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THE UNIT IN CRIMINAL STATISTICS.

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In the collection and analysis of statistics, the importance of having a unit which is well defined and easily recognizable is commonly conceded to be great. The collection of statistics is primarily a process of counting, and it is absolutely essential that all those things which belong to the category in question, and only those (one may add) should be counted. To bring about this desired result, those who organize the work of collection state as accurately as possible, for the benefit of those who must do the work, the features which any particular thing must have in order to belong to that category. The concept to which a definite content is thus given beforehand is the unit. Very often the selection of a proper unit is a task of little difficulty, but sometimes almost insurmountable difficulties stand in the way. It must, however, be borne in mind that a vaguely defined unit not only will imperil the collection of the statistics, but will also jeopardize all conclusions based upon them. It constitutes a veritable Idol of the Forum in the whole work.

Not only must the unit be clearly defined, but it should also be the best possible unit of all that might be used. It is easily conceivable, I think, that an enumeration of two or more groups of things will serve in some cases much the same purpose. In other words, statisticians in planning an investigation often have a choice of two or more units, any one of which might furnish, if not the same information as the others, yet approximately the same.

In the collection of statistics which relate especially to criminality there is not one unit alone, but three which might with considerable propriety be used. In fact, they have been used and are now being used. This is a matter, it seems to me, of considerable importance. One investigator has even gone so far as to say that it is not so much the difference in the laws and in their administration that renders a comparison of the criminal statistics of the different countries difficult as it is the difference in the units used.

The three units are: (1) the affair or case, (2) the infraction of the law, (3) the delinquent. These units yield somewhat similar results and the casual observer oftentimes sees no difference among them. It is, nevertheless, true that they are quite different and that each has its own peculiar advantages and disadvantages.

The first unit named was employed for several years in France and Holland. It furnishes a means of measuring the activity of magistrates and courts. It does not, however, indicate the number of individual crimes for which conviction was had or even the number tried. Several crimes might have been brought together for the trial by reason of complicity or connection. Neither does it acquaint one with the number of persons convicted or tried. It may be that only one individual figured in the trial, but this is only a possibility, not a probability.

Von Mayr sees as an advantage of the second unit—the infraction of the law—the possibility of measuring by it the burden which criminality imposes on the population of a country. The objections which are usually brought against the use of this unit are as follows: The number of possible infractions will vary from session to session of the legislature. This does not seem to be a very serious objection since it also applies in principle to each of the other units. The second objection is based on the idea of continuous criminal activity on the part of the individual, which finally leads to his unmasking. Many of the earlier criminal acts are undiscoverable, so that, even though the individual passes through the court, the many infractions of the law, which he has made, do not enter into the statistics. The figures seem in a sense to tell more than they actually do. It is also pointed out that some states count double infractions of a particular species as separate crimes while others consider them as one. This is, of course, an objection founded on the desirability of choosing a unit which will not admit of various interpretations to the end that international comparisons be made possible. Another objection springing from the same idea is that where codes do not consider the continuity of a crime it depends on the judge whether such acts shall be considered as one infraction or two. An objection to the use of this unit, which appears to me to be more basic than any other, arises from the nature of the statistics themselves. They are registration statistics and as such first gain a meaning when brought into relation with other statistics. It would be difficult to find a group of statistics which taken in conjunction with the figures for infractions of the law would yield appropriate ratios. A modification of this unit when used in combination with the third unit is nevertheless a necessary part of the scheme of criminal statistics.

The third unit, that is, the individual himself, is from many points of view the most satisfactory of all. Just as in the science of criminology the emphasis is being placed more and more upon the criminal

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and less and less upon the crime, so also there has been a growing tendency to use the individual rather than his crime as the primary unit in criminal statistics.

The principle of this unit seems patent enough, and yet it has been remarked that no state has succeeded in actually employing it. Suppose, for example, that a man is tried and convicted for two crimes, is he to be counted once or twice? If he is counted once only, then the author of one of the crimes is not included in the statistics even though he is known to the law. If he is counted twice then there will be trouble in bringing these statistics into relation with the statistics of population. A man can die but once, or be born but once, at least from the point of view of statistics; and yet a man who has been found guilty of two crimes may, with good reason perhaps, be considered as two criminals. A variation of this problem is the case where a man has been convicted of two crimes within a year, two separate trials having been had either in the same tribunal at different times or in two entirely distinct tribunals. This situation presents practically the same difficulties as does the first. The number of individuals condemned during any one year is very different from the number of individual convictions. Theoretically, it would seem that only the number of individuals condemned during the year ought to be brought into relation with the population; actually, however, this is not done and the result is a distorted picture, particularly so since the error which comes from counting the same individual twice does not affect all classes of crimes alike. In regard to the first situation, the prevailing practice appears to be to count the individual once among the authors of that class of crimes to which his most serious crime belonged, the more serious crime being that one for which the longest sentence was given.

The following paragraphs (quoted from *Judicial Statistics, England and Wales, 1909*; Part I. Criminal Statistics, Page 32) illustrate the English method.

“(b) The Tables show the numbers of persons prosecuted, not the number of offences. Where therefore any person is prosecuted at the same Assizes or Sessions for several offences, one offence has to be selected for tabulation: and the rule followed is to select that for which the proceedings were carried to the furthest stage—to trial, if there were several indictments, to conviction and sentence if prisoner was tried on several charges. If there are several convictions, the offence selected is that for which the heaviest punishment was awarded. If the final result of proceedings on two or more charges is the same, the more serious offence (as measured by the maximum penalty allowed by the law) appears in the Tables.

“(c) Where, in addition to the offence thus selected for detailed tabulation, the same person is prosecuted for other offences of a distinct character and

charged in separate indictments, the number of these additional charges is given in Columns 27 to 29 of Tables I, III, and V; Column 27 giving the total number of such charges, Column 28 the number resulting in convictions, and Column 29 the number for which separate sentences (not concurrent with those in Columns 11 to 21) are passed. Only distinct offences charged in separate indictments are included in these columns; additional indictments merely varying the form of the charge, and additional charges appearing as counts in the same indictment, are excluded.

"An exception is made, however, in the case of a charge under Part II. of the Prevention of Crime Act, 1908, or Section 1 of the Inebriates' Act, 1898. In the former case, if there is no conviction on the count of being an habitual criminal, or no sentence is passed therefor, no record appears in these statistics; but if the prisoner is convicted and sentenced on the charge, the sentence of preventive detention appears in column 22 as an additional order made on his conviction of the specific offence which has led to his indictment as an habitual criminal.

"In the case of a person convicted and sentenced as an habitual drunkard under Section 1 of the Inebriate Act, 1898, the sentence of detention in an Inebriate Reformatory is given in Column 16, whether it is in substitution for or in addition to a sentence of penal servitude or imprisonment does not appear in this table, but particulars are given in Table LII.

"(d) Where a person is prosecuted for one offence and convicted for another (e. g., committed for murder, and convicted of manslaughter) the case appears only under the offence of which he was convicted."

The working of this scheme, it should be pointed out, may be interfered with by the development of the indeterminate sentence. There are, however, exceptions to this rule. Sweden and Spain, I believe, count an individual as many times as there are crimes of which he has been adjudged guilty. In Italy, the individual is counted after both fashions, the emphasis, as it were, being placed in one group of statistics on the person and in the other group on the crime. As to the case of a man convicted of two or more crimes within the same year, two separate trials having been had either in the same tribunal at different times or in two entirely distinct tribunals, the common practice is to count the individual each time. In Belgium, statistics are compiled which show the number of criminal acts of each individual for which conviction was had during the year.

Perhaps the best scheme is the one that Italy is now following out, which is to use all three of the units. Certainly the information which they individually yield is not the same and there is no question but that we need it all.