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# FREQUENCY OF CRIME AND PUNISHMENT

HAROLD A. PHELPS<sup>1</sup>

There is much to be learned from a simple frequency distribution of types of crime and punishment. It summarizes well the ordinary problems of our courts. It points decisively to the kinds of human behavior which are not controlled by law or checked by court and police systems. But of greater importance the frequency of crimes indicates special types of criminal behavior that deserve serious study, if they are ever to be remedied. And some knowledge of the frequency that different sentences are used by the courts is the first step in arriving at any conclusion as to their effectiveness.

Until a system of comparable statistics of crime are available, we must depend for our knowledge concerning the annual prevalence of types of crime upon isolated investigations covering the incidence of crime in a definite territory. These investigations serve other purposes than merely indicating the number of crimes in a given area. They show what information is needed to furnish an adequate picture of the incidence of crime<sup>2</sup>; and they serve to divert attention from spectacular crimes or the spectacular aspects of types of crime, which have received unusual consideration in literature.

In the following study, the frequency of crime and punishment is based upon the records of the Superior Court of Providence and Bristol counties in Rhode Island for a period of 30 years. It was necessary to make this limit, because other court records are not accurate or complete for the entire period from 1897 to 1927. These counties are by far the most populous of the five counties in Rhode Island, containing 498,303 inhabitants at the last census period, which is over 80 per cent of the total population, a density of 1,097 persons per square mile. They include the principal urban communities of the state. Only three towns in other counties have a population that exceeds 10,000 residents. Consequently the incidence of

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<sup>1</sup>Brown University, Providence, R. I.

<sup>2</sup>See "*Instructions for Compiling Criminal Statistics*," U. S. Census Bureau, Department of Commerce, 1927. For a variety of reasons, chiefly the differences in defining crimes and the form of recording data, it is impossible to follow even the minimum suggestions (p. 3) recommended by this manual in several states. And important statistical information, such as the travel of a case from the police to its final disposition, recidivism, or the result of pardon, parole or probation, are frequently unobtainable, because records either are not kept or they are insufficient.

crime in these counties is not only representative of urban crime but it gives a fair picture of the frequency of types of crime.<sup>3</sup>

It is probably desirable to mention three other characteristics of this region, because they are usually connected with problems of crime. It is the industrial center of the state, the home of the textile, jewelry, and iron industries, which have taken advantage of the water power furnished by the two rivers that are its natural boundaries, the Blackstone and the Pautuxet. They are fairly stable industries, that is there is little mobility of labor or extremes in labor turnover, nor is this community a distributing center or labor market for large numbers of men seeking work in adjacent areas. These industries have determined largely the other two significant characteristics of the state, namely, its great proportion of industrial wage-earners and its varied ethnic groups. Over 60 per cent of the people gainfully employed are classified as industrial wage-earners according to the last census, and of the total white population 26 per cent is native born of native parentage, 42 per cent is native born of foreign or mixed parentage, and 30 per cent is foreign born. French-Canadians, English, Irish, Italians, and Portuguese are the principal foreign groups in this area. We are concerned therefore with the incidence of crime in an environment which is totally urban, densely populated, highly industrialized, and exceedingly varied in culture groups.

### THIRTY YEARS OF CRIME

For the purpose of studying the trend of serious criminality, no source of data is more continuously reliable than the records of the Superior Court. Minor and routine offenses are eliminated by the police and lower courts. The type of crime that reaches the Superior Court tends to vary less from changes in law or in the system of enforcement than in the case of those offenses which come before the lower courts. In addition there were no significant changes during the period under consideration in the criminal code, either by the addition of new laws or by a revision of the code, seriously to interfere with the discovery of frequency and trend. Finally, records of the Superior Court are more significant in presenting the frequency of crimes than are the records of commitments to institutions because of the great proportion of defendants who are disposed of in other ways. This will be demonstrated in the following section.

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<sup>3</sup>There is every indication that the incidence of crime per 100,000 population in these urban counties greatly exceeds that of the rural counties, but no definite comparison can be made because of the incompleteness of the records.

Unquestionably there is variation in the trend of crime even when judged from the records of the Superior Court, due largely to the unstable definition of the essential characteristics of particular crimes. But this is a source of error that cannot be given statistical consideration, until the meaning and enforcement of crime are standardized. No one can prove that criminal conduct has generally increased with the extension of urban civilization. With the increasing opportunities for crime, this outcome is highly probable. Because crime is loosely defined, its two aspects must always be taken into consideration, namely, offenses against law and offenses against customs not legally but morally sanctioned. An increase in crime may be considered serious, if it means an actual increase in offenses against morality or public order. It may be of no material significance, if an increase is traceable to periodic crusades to secure the enforcement of particular laws. Consequently it is probably better, in view of the enormous number of potential offenses that make criminals of people, to study particular crimes from every point of view, especially to determine their causes and trend. As there is some evidence that variation in trends of crime is due to the loose definition of crime, only general trends will be indicated in the following summary. Table 1 shows the total number of crimes in urban Rhode Island from 1897 to 1927.

TABLE I  
TYPES OF CRIME AND THEIR FREQUENCY, 1897-1927

Offenses	Cases		Defendants	
	Number	Per Cent	Number	Per Cent
Against the person.....	2,267	18.2	2,436	15.5
Against property .....	5,695	45.6	7,981	50.7
Against sex morality.....	3,190	25.6	3,579	22.8
Miscellaneous <sup>a</sup> .....	1,319	10.6	1,737	11
Total .....	12,471	100	15,733	100

Source: Indictment and Docket Records, Superior Court of Providence and Bristol Counties, R. I.

During this period of 30 years there was a total of 12,471 criminal cases in which 15,733 defendants were indicted. These crimes are classified into four groups: (1) crimes against the person; (2) crimes against property; (3) crimes against sex morality and public order, and (4) miscellaneous crimes. The particular offenses that make up these groups appear in the appended classification of crimes. In general it is not possible to follow any preconceived scheme of classification, such as that suggested by the U. S. Department of

<sup>a</sup>See appendix, classification of offenses used in this paper.

Commerce,<sup>4</sup> because the local definition and grouping of offenses pretty much determine their own classification. This accounts for the large miscellaneous group which especially requires explanation. The difference between the number of criminal cases and the number of defendants is accounted for by the practice of arraigning several defendants when they are jointly responsible for one or more offenses. No effort was made to discover the proportion of repeaters because of the form in which the indictment and docket records are kept.

In this classification of crimes, one or two offenses are responsible for the great majority of frequencies in each group. Since it is these particular crimes that determine the trend of crime rates, it is well to draw attention to them. In the first group, crimes against the person, there are seven specific offenses, of which "assault with a dangerous weapon" includes 78.5 per cent of the cases. "Murder" and "manslaughter" are relatively infrequent despite the advertising that they receive, and "assault and battery" ceased to be an offense in the records of the Superior Court after 1912. In the second group, crimes against property, there are eleven offenses, of which "breaking and entering" and "larceny" are by far the most frequent, being 80 per cent of the cases. Though the spectacular crimes of "burglary" and "robbery" have increased during the period, they are less than 10 per cent of the total. The third group of crimes, those against sex and public morality, consists of twenty different offenses, of which the very general charge of "nuisance" is the most frequent. This offense includes what is ordinarily called disorderly conduct. As several types of crime, which are similar in nature but which appear rarely in the records, were classified with "nuisance," it is impossible to state what proportion of the total is found under nuisance indictments. However some indication of its frequency may be obtained by the rarity of the other offenses, "rape" and "violation of the age of consent law" being 3 per cent and 11 per cent respectively. "Adultery" disappeared from the court records in 1909. The last group of miscellaneous offenses, some of which appeared only once during the entire period, includes thirty-two crimes. These crimes were grouped under one caption purely for expediency's sake, because they occurred rarely or because they are crimes which appear with changes in custom. For these reasons no effort was made to treat them separately. During the early part of the period the most

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<sup>4</sup>Loc. cit., pp. 6 and 7.

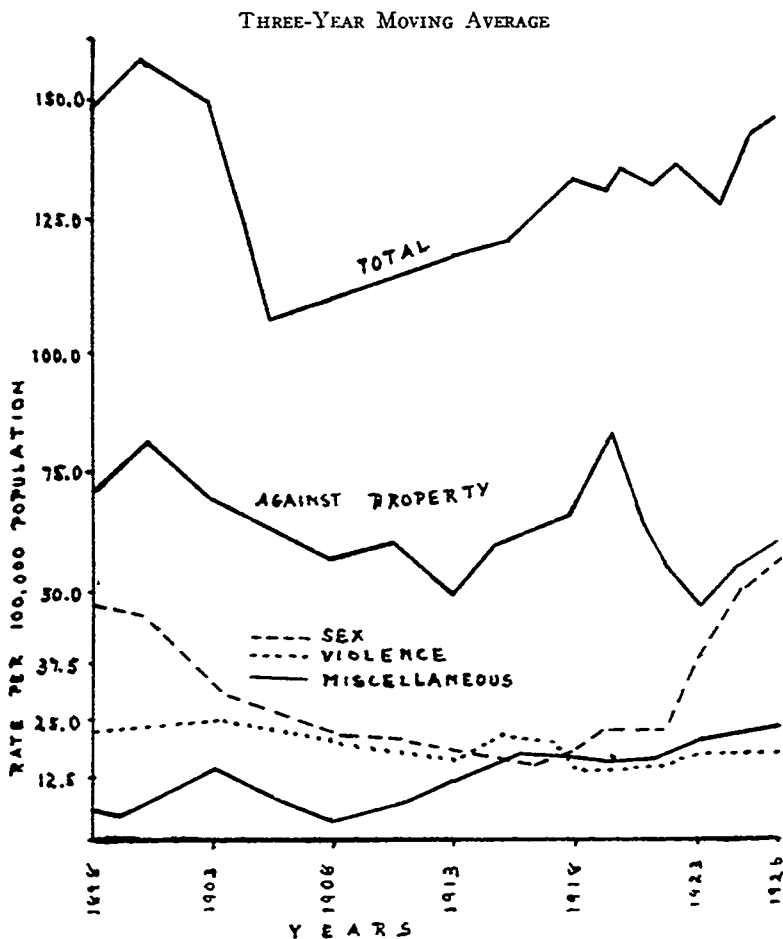
frequent crime in this group was "driving off horse" and in recent years "driving off automobile."

In each of these groups, the names of offenses which are listed in the appendix appear just as they were cited in the indictment records. In a summary of these groups it is necessary to stress the fact that trend in crime is due largely to the frequency of a few crimes, which ordinarily are not considered serious either by court or public. It is also worthy of notice that to some extent even in a relatively short period of years some acts are eliminated as crimes. It is this discrepancy between definitions of crime, the enforcement of law, and types of unsocial behavior which violate mores and not laws that makes any dogmatic statement about trends in crime somewhat risky.

The frequency and trend of crime in urban Rhode Island are shown in Figure 1 for the thirty year period. The total volume of crime and the special classes of crime are expressed in rates per 100,000 population. Since the annual crime rates fluctuated considerably, a three-year moving average is used to smooth the curves and to show trend. From the curve of all crimes there is no evidence that crime has increased in Rhode Island from 1897 to 1927. There has actually been a slight decrease, if the two peaks of crime, that of 1900 and of 1925, are taken as indexes. A more significant summary of this tendency of all crime is the obvious conclusion that crime decreased noticeably from 1900 to 1912 and has increased from 1913 to 1927, and that even with the use of the moving average the annual fluctuations are pronounced. The cause of these fluctuations becomes apparent in the curves of the special groups of crime. The trend of crimes against property follows the trend of the total very closely until 1920, when there was a sudden and distinct downward movement. Crimes against sex morality and public order began at a fairly high level, decreased until 1915 and since then have increased sufficiently to compensate in the total volume of crime for the decrease in the crimes against property. Crimes against the person have decreased slightly over the whole period. While this is probably due to the disappearance of "assault and battery" cases from the records, it may indicate that the use of violence is diminishing. However, attention to this group will be given in another connection. The trend of miscellaneous offenses has been gradually upward, which may be accounted for by the fact that this group includes all new crimes of which "driving off automobile" is by far the most numerous. Why crimes against property, i. e., "breaking and enter-

ing" and "larceny" decreased after 1920 and crimes against sex morality increased, it is impossible to state. It violates most of the popular impressions concerning the direction of crime and must be left as an open question, until more is known about causes of crime and the machinery of the courts. One general conclusion from this summary of trends of crime is that crime has decreased and that in this decrease the marked fluctuations of particular offenses raises some interesting problems for future inquiry.

FIGURE 1. FREQUENCY OF CRIMES, 1897-1927



## JUDICIAL DISPOSITION OF CRIME

Punishment or disposition of 15,733 defendants occurred in the 12,471 cases under consideration. The frequency that certain types of disposition are made in the various groups of offenses indicates more than the actual content of punishment. It is a first step in the determination of the purpose of punishment or of courts. It is of material value in measuring the effectiveness or wisdom of certain methods now employed by our courts. The distribution of the 15,733 defendants according to the penalty assigned by the Superior Court is shown in Table 2 with the percentage frequency in each type of disposition. As there is no information in this study concerning recidivism, it is necessary to add that in the case of each defendant the first disposition made by the court is recorded, if the record indicated that it was final. Each of these kinds of disposition requires a brief explanation for the sake of clarity.

The content of punishment may be summarized under the following captions: (1) fine; (2) fine plus a short imprisonment; (3) imprisonment for variable terms; (4) death; (5) probation; (6) parole; (7) deferred sentence; (8) bail. If the defendant is found "not guilty," theoretically at least the case is no longer of interest to the student of crime. In practice, however, there are many instances when cases that receive this disposition are of primary interest, because they present the most colorful aspects of crime, namely, conditions which make it impossible to establish legal guilt. In the following classification those defendants who were found "not guilty because of insanity" are also included in this group, but such cases are fairly infrequent, being 22 or 20 per cent of the total. One-half of these findings were in murder cases. The group "incompleted" indicates those cases in which trial was never begun or which was never completed. In the docket records such cases would appear under the following captions, *capias* ordered and issued, *nol pros*, jury disagrees, indictment quashed, or there would be no entry describing the travel of the case. "Bail" is reserved to designate those cases regardless of the time when they occurred in which no other disposition was made than "released under bail." They may be combined logically with the incompleted group. "Deferred sentence" includes those defendants who were assigned this penalty without regard to later reports in the record that indicated another offense for which they were committed or given another deferred sentence. "Fine" includes two other types of disposition, namely, "fine and short sentence" and "fine and costs." For the purpose of brevity



those released on probation and the few who were committed to the reform school for juvenile delinquents are combined, the latter being only 2.4 per cent of this group. Defendants who were given prison terms are classified under three captions, "a sentence of less than one year," "one year or more," and "life." The latter are entirely murder cases, since there is no death penalty in Rhode Island. It is necessary to remember that only the first disposition made by the court in completed cases is recorded. Being interested in finding out how the court treats different types of offenders, this classification does not overweigh the punishments assigned to recidivists. It furnishes a picture of the frequency that defendants are found "not guilty," that cases are "incompleted," and in the completed cases of the frequency that different sentences are employed.

TABLE II  
DISPOSITION OF CRIMINAL OFFENSES, 1897 TO 1927

Disposition	Offenses				Total	Per Cent
	Against the Person	Against Property	Against Sex Morality	Miscellaneous Crimes		
Not guilty.....	110	60	32	30	232	1.5
Incompleted .....	536	474	305	195	1,510	9.5
Bail .....	.....	412	578	206	1,196	7.6
Deferred sentence.....	529	1,951	1,559	694	4,733	30.1
Fine <sup>a</sup> .....	227	175	288	123	813	5.2
Probation or Reform.....	190	1,946	304	150	2,590	16.5
Prison terms						
Under one year.....	.....	1,750	271	198	2,219	14.1
One year or more.....	823	1,213	242	141	2,419	15.4
Life .....	21	.....	.....	.....	21	.1
Number of cases .....	2,267	5,695	3,190	1,319	12,471	.....
Number of defendants .....	2,436	7,981	3,579	1,737	15,733	100

Source: Indictment and Docket Records, Superior Court of Providence and Bristol Counties, R. I.

<sup>a</sup>Of the total number of defendants under this classification 378 were sentenced to the reform school, which is 2.4%.

Summarizing the total number of dispositions found by the court during this period of thirty years, 232 or 1.5 per cent of the defendants were found, "not guilty." This per cent is an enlightening commentary on the great majority of cases that come before the Superior Court, of which the chief function is not to determine guilt or innocence but to discover some means of disposing of or punishing the defendant. Interpreted in this light the actual disposition, treatment or punishment takes on a new meaning and renders itself open to evaluation on a very vulnerable point, if the disposition is supposed to do what in theory punishment professes, i. e., to deter criminal behavior or to exercise a moral influence upon potential criminals. The questionable character of each type of disposition

is apparent in the uniform treatment of a variety of problems and people.

Of the remaining defendants 2,706 or 17.1 per cent of the total cases were incompleted or the defendants were released on bail. This type of disposition is sometimes called the mortality record or the proportion of losses. Those individuals who received a slight punishment (a fine etc.) or who were given another chance (deferred sentence and probation) include 7,758 or 49.4 per cent of the total defendants. Prison terms of variable lengths were assigned to 5,037 individuals or in 32.0 per cent of the cases. The general frequency of the different types of judicial disposition appears in the following summary:

	Per Cent Distribution
Defendants found not guilty.....	1.5
Incompleted .....	17.1
Released .....	49.4
Imprisoned .....	32
 Total .....	 100

The frequency of these dispositions in the different groups of offenses is expressed in per cents in Table 3. Attention to these frequencies with particular reference to the incidence of the crimes to which they apply (Figure 1) will be helpful in evaluating the effectiveness of the various judicial methods. In the first column, crimes against the person, the majority of defendants were charged with "assault with a dangerous weapon." Of these cases 4.5 per cent were found "not guilty"; 22.0 per cent were incompleted; 38.8 per cent were released, and 34.7 per cent were imprisoned. In the second column, crimes against property, which are primarily cases

TABLE III

Disposition	PER CENT DISTRIBUTION			
	Offenses			
	Against the Person	Against Property	Against Sex Morality	Miscel- laneous Crimes
Not guilty.....	4.5	.8	.9	1.7
Incompleted .....	22	5.9	8.5	11.2
Bail .....	.....	5.2	16.1	11.9
Deferred sentence.....	21.7	24.4	43.6	39.9
Fine .....	9.3	2.2	8	7.1
Probation .....	7.8	20	8.5	7.6
Reform school.....	.....	4.4	....	1.1
Prison terms				
Under one year.....	.....	21.9	7.6	11.4
One year or more.....	33.8	15.2	6.8	8.1
Life .....	.9	....	....	....
Number of defendants.....	100	100	100	100

of "breaking and entering" and "larceny," 0.8 per cent were found "not guilty"; 11.1 per cent were incompleated; 46.6 per cent were released, and 41.5 per cent were imprisoned. Of the crimes against sex (column 3), 0.9 per cent were found "not guilty"; 24.6 per cent were incompleated; 60.1 per cent were released, and a prison term was given to 14.4 per cent. Of the miscellaneous group (column 4) which is concerned primarily with minor thefts, 1.7 per cent were found "not guilty"; 23.1 per cent were incompleated; 54.6 per cent were released, and 20.6 per cent were imprisoned. Analyzing each group of crimes with particular reference to the type of crime that is most frequent, the following general conclusions are obvious: (1) The proportion of defendants who are considered "not guilty" is very small in each group and diminishes accordingly as crimes popularly are considered of minor consequence. (2) The number of defendants whose cases are incompleated is large enough and varies enough between the groups to raise the suspicion that the mortality of a case is due to other reasons than lack of sufficient legal evidence to convict. (3) In the proportion of defendants who are released through a system of fines, deferred sentence, or probation, which is by far the most usual form of disposition in each group, the question immediately is raised: to what extent are these vehicles of control adequate treatment of the many problems to which they are applied? In the case of an offense against sex, is there any reasonable connection between the usual treatment, that is, deferred sentence, and the repetition of offense? (4) A final conclusion and one from many points of view the most interesting is the comparative infrequency with which prison sentences are assigned: Ordinarily imprisonment is considered a certain protection for society against the people who indulge in crime. Yet in the great majority of cases it requires more than one offense to incur the risk of a prison sentence.

This disposition of criminals by the courts raises many questions about the content and purpose of punishment that cannot be answered at this time. Every defendant whose crime merits attention from the Superior Court is a problem. Is the court with its legal concepts and rigid punishments equipped to deal adequately in any respect with such defendants? Is it a wise public policy that metes out deferred sentences or any other legal treatment without special study of the individual case? Law was one of the first bodies of knowledge to make "cases" the basis of its policies and is apparently going to be the last to make case analysis of individuals the basis of its treatment. Many authorities tell us what law and the courts are

supposed to do—to punish, to correct, to prevent, and to control. Under its present system there is no question that improvement has a wide opportunity to show itself.

The greatest difficulty, inherent in each of these methods of treating criminals, is that we do not know whether or not they work as they are supposed to. We are earnestly concerned with the task of preventing crime, and yet there is no assurance in the administration of criminal justice that this objective is within the scope of our present methods.

Robinson maintains that the very concept of punishment is a handicap to the judicial treatment of crime and that justice is a dissociated personality, for he says, "anyone who has had the opportunity to examine the individuals who pass through our criminal courts knows that no two are alike. . . . Yet we subject them to pretty much the same dull routine."<sup>5</sup> From this study of the frequency of crimes and from the classification of the disposition of the various grades of defendants, the fact that stands out glaringly is the indiscriminate use of certain methods of punishment. There is no evidence that any one method is more desirable than another and yet they are constantly being employed, simply because they always have been used or because there is lack of sufficient ingenuity to devise other procedures. It probably is not prudent to generalize from a single case. But one incident that occurs in the above records deserves special comment in this connection. A defendant was charged under the indictment "habitual criminal." He was given a deferred sentence.

In resumé there are two conclusions from this study of the frequency of crime and punishment that merit attention. First of all, in each group of offenses, there is one type of crime which constitutes the great proportion of frequencies. They in combination are responsible for an increase or decrease in crime rates. Our interest in these special crimes ought to be sufficiently prolonged to determine their causes and to formulate effective controls. Secondly, there is every indication in the rigid adherence to customary, legal practices that punishments are assigned indiscriminately. That is, we are prone to treat crime and not the criminal. If these conclusions are just, it is proper to raise two questions, namely, how effective is the present system of judicial dispositions in repressing the most frequent of modern crimes and how completely does this system at-

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<sup>5</sup>L. N. Robinson, "The Content of Punishment," *Annals of the American Academy of Political and Social Science*, vol. CXXV (May, 1926), pp. 229-232.

tack the causes of crime? Reference to one group of crimes, offenses against the person, will be helpful in an approach to these problems.

#### JUDICIAL DISPOSITION OF VIOLENT CRIMES

Society is naturally very much concerned with the causes of crime. Although several major causes are suggested in criminological literature, it is not an easy question to answer. For the most part obvious cases, such as economic conditions, sale of firearms, psychopathic mentality etc., are cited, with no reference to specific cause or to the combination of associated factors in individual cases. Limiting our attention to crimes against the person, we find that murder and manslaughter, the spectacular crimes, have received much consideration, although such crimes are relatively infrequent in the total incidence of violent crimes. Principally for this reason, many of the books on criminal problems, such as "Murder and its Motives," "Manner of Man that Kills," "Studies in Murder," "Book of Remarkable Criminals" and the like are very inadequate pictures of

TABLE IV  
RELATIVE FREQUENCY OF MURDER, MANSLAUGHTER, AND ASSAULT. RHODE ISLAND,  
1897 TO 1927

Disposition	Murder		Manslaughter		Assault Dangerous Weapon		Assault and Battery		Totals	
	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent
Not guilty.....	29	16.3	26	24.1	49	2.6	6	2.4	110	4.5
Incompleted .....	33	18.5	43	39.8	404	21.3	56	22.3	536	22
Fine .....	2	1.1	...	....	182	9.6	43	17.1	227	9.3
Deferred sentence..	3	1.7	9	8.3	488	25.7	29	11.6	529	21.7
Probation and reform school ...	....	....	....	....	137	7.2	53	21.1	190	7.8
Prison terms										
Life .....	21	11.8	...	....	....	....	...	....	21	.9
Other .....	90	50.6	30	27.8	639	33.6	64	25.5	823	33.8
Total .....	178	100	108	100	1,899	100	251	100	2,436	100

crime.<sup>6</sup> Dealing solely with spectacular crimes and even disregarding frequency within this sort of crime, their contribution is literary rather than scientific, because they stress the unusual and in most instances the insolvable aspects of crime. They add little or nothing to our knowledge of causes or to a system of punishment that would have repressed such crimes. It is necessary to turn from the spectac-

<sup>6</sup>"*Murder and Its Motives*," F. Tennyson Jesse (Knopf, 1924); "*Manner of Man that Kills*," L. V. Briggs (Badger, 1921); "*Studies in Murder*," E. L. Pearson (Macmillan, 1924); "*A Book of Remarkable Criminals*," H. B. Irving (Doran, 1918).

ular to the usual types of violent crimes against the person, if we are ever to locate the causes of violence or to determine a program of treatment.

Table 4 indicates the relative frequency of crimes against the person that succeeded or failed to effect a homicide. Legally there is a considerable difference between them. Actually there is little. From the standpoint of the treatment of the person as a delinquent, there is none.

Of the violent crimes listed in Table 4 the trend of certain crimes can be distinguished. The number of defendants indicted for murder has increased annually during the last thirty years.<sup>7</sup> Manslaughter has also increased but has fluctuated more than murder and is generally less frequent. Both are much fewer in number than defendants arraigned for assault with a dangerous weapon. There is marked fluctuation in the yearly incidence of the latter offense, and apparently it is decreasing in frequency, although the disappearance of cases of assault and battery, as mentioned above, obscures the discovery of any specific trend. Over the entire period violent crimes against the person show a tendency to decrease more constantly than any other class of offenses. Does this mean an actual decrease in the number of violent crimes, a redefinition of the law, or a tendency to condone certain kinds of violence?

In the disposition of these defendants there is every indication of the same implastic, legal treatment previously mentioned. For example, in the number of defendants who were indicted for murder or manslaughter and who were found "not guilty," there is some evidence that legal and not actual guilt is in question. These proportions are emphasized, when they are compared with the relatively small number of defendants who were found "not guilty" on indictments for the use of violence in cases that did not result in homicide—in cases of assault. Again there is a large number of incomplete cases and of defendants who are given another chance. Because crimes against the person are considered more serious than some of the other crimes, a larger proportion are given prison terms, but even with the threat of imprisonment or in the case of other sentences, the question that remains to be settled is: in what respect does such treatment of violence cure the lawless or prevent others from engaging in the same activities?

The menace to society in crimes of violence against the person

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<sup>7</sup>*"Effectiveness of Life Imprisonment as a Repressive Measure against Murder in Rhode Island,"* Proceedings of the American Statistical Association, 1927.

is not so much the occasional murder or manslaughter as the frequent use of violence, which is resorted to apparently for a number of unknown reasons. Because cases of assault are the most frequent type of crime in this group and because the problems of restraining homicide (murder and manslaughter) are intimately connected with the general problems of violence, one case which typifies the origin of many cases of assault and of a quasi-murder, is presented from a recent newspaper report as a good instance of the difficulties involved in securing legal or any other disposition:

"WOMAN ASKS NEW CHANCE FOR HUSBAND"

"After being slashed with a razor, Mrs. — wants her husband given another chance —.

"After the assault on his wife (the man) cut his own throat and was in a critical condition. According to the wife, her husband received a gash in the head during the World War and since that time 'moonshine drives him crazy,' but he is 'a good and kind husband when sober, which he is most of the time.'

"Although she is always in fear of him when he is drunk, she wants him to have another chance. The argument between the couple which resulted in the indictment was the result of the wife's refusal to give him money and, as she started to run away, he drew a razor and assaulted her —."

It is for this class of people that society must provide more than legal treatment, if in the long run it is ever going to develop adequate control of the criminal. Whether society will give another chance or not is the immediate problem. It requires careful study of criminals as delinquent persons and not as legal persons. A number of factors condition and complicate any final disposition.

SUMMARY

Combining the foregoing material on the frequency of crime and punishment in urban Rhode Island, the following conclusions are indicated:

(1) There is a tendency during the entire period of thirty years for crime to decrease. However, any slight decrease in the total volume of crime is overshadowed by the frequency of a few types of crime and by the rapid and peculiar fluctuations of these offenses.

(2) The frequency of these specific crimes indicates the types of criminal behavior which are most injurious to public welfare.

Spectacular crimes, such as murder, burglary, robbery and rape, are relatively unimportant in a frequency distribution.

(3) In the array of punishments or disposition of defendants who are charged with a variety of offenses, the courts are consistent in applying uniform treatment. But there is no evidence that crime is materially reduced or that delinquents are readjusted to society by current practices.

The frequency of crime is a challenge to every social institution, which is concerned with the control of human conduct. Its treatment is handicapped not alone by customary practices in courts and penal agencies but as forcibly by preconceived ideas as to causes and cures of delinquent behavior. Regional studies of frequency in crime and punishment have several practical advantages. They indicate local differences in definition and treatment of crime and the range of problems which courts and prisons are attempting to remedy. In the repetitive character of crime and judicial treatment, there is ample demonstration of the direction that society must take to understand the causes of crime or to formulate effective measures of treating delinquents.

APPENDIX: Classification of Offenses Used in the Paper.

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| <ol style="list-style-type: none"> <li>1. Against the Person             <ul style="list-style-type: none"> <li>Murder</li> <li>Manslaughter</li> <li>Assault with dangerous weapon</li> <li>Assault with intent to kill</li> <li>Assault with intent to murder</li> <li>Poisoning food</li> <li>Assault and battery</li> </ul> </li> <li>2. Against Property             <ul style="list-style-type: none"> <li>Breaking and entering</li> <li>Larceny</li> <li>Receiving stolen goods</li> <li>Robbery</li> <li>Assault to rob</li> <li>Burglary</li> <li>Having burglar's tools</li> <li>Forgery and embezzlement</li> <li>False pretences</li> <li>Blackmail</li> <li>Extortion</li> </ul> </li> <li>3. Against Sex Morality, Public Order, etc.             <ul style="list-style-type: none"> <li>Adultery</li> <li>Rape</li> </ul> </li> </ol> | <ul style="list-style-type: none"> <li>Assault to rape</li> <li>Age of consent</li> <li>Carnal knowledge</li> <li>Nuisance</li> <li>Exposing person</li> <li>Selling obscene literature</li> <li>Common gambler</li> <li>Selling liquor to minor</li> <li>Bigamy</li> <li>Malicious mischief</li> <li>Putting girl on exhibition</li> <li>Attempt to commit sodomy</li> <li>Crime against nature</li> <li>Concealing birth</li> <li>Abortion</li> <li>Pandering</li> <li>Seduction</li> <li>Transporting for prostitution</li> </ul> <ol style="list-style-type: none"> <li>4. Miscellaneous Offenses             <ul style="list-style-type: none"> <li>Violation of game law</li> <li>Practicing medicine without a license</li> <li>Disturbing religious meeting</li> </ul> </li> </ol> |
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Falsely impersonating agent of another	Driving off horse
Obstructing officer	Impersonating officer
Lottery	Destroying ballot
Sunday sale of liquor	Illegal voting
Sale of liquor by druggist	Unlicensed boxing match
Perjury	Unwholesome provisions
Obstructing railroad track	Boarding infants without license
Unlicensed victualler	Criminal libel
Arson	Ten-hour law
Itinerant vendor	Counterfeit money
Selling diseased cow	Promoting policy
Defacing building	Conspiracy
Throwing stones at engineer	Mayhem
Attempt to escape from prison	Driving off automobile
	Habitual criminal