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CRIMINAL RECORDS AND STATISTICS

SANFORD BATES¹

Every student of crime, amateur or professional, who writes a text book or expounds a thesis, invariably begins by lamenting the dearth of criminal statistics. It is probably true that in a nation which worships statistics, criminology, that science which most closely affects the safety and welfare of the public, has the fewest reliable figures on which to base any possible advance in its treatment of the criminal.

But the situation is not as hopeless as many people would have us believe. The purpose of this statement is to indicate that significant progress which has been made towards the collection of reliable criminal statistics in the last decade.

In the first place it might be remarked that the afore-mentioned text book or thesis writer may be too willing to relieve himself of the arduous duty of consulting and analyzing criminal statistics by making the bland statement that there are none. It may be true that statistics gathered from state to state are not comparable and that heretofore there has been difficulty in bringing about cooperative effort among forty-eight states and thousands of agencies along this line, but if one has the patience and the determination there are ample opportunities to draw deductions from the published statistics. Most of the states have for years published much that is of value through their Institution or Welfare Departments, and one has only to glance through a pamphlet published by The Bureau of the Census, entitled "Prisoners 1923," to realize that in that one pamphlet alone there is material for many a text book. Here he will find 363 pages crammed full of tables, charts and graphs enough to delight even a Babbitt or a Babson. Possibly the trouble is not that we have no statistics, but that some of our enthusiastic reformers are so impatient to cure crime by drastic administrative changes that they do not have time to understand and apply the statistics which we have.

It may be well at the outset to realize the inherent difficulties which underlie the collection of national criminal statistics and the limits of their usefulness or desirability. Statistics from state to state are useless unless they are comparable. For example, the fact

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that there are 3,700 inmates in the Ohio Penitentiary as against 900 in the State Prison in Massachusetts, does not mean that Ohio is four times as bad as Massachusetts. The comparison of these figures depends upon much more than the comparison of the population of each state. We should need to know what the minimum term of imprisonment is in each place; what constitutes a felony in Ohio and in Massachusetts; what is the practice of courts with reference to probation and parole in these states and also how many other institutions there were in each place which could be used as an alternative to the penitentiary. In comparing court or police statistics similar difficulties present themselves which are thoroughly familiar to all who have studied this perplexing problem.

Further, there are limits to the extent to which the effort should be made to gather informational statistics. It has been contended that general criminal statistics should be confined to the collection of certain data, such as the number of inmates, the number of arrests for different kinds of crime, with a few rather easily ascertained facts with reference to nationality, color and length of sentence, and that if further information is desired with reference to the early training, education, family conditions and other etiological factors, it would be much more economical and accurate to have these facts ascertained through spot surveys in different quarters of the country. In other words, if 1,000 inmates of an institution in an industrial state show the presence of certain unmistakable causative factors in their early life, the text book writers are as warranted in drawing deductions therefrom as though they had the same information each year with reference to the entire 150,000 prisoners in the country.

We realize, therefore, that at the outset we must decide as to what information we desire to have with reference to all of our offenders, and in determining this question we must have in mind the use to which this information will be put, the difficulty of comparison from state to state and the possibility of obtaining it promptly and accurately. For other information and guidance we shall continue to rely upon special surveys, many of which have been published in recent years in the *American Journal of Criminal Law and Criminology* and other periodicals, including Warner's Study of 600 Parole Cases from the Massachusetts Reformatory; Dr. Bernard Gluck's Pioneer Study of 562 Cases in Sing Sing; Dr. Healey's monumental work with 1,000 Cases of Individual Delinquents in Chicago; Dr. Edith Spaulding's Study of Delinquent Women and the

painstaking and valuable work of many a student who has at one and the same time earned a coveted degree and the thanks of those students of criminology who are looking for information.

Again we must bear in mind that the facts to be elicited by statistics of criminality are not only more complicated but many times they depend for their proper handling upon the judgment of some human being. There is no particular difficulty in the Department of Agriculture telling us how many bushels of wheat were marketed in 1926; the number of ships that enter and leave the port at Boston (all too few in any event) can be calculated by any one in the Department of Commerce who can count and add, and possibly the Department of Justice can inform us as to the number of gallons of illicit liquor that has been confiscated, but to tell the student of criminology how many criminals in the United States are so because their fathers and mothers quarreled in their early life involves a degree of judgment and analytical accuracy which is hard to encompass.

The demand for improvement in criminal statistics is not new. To go back no further than the present writer's memory carries is to recall the determined and systematic effort made by the National Conference on Social Work which culminated about 1911 in the preparation of uniform schedules and of partial preparation of these schedules by agencies and institutions.

The most recent, and I am confident, the most productive effort along these lines is that which has been progressing during the last five years and which has been sponsored by the American Prison Association, on the one hand, and the American Institute of Criminal Law and Criminology backed by a grant from the Rockefeller Foundation, on the other. The Prison Association in 1922 felt that the time had come to stop bemoaning the lack of criminal statistics and do something to remedy the situation. It appointed a committee on Criminal Law and Statistics, of which the writer was chairman, which has labored intermittently, but continually since that time. At about the same time the Committee on Criminal Records and Statistics of The American Institute of Criminal Law and Criminology appointed Professor Sam B. Warner, of the University of Oregon, director, and started its work of preparing a scheme or plan of records for penal institutions, courts and police, from which accurate statistics might be obtained. Through an association with Professor Warner of five years the writer can confidently assert that there is no man in the country who has a keener grasp of the problems of

criminal statistics, nor who has done more to improve their character, than has Professor Warner. His first report, written in 1923, analyzed the matter published in the reports of the various State Bureaus having charge of institutions, and suggested which of this information was important, and further proposed certain tables which would be more or less uniform from state to state. The next year Professor Warner in collaboration with the writer of this article, rewrote his report which was published in the August 1923 number of the Journal of the American Institute of Criminal Law and Criminology. This article must be considered Exhibit A in a report on the recent history of the development of criminal statistics. As will be seen from this statement the suggested table had at that time been approved by the Director of the Census and by some of the most progressive and intelligent Prison Wardens in the country. Warden Scott of Wethersfield and Warden Lawes of Sing Sing spent much time with the writer and with Professor Warner in the attempt to perfect these statistical tables. Valuable comment was received from Warden Sullivan of Stillwater and the late Warden Whitman of Joliet. Reference is made to this article in the Journal for those who are interested in the development of the movement for better criminal statistics.

It was realized that the logical place to begin the movement was in the Penal Institutions, because statistics there were much easier to gather, but the ultimate object was to work back from the institutions through those various agencies which deal with crime, including Probation Departments, Courts, District Attorneys and Police. Following the publication of this report the tables therein recommended were approved by unanimous resolution of the American Prison Association, and the committee of that organization undertook to put the scheme in practical operation. The Census Bureau was kept in touch with the situation, frequent conferences were had with the Director by Professor Warner and representatives of the Prison Association. In these conferences, as at all times, Mr. W. S. Steuart, the Director of the Census, has shown a grasp of the subject and a vision of the possibilities that will come from improved statistics of criminology that does great credit to his department. Even students of the subject little realize what a tremendous advance was made when the Census Bureau in 1925 resolved upon the publication of annual statistics of penal institutions instead of the decennial census, which had always been three or four years late. The Census Bureau and the representatives of people engaged

in actual institutional work agreed upon a form of report card on which the facts which were to compose the statistical tables could be gathered. Reference thereto will show that upon the adoption of this card the Census Bureau could give not only facts of prison population, but considerable food for thought with reference to the social, educational, environmental, physical and mental facts concerning the individual prisoner.

Having determined upon the form of record, the difficult job was to get all institutions to cooperate. It is easy to demand statistics, it is most difficult to get them. At this point it is a pleasure to acknowledge the debt which is owed to Miss Florence G. King, secretary to the writer, who for three years has spent much of her spare time with the details of this programme. The amount of correspondence was prodigious, and represents the kind of tireless and conscientious work which had to be done to accomplish this project, and will have to be continued if further progress is to be made. With very few exceptions, the Penal Institutions of the country, under the spur of the American Prison Association, have shown their interest in the solution of these great problems by cooperating in a most gratifying manner with the Census Bureau. A recital of the plans of the Census Bureau and a detailed discussion of the questions on this card will be found in an article by Professor Warner, published in the Journal of The American Institute of Criminal Law and Criminology for May, 1923, to which reference is made as Exhibit B.

One can hardly over estimate the importance and value of the progressive step that has thus been taken by the United States Census Bureau. They were and are the logical agency to gather criminal statistics. They have a force of trained statisticians accustomed to performing this same service for other governmental departments and they need but to be encouraged with the additional appropriation necessary to be able to go forward in a manner that will suit even the most critical seeker after knowledge.

Withal it may be truthfully said that the problem has been solved, at least so far as it can be accurately and satisfactorily solved with reference to prison or institution statistics. The outstanding accomplishment has been not only the substitution of an annual for a decennial census, but the fact that the information previously gathered has been augmented by some searching and valuable data of social and correctional significance. Hereafter the student of criminology will not have before him in predigested form every

fact with reference to each prisoner in the country, but he will have a body of information accurately gathered and compiled, vastly superior to anything he has ever had before. Bearing in mind the difficulties above outlined, the writer is inclined to believe that through the activities of the American Institute of Criminal Law and Criminology and of the American Prison Association, the need for criminal statistics, so far as it applies to institutions, has been satisfactorily met.

The outstanding problem now is to bring police, judicial, probation and parole statistics up to a correspondingly high level. It cannot be gainsaid that this presents even greater difficulties. There are, of course, a great many more courts and police stations than there are institutions. The offender is in their control a much shorter time. The opportunity of an analysis of his personality is extremely limited. It may be that there is no necessity for the same kind of information being gathered through this agency as has been gathered in the institution. What we want to know about courts and the police is, how they do their work; how large a proportion of criminals has the police apprehended; what have the courts done with the proportion of offenders who reach them and how promptly have they done it. Massachusetts is particularly fortunate, perhaps more so than most other states, in the possession of a statute which requires Police Departments and Courts to report to a central agency facts which form the basis for a competent system of state statistics.

The report of the Committee on Criminal Records and Statistics of the American Institute of Criminal Law and Criminology offers a plan for records of parole agencies, police departments, courts, prosecutors, and probation departments in conformity with the records for penal institutions which plan is set forth in substance in the hand book, of the Department of Commerce, Bureau of the Census, entitled "Instructions for Compiling Criminal Statistics."

Here again the Census Bureau is keenly alive to the needs of the situation. The third document or Exhibit C which is recommended to those who desire to be informed as to the work done for the establishment of a sound statistical system, is the pamphlet heretofore referred to and entitled "Instructions for Compiling Criminal Statistics" printed by the Census Bureau and dated November 9, 1926. Those who still contend that nothing is being done to remedy the situation will find in this pamphlet ample evidence to the contrary. Here are given complete instructions to various agencies

having the control of crime, with samples of tables to be used by them. It will be noted that in the preface of this pamphlet the Bureau of the Census quite properly acknowledged the very material assistance in the preparation of the manual which had been rendered by Professor Warner as Director of the Committee on Criminal Records and Statistics of the American Institute of Criminal Law and Criminology.

The writer hopes that he has made it plain in this statement that while there is vast room for improvement the situation is not as bad as it has been represented. The way is open—the American Prison Association has done its part; institution statistics are an accomplished fact; the Committee on Criminal Records and Statistics of the American Institute of Criminal Law and Criminology has been able with the aid of the support of Mr. John D. Rockefeller, Jr., and support given Director Warner by its members (Frederic B. Crossley, Chairman, Chicago; Herman Adler, Chicago; Archie L. Bowen, Springfield, Ill.; Amos W. Butler, Indianapolis, Ind.; Henry B. Chamberlin, Chicago; Robert H. Gault, Chicago; Herbert S. Harley, Chicago; *John Koren, Boston; Pliny W. Marsh, Detroit, Mich.; Horatio N. Pollock, Albany, N. Y.; *James B. Reynolds, North Haven, Conn.; A. P. Rugg, Boston; Jacob C. Ruppenthal, Russell, Kan.; William B. Swaney, Chattanooga, Tenn.; Floyd E. Thompson, Springfield, Ill.; Charles M. Thomson, Chicago; James H. Tufts, Chicago; August Vollmer, Berkeley, Cal.; *John L. Whitman, Springfield, Ill.; John H. Wigmore, Chicago) to render a signal service to the country; the Census Bureau is and will be prepared to carry the job to its completion. Two things remain—(1) a sufficient appropriation should be given the Census Bureau to follow up this work and (2) some National Organization, possibly the National Crime Commission, should build up the same kind of cooperative response from Courts, District Attorneys and Police Departments that the American Prison Association accomplished with the penal institutions, to the end that the practice suggested may be followed and tables proposed in the Census Bureau pamphlet may be actually availed of.

This task is difficult, but not impossible. Much greater and more difficult things were done by the government during the war. It is not too much to hope that five years should see its accomplishment. We shall then have information enough at our command. It remains to be seen what we shall do about it.

*Deceased.