutions listed, however, is \$141,676. The disparity might be accounted for by the cost of negro institutions which, however, was only \$45,385.99. As against the total expenditures estimated in the federal report, the report of the State Board of Control indicates only \$209,837.23.¹¹ These few comments will raise serious doubts as to the accuracy of figures obtained by the national investigators from the *Financial Statistics of States, 1928*, a publication of the Bureau of the Census. While the different amount determined by the federal investigators for both penitentiary and institutions for juvenile offenders might be ascribed to corrections made to eliminate the factors of capital expenditures and other charges not properly assignable to the operating cost of the penal institution, the possibility of this explanation seems eliminated, when it is noticed that the federal figures are consistently higher than those of the State. Had these corrections been made the reverse would be true.

The cost of the state penitentiary per capita of the total state population was calculated upon an "institutional basis" cost obtained from a study by the Bureau of the Census.¹² This amount was \$196,284.¹³ In the absence of complete explanations the local investigators confess their inability to comprehend the basis of that figure. The per capita cost calculated from it is 11.3 cents. While this figure is of no present importance due to its apparent lack of relation to any definite item of cost, its use may be interesting for the purpose of noting comparisons which appear in the national report with per capita costs of other states similarly calculated. Lower costs are shown for Virginia, 7.3 cents; South

¹⁰ *Tenth Biennial Report of the State Board of Control of West Virginia*, Charleston, 1930, vol. I, p. 390.

¹¹ See *ibid.*, School for Boys, p. 424; School for Colored Boys, p. 448; School for Girls, p. 467; Home for Colored Girls, p. 492.

¹² *Prisoners in State and Federal Penitentiaries and Reformatories, 1928*, as yet unpublished January, 1932.

¹³ *Cost of Crime*, p. 216, Table 1, Expenditures of State Penal Institutions for Adults, 1928. This item is listed as "operating expense", "estimated from data for biennial period".

Carolina, 8.7; Georgia, 2.9; and Alabama, 10.2. The highest costs are Kansas and Michigan, 52.5 cents. Pennsylvania is assessed 24.8 cents and Ohio 27.4.¹⁴ It might likewise be of interest to note that West Virginia has in State penal institutions 109.8 persons for each 100,000 population.¹⁵

The total per capita State population cost as determined by the national investigators for West Virginia compares interestingly with those of other states. The per capita expenditure of 38.7 cents in West Virginia is well below the national average of 42.3 cents, but is higher than the average for the South Atlantic states, 33.4 cents. However, the country over, few states show a smaller burden upon the taxpayer.¹⁶

The very small amount spent for parole agencies, about 3 mills per capita deserves a word of comment. While the cost of these agencies is certainly no measure of their effectiveness, it may well be suggested that the State of West Virginia may realize long run economy through a wider development of parole agencies. Experience in many states indicates that a well developed parole system may provide an inexpensive, and with certain types of offenders, a peculiarly effective means of correction and rehabilitation.

Throughout this discussion it has been assumed that the cost of the penitentiary in 1928 was a direct charge upon the tax-

¹⁴ *Ibid.*, pp. 224-225, Table 5, Per Capita Cost of State Penal Institutions for Adults, 1928.

¹⁵ *Ibid.*, p. 224. States exceeding West Virginia are

Indiana	119.4	Oklahoma	142.3
Ohio	121.3	Wyoming	133.6
Michigan	137.2	Colorado	118.6
Kansas	150.0	Arizona	122.8
Maryland	133.7	Nevada	253.4
Florida	113.6	California	115.3
Georgia is lowest with 15.8			

It must be borne in mind that these figures do not include prisoners in county jails.

¹⁶ *Cost of Crime*, pp. 240-241, Table 12, Cost of State Penal and Corrective Treatment, 1928. States with a lower per capita cost are

New Hampshire	30.6 cents	South Carolina	15.8 cents
New York	33.4 "	Georgia	7.1 "
Pennsylvania	33.4 "	Kentucky	31.3 "
Ohio	30.9 "	Mississippi	22.6 "
Wisconsin	30.8 "	Arkansas	20.5 "
South Dakota	34.5 "	Louisiana	27.7 "
North Dakota	26.3 "	Texas	28.9 "
Oregon		34.4 cents.	

The highest cost is in Nevada, \$1.236.

payers of the State. For the purpose of this study of the economic importance of crime, crime prevention and correction this assumption is serviceable, but in the interests of accuracy, attention should be called to the fact which the national report does not indicate, that in 1928 the operation of the State penitentiary was no burden upon State finances due to the income realized from the labor of its inmates. In fact a net profit of \$54,853.19 was made due to the excess of collections over expenses.¹⁷ No attempt will be made here to consider the merits of the manufacture and sale of convict-made goods. Whether in the long run such competition with private industry is desirable is, of course, arguable. The last two years have necessitated an increasing degree of support from tax funds, due in part no doubt to the general economic condition of the country, and to a considerable extent to the expected effect of the Hawes-Cooper Act of 1929, which will take effect in January of 1934.¹⁸

A complete study of penal and corrective treatment in the State would require an examination of each of the county jails. At this time the prosecution of that phase of the investigation is impractical.

THE COST OF ADMINISTRATION OF CRIMINAL JUSTICE IN CITIES OVER 25,000

¹⁷ *Tenth Biennial Report of the State Board of Control, loc. cit. supra* n. 10.

¹⁸ 45 Stat. 1084 (1929), 49 U. S. C. A., c. 2A, § 65 (1926), divesting convict-made goods of their interstate character upon arrival in another state, and exempting them from any protection due to their introduction in the original package or otherwise. This act attempted to permit the states to reach convict-made goods imported in interstate commerce in spite of the "original package" rule. Its constitutionality is a subject of debate.

THE COST OF CRIMINAL JUSTICE

TABLE 4.—Characteristics of the Population of Cities over 25,000 in West Virginia, 1930.^a

	Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
Population	28,866	29,623	61,659	60,408	75,572
Racial Composition					
Per cent native white	89.5	95.3	88.2	85.9	92.4
Per cent negro	4.2	3.0	3.6	11.1	6.1
Per cent foreign born	6.3	1.7	8.2	2.9	1.5
Sex Distribution					
Male	48.8	48.4	48.4	49.1	49.1
Female	51.2	51.6	51.6	50.9	50.9
Birth Rate Per 1,000 Population ^b	18.6	18.8	17.8	19.1	17.3
Death Rate Per 1,000 Population ^b	9.4	11.4	12.5	9.8	9.2
Infant Mortality ^c					
Infant death rate per 1,000 living births	67.0	50.2	71.1	109.5	91.9
Per Cent of School Attendance, Ages 7-20	77.3	70.6	73.3	73.4	72.6
Per Cent of Illiteracy	2.2	0.6	2.2	2.2	2.7

^a Calculated from the data in the *Fifteenth Census of the United States: 1930. Population Bulletin, Second Series, West Virginia, Composition and Characteristics of the Population.*

^b Calculated from figures from the Division of Vital Statistics of the State Department of Health of West Virginia.

^c Furnished by the Division of Vital Statistics.

TABLE 5.—Distribution of Population as to Industrial Activity, 1930.^a

	Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
Per Cent of Total Population	38.1	42.0	42.1	42.3	38.6
Derivatively Employed	2.1	.9	1.8	1.1	.4
Derivative Industries ^b	5.6	2.2	4.2	2.7	1.0
Per cent of total population	11.4	11.8	14.1	8.7	12.3
Per cent of total employed	30.0	28.1	33.6	20.7	31.8
Manufacturing Industries ^c	10.4	10.6	11.1	13.6	9.6
Per cent of total population	27.2	25.3	26.4	32.0	25.0
Per cent of total employed	14.2	18.7	15.1	18.9	16.3
All Other Industries	37.2	44.4	35.8	44.6	42.2
Per cent of total population					
Per cent of total employed					

^a Calculated from the data in the *Fifteenth Census of the United States: 1930. Population Bulletin, Second Series, West Virginia, Composition and Characteristics of the Population.*

^b The classification of Derivative Industries includes coal mines, oil and gas wells, and other mines and quarries, food and allied industries, blast furnaces and steel rolling mills, other iron and steel industries, metal industries except iron and steel, saw and planing mills, other woodworking and furniture industries, textile industries, independent hand trades and other manufacturing industries.

^c The classification of Mercantile Industries includes garages, greasing stations, etc., banking and brokerage, insurance and real estate, automobile agencies and filling stations, wholesale and retail trade except automobiles, other trade industries, hotels, restaurants, boarding houses, etc., laundries, cleaning and pressing shops.

THE COST OF CRIMINAL JUSTICE

TABLE 6.—Comparison of Costs, 1929-30.^a

	Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
Population 1930	28,866	29,623	61,659	60,408	75,752
Police ^b	\$66,474.93 24	\$35,863.13 14	\$147,098.45 66	\$115,474.14 55	\$110,996.08 46
Prosecution	4,180.56	4,279.19	14,429.41	10,700.29	10,618.18
Courts	13,028.43	6,195.50	14,237.30	27,459.17	25,630.45
Penal and Corrective Agencies	14,270.18	14,292.89	24,796.42	37,484.50	45,227.45
Total Cost	\$97,954.10	\$57,424.85	\$200,561.58	\$191,118.10	\$192,472.16
Per Capita	\$3.39	\$2.05	\$3.25	\$3.16	\$2.54
Total Taxes Exclusive of State Taxes	\$1,172,536	\$1,149,685	-----	\$2,496,554	\$2,748,943
Per Capita	\$40.61	\$38.75	-----	\$41.29	\$36.27
Proportion Devoted to Criminal Administration	3.35%	5.27%	-----	7.66%	7%

^a The data upon which this table is based was obtained from municipal budgets, account books, and annual reports available in the various municipalities and from the annual audits on file in the office of the State Tax Commissioner.

^b The number in the lower right hand corner of each square indicates the number of uniformed patrolmen, detectives and motorcycle policemen in the police department of each municipality.

The study of the economic burden of the treatment of crime in municipalities throughout the nation was limited to those cities with a population in excess of 25,000. An investigation of this scope was made possible by the coöperative effort of many local investigators working under the guidance of national directors. Upon their request the Bureau of Government Research of West Virginia University undertook the investigation of the five cities of the State.

The tables here presented indicate factors of cost and other conditions which may or may not be deemed to have a bearing upon the cost of criminal justice. The first shows the population groups of the cities. The chief purpose of this table is to reveal variations in racial composition among the five cities and other data which may to some extent be symptomatic of social

conditions conducive to crime. The second table is intended to reveal the occupational distribution of population in the cities. The categories of derivative, manufacturing and mercantile industries are rather arbitrary, but are deemed satisfactory for the purposes of this comparison. The third table presents the various elements of costs. With respect to the first two tables it should be noted that very little important variation occurs among the cities. Parkersburg has the highest percentage of native white population, but careful study reveals no connection between this fact and the relatively low cost conditions in the city. It might be added that Parkersburg also has the lowest percentage of illiteracy. The high infant mortality rate in Charleston is not easily explained. The larger proportion of negro population might explain this difference to some degree, but hardly to the extent indicated.

Wheeling shows slightly more manufacturing than any other city, and Charleston the largest mercantile population. The relatively large proportion of persons in unclassified industries in the latter city is to be partly explained by the presence of the state administrative departments in the city. In all, however, it can be said of both tables that no sufficient variation is shown to explain any considerable variations of cost of public administration. If explanations are available they must be sought elsewhere. As will be subsequently pointed out, governmental organization, no doubt, has some relation to cost, but it might also be suggested that in the case of these cities topography and geographical factors exert influences which the tables above presented fail to demonstrate. The most casual observer can see substantial difference in the problems encountered by enforcement officers, for example, in Wheeling and in Huntington where varying intellectual outlooks, too intangible to record by statistics, as well as geographical location, certainly exert their influence. No figures can adequately project upon paper crowded conditions of population, proximity to a metropolitan area, and traditional and temperamental differences which willy-nilly characterize humans in their more or less widely separated habitations. In fine, the variations indicated by these figures for cost of criminal justice defy conclusive explanation in correlation with population statistics.

In obtaining the material embraced in this study the investigators visited each of the five cities, conferred with local officials, and so far as possible examined municipal and county records. There is an unfortunate paucity of printed reports bear-

ing upon the cost of administration. While each county and municipality of the State is required to prepare an annual financial statement for audit by the State Auditor's office, Huntington alone prints its report in pamphlet form. For the purposes of this investigation these reports proved in some cases to be inadequate. Some items included both running expense and equipment purchase. In other instances an amount represented an expense chargeable to several different departments. Consequently it was found necessary to rely almost completely upon the city auditor, city clerk, or county clerk, as the case might be, for a fairly accurate approximation of the proportion of various items which could be charged to the function of criminal administration. In each city the budget book, if one was used, the annual financial reports of receipts and expenditures, and the pay roll, with such interpretation by the clerk as was necessary, provided the requisite data. County figures taken directly from the county records, ledger books or files were furnished the investigators by the county clerk.

In calculating police cost pay roll, overhead, and supplies and repairs an attempt was made to distribute the work of the police among criminal, non-criminal, and supervisory functions. The proportion of criminal to total criminal and non-criminal pay roll was taken of the supervisory pay roll and of overhead and other expenses, except in so far as the function for which the expenditure was made was clearly either criminal or administrative in character. For example, the purchase of guns and ammunition may be regarded as a criminal expenditure while the cost of installing and operating traffic signals is entirely administrative in character. This procedure was fully outlined in the instructions prepared by the directors of the national investigation, but numerous adjustments were found necessary in each city visited because of varying practices in departmental organization and systems of accounting.¹⁹

The accompanying table of comparisons of costs of police indicates that the relatively low cost in Parkersburg is due chiefly to a small police force and the high costs in Wheeling to a comparatively large force. Although too much importance should not be attached to figures for frequency of crime due to lack of uniformity in crime reporting, it may be of interest to notice that

¹⁹ *The Manual for Studies of the Cost of Administration of Criminal Justice in American Cities* is reprinted as Appendix C of the *Cost of Crime*, p. 510.

in the data for the only two West Virginia cities reporting Clarksburg is credited with a frequency of 481.5 offenses for each 100,000 population and Parkersburg 1,245.7. Neither of these figures are particularly high in comparison with those of other cities throughout the United States.

TABLE 7.—Comparison of Cost of Police, 1929-30.^a

	Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
Officers on Criminal Duty	24	14	66	55	46
Pay Roll	\$62,070.00	\$32,604.65	\$137,603.66	\$104,699.62	\$100,386.43
Supplies and Repairs, Equipment	1,931.77	2,726.10	6,315.36	9,727.47	9,240.85
Overhead	2,473.16	532.38	3,179.43	1,047.05	1,368.80
Total	\$66,474.93	\$35,863.13	\$147,098.45	\$115,474.14	\$110,996.08

^a Figures obtained from unpublished report by the Bureau for Government Research, *The Cost of Criminal Justice in West Virginia Cities*.

Charleston was the only city in which the city attorney was found to engage in criminal prosecutions. In all other instances this function was left entirely in the hands of the county prosecutor. Consequently, to determine the city share of prosecution it was necessary to ascertain the proportion of the total assessed property valuation which was located within the municipality. This same proportion was taken of the total county cost of prosecution as the city share. This procedure does not reveal the cost of prosecutor's activity caused by cases originating within the municipality, but it does indicate the proportion of the county's economic burden due to the necessity for prosecutions which the city is required to bear. Because in some instances it was found impractical to distinguish between grand and petit jury costs, all jury costs are considered a part of the cost of courts rather than grand jury expense as a part of prosecution. The results of this comparison show no surprising differences. The costs in Wheeling are considerably higher than those of any other city, but to what conditions this extra burden is due it is impossible to say.

In determining the costs of courts the expenses of local police courts were isolated so far as possible and the city's share of county costs was proportioned to the assessed property valuation within the municipality to that of the county.

THE COST OF CRIMINAL JUSTICE

TABLE 8.—Cost of City Police Courts, 1929-30.

Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
\$2,400	-----	\$1,480	\$5,000	\$1,620

Generally the sessions of the police court are held in police headquarters and are confined to a summary procedure to punish the infraction of municipal ordinances. In Parkersburg either the mayor, who by the city charter has the jurisdiction of a justice of the peace, or the superintendent of public safety, the acting mayor under the charter, acts as magistrate. No extra compensation is granted for these services, hence the cost of municipal court in Parkersburg is negligible. In all cities, with the possible exception of Charleston, the general practice is to take persons accused of crimes or misdemeanors under State law before a justice of the peace. Offenses against the city alone are tried in city court. The principal cost of these courts is the salary of the judge. Practice here varies greatly. In some instances the magistrate is a political officer, in others he is merely a practicing lawyer devoting a few hours a day to the business of the court. The latter practice appears less expensive and generally more desirable. The jurisdiction of the city court is purely criminal, but includes administrative prosecutions, traffic, licenses, *etc.* Purely civil suits are heard before a justice of the peace.

The cost of the criminal courts of the counties in which the several cities were located included judicial salaries, jury costs and contingent expenses.

TABLE 9.—City Share of County Circuit Court Costs, 1929-30.

Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
\$10,628.43	\$6,195.50	\$12,236.20	\$22,459.17	\$24,010.45

In every instance some adjustment was required to apportion the business of the county court into civil and criminal categories. There is no practice common to all counties studied. Harrison County, in which Clarksburg is located, maintains a special criminal court distinct from the state circuit court for the county. Wood County, which includes Parkersburg, relies entirely upon the state circuit court. In Wheeling, Ohio County, an inter-

mediate court of both civil and criminal jurisdiction is maintained. Charleston, Kanawha County, has an intermediate court of purely criminal jurisdiction, and Huntington contributes to the support of the court of common pleas for Cabell County, with both civil and criminal jurisdiction, and the circuit court of Wayne County, with similar jurisdiction. Each county maintains some sort of juvenile court. Consequently it is necessary to apportion the court and jury costs between civil and criminal functions. In each instance the clerk of this court was requested to make this apportionment. Time and funds were lacking to make a careful check of the docket which, however, still would fail to show conclusively the relative financial burden due to the different types of litigation.

In West Virginia the State pays the salary of the circuit judge for each county to the extent of \$5,000. If more is to be paid, or if an additional court is maintained, funds must be supplied by the county. In addition, the State pays the fees of jurors sitting in criminal trials, but the balance of the panel of fifty petit jurors, thirty-eight men, are paid a *per diem* by the county. As has already been pointed out, the inability to isolate in some instances grand jury from petit jury costs caused their consideration as a single factor in cost of courts. The complexities of these apportionments discourage any attempt at a comparison of county costs. The sole conclusion which a conservative examination of the facts will support is that the relatively low cost in Parkersburg is due to the absence of a special county court of criminal or mixed jurisdiction, the cost of which would fall principally upon the county. A careful, comprehensive study of dockets and cost elements, impossible at this time, would probably provide the foundation for some valuable suggestions relating to court organization in the counties where the single circuit court is unable to handle all litigation. The province of this present study, however, is limited to the accumulation of costs of the criminal business of the courts of these counties and the assignment of the proper proportion to the cities which are the particular object of inquiry.

No study of the economic burden of the criminal business of courts in West Virginia could be complete without a painstaking examination of charges in each of the counties, both of the amounts paid for the support of the circuit courts and of the amounts paid as costs in the justices' courts. This inquiry would be far too costly both in time and funds to permit its undertaking at the present time,

THE COST OF CRIMINAL JUSTICE

As in the case of the criminal business of the court, the principal charge falling within the category of penal and corrective treatment is the city share of the maintenance of the county jail. The cost of operation of the city jails, located in all instances in police headquarters, was found to be inseparable from the cost of police. The lockup is maintained as the essential part of the police equipment. Nor, indeed, is the function of the lockup widely separated from that of the police. There is much more affinity here than to the function of the county jail. Suspicious persons and others under arrest are ordinarily kept in the city jail only over night, or until a hearing can be provided. Sentences are generally served in the county jail. In short, the cities maintain no agency for the punishment of offenders. They take advantage of the county institutions provided for that purpose. Items of city cost included in this category, feeding of prisoners and other charges which could be isolated, are shown in the accompanying table.

TABLE 10.—Cost of City Jails, 1929-30.

Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
\$1,611.05	\$666.95	\$3,631.86	\$5,474.21	\$6,943.97

Factors included in the city burden of penal and corrective treatment in the county include the cost of county jails, the expenses of detention homes for juvenile offenders, the support of juvenile offenders in state institutions, and the cost of probation and parole agencies. The cost of the county jail includes pay roll, maintenance of prisoners, and contingent expense of one sort or another. The city share was computed by apportioning the proportion of assessed property valuation within the municipality. This method, of course, does not indicate the cost directly due to the municipality, that is of prisoners convicted of offenses committed within the city. As has already been pointed out, however, there is indicated the proportion of the expense of the agency which is defrayed by the inhabitants of the municipality in contributing by taxation to the county funds. Because of the variation of conditions in the several counties and the unequal relation of the various cities to the counties in which they are situated, a comparison of jail costs would be a rather barren effort.

What has been said with regard to the county jails is equally applicable to the institutions for the treatment of juvenile of-

fenders. These are all factors in the total economic burden of the treatment of crime, but comparisons of county costs serve no useful purpose. A word might be given to the probation and parole agencies in the counties which were studied. It is the investigators' understanding, gained from careful inquiry, that this treatment is confined to juvenile offenders. It can safely be asserted that none of these cities contribute toward a well organized and efficient parole agency treating adult offenders. Apparently penal confinement is the sole expedient which these subdivisions use in an effort to rehabilitate lawbreakers. From a penalogical point of view the seasonal use of prisoners on roads or other public works is not much more valuable than complete confinement.

TABLE 11.—Proportional Distribution of Costs, 1929-30.

	Average of Cities over 25,000 in United States ^a	Clarksburg	Parkersburg	Wheeling	Charleston	Huntington
Police.....	78.3%	67.8%	59.1%	73.3%	60.4%	57.7%
Prosecution.....	3.5%	4.3%	7.1%	7.2%	5.6%	5.5%
Courts.....	8.1%	13.3%	10.2%	7.1%	14.4%	13.3%
Penal Corrective Treatment.....	8.3%	14.6%	23.6%	12.4%	19.6%	23.5%
Probation ^b	1.8%	-----	-----	-----	-----	-----

^a Report on the Cost of Crime, p. 444.

^b Probation costs are included in Penal and Corrective Treatment for West Virginia cities.

The accompanying table will serve to indicate roughly how the proportions of various items of cost compare with cities throughout the United States. It will be noticed that the proportional cost of police in West Virginia cities is below the national average, particularly in Huntington, Parkersburg and Charleston. This low percentage has an obvious tendency to throw other proportions out of scale, but a careful examination will indicate that the costs of courts is disproportionately low and the costs of penal and corrective treatment disproportionately high, even when the added factor of parole and probation is taken into consideration. The average population of the five cities studied in this State is in the neighborhood of 50,000 as compared with 163,705 as the average population of the 272 cities covered in the national report. This immediately suggests that this comparison of pro-

portions of costs is not particularly useful due to the obvious tendency of police costs to increase in large cities quite out of proportion to the increase in population size.²⁰ It must again be emphasized that variations in proportions indicate little with regard to the efficiency of the functions studied. It is quite impossible to conclude that too little is spent on police, or too much wastefully spent on penal and corrective treatment, or too little on the criminal court system. Whatever qualitative conclusions may ever be reached will depend upon a thorough study of these governmental agencies in relation to their effectiveness, each against its own peculiar population and geographical background.

The per capita cost of governmental functions relating to criminal justice will be found in the general table of Comparisons of Costs.²¹ As in so many other instances, comparisons here are of questionable significance due to inability to make "other things equal". To judge, however, how these West Virginia cities align with others of the same population groups throughout the United States, it may be interesting to notice that of the cities between 25,000 and 50,000 population the average per capita cost was \$3.08. In this class Parkersburg shows the low cost of \$2.05 and Clarksburg the high cost of \$3.39. The average cost in cities between 50,000 and 100,000 was \$3.53 comparing with \$2.54 for Huntington, \$3.16 for Charleston and \$3.25 for Wheeling. It is worth noting that all three of these cities fall within the lower half of the population group, all are below 75,000 in population.

The relation of expenditures for criminal justice to the total tax burden of the resident of the city is also indicated on the table of comparisons of costs. This proportion ranges from 5.27 per cent in Parkersburg to 8.35 per cent in Clarksburg. It was found impossible to calculate this percentage for Wheeling due to the inability to apportion school taxes in the various school districts between area within the municipality and area outside.²²

CONCLUSION

As a brief conclusion of this whole study it must again be emphasized that these figures do not, and are not intended to measure the effectiveness of the performance of governmental functions. Efficiency is not related to cost in that low cost means

²⁰ *Cost of Crime*, pp. 283-289, Table 6, Police Costs in American Cities, 1930.

²¹ Table 6, *supra*.

²² The total tax burden includes municipal, county and school levies. Taxes for State purposes are excluded.

good government. Cheap government is ordinarily false economy. This much can be said with considerable confidence. So far as state and municipal costs are concerned West Virginia is not particularly outstanding on either end of the scale. For federal costs it must be said that the Southern District shows a relatively large per capita charge. With regard to the municipalities of the State, Parkersburg and Huntington show smaller proportions of expenses than do the remaining cities. These conclusions, however, can be of no absolute importance. The expense of administration is completely significant only when all other factors are reduced to an equality of influence, a virtually impossible task. What is to be said of municipalities generally over the country may be said of West Virginia cities. Infinite possibilities exist in the more efficient, professional and non-political organization of police departments. In addition, it is the conviction of the investigators that most valuable recommendations could be obtained from a comprehensive and scientific study of the court and corrective systems in the State, particularly in connection with the possibilities of probation and parole for adult offenders.