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PROBLEMS OF CRIMINAL STATISTICS IN THE UNITED STATES

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—EDITOR.

For the past half century there has been a great deal of discussion of the need for dependable facts relating to crime, criminals, and the administration of justice in the United States. It has long been recognized that many European countries had developed comprehensive statistics of crime and criminal law enforcement, and it has been pointed out frequently that similar information should be made available for this country.

Since around 1920, a great deal of effort has been put forth in different parts of the United States, and at various levels of government toward the production of useful criminal statistics. But despite all of this work, there has not been produced in the United States any systematic collection of information on crime which furnishes the factual information desired, or which is comparable to the criminal statistics of many other countries.

It is the purpose of this article to review briefly problems of criminal statistics in the United States, indicating the type of information that should be available, and pointing out some of the basic limitations that inevitably hinder the development of satisfactory national criminal statistics.

WHAT SHOULD BE KNOWN ABOUT CRIME?

One of the first problems that must be faced in this field is the fact that crime is not just one kind of anti-social behavior, but rather a complex of many kinds and types of human behavior. Consequently crime is not a homogeneous phenomenon, and cannot be measured with a single yardstick. The tendency for one type of criminal behavior to increase or decrease may have no relationship whatever with other types of criminal behavior that are also changing in volume.

The first requirement generally stated for a system of criminal statistics is to know the amount and extent of crime, and the number and kind of criminals. Crimes can be accounted for only through those special agencies set up to enforce criminal law. Thus has come the general axiom that crimes can be counted best in terms of the known offenses reported to police agencies. Obviously no one will ever know actually how many criminal offenses are committed. The number and extent of unknown offenses may be a subject of speculation, but not of measurement.

A basic concept of crime encompasses more than just the fact of violating a legislative statute. A criminal offense involves a violation which the community dis-

approves sufficiently to require or demand that some action be taken against the person who violates the law. After all, violations of laws which are considered and ignored by the general public as "dead letters" can hardly be described realistically as crimes.

In attempting to account for crimes known to law enforcement agencies, another factor which must be taken into consideration is the difference between serious and minor crimes. There are serious anti-social acts which usually result in considerable harm to individuals, property, or the public order. Such offenses are usually classified as felonies, and call for punishment by relatively long terms of imprisonment. Other unlawful acts which are much less serious in nature, do not cause great damage to property or to person, and consequently are not of as great public concern. These are generally classified under the heading of misdemeanors, and the penalty for such offenses is at the most a jail sentence. The line of demarcation between felonies and misdemeanors is often artificial and indistinct, but the concept is clear.

It would seem rather obvious that because of their serious nature felonious offenses will be reported more frequently and completely than will the misdemeanor-type offenses. Thus the counting of crimes known has been limited in practice primarily to felony crimes; although even here it must be recognized that not all felonies will be reported regularly.

It has been assumed with good reason that willful homicide, robbery, aggravated assault, burglary, and serious theft would be reported in most instances by the victim or witness of such events. Even for these offenses there are still many practical difficulties to be encountered in defining and classifying such behavior in uniform terms. Other types of felonies, such as forgery, fraud, sex offenses, narcotics violations, are much more questionable with respect to consistency of reporting. While of necessity, the first-named group is the more practical to use as a basis of measuring crimes known to the police, such measurements cannot be said to be an index of all types of criminal offenses.

Thus far consideration has been given to the amount and extent of crime, but there is another area in which reliable information is needed that also can be used as a measure of crime and that is of more direct importance in evaluating organized efforts of crime control. This area relates to the operation and effectiveness of law enforcement, the work of those agencies that are engaged in administering criminal justice, and their methods and procedures. It is estimated that the direct processes of law enforcement and criminal justice cost the taxpayers of this country about one and three-quarters of a billion dollars a year. This covers the activities of more than 10,000 primary law enforcement agencies including police and sheriffs, another 10,000 municipal or police courts with all the officials who are involved in court processes, some 3,000 courts of general trial jurisdiction with all the judges and prosecutors connected with them, about 3,000 county jails, several thousand municipal or city jails, the probation departments throughout the country, and the prisons and reformatories and their parole organizations. All of these are public agencies, each handling a portion of the law enforcement problem. They are of concern to the public in terms of the dollar cost of their operations, and even more important, in terms of their effectiveness and efficiency.

Basic statistical information is needed in the police field to show the number of crimes reported, the number that were investigated and cleared by arrest or were otherwise legitimately resolved, the number of persons arrested, what their charges were, how many were released, and how many were turned over to the processes of prosecution. Not only is it necessary to have information relating to the volume and type of work done by a police department, but there should also be data available on the size of the department and the general disposition of its forces as related to the various law enforcement activities it carries on.

With respect to the courts and prosecutions, there should be accurate information to show the number of persons officially charged, the charges that are filed, whether the charges are reduced or dismissed, the outcome of the prosecution, and the judgment or sentence rendered by the court. Also there should be some measurement of the procedural steps that occur in the use of pleas, trials, and the time involved in the prosecution process.

In the field of correctional treatment, there should be an accounting in the probation area for every person placed on probation, the length of time he remains on probation, and the reason for his removal, the general case load level and the supervising personnel available. With respect to jails, there should be a tabulation not only of those committed to serve terms, showing the offense, length of sentence, and circumstance of release; but also of all persons held for preliminary detention before trial and sentence. In the area of prisons and reformatories, there should be a complete accounting of the persons committed, how long they stay, under what circumstances they are released; and for those who are released under parole or other conditional release, detailed information covering the period they are still under the supervision of parole authorities.

In addition to the knowledge of crime and the work and processes of the agencies engaged in criminal law enforcement or administering criminal justice, there is a tremendous need to know something about the offender. Little progress will be made in the prevention of crime either in its initial stages or by means of rehabilitation until a great deal more is known about the individual offender, his personality, and the factors relating to his criminal conduct. It is an essential responsibility of criminal statistics to develop accurate information about the character, makeup, and personality of the criminal offender, and to participate in research in this area. Probably more has been accomplished in this field than in the other areas already discussed, and yet there is even now but meager knowledge available on the criminal offender. This type of information is most accessible on those offenders who have been sentenced to some type of confinement as prison or jail or who are under probation supervision. At the point of conviction, there has been a growing awareness of the need to know considerably more about the individual offender in order to properly select the type of treatment that might best be suited to his needs, and this has led to the development of pre-sentence reports which has aided materially in producing information about the individual and his background. The use of guidance clinics or well-staffed reception centers for those committed to long-term imprisonment has made possible much more systematic and extensive studies of individual offenders.

In discussing the type of material that should be known about crime and criminals, it must be emphasized that all of the data outlined above are essential before there can be a full recognition of the crime situation and how it is handled in any given area. In some locations there may be fairly complete information available on long-term prisoners and additional knowledge concerning persons arrested by the police but no reliable information of what happened in between. For serious offenses, the ratio of arrests to persons who receive prison sentences is about ten to one or greater. Until much more knowledge of what happens to the other nine is available, showing the reasons for the particular outcome in their cases, and how they are differentiated from those sent to prison, neither the criminal situation nor the processes by which it is controlled will be adequately understood.

PRIMARY DIFFICULTIES IN THE UNITED STATES

One of the chief reasons why the United States has been unable to develop as satisfactory criminal statistics as may be found in many other countries lies in the difference in the organization of criminal law enforcement between this country and others. When it comes to criminal law, the United States, exclusive of its territories and possessions, is in effect 50 separate sovereign countries rather than one. Each state has its own constitutional provisions, penal code, courts, criminal procedure, and administrative setup of law enforcement and is completely independent from every other state. In addition there is a body of criminal law enacted by Congress for the District of Columbia, and there is a series of criminal statutes covering violation of federal laws. Because the general police powers have been reserved to the states by the constitution of the United States, there is a very real distinction between the criminal law of the 48 states and the District of Columbia, and that of the federal government. For the 49 jurisdictions, criminal law covers offenses such as homicide, robbery, rape, burglary, and theft. Federal criminal offenses, for the most part, are not these types of crime at all, but involve violations of the Internal Revenue laws as they relate to liquor, income, and other taxes, and violations of immigration or customs laws, thefts in interstate commerce, offenses involving the crossing of state lines, and other special acts of these kinds. In fact, although there is considerable similarity among the crimes defined in the different state laws, these offenses have almost no counterparts in federal criminal statutes.

A second difficulty that has a profound influence on the problems of criminal statistics in this country is the fact that, different from most other countries, law enforcement in each of our sovereign states is not a centralized process but rather a localized activity. Each city or town has its own police department maintaining law and order in its community. The responsibility of the local agency is to its local government, primarily to its local electorate, and law enforcement activities will be carried on in the interest of the local community even though, except for local ordinances, the criminal law which is enforced is that of the state.

Even the activities of prosecution are carried out primarily on a local or county basis by locally elected prosecutors, judges, and other officials. In the field of correctional treatment, the responsibility is still largely local as nearly all cities and counties operate jails. Probation is administered in most areas on a local basis, al-

though in a few states there is a state administered probation system. Only in the treatment or punishment of long-term prisoners including prisons and reformatories, parole systems, and juvenile institutions are the operations administered by the state.

NATIONWIDE COLLECTIONS OF CRIMINAL STATISTICS

During the twenties a great deal of interest was generated in problems of crime and the administration of criminal justice. Several comprehensive surveys of that period demonstrated that statistical information as to the activities of police, courts and correctional institutions could be developed which would throw a great deal of light on the problem of crime and its control. Out of these efforts came the idea of centralized criminal statistics for the whole country, and during the years between 1926 and 1933, three basic collections of data were inaugurated under the auspices of two different federal bureaus for the purpose of establishing uniform nationwide data on crime.

The first of these was the development of a collection of data on prisoners in state and federal prisons and reformatories which grew out of a rather comprehensive survey made in 1923 by the United States Bureau of Census. The annual collection of data commenced in 1926 and has been carried on regularly since that year, covering admissions and releases from nearly all of the prisons and reformatories in the country, which today number around 160. This collection of data has had singular success as compared with others, if for no other reason than it was dealing with only from 120 to 160 contributing agencies. In recent years it has been affected by somewhat adverse circumstances. By order of the Federal Bureau of the Budget, this function was taken away from the Bureau of Census in 1948 and transferred to the Federal Bureau of Prisons, but very little additional support was given to the latter Bureau to supervise and publish the data that continued to be collected. Further in placing this service in the Federal Bureau of Prisons, it added to their operations a responsibility that had no relationship to their primary function of administering the federal prison system.

World War II conditions forced a curtailment in the publication of this annual prisoner series. The last published analytical report was for the year 1940, although statistical data were released annually up through the year 1946. Since then, eight years of data have been reported to the Bureau of Prisons, but they have been able to issue only a brief four-page summary each year to reflect the detailed information reported covering every individual committed to or released from state institutions. Early in 1955 assurances were given that the first detailed report "National Prisoner Statistics—1950" was at press and about ready for release, and that the tabulations for the second report "National Prisoner Statistics—1951" were complete. Unfortunately the value and usefulness of such data are greatly diminished when they do not become available until four or five years after the year to which they apply.

A second series of information relating to nation-wide crime came into being in the year 1930. A committee of the International Association of Chiefs of Police had been working on plans for a uniform crime reporting scheme for several years, but

it was in 1930 that a system of reporting was inaugurated which requested all police departments in the country to furnish each month data relating to offenses known to the police and number cleared by arrest.

During the year 1930, by act of Congress the Federal Bureau of Investigation was given the responsibility of carrying on this monthly collection of data, which today is widely known as "Uniform Crime Reports". This collection has continued without interruption to the present. While changing little in content during the past 25 years, "Uniform Crime Reports" have gradually increased in coverage so that for the year 1953 reports were received from law enforcement agencies covering about 83 percent of the urban population of the United States and about 65 percent of the rural population. One of the reasons for the growth of this series is the fact that, although reporting in all agencies is on a voluntary basis, the FBI through its many agents all over the country has continuously encouraged the local police departments and sheriffs to participate in the program.

In criminal statistics gathered from many sources, it is rather obvious that despite uniform schedules and definitions, the responsibility for careful and accurate reporting of the original data rests with the reporting agencies. The greater the number of reporting agencies, the greater will be the variation in the interpretation, reliability, and consistency of reports submitted, and the greater will be the difficulty of supervising or editing these reports. The fact that "Uniform Crime Reports" data are received from several thousand independent agencies in 49 different criminal jurisdictions, each varying from the other in definitions of crime, in organization of law enforcement operations, and in methods of maintaining basic records, raises a real question as to how homogeneous and accurate the facts collected and published in this series may be. Inasmuch as these data are frequently used and more frequently cited to indicate the general crime rate in the United States and to compare rates among geographical areas of the country and among classes of cities, it would seem desirable, after 25 years, that a serious study should be made evaluating the reliability and accuracy of these statistics. While the warning is given that "Uniform Crime Reports" contain only the information furnished by the several thousand local agencies, the implication is made and is readily accepted by the public that the data have a high degree of uniformity.¹

A rather fundamental assumption that should be re-examined is whether or not statistics collected on the Part I classes of offenses known to the police can be used as a sound index of general crime rates, and whether these six or seven classes of offenses show comparable degrees of reliability and uniformity.

Since its beginning "Uniform Crime Reports" has collected data on larcenies in two classes: that in which the value of property stolen was \$50.00 or more, and that in which the value was under \$50.00. This distinction is shown in the published tables covering individual police departments. However, when the summary information is presented all larcenies are lumped together and are included in the total figures which are denominated "major" crimes. In the annual bulletin for

¹ Semi-annual Bulletin, 1954, Page 10, "However it is recognized that the rural reporting has not yet reached the high degree of uniformity found in reports from urban communities."

1953, it is stated that "major" crimes reached a new high of 2,159,000 in 1953, and yet included in this figure were over 900,000 offenses of larceny of property valued at less than \$50.00. The inclusion of these petty larcenies in the total of figures for major crimes in the United States seems quite inappropriate and misleading.²

The weaknesses and limitations of the "Uniform Crime Reports" are not to be laid at the door of the Federal Bureau of Investigation. This agency which is one of the outstanding law enforcement organizations in the world was given the duty of this statistical collection by act of Congress, and it has carried on the collection and publication of these data as effectively as it could. The real problem is, are we getting reliable figures on crime under this method? There are reasonable doubts concerning the answer to this question because it seems almost impossible to obtain the uniformity and reliability desired from so many reporting agencies without at least intermediary supervision at the state level to aid in the interpretation and classification of state offenses in accordance with the uniform scheme, and to provide continuous contact with each reporting agency.

A third national series, concerned with what happens to persons prosecuted, was commenced by the United States Bureau of Census about 1933, covering the calendar year 1932. This was an attempt to obtain from all courts trying felony cases (courts of general trial jurisdiction) an annual tally of the number of defendants prosecuted giving the types of offense, and the outcome of the prosecutions, and for those convicted, the types of sentence imposed. At one time in the existence of this series about 1,500 of the courts of general jurisdiction in some 30 states were completing and sending in annual tabulations. Although it was planned to have a responsible representative in each state collect the reports and critically review them from the standpoint of the particular criminal law in his state, in actual practice tabulations from these 1,500 contributors came to the Bureau of Census without any significant editing or evaluation as the Bureau was without funds to employ such agents, and very few state agencies existed having responsibility for such statistics. Summary information for each state was published under a series called "Judicial Criminal Statistics" from the year 1932 through the year 1945. War conditions, plus the more important fact that the series as it was being conducted was not a success and could not offer reliable measurements of what the courts did, caused the abandonment of this project.

While it has been pointed out that current nation-wide collections have not developed satisfactory uniform criminal statistics, they have had a positive influence in generating interest and cooperative effort on the part of law enforcement agencies, and have given a needed impetus to the development of uniform definitions and classifications in criminal statistics. Perhaps such attempts were necessary to demonstrate what could not be accomplished before individual states would be stimulated to assume the responsibility for their own criminal statistics.

² In California larceny of property values at less than \$200 is with few exceptions defined as petty theft. Less than ten per cent of all larcenies reported by California police agencies are other than petty theft. If the California definition were applied to the United States as a whole, and only ten per cent of the larcenies reported were considered serious or major crime, the number of estimated major crimes in the United States for 1953 would be only 1,000,000 rather than the 2,159,000 cited in the "Uniform Crime Reports".

THE RESPONSIBILITY OF THE STATES

The failure or weaknesses of the national collections lies primarily in the fact that there cannot be developed any uniform national statistics until there has been developed within each state the basic statistical measurements that apply to each particular jurisdiction and administrative organization. Even the data on prisoners, which have been the most accurate of the national collections, have the limitation that there is no uniformity from state to state in the matter of what kind of offenders are sent to prison, so that problems of comparability have always existed in that collection.

One of the most important elements in a sound criminal statistics system has been practically ignored thus far. This is the matter of the integrated statistical picture of all phases of crime and of criminal law administration. It is not enough to measure just the amount of crime or the work of the police, or the work of the courts, or of probation or of prisons or of parole as independent and unrelated bodies of data. One of the greatest weaknesses in the administration of criminal justice has been the difficulty of the various agencies having responsibilities in this field, to realize they are a part of a general team which together must accomplish the objectives of controlling crime. All factual aspects of the crime picture must be developed and then must be brought together for total evaluation. This can be accomplished effectively only on a state basis. Recognition of this fact is seen in the draft of a Uniform Criminal Statistics Act which the Commissioners on Uniform State Laws promulgated in 1944.³ So far, no state has adopted this Act, although some state operations in the collection of criminal statistics, particularly those in California, are carried on substantially in conformity with its provisions.

The California Bureau of Criminal Statistics came into being in its present form in 1945. Because of the backing of the state administration in the years since that time, and the cooperative interest of the law enforcement agencies in the state supporting the possibilities of better criminal statistics, this Bureau has made substantial progress in developing a well-rounded collection of state-wide criminal statistics. It has taken several years to build up reporting processes and to extend the work into nearly all fields of criminal law administration within the state. It was not until the year 1952 that sufficient progress had been made to justify issuing a comprehensive report on crime within California.

At the present time the Bureau collects information from some 375 police departments and sheriffs within the state on crimes known and cleared by the police, and on arrests and police dispositions. From each of the 58 counties it collects individual reports on every person prosecuted in the general trial courts, and on every person placed on probation by these courts. This work has had the advantage of field workers who are continually making contact with the reporting agencies, explaining the functions of the Bureau and assisting each local agency in its task of furnishing correct information.

In addition, the Bureau of Criminal Statistics serves as the research and statistical

³ For a thorough discussion of this Act and the purposes which it can serve see Thorsten Sellin, "Uniform Criminal Statistics Act", *JOUR. OF CRIM. LAW, CRIMINOL. AND POL. SCI.*, Volume 40, Pages 679-700, (March-April, 1950.)

agency for the Department of the Youth Authority and the Department of Corrections. It has a punch-card control system of every person committed to either of these two agencies from the time of commitment through the period of incarceration, on parole, to the final termination of custody.

One field not previously mentioned in this discussion is that of juvenile delinquency. There are probably even greater problems to be faced in developing measurements in this field than there are in relation to adult crime. No common definition of juvenile delinquency exists, nor is there even close agreement as to what should be identified and counted as delinquency. No common procedures or records or administrative organization have been formulated on which to develop comparable information covering delinquents and the processes used in handling them. The efforts of the Children's Bureau to develop statistics relating to juvenile delinquency and juvenile courts suffer from the same limitations that have beset all other nationwide efforts to develop statistical measurements.

The California Bureau of Criminal Statistics working in the delinquency field for several years has initiated a reporting series covering all children referred to probation departments and to juvenile courts.⁴ Again it must be said that only through a state assuming responsibility for the facts relating to its own jurisdiction can any real progress be made towards meaningful statistics on juvenile delinquency.

The need today and in the future is for each state to establish and develop an agency charged with collecting, compiling, analyzing, and interpreting all statistical data relating to crime, criminals, and law enforcement in its state. This can be accomplished by the adoption and implementation of the Uniform Criminal Statistics Act or by establishing and staffing an agency similar to the one called for in the Act. Possibly a program of federal aid could be developed to assist the smaller states to provide the type of service called for, if it is as important to have comparable criminal statistics for all states as is generally advocated. But until and unless such efforts are undertaken on the part of states, there will be little or no improvement in the present unsatisfactory situation with respect to criminal statistics in the United States.

⁴"An Accounting Plan for Juvenile Probation", Giesecke and Ramseier, *JOUR. OF CRIM. LAW, CRIMINOL. AND POL. SCI.*, Volume 43, Pages 705-718, (March-April, 1953.)