

1923

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Recommended Citation

Sam B. Warner, New Federal Criminal Census, 14 J. Am. Inst. Crim. L. & Criminology 79 (May 1923 to February 1924)

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NEW FEDERAL CRIMINAL CENSUS

SAM B. WARNER¹

The last census of criminals in penal institutions was taken in 1910. During the first six months of 1923 the federal government is again undertaking such a census. The census now being taken is a very much more ambitious enterprise than any of its predecessors. Its schedules contain all but two of the 23 questions asked in 1910, and in addition 16 new questions. If you leave out of account the questions asked purely for checking purposes, such as name of prisoner, of institution and of state and county in which the institution is situated, it contains twice as many questions as the 1910 census.

Not only does this census contain many questions not previously asked, but it inquires as to topics such as the early life, home conditions, education, financial circumstances and prior criminal record of the prisoner, topics which were not touched on in prior censuses.

This sudden expansion of the census and inclusion of such unusual topics is due to the attitude of Mr. W. M. Steuart, the new Director of the Census. He believes that the Bureau of the Census is a public utility and should collect so far as lies within its power the data that will be of service to the investigators working in the various fields covered by the census. To find out what information was desired, he called a meeting in New York last November of those interested in the criminal portion of the institutional census. He appointed Mr. Sanford Bates² and the writer a committee of two to draw up tentative schedules and submit them at another meeting held two weeks later. The census now being taken is based on the report of this committee, though Mr. Steuart and his able assistant, Dr. Hill, in several respects did not follow the recommendations of this advisory committee. Mr. Steuart cannot be too strongly praised for his desire to make the census as useful as possible and his willingness to confer with and, so far as practicable, satisfy the desires of those working in this field.

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²Mr. Bates is Commissioner of Correction of Massachusetts and chairman of the Committee on Criminal Records and Statistics of the American Prison Association.

I

VALUE OF INCREASE IN CENSUS

The value of this increase in the data obtained for the census of criminals in institutions may be viewed from several angles. The usefulness of the answers to the new questions depends upon the significance of the questions and the accuracy with which they will be answered. In view of the very small amount of available information in this country as to the causes of crime, the significance of any data relating to the home, education, wealth, and prior criminal record of criminals would seem beyond question. In fact at the conferences the significance of the new questions was assumed and the discussion centered about the probable accuracy of the answers.

If the answer to a question is to be obtained by examining the person of a prisoner in the institution at the time the question is answered, the results should be for all practicable purposes absolutely accurate. For example, no mistakes should be made in reporting the sex, race—white, Negro, Indian, Chinese, or Japanese—and ability to speak English of inmates. Age also can be so checked by the appearance of the prisoner that where large numbers are concerned it should be accurately reported. If the institution has a school to which all inmates needing elementary education are sent, as most of the institutions covered by this census have, a prisoner should not be able to deceive the authorities as to his literacy. The same accuracy should be possible as to questions the answers to which may be obtained from the records of the case, which have been forwarded to the institution. Such questions are: offense for which sentenced, nature of sentence, term of sentence, and amount of fine.

There are other questions which the prisoner will probably answer truthfully, but might not. There were several such questions in the old census, as occupation, residence, marital condition, and for persons of foreign birth, country in which born and time in the United States. The census now being taken contains many more such questions. If the institution does not rely on the word of the prisoner alone, but checks up his answers by an independent investigation, the answers to these questions should be correct. If the only source of information is the word of the prisoner, the accuracy will undoubtedly vary from institution to institution, depending upon the way they are asked and the spirit of the institution. But in the absence of a motive applicable to a large class of prisoners to answer a given question one way, the untruthful answers should balance each other and the result be fairly accurate in view of the large numbers involved.

Only one question was asked as to which it was felt the prisoner would almost certainly lie and so no answer of any value could be obtained without independent investigation. That question is the prisoner's prior criminal record.

The value of Mr. Steuart's innovation lies not alone in the answers obtained. The state institutions throughout the country are keeping for the most part very meager and unsatisfactory records. A request for information by the Bureau of the Census is an indication to them that the United States government believes that every reputable penal institution should keep records containing that information. Further it should act as a stimulus to uniformity in the data obtained, a thing that is now woefully lacking and without which no comparison can be made of the experience of different states.

II

METHOD OF TAKING THE CENSUS

So far only one part of the new census of criminals in institutions has been considered: that relating to criminals in state penal institutions. But the census also covers sentenced prisoners in county institutions. As has been said, the new census doubles the number of questions asked concerning inmates of state institutions. But as to prisoners in county institutions no new questions are asked. The distinction was made because the Bureau of the Census did not have sufficient funds at its disposal to conduct so extensive an investigation in both classes of institutions. Further the records in county jails are so poor in a large part of the country and the officials so inexperienced at keeping records that the probability of getting accurate answers to any elaborate questionnaire was very small. Because no considerable change was made in the information requested of county institutions, that part of the census of criminals in institutions will be disregarded and the census of criminals in state penal institutions only will be considered.

The information for this part of the census is obtained by four schedules. Schedule 1 consists of a card containing 16 questions to be filled out for each prisoner serving sentence in the institution on January 1, 1923. Schedule 2 consists of a card with 32 questions to be filled out for each prisoner admitted from January 1 to June 30, 1923, and schedule 3, of a card of 11 questions for prisoners leaving the institution during the same period. Schedule 4 is that of movement of prison population. It states the number of prisoners on the books of the institution at the beginning and end of the period covered with

the number entering and leaving and the method of entering and leaving, as by discharge, pardon, transfer to another institution, escape, parole, or death. But one copy of it is to be filled out for each institution.

The first three schedules contain 59 questions, but because of duplications only 37 separate questions are asked. Of these 37 questions, 21 were asked in the census of 1910, leaving 16 new questions. These new questions are divided very unevenly as between the three schedules. Schedule 1 contains no questions not asked in other schedules and in the corresponding schedule of the 1910 census. The value of this schedule consists in its showing a cross-section of the prison population rather than the nature of admissions and discharges as do the other two schedules.

Schedule 3, prisoners leaving institution from January 1 to June 30, 1923, contains 5 questions not asked in schedule 2 and one question not asked in 1910. This one question,³ "Time served on this sentence in this institution," is very important, because, taken in connection with the term of sentence, it makes it possible to determine what proportion of the sentences imposed prisoners are actually serving. It should enable us to determine whether indeterminate sentence laws and boards of parole are reducing the sentences normally served for the different crimes. To the uninitiated it would seem very difficult for the Bureau of the Census to make such a computation because the question as to length of sentence is not contained in schedule 3, but only in schedules 1 and 2. However, Dr. Hill, the statistician for the Bureau, states that the Bureau of the Census will be able to do this without difficulty.

Schedule 2, admissions, is the one that contains nearly all the important changes from 1910. Of its 32 questions, 15 are new. The bulk of the new questions were put in this schedule, because the time when institution officials have the greatest interest in obtaining information concerning a prisoner is upon his admission. Every state institution questions prisoners shortly after their arrival and records some facts obtained from them. It was thought that at this same time the data desired by the census could be easily obtained and that the interest of the officials in finding out about the prisoner would lead them to obtain it more carefully and accurately than of prisoners about to leave or resident in the institution and already examined for the information the prison officials desired.

³Question No. 8.

III

QUESTIONS ABOUT THE CRIME

The questions asked may be divided into those concerning the crime, the criminal and the proceedings. Two questions are asked about the crime. The first is "Offense for which sentenced."⁴ The official at the institution is to write in the name of the crime as it appears in the record of the case. Then the staff of the Bureau of the Census will classify the answers. It is to be hoped that the Bureau will not follow the classification it used in 1910, but will work out or adopt a scientific classification. By adopting such a classification it can render a great service to the cause of uniform classification of crimes in this country.

The other question, a new one, is the first half of question 21, schedule 2: "Where was crime committed?—state, county, and city or town." This question is designed to show the number of commitments from the different cities and counties. It will make possible a comparison of commitments from cities of different sizes and different parts of the country. The name of the state is requested, because of federal institutions, which have commitments from different states.

Many other desirable inquiries concerning the crime readily come to mind, such as questions as to the value and nature of property stolen, the time, the place, the motive, and the victim. Such questions were excluded because lack of funds enabled the Bureau of the Census to add only a few new questions, and other questions seemed more desirable either because more important or more readily answered accurately.

IV

QUESTIONS ABOUT THE PHYSICAL PERSON

Information requested concerning the criminal may be considered under seven different heads: physical person, immigration data, early life and home conditions, economic condition, education, military service, and recidivism.

The only two questions asked concerning the physical person are age⁵ and sex,⁶ both of which were asked in 1910. In failing to inquire concerning the results of physical and mental examinations it was realized that one of the most promising sources of information con-

⁴Schedule 1, No. 9; Schedule 2, No. 7, and Schedule 3, No. 7.

⁵Schedule 1, No. 7; Schedule 2, No. 6; Schedule 3, No. 5.

⁶Schedule 1, No. 5; Schedule 2, No. 5; Schedule 3, No. 6.

cerning criminals was being neglected. But so few penal institutions conduct mental examinations and the tests used and methods of reporting the results of both physical and mental examinations differ so much that it was believed impossible to obtain information along these lines at the present time. The only method suggested was to send an alienist to each institution to conduct mental examinations. The expense of such an undertaking was, of course, prohibitive.

V

QUESTIONS FOR IMMIGRATION PURPOSES

Five questions, three old and two new, are asked for the purpose of obtaining information upon which to base our immigration policy. Two questions are asked to ascertain where prisoners were born: "Was prisoner born in the United States?"⁷ and "For foreign-born prisoners: Country in which born."⁸ It would seem that one question would have been sufficient to elicit this information. The third old question reads: "Year of immigration to United States"⁹ in schedule 1 and "Time in United States"¹⁰ in schedule 2. "Time in the United States" was the wording in 1910.¹¹ No reason for change in the wording in one schedule but not in the other has been suggested. These two questions are of value in throwing light upon dumping of criminals upon the United States and the prevalence of the "international criminal." The two new questions are "Native language, or mother tongue"¹² and "Citizenship—naturalized, first papers or alien—specify which."¹³ Neither of these two questions were recommended by the Committee. The value to immigration authorities of knowing the native language as well as country of birth of immigrants who commit crimes in this country would seem to be very small. The question on citizenship was put in at the request of Dr. Pollock.¹⁴ The reason he gave for requesting it is that New York State is trying to get the federal government to bear the expense of maintaining alien immigrants in its

⁷Schedule 1, No. 13; Schedule 2, No. 12.

⁸Schedule 3, No. 13.

⁹No. 14.

¹⁰No. 15.

¹¹1910—Schedule 2, No. 12.

¹²Schedule 1, No. 15; Schedule 2, No. 14.

¹³Schedule 1, No. 16; Schedule 2, No. 16.

¹⁴Dr. Horatio M. Pollock is Statistician for the N. Y. State Hospital Commission and member of the Com. on Crim. Rec. and Stat. of the Amer. Inst. of Crim. Law and Criminology.

institutions and so wishes to know the number and distribution of such persons throughout the United States.

The 1910 census schedules contain only two questions that have been omitted from the new schedules. They are "Country of birth of prisoner's father"¹⁵ and "Country of birth of prisoner's mother."¹⁶ These two questions were omitted from the draft prepared by the Committee at the suggestion of Mr. Steuart.

VI

QUESTIONS ABOUT EARLY LIFE AND HOME CONDITIONS

"Was prisoner ever an inmate of (1) Insane asylum; (2) Institution for feeble-minded; (3) Tuberculosis hospital; (4) Almshouse or poor farm; (5) Other non-penal institution"¹⁷ is a new question. The Committee feels uncertain as to the extent to which accurate answers to this question will be forthcoming, but believes it very important to obtain such information.

The Committee recommended that the census contain a question asking the age at which the prisoner ceased to live with both and also with either of his parents. The Committee felt that broken homes in youth with the consequent lack of home training was one of the causes of waywardness and crime. Though this question is open to several objections, it seemed the best that could be done in obtaining data on the point. The Bureau of the Census changed this question to read, "Age at which prisoner ceased to live with parents years."¹⁸ This change makes the question less valuable in the opinion of the Committee and also makes it likely that the question will be differently understood by different agents. Which is meant, the age at which the prisoner ceased to live with both parents or either?

The Committee would like to have recommended a question as to the effect of child labor upon crime, but was unable to word such a question that did not require the recording of the occupation in which the child was engaged. At the time the Committee submitted its recommendations the Bureau had announced that no question about occupation would be asked, though the Bureau later decided to include such a question.

"Marital condition—single, married, widowed, or divorced—spe-

¹⁵1910—Schedule 2, No. 10.

¹⁶1910—Schedule 2, No. 11.

¹⁷Schedule 2, No. 31.

¹⁸Schedule 2,, No. 27.

cify which"¹⁹ is an old question. A new question on home conditions is "Relative with whom living at time crime was committed: (1) Living with husband or wife; (2) Living with children; (3) Living with both parents; (4) Living with one parent; (5) Living with other relative; (6) Not living with relative."²⁰ Innumerable questions might have been asked on this important topic, but these new questions seemed as many as the Committee could reasonably ask the Bureau of the Census to add.

VII

QUESTIONS ON ECONOMIC CONDITIONS

Poverty has long been considered one of the great causes of crime. The National Committee for Mental Hygiene has devised a schedule for patients in hospitals for the mentally deficient in which it asks whether their economic condition is dependent, marginal or comfortable. Comfortable is defined as "having accumulated resources sufficient to maintain self and family for at least four months." The statistician for the National Committee for Mental Hygiene states that she is unable to say how much money would be required for this purpose, as that depends upon the family and the locality. Such a classification seemed impracticable as applied to prisoners in penal institutions. A prisoner might not know accurately the requirements of himself and family for four months. He probably would overestimate the amount of money his property would bring at forced sale. Further he might hesitate to disclose the amount of his savings for fear they would be seized. To check up his statements would be very difficult.

These difficulties led the Advisory Committee to attempt to ascertain the amount of money the criminal was earning and the regularity with which he received it, rather than the amount he had saved. It therefore recommended three questions which as finally adopted by the Bureau of the Census read: "Was prisoner unemployed prior to commission of crime? If so, how long had he been unemployed?"²¹ "Weekly earnings when last employed,"²² and "Number of weeks employed during year preceding commission of crime."²³ The Committee felt that these questions had the merit of being definite, easily answered, and probably correctly answered, especially in those institutions in

¹⁹Schedule 1, No. 8; Schedule 2, No. 17.

²⁰Schedule 2, No. 26.

²¹Schedule 2, No. 23.

²²Schedule 2, No. 24.

²³Schedule 2, No. 25.

which it is customary to ascertain the name of the prisoner's employers and write to them concerning the prisoner. The Committee would have liked also to have added questions showing the number of persons toward whose support the prisoner contributed and the amount and the extent to which other persons contributed to the support of the prisoner and those who should have been dependent upon him. But it was unable to frame questions capable of eliciting this information and suitable for inclusion in the census.

The questions on economic condition previously considered are all new. One old question, "Occupation prior to commission of crime,"²³ is also asked. As previously stated, the Bureau of the Census at first decided to omit this question, because of unsatisfactory experience with it in 1910. To be the basis for deductions as to the effect of occupations on crime, the answer must state both the industry in which the criminal is employed and his place in that industry. It was found extremely difficult in 1910 to obtain such information with the unskilled enumerators the Bureau was obliged to employ. But the Bureau finally decided to try once more and included the question.

VIII

QUESTIONS ABOUT EDUCATION

The only question on education asked in the 1910 census is "Literacy a. Can read—b. Can write."²⁴ This same question is asked in the new census, but the heading is changed to "Illiteracy."²⁵ The value of knowing whether a prisoner can read or write is so little that it probably is not worth while to try and distinguish between the two, but would be better to ask merely, "Can read and write." A new question on education is inserted in the census asking "Education: Common school—last grade attended; High school years; Trade school years; College years."²⁶ This question should be of great value as the basis for a determination of the effect of education on criminality.

The old question as to whether the prisoner can speak English, and, if not, what language,²⁷ is retained. The value of this question would seem to be based on the assumption that the prisoner's inability

²⁴1910—Schedule 2, No. 14.

²⁵Schedule 2, No. 18.

²⁶Schedule 2, No. 19.

²⁷Schedule 2, No. 20.

to speak the language of the community made his life in it more difficult and so contributed to his fall.

IX

QUESTION ABOUT MILITARY SERVICE

The Committee strongly advised against the inclusion of question No. 32 of schedule 2: "Was prisoner in the military or naval service of the United States during the World War?" The Committee's objection was not due to the belief that there was no possible connection between the experiences of a man in killing people in battle and the adoption of a criminal career, but that the question as worded threw no light upon the question. In view of the large number of soldiers who never saw action and the large number that had been drafted only a couple of weeks when the armistice was signed, and the varying experiences of men in the army, the mere fact that a man was in the military service is no indication of the influence of war upon his criminal career. The Bureau of the Census, however, thought the question of sufficient importance to include it. It will be interesting to see what, if any, deductions can be drawn from it.

X

QUESTIONS ABOUT RECIDIVISM

The five things it is desirable to know concerning a prisoner's prior criminal record are: 1. Nature of the crimes for which previously sentenced. 2. How long ago the prior crimes were committed. 3. The sentences received, whether fine, probation, or imprisonment in institution for juvenile delinquents, county jail, reformatory, penitentiary, or penal farm. 4. The number of times the prisoner has received each kind of sentence. 5. The length of each sentence. There was so much opposition to any question on recidivism that the Committee felt obliged to cut the question down to the lowest possible limits and ask merely the number of times the prisoner had been committed to institutions of each class.²⁸ The answers to this question can, of course, not be obtained from the prisoner. Our system of criminal identification and criminal records is so imperfect and decentralized that even with a careful investigation it will be impossible to ascertain the criminal records of many prisoners with any degree of accuracy. However,

²⁸Schedule 2, No. 30.

the matter is so important and the attempt to get such data is so universally made that it seemed worth while to include the question.

XI

QUESTIONS ABOUT PROCEEDINGS

The census now being taken contains the same questions as the 1910 census on nature of sentence, term of sentence, and amount of fine.²⁹ It contains also a very important new question: "Time served on this sentence in this institution."³⁰ As previously stated, it is hoped to determine what proportion of the sentences imposed prisoners are actually serving by comparing the answers to this question with those to the question on term of sentence. The question is not worded as recommended by the Committee and it is feared that the words "in this institution" may lead enumerators to leave out time served in jails before being sent to a state institution and time served in other state institutions and thus not give a fair report of the proportion of sentences served.

Two new questions are asked for the purpose of throwing light upon the necessity for a central system of identification of criminals. They are "State in which born"³¹ and "How long had prisoner been in the state before crime was committed?—How long had he been in the county?"³² Our present systems of identification of criminals are based on the supposition that criminals do not move from county to county or state to state. If they do, our means of identifying them are very inadequate or non-existent.

Three old questions as to proceedings are also asked: "Cause of leaving institution: (1) Expiration of sentence; (2) Payment of fine; (3) Pardon—By whom pardoned; (4) Parole; (5) Escape; (6) Death; (7) Transfer to another institution";³³ "For prisoners who die: Cause of death,"³⁴ and "For prisoners transferred: Institution to which transferred."³⁵ The last question is used by the Bureau for checking purposes. The Committee wished to leave out the second question, because it believed that without any information as to the physical condition of the prisoner when he entered, or at any other time, the cause of his death is insignificant.

²⁹Schedule 1, Nos. 10, 11 and 12; Schedule 2, Nos. 8, 9 and 10.

³⁰Schedule 3, No. 8.

³¹Schedule 2, No. 12.

³²Schedule 2, No. 21.

³³Schedule 3, No. 9.

³⁴Schedule 3, No. 10.

³⁵Schedule 3, No. 11.

It is unnecessary to say that before the census will enable us to compare the proceedings in one state with those in another and to evaluate different systems a large increase in the number of questions asked will be necessary.

CONCLUSION

The census now being taken does not contain all the questions needed concerning the crime, the criminal or the proceedings, but it is a great improvement over previous censuses. It is probably as great a step forward as could have been made at the present time. The uncertainty of the factors as to which information is desirable and the lack of trained agents to obtain the data both stood in the way of more elaborate schedules. But a step has been taken in the right direction and ten years hence it is hoped that the science of criminology and the supply of trained criminologists will both have increased sufficiently to make possible another doubling in the data obtained by the census.