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REPORT UPON CLASSIFICATION OF CRIMES¹

HUGH LESTER²

CLASSIFICATION OF CRIMES

- I. Offenses against the person.
 1. Murder.
 - a. First degree.
 - b. Other.
 2. Manslaughter.
 3. Attempt, threat or conspiracy to murder.
 4. Assault.
 5. Kidnapping.
 6. Other.
- II. Gainful offenses against property with violence.
 1. Robbery.
 2. Breaking and entering.
 - a. Dwelling.
 - b. Shop, store, bank or office.
 - c. Warehouse, storehouse or factory.
 - d. Freight cars.
 - e. Other.
 3. Possession of burglarious tools or implements.
 4. Other.
- III. Gainful offenses against property without violence.
 1. Larceny.
 - a. From the person.
 - b. From a house.
 - c. From a shop, store, bank or office.
 - d. From a warehouse, storehouse or factory.
 - e. Larceny of motor vehicle.
 - f. Other.
 2. Buying, receiving or aiding in the concealment of stolen or embezzled property.
 3. Embezzlement.
 - a. By public officers or employees.
 - b. Other.
 4. Fraud.
 - a. Cheats: obtaining property by false pretenses.
 - b. Violation of blue sky laws: fraudulent sale of securities; similar offenses.

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- c. Offense against bankruptcy or insolvency laws.
 - d. Other.
 - 5. Forgery: uttering of forged instrument.
 - 6. Using property without permission.
 - 7. Other.
- IV. Malicious injuries to property.
- 1. Incendiarism.
 - a. Arson.
 - b. Other fires.
 - 2. Malicious mischief.
 - 3. Obstructing passage of trains; injuring railroad property; other similar offenses.
 - 4. Trespassing.
 - 5. Other.
- V. Offenses against chastity.
- 1. Crime against nature.
 - 2. Incest.
 - 3. Rape.
 - 4. Seduction.
 - 5. Adultery.
 - 6. Fornication.
 - 7. Bastardy.
 - 8. Bigamy; polygamy.
 - 9. Abduction.
 - 10. Keeping, letting or frequenting disorderly house.
 - 11. Prostitution.
 - 12. Obscenity.
 - 13. Abortion; procuring miscarriage.
 - (14. Violation of White Slave Traffic Act.)
 - 15. Other.
- VI. Offenses against the administration of government.
- 1. Perjury; subornation of perjury.
 - 2. Bribery.
 - 3. Contempt.
 - 4. Extortion.
 - 5. Resisting an officer; similar offenses.
 - 6. Escape; prison breach; rescue.
 - 7. Violating election laws.
 - (8. Violating immigration laws.)
 - (9. Violation of customs or internal revenue laws.)
 - (10. Counterfeiting.)
 - (11. Offense against postal laws.)
 - 12. Other.
- VII. Offenses against society not otherwise classified.
- 1. Illegal carrying or discharge of weapons.
 - 2. Nuisance.
 - 3. Violating pure food or drug laws.
 - 4. Illegal possession or sale of narcotic drugs.

5. Violating liquor laws.
 6. Drunkenness.
 7. Disorderly conduct; breach of the peace.
 8. Vagrancy.
 9. Gaming.
 10. Violation of city ordinances not otherwise classified.
 11. Other.
- VIII. Offenses against prisoner's family.
1. Contributing to delinquency.
 2. Cruelty to wife or child.
 3. Nonsupport.
 4. Other.
- IX. Offenses peculiar to children.
1. Delinquency.
 2. Incurigibility.
 3. Truancy.
 4. Other.
- X. Miscellaneous offenses.
1. All other offenses.

INTRODUCTION

The underlying motive in working out this classification of crimes has been to obtain one which will furnish the maximum aid to the criminologist in his effort to decrease the amount of crime. What he needs is to understand the criminal. This classification has been prepared to reflect as much as possible the motive, character and type of mind of the offender.

Any scientific effort to improve criminal conditions requires the most exhaustive data in regard to the individual prisoner, including his previous environment, heredity and economic condition—information that can only be obtained by the installation in institutions throughout the country of scientific and uniform records. A mere classification of crimes in itself cannot show these factors. It should, however, be so prepared as to facilitate the obtaining of them, when our penal institutions are equipped with proper records. Such has been the aim in preparing this classification.

The attempt to draft a scientific classification is much hampered by certain practical considerations. To be of present use, it must conform to conditions as they are—the lack of uniformity in the criminal statutes of the various states, the necessity of utilizing terms and usages now employed in such statutes, and the probable inability to obtain satisfactory reports from the various institutions in the event of any radical departure from schedules as heretofore submitted.

An effort has been made to profit by the inspiration supplied by the writings of thinkers upon criminal problems. Ideas have been drawn from classifications used in the various states of this country and in many foreign countries.

This classification has been made as inclusive as possible, consistent with reasonable brevity. The prevalent plan of a division of the listed crimes into groups has been adhered to. This method gives certain statistical value to reported crimes, which are not included by the offenses catalogued.

The numerous crimes, which can be described as attempts or conspiracies to commit other crimes, or assault with intent to commit another crime, are really distinct from such other crimes. However, separate classification of such attempts, conspiracies or assaults would unduly protract the classification; and they are intended to be included, where relevant, by the titles of the various crimes of which they are an attempt, conspiracy or assault to commit. The only departure from this plan of abridgment has been in the case of murder where it was thought important to reveal the number of victims who were actually killed.

THE CLASSIFICATION IN DETAIL

The group headings, the class designations and sub-titles of the proposed classification will be taken up seriatim, with an effort to show why each was selected.

OFFENSES AGAINST THE PERSON

This group heading is widely used, not only in the states of this country but in Great Britain and its dominions.

Murder

The crime of homicide is so serious that the maximum information to be obtained in regard to it is all too little. Consequently, it was thought deserving of the elaboration which has been given. We have adhered to the terminology long sanctioned by the law—murder and manslaughter. Murder has been subdivided into "First Degree" and "Other." First degree murder has a nearly uniform definition. Data obtained, however, by inserting second and third degrees would be of little value because of the widely varied range of what is included in such classification throughout the various states.

Manslaughter

For the reason last stated, no subdivision of manslaughter has been attempted.

Attempt, Threat or Conspiracy to Murder

For the reason heretofore mentioned, these crimes have been given a classification separate from the crime of murder.

Assault

This title is intended to include also assault and battery and conspiracy to commit assault or assault and battery. Assault with intent to commit another crime and conspiracy to commit same are intended to be included in the classification of such other crimes.

Kidnapping

This crime is frequently omitted from classifications. During recent years, however, kidnapping, especially of children, has become such a menace that it should be listed. Attempt or conspiracy to kidnap are to be reported under the same title.

GAINFUL OFFENSES AGAINST PROPERTY WITH VIOLENCE

As contrasted to offenses against the person, offenses against property is widely used as a group heading. It was thought helpful for the student of criminology to divide offenses against property into "gainful" ones and those committed maliciously without acquisitive intent. This division is sanctioned by usage in many jurisdictions. Gainful offenses against property have been subdivided into those committed *with violence* and those *without violence*. The element of violence is very important as revealing the character and type of the perpetrator of the crime. Though we do not adhere to the contention of some authorities on criminology that the entire scope of crimes should be divided into those committed with violence and those without violence, this division does recommend itself for gainful offenses against property. Great Britain does employ this division as to offenses against property. By these various subdivisions of offenses against property the summarization will be more helpful to the student of crime and the offenses reported under the generalization of "Other" will have greater significance.

Robbery

This class also includes attempt or conspiracy to rob and assault with intent to rob.

Breaking and Entering

In order to more nearly reflect the type of the offender, "Breaking and entering" has been subdivided into its constituent offenses. The character of the place broken and entered reveals much as to the character of the criminal. The subdivision is as follows:

- a. Dwelling.
- b. Shop, store, bank or office.
- c. Warehouse, storehouse or factory.
- d. Freight cars.
- e. Other.

Attempt or conspiracy to commit any of the above is included in such class.

Possession of Burglarious Tools or Implements

Though this offense is allied to breaking and entering, it could not be reported under any subdivision of breaking and entering and has been given separate classification.

GAINFUL OFFENSES AGAINST PROPERTY WITHOUT VIOLENCE

The reason for this group heading has already been explained.

Larceny

For reasons explained under "Breaking and entering," this class has been subdivided as follows:

- a. From the person.
- b. From a house.
- c. From a shop, store, bank or office.
- d. From a warehouse, storehouse or factory.
- e. Larceny of motor vehicle.
- f. Other.

Attempt or conspiracy to commit any of above is included in such class.

BUYING, RECEIVING OR AIDING IN THE CONCEALMENT OF STOLEN OR EMBEZZLED PROPERTY

The reference to "embezzled property" does not include a different type of offender, and has been included to save an additional class.

Embezzlement

This class has been subdivided into embezzlement "By public officers or employees" and "Others." An elaboration of "Other" would

be desirable in order to show embezzlement by officers of corporations, trustees, etc., but for the necessity of making the classification as brief as possible, attempt or conspiracy to embezzle are included by the one title.

Fraud

This class has been subdivided into its constituent offenses as follows:

- a. Cheats: obtaining property by false pretenses.
- b. Violation of blue sky laws; fraudulent sale of securities; similar offenses.
- c. Offense against bankruptcy or insolvency laws.
- d. Other.

These sub-titles are intended to include attempt to or conspiracy to commit the several offenses.

Forgery; Uttering of Forged Instrument

Conspiracy to commit either offense is included.

MALICIOUS INJURIES TO PROPERTY

This group is intended to include non-gainful offenses against property. The title is descriptive of the most serious crimes in this group; but is inapt for others. The phrase has been employed because it is very generally used. Perhaps the more accurately descriptive title "Non-gainful offenses against property" should be used.

Incendiarism

This crime has been subdivided into "Arson" and "Other fires," which include attempt or conspiracy to commit either.

Malicious Mischief

Conspiracy to commit this offense is included.

Obstructing Passage of Trains; Injuring Railroad Property; Similar Offenses

Attempting or aiding to commit any of these offenses are to be reported.

Trespassing

This is a non-gainful offense against property. It may or may not be malicious.

Using Property Without Permission

This class is statutory. At present there are so few statutes of this character and they are so restricted in their scope as to be of little importance, but the probability is that the offense will gain greater prominence in the future. For example, though statutes against the use of animals without permission are of less importance than formerly, additional laws against unauthorized use of motor vehicles will probably be a feature of future legislation.

OFFENSES AGAINST CHASTITY

This group division is very generally employed and is accurately descriptive. Some of the offenses of this character, as, for example, "Miscegenation" and "Violation of True-Name Law," have been omitted. Few of such offenses would probably be reported, and can be included in the group-generalization "Other."

Crime Against Nature

This also includes 'Bestiality, buggery, sodomy, other unnatural sex offenses, and attempt to commit any of same.

Incest

Includes attempt to commit incest.

Rape

Includes attempt or conspiracy to commit rape.

Seduction

Includes attempt or conspiracy to seduce.

Adultery

Includes attempt or conspiracy to commit adultery.

Fornication

Includes attempt or conspiracy.

Bastardy

In many jurisdictions bastardy is not considered criminal; but it was thought that its classification would be of value.

Bigamy; Polygamy

These have been joined in one class—the offenders being of the same type.

Abduction

Conspiracy to abduct is included.

Keeping, Letting or Frequenting Disorderly House

The criminal intent reflected by these several offenses is very different; but they have been combined for sake of brevity. The class also includes conspiracy to commit any of said offenses.

Prostitution

Includes conspiracy to commit the same offense.

Obscenity

This class is listed because of the rather large number of offenses reported, rather than its seriousness or importance.

Abortion; Procuring Miscarriage

This title also includes advising, attempt or conspiracy to commit either offense.

Violation of White Slave Traffic Act

This offense has become prominent since the passage of said law. Conspiracy to commit this offense is included. As listed in the classification, this class is bracketed to call attention to the fact that it has application only to federal courts and institutions.

OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT

This group title is reasonably descriptive of the offenses therein listed.

Perjury; Subornation of Perjury

This class includes attempt to commit either offense. The offense of procuring false evidence, frequently given separate classification, may be reported as subornation of perjury.

Bribery

Includes attempt or conspiracy to bribe.

Contempt

This title is intended also to include certain offenses, sometimes classed as forms of obstructing justice, as, for example, refusal to answer questions in court. Combination or conspiracy for illegal restraint of trade, strikes, lockouts, boycotts and similar offenses could properly be reported under this class. The class has not been sub-

divided because the data thereby obtained would probably be of little benefit to the student of criminology. The offenses are of a different type than those which he attempts to solve.

Extortion

This class is confined to extortion by public officials, and as such is an offense against the administration of government.

Resisting an Officer; Similar Offenses

This class includes obstructing or refusal to assist execution of process, interference with officer in performance of duty, preventing witnesses from testifying, and conspiracy to commit any of same.

Escape; Prison Breach; Rescue

Includes aiding, attempt or conspiracy to commit any of same.

Violating Election Laws

Includes conspiracy to commit same.

Violating Immigration Laws

Includes conspiracy to commit same. This class is bracketed to call attention to the fact that it has application only to federal courts and institutions.

Violation of Customs or Internal Revenue Laws

Includes conspiracy to commit this offense. The class is bracketed, showing that it is only federal in its application.

Counterfeiting

This title includes also uttering or passing counterfeit money, making or possessing counterfeiting tools, instruments or materials, and attempt or conspiracy to commit any of same. The class is bracketed, as the offense is only federal.

Offense Against Postal Laws

Includes conspiracy to commit same. It is a federal crime and is bracketed.

OFFENSES AGAINST PUBLIC POLICY

In this group have been listed crimes that are in many respects widely different. All of them, however, can be said to be offenses against public policy. Consequently this group heading has been selected. For the sake of brevity many offenses which might have been listed in this group have been omitted, as for example: Offenses by

common carriers or by persons dealing with same; Non-observance of Sunday; Profanity; Cruelty to animals; Violating fish and game laws; Violating contract, and Enticing servant. Their incorporation would not supply information of great value to the student of crime. Most of these offenses are such that the violations are generally committed without serious criminal intent.

Illegal Carrying or Discharge of Weapons

These two offenses have been combined. They include offenders of a type so nearly identical that the value of the information acquired will not be materially diminished by such combination.

Nuisance

This class does not seem to be of sufficient importance to warrant the subdivision to which it might lend itself.

Violating Pure Food or Drug Laws

The two offenses are sufficiently similar to warrant a combined title.

Illegal Possession or Sale of Narcotic Drugs

This class includes crimes that are very serious and are attracting wide attention.

Violating Liquor Laws

This class is intended to be exclusive of the crime of drunkenness. Since the recent enactment of prohibition laws, this offense has become of such importance that it should be studied apart from the lesser crime of drunkenness.

Drunkenness

The reason for the separate classification has already been stated.

Disorderly Conduct; Breach of the Peace

This class also includes affray, riot and similar offenses.

Vagrancy

Though this crime is broad in its scope, it does not seem to merit subdivision.

Gaming

This class includes all forms of gambling.

Violation of City Ordinances Not Otherwise Classified

This generalized class was employed for the sake of brevity.

OFFENSES AGAINST PRISONER'S FAMILY

Though the crimes listed in this group could be classed as offenses against public policy, they are of such a character that a separate summarization will be helpful to the student of crime problems and gives greater significance to crimes of this character which have not been listed and must be included in the generalization of "Other." The only offenses of this character which it has been thought worth while to include are: Contributing to delinquency; Cruelty to wife or child, and Nonsupport.

OFFENSES PECULIAR TO CHILDREN

Though the statutes in some states expressly declare that these offenses are not to be interpreted as being of criminal nature, the information acquired would be of great value. The only offenses of this character which seem to merit a classification are: Delinquency; In-corrugibility, and Truancy.

In conclusion, it is desired to re-emphasize that in drafting this classification the objective has been to make it a contribution toward the ultimate solution of serious crime problems in this country. At the same time, however, the necessity of adapting it to conditions as they exist has not been overlooked.