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CRIME CONTROL: A POLICE OFFICER'S ATTEMPT TO STATE THE PROBLEM

V. A. Leonard

(An officer and student of policing views, in this article, a problem as old as civilization itself: that of crime control. After a number of years of service as a police officer, Professor Leonard turned to the college campus and to teaching and research. He is head of the *Department of Police Science and Administration*, the State College of Washington, Pullman, Washington; is author of the text *Police Communication Systems*, and is an associate editor of the *Journal of Criminal Law and Criminology*.—EDITOR.)

When the history of the American police is written, the past three decades will be recorded as the era of scientific crime detection. During this period almost unbelievable advances have been made in the application of scientific disciplines to investigative procedure. Prompt case solutions have become a matter of routine with the increased range of skills and information possessed by the trained officer and detective. All of the arts and sciences have been brought into play in the detection and apprehension of the criminal, and the production of evidence against him. At the convenient disposal of the investigator are the miracles of physics, chemistry, the microscope, the metalloscope, photography, microspectroscopy, photomicrography, and other facilities for the laboratory analysis and identification of questioned materials involved as evidence in criminal cases.

Circumstantial evidence has come into its own. Witness the difference between acquittal and a penitentiary sentence in a recent aggravated rape case which pivoted upon the technical laboratory identification of a small particle of evidence no larger than the end of a match. The attacker enticed his victim, a young girl eight years of age, into a car and then drove to a secluded spot in a thickly wooded area near the outskirts of a western city. The crime was completed with all the viciousness and brutality that a thirty-six-year-old degenerate could summon for the occasion.

Following the girl's release from a hospital two weeks later, she was able to lead the officers to the scene. Unidentifiable tire tracks were in evidence and it was noted that at fender height the bark had been scraped from a number of young trees. On one of these exposed surfaces an officer discovered a small fleck of foreign substance which apparently did not belong to the tree. With the care and precision of a man trained for police service, he recovered this small bit of evidence and promptly turned it over to the laboratory for expert examination. Through micro-chemical and spectrographic analysis, it

was identified with mathematical certainty as paint from the right front fender of the suspect's car. The defendant had previously made it clear with considerable emphasis in a signed statement that no one but himself ever drove the car in question. The task of the jury was comparatively simple.

In a fatal hit-and-run case, six fibers recovered from a suspected car were identified as coming from a gray woolen sweater worn by an elderly man at the time he was struck down and killed. Confronted with this evidence the suspected driver, who showed a blood alcohol concentration of .23%, made a detailed confession which he further confirmed the following morning. Typical of the professional gains that have been made by the police was the prompt solution of an extortion case in Berkeley, California, several years ago — solved by a piece of string which tied together six sticks of dynamite. Laboratory analysis of residue recovered by centrifuge from fibers in this string revealed that the threatening package probably came from a farm on which would be found the following: a sorrel horse, a Jersey cow, black and white rabbits, pine trees, several rare varieties of plants, Rhode Island Red chickens, and a fast-running stream of water. This incredible store of information extracted from a piece of string shortened the investigative trail which led to the men who had stolen the dynamite and who were parties to this threat against a man's life.

Such instances are now legion in the annals of the American police. The trained police officer and detective supported as they are today by the technical resources of the laboratory, present an almost invincible combination in the investigation of crime. The era of scientific crime detection has witnessed the virtual extinction of the so-called crime mystery. From the records we are compelled to conclude that the American police have been doing a magnificent job of law enforcement.

The police departments of the United States are stronger than is generally believed. Of the offenders in all manslaughter cases, 90% are apprehended; 80% of all rape cases are solved by arrest, and 80% of the murderers in this country are caught and prosecuted. In the majority of the remaining cases classified as pending, the police know who they are looking for. Between 98% and 99% of all automobiles reported to the police as stolen are recovered. With the investigative resources now at the disposal of the police, the criminal cases reported to them for investigation are being solved and the offenders are being jailed and booked for trial. Statistics covering admissions to penitentiaries, reformatories and training schools, and releases on probation, reveal a convincing measure of success achieved by trial machinery in obtaining convictions.

In fact, the police have been catching adult and juvenile

offenders, and processing them at such a high level of efficiency that our public institutions are now crowded far beyond their capacity. The judge of one Juvenile Court in a western city at this writing has two hundred youngsters, tried and convicted, awaiting admission to the state reformatory. The fact that institutional facilities are lacking in this country to accommodate the end result is beside the point. The conclusion remains that police administration in the United States has established an unparalleled record of performance in the application of enforcement *as an instrument of crime control*.

ENFORCEMENT NOT THE ANSWER

With the total resources of the administration of justice geared to the punitive function, the American people are becoming aware of the utter futility of this approach to the number one social problem. Enforcement has been given a fair trial! It has not produced the results anticipated by a society that has worshipped at the shrine of punishment as the major strategy in combating the crime problem. Public opinion is now beginning to evaluate information that has been known to the police in every community for many years. Police administrators know that despite their best efforts, it is true that no appreciable reduction has been noted in the available crime statistics of this country. In fact, if we accept the criminal case-loads of police departments and commitments to prison as our guide in measuring criminality in the United States,¹ we are forced to the conclusion that crime has been increasing at a consistent rate for the past fifty years.

This discouraging fact has prompted the police to look in other directions for more effective measures of control. In casting about for a solution, recognition has gained foothold in police circles that the present system of arrest, prosecution, conviction and punishment amounts to almost complete frustration. We might as well be realistic and face the truth squarely. The criminal offender either escapes successful prosecution or goes to prison to renew criminal contacts and emerge eventually with a sharpened grudge against society and a delightfully polished aptitude for new criminal activities. The true ends of justice are defeated in both directions.

It is obvious that crime detection and the apprehension of criminal offenders must go on. A bank is robbed; a child is kidnapped; a citizen is murdered. Immediate action is imperative. The thug must be caught; the kidnaper apprehended and the murderer taken into custody. No intelligent person can question the necessity of this immediate program in which

¹ *Statistical Abstract of the U.S.*, Bureau of the Census. *Uniform Crime Reports*, U. S. Department of Justice.

the police, the prosecutor, the judge, and the prison officials all play a vital and fundamental part. In this and succeeding generations there will be defective individuals for whom there is no alternative but protective confinement. Jennings has estimated that even though we had full control over the heredity of human beings, it would take three thousand years to breed out feeble-mindedness alone.²

But the insanity of the man-hunt is apparent to every experienced police officer. After thirty-two years as America's outstanding Chief of Police, August Vollmer,³ noted police consultant and criminologist stated, "I have spent my life in enforcing laws. It is a stupid procedure and has not, nor will it ever solve the problem unless it is supplemented by preventive measures."⁴

After the home has failed; after the school has failed; and after the church, neighborhood and community have failed, the police are called in to make the arrest and somehow in a punitive scheme of things to effect a dramatic change in the direction of a life pattern. The enforcement process fails and subsequently the youngster becomes involved in a more serious infraction and is sent to the reformatory where society once again expects the miracle to be performed. Despite our best efforts at reformation, the young man here in the majority of cases accumulates the necessary entrance credentials and is later ushered into the penitentiary. The complete futility of depending upon a miraculous transformation of personality at this level of desperation in the individual's life is shown by the records. Rather, the incubated result is recidivism or suicide.

The Adult Criminal

Prisons do not reform. This is no reflection upon our penal institutions. Prison administration has in recent years made professional gains of a high order.⁵ But it is crystal clear that we have leaned too heavily on rehabilitation in the correctional approach to crime control. Police records concerning repeaters give eloquent proof of the failure of reformation. All of the sciences related to human behavior including medi-

² H. S. Jennings, *The Biological Basis of Human Nature*, W. W. Morton & Co., New York, 1930, p. 242.

³ Former Chief of Police, Berkeley, California; Past-President, International Association of Chiefs of Police; Professor of Police Administration, University of California. The Vollmer system of police administration represents one of the major contributions of the present century to crime control. This distinguished criminologist has been called in to reorganize police departments in sixty American and foreign cities.

⁴ August Vollmer, *Community Coordination*, Coordinating Councils, Inc., March-April, 1939, issue.

⁵ Fred E. Haynes, *The American Prison System*, McGraw-Hill, New York, 1939; Nathaniel F. Cantor, *Crime and Society*, pp. 123-164, Henry Holt and Company, New York, 1939; also see *Proceedings of the American Prison Association*.

cine, sociology, psychology and psychiatry, cry out against it. In reviewing statistical evidence of the failure of prison life to reform men, Reckless states concerning the limits of rehabilitation:⁶

"Undoubtedly there is a vital subjective element in the reformation process which institutional handling cannot control. The institution at best, only provides opportunities or facilities for reform and rehabilitation. The motivation, i.e., the desire to 'go straight,' must come largely from the offender himself . . . and involves a profound change in attitudes and values . . . The workable formula for instilling a desire for reform and effecting fundamental changes in attitudes toward life has not been discovered in institutional handling of offenders. The part that an institutional program plays in positively reconditioning the personality of an offender is not as yet known."

Indicating that society expects too much of its prisons, Mr. James V. Bennett, Director of the Federal Bureau of Prisons, recently stated:⁷

"A prison philosophy in the year 1944 is something more than a fine adjustment between the custodial and the rehabilitative, between mass and individualized treatment. It is something more than the application of a proper religious, educational, industrial or medical program. We are coming to realize more and more that the function of the prison is more diagnostic than therapeutic. Instead of regarding the prison as the beginning and end of the process of dealing with criminals, it is clear that it is only one link in a long correctional chain which may begin with probation and which surely includes many elements of community supervision. Failure to recognize this means that a prison institution assumes a burden which it cannot carry because it does not have either the facilities or the personnel to meet the many individual needs of many prisoners. The degree to which these limitations are recognized and the degree to which other social agencies supplement the work within prison walls, is an important measure of the soundness of the philosophy behind the prison program."

The Gluecks conducted a notable study of five hundred criminal offenders who had been committed to the penitentiary and who had been released from that institution upon expiration of sentence. They looked up the records of these men five to ten years following their release from prison and discovered that 78% were again engaged in criminal activities.⁸ They also studied the records of five hundred women who had been released from one of the state institutions and found that 75% of these women were engaged in some unlawful enterprise.⁹

Prisons make men worse, even though they occasionally de-

⁶ Walter C. Reckless, *Criminal Behavior*, McGraw-Hill, p. 362, New York, 1940.

⁷ James V. Bennett, *A Yardstick for Measuring Prisons*, Federal Probation, April-June 1944.

⁸ Sheldon and Eleanor Glueck, 500 *Criminal Careers*, Alfred A. Knopf.

⁹ Sheldon and Eleanor Glueck, 500 *Delinquent Women*, Alfred A. Knopf.

ter from future crime. A large proportion of prison graduates continue in crime in spite of, and partly because of, their institutional experience.¹⁰ Sutherland in his notable work, labels one important chapter, *The Failure and Functions of Prisons*.¹¹ He states that "The success of imprisonment as a means of reformation is very slight."¹²

Fundamental and relatively inherent difficulties accompany imprisonment, and because of these obstacles, the penitentiary must necessarily have a very low degree of efficiency in reformation. It is apparent that the public is not familiar with many of the conditions opposing reformation which follow in the wake of imprisonment. Cantor states:

"Prisons are public institutions, and they must perform the function assigned to them by the law. Men are sent to prison as a punishment. The State thus expresses its disapproval of their conduct. They are sent to prison not to be reformed but primarily to be held in safe custody. It is the sentence of imprisonment that constitutes the punishment. That is why the length of sentence measures the severity of punishment assessed."¹³

To the credit of prison administration it may be said that once the inmate is safely behind the walls, efforts at reformation are begun. But, as Cantor explains,

"Common sense and our knowledge of social psychology indicate that men and women will find it difficult to acquire normal social habits in an abnormal social environment. Prison constitutes the most unnatural and artificial environment human beings could be placed in. It is not to be expected that respect for authority and a sense of social responsibility will be acquired by associating daily and intimately with companions who have shown disrespect for authority and who have proven themselves socially irresponsible. The maddening monotony of the same faces, food, walls and activity, combined with the suppression and suffocation of one's personality, one would expect, leads to further distortions of behavior. The primary function of the prison as defined by law, viz., to incapacitate offenders sentenced to prison as a punishment is inconsistent with the secondary function of reforming them The process of reform is carried on in an environment historically developed to imprison and not to reform offenders. We can better appreciate the physical handicaps under which penal reform proceeds when this double function of the prison is understood."

More important, however, is the fact that the individuals sentenced to institutions represent the precipitate of community life, the end result of failure on the part of community agencies and social institutions to channel behavior patterns toward more constructive objectives. Poor social risks at the

¹⁰ Donald R. Taft, *Criminology*, MacMillan Co., New York, 1942, p. 532.

¹¹ Edwin H. Sutherland, *Principles of Criminology*, J. B. Lippincott Co., New York, 1939, pp. 434-463.

¹² *Op. cit.* p. 435.

¹³ Nathaniel F. Cantor, *Crime and Society*, Henry Holt & Co., New York, 1939, pp. 123-125.

time they enter the penitentiary, it seems inconsistent to expect the miracle of reformation within the less favorable environs of prison life.¹⁴

Warden James A. Johnston of the Federal Penitentiary at Alcatraz, speaking on the functions of the modern prison, concluded,¹⁵

"Prisons have important work to perform. I want to see them bettered, improved, modernized, humanized. But when all is said and done, the finest prisons that we can build will stand as monuments to neglected youth."

Equally discouraging are the results of parole and probation in the reform of adult criminal offenders. The research studies of Sheldon and Eleanor Glueck in Massachusetts are particularly to the point.¹⁶ This investigation concerned behavior not only while under parole supervision, but also during five and ten years after discharge from supervision. It was found that 55% of the men were officially known to have committed serious breaches of parole conditions, including the commission of new crimes during the parole period, while almost 80% of the 422 men involved, committed offenses during the five-year period following the expiration of their parole.

Taft has this to say concerning probation,¹⁷

"Most penologists look upon probation as one of the most promising methods of protecting society against crime. Probation is sound in principle and known to be successful in many cases. It has rarely had a chance to operate under fully favorable circumstances. Alternative institutional punishment is known to fail. On the other hand, the typical report of probation violations during the period of supervision greatly exaggerates the success. We need more adequate evidence."

Evidently agreeing with this statement, Cantor is of the opinion that,¹⁸

"Official records are inadequate. The more detailed and complete

¹⁴ It thus becomes apparent that much of the criticism levelled at the police for alleged "hounding" of the man with a penitentiary number, is unwarranted. The high rate of recidivism compels the police to consider the man with such a record as a crime hazard of a high order. They have no other alternative. The police would be betraying their responsibility to the people if they failed to take cognizance of his presence in the community. It is not intended to imply that the "Ex-er" is to be harshly dealt with. He is entitled to more than an even chance, for the odds are pitched heavily against him in more directions than one. However, the police cannot ignore the fact that he is a poor social risk. The record of crimes known to the police and committed by men who have served time, gives eloquent support for this policy.

¹⁵ James A. Johnston, Warden, Federal Penitentiary at Alcatraz; *Functions of the Modern Prison*; quoted in an address delivered by Henry W. Wiehofen, U.S. Assistant Attorney General, *The Police and Crime Prevention*, before the School of Police Administration, University of Illinois, June 17, 1937.

¹⁶ Sheldon and Eleanor Glueck, 500 *Criminal Careers*, op. cit.

¹⁷ Donald R. Taft, *Criminology*, The MacMillan Co., New York, 1942, p. 597.

¹⁸ Nathaniel F. Cantor, *Crime and Society*, op. cit., p. 121.

the information gathered the greater is the reported number of failures on probation. Again, the official records of success on probation generally deal only with the period of supervision when it is to be expected that most probationers would not commit further offenses."

It is generally conceded that probation has not as yet been given a fair trial in the approach to problems presented by the criminal offender. In most communities, "What passes for probation is a distortion of the theory."¹⁹ Lack of trained personnel and dilatory follow-through of supervision in too many instances fails to provide a reasonable opportunity for success. It is argued that the question of the success or failure of probation should not be raised until the standards of its organization, administration, personnel and procedure are raised and made uniform.

So far as imprisonment and its substitutes, parole and probation, are concerned, we cannot escape the basic fact that firmly entrenched behavior patterns are the objects of reform. Habits of behavior and abortive responses to the problems and situations of life have been conditioned over a long period of time in the individual's career and are extremely difficult to overcome.

Recognition of this fact has in recent years turned attention to the juvenile delinquent on the strength of the belief that the number of adult criminals could be materially reduced by attacking the problem some distance upstream. Opinion is now widespread that new horizons of crime control are coming into view through the diagnosis and treatment of the individual juvenile delinquent.

The Juvenile Delinquent

Research in this country and abroad has largely confirmed the opinions held by the American police officer and detective for the past quarter century. The records of the police have long revealed that in the majority of cases the adult criminal offender was on the march toward frustration and tragedy as a juvenile delinquent. Studies completed by such distinguished social scientists as William Healy and Augusta Bronner, Edwin H. Sutherland, Eleanor and Sheldon Glueck, Dr. Herman Adler and a host of others, have shown that the officers were on solid ground in maintaining that the young delinquent was not likely to change his behavior pattern during adolescence and early manhood. That the young delinquent is the forerunner of the adult criminal offender has now been proven by the analysis of thousands of criminal careers.

¹⁹ *Ibid.* p. 122. See also National Commission on Law Observance and Enforcement, Report on Penal Institutions, Probation and Parole, 1931, pp. 146-207.

In a study of 608 prisoners in Sing Sing prison,²⁰ Bernard Glueck found that practically every prisoner examined by him manifested delinquency tendencies long before the individual was brought to the attention of the police authorities.

A subsequent investigation by Eleanor and Sheldon Glueck,²¹ involved the study of 1,000 juvenile offenders who had been brought before the Juvenile Court in Boston. It is significant to note that the Boston Juvenile Court operated on the principle that the child and the state have much in common and that the interests of both could be promoted by efforts to help the child overcome his behavior difficulties rather than to injure him by exposure to customary judicial procedure in criminal cases. Organized as a model for the nation under the auspices of the Judge Baker Foundation, this Juvenile Court brought into play every known scientific technique for the diagnosis and correction of delinquent behavior patterns.

Behavior experts, including physicians, psychologists, psychiatrists, sociologists, psychiatric social workers and others were engaged as members of the court staff. Instead of a peremptory sentence to the state reformatory, they analyzed the contributing factors in each individual delinquency case and planned for the youngster the therapy of a readjustment program designed to modify those factors. The Boston Court introduced the distinct innovation of surrounding itself with the best diagnostic facilities available. The results were equally amazing. From their study of 1,000 delinquents five to ten years after they had passed through the portals of this remarkable court, the Gluecks found that 88% were still engaged in crime!

The results of other research investigations have served to further confirm the verdict of the records in every American police department. Among others, Healy and Bronner concluded in their recent scholarly study,²² that

"Checking a delinquent career once started is no easy matter. In any treatment project, there is no royal road to success."

The reformatory does not reform. A study of 623 delinquents who had been in institutions for juvenile delinquents in five different states about ten years earlier resulted in finding that 66% had been arrested after release, and 42% had been committed to institutions.²³

²⁰ Bernard Glueck, *A Study of 608 Admissions to Sing Sing*, Mental Hygiene, January 1918, p. 87.

²¹ Eleanor and Sheldon Glueck, *One Thousand Juvenile Delinquents*, Harvard University Press, 1939.

²² William Healy and Augusta F. Bronner, *New Light on Delinquency and Its Treatment*, Yale University Press, 1936, p. 216.

²³ Edwin H. Sutherland, *Principles of Criminology*, J. B. Lippincott Company, New York, 1939, p. 436.

In a review of the discouraging post-institutional careers of delinquents, Taft states,²⁴

"Five years after the end of parole supervision, the Gluecks found 94.4% of Boston juvenile court boys who had been institutionalized to have continued in crime."

A study by Healy and Bronner of 157 adult offenders committed to institutions revealed that as adults they served 272 known sentences. As juveniles these same individuals received 364 commitments to institutions, a total, to the time of the follow-up study, of 636 sentences. The percentages are, looking forward, of the 311 to juvenile correctional institutions, 43% were committed as adults; looking backward, of the total 157 committed as adults, 85% had been in juvenile correctional institutions.²⁵

The evidence is conclusive in showing that where behavior disorders are permitted to develop unattended up to the point where the youngster knocks on the door at police headquarters for admission, the battle is practically lost. In fact, his presence in jail or the detention home for the first time is but a formality, the most recent of a chain of events in a conditioning process that has led inevitably to the end result.

The police in a leading city had searched for an experienced criminal ring. They arrested 40 children. Sixteen were boys 15 years of age; fourteen were 14; five were 13, one was 12; two were 11; and two were 10. It is at this juncture in the development of a criminal career that society first springs heroically into action, and it is at this point that the enforcement and correctional process officially begins its record of failure.

It is commonly believed that it is much better to attempt reform of the juvenile delinquent than to postpone action until the individual reaches maturity as a confirmed adult criminal offender. At the age level of juvenile delinquency we find personality, temperament and behavior traits still somewhat in the formative stage. They are more accessible and responsive to the therapy of treatment than the adult offender with his fixed behavior patterns. Every available resource must therefore, be applied toward the reclamation of as many youngsters as possible at this stage in the development of a criminal career.

However disconcerting it may prove to be, the records of the police and evidence uncovered by research compel us to admit that an all-out attack upon the problem at this point holds little promise of substantial gain in the reduction of crime.

"Just as the reformers of the early nineteenth century were driven back from the adult prison to the juvenile 'prison,' which ultimately became the reform school, the correctional school and

²⁴ *Op. cit.* Taft, p. 614.

²⁵ *Op. cit.* Healy and Bronner, p. 78.

then the school for maladjusted children; and just as the believers in institutional treatment were ultimately driven to set up a new court to attack the problem in a different way, and then the court had to seek help from the psychiatric clinic, so *modern reappraisals of all these efforts drive us still back one further step toward the beginning of deviant behavior.*

"It is not enough to treat. Inefficient as the actual procedures in the correctional cycle may be, there seems to be little prospect that they can ever be made efficient enough to do the whole job that is needed. Back behind the personality that has broken the law there is always an *earlier* phase of that same personality that has *just begun to deviate.*"²⁶

It is to these beginning deviations and the determining conditions which produced them that modern police administration must now address itself in the new technology of crime control.

PROPHYLACTIC CRIMINOLOGY

It appears that in the past we have been dealing with the end result rather than with the conditioning factors that produce the delinquent and criminal offender. Our policies in the field of crime control bear a strong resemblance to those of the housewife who was so busy swatting the flies in the kitchen that she failed to notice the manure pile outside the window where they were breeding by the thousands.

Of far greater importance to American police administration in the approach to crime control are recent studies showing that in most instances the juvenile delinquent of today could have been easily recognized as a developing behavior problem case in the early days of childhood when behavior patterns were taking form.

The Hawthorne Study

It was police recognition of the early symptoms of delinquent behavior that prompted Dr. Jau Don Ball, Berkeley Psychiatrist, to organize an investigation of children in the Hawthorne grade school of that community, in 1919.²⁷ This analytical study involving 220 children was without doubt the first effort made in this country to discover the facts concerning delinquency trends in the primary grades. These 220 children were examined at the clinical level by Ball and his associates and at the conclusion of their study two days later, it was discovered that 22 youngsters (10%) presented problems involving mental, moral, physical or social abnormalities which led him to recommend that they should receive special treatment and direction. The recommended therapy never materialized. Those problem youngsters included in the original 10% were selected

²⁶ Carr, *op. cit.* p. 181.

²⁷ August Vollmer, *Pre-delinquency*, Journal of Criminal Law and Criminology, XIV, 2, Aug. 1923, pp. 279-283.

for an intensive follow-up study fourteen years later. The results again confirmed the opinion of the police that society's effort to combat crime must begin at the high chair level rather than that of the electric chair. It was found that 90% of these problem children were then in an institution, had been in an institution, or were community problems of one form or another.

It was this study that first suggested the cooperation of community facilities in the attack upon delinquency. Members of the medical profession identified with the local Health Center supplied physicians, psychologists and trained social workers for the necessary field work. The School Department organized their teachers to cooperate in the project and Mrs. Beatrice Wilmans, School Principal, furnished the group with all the detailed information concerning the children that was in her files. Her knowledge of the community and its people was invaluable. This social minded woman had made it her personal business to contact individually every family in that neighborhood who had children in her school. Chief Vollmer of the Berkeley Police Department, whose vision inspired this study, furnished the group with all the criminal records of the families residing in the area served by the Hawthorne School.

Following this study, the group met from time to time at irregular intervals and new members were added, including Dr. J. V. Breitweiser of the University of California, and Dr. Virgil Dixon, then head of the Department of Vocational Guidance and Research in the Berkeley Public Schools. Ultimately, these meetings came to be formalized and gave birth to the Coordinating Council movement in the United States.

The Bodin Study

In the spring of 1934 a survey was concluded by Nathan Bodin in an effort to determine what had become of 116 adult persons²⁸ who were considered by their teachers as definitely unadjusted when they were in the primary grades. They were considered problem children because for one reason or another they were nonconformists and "could not be satisfactorily managed in the regular school classroom." The following table indicates the distribution of the underlying reasons for which these 116 youngsters were considered problem children:

²⁸ Nathan Bodin, *Do Problem Children Become Delinquents and Criminals?*, condensed from A Master of Arts Thesis, *Journal of Criminal Law and Criminology*, November-December 1936, pp. 545-559.

TABLE I.

FREQUENCY OF OCCURRENCE OF SPECIFIC PROBLEMS
AMONG 116 PROBLEM CHILDREN AT TIME OF REFERENCE
TO THE BUREAU OF RESEARCH AND GUIDANCE FOR
ADJUSTMENT, JAN. 1920-DEC. 1932, INCLUSIVE

PROBLEM (Reason for reference)	TOTAL OCCURRENCE		MALE		FEMALE	
	No.	Pct.	No.	Pct.	No.	Pct.
Mental Retardation (a)	63	27.9	35	28.7	28	26.9
Persistent Lying	29	12.8	15	12.3	14	13.5
Emotional Instability (b)	26	11.5	13	10.7	13	12.5
Incorrigibility (c)	24	10.6	17	13.9	7	6.7
Stealing (d)	23	10.2	17	13.9	6	5.8
Truancy	20	8.9	11	9.0	9	8.7
Sex Difficulty (e)	16	7.1	1	.8	15	14.4
School Retardation (f)	10	4.4	7	5.7	3	2.9
Cheating	5	2.2	2	1.7	3	2.9
Marked Cruelty	4	1.8	2	1.7	2	1.9
Extreme Reticence	3	1.3	1	.8	2	1.9
Obscene Language	3	1.3	1	.8	2	1.9
Total Frequency of Occurrence.....	226	100.0	122	100.0	104	100.0

- (a) By mental retardation is meant not only a low I.Q. but also the inability to do regular class work (retarded at least two school years).
- (b) This classification was considered to include temper outbreaks, impertinence, fighting, bullying, teasing, and sulkiness.
- (c) Particularly uncontrollable and constantly playing minor tricks.
- (d) Stealing at school or outside of school.
- (e) All heterosexual and homosexual activity; masturbation.
- (f) At least two years retarded in school. School retardation did not necessarily mean mental retardation. Six of the ten school-retarded children in the group had an I.Q. over 100, and one had an I.Q. of 118. School retardation might be due to such factors as poor physical health, poor home environment, or unadjusted school life.

The classifications in the foregoing table are in general agreement with the various traits possessed by problem children as reported by teachers for 874 Cleveland school children.²⁹

TABLE II.
FREQUENCY OF OCCURRENCE OF VARIOUS TRAITS POSSESSED BY 874 PROBLEM CHILDREN IN THE PUBLIC SCHOOLS OF CLEVELAND.

<i>Desire for Approval</i>	<i>Pct.</i>	<i>Reactions of Disinterest</i>	<i>Pct.</i>
Tattling	42.0	Whispering	74.7
Cheating	29.5	Inattentive	59.0
Lying, untruthful	19.6	Careless work	44.4
Acting smart	14.6	Disorderly	38.8
Imaginative tales	13.3	Failure to study	36.2
Meddlesome	12.6	Daydreaming	33.4
Suggestible	9.4	Lack of interest	31.8
		Overactive	30.9
<i>Reactions to Social Pressure</i>	<i>Pct.</i>	Neglectful	25.4
Shy, withdrawing	35.2	Physically lazy	20.8
Oversensitive	25.5	Unnecessary tardiness	17.6
Domineering	12.1	Slovenly	11.8
Fearful	9.3		
Coward	8.8	<i>Reactions of Rebellion</i>	<i>Pct.</i>
Nervous	8.7	Interrupting	38.7
Quarrelsome	7.9	Overcritical	14.2
Unhappy, depressed	8.0	Sullen, sulky	12.5
Stubborn in group	7.5	Wilfully disobedient	8.2
Stealing articles	4.0	Destroying property	8.2
Sissy (or tomboy)	3.6	Rude, impudent	6.7
Cruel, bullying	1.7	Impertinent	5.6
Profanity	1.7	Carrying grudges	4.9
Stealing money	0.7	Truancy	1.6
Stealing food, sweets	0.7	Temper outbursts	1.5
Obscene notes, talk	0.3		
		<i>Physical Pleasures</i>	<i>Pct.</i>
		Masturbation	3.9
		Enuresis	3.9
		Smoking	0.2

The follow-up investigation by Bodin several years later resulted in securing information on 93 of the 116 cases which he undertook to study. Bearing directly upon our whole system for the administration of justice, he found that 86 or 92.5% were then in jail or had acquired delinquent and criminal records. Identified by their teachers in the primary grades as high social risks and flying the danger signals of impending delinquency and crime, behavior patterns developed uninterrupted

²⁹ E. K. Wickman, *Children's Behavior and Teacher's Attitudes*, Commonwealth Fund Division of Publications, New York, 1928, pp. 232-233.

and they joined the ranks of the criminals we deserve. The table below gives the distribution of offenses among the 92% of these problem children who had by this time gone overboard in an abortive solution to life's problems:³⁰

TABLE III.
DISTRIBUTION OF CRIMINAL OFFENSES AMONG 86 PROBLEM CHILDREN EIGHT YEARS (AVERAGE) AFTER THEIR IDENTIFICATION AS BEHAVIOR PROBLEM CASES IN THE PRIMARY GRADES.

OFFENSE	TOTAL ARRESTS		MALE		FEMALE	
	No.	%	No.	%	No.	%
Larceny (except auto theft)	90	18.8	78	20.0	12	12.9
Burglary—breaking & entering	41	8.5	41	10.5	..	....
Robbery	11	2.3	11	2.8	..	....
Auto Theft	8	1.7	8	2.1	..	....
Aggravated Assault	3	.6	3	.8	..	....
Rape	3	.6	3	.8	..	....
Criminal Homicide	1	.2	1	.3	..	....
Incorrigible and Disorderly	76	15.9	43	11.0	33	35.4
Malicious Mischief	61	12.7	58	14.9	3	3.2
Violation Mun. Police Reg'l'ns	48	10.0	46	11.9	2	2.2
Sex Offenses (excluding rape)	33	6.8	8	2.1	25	26.9
Disturbing the Peace	32	6.6	27	6.9	5	5.4
Traffic and Liquor Violations	32	6.6	32	8.2	..	....
Violation of Probation & Parole	16	3.3	13	3.3	3	3.2
Attempted Suicide	5	1.0	2	.5	3	3.2
Passing Fictitious Checks—						
Forgery	4	.8	2	.5	2	2.2
Assault and Battery	2	.4	2	.5	..	....
Failure to Provide (for wife or/and child)	2	.4	1	.3	1	1.1
Extortion	1	.2	1	.3	..	....
Miscellaneous (a)	9	1.9	5	1.3	4	4.3
Unknown (b)	4	.8	4	1.0	..	....
Total	482	100.0	389	100.0	93	100.0

- (a) Includes certification of insanity; reports for epileptic seizures; fugitive from justice; failure to appear in court; deserting navy.
(b) Includes those cases of violation of probation or parole where the actual offense was unknown.

Other studies have pointed out that delinquency and crime stem³¹ from early life maladjustments, and that delinquent juveniles and adult criminals displayed in almost every case the symptoms of their future misconduct as early behavior problems. A veteran jurist stated recently,³² "Messrs. Police Officers, Sheriffs and State Patrolmen: Do you want to meet the young killers, rapists, stick-ups, automobile thieves, burglars and others you will be chasing in a comparatively short time? If you do, go to the schools and look at the records that show the following information — chronic tardiness, persistent truancy,

³⁰ *Op. cit.* Bodin, p. 551.

³¹ J. Michael and M. J. Adler, *An Institute of Criminology and Criminal Justice*, New York, 1923, p. 253. Fred E. Haynes, *Criminology*, New York, 1930, p. 161.

³² Honorable William G. Long, Judge of the Seattle Juvenile Court, *The Relation of Juvenile Courts to Other Agencies*, Proceedings of the Fifth Pacific Northwest Law Enforcement Conference, State College of Washington, Pullman, 1944, p. 26.

scholastic progress below mental ability, poor citizenship, unwillingness to accept correction and lack of interest. These records are red-flag warning signals of delinquency and crime, and they will point you almost unerringly to your 'man.' "

Addressing further comment to the teaching profession, he said, "Mr. and Mrs. Schoolteacher: Would you like to do something for the public health of your community in the field of sick conduct? Then, heed your records. Under your very eyes are developing the symptoms of infection that will develop into the ruptured appendix or organic collapse of good citizenship. The attendance record alone is enough to put us all on guard."

There is widespread agreement concerning the percentage of behavior problem cases in the public school population. The figures submitted by Ball, Bodin and others were further confirmed by an investigation of the frequency distribution of problem children in the schools of Decatur, Peoria and Racine, by Dr. H. D. Williams in 1931. It was discovered that the number of problem children averaged 2.6% of the total school population in these cities. In 1932, Dr. Williams also found that in ten mid-western cities, with a total school population of 55,995, the percentage of behavior problem cases was 2.4% of the total. A year later it was revealed that of the total school population in twenty-six towns of New York state (26,009), 2.1% were problem children.³³ A survey was made recently in a northern Illinois school to determine the number of children who presented symptoms of emotional difficulties.³⁴ Of 380 pupils examined, at least 12 or 3.1% were found who were already experiencing adverse emotional tensions and who were problems in the classroom, on the playground and at home.

Among other things, the foregoing studies reveal that from two to four percent of the public school population in the average community are problem children. This vast army of children, who are today serious deviates in mental, physical or temperamental traits, soon becomes the adult population with which the machinery of justice must spend its time and energies. It is no mere coincidence that the foregoing figures correspond ominously with the 2% of the general population who find their way into the jails and penitentiaries of this country.

Criminal operations cost the people of the United States \$6,500,000.00 per hour each hour in every working day in the year, more than three times the annual expenditure for education in this country. No home, no community, no individual escapes payment of tribute to this social spectre. Crime is

³³ The results of these studies may be found in the report of *The Big Brother and Sister Federation of New York*, 1933.

³⁴ Mildred R. Henrich, Institute for Juvenile Research, *Withdrawal: A Child's Reaction to Stress*, Welfare Bulletin, Illinois State Department of Public Welfare, Vol. 35, No. 5, May 1944, p. 10.

sabotage of law and order. It is a frontal attack upon government and ordered society. Commenting upon this threat to the peace and security of every American, one distinguished authority stated,³⁵

"Let us be brutally frank with ourselves. Intellectual honesty must force us to admit that notwithstanding all our vast law enforcement machinery and the high-sounding programs of the various community groups, the fact is that this thing called delinquency and crime still remains an ever-growing monstrous cancer that may in time destroy us all. Our basic instinct of self-survival itself demands that we mobilize all our forces into one united command if we are ever to expect victory over this common foe."

The extent to which the criminal underworld may become a major factor in political changes in the United States has probably occurred to but few American citizens. Crime is a corrupter of government. The rise to power of the crime-spawned political organization in Missouri is but one of many warnings that should be heeded by the American people.³⁶ Every city has its criminal political bosses waiting for the opportunity to strike.

"The real significance of modern crime must be studied against the somber backdrop of gangster government in Europe. If the decline of democracy across the ocean has seen the rise of gangster leaders from beer halls to chancelleries, America cannot afford to forget that during this same period of post-war lawlessness powerful gangster leaders likewise entrenched themselves in American cities. In Europe gangsters and gangster methods became instruments of revolution; here for excellent reasons inherent in our culture they became merely the tools and allies of corrupt politicians. But we have only to envision a situation compounded of widespread economic breakdown, middle-class panic, threats of communist violence . . . to sense something of the opportunity that it would offer to some corrupt politician to 'sell' Big Business and the middle classes a racketeer's revolution—'protection' guaranteed by putting gangsters above the law."³⁷

Homer S. Cummings, Attorney-General of the United States, declared in a public address in 1938:

"Every twenty-two seconds, hour after hour, day after day, a crime of desperate proportions—robbery, assault, burglary, rape, kidnapping, manslaughter, murder—was committed in the United States last year. Over a twelve month period nearly one million five hundred thousand major crimes were committed—a crime against one out of every eighty-four American citizens, affecting one out of every sixteen American homes. Thirteen thousand five hundred of our citizens were murdered, at the rate of thirty-seven

³⁵ *Op. cit.* Long, p. 31.

³⁶ See Walter Matcheck, *The Annals of the American Academy of Political and Social Science*, September, 1938, p. 62, concerning the collapse of government in Kansas City.

³⁷ L. J. Carr, *Delinquency Control*, New York, 1941, p. 35. Also see Craig Thompson and Allen Raymond, *Gang Rule in New York*, Camden, 1940; also current reports of the Chicago Crime Commission.

a day. Sixty thousand were robbed and over forty-five thousand assaults were committed during the year."

Commenting on the estimated \$18,000,000,000.00 annual crime bill in this country, Carr states:³⁸

"In some parts of the nation it is actually a question whether thugs or decent people are sovereign in the community. Certainly a forced 'tax' by crookdom each year of more than orderly government can raise for education makes one wonder what sovereignty amounts to if it cannot protect its own people against such tribute.

"Conservative estimates indicate that in 1939 armed gunmen probably outnumbered the United States regular army more than two to one, and man for man their deadliness compared not unfavorably with that of the German Army during the first World War. It took approximately 2,000,000 Germans five months of actual fighting to kill 52,000 American soldiers in the field, an average of one dead American soldier for every 192 Germans per month. On the crime front in America, meanwhile, year after year without any armistice or treaty of peace, 500,000 armed criminals 'bump off' over 1,000 every month, or one dead American civilian per month for every 500 armed criminals. Man for man, this gives the American 'crime army' 38 per cent of the lethal efficiency of the Imperial German Army in the field—which in view of the fact that our thugs have not yet taken to artillery, air bombs, or poison gas, is a very creditable showing indeed. Our 30,000,000 automobiles average only a little over one one-thousandth of a victim per car per year, but our criminals with over 12,000 murders a year can claim a lethal efficiency per operating unit at least ten times as great. If slaughter by automobile deserves a National Safety Council and an Automotive Safety Foundation, what about the slaughter by crookdom?"

In that projected history of the American police, the story of scientific crime detection will close with the failure of enforcement to alter human behavior patterns and preface the opening of a new chapter in the theater of crime control. The present generation is witnessing the emergence of a new criminology, born of police experience with crime and the criminal and based upon the child's bill of rights. The philosophy of prevention stems from the police conviction, now confirmed by research, that the burglar, killer, prostitute, automobile thief and thug did not become that way suddenly. The records show that they started their abortive development in early childhood and progressed by almost imperceptible degrees into confirmed criminal offenders.

Supported today in various sections of the country by a public opinion conditioned to the necessity of working far upstream in the realm of behavior, the police are entering upon a new phase of crime control. Early discovery and diagnosis of the physically, mentally and socially different is opening the door to opportunities for the prevention of delinquency and crime which completely overshadow the man-hunt and the penitentiary.

³⁸ Carr, *Delinquency Control*, *op. cit.* p. 34.

POLICE UNDER MANDATE TO ACHIEVE CRIME CONTROL

Delegated as society's first line of defense against crime and the criminal, the police occupy a commanding position in this new advance upon the crime problem. Police administration has the machinery and the methods to focus the community's attack on crime — upstream at the source. The police conduct an around-the-clock operation. They have a mobile personnel which moves rapidly and as a matter of routine into areas where all other agencies would find unhampered movement difficult. They have the power of the state behind them.

Due to the very nature of their work, the police are more familiar than any other organized group with crime hazards in the community that play their part in the needless wreckage of human life. They understand the criminal and the forces which result in his development. They have in their files the basic records, data and information concerning crime and delinquency that are necessary for an intelligent plan of attack.

Because the police and the school departments are generally the first to have official contact with a child after he has gotten into trouble, theirs is an opportunity not presented to any other branch of government. Developing delinquency cases and the conditioning factors that produce them come under their observation long before other social agencies are aware of them. The number of children who reach the Juvenile Court, or who are committed to institutions, represent but a fraction of the total number of borderline youngsters contacted by the police and school authorities.

Important also, is the fact that the police operate under a direct mandate from the people to achieve crime control. Organized police service represents society's basic defense against crime and the criminal. There is no substitute. The law is plain in outlining the responsibility of police administration as the primary agency of social control in the repression of crime and disorder.

This mandate to the police carries with it the obligations of leadership. The attack upon crime is primarily an administrative problem of local government in coordinating the forces of the community under centralized supervision. It is now manifest that all major effort in the direction of crime control, whether enforcement or prevention, must pivot on local police administration. Wilson stated,

"The best intentions of the social service agencies will not result

in any substantial progress toward the solution of this problem unless their efforts are guided and directed by the police."³⁹

No longer is the American Chief of Police content to dispose of inquiries concerning crime and delinquency in his community with the words, "no problem here." He is frank to admit without hesitancy that "there is a problem here," because he knows his community is producing its proportionate share of crime and criminals. It is not enough for him to realize that his organization is under-manned and that the crime case-load of his department argues against assuming any additional responsibilities.

He knows that sporadic vice raids and other expressions of enforcement are not the answer. To him, fines, bail bonds, trial and conviction are trademarks of failure in the effort to reduce crime. He knows that every time one of his scout cars answers a call, its destination is some social problem. Working forever at the explosive center of behavior situations, and with the conditions that produce them, he can tell anyone willing to listen, the story of crime. This man who heads one of the nation's police forces, small or large, will testify that the content of the arrest blotter is largely the end-result of failure on the part of the home, school, church and other constructive forces in the community. He is the man who gave to modern criminology the concept that the problem youngster is the forerunner of the delinquent and criminal. It is plain to him that the attack upon crime must begin at the nursery and in the early years of childhood when behavior traits and patterns are taking form. Now supported by a public opinion conditioned to receive a prevention program, he is beginning to bring into concerted play those resources in the community that can be useful to him in the new strategy of crime control.

It is around this man of all men who stand at the crossroads between the threat of the underworld and the security of an ordered society that the forces in this area of social control are coming into play.

³⁹ O. W. Wilson, formerly Chief of Police, Wichita, Kansas, now Professor of Police Administration, University of California; currently on leave as Lieutenant Colonel in the United States Army for service with the forces of Military Government in occupied territory; *Police Crime Prevention Activity*, The American Journal of Medical Jurisprudence, Vol. 2, January, 1939, p. 2.