History of Criminal Statistics (1908-1933)

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In order to judge the progress that has been made in the field of criminal statistics during the last twenty-five years, it is necessary to summarize what had been accomplished prior to the beginning of this period. In my book, History and Organization of Criminal Statistics in the United States, published in 1911, I stated that New York had started to collect judicial criminal statistics in 1829, a practice which twenty-four other states had finally adopted. The statistics were derived from reports required by law to be sent by the states' attorneys or clerks of criminal courts to some state official (attorney general, secretary of state or governor). In spite of the fact that in some of the states the work had been going on for many years, I found that very little real progress had been made either in the collection or in the analysis of the figures and that with very few exceptions the reports were of little or no scientific value. Some twenty-three states were collecting statistics of prisoners under authority of laws requiring sheriffs and wardens of state institutions to send reports either to the secretary of state (in the case of three states) or to a state board. Only one of these, that of Massachusetts, was characterized by the author as good. Four reasons for the poor quality of the judicial and the prison criminal statistics were given. The double purpose in collecting the figures, namely, to furnish information for administrative purposes and to give an index of the nature and extent of criminality had not been well understood nor carried out. The second reason was the lack of statistical training on the part of those engaged in collecting and analyzing the figures. The work had also been done in a lackadaisical fashion merely to carry out the letter of the law. The fourth reason was that the spoils system reaching usually down to the lowest official in the administration of justice made scientific work well-nigh impossible.

Federal criminal statistics, I showed, began with the collection of statistics of criminals at the census of 1850 under a law which governed also the censuses of 1860 and 1870. Mostly, prisoners were in mind, but the schedule for social statistics asked among other things for the number convicted of crime, a query which would have necessitated recourse to court records. However, nothing came of it.
this. To Mr. Frederick Howard Wines is due the greatly enlarged scope of the inquiry on crime in 1880. He had charge also of this branch of the work for the 1890 census. Mr. Wines sought in 1880 to utilize not only prison records but also court dockets, records of the justices of the peace and reports of police departments. Some tables on police statistics and on judicial criminal statistics appeared but were of little value. The police and judicial inquiries were sloughed off in 1890 and nothing further was done about either of these inquiries until 1907. In connection with the 1900 census, a change was made in the organization of the work. The inquiry on crime did not start until three years after the general enumeration. The plan and scope of the work was determined by Roland P. Falkner. He was succeeded by John Koren who executed the task. This inquiry, relating to the year 1904, was noteworthy for the emphasis which was placed on commitments during the year. Prior to this time, the emphasis had been upon the number of those found in prison on a certain day of the year, an error in statistical technique that should have been perceived and remedied, certainly, as early as 1880. In 1907 the Bureau of the Census made an effort to collect judicial criminal statistics planning to cover courts of record in certain states and counties. Data were obtained from 1,557 courts but the report though written was never published. The inherent difficulties of the task had not been fully appreciated and the defective character of the material rendered the publication of the report unwise.

To sum up the situation existing at the end of the period 1829 to 1908, twenty-five states were collecting judicial criminal statistics and twenty-three states statistics of prisoners, an impressive total were it not that with rare exceptions both kinds of statistics were of very doubtful value serving no scientific purpose. Police statistics were mentioned occasionally in laws but that is about as far as they got. The Federal Government had tried from time to time in a half-hearted way to collect judicial criminal statistics, also police statistics, but failed at each attempt. Its efforts to collect statistics of prisoners had however met with reasonable success. In the 1904 report, the earlier mistake of making the statistics relate solely to a point of time was rectified but the length of time intervening between the statistical inquiries was discouragingly long.

**In the States During Twenty-five Years**

What have the states been doing in the collection of criminal statistics during the last twenty-five years? The National Commission
on Law Observance and Enforcement published April 1, 1931, a report on criminal statistics which contains an elaborate survey by Professor Sam B. Warner on this subject. With respect to judicial criminal statistics, he says that "state reports containing criminal court statistics are published by the attorney general, judicial council, secretary of state or some other state official or department in 22 states." This is three fewer states than I discovered in my 1911 study. Four new states appear in the list and seven have disappeared. Professor Warner seems to feel that these reports have some value from an administrative standpoint. My own conclusion after examining several of these reports is that with few exceptions they are little superior in quality to those which were in existence twenty-five years ago. Only thirteen states were found by Professor Warner publishing statistics of prisoners in jails for the entire state. Two others published partial reports. Three states not listed in my study are given but eleven that I found are not mentioned. The quality does not seem to have changed. The decrease, therefore, in the number of states collecting either judicial or prison criminal statistics cannot be considered as a loss. Professor Warner noted the fact that seven states now print reports containing adult probation statistics, most of which also include statistics of juveniles on probation. The value of these reports, he thinks, is not great largely because of the "absence of any accepted guide and standardized procedure for collecting and compiling probation material." It is impossible therefore to take any satisfaction in what the states have accomplished in the last twenty-five years in collecting and publishing periodically criminal statistics of any variety.

Although the states as such have made little progress during the last twenty-five years in improving the statistical reports from courts and prisons, there have been conducted within certain states important surveys of criminal justice which not only have given us a remarkable insight into the administration of criminal justice in these particular states but have also added greatly to the technique of criminal statistics. The first of these surveys, published in 1922, was that conducted in Cleveland, Ohio, by the Cleveland Foundation. Then followed state surveys in Missouri, Illinois, New York, Pennsylvania, California, Virginia, Georgia, Minnesota, Michigan, Oregon and in some other states and cities. Professor C. E. Gehlke of Western Reserve University had charge of the statistical work of the Cleveland study. Alfred Bettmann, in his analysis of the criminal justice

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surveys for the National Commission on Law Observance and Enforcement, calls attention to the pioneer quality of Professor Gehlke's work and states: "out of this grew the technique and methodology of statistics of the administration of criminal justice which were availed of in the later surveys and which are producing a science of statistics of this nature . . . ." Professor Gehlke was also the statistician for the Missouri and the Illinois and the New York surveys. Again quoting Mr. Bettmann, "The name 'mortality table' was first devised and applied in the report on prosecution in the Cleveland survey. The purpose is to set up the statistics in such a way as to give a picture of the number and percentages of cases which fall away or die, so to speak, at the various stages of the prosecution and trials, and thereby throw some light upon the relative responsibility of the various organs of the administration for the disposition of cases as actually made." It should be emphasized that these surveys were nearly all made under skilled guidance and almost for the first time trained statisticians were employed to collect and analyze the figures. The field experiences of these statisticians in examining and checking up records and in evaluating existing statistical work should have been recorded and made available to statistical bureaus interested in building up criminal statistics for any area as has been done in the case of the recent Ohio study mentioned later. These surveys represent the best work that had been done up to that time in the field of judicial criminal statistics and should have constituted an effective argument for the creating of scientifically organized state statistical bureaus for the collection of criminal statistics. Many efforts were made in this direction but little has actually been accomplished. So far as can be learned, only one state, New York, established a bureau of criminal statistics as a direct result of its crime survey. The surveys emphasized the necessity of establishing state bureaus of criminal identification and there was much talk when these surveys were being made of placing the task of collecting criminal statistics in these bureaus. In some states, this was done but the subordination of the statistical work to the somewhat more practical task of identifying fingerprints has not worked out very well. This failure of the individual states to create statistical bureaus when the interest in the administration of criminal justice was higher than it had ever been shows what little real interest there is in increasing the efficiency of the machinery of criminal justice and how little desire there is to wage orderly and effective warfare against crime. It

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cannot now be assumed that the Federal Government will soon receive much help in the collection of criminal statistics from state statistical bureaus. For the most part it will find it necessary to deal direct with individual agencies and institutions which have to do with offenders.

Before leaving this subject of state efforts in the field of criminal statistics, attention should be drawn to the work of the Johns Hopkins University Institute of Law, established in June, 1928. It is primarily a research and not a teaching Institute. In the University circular No. 404, various research projects which the Institute was inclined to favor were outlined. Among those mentioned is one relating to establishing techniques, standards and procedures in assembling masses of data concerning the administration of justice. This particular project seems to have absorbed a large part of the time of the staff members of the Institute who have been functioning under the direction of Leon C. Marshall.

In cooperation with the respective Law Associations and the Judicial Councils of Ohio and Maryland, studies of the administration of justice in these two states have already been planned and in part executed. The Institute has in addition carried on considerable research in the narrower field of judicial criminal statistics testing out its theories by the collection and the analysis of statistics of particular states. It has put together and published judicial criminal statistics of Maryland for 1930 and for 1931, and in cooperation with the Department of Institutions and Agencies of New Jersey made a similar study in New Jersey for the year 1931. In cooperation with the Ohio Institute, it has recently collected and published comprehensive statistics relating to the police, the courts and the penal and the correctional institutions of Ohio. This is something of a pioneer piece of work. It reflects the influence exerted by the state surveys but embodies a later technique benefiting by what has been accomplished by the International Association of Chiefs of Police in methods of police reporting and in classification of offenses. Although the Ohio report is defective in many respects, a condition freely acknowledged by the authors, it is the best model we now have for all state bureaus charged with the collection of criminal statistics.

A further experiment is the comparative study of judicial criminal statistics for 1931 of Ohio, New Jersey, Iowa, Maryland, Rhode Island and Delaware. Professor Marshall served as the chairman of the committee created in 1931, to consider the feasibility of adopting
a standard classification of offenses for nation-wide use in the entire field of criminal statistics. The report of this committee is a valuable contribution to the work. Attention should also be drawn to the report to the Judicial Section of the American Bar Association on Judicial Criminal Statistics by a committee of which Professor Marshall was also the chairman. In this report which represents the work and cooperating oversight of a large group of statisticians, a detailed plan for a comprehensive system of judicial criminal statistics was presented.

As has been pointed out, the failure to collect judicial criminal statistics has been due in large part to the fact that there had not been a sufficient amount of research carried on in this particular field. The 1907 effort by the Census Bureau came to naught through lack of preparatory work and study. This Institute of Law, sponsored by Johns Hopkins University, may do for judicial statistics what the Committee on Uniform Crime Reporting under the guidance of Bruce Smith has done in the field of police statistics, namely, provide the continuing research and leadership which must precede the development of judicial criminal statistics in the United States. (Just as this article goes to print word is received that funds to support the Institute have not been found. This is greatly to be regretted. It may mean another long delay in the building of the foundation for judicial criminal statistics.)

The Federal Government Since 1907

Coming back now to the work of the Federal Government in the collection of criminal statistics since 1907, we find much to praise although we are still far from a satisfactory goal.

The Bureau of the Census has continued to collect and publish prison criminal statistics for all the prisons of the United States at long and irregular intervals. Thus we have reports for the year 1910 and 1923. In both of these censuses the emphasis is placed where it should be, namely, on those committed during the year. Some fifteen additional questions, were asked in 1923 concerning admissions. The results of the 1923 count were published in three volumes—"Prisoners: 1923," "The Prisoners' Antecedents" and "Children Under Institutional Care, 1923." Plans are now on foot for another census of prisoners in all penal and correctional institutions for the year 1933.

Meantime much consideration has been given to the question of securing annual reports from institutions. The importance of the
crime problem and the dearth of reliable information on the subject had made it clear that the ten year or more gap between reports must be closed up. Through the voluntary cooperation of state and federal prisons and reformatories, a start was made in 1926 under the general authority of the law creating the permanent census bureau. Ninety-six out of the ninety-nine institutions coming within the scope of the investigation sent in returns. This annual census was continued and reports published for 1927, 1928, and a combined report for 1929 and 1930. On March 4, 1931, a Federal statute was enacted specifically authorizing the Director of the Census "to compile and publish annually statistics relating to crime and to the defective, dependent and delinquent classes." As indicated, these censuses do not cover the entire field of prison criminal statistics as they relate solely to state or federal prisons or penitentiaries and to state and federal adult reformatories. They do not include the statistics of county and municipal institutions and agencies which receive the bulk of commitments. Most states however send those convicted of serious crimes to the institutions which are cooperating in this annual census. It is to be hoped that the scope of this annual census will be extended to include all local penal and correctional institutions as soon as possible. When this is done the decennial census will be unnecessary, and we shall have arrived at one of our goals. It will not be an easy task to achieve. There is a tremendous number of local institutions few of which keep scientific records. Perhaps we shall have to wait for their inclusion in the annual census until the states themselves have further developed their statistical work.

The Federal Government ventured again into the field of judicial criminal statistics in 1926. This time it was not the Bureau of the Census but the Children's Bureau, which published the outlines of a plan for the collection of juvenile court statistics as Bulletin No. 159. The inadequacy of juvenile court statistics had been pointed out in the report of the conference to discuss juvenile court standards held in 1923 under the joint auspices of the Children's Bureau and the National Probation Association, and the plan was the result of further collaboration between the two groups. It should be noted that the Children's Bureau had long been interested in the work of juvenile courts, having published some excellent monographs on various aspects of these institutions. It was not therefore illogical or strange for it to seek additional information by the statistical route. It was

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proposed to collect statistics of delinquency, of dependency and neglect from such juvenile courts or state departments as would voluntarily cooperate. Forty-two courts supplied information for the first report, that of 1927. In 1930, the number of courts reporting cases was one hundred and sixty-nine. The Children's Bureau supplies the cooperating courts with cards which they agree to fill out and return except in the case of those courts which have adequate statistical departments and are in a position to supply the complete tables desired by the Bureau. There are also certain states (Connecticut, Utah and, it is expected for 1932, New York and Massachusetts which supply the Bureau direct with data from all juvenile courts within their boundaries. Franks or addressed envelopes requiring no postage are supplied by the Bureau. The figures on delinquency relate to those disposed of by the courts during the year and yield much valuable information. One needs to know something of juvenile court procedure, however, to evaluate the facts properly. Incidentally this is also a reason why the Children's Bureau with its background of study and investigation of juvenile court work is probably best equipped to develop this particular field of criminal statistics. The reports are published annually by the Bureau.

Word comes now that the Bureau of the Census is about to make another effort to collect judicial criminal statistics. In accordance with a plan worked out by Leon C. Marshall of the Johns Hopkins Institute of Law, the Bureau will furnish tally and summary sheets and tabulate the returns. It hopes to secure the cooperation of a sufficient number of states to make the effort worth while, thus establishing what is virtually a registration area for the collection of judicial criminal statistics from courts of general criminal jurisdiction. The start will be made with the year 1932 and the results will be published annually thereafter. This effort has a good chance of success. So much has been learned about judicial criminal statistics since 1906 through the work of the various crime commissions and the studies of the Johns Hopkins Institute of Law that the mistakes of the earlier attempt can be avoided.

Mention should be made at this point of the statistical work of the Federal Bureau of Prisons. In 1929, Sanford Bates was placed in charge of this bureau. He brought with him from Massachusetts Miss Nina Kinsella who had built up under his direction the statistical work of the Massachusetts Department of Corrections. Later on Bennett Meade was added to his staff in Washington and the report of the Bureau of Prisons is now a model statistically of what such a
report should be. In this report are to be found detailed statistics of Federal prisoners in local county jails, hitherto a lost tribe of delinquents. Incidentally the report illustrates my life long conviction that criminal statistics must be collected, compiled and analyzed under the direction of a statistician, not by a filing clerk, bookkeeper or some ordinary political dependent.

Association of Chiefs of Police

An outstanding accomplishment in the field of national criminal statistics in the period under consideration is the work of the Committee on Uniform Crime Records of the International Association of Chiefs of Police which published in 1929 the volume entitled "Uniform Crime Reporting." This committee came into existence through the joint influence of Lawrence B. Dunham, Director of the Bureau of Social Hygiene, and Police Commissioner William P. Rutledge of Detroit. At the meeting of the Association in 1927 they secured the appointment of a committee to develop a system of uniform crime reporting for police officials. Guided in its early activities by Lent D. Upson, Director of the Detroit Bureau of Governmental Research, the committee decided to turn the task over to the Institute of Public Administration. Bruce Smith, a member of the staff of the Institute, was placed in charge as director of the research staff. Financial assistance came through the Laura Spelman Rockefeller Memorial, which has later been consolidated with the Rockefeller Foundation.

The volume, "Uniform Crime Reporting" in which the results of the Committee's work are set forth, "undertakes to consider all phases of police records and statistics in so far as these are related to national and state reporting." The system described therein has now been formally adopted by the International Association of Chiefs of Police and various other police organizations and departments of police. The Committee on Uniform Crime Records accomplished, so it seems to the writer, the difficult task of laying the foundation for the collection of police statistics of crimes and arrests.

In the development and organization of any branch of criminal statistics for the United States, scientific procedure would insist on the following steps being taken: (1) a survey of what other nations are doing in this particular field; (2) the study of existing record and reports on which the data would presumably be found; (3) a consideration of the problems arising from the nature of our Federal

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Government composed of forty-eight individual states; (4) the planning of schedules and forms which would fit all conditions; (5) the drafting of instructions for filling out schedules and reports; (6) the development of a plan of organization of the system as a whole. Roughly speaking these were the six divisions of the research work carried on by the committee under the able direction of Bruce Smith. It has resulted, as is stated in the foreword to Uniform Crime Reporting, in the production of "a complete work program and manual for the guidance of police departments and of state and national statistical agencies."9

Attention should be called particularly to the Uniform Classification of Offenses, based upon that employed by the Bureau of the Census but differing somewhat from it, which was developed by the committee. Of even greater significance is the compilation and grouping, state by state, of those offenses properly returnable in the seven classes of offenses singled out for reporting as "crimes known to the police."

The Committee suggested that the National Division of Identification and Information in the Department of Justice set up and operate the system. The International Association by formal resolution adopted this suggestion and prevailed upon the Department of Justice to undertake the work. Congress formally authorized this by appropriate legislation approved June 11, 1930. At first the reports were published monthly but in 1932 owing to a decrease in the Departmental Printing Appropriation they appeared only quarterly. Several very practical reasons led to the decision to place the work in the Bureau of Investigation and it is very doubtful if the system could have been started in any other way. We must keep in mind that this is a purely voluntary project depending entirely on the good will of the cooperating police agencies. It is a remarkable thing that on this basis alone the police departments of 1,578 cities sent in reports during the year 1932. The author has only the highest praise to bestow upon the research performed by the Committee of the International Association of Chiefs of Police. As already stated, it constituted a fine foundation for police statistics of crimes, but a task of this sort is never finished. To retain the cooperation of police officials, to broaden the base of the returns, and to improve the technique of collection will continue to require the same devotion to public welfare and to scientific inquiry as characterized the foundation work. The National Commission on Law Observance and Enforcement

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pointed out in its report on Criminal Statistics that the then reports "make no suggestion as to any limitations or doubts with respect to the utility or the authority of the figures presented." In the January report for 1933, it is said that "In publishing the data sent in by chiefs of police in different cities the United States Bureau of Investigation does not vouch for its accuracy." Since these reports will be used by those unfamiliar with the subject it would be well to devote more space to a discussion of the nature and the value of the figures.

Local Criminal Statistics

Two developments in the realm of local criminal statistics as distinct from state or Federal statistics deserve to be mentioned.

First comes the improvement in the preparation of city police reports. This is due directly to the work of the Committee on Uniform Crime Records of the International Association of Chiefs of Police to which we have already drawn attention. Scientific statistical guidance was especially necessary here since most of the reports presented merely a jumble of figures of no use to anyone.

The second development is the check-up of the administration of criminal justice which in certain cities, e.g., Cleveland, Baltimore and Philadelphia, is now being made by private organizations through the use of the statistical method. This is one of the important uses which can be made of criminal statistics. It was the main use which was made of them in the state crime surveys.

The National Commission

Something should be said in this brief review of the recommendations of the National Commission on Law Observance and Enforcement. A central thought in these recommendations is the necessity of centralizing the statistical work in some bureau of each state and in the Census Bureau of the Federal Government. There is much force in the recommendation to centralize the work in each state. In the report of the New York Commissioner of Correction on Crime Statistics, it is stated that "Very little data have been submitted herewith on institutions. The State Commission of Correction reports annually on these data." The report goes on to say that no data on parole or probation are submitted, indicating that the parole data will appear in the report of the State Board of Parole and the proba-

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tion data in the report of the Commissioner of Correction. The report itself deals with police and judicial criminal statistics, which was prepared by the Division of Identification, Records and Statistics of the Department of Correction, established July 1, 1927. In contrast to this report which seems to indicate that at least three groups are collecting and preparing to publish separate reports on criminal statistics is the Ohio report of 1931 to which attention has already been called. Unquestionably the Ohio experiment, which we hope will be continued, has many advantages over the New York procedure of granting to each bit of machinery concerned with the administration of justice the right to collect and publish data on its own work. It has already been pointed out, however, that very little progress has been made in establishing state statistical bureaus.

There does not seem to be the same justification for centralizing all the statistical work of the Federal Government in the Bureau of the Census. There are now three divisions of the Federal Government collecting criminal statistics of a nation wide character, viz., prison statistics by the Bureau of the Census, police statistics by the Bureau of Investigation of the Department of Justice, and statistics of juvenile delinquency by the Children's Bureau of the Department of Labor. While believing that ultimately all this work should be entrusted to the Bureau of the Census, the National Commission decided that for the time being at least it would be best for the various divisions to continue with what they were doing. This seems to be a wise decision. There is good reason for placing on the division or department familiar with the work of the institutions or agencies from which the facts must come the duty of collecting and compiling the statistical data concerning their activities. Particularly is this true where the work about which the statistical information is sought is rapidly developing and undergoing considerable change in the process, as in probation and police work. The essential thing, it seems to me, is that full cooperation among the Federal bureaus be developed and maintained to insure uniformity in practice. An excellent example of this has already been mentioned. The committee of the International Association of Chiefs of Police produced an excellent classification of offenses which differed somewhat from that already in use by the Bureau of the Census in compiling prison statistics. A committee representing both the Bureau of the Census and the Bureau of Investigation and including outside statisticians was brought into being in 1931 to reconcile the differences in the two classifications and their final report has been accepted by both bureaus.
If this present split-up in statistical work can be justified in Washington, why cannot it be defended on exactly the same grounds in the individual states? My answer is that the quality of the personnel in the Federal service is a reasonable guarantee of this needed cooperation among the three bureaus. My faith in state bureaus or state departments charged with the administration of certain parts of the state machine of criminal justice does not go so far as to lead me to believe that each will employ a capable statistician to collect, tabulate and analyze the facts. The work, I fear, will be left to clerks with little or no statistical training who through inter-departmental jealousy will fail to cooperate and who as a matter of fact will have little touch with the development of statistical procedure in handling criminological data.

**Increasing Number of Students**

I cannot close this brief review of the development of criminal statistics during the last twenty-five years without calling attention to the increasing number of individuals who are now interested in this field. What a splendid list of names can now be compiled! To mention only those who come quickly to mind, there are Willis L. Hotchkiss, Bruce Smith, C. E. Gehlke, Leon C. Marshall, Alfred Bettman, S. B. Warner, Leon E. Truesdell, Bennett Mead, Emma O. Lundberg, Alice Scott Nutt, Nina Kinsella, Frank Drown, Leon Stern, E. R. Cass, W. C. Jamison, Sanford Bates, Thorsten Sellin, R. E. Miles, Raymond Moley, James J. Waters, Sheldon Glueck, Charles Chute, Audrey M. Davis, James M. Hepbron and J. Edgar Hoover. At the time I wrote my History and Organization of Criminal Statistics there were only two men, Roland P. Falkner and John Koren, who were actively interested in criminal statistics.

There are, too, various groups that are using their influence to improve existing work in criminal statistics and to expand the field. First of all I would mention the American Institute of Criminal Law and Criminology. Its various committees on criminal records and statistics have published some excellent reports and from its beginning it has steadily exerted its influence in the right direction. We have already called attention to the work of the National Probation Association in assisting the Children’s Bureau to develop a plan for the collection of statistics of juvenile delinquency. The American Prison Association has its committee on criminal statistics which brings the subject before its members each year thus securing their essential cooperation with the Bureau of the Census. This large and growing
list of individuals and groups is the most hopeful thing that I have discovered. It argues well for the future developments of criminal statistics.

I would call attention, in closing, to one source of help which has not yet been called upon. There are now many teachers of criminal law, criminology and statistics scattered about in the colleges and universities of each state. They should be organized in each state into a committee to cooperate with those state bureaus which already have the authority to collect criminal statistics. Such a committee should constitute itself an advisory body to the bureau bringing to it the latest developments in the field of criminal statistics, helping the bureau to work out a plan for the collection of statistics and bringing the matter to the attention of legislative committees that have to do with appropriations. A committee of this kind, maintaining continuing oversight for a few years, would, I am convinced, secure remarkable results. Since there has been no organized group asking for reliable criminal statistics, it is no wonder that the states have neglected to provide them. If one of the great Foundations would sponsor such committees and provide reasonable support, progress would, I believe, be quickly noted.

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