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# ANALYSIS OF ARRESTS AND POLICE COURT CASES IN DETROIT<sup>1</sup>

ARCH MANDEL<sup>2</sup>

In an effort to learn who are offenders against the law and if possible to find a clue to the reason why first offenders become "old-timers" in the criminal courts, the Detroit Community Union and the Detroit Bureau of Governmental Research are making a study of the police and court records, together with a survey of the "system" as a whole, namely, the courts, the jail, and the house of correction, each of which in its turn handles and disposes of the offender, which handling and disposition affects his future conduct.

In making this study the information contained on approximately 250,000 arrest cards representing the arrests made in Detroit during the seven years ending December 31, 1919, was transferred to cards permitting of tabulation by the Hollerith tabulating machines.

Tabulations are now being made to show for each crime the age, nationality, sex, color, literacy, and social condition of the persons arrested, together with the dispositions of each arrest and the judge making the disposition.

Furthermore, there is being extracted from the arrest cards at police headquarters the police history and the personal history, in so far as the arrest cards contain them, of all persons arrested more than once during these seven years. As it is rather difficult to identify repeaters from the information contained on the arrest cards, only those cases are recorded in which identification can be made with certainty.

In the study of the courts one of our staff attended court sessions daily for six months, taking notes of what actually transpired in the handling and disposition of hundreds of cases.

The probation department and the manner in which it handles probationers was also being studied.

The police department, the criminal courts and the house of correction of the City of Detroit are to be commended on the whole-hearted co-operation given us in this study. Every record has been opened up to us for our full use.

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<sup>1</sup>Read at the Annual Meeting of the American Institute of Criminal Law and Criminology at Indianapolis, September 18, 1920.

<sup>2</sup>Of the Detroit Bureau of Governmental Research.

For the purpose of this paper, we present data on 120,814 arrests and police court dispositions for fourteen of the most common misdemeanors, together with such analysis and deductions as can be made from the material at hand. The misdemeanors represented are assault and battery, begging, cruelty to animals, disorderly acts, conduct, etc., drunks, gaming, loitering, non-support, petty larceny and vagrancy. Whatever value this paper has is in its contribution of facts as related to Detroit, rather than in the contribution of ideas new or unknown to students of this subject.

In the consideration of arrests we picked two types of offenders in which the action of the police seems worthy of note. During this seven-year period, 32,786 men were arrested on the charge of being disorderly persons. This charge is preferred against persons brought in for investigation in connection with some specific crime or against persons picked up in raids of questionable places. Of this number 67 per cent were discharged by the superintendent of police after being held from a few hours to a few days.

If we give the police the benefit of the doubt by admitting that these individuals are undesirable citizens who should be checked up occasionally, and that this is one means of reducing the commission of crimes in any one city, do we derive any lasting benefits from arresting and re-arresting hundreds of men and releasing them after a brief detention and superficial examination? The police records of these persons arrested repeatedly would indicate that they are social problems, but why they are problems and just what kind of problems nobody knows. In short, the police know practically nothing about these persons and nobody in the community takes cognizance of them except the police and then only at the time of arrest. It seems worth while to institute a system of investigation and necessary follow-up in order that this chase around a stump might be eliminated. Investigation would show whether or not these individuals need restraining or corrective influence, and if they do, the necessary remedies should be applied. It should be interesting to know how many jobs are lost because of unnecessary arrests and how many days' labor lost, also how many persons develop anti-social attitudes because of such treatment.

The arrest and disposition of loiterers and vagrants is another instance in which the police and the courts fail to avail themselves of an opportunity to do constructive work. The police, when charging young men with loitering or vagrancy, say they know that the defendant is without visible means of support, that they have seen him hang around certain places. Would it not be more advisable for the police

department to investigate these young men and to work with the parents or with some agency to give them a better start than to drag them into court? Out of 1,286 such cases brought into the courts 31 were placed on probation.

Of the 120,000 arrests, 90,100 were brought before the court during the last seven years. The dispositions of these cases were as follows:

Disposition	Cases	Per Cent
Convicted (sentenced and fined).....	35,305	40
Suspended sentence .....	35,052	39
Discharged .....	9,010	10
Dismissed .....	7,495	8
Probation .....	2,069	2

The other 1 per cent were acquitted or cases dropped because of no prosecution.

Attention is called to the fact that sentence was suspended in practically as many cases as those in which sentences or fines were imposed. Perhaps the mere shock of arrest and detention for twelve or twenty-four hours was sufficient punishment in many cases to discourage repetition of misconduct, yet a review of the records of repeaters showing successive suspended sentences seems to indicate that suspension of sentence is used too freely and without sufficient discrimination. This seeming lack of thorough consideration in the disposition of cases can undoubtedly be attributed in part to the congestion of the docket and the absence of facilities and opportunity for getting all the information requisite to a disposition so that the best results will accrue to the individual and to the community. It may also be attributed in part to the lack of facilities in the community for executing dispositions. Unless punishment was the sole aim, there was little reason for sending offenders to the Detroit House of Correction. The present regime in this institution may make it one where correction is the end sought.

In the 35,000 cases where a house of correction sentence or fine was imposed it is interesting to note that in 96 per cent of the cases sentence to serve time carried the option of the payment of a fine; that in 86 per cent of the cases the disposition was from \$10 to \$29 and from 30 to 59 days, or as the figures were grouped, \$10 or 30 days. In other words, those offenders unfortunate enough not to possess or to be unable to raise even a moderate sum of money were obliged to be "corrected" by actually serving time. How many did avail themselves of the option of paying a fine is not known at this time, but the point is that the possession of money precludes incarceration.

The uniformity of sentence for the different offenses seems to indicate that the offense rather than the offender is the point of attack. There is practically no individualization in disposing of misdemeanants.

Again the inadequate number of judges and lack of facilities for obtaining adequate information about offenders may be given as the cause.

If the 16,000 discharged offenders and dismissed cases reflect unjustifiable arrests or lack of sufficient evidence to convict, they reveal a serious lack of training of policemen. And in the face of congested dockets they aggravate a condition already sufficiently bad because of conditions that cannot be remedied very easily.

In the last analysis the results of the dispositions can be determined only by a study of every individual who has passed through the courts, by a follow-up of the police history in each case. It need not be pointed out to this group that definite conclusions as a basis for remedies cannot be drawn from the information presented in this paper. However, it is desired to emphasize the fact that the police and the courts have no more, if as much, information and data as is here collected. Yet they go on year after year arresting offenders and disposing of them without any attempt to measure the results of their policies and methods, without trying to learn whether the course they are pursuing is the right one or at least an effective one. The data presented reflects seven years of work on the part of the police and court; it represents policies and methods that have not been changed in seven years, and for how many years before that we do not know. It is with the greatest difficulty that an accurate police history of misdemeanants can be obtained. The police make practically no effort to trace back the records of misdemeanants, and the courts have little time to delve into the history of each offender coming before it. With the lack of information in the possession of the police and the court by which to measure the results of their work, that is, to see what effect their treatment and disposition has had on offenders, is it surprising that the offense rather than the offender is the point of attack?

If any forward steps are to be taken in an effort to reduce crime and criminality, it is absolutely essential that the police and courts and the correctional institutions maintain accurate and usable data of all persons coming in contact with them. The records of Detroit show that the commission of major and minor offenses is not growing less, and in many instances show an increase.

Who are the offenders and why are they offenders? We know that the concentration of persons in large centers of population makes

life more complex, resulting in a multiplication of restrictions that is ever increasing the circle of individuals who come under the class of law violators. The traffic regulations alone have increased the list of violators by the thousands. Since the advent of the automobile we have thousands stolen every year in our city. The same is true in all cities in the country. Who are these automobile thieves? What did these persons do before the advent of the automobile? We know that horses were not stolen by the thousands, and yet in a few years a new crop of thieves has developed. While statistics indicate that crime is increasing in the cities, is it true of the country at large? Is the number of persons who commit crimes increasing? How many men and women in Detroit are a police problem? We do not know. We only know how many crimes are committed, and how many arrests are made. We have 50,000 arrests a year. Does that mean that 5 per cent of our population are law-breakers? We ought to know whither we are tending and this can only be known by the collection of facts in all parts of the country, on a uniform basis. The ever increasing restrictions that define certain acts as violations of the law in one place, which in other communities are considered normal conduct, complicate our social problem. What was legal last year is illegal this year. The passage of the prohibition act has automatically made thousands of law-abiding citizens law violators. All of these restrictions adding to our list of violators and offenders thousands of persons who were law-abiding citizens, who apparently presented no social problem, are being dumped upon our law enforcing machinery which has been developed to deal with individuals who would be considered anti-social in any age and in any community because they commit offenses which have been considered anti-social for ages. Yet, we do not seem to distinguish between the different kinds of offenses and offenders but go on handling them all with the same machinery.

Another essential for making progress in the handling of crime and criminals is the popularization of the whole question. Unless there is a so-called "crime wave" played up by the newspapers, the community does not realize the extent nor nature of the problem. The average citizen never comes in contact with the police and the courts and therefore never concerns himself with their administration nor their product. For this reason abuses have sprung up in these public agencies. A house of correction or prison must be made respectable just as is a hospital. Intelligent interest in the problem of crime and in the machinery organized to handle it would inevitably lead to progressive action. In Detroit the increasing thefts of automobiles aroused

a certain portion of the population to such an extent that daily advertisements were run in the newspapers showing what disposition was made of automobile thieves and the judge making such disposition. This aroused interest was one of the strong factors that caused a change in our criminal court system. There is little doubt that a sustained and directed interest will lead to a more intelligent handling of the problem.